

**PARLIAMENTARY CONTRIBUTORY SUPERANNUATION  
(AMENDMENT) BILL, 1979**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

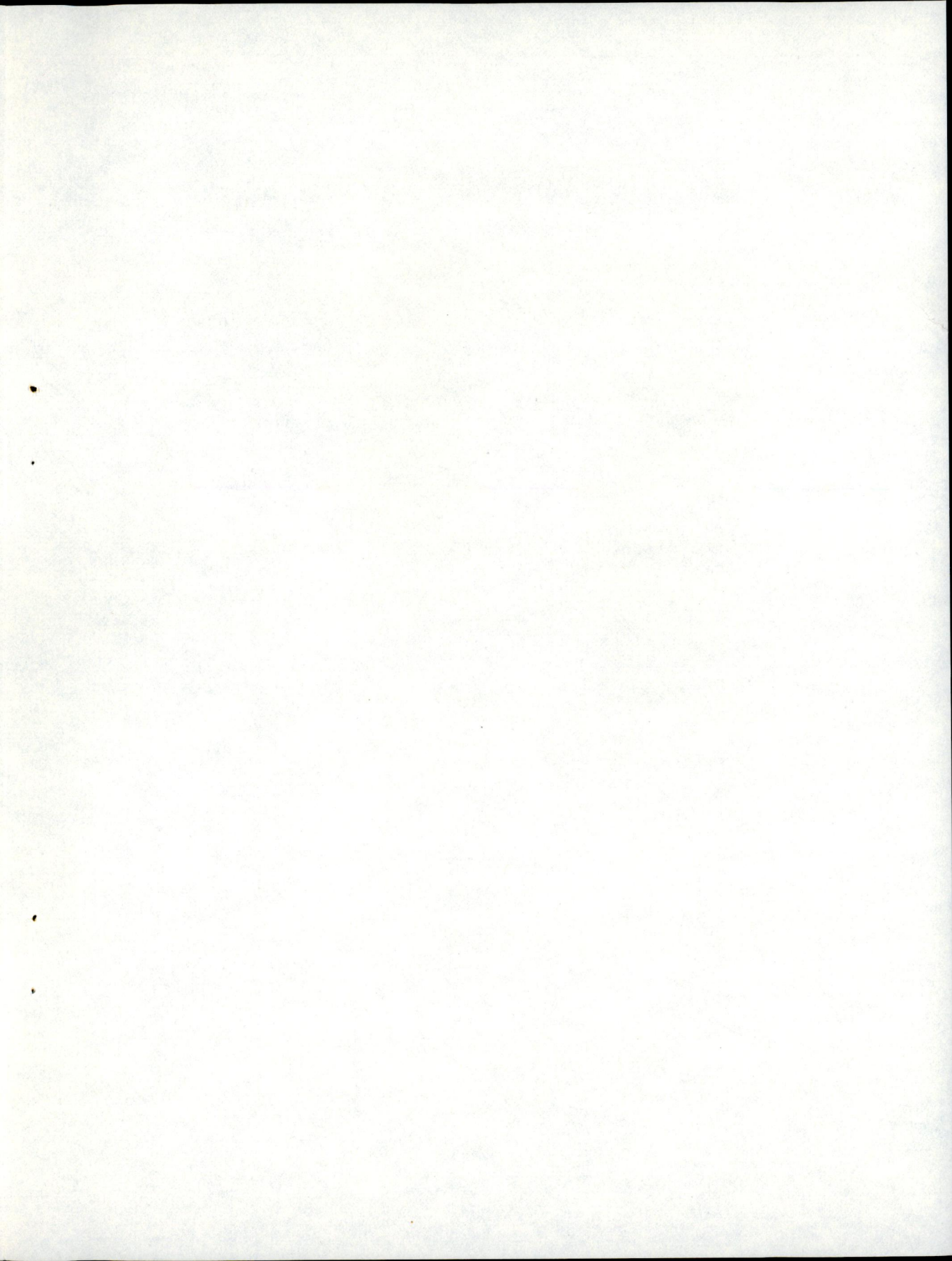
The object of this Bill is to make further provision with respect to—

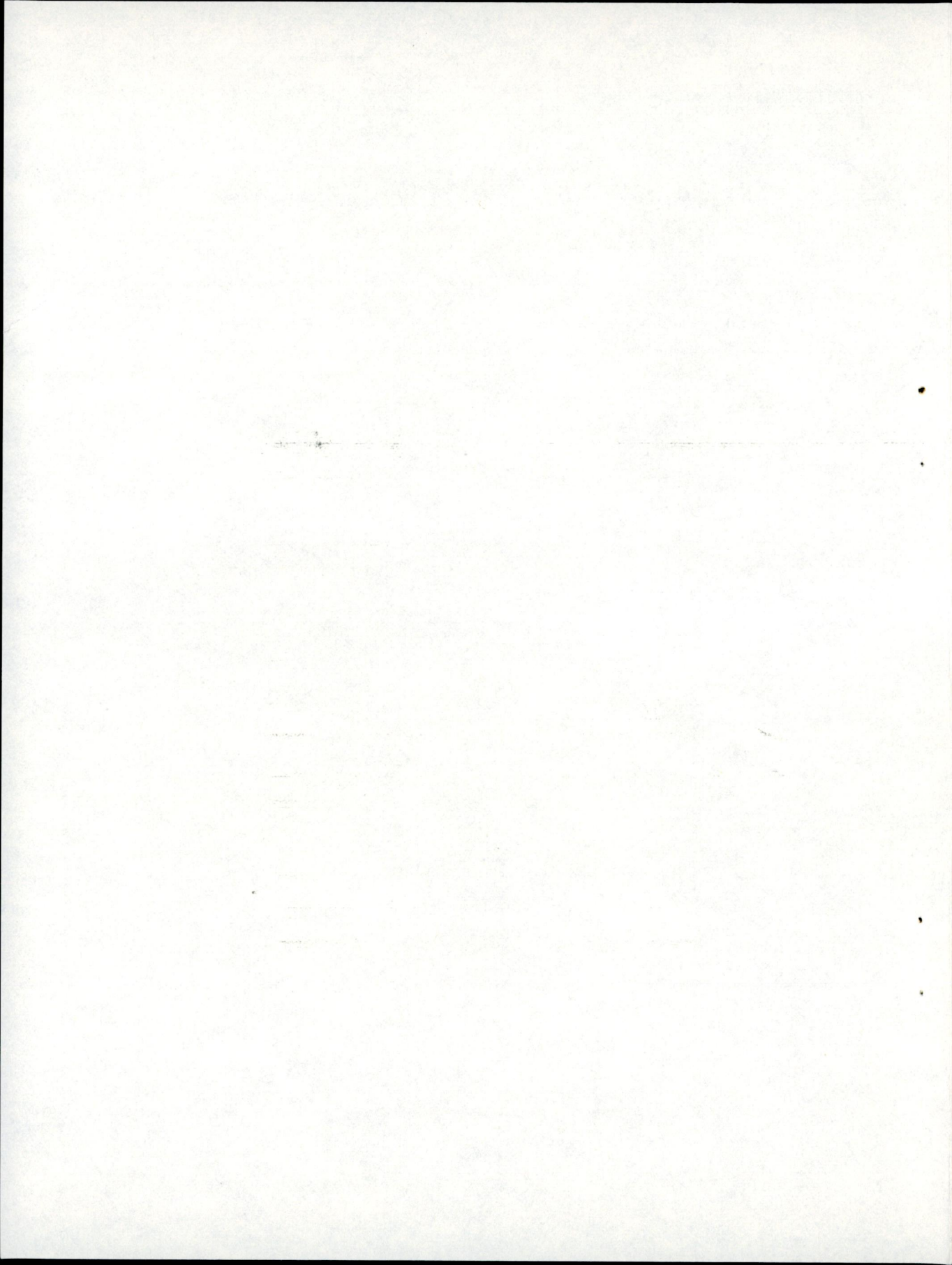
- (a) the pensions and other benefits payable from, and the contributions payable to, the Parliamentary Contributory Superannuation Fund constituted under the Parliamentary Contributory Superannuation Act, 1971 ("the Fund"); and
- (b) the trustees of the Fund.

The Bill—

- (a) increases the number of managing trustees of the Fund by the addition of a member of the Legislative Assembly who is also a Minister of the Crown and provides for the appointment of such a member as chairman (Schedule 1 (2) and (3) (a));
- (b) increases from 3 to 4 the number of managing trustees of the Fund required to constitute a quorum (Schedule 1 (3) (b));
- (c) increases the amount of deductions to be made from each instalment of salary payable to contributors to the Fund from 11½ per cent in the case of male contributors and 10 per cent in the case of female contributors to 12½ per cent in each case (Schedule 1 (4));
- (d) provides full pension entitlement for a contributor to the Fund who has served for at least 10 years as a member of Parliament instead of at least 15 years (Schedule 1 (5) (a));
- (e) increases the pensions payable from the Fund (Schedule 1 (5) (a));
- (f) provides a pension at the rate of 45 per cent of current basic salary to a person who has not served for at least 8 years as a member of Parliament but who has served as a member for a period of at least 3 Parliaments (Schedule 1 (5) (a));
- (g) increases the proportion of pension entitlement that a person of or over 60 years of age may convert to a lump sum (Schedule 1 (6) (b));
- (h) provides that in certain cases interest shall be payable on a refund of contributions (Schedule 1 (8) and (13));

- (i) provides that in lieu of a refund of contributions a member who is not entitled to a pension may elect to receive annual payments at the rate of 45 per cent of basic salary for a period equivalent to half his period of service as a member of Parliament (Schedule 1 (8));
  - (j) increases the pension payable to the widow of a former member or a member who dies in office and confers the same pension entitlement on the widower of such a member (Schedule 1 (9));
  - (k) enables the widow or widower of a member to convert a portion of her or his pension entitlement to a lump sum payment in the same way as a member may convert a portion of his pension entitlement (Schedule 1 (10));
  - (l) makes provision for the repayment to the Fund of any refund of contributions and interest thereon or half-service payments received by a person if that person again becomes a member (Schedule 1 (11));
  - (m) provides that the increased contributions and pensions and other benefits under the proposed Act do not apply to former members, or the widows or widowers of former members, who ceased to be members before the commencement of the proposed Act; and
  - (n) makes other provisions of a minor, consequential or ancillary nature.
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**PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION (AMENDMENT) BILL, 1979**

No. , 1979.

