

PARLIAMENTARY RETIRING ALLOWANCES.

No. 72 of 1964.

An Act relating to Parliamentary Retiring Allowances.

[Assented to 30th October, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Parliamentary Retiring Allowances Act 1964*.

(2.) The *Parliamentary Retiring Allowances Act 1948-1959** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Parliamentary Retiring Allowances Act 1948-1964*.

Commence-
ment.

2. This Act shall come into operation on the first day of November, One thousand nine hundred and sixty-four.

3. Section three of the Principal Act is repealed and the following section inserted in its stead:—

Parts.

“ 3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Part II.—The Parliamentary Retiring Allowances Trust (Sections 5-8).

Part III.—The Parliamentary Retiring Allowances Fund (Sections 9-12).

Part IV.—Contributions (Sections 13-14).

Part V.—Pensions and other Benefits (Sections 15-22).

* Act No. 89, 1948, as amended by No. 3, 1952; No. 30, 1955; and No. 20, 1959.

Part VA.—Ministerial Retiring Allowances (Sections 22A–22P).

Part VI.—Miscellaneous (Sections 23–28).”.

4. Section nine of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

Parliamentary
Retiring
Allowances
Fund.

“(3.) Subject to the next three succeeding sections, payments in respect of pensions and other benefits (including refunds of contributions) provided by this Act shall be made from the Fund.”.

5.—(1.) After section nine of the Principal Act the following sections are inserted:—

“9A.—(1.) Where the Commonwealth would be liable to pay to the Fund an amount equal to the whole or a part of a payment made to a person from the Fund, that amount may be paid to that person by the Commonwealth instead of from the Fund, and the Consolidated Revenue Fund is appropriated accordingly.

Certain benefits
may be paid
by the
Commonwealth.

“(2.) A payment by the Commonwealth under the last preceding sub-section does not affect the liability of the Commonwealth to pay to the Fund an amount referred to in that sub-section.

“9B. Payments by the Commonwealth to the Fund under this Act shall be made on the last day of each financial year and on that day there shall be paid from the Fund to the Commonwealth an amount equal to the sum of the payments made by the Commonwealth under sub-section (1.) of the last preceding section during that financial year.

Payments to be
made at end of
financial year.

“9C.—(1.) Where—

(a) a person has contracted with the Trust in pursuance of sub-section (1.) of section twenty of this Act to repay an amount comprising a refund of contributions and a payment of the whole or a part of the Commonwealth supplement; and

(b) the Trust has received a payment from that person in pursuance of the contract,

the Trust shall pay to the Commonwealth from the Fund—

(c) where the amount the subject of the contract was an amount reduced in accordance with sub-section (2.) of that section—a sum equal to the appropriate proportion of the whole or part of the Commonwealth supplement (as the case may be) less the appropriate proportion of the amount in respect of pension that the Commonwealth would have been liable to pay into the Fund if the pension had been paid to the member; or

Certain
payments to
be made to the
Commonwealth
from the Fund.

(d) in any other case—the appropriate proportion of the whole or part of the Commonwealth supplement (as the case may be).

“(2.) For the purposes of this section, ‘the appropriate proportion’ means the proportion that the amount of the payment received by the Trust bears to the total amount contracted to be repaid.”.

(2.) Section nine c inserted in the Principal Act by the last preceding sub-section shall be deemed to have come into operation on the first day of December, One thousand nine hundred and forty-eight.

Contributions
by members.

6.—(1.) Section thirteen of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) A member or other person who is in receipt of a parliamentary allowance shall contribute to the Fund at the rate of eleven and one-half per centum of the rate of the parliamentary allowance that he is, from time to time, entitled to receive.”.

(2.) Deductions at the rate fixed by section thirteen of the Principal Act, as amended by this Act, shall be made, in accordance with sub-section (2.) of that section, from every payment of parliamentary allowance in respect of a period commencing on or after the date of commencement of this Act.

7. Section fourteen of the Principal Act is repealed and the following section inserted in its stead:—

Contributions
by the
Commonwealth.

