

PARLIAMENTARY CONTRIBUTORY
SUPERANNUATION (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 71, 1972.

An Act to make further provisions with respect to the pensions and other benefits payable from the Parliamentary Contributory Superannuation Fund; for this and other purposes to amend the Parliamentary Contributory Superannuation Act, 1971; to validate certain matters; and for purposes connected therewith. [Assented to, 30th November, 1972.]

BE

Parliamentary Contributory Superannuation (Amendment).

No. 71, 1972 **B**E 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, 1972".

Amendment of Act No. 53, 1971. 2. (1) The Parliamentary Contributory Superannuation Act, 1971, is amended—

Sec. 20. (Right to convert part of entitlement to lump sum entitlement.) (a) (i) by omitting from section 20 (1) the definition of "the prescribed part of his pension entitlement" and by inserting instead the following definition :—

"the prescribed part of his pension entitlement"—

(a) except as provided by paragraph (b), means—

(i) in relation to a person who is under the age of forty-five years on the date on which he ceased to be a member, not more than seventy-five per centum of his annual pension entitlement as at that date;

(ii) in relation to a person who is forty-five years of age or over but under the age of sixty years on the date on

which

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which he ceased to be a member, not more than fifty per centum of his annual pension entitlement as at that date; and

(iii) in relation to a person who is sixty years of age or over on the date on which he ceased to be a member, not more than thirty per centum of his annual pension entitlement as at that date, together with, in the case of a person who is not over the age of sixty-five years, one-third of one per centum for every complete month by which his age is less than sixty-five years at the date on which he ceases to be a member; and

(b) in relation to a former member, referred to in paragraph (c) of subsection (2), who makes an election under that paragraph, means—

(i) the prescribed part of his pension entitlement, ascertained under subparagraph (i), (ii) or (iii) of paragraph (a), as the case may be;

(ii)

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(ii) his annual pension entitlement under subsection (2) of section 26 as at the date from which a pension is first payable to him under that subsection since he last ceased to be a member; or

(iii) his annual pension entitlement under subsection (2) of section 26 as at the date immediately before that election is received by the custodian trustee,

whichever is the least;

(ii) by omitting section 20 (2) and by inserting instead the following subsections :—

(2) Notwithstanding anything in this Act, except subsection (2A), a former member—

(a) who is entitled to a pension under this Part but who is not a former member referred to in paragraph (b) or (c) may within the period of three months after ceasing to be a member elect;

(b) who becomes, upon his ceasing to be a person whose right to a pension is suspended under subsection (2) of section 25, entitled to a pension under this Part, may within the period of three months after his so ceasing to be such a person elect; or

(c)

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- (c) who becomes, by reason of a direction No. 71, 1972 given by the managing trustees under subsection (2) of section 26, entitled to a pension under that subsection, may within the period of three months after the giving of the direction under that subsection which resulted in his first so becoming entitled to a pension and which was given after his pension was last suspended under subsection (1) of section 26 elect,

by notice in writing served on the custodian trustee, to convert the prescribed part of his pension entitlement to a lump sum payment determined in accordance with subsection (3).

(2A) Notwithstanding subsection (2), a former member is not entitled to make an election under subsection (2) (b) or (c) if he has in respect of any previous event had an opportunity to make an election under subsection (2) since he last ceased to be a member.

(2B) For the purposes of subsection (2A), where any event has occurred which entitled a former member to make an election under subsection (2) within the period of three months after the occurrence of that event, as referred to in subsection (2), that former member shall be deemed to have had, in respect of that event, an opportunity to make an election under subsection (2) if—

- (a) his right to receive a pension under this Part was not suspended under subsection (2) of section 25 or subsection (1) of section 26 within the period of three months after the occurrence of that event; or

(b)

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(b) having made an election under subsection (2) within the period of three months after the occurrence of that event, that election was not, by subsection (9), deemed never to have been made.

(iii) by omitting from section 20 (4) the words "from the date of payment of that lump sum the annual pension payable to that former member shall be reduced by the amount of annual pension in respect of which the election was made" and by inserting instead the words "any pension payable under this Part to that former member in respect of any period which commenced on or after the day on which the election is received by the custodian trustee shall (except a pension payable pursuant to a pension entitlement arising by virtue of a direction given under subsection (2) of section 26 the amount of which has been reduced by reason of his having received that lump sum) be reduced by the amount of annual pension in respect of which the election was made";

New sec.
21A.

(b) by inserting next after section 21 the following new section :—

21A. For the purposes of sections 20, 21 and 25—

(a) the total annual pension to which a former member referred to in subsection (9) of section 19 is entitled; or

(b) the annual pension for the time being directed to be paid to a person under subsection (2) of section 26,

shall be deemed to be the annual pension entitlement of that former member or that person, as the case may be.

(c)

Interpre-
tation
of annual
pension en-
titlement for
purposes of
sections
20, 21
and 25.

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- (c) by omitting from section 22 (2) the words “the medical practitioner has examined that person in accordance with the requirements of the managing trustees and” and by inserting instead the words “a medical practitioner authorised by the trustees for the purposes of this subsection has reported to the medical practitioner so approved that the medical practitioner so authorised has examined that person in accordance with the requirements of the managing trustees and that the medical practitioner so approved is satisfied”;
- (d) (i) by omitting from section 23 (1) the words “receiving a pension under this Part” and by inserting instead the words “who immediately before his death was receiving, or was entitled to receive, a pension under this Part.”;
- (ii) by inserting next after section 23 (4) the following new subsection :—
- (4A) For the purposes of subsection (1) a former member shall be deemed to have been entitled to receive a pension under this Part at any time if he would, but for the provisions of section 24, subsection (2) of section 25 or subsection (1) of section 26, have been entitled to receive a pension under this Part at that time.
- (iii) by omitting from section 23 (5) the word “member” where firstly occurring and by inserting instead the word “person”;
- (e) by omitting from section 24 the word “member” wherever occurring and by inserting instead the word “person”;
- (f) by inserting after section 24 the following new subsection :—

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Sec. 22.

(Pension on retirement on grounds of ill-health.)

Sec. 23.

(Pension for widows.)

Sec. 24.

(Suspension of pension until previously refunded contributions repaid.)

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Sec. 26.
(Suspension
of pension
where
another
parliamentary
pension
received.)

- (f) (i) by omitting from section 26 (2) the words "a pension" where secondly occurring and by inserting instead the words "an annual pension";
- (ii) by omitting from section 26 (2) the words "the pension" wherever occurring and by inserting instead the words "the annual pension";
- (iii) by inserting at the end of section 26 the following new subsection :—
- (3) A direction given by the managing trustees under subsection (2) may be amended or revoked at any time.

Sec. 27.
(Minimum
benefit.)

- (g) by omitting from section 27 (2) the words "six or seven" and by inserting instead the words "seven or eight".

(2) The amendments made by subsection (1) (a) (iii), (c) and (g) shall be deemed to have commenced on 1st January, 1972.

(3) Any election made under section 20 (2) of the Parliamentary Contributory Superannuation Act, 1971, as in force before the commencement of this Act, shall have the same force and effect as it would have had had the amendments made by subsection (1) (a) (ii) been in force when the election was made and had it been an election made under section 20 (2) (a) of that Act, as amended by this Act.