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**A BILL FOR**

An Act to amend the Parliamentary Contributory Superannuation Act, 1971, to make further provision with respect to the pensions and other benefits payable from, and the contributions payable to, the Parliamentary Contributory Superannuation Fund, and for other purposes.

[MR HILLS—17 October, 1979.]

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*Parliamentary Contributory Superannuation (Amendment).*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Parliamentary Contributory Short title. Superannuation (Amendment) Act, 1979".

2. The Parliamentary Contributory Superannuation Act, 1971, Amendment of Act No. 53, 1971. is amended in the manner set forth in Schedule 1.

10 **3.** (1) Until there are 5 managing trustees of the Parlia- Transitional mentary Contributory Superannuation Fund appointed by the provisions. Legislative Assembly in accordance with section 14 (1) (b) of the Parliamentary Contributory Superannuation Act, 1971, as amended by this Act—

15 (a) the managing trustees of the Fund may act notwithstanding that the Legislative Assembly has not made those appointments; and

(b) the amendments made by Schedule 1 (3) (a) and (b) do not apply.

20 (2) The amendments made by Schedule 1 (5) (a) and (6) (b) do not apply to a former member of the Legislative Council or Legislative Assembly who ceased to be such a member before the commencement of this Act.

*Parliamentary Contributory Superannuation (Amendment).*

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971.

(1) Section 3, definition of "other benefits"—

5       After "thereon", insert ", and half-service payments made under section 22A".

(2) Section 14 (1) (b)—

10       Omit "four members of the Legislative Assembly", insert instead "five members of the Legislative Assembly (of whom at least one shall be a Minister of the Crown)".

(3) (a) Section 16 (1A)—

After section 16 (1), insert :—

15       (1A) The chairman shall be a member of the Legislative Assembly who is also a Minister of the Crown.

(b) Section 16 (4)—

Omit "three", insert instead "4".

(c) Section 16 (5)—

20       Omit "a dissolution of Parliament", insert instead "the dissolution or expiry of the Legislative Assembly".

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

## (4) Section 18—

5 Omit the section, insert instead :—

10 18. From each instalment of salary payable to a member, commencing with the first instalment paid after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, there shall be deducted an amount equal to 12½ per cent of the gross amount of the instalment before any deductions.

Deductions  
from  
salaries  
of members.

## (5) (a) Section 19 (1), (1A), (1B)—

Omit section 19 (1), insert instead :—

15 (1) Subject to this Act, a person who has been entitled to salary (either after or partly before and partly after the commencement of this Act)—

(a) in respect of an aggregate period of 10 years or more and ceases, for any reason, to be a member;

20 (b) in respect of an aggregate period of 8 years or more but less than 10 years, and ceases to be a member by reason of the dissolution or expiry of the Legislative Assembly and—

25 (i) does not become a candidate at the general election next following that dissolution or expiry by reason of his not securing the support of the



*Parliamentary Contributory Superannuation (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

- 5 political party to which he belonged  
immediately before his so ceasing to  
be a member;
- (ii) becomes a candidate but is defeated  
at that general election; or
- 10 (iii) does not stand for election at that  
general election for reasons which  
to the trustees appear to be good and  
sufficient; or
- (c) in respect of an aggregate period of 8 years  
or more but less than 10 years, and ceases  
15 to be a member by reason of his resignation  
for reasons which to the trustees appear to  
be good and sufficient,
- 20 shall, on his so ceasing to be a member and on his  
ceasing to be entitled to payment of salary, be entitled  
to be paid out of the Fund until his death an annual  
pension at the rate ascertained in accordance with  
the formula  $A \times B$ , where—
- $$\frac{\quad}{C}$$
- 25 A is an amount calculated at the rate equal to the  
aggregate of 51.2 per cent of current basic  
salary and, in respect of each month during  
which he was entitled to receive salary as a  
30 member exceeding in the aggregate 8 years,  
0.2 per cent of current basic salary, or the rate  
of 80 per cent of current basic salary, which-  
ever is the lesser;

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

B is the total salary received by that person; and

5 C is the total basic salary in respect of that person.

(1A) Subject to this Act, a person—

10 (a) who has been entitled to salary (either after or partly before and partly after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979) in respect of an aggregate period of less than 8 years;

(b) who has served in at least 3 Parliaments as referred to in subsection (1B); and

15 (c) who ceases to be a member—

(i) by reason of his resignation for reasons which to the trustees appear to be good and sufficient; or

20 (ii) by reason of the dissolution or expiry of the Legislative Assembly and—

(A) does not become a candidate at the general election next following that dissolution or expiry by reason of his not securing the support of the political party to which he belonged immediately before his so ceasing to be a member;

25  
30 (B) becomes a candidate but is defeated at that general election; or

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (c) does not stand for election  
at that general election for  
reasons which to the trustees  
appear to be good and  
sufficient,

10 shall, on his so ceasing to be a member and on his  
ceasing to be entitled to payment of salary, be  
entitled to be paid out of the Fund until his death an  
annual pension at the rate of 45 per cent of current  
basic salary.

15 (1B) For the purposes of subsection (1A) (b), a  
person has served in at least 3 Parliaments if—

20 (a) where he served only as a member of the  
Legislative Assembly, he has, on each of  
at least 3 occasions, ceased to be a member  
of the Legislative Assembly by reason of  
the dissolution or expiry of the Legislative  
Assembly;

25 (b) where he served only as a member of the  
Legislative Council, he has, on at least 1  
occasion, ceased to be a member of the  
Legislative Council by reason of the dis-  
solution or expiry of the Legislative  
Assembly and he has, on each of at least 2  
occasions, been a member of the Legislative  
Council during a general election; or

30 (c) where he served as a member of both the  
Legislative Assembly and Legislative  
Council, he would have complied with the  
requirement in paragraph (a) if he had  
served as a member of the Legislative  
35 Assembly during any period he served as a  
member of the Legislative Council.

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(b) Section 19 (2)—

5 After “subsection (1)”, insert “or (1A)”.

(c) Section 19 (6), (7)—

Omit the subsections.

(6) (a) Section 20 (1), definition of “former member”—

After “section”, insert “19 (1A) or”.

10 (b) Section 20 (1), definition of “the prescribed part of his pension entitlement”—

(i) From paragraph (a) (iii), omit “thirty”, insert instead “forty”.

15 (ii) From paragraph (a) (iii), omit “one-third”, insert instead “one-sixth”.

(c) Section 20 (5)—

20 Omit “made under subsection (6) of section 19 or under the former Act”, insert instead “and interest thereon made under this Act or the former Act and any half-service payments made under section 22A”.

(7) Section 22 (2)—

Omit “fifteen years”, insert instead “10 years”.

*Parliamentary Contributory Superannuation (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(8) Section 22A—

5 After section 22, insert :—

22A. (1) In this section—

“half-service payments” means payments made in  
accordance with subsection (5);

Contributors  
not entitled  
to pension.

10 “interest” means compound interest at the rate and  
calculated in the manner determined by the  
Treasurer;

15 “refund of contributions”, in relation to a person who  
ceases to be a member, means a refund of that  
person’s contributions and any contributions  
made by him under the former Act less any  
amount (not being an amount which that person  
has contracted to repay to the Fund pursuant to  
section 24) previously paid to him under this  
Act or under the former Act as a refund of  
20 contributions or previously paid to him as half-  
service payments.

(2) A person who ceases to be a member after  
the commencement of the Parliamentary Contributory  
Superannuation (Amendment) Act, 1979, otherwise than  
25 by reason of his death or by reason of the operation of  
section 13A of the Constitution Act, 1902, and who is not  
entitled to a pension under this Act shall be entitled to—

- (a) a refund of contributions and interest thereon; or
- (b) where that person so elects, half-service  
30 payments,

but shall not be entitled to both a refund of contributions  
and half-service payments.

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (3) Where a person ceases to be a member after  
the commencement of the Parliamentary Contributory  
Superannuation (Amendment) Act, 1979, by reason of his  
death and is not survived by a widow or widower, the  
personal representative of that person shall be entitled to  
10 the refund of contributions and interest thereon in relation  
to that person.

(4) An election by any person for the purposes of  
subsection (2) (b) shall be made by notice in writing  
served on the custodian trustee within 14 days after that  
person ceases to be a member.

15 (5) A person who is entitled to half-service  
payments under subsection (2) (b) shall, until the  
expiration of a period equivalent to half the period he was  
entitled to salary or until his death, whichever first occurs,  
be entitled to be paid an annual amount at the rate of 45  
20 per cent of basic salary.

(6) Half-service payments shall be paid by  
instalments at such intervals as the managing trustees may  
from time to time determine.

25 (7) For the purpose of calculating an annual  
amount payable under subsection (5) to any person, "basic  
salary" means—

30 (a) where the person entitled to the amount last  
served as a member in the Legislative Council—  
the salary payable, at the time he ceased to be a  
member, to a member of the Legislative Council  
(other than a Minister of the Crown or a  
recognised office holder within the meaning of  
the Parliamentary Remuneration Tribunal Act,  
1975) and expressed at an annual rate; or

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (b) where the person entitled to the amount last  
served as a member in the Legislative Assembly  
—the salary payable, at the time he ceased to be  
a member, to a member of the Legislative  
Assembly (other than a Minister of the Crown  
10 or a recognised office holder within the meaning  
of the Parliamentary Remuneration Tribunal  
Act, 1975) and expressed at an annual rate.

(8) If a person who is receiving half-service  
payments dies, the personal representative of that person  
15 shall be entitled to have paid to him the amount (if any)  
by which the amount that would have been payable to  
that person had he not elected to be paid half-service  
payments exceeds the amount of any instalments of half-  
service payments paid to that person before his death.

(9) If a person who is receiving half-service  
20 payments again becomes a member, his right to receive any  
further instalments of those payments shall cease.

(9) (a) Section 23 (1), (2), (3), (3A)—

Omit section 23 (1)–(3), insert instead :—

25 (1) On the death of a former member who  
immediately before his or her death was receiving, or  
was entitled to receive, a pension under this Part, the  
widow or widower (not being a person who married

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 the former member after the former member became  
entitled to that pension) of the former member shall  
be entitled to an annual pension at the rate of—

10 (a) three-quarters of the pension that would  
have been payable from time to time to the  
former member but for his or her death or  
if the former member, pursuant to section  
20, had converted part of his or her pension  
entitlement to a lump sum payment, three-  
quarters of the pension that would have  
15 been payable to the former member but for  
his or her death and if the former member  
had not so converted part of his or her  
pension entitlement; or

20 (b) forty-five per cent of current basic salary,  
according to whichever rate of pension calculated  
under paragraph (a) or (b) would have been the  
greater at the date of the former member's death.