“14. The Commonwealth shall pay into the Fund—

- (a) in respect of a pension other than a pension under section nineteen A of this Act—an amount equal to seventy per centum of each amount of pension paid;
- (b) in respect of a pension under section nineteen A of this Act—an amount equal to each amount of pension paid; and
- (c) an amount equal to each amount paid to a person as the whole or a part of the Commonwealth supplement.”.

Commonwealth
supplement.

8. Section sixteen of the Principal Act is amended by omitting from sub-section (1.) the words “one and one half times” and inserting in their stead the words “two and one-third times”.

Meaning of
voluntary
retirement.

9. Section seventeen of the Principal Act is amended by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) A person who has ceased to be a senator upon the expiration of the term of office of a class of senators or the dissolution of the Senate, or has ceased to be a member of the

House of Representatives upon the dissolution or expiration of that House, shall be deemed to have retired voluntarily—

(a) if—

(i) in the case of a person who was a senator—he was not, at the time of an election to fill places in the Senate that became vacant at the time when his place became vacant, a candidate for election to the Senate or, if elections of members of the House of Representatives were held, or an election of a member of the House of Representatives was held, at the same time as such a Senate election, a candidate either for election as a senator or as a member of the House of Representatives; or

(ii) in the case of a person who was a member of the House of Representatives—he was not, at the time of the next ensuing elections for that House, a candidate for election to that House or, if elections of senators were held, or an election of a senator was held, at the same time as those elections for that House, a candidate either for election as a senator or as a member of the House of Representatives, and he does not satisfy the Trust that his failure to be such a candidate was due to ill-health, his failure to secure the support of a political party from which he reasonably sought support, or his expulsion from a political party; or

(b) if he was such a candidate but did not, in the opinion of the Trust, genuinely desire to be elected.”.

10. Section eighteen of the Principal Act is amended by omitting sub-sections (6.) and (7.) and inserting in their stead the following sub-sections:—

Benefits to members.

“(6.) The rate of pension payable to a person under this section is such percentage of the rate of the parliamentary allowance to which that person was entitled immediately before he became entitled to pension as is ascertained in accordance with the following scale:—

Age of member on becoming entitled to pension.	Percentage of parliamentary allowance to be paid as pension.
40 years	30 per centum
41 years	34 per centum
42 years	38 per centum
43 years	42 per centum
44 years	46 per centum
45 years or over	50 per centum

“(7.) Where a person—

(a) is entitled to a pension that became payable to him under the preceding provisions of this section at the age of forty-five years or over; and

(b) has (whether before or after becoming entitled to that pension) attained the age of sixty-five years,

there is payable to that person additional pension at the rate of Three pounds per week.”.

Benefits on
death of
member.

11. Section nineteen of the Principal Act is amended—

(a) by omitting paragraph (a) of sub-section (2.) and inserting in its stead the following paragraph:—

“(a) a pension, during her life-time but ceasing upon her re-marriage, at a rate equal to five-twelfths of the rate of the parliamentary allowance to which the deceased person was entitled immediately before he died or became entitled to pension (as the case may be); or”;

(b) by inserting after sub-section (2.) the following sub-section:—

“(2A.) Where a widow who has an option under the last preceding sub-section dies or remarries without having exercised that option, she shall be deemed, for the purposes of this Act, to have exercised that option immediately before her death or re-marriage by electing to be paid the amount ascertained in accordance with paragraph (b) of that sub-section.”;

(c) by inserting after sub-section (3.) the following sub-section:—

“(4.) Where, in accordance with sub-section (2.) or (3.) of this section, an amount of pension received by, or accrued due to, a deceased person before his death is deducted from an amount otherwise payable, the amount the Commonwealth would otherwise be liable to pay under paragraph (c) of section fourteen of this Act in respect of the Commonwealth supplement is reduced by the amount paid or payable into the Fund by the Commonwealth in respect of that amount of pension.”.

Benefits in
respect of
orphaned
children.

12. Section nineteen AA of the Principal Act is amended by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) Where a widow entitled to a pension under the last preceding section (other than a pension the rate or period of

which was reduced under sub-section (5.) or (6.) of that section dies and is survived by a dependent child under the age of sixteen years, being a child of her late husband or of herself, benefit in accordance with this section is payable in respect of the child.”

