

Parliamentary Contributory Superannuation Amendment Act 1979

No. 131 of 1979

An Act to amend the *Parliamentary Contributory Superannuation Act* 1948.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,
&c.

1. (1) This Act may be cited as the *Parliamentary Contributory Superannuation Amendment Act* 1979.¹

(2) The *Parliamentary Contributory Superannuation Act* 1948² is in this Act referred to as the Principal Act.

Commence-
ment

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Additional
contributions
by office
holders

3. Section 14 of the Principal Act is amended by inserting in sub-section (7) “the whole or” after “to convert”.

Commu-
tation of
retiring
allowance

4. Section 18B of the Principal Act is amended—

- (a) by omitting from sub-section (3) “such percentage (not exceeding 50 per centum)” and substituting “the whole or such percentage”;
- (b) by omitting from sub-section (3) “(in this section referred to as the ‘specified percentage’)”;
- (c) by inserting after sub-section (5) the following sub-section:

“(5A) Where a person elects to convert the whole of his retiring allowance to a lump sum payment in accordance with sub-section (3)—

- (a) the retiring allowance is not payable to him; and
- (b) if a payment or payments of retiring allowance has or have already been made to him since he became entitled to the retiring allowance, the amount of the lump sum payment referred to in sub-section (4) shall be reduced by the amount of the payment, or of the sum of the amounts of the payments, already made.”; and

- (d) by adding at the end thereof the following sub-section:

“(8) A reference in sub-section (4) to the specified percentage of the annual amount of the retiring allowance payable to a person who elects to convert the whole or a percentage of his retiring allowance to a lump sum payment in accordance with sub-section (3) shall be read as a reference to—

- (a) in a case where the person elects to convert the whole of his retiring allowance to a lump sum payment—100%; or
- (b) in any other case—the percentage specified in the notice of election given by the person.”.

5. Section 19 of the Principal Act is amended—

Benefits to
widow or
widower

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Where—

- (a) a person who is entitled to a parliamentary allowance dies; or
- (b) a person who is entitled, or would, but for paragraph (a) of sub-section (5A) of section 18B, be entitled, to a retiring allowance dies,

benefits are payable in accordance with this section.”; and

- (b) by inserting in sub-section (7) “, or would, but for paragraph (a) of sub-section (5A) of section 18B, have been entitled,” after “who was entitled”.

6. Section 19AA of the Principal Act is amended—

Benefits in
respect of
orphaned
children

- (a) by omitting sub-section (2) and substituting the following sub-section:

“(2) Subject to sub-sections (2A) and (2B), where—

- (a) a person has died or dies while entitled to a parliamentary allowance;
- (b) a person has died or dies while entitled to a retiring allowance; or
- (c) a person who would, but for paragraph (a) of sub-section (5A) of section 18B, be entitled to a retiring allowance dies,

and the deceased person was not or is not survived by a widow or widower who was or is entitled to an annuity under section 19, but was or is survived by a child of the deceased person or of a former spouse of the deceased person, being a child who was a dependant of the deceased person and is an eligible child, benefit in accordance with this section is payable in respect of the child.”;

- (b) by inserting in sub-section (2A) “or the deceased person would, but for paragraph (a) of sub-section (5A) of section 18B, have been entitled to a retiring allowance at the time of his death” after “retiring allowance” (first occurring); and
- (c) by omitting from paragraph (a) of sub-section (4) “or paragraph (b)” and substituting “, (b) or (c)”.

Re-election

7. Section 20 of the Principal Act is amended—

- (a) by inserting in sub-section (2D) “the whole or” after “to convert”;
- (b) by inserting after sub-section (3) the following sub-section:
 “(3AA) Subject to sub-section (3A), where a person who would, but for paragraph (a) of sub-section (5A) of section 18B, be in receipt of a retiring allowance under this Act in respect of his service as a member again becomes a member, his rights and liabilities under this Act shall be the same as if he had never received a retiring allowance.”; and
- (c) by inserting in paragraph (a) of sub-section (3A) “the whole or” after “lump sum payment”.

Period of service as member of a State Parliament to be taken into account in certain circumstances

8. Section 20A of the Principal Act is amended by inserting in sub-section (3) “the whole or” after “to convert”.

NOTES

1. Act No. 131, 1979; assented to 19 November 1979.
2. Act No. 89, 1948, as amended. For previous amendments *see* Act No. 3, 1952; No. 30, 1955; No. 20, 1959; No. 72, 1964; No. 35, 1965; No. 71, 1966; No. 103, 1968; No. 47, 1973; Nos. 36 and 41, 1978; and No. 19, 1979.