25 (2) On the death of a member who has been  
entitled to salary for an aggregate period of 8 years  
or more, the widow or widower of the member shall  
be entitled to an annual pension at the rate of—

30 (a) three-quarters of the pension that would  
have been payable from time to time to the  
member but for his or her death if the  
member had ceased to be a member on the  
date of his or her death and been entitled to  
a pension under section 19 (1); or

35 (b) forty-five per cent of current basic salary,  
according to whichever rate of pension calculated  
under paragraph (a) or (b) would have been the  
greater at the date of the member's death.



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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (3) On the death of a member who has been entitled to salary for an aggregate period of less than 8 years, the widow or widower of the member shall be entitled to an annual pension at the rate of forty-five per cent of current basic salary.

10 (3A) A pension to which the widow or widower of a former member or of a member is entitled under this section shall cease on the death or remarriage of that widow or widower.

(b) Section 23 (5)—

Omit the subsection.

15 (c) Section 23 (6)—

Omit the subsection, insert instead :—

20 (6) Subject to subsection (7), where a person entitled to a pension under this section remarries and subsequently again becomes a widow or widower, that person shall, until that person's death or further remarriage, be entitled to pension benefit at the same rate as that person would have been receiving had that person not remarried.

(d) Section 23 (7)—

25 After "widow", insert "or widower".

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

- (e) Section 23 (7)—  
5 Omit “she”, insert instead “that widow or widower”.
- (f) Section 23 (8)—  
After “widow”, insert “or widower”.
- (g) Section 23 (8)—  
Omit “she”, insert instead “that person”.
- 10 (h) Section 23 (9)—  
After “widow” wherever occurring, insert “or  
widower”.
- (i) Section 23 (9)—  
Omit “she”, insert instead “that widow or widower”.
- 15 (j) Section 23 (9)—  
After “her” where firstly occurring, insert “or his”.
- (k) Section 23 (9)—  
Omit “her” where secondly occurring, insert instead  
“that widow or widower”.

*Parliamentary Contributory Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

## (1) Section 23 (10)—

5 After section 23 (9), insert :—

(10) Where a member dies before the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, or a former member who had ceased to be a member before that commencement dies—

(a) a pension is not payable under this section to the widower of the member or former member; and

15 (b) the pension payable to the widow of the member or former member is the pension to which she was entitled under this section, as in force immediately before that commencement.

## (10) Section 23A—

20 After section 23, insert :—

25 23A. (1) In this section, "pensioner" means a widow or widower who is, after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, entitled to a pension under section 23 (2) or, where that pension is suspended under section 26, entitled to a pension under section 26 (2).

Right of certain widows or widowers to convert part of pension entitlement to lump sum entitlement.

(2) The provisions of section 20 apply to and in respect of a pensioner in the same way as they apply to and in respect of a former member.

*Parliamentary Contributory Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (3) For the purposes of subsection (2), a reference in section 20 to a former member ceasing to be a member shall be construed as a reference to a pensioner becoming entitled to a pension.

## (11) Section 24—

Omit the section, insert instead :—

10 24. Where a person has received under this Act or the former Act an amount, being a refund of contributions (with or without interest thereon) or a half-service pay-  
15 ment, or both, and that person again becomes a member, any part of the period during which he was entitled to salary, and any occasion on which he ceased to be a member, before he became entitled to that amount shall not be taken into account for the purposes of determining his or any other person's entitlement to a pension or half-  
20 service payment under this Act unless, within 3 months, or, if the trustees so allow, 6 months, after he again becomes a member, he contracts with the trustees, in the manner required by the trustees, to repay that amount to the Fund within 3 years.

Repayment of refund of contributions, half-service payments, etc., where person again becomes member.

## (12) (a) Section 26 (1)—

25 After "widow", insert "or widower".

## (b) Section 26 (1)—

Omit "his or her", insert instead "that person's".

## (c) Section 26 (1)—

Omit "he or she", insert instead "that person".

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

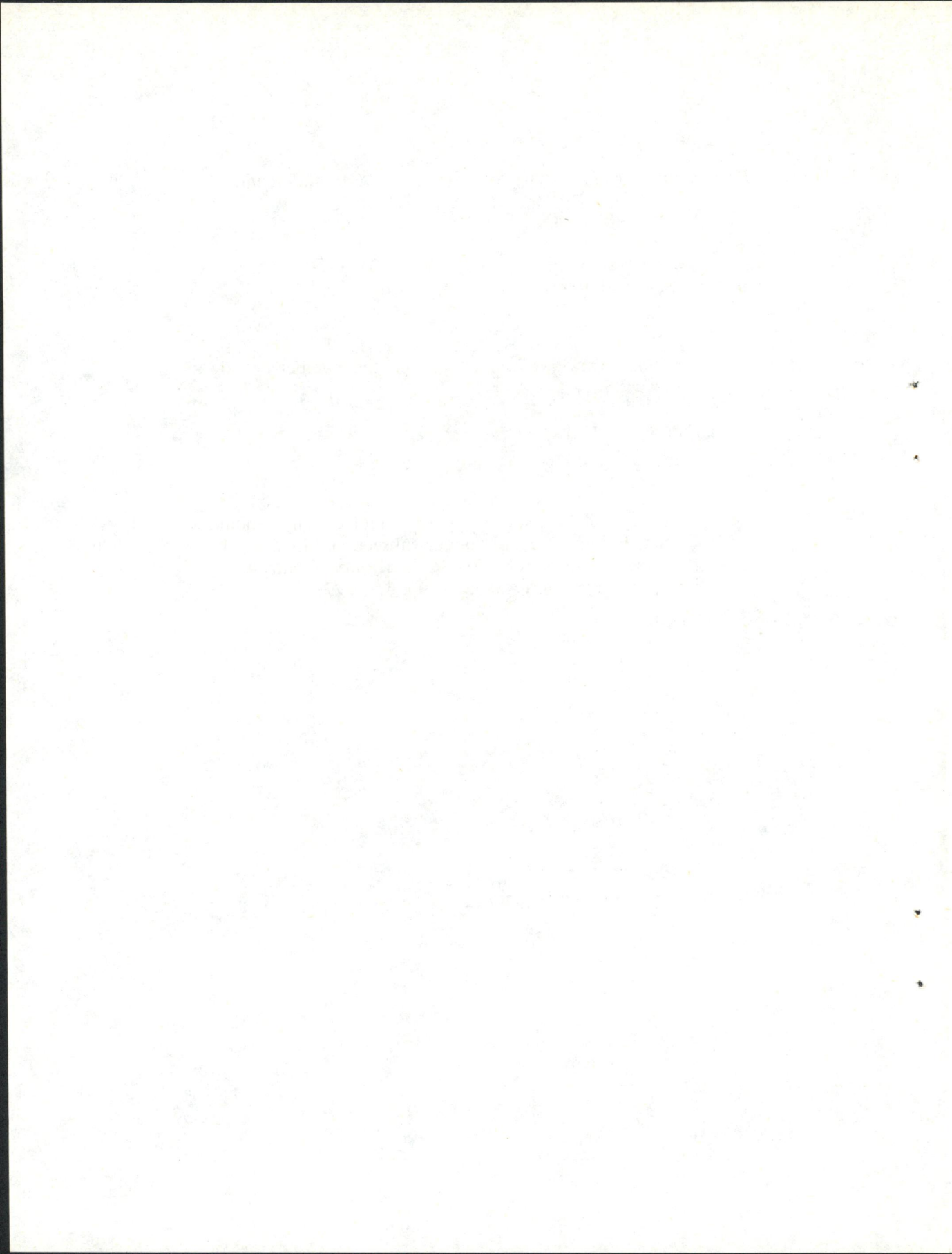
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SUPERANNUATION ACT, 1971—*continued.*

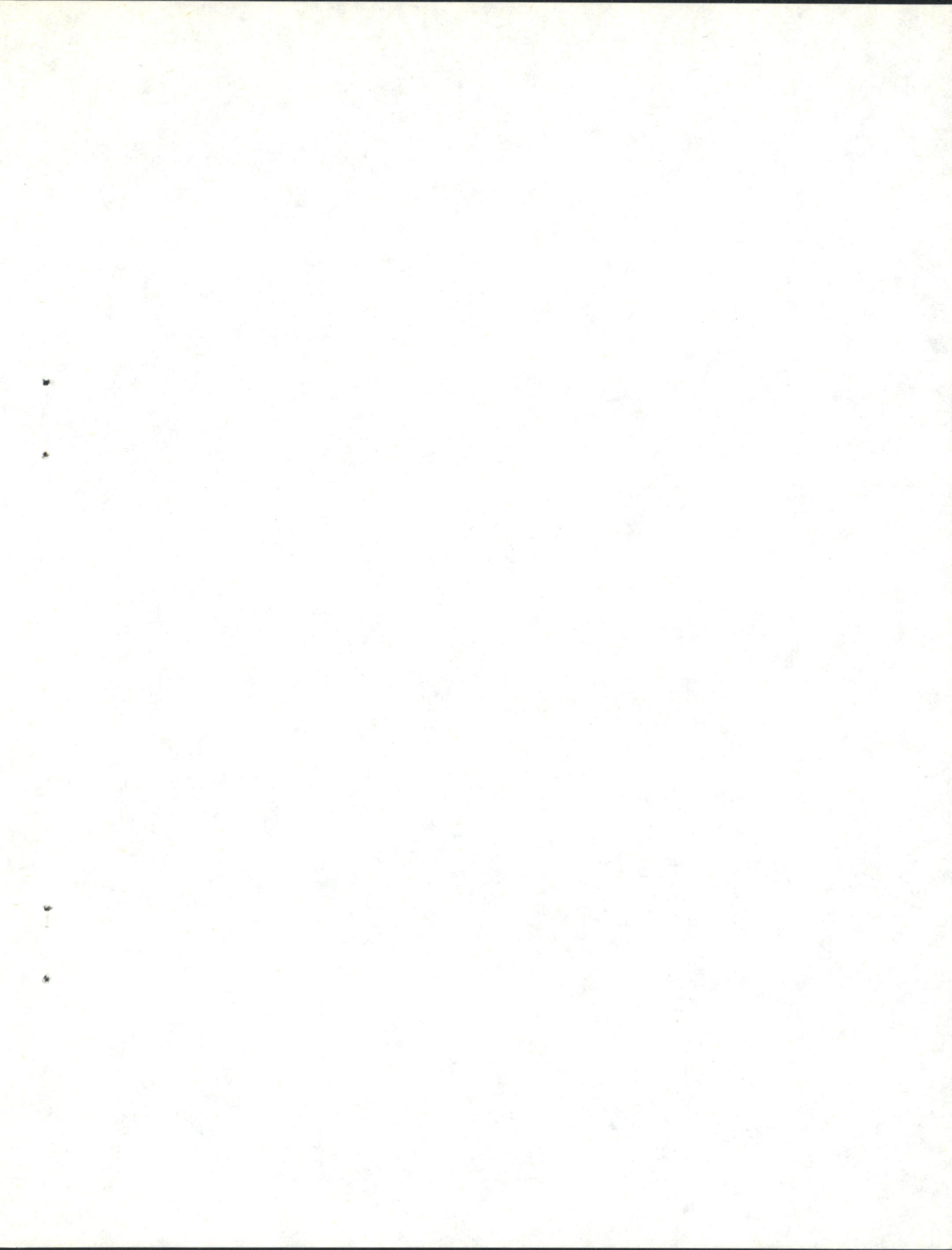
- (13) (a) Section 27 (1)—  
5 Omit “his widow”, insert instead “the member’s widow  
or widower”.
- (b) Section 27 (1A)—  
After section 27 (1), insert :—  
10 (1A) Interest, within the meaning of section 22A  
(1), shall be paid out of the Fund on any amount  
that becomes payable under subsection (1) after the  
commencement of the Parliamentary Contributory  
Superannuation (Amendment) Act, 1979.