13. Section twenty-one of the Principal Act is amended—

Government
employment or
membership of
State
Parliament.

(a) by inserting after sub-section (2A.) the following sub-section:—

“(2B.) Notwithstanding anything contained in sub-section (1.) or (2.) of this section, the rate of a pension to which a widow becomes or became entitled on the death of her husband shall not be reduced, or continue to be reduced, under those provisions by reason of the holding by her of an office under, or of engagement by her in employment by, the Commonwealth or a State, or an authority of the Commonwealth or of a State, in a temporary capacity only.”; and

(b) by inserting in sub-section (3.), after the word “Commonwealth”, the words “(other than the *Repatriation Act* 1920–1964 or the *Social Services Act* 1947–1964)”.

14. After Part V. of the Principal Act the following Part is inserted:—

“PART VA.—MINISTERIAL RETIRING ALLOWANCES.

“22A.—(1.) In this Part, unless the contrary intention appears—

Interpretation.

‘contributions’ means contributions to the Ministerial Fund;

‘contributor’ means a person liable to contribute to the Ministerial Fund;

‘office-holder’ means the holder of any of the following offices:—

(a) Minister of State;

(b) Leader of the Opposition, or Deputy Leader of the Opposition, in the Senate; and

(c) Leader of the Opposition, or Deputy Leader of the Opposition, in the House of Representatives;

‘pension’ means pension under this Part;

‘the Ministerial Fund’ means the Ministerial Retiring Allowances Fund established by this Part.

“(2.) A reference in this Part to the contributions of a person does not include a reference to any contributions that have been refunded to him.

“(3.) Except as expressly provided in this Part, the provisions of Parts III., IV. and V. have effect as if this Part had not been enacted.

**The Ministerial
Retiring
Allowances
Fund.**

“22B.—(1.) For the purposes of this Part, there shall be a Ministerial Retiring Allowances Fund.

“(2.) The Ministerial Fund shall consist of—

- (a) contributions paid by contributors, and repayments made by contributors, in pursuance of this Part;
- (b) moneys paid into the Ministerial Fund by the Commonwealth in pursuance of this Part; and
- (c) income derived from the investment of moneys forming part of the Ministerial Fund.

“(3.) Subject to the next succeeding section, payments in respect of pensions and refunds of contributions provided by this Part shall be made from the Ministerial Fund.

**Provisions
relating to
Fund.**

“22C. The provisions of sections nine A, nine B, ten and eleven of this Act apply to and in relation to the Ministerial Fund in like manner as they apply to and in relation to the Parliamentary Retiring Allowances Fund.

**Periodical
actuarial
investigations.**

“22D.—(1.) An investigation as to the state and sufficiency of the Ministerial Fund shall be made as at the thirtieth day of June next following the expiration of seven years after the commencement of this Part and thereafter at intervals of not more than seven years.

“(2.) The investigations shall be made by the Commonwealth Actuary, who shall report the results of the investigation to the Trust.

“(3.) The Treasurer shall lay the report of the Commonwealth Actuary before each House of the Parliament within fourteen sitting days of that House after the report becomes available to him.

“(4.) In the report on each investigation, the Commonwealth Actuary shall certify the amount, or further amount, if any, which, in his opinion, should be paid into the Ministerial Fund by the Commonwealth in order to make proper provision for the payment out of that Fund of benefits payable under this Part in relation to periods of service before the commencement of this Part.

“(5.) The Commonwealth shall pay into the Ministerial Fund such amount, if any, as is determined by resolution of each House after consideration of any certification by the Commonwealth Actuary in accordance with the last preceding sub-section.

“ 22E.—(1.) Subject to this section, every office-holder shall contribute to the Ministerial Fund at the appropriate rate fixed by this section. Contributions.

“ (2.) The contributions payable under this section shall be deducted from payments of parliamentary allowance or ministerial salary made to the contributor, and each deduction shall, so far as practicable, be in respect of the same period as that in respect of which the payment is made.

