



PARLIAMENTARY SUPERANNUATION (No. 2).

No. 70 of 1973.

ANALYSIS.

1. Short title, citation, and commencement.
2. Contributions by members.
3. Members' superannuation pensions.
4. Rights of existing pensioners.
5. Payment of pensions.

AN ACT to amend the *Parliamentary Superannuation Act 1973*. [28 November 1973.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Parliamentary Superannuation Act (No. 2) 1973*.

Short title,
citation, and
commencement.

(2) The *Parliamentary Superannuation Act 1973* is in this Act referred to as the Principal Act.

(3) This Act shall be deemed to have commenced on the commencement of the Principal Act.

Contributions
by members.

2 Section thirteen of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following subsections:—

“(3) Subject to subsection (3B) of this section, a member who, immediately before the appointed day, is contributing to the former fund at a rate less than the full rate shall contribute to the fund at a rate that bears the same proportion to twelve per cent of his parliamentary salary for the time being as, immediately before the appointed day, the rate of his contributions to the former fund bore to the full rate.

“(3A) Subsection (3) of this section does not apply to a member who, within six months of the appointed day, elects to pay to the Trust, within twelve months of the appointed day, such sum as the Trust certifies to be equal to the difference between the total amount of his contributions to the former fund and the total amount that they would have been if his contributions to that fund had been at the full rate.

“(3B) The full rate referred to in subsection (3) and subsection (3A) of this section is the rate at which the member would have contributed to the former fund if he had so contributed to that fund in accordance with paragraph (c) of subsection (2) of section thirteen A of the repealed Act.

“(4) In certifying a sum for the purposes of subsection (3A) of this section, the Trust shall disregard any interest that may have become payable in respect of the contributions referred to therein.”.

Members’
superannuation
pensions.

3 Section sixteen of the Principal Act is amended—

(a) by omitting from subsection (3) all the words following the words “for the time being;” and substituting therefor the words—

“B represents the total amount paid to him by way of parliamentary salary in respect of his relevant periods of service as a member; and

“C represents the total amount that would have been so payable to a member in respect of those periods if, throughout those periods, he had been a member who held no other office in respect of which a parliamentary salary was payable.”;

(b) by omitting subsection (5) and substituting therefor the following subsections:—

“(5) For the purposes of subsection (3) of this section, any period of service as a member since the commencement of the repealed Act is a relevant period of service as a member.

“(5A) References in subsection (3) of this section to the parliamentary salary of a person shall be taken to include, in addition to references to his parliamentary salary within the meaning of this Act, references also to—

(a) the salary and allowances paid to him under the *Parliamentary Salary and Allowances Act 1955* other than an electorate allowance under subsection (2) of section four of that Act or an entertainment allowance under paragraph (a) of subsection (1) of section five of that Act; and

(b) the remuneration paid to him under the *Parliamentary Salary and Allowances Act 1962* otherwise than by way of an electorate allowance, an entertainment allowance, or a travelling allowance.”.

(c) by omitting from subsection (6) the words “ paragraph (a) of ”; and

(d) by omitting from subsection (7) the words “ paragraph (b) of ”.

4 Section twenty-three of the Principal Act is amended by omitting subsection (7) and substituting therefor the following subsections:—

“(7) A person to whom this section applies may, within six months after the appointed day, by notice in writing to the Trust, elect to retain his rights under the repealed Act, and, if he does so, the pension payable to him under this section shall be a pension at the rate of the pension that would have continued to have been payable to him under the repealed Act if this Act had not been enacted.

“(7A) For the purposes of the determination of the rate of a pension payable pursuant to subsection (7) of this section the Acts

Rights of
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pensioners.

repealed by this Act shall be deemed to continue in force as if they had not been repealed by this Act, and the powers conferred by those Acts are exercisable accordingly.”

5 Section twenty-six of the Principal Act is repealed and the following section is substituted therefor:—

Payment of
pensions.

“ 26—(1) A pension is payable in fortnightly instalments, and payments of fortnightly instalments of one twenty-sixth of an annual rate shall be deemed, for the purposes of this Act, to be payments at the rate of that annual rate for the periods in respect of which those instalments are paid.

“(2) Subject to subsection (1) of this section, the *Apportionment Act 1871* applies to pensions.”