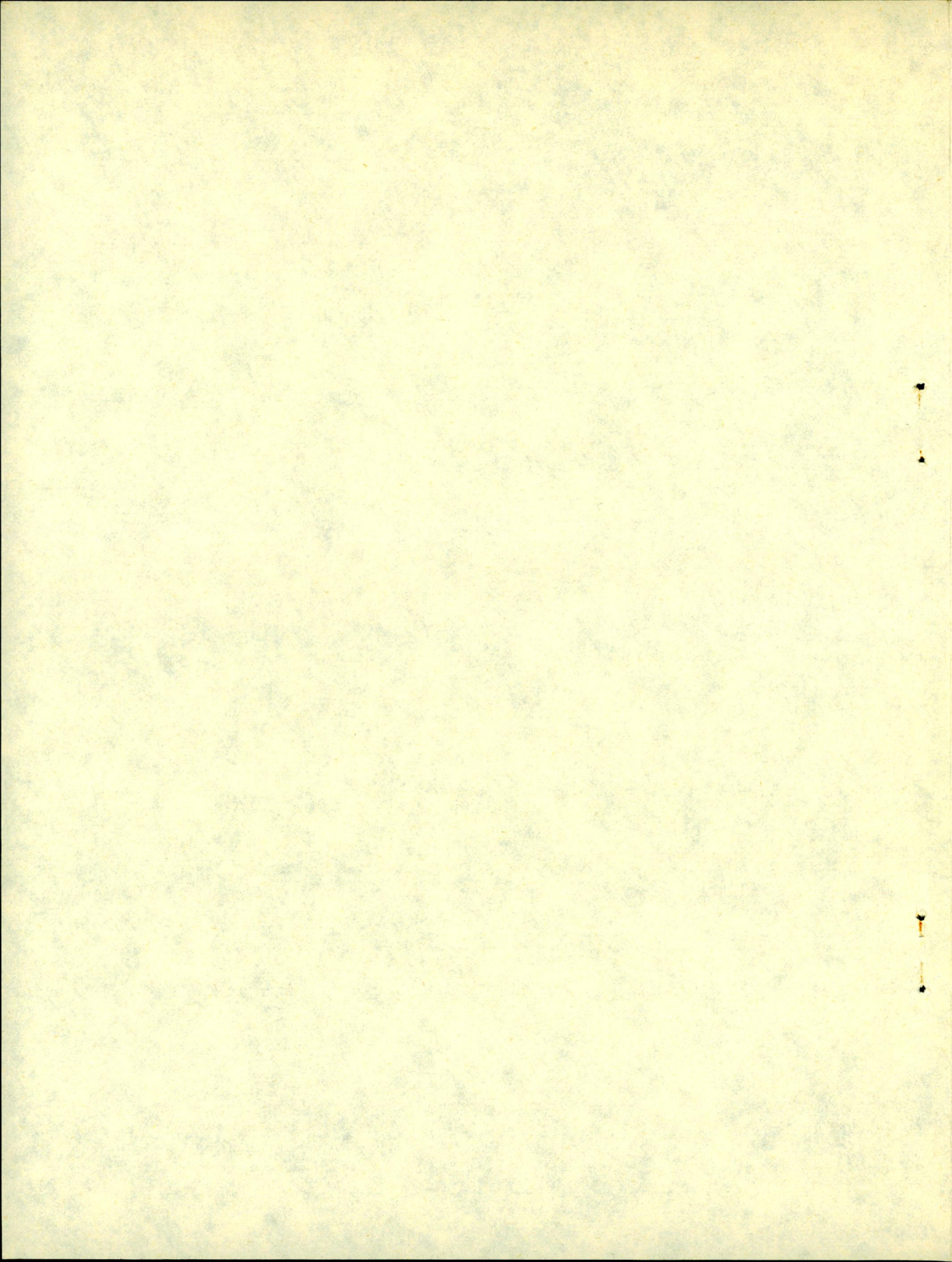
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979









# PARLIAMENTARY CONTRIBUTORY SUPERANNUATION (AMENDMENT) BILL, 1979

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## EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

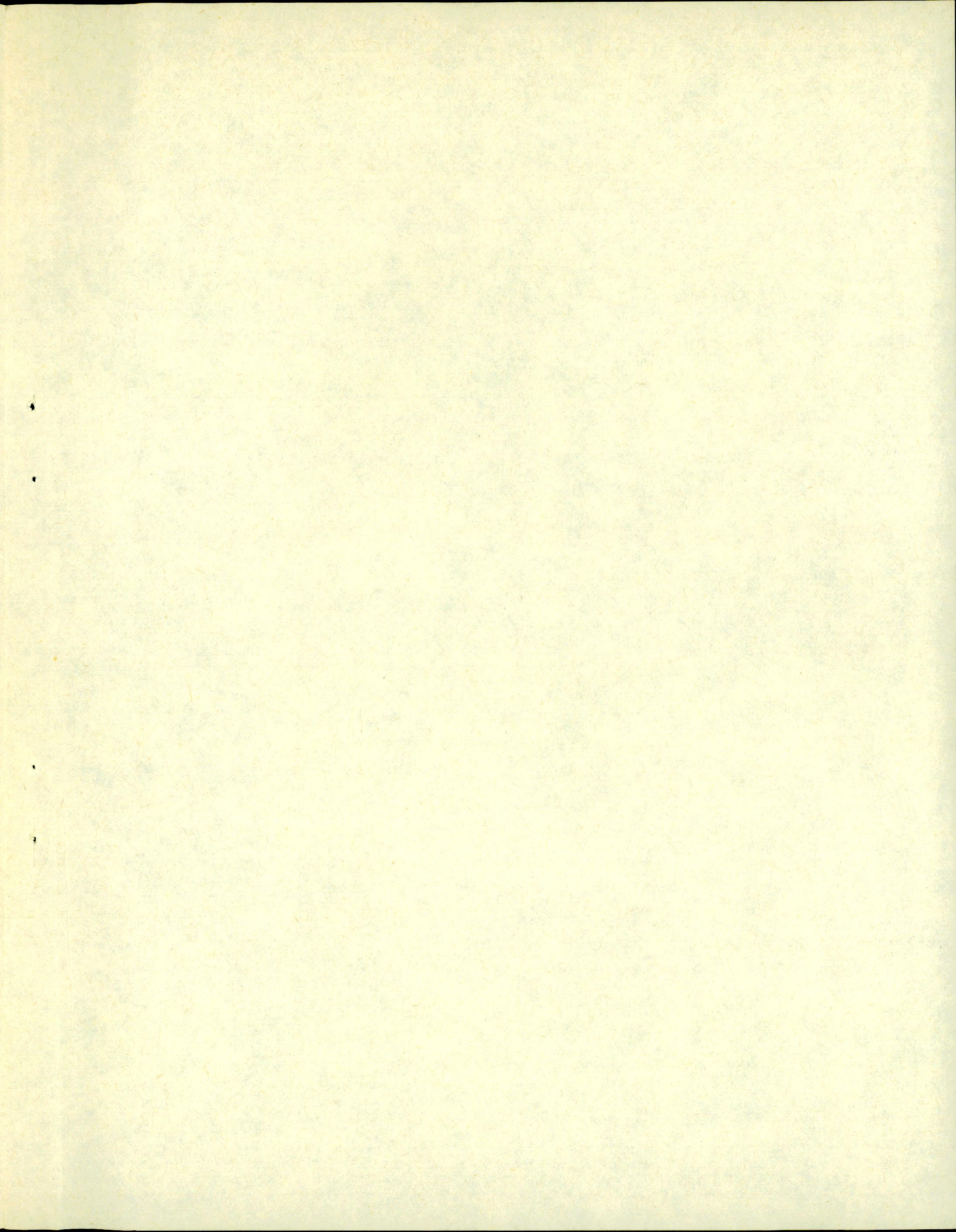
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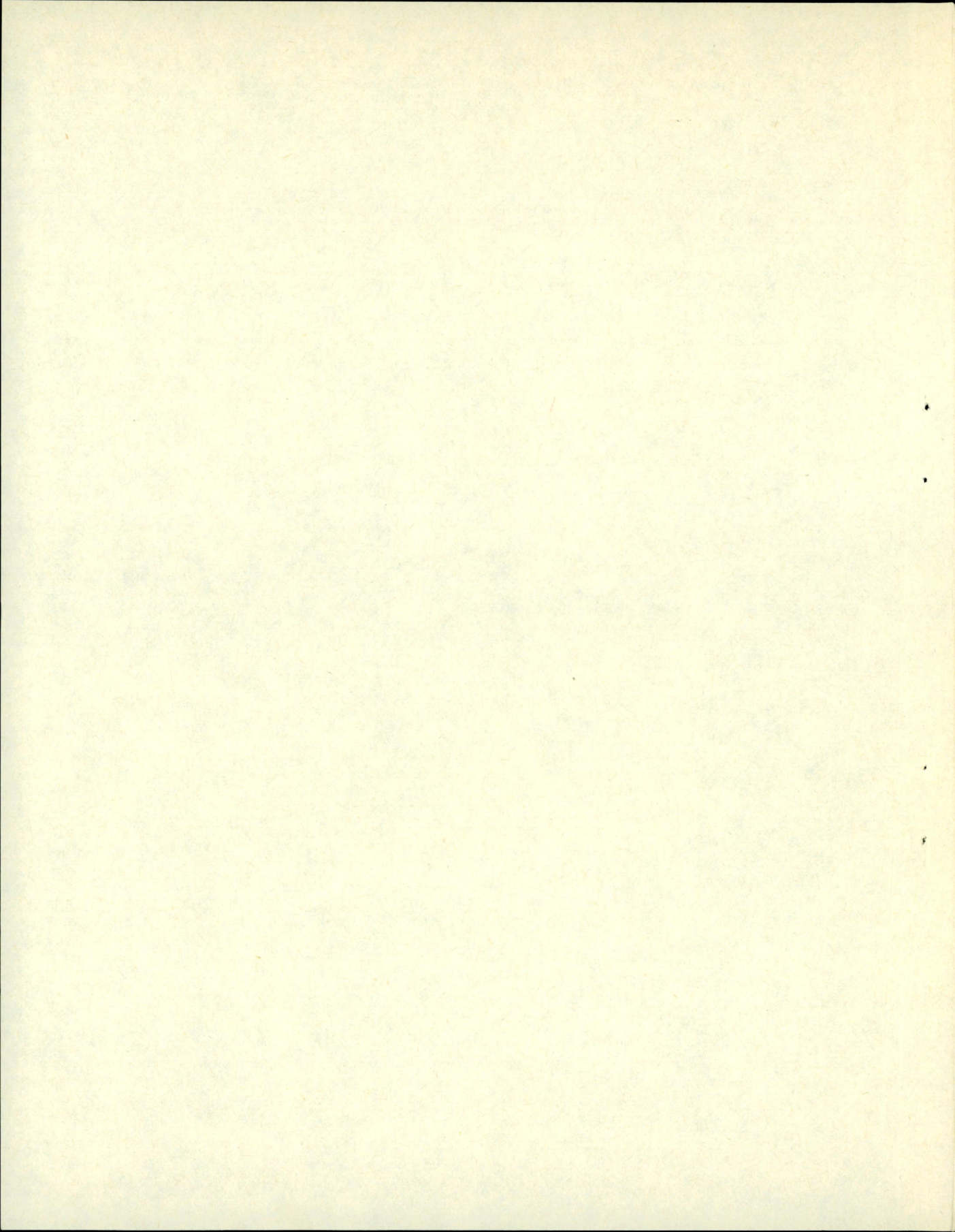
- (a) the pensions and other benefits payable from, and the contributions payable to, the Parliamentary Contributory Superannuation Fund constituted under the Parliamentary Contributory Superannuation Act, 1971 (“the Fund”); and
- (b) the trustees of the Fund.