“ (3.) Amounts so deducted shall be paid into the Ministerial Fund.

“ (4.) Contributions are not payable by an office-holder—

- (a) after he has contributed under this section in respect of a period of, or periods aggregating, fourteen years; or
- (b) after he has qualified, subject only to his ceasing to be entitled to a parliamentary allowance, to be paid a pension under section nineteen A of this Act by reason of having held the office of Prime Minister.

“ (5.) The rates of contributions under this section are—

- (a) in the case of a Minister or the Leader of the Opposition in the House of Representatives—Four pounds five shillings per week;
- (b) in the case of the Leader of the Opposition in the Senate or the Deputy Leader of the Opposition in the House of Representatives—Two pounds two shillings and sixpence per week; and
- (c) in the case of the Deputy Leader of the Opposition in the Senate—One pound one shilling and threepence per week.

“ 22F. The Commonwealth shall pay into the Fund, in respect of a pension under this Part, an amount equal to seventy per centum of each amount of pension paid. Contributions
by
Commonwealth.

“ 22G. Pensions and other benefits under this Part are payable only to or in relation to persons who are office-holders at the commencement of this Part or become office-holders thereafter. Application
of
benefits.

“ 22H.—(1.) Subject to this Part, a person who has contributed to the Ministerial Fund and ceases to be entitled to a parliamentary allowance and his ministerial salary (if any), otherwise than by reason of his death, is entitled to benefits from the Ministerial Fund in accordance with this section. Benefits to
contributors.

“ (2.) Where the period of service of the person is not less than eight years, the benefit shall be a pension calculated in

accordance with the following scale by reference to the number of complete years in his period of service:—

Period of Service.	Weekly amount of pension.
8	£ s. d. 9 0 0
9	10 10 0
10	12 0 0
11	14 0 0
12	16 0 0
13	18 10 0
14 or more	21 0 0

“ (3.) Where the period of service of the person is less than eight years, but he has, on at least three occasions (including occasions before the commencement of this Part), been an office-holder at the time of the dissolution or expiration of the House of which he was a member or at the time of the expiration of his term of office as a member, the last preceding sub-section applies as if his period of service were eight years.

“ (4.) Where the contributor is not entitled to a pension in accordance with the preceding provisions of this section, the benefit shall be a refund of his contributions.

Period of
service.

“ 22J.—(1.) Subject to this section, the period of service of a person for the purposes of this Part is the period, or the sum of the periods (whether continuous or not and whether before or after the commencement of this Part), during which he has been an office-holder.

“ (2.) For the purposes of the last preceding sub-section—

(a) a period during which a person has been Leader or Deputy Leader of the Opposition in the Senate or Deputy Leader of the Opposition in the House of Representatives shall not be taken into account unless—

- (i) the period was not less than twelve months; or
- (ii) the period was continuous or, in the opinion of the Trust, substantially continuous, with any other period or periods of service by that person as an office-holder and the sum of the first-mentioned period and the other period or periods was not less than twelve months;

(b) a period during which a person was Leader of the Opposition in the Senate or Deputy Leader of the Opposition in the House of Representatives shall be taken into account only to the extent of one-half of the period; and

(c) a period during which a person was Deputy Leader of the Opposition in the Senate shall be taken into account only to the extent of one-quarter of the period.

“(3.) Where a person has paid contributions to the Ministerial Fund in respect of a period that, by reason of paragraph (a) of the last preceding sub-section, is not to be taken into account for the purposes of this section, he is entitled to receive, as soon as practicable after the end of that period, a refund of the contributions so paid.

“22k.—(1.) Where a person who is or has been a contributor dies—

Benefits on death of contributor.

(a) while he is entitled to a parliamentary allowance or ministerial salary; or

(b) while he is entitled to a pension under the preceding provisions of this Part,

benefits from the Ministerial Fund are payable in accordance with this section.