The Bill—

- (a) increases the number of managing trustees of the Fund by the addition of a member of the Legislative Assembly who is also a Minister of the Crown and provides for the appointment of such a member as chairman (Schedule 1 (2) and (3) (a));
- (b) increases from 3 to 4 the number of managing trustees of the Fund required to constitute a quorum (Schedule 1 (3) (b));
- (c) increases the amount of deductions to be made from each instalment of salary payable to contributors to the Fund from 11½ per cent in the case of male contributors and 10 per cent in the case of female contributors to 12½ per cent in each case (Schedule 1 (4));
- (d) provides full pension entitlement for a contributor to the Fund who has served for at least 10 years as a member of Parliament instead of at least 15 years (Schedule 1 (5) (a));
- (e) increases the pensions payable from the Fund (Schedule 1 (5) (a));
- (f) provides a pension at the rate of 45 per cent of current basic salary to a person who has not served for at least 8 years as a member of Parliament but who has served as a member for a period of at least 3 Parliaments (Schedule 1 (5) (a));
- (g) increases the proportion of pension entitlement that a person of or over 60 years of age may convert to a lump sum (Schedule 1 (6) (b));
- (h) provides that in certain cases interest shall be payable on a refund of contributions (Schedule 1 (8) and (13));

- (i) provides that in lieu of a refund of contributions a member who is not entitled to a pension may elect to receive annual payments at the rate of 45 per cent of basic salary for a period equivalent to half his period of service as a member of Parliament (Schedule 1 (8));
- (j) increases the pension payable to the widow of a former member or a member who dies in office and confers the same pension entitlement on the widower of such a member (Schedule 1 (9));
- (k) enables the widow or widower of a member to convert a portion of her or his pension entitlement to a lump sum payment in the same way as a member may convert a portion of his pension entitlement (Schedule 1 (10));
- (l) makes provision for the repayment to the Fund of any refund of contributions and interest thereon or half-service payments received by a person if that person again becomes a member (Schedule 1 (11));
- (m) provides that the increased contributions and pensions and other benefits under the proposed Act do not apply to former members, or the widows or widowers of former members, who ceased to be members before the commencement of the proposed Act; and
- (n) makes other provisions of a minor, consequential or ancillary nature.





Act No. 1979.

**PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION (AMENDMENT) BILL, 1979**

No. , 1979.

---

---

**A BILL FOR**

An Act to amend the Parliamentary Contributory Superannuation Act, 1971, to make further provision with respect to the pensions and other benefits payable from, and the contributions payable to, the Parliamentary Contributory Superannuation Fund, and for other purposes.

[MR HILLS—17 October, 1979.]

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*Parliamentary Contributory Superannuation (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5    **1.** This Act may be cited as the “Parliamentary Contributory Superannuation (Amendment) Act, 1979”. Short title.

2. The Parliamentary Contributory Superannuation Act, 1971, is amended in the manner set forth in Schedule 1. Amendment of Act No. 53, 1971.

10   **3.** (1) Until there are 5 managing trustees of the Parliamentary Contributory Superannuation Fund appointed by the Legislative Assembly in accordance with section 14 (1) (b) of the Parliamentary Contributory Superannuation Act, 1971, as amended by this Act— Transitional provisions.

15       (a) the managing trustees of the Fund may act notwithstanding that the Legislative Assembly has not made those appointments; and

      (b) the amendments made by Schedule 1 (3) (a) and (b) do not apply.

20       (2) The amendments made by Schedule 1 (5) (a) and (6) (b) do not apply to a former member of the Legislative Council or Legislative Assembly who ceased to be such a member before the commencement of this Act.

*Parliamentary Contributory Superannuation (Amendment).*

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971.

(1) Section 3, definition of "other benefits"—

5       After "thereon", insert ", and half-service payments made under section 22A".

(2) Section 14 (1) (b)—

10       Omit "four members of the Legislative Assembly", insert instead "five members of the Legislative Assembly (of whom at least one shall be a Minister of the Crown)".

(3) (a) Section 16 (1A)—

After section 16 (1), insert :—

15       (1A) The chairman shall be a member of the Legislative Assembly who is also a Minister of the Crown.

(b) Section 16 (4)—

Omit "three", insert instead "4".

(c) Section 16 (5)—

20       Omit "a dissolution of Parliament", insert instead "the dissolution or expiry of the Legislative Assembly".

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

## (4) Section 18—

5 Omit the section, insert instead :—

18. From each instalment of salary payable to a member, commencing with the first instalment paid after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, there shall be deducted an amount equal to 12½ per cent of the gross amount of the instalment before any deductions.

Deductions  
from  
salaries  
of members.

10

## (5) (a) Section 19 (1), (1A), (1B)—

Omit section 19 (1), insert instead :—

15 (1) Subject to this Act, a person who has been entitled to salary (either after or partly before and partly after the commencement of this Act)—

(a) in respect of an aggregate period of 10 years or more and ceases, for any reason, to be a member;

20

(b) in respect of an aggregate period of 8 years or more but less than 10 years, and ceases to be a member by reason of the dissolution or expiry of the Legislative Assembly and—

25

(i) does not become a candidate at the general election next following that dissolution or expiry by reason of his not securing the support of the



Parliamentary Contributory Superannuation (Amendment).SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

- 5 political party to which he belonged immediately before his so ceasing to be a member;
- (ii) becomes a candidate but is defeated at that general election; or
- 10 (iii) does not stand for election at that general election for reasons which to the trustees appear to be good and sufficient; or
- (c) in respect of an aggregate period of 8 years or more but less than 10 years, and ceases to be a member by reason of his resignation for reasons which to the trustees appear to be good and sufficient,
- 15 shall, on his so ceasing to be a member and on his ceasing to be entitled to payment of salary, be entitled to be paid out of the Fund until his death an annual pension at the rate ascertained in accordance with the formula  $A \times B$ , where—
- 20 
$$\frac{\quad}{C}$$
- 25 A is an amount calculated at the rate equal to the aggregate of 51.2 per cent of current basic salary and, in respect of each month during which he was entitled to receive salary as a member exceeding in the aggregate 8 years,
- 30 0.2 per cent of current basic salary, or the rate of 80 per cent of current basic salary, whichever is the lesser;

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

B is the total salary received by that person; and

C is the total basic salary in respect of that person.

(1A) Subject to this Act, a person—

(a) who has been entitled to salary (either after or partly before and partly after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979) in respect of an aggregate period of less than 8 years;

(b) who has served in at least 3 Parliaments as referred to in subsection (1B); and

(c) who ceases to be a member—

(i) by reason of his resignation for reasons which to the trustees appear to be good and sufficient; or

(ii) by reason of the dissolution or expiry of the Legislative Assembly and—

(A) does not become a candidate at the general election next following that dissolution or expiry by reason of his not securing the support of the political party to which he belonged immediately before his so ceasing to be a member;

(B) becomes a candidate but is defeated at that general election; or

*Parliamentary Contributory Superannuation (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(c) does not stand for election  
at that general election for  
reasons which to the trustees  
appear to be good and  
sufficient,

shall, on his so ceasing to be a member and on his  
ceasing to be entitled to payment of salary, be  
entitled to be paid out of the Fund until his death an  
annual pension at the rate of 45 per cent of current  
basic salary.

(1B) For the purposes of subsection (1A) (b), a  
person has served in at least 3 Parliaments if—

(a) where he served only as a member of the  
Legislative Assembly, he has, on each of  
at least 3 occasions, ceased to be a member  
of the Legislative Assembly by reason of  
the dissolution or expiry of the Legislative  
Assembly;

(b) where he served only as a member of the  
Legislative Council, he has, on at least 1  
occasion, ceased to be a member of the  
Legislative Council by reason of the dis-  
solution or expiry of the Legislative  
Assembly and he has, on each of at least 2  
occasions, been a member of the Legislative  
Council during a general election; or

(c) where he served as a member of both the  
Legislative Assembly and Legislative  
Council, he would have complied with the  
requirement in paragraph (a) if he had  
served as a member of the Legislative  
Assembly during any period he served as a  
member of the Legislative Council.