“(2.) If the deceased person was a male who is survived by a widow—

(a) where the deceased person was entitled to a pension under this Part or would have been so entitled if he had ceased to be entitled to a parliamentary allowance and his Ministerial salary (if any), there is payable to the widow, at her option to be exercised as prescribed, either—

(i) a pension, during her lifetime but ceasing upon her re-marriage, at the rate of five-sixths of the rate of the pension that was, or would have been, payable to the deceased person; or

(ii) an amount equal to the deceased person's contributions, less the amount of pension (if any) received by, or accrued due to, the deceased person before his death; or

(b) in any other case—there is payable to the widow an amount equal to the deceased person's contributions.

“(3.) If the deceased person was a male who is not survived by a widow, or was a female, there shall be payable to the personal representatives of the deceased person the amount of the contributions paid by the deceased person, less the amount of pension (if any) received by, or accrued due to, the deceased person before his or her death.

“ (4.) Where a widow who has an option under sub-section (2.) of this section dies or remarries without having exercised that option, she shall be deemed, for the purposes of this Act, to have exercised that option immediately before her death or remarriage by electing to be paid the amount ascertained in accordance with sub-paragraph (ii) of paragraph (a) of that sub-section.

“ (5.) The provisions of sub-sections (5.), (6.) and (7.) of section nineteen of this Act apply in relation to pensions under this section in like manner as they apply in relation to pensions under that section.

**Contributor
qualifying for
Prime
Minister's
pension.**

“ 22L. Notwithstanding the preceding provisions of this Part, a person who ceases to be liable to make contributions by virtue of paragraph (b) of sub-section (4.) of section twenty-two E of this Act is thereupon entitled to a refund of his contributions, and no other benefit is payable under this Part to or in respect of such a person.

Re-election.

“ 22M.—(1.) Where a person who has been a contributor and is in receipt of a pension under this Part again becomes entitled to a parliamentary allowance, he ceases to be entitled to that pension, but without prejudice to any right to a further pension or other benefit under this Part.

“ (2.) Where a person who has been a contributor has received under this Part a refund of contributions and that person again becomes a contributor, any period of service of that person as an office-holder, and any occasion referred to in sub-section (3.) of section twenty-two H of this Act, before he became entitled to that refund shall not be taken into account for the purposes of determining his rights in respect of any further benefit under this Part unless, within three months, or, if the Trust so allows, six months, after he again becomes a contributor, he contracts with the Trust, in the manner required by the Trust, to repay the amount of that refund to the Trust within three years.

“ (3.) Where a person in receipt of a pension as a widow becomes a member—

(a) the pension is not payable in respect of the period during which the pensioner is in receipt of a parliamentary allowance or ministerial salary; and

(b) the pensioner is not entitled to receive the pension at any time after becoming entitled to a pension by virtue of having been a contributor.

**Government
employment or
membership
of State
Parliament.**

“ 22N.—(1.) Subject to this section, the provisions of section twenty-one of this Act apply in relation to pension under this Part in like manner as they apply in relation to pension under Part V.

“(2.) Where a person is, apart from section twenty-one of this Act and this section, entitled both to a pension under Part V. and a pension under this Part, the total extent of any reduction shall be calculated as if that section applied to the two pensions combined, but the reduction shall be effected by apportioning the total reduction between the two pensions in the same proportion as their rates bear to each other.

“22P. The provisions of section twenty-two of this Act apply in relation to benefit under this Part in like manner as they apply in relation to benefit under Part V.”

Certain
disqualifi-
cations.

15. Section twenty-seven of the Principal Act is amended by inserting in sub-section (1.), after the words “the Fund”, the words “, or to the Ministerial Retiring Allowances Fund.”

Appropriation.

16.—(1.) A person who was, immediately before the date of commencement of this Act, entitled to a pension in accordance with the *Parliamentary Retiring Allowances Act 1948–1955* is entitled to an increase in the rate of that pension in accordance with the following table:—

Increase in
certain
pensions.

Weekly amount of pension.	Weekly amount of increase in pension.
£	£
10	5
12	6
15	6

(2.) Where a person, being a male, whose pension is increased under the last preceding sub-section, dies, any pension to which his widow becomes entitled in accordance with sub-section (2.) of section nineteen of the *Parliamentary Retiring Allowances Act 1948–1955* shall be at the rate of Fifteen pounds per week.