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(b) Section 19 (2)—

5 After “subsection (1)”, insert “or (1A)”.

(c) Section 19 (6), (7)—

Omit the subsections.

(6) (a) Section 20 (1), definition of “former member”—

After “section”, insert “19 (1A) or”.

10 (b) Section 20 (1), definition of “the prescribed part of his pension entitlement”—

(i) From paragraph (a) (iii), omit “thirty”, insert instead “forty”.

15 (ii) From paragraph (a) (iii), omit “one-third”, insert instead “one-sixth”.

(c) Section 20 (5)—

20 Omit “made under subsection (6) of section 19 or under the former Act”, insert instead “and interest thereon made under this Act or the former Act and any half-service payments made under section 22A”.

(7) Section 22 (2)—

Omit “fifteen years”, insert instead “10 years”.

*Parliamentary Contributory Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

## (8) Section 22A—

5 After section 22, insert :—

22A. (1) In this section—

“half-service payments” means payments made in accordance with subsection (5);

Contributors  
not entitled  
to pension.

10 “interest” means compound interest at the rate and calculated in the manner determined by the Treasurer;

15 “refund of contributions”, in relation to a person who ceases to be a member, means a refund of that person’s contributions and any contributions made by him under the former Act less any amount (not being an amount which that person has contracted to repay to the Fund pursuant to section 24) previously paid to him under this Act or under the former Act as a refund of contributions or previously paid to him as half-service payments.

20

25 (2) A person who ceases to be a member after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, otherwise than by reason of his death or by reason of the operation of section 13A of the Constitution Act, 1902, and who is not entitled to a pension under this Act shall be entitled to—

- (a) a refund of contributions and interest thereon; or
- (b) where that person so elects, half-service payments,
- 30

but shall not be entitled to both a refund of contributions and half-service payments.

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (3) Where a person ceases to be a member after  
the commencement of the Parliamentary Contributory  
Superannuation (Amendment) Act, 1979, by reason of his  
death and is not survived by a widow or widower, the  
personal representative of that person shall be entitled to  
10 the refund of contributions and interest thereon in relation  
to that person.

(4) An election by any person for the purposes of  
subsection (2) (b) shall be made by notice in writing  
served on the custodian trustee within 14 days after that  
person ceases to be a member.

15 (5) A person who is entitled to half-service  
payments under subsection (2) (b) shall, until the  
expiration of a period equivalent to half the period he was  
entitled to salary or until his death, whichever first occurs,  
20 be entitled to be paid an annual amount at the rate of 45  
per cent of basic salary.

(6) Half-service payments shall be paid by  
instalments at such intervals as the managing trustees may  
from time to time determine.

25 (7) For the purpose of calculating an annual  
amount payable under subsection (5) to any person, "basic  
salary" means—

30 (a) where the person entitled to the amount last  
served as a member in the Legislative Council—  
the salary payable, at the time he ceased to be a  
member, to a member of the Legislative Council  
(other than a Minister of the Crown or a  
recognised office holder within the meaning of  
the Parliamentary Remuneration Tribunal Act,  
1975) and expressed at an annual rate; or

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (b) where the person entitled to the amount last  
served as a member in the Legislative Assembly  
—the salary payable, at the time he ceased to be  
a member, to a member of the Legislative  
Assembly (other than a Minister of the Crown  
or a recognised office holder within the meaning  
10 of the Parliamentary Remuneration Tribunal  
Act, 1975) and expressed at an annual rate.

(8) If a person who is receiving half-service  
payments dies, the personal representative of that person  
shall be entitled to have paid to him the amount (if any)  
15 by which the amount that would have been payable to  
that person had he not elected to be paid half-service  
payments exceeds the amount of any instalments of half-  
service payments paid to that person before his death.

(9) If a person who is receiving half-service  
20 payments again becomes a member, his right to receive any  
further instalments of those payments shall cease.

(9) (a) Section 23 (1), (2), (3), (3A)—

Omit section 23 (1)–(3), insert instead :—

25 (1) On the death of a former member who  
immediately before his or her death was receiving, or  
was entitled to receive, a pension under this Part, the  
widow or widower (not being a person who married

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 the former member after the former member became  
entitled to that pension) of the former member shall  
be entitled to an annual pension at the rate of—

10 (a) three-quarters of the pension that would  
have been payable from time to time to the  
former member but for his or her death or  
if the former member, pursuant to section  
20, had converted part of his or her pension  
entitlement to a lump sum payment, three-  
quarters of the pension that would have  
been payable to the former member but for  
15 his or her death and if the former member  
had not so converted part of his or her  
pension entitlement; or

20 (b) forty-five per cent of current basic salary,  
according to whichever rate of pension calculated  
under paragraph (a) or (b) would have been the  
greater at the date of the former member's death.

25 (2) On the death of a member who has been  
entitled to salary for an aggregate period of 8 years  
or more, the widow or widower of the member shall  
be entitled to an annual pension at the rate of—

30 (a) three-quarters of the pension that would  
have been payable from time to time to the  
member but for his or her death if the  
member had ceased to be a member on the  
date of his or her death and been entitled to  
a pension under section 19 (1); or

35 (b) forty-five per cent of current basic salary,  
according to whichever rate of pension calculated  
under paragraph (a) or (b) would have been the  
greater at the date of the member's death.



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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (3) On the death of a member who has been entitled to salary for an aggregate period of less than 8 years, the widow or widower of the member shall be entitled to an annual pension at the rate of forty-five per cent of current basic salary.

10 (3A) A pension to which the widow or widower of a former member or of a member is entitled under this section shall cease on the death or remarriage of that widow or widower.

(b) Section 23 (5)—

Omit the subsection.

15 (c) Section 23 (6)—

Omit the subsection, insert instead :—

20 (6) Subject to subsection (7), where a person entitled to a pension under this section remarries and subsequently again becomes a widow or widower, that person shall, until that person's death or further remarriage, be entitled to pension benefit at the same rate as that person would have been receiving had that person not remarried.

(d) Section 23 (7)—

25 After "widow", insert "or widower".

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

- 5 (e) Section 23 (7)—  
Omit “she”, insert instead “that widow or widower”.
- (f) Section 23 (8)—  
After “widow”, insert “or widower”.
- (g) Section 23 (8)—  
Omit “she”, insert instead “that person”.
- 10 (h) Section 23 (9)—  
After “widow” wherever occurring, insert “or  
widower”.
- (i) Section 23 (9)—  
Omit “she”, insert instead “that widow or widower”.
- 15 (j) Section 23 (9)—  
After “her” where firstly occurring, insert “or his”.
- (k) Section 23 (9)—  
Omit “her” where secondly occurring, insert instead  
“that widow or widower”.

*Parliamentary Contributory Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

## (1) Section 23 (10)—

5 After section 23 (9), insert :—

(10) Where a member dies before the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, or a former member who had ceased to be a member before that commencement dies—

10 (a) a pension is not payable under this section to the widower of the member or former member; and

15 (b) the pension payable to the widow of the member or former member is the pension to which she was entitled under this section, as in force immediately before that commencement.

## (10) Section 23A—

20 After section 23, insert :—

25 23A. (1) In this section, “pensioner” means a widow or widower who is, after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, entitled to a pension under section 23 (2) or, where that pension is suspended under section 26, entitled to a pension under section 26 (2).

Right of certain widows or widowers to convert part of pension entitlement to lump sum entitlement.

(2) The provisions of section 20 apply to and in respect of a pensioner in the same way as they apply to and in respect of a former member.

*Parliamentary Contributory Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

5 (3) For the purposes of subsection (2), a reference in section 20 to a former member ceasing to be a member shall be construed as a reference to a pensioner becoming entitled to a pension.

## (11) Section 24—

Omit the section, insert instead :—

10 24. Where a person has received under this Act or the former Act an amount, being a refund of contributions (with or without interest thereon) or a half-service payment, or both, and that person again becomes a member, any part of the period during which he was entitled to salary, and any occasion on which he ceased to be a member, before he became entitled to that amount shall not be taken into account for the purposes of determining his or any other person's entitlement to a pension or half-service payment under this Act unless, within 3 months, or, if the trustees so allow, 6 months, after he again becomes a member, he contracts with the trustees, in the manner required by the trustees, to repay that amount to the Fund within 3 years.

15  
20

Repayment of refund of contributions, half-service payments, etc., where person again becomes member.

## (12) (a) Section 26 (1)—

25 After "widow", insert "or widower".

## (b) Section 26 (1)—

Omit "his or her", insert instead "that person's".

## (c) Section 26 (1)—

Omit "he or she", insert instead "that person".

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(13) (a) Section 27 (1)—

5           Omit “his widow”, insert instead “the member’s widow  
or widower”.

(b) Section 27 (1A)—

After section 27 (1), insert :—

10           (1A) Interest, within the meaning of section 22A  
(1), shall be paid out of the Fund on any amount  
that becomes payable under subsection (1) after the  
commencement of the Parliamentary Contributory  
Superannuation (Amendment) Act, 1979.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

[40c]

D. WEST GOVERNMENT PRINTER, NEW SOUTH WALES 1979  
BY AUTHORITY

[105]

substitution (Amendment) Act 1979.  
commencement of the Parliamentary Contributory  
that becomes payable under subsection (1) after the  
(1) shall be paid out of the Fund on any amount  
(1A) Interest, within the meaning of section 22A  
After section 27 (1), insert:—