17.—(1.) A person who—

(a) was a senator or member of the House of Representatives elected or re-elected at an election held after the second day of November, One thousand nine hundred and sixty-one, or, having become a senator before that date, continued to be a senator until after the thirtieth day of June, One thousand nine hundred and sixty-two, and in either case ceased to be entitled to a parliamentary allowance before the date of commencement of this Act, or is the widow of such a senator or member; and

(b) was entitled, immediately before the date of commencement of this Act, to a pension in accordance with the Principal Act,

is entitled to an increase in the rate of that pension in accordance with this section.

Increase in
pensions in
relation to
certain
persons who
were members
of the
twenty-fourth
Parliament.

(2.) Subject to the next succeeding sub-section, the increased rate of pension payable to a person otherwise than as a widow is such percentage of the rate of Two thousand seven hundred and fifty pounds a year as is ascertained in accordance with the following scale:—

Age of member on becoming entitled to pension.	Percentage of the sum of £2,750 a year to be paid as pension.
40 years	30 per centum
41 years	34 per centum
42 years	38 per centum
43 years	42 per centum
44 years	46 per centum
45 years or more	50 per centum

(3.) A person—

(a) to whom increased pension is payable in accordance with the last preceding sub-section at the rate of One thousand three hundred and seventy-five pounds a year; and

(b) who has attained the age of sixty-five years (whether before or after the commencement of this Act),

is entitled to an additional pension at the rate of Three pounds a week.

(4.) The increased rate of pension payable to a widow referred to in sub-section (1.) of this section is One thousand one hundred and forty-five pounds sixteen shillings and eightpence a year.

(5.) Any pension to which a widow referred to in paragraph (a) of sub-section (1.) of this section becomes entitled under sub-section (2.) of section nineteen of the Principal Act, after the date of commencement of this Act, shall be at the rate of One thousand one hundred and forty-five pounds sixteen shillings and eightpence a year.

(6.) Where a person, being a male, whose pension is increased under this section, dies, any pension to which his widow becomes entitled in accordance with paragraph (a) of sub-section (2.) of section nineteen of the Principal Act shall be at the rate of One thousand one hundred and forty-five pounds sixteen shillings and eightpence a year.

Amount payable to certain pensioners.

18.—(1.) A person (not including a person referred to in either of the last two preceding sections) who was, immediately before the date of commencement of this Act, entitled to a pension in accordance with the Principal Act is entitled to a payment from the Fund in accordance with this section.

(2.) The amount of a payment to a person under the last preceding sub-section is such amount as the Trust, on the recommendation of the Commonwealth Actuary, determines.

(3.) The total of the amounts to be recommended by the Commonwealth Actuary for the purposes of the last preceding sub-section shall, as nearly as practicable, be equal to such portion of the amount of Seventy-seven thousand pounds (being the amount determined by him as the surplus in the Fund on the thirty-first day of March, One thousand nine hundred and sixty-three) as he determines to be attributable to the contributions made in relation to the pensions referred to in sub-section (1.) of this section.

(4.) In making a recommendation referred to in sub-section (2.) of this section, the Commonwealth Actuary shall take into consideration—

- (a) the rate of additional pension that could be paid in respect of persons referred to in sub-section (1.) of this section from the portion of the amount of Seventy-seven thousand pounds that is determined under the last preceding sub-section; and
- (b) the present value of pension at the additional rate that would be applicable to the person with respect to whom the recommendation is to be made.

19.—(1.) The amendments made by sections eight and ten, and paragraph (a) of section eleven, of this Act do not apply in relation to a person who ceased to be entitled to a parliamentary allowance (by death or otherwise) before the date of commencement of this Act, or in relation to rights (including the right of a widow of such a person to exercise an option) that arose or arise upon the death of such a person, or of the widow of such a person, whether before or after that date. **Application.**

(2.) Notwithstanding the last preceding sub-section, the amendment made by section eight of this Act applies in relation to rights that arise upon the death, on or after the date of commencement of this Act, of a person who ceased to be entitled to a parliamentary allowance (otherwise than by death) before that date.