(b) Section 27 (1A)—

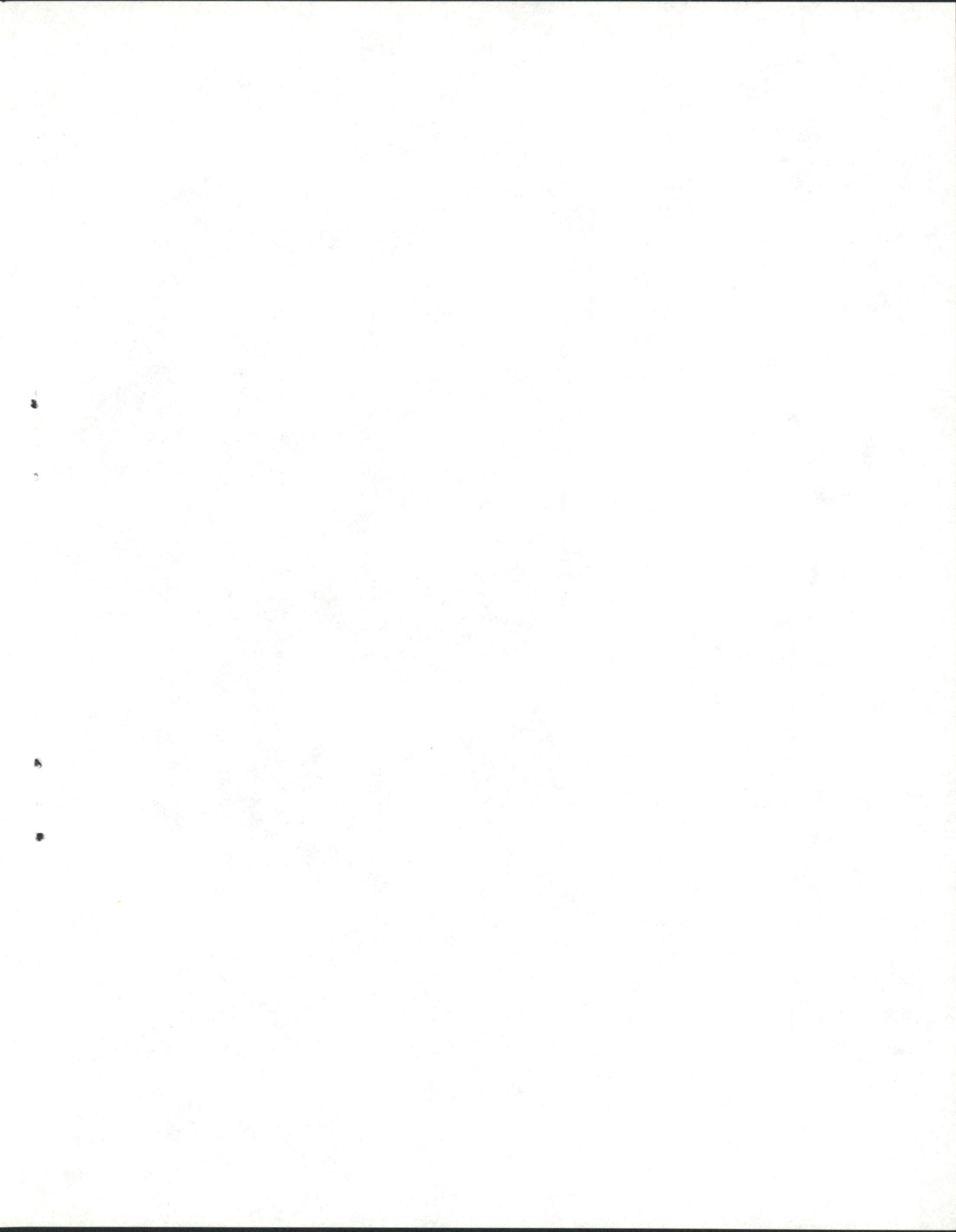
or widower.  
Omit "his widow", insert instead "the member's widow

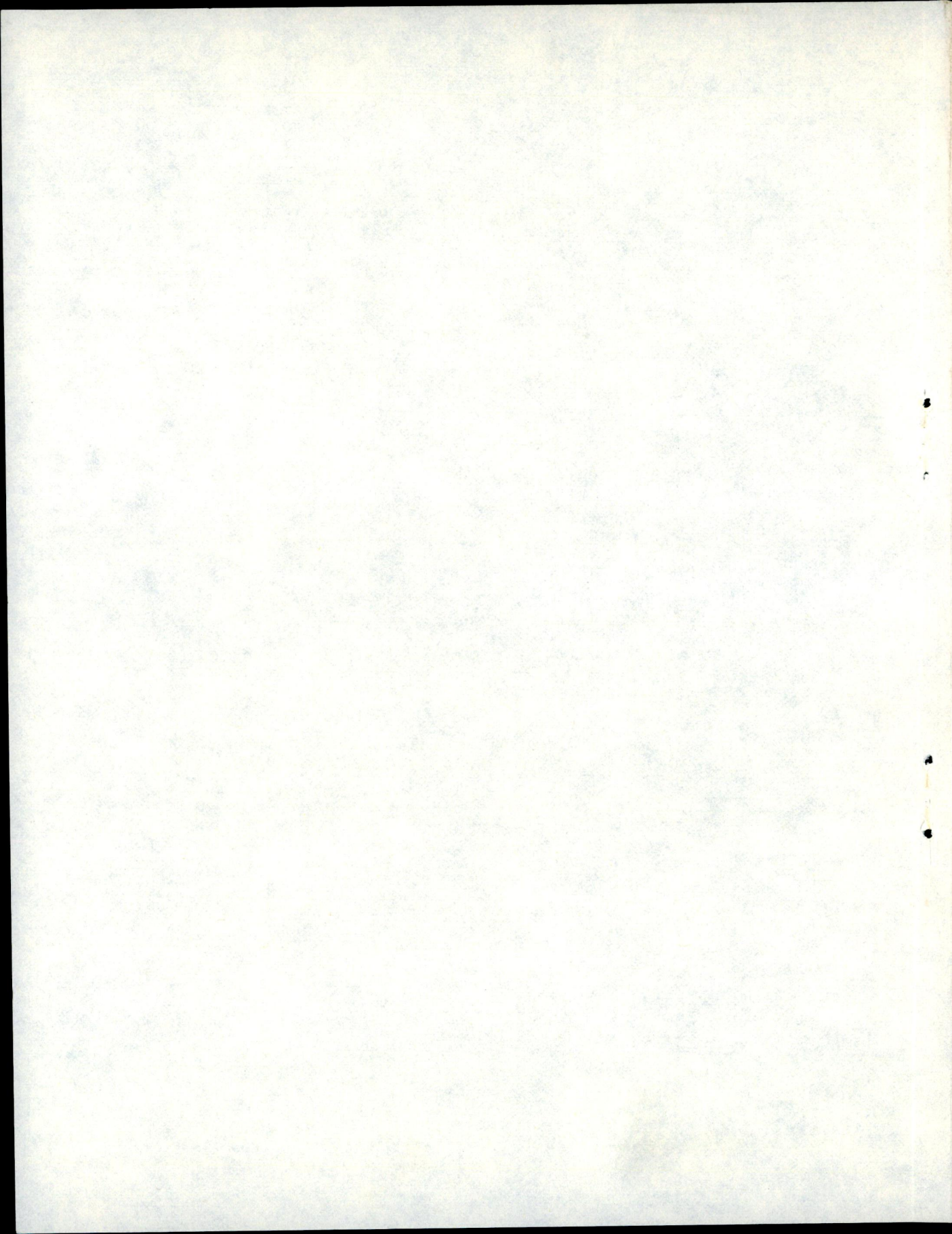
(13) (a) Section 27 (1)—

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUBSTITUTION ACT, 1971—continued.

SCHEDULE 1—continued.

Parliamentary Contributory Substitution (Amendment).







**PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION (AMENDMENT) ACT, 1979,  
No. 132**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 132, 1979.**

An Act to amend the Parliamentary Contributory Superannuation Act, 1971, to make further provision with respect to the pensions and other benefits payable from, and the contributions payable to, the Parliamentary Contributory Superannuation Fund, and for other purposes. [Assented to, 13th November, 1979.]

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*Parliamentary Contributory Superannuation (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Parliamentary Contributory Superannuation (Amendment) Act, 1979".

Amendment  
of Act  
No. 53,  
1971.      **2.** The Parliamentary Contributory Superannuation Act, 1971, is amended in the manner set forth in Schedule 1.

Transitional  
provisions.      **3.** (1) Until there are 5 managing trustees of the Parliamentary Contributory Superannuation Fund appointed by the Legislative Assembly in accordance with section 14 (1) (b) of the Parliamentary Contributory Superannuation Act, 1971, as amended by this Act—

(a) the managing trustees of the Fund may act notwithstanding that the Legislative Assembly has not made those appointments; and

(b) the amendments made by Schedule 1 (3) (a) and (b) do not apply.

(2) The amendments made by Schedule 1 (5) (a) and (6) (b) do not apply to a former member of the Legislative Council or Legislative Assembly who ceased to be such a member before the commencement of this Act.

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*Parliamentary Contributory Superannuation (Amendment).*

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971.

(1) Section 3, definition of "other benefits"—

After "thereon", insert ", and half-service payments made under section 22A".

(2) Section 14 (1) (b)—

Omit "four members of the Legislative Assembly", insert instead "five members of the Legislative Assembly (of whom at least one shall be a Minister of the Crown)".

(3) (a) Section 16 (1A)—

After section 16 (1), insert :—

(1A) The chairman shall be a member of the Legislative Assembly who is also a Minister of the Crown.

(b) Section 16 (4)—

Omit "three", insert instead "4".

(c) Section 16 (5)—

Omit "a dissolution of Parliament", insert instead "the dissolution or expiry of the Legislative Assembly".

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*Parliamentary Contributory Superannuation (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(4) Section 18—

Omit the section, insert instead :—

Deductions  
from  
salaries  
of members.

18. From each instalment of salary payable to a member, commencing with the first instalment paid after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, there shall be deducted an amount equal to  $12\frac{1}{2}$  per cent of the gross amount of the instalment before any deductions.

(5) (a) Section 19 (1), (1A), (1B)—

Omit section 19 (1), insert instead :—

(1) Subject to this Act, a person who has been entitled to salary (either after or partly before and partly after the commencement of this Act)—

- (a) in respect of an aggregate period of 10 years or more and ceases, for any reason, to be a member;
- (b) in respect of an aggregate period of 8 years or more but less than 10 years, and ceases to be a member by reason of the dissolution or expiry of the Legislative Assembly and—
  - (i) does not become a candidate at the general election next following that dissolution or expiry by reason of his not securing the support of the

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

political party to which he belonged immediately before his so ceasing to be a member;

(ii) becomes a candidate but is defeated at that general election; or

(iii) does not stand for election at that general election for reasons which to the trustees appear to be good and sufficient; or

(c) in respect of an aggregate period of 8 years or more but less than 10 years, and ceases to be a member by reason of his resignation for reasons which to the trustees appear to be good and sufficient,

shall, on his so ceasing to be a member and on his ceasing to be entitled to payment of salary, be entitled to be paid out of the Fund until his death an annual pension at the rate ascertained in accordance with the formula  $A \times B \div C$ , where—

$\frac{A \times B}{C}$

A is an amount calculated at the rate equal to the aggregate of 51.2 per cent of current basic salary and, in respect of each month during which he was entitled to receive salary as a member exceeding in the aggregate 8 years, 0.2 per cent of current basic salary, or the rate of 80 per cent of current basic salary, whichever is the lesser;

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

B is the total salary received by that person; and

C is the total basic salary in respect of that person.

(1A) Subject to this Act, a person—

(a) who has been entitled to salary (either after or partly before and partly after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979) in respect of an aggregate period of less than 8 years;

(b) who has served in at least 3 Parliaments as referred to in subsection (1B); and

(c) who ceases to be a member—

(i) by reason of his resignation for reasons which to the trustees appear to be good and sufficient; or

(ii) by reason of the dissolution or expiry of the Legislative Assembly and—

(A) does not become a candidate at the general election next following that dissolution or expiry by reason of his not securing the support of the political party to which he belonged immediately before his so ceasing to be a member;

(B) becomes a candidate but is defeated at that general election; or

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

- (c) does not stand for election at that general election for reasons which to the trustees appear to be good and sufficient,

shall, on his so ceasing to be a member and on his ceasing to be entitled to payment of salary, be entitled to be paid out of the Fund until his death an annual pension at the rate of 45 per cent of current basic salary.

(1B) For the purposes of subsection (1A) (b), a person has served in at least 3 Parliaments if—

- (a) where he served only as a member of the Legislative Assembly, he has, on each of at least 3 occasions, ceased to be a member of the Legislative Assembly by reason of the dissolution or expiry of the Legislative Assembly;
- (b) where he served only as a member of the Legislative Council, he has, on at least 1 occasion, ceased to be a member of the Legislative Council by reason of the dissolution or expiry of the Legislative Assembly and he has, on each of at least 2 occasions, been a member of the Legislative Council during a general election; or
- (c) where he served as a member of both the Legislative Assembly and Legislative Council, he would have complied with the requirement in paragraph (a) if he had served as a member of the Legislative Assembly during any period he served as a member of the Legislative Council.

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

## (b) Section 19 (2)—

After “subsection (1)”, insert “or (1A)”.

## (c) Section 19 (6), (7)—

Omit the subsections.

## (6) (a) Section 20 (1), definition of “former member”—

After “section”, insert “19 (1A) or”.

(b) Section 20 (1), definition of “the prescribed part of  
his pension entitlement”—

(i) From paragraph (a) (iii), omit “thirty”, insert  
instead “forty”.

(ii) From paragraph (a) (iii), omit “one-third”,  
insert instead “one-sixth”.

## (c) Section 20 (5)—

Omit “made under subsection (6) of section 19 or  
under the former Act”, insert instead “and interest  
thereon made under this Act or the former Act and  
any half-service payments made under section 22A”.

## (7) Section 22 (2)—

Omit “fifteen years”, insert instead “10 years”.



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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(8) Section 22A—

After section 22, insert :—

22A. (1) In this section—

“half-service payments” means payments made in accordance with subsection (5);

Contributors  
not entitled  
to pension.

“interest” means compound interest at the rate and calculated in the manner determined by the Treasurer;

“refund of contributions”, in relation to a person who ceases to be a member, means a refund of that person’s contributions and any contributions made by him under the former Act less any amount (not being an amount which that person has contracted to repay to the Fund pursuant to section 24) previously paid to him under this Act or under the former Act as a refund of contributions or previously paid to him as half-service payments.

(2) A person who ceases to be a member after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, otherwise than by reason of his death or by reason of the operation of section 13A of the Constitution Act, 1902, and who is not entitled to a pension under this Act shall be entitled to—

- (a) a refund of contributions and interest thereon; or
- (b) where that person so elects, half-service payments,

but shall not be entitled to both a refund of contributions and half-service payments.

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(3) Where a person ceases to be a member after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, by reason of his death and is not survived by a widow or widower, the personal representative of that person shall be entitled to the refund of contributions and interest thereon in relation to that person.

(4) An election by any person for the purposes of subsection (2) (b) shall be made by notice in writing served on the custodian trustee within 14 days after that person ceases to be a member.

(5) A person who is entitled to half-service payments under subsection (2) (b) shall, until the expiration of a period equivalent to half the period he was entitled to salary or until his death, whichever first occurs, be entitled to be paid an annual amount at the rate of 45 per cent of basic salary.

(6) Half-service payments shall be paid by instalments at such intervals as the managing trustees may from time to time determine.

(7) For the purpose of calculating an annual amount payable under subsection (5) to any person, "basic salary" means—

- (a) where the person entitled to the amount last served as a member in the Legislative Council—the salary payable, at the time he ceased to be a member, to a member of the Legislative Council (other than a Minister of the Crown or a recognised office holder within the meaning of the Parliamentary Remuneration Tribunal Act, 1975) and expressed at an annual rate; or

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(b) where the person entitled to the amount last served as a member in the Legislative Assembly—the salary payable, at the time he ceased to be a member, to a member of the Legislative Assembly (other than a Minister of the Crown or a recognised office holder within the meaning of the Parliamentary Remuneration Tribunal Act, 1975) and expressed at an annual rate.

(8) If a person who is receiving half-service payments dies, the personal representative of that person shall be entitled to have paid to him the amount (if any) by which the amount that would have been payable to that person had he not elected to be paid half-service payments exceeds the amount of any instalments of half-service payments paid to that person before his death.

(9) If a person who is receiving half-service payments again becomes a member, his right to receive any further instalments of those payments shall cease.

(9) (a) Section 23 (1), (2), (3), (3A)—

Omit section 23 (1)–(3), insert instead :—

(1) On the death of a former member who immediately before his or her death was receiving, or was entitled to receive, a pension under this Part, the widow or widower (not being a person who married

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

the former member after the former member became entitled to that pension) of the former member shall be entitled to an annual pension at the rate of—

(a) three-quarters of the pension that would have been payable from time to time to the former member but for his or her death or if the former member, pursuant to section 20, had converted part of his or her pension entitlement to a lump sum payment, three-quarters of the pension that would have been payable to the former member but for his or her death and if the former member had not so converted part of his or her pension entitlement; or

(b) forty-five per cent of current basic salary, according to whichever rate of pension calculated under paragraph (a) or (b) would have been the greater at the date of the former member's death.

(2) On the death of a member who has been entitled to salary for an aggregate period of 8 years or more, the widow or widower of the member shall be entitled to an annual pension at the rate of—

(a) three-quarters of the pension that would have been payable from time to time to the member but for his or her death if the member had ceased to be a member on the date of his or her death and been entitled to a pension under section 19 (1); or

(b) forty-five per cent of current basic salary, according to whichever rate of pension calculated under paragraph (a) or (b) would have been the greater at the date of the member's death.

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(3) On the death of a member who has been entitled to salary for an aggregate period of less than 8 years, the widow or widower of the member shall be entitled to an annual pension at the rate of forty-five per cent of current basic salary.

(3A) A pension to which the widow or widower of a former member or of a member is entitled under this section shall cease on the death or remarriage of that widow or widower.

(b) Section 23 (5)—

Omit the subsection.

(c) Section 23 (6)—

Omit the subsection, insert instead :—

(6) Subject to subsection (7), where a person entitled to a pension under this section remarries and subsequently again becomes a widow or widower, that person shall, until that person's death or further remarriage, be entitled to pension benefit at the same rate as that person would have been receiving had that person not remarried.

(d) Section 23 (7)—

After "widow", insert "or widower".

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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

## (e) Section 23 (7)—

Omit “she”, insert instead “that widow or widower”.

## (f) Section 23 (8)—

After “widow”, insert “or widower”.

## (g) Section 23 (8)—

Omit “she”, insert instead “that person”.

## (h) Section 23 (9)—

After “widow” wherever occurring, insert “or widower”.

## (i) Section 23 (9)—

Omit “she”, insert instead “that widow or widower”.

## (j) Section 23 (9)—

After “her” where firstly occurring, insert “or his”.

## (k) Section 23 (9)—

Omit “her” where secondly occurring, insert instead “that widow or widower”.

*Parliamentary Contributory Superannuation (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(1) Section 23 (10)—

After section 23 (9), insert :—

(10) Where a member dies before the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, or a former member who had ceased to be a member before that commencement dies—

- (a) a pension is not payable under this section to the widower of the member or former member; and
- (b) the pension payable to the widow of the member or former member is the pension to which she was entitled under this section, as in force immediately before that commencement.

(10) Section 23A—

After section 23, insert :—

23A. (1) In this section, “pensioner” means a widow or widower who is, after the commencement of the Parliamentary Contributory Superannuation (Amendment) Act, 1979, entitled to a pension under section 23 (2) or, where that pension is suspended under section 26, entitled to a pension under section 26 (2).

Right of certain widows or widowers to convert part of pension entitlement to lump sum entitlement.

(2) The provisions of section 20 apply to and in respect of a pensioner in the same way as they apply to and in respect of a former member.

*Parliamentary Contributory Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(3) For the purposes of subsection (2), a reference in section 20 to a former member ceasing to be a member shall be construed as a reference to a pensioner becoming entitled to a pension.

## (11) Section 24—

Omit the section, insert instead :—

Repayment  
of refund  
of contri-  
butions,  
half-service  
payments,  
etc., where  
person  
again  
becomes  
member.

24. Where a person has received under this Act or the former Act an amount, being a refund of contributions (with or without interest thereon) or a half-service payment, or both, and that person again becomes a member, any part of the period during which he was entitled to salary, and any occasion on which he ceased to be a member, before he became entitled to that amount shall not be taken into account for the purposes of determining his or any other person's entitlement to a pension or half-service payment under this Act unless, within 3 months, or, if the trustees so allow, 6 months, after he again becomes a member, he contracts with the trustees, in the manner required by the trustees, to repay that amount to the Fund within 3 years.

## (12) (a) Section 26 (1)—

After "widow", insert "or widower".

## (b) Section 26 (1)—

Omit "his or her", insert instead "that person's".

## (c) Section 26 (1)—

Omit "he or she", insert instead "that person".



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*Parliamentary Contributory Superannuation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT, 1971—*continued.*

(13) (a) Section 27 (1)—

Omit “his widow”, insert instead “the member’s widow  
or widower”.

(b) Section 27 (1A)—

After section 27 (1), insert :—

(1A) Interest, within the meaning of section 22A  
(1), shall be paid out of the Fund on any amount  
that becomes payable under subsection (1) after the  
commencement of the Parliamentary Contributory  
Superannuation (Amendment) Act, 1979.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 13th November, 1979.*

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