

PRELIMINARY STATEMENT

In its determination dated 28 June 1990, the Tribunal made reference to a long standing anomaly that adversely affected the pensions of Members who remained in Parliament after ceasing to hold office as a Minister of the Crown or an officer of Parliament as listed in Section 4.2 of the Salaries and Allowances Act 1975.

It was stated that since 1986 consideration had been given to various methods that may have remedied the anomaly but none had provided an equitable solution to the problem.

The Tribunal then announced that the matter was again under review. If a satisfactory answer could be found during the 1990/91 financial year any adjustment would operate from the first day of June 1990.

It has been decided that a method of pension calculation based on that used in the Federal Parliamentary Contributory Superannuation Act 1948 is to be preferred to the existing arrangement. Although this is not seen as faultless it virtually adjusts the anomaly, and when used in conjunction with a "grandfather" clause protects any current Member who may be disadvantaged by the proposal.

Dated at Perth this sixth day of March 1991.

B J Collier CHAIRMAN
M P Beeson MEMBER
R H C Turner MEMBER
Salaries and Allowances Tribunal

DETERMINATION

It is notified for general information that the Determination of the Salaries and Allowances Tribunal published in the Government Gazette No. 20 dated 27 February 1987 is varied with effect from 1 June 1990, as follows:-

Section 3 - Higher Office Allowance

Delete existing provision and insert the following:-

The basis to be used for calculating the higher rate of pension to which a person who was a member of the Parliament at the date of this Determination may be entitled, under Section 14(3a) of that Act, shall be either:

1. (a) The basic pension, plus an additional amount of pension in respect of his service as a Minister of the Crown or in each office held as an Officer of the Parliament at a rate equal to such percentage of the rate, at which additional salary is payable to a Minister of the Crown or by way of additional salary is payable to an Officer of the Parliament, as the case may be, at the date of the his retirement in respect of each office held as is determined in accordance with paragraph 2. to be the relevant percentage,

OR

(b) The rate per annum of pension payable to a person entitled to a pension calculated in accordance with section 14(4) of that Act provided that, where the person has contributed to the Fund for not less than 20 years, the ratio of actual salary to basic salary shall be the highest ratio attained between the date of contributing to the Fund for 20 years and the date of that person's retirement,

whichever is the greater.

2 For the purposes of paragraph 1. (a), the relevant percentage in respect of the service of a person in a particular office is:-

(a) if the period of service of the person in that office is less than a complete year - the percentage, calculated to 4 decimal places, that is obtained by multiplying 6.57% by the number of days in that period of service and dividing the product by 365;

(b) if the period of service of the person in that office is a complete year - 6.57%;

(c) if the period of service of the person in that office is a number of complete years - the percentage obtained by multiplying 6.57% by the number of complete years in that period of service; or

(d) if the period of service of the person in that office is a complete year or a number of complete years and also, apart from that complete year or those complete years, a number of days - the percentage obtained by adding together:-

(i) the percentage ascertained in accordance with paragraph (b) or (c) in respect of the complete year or the complete years, as the case requires; and

(ii) the percentage,, calculated in accordance with paragraph (a) in respect of the number of days.

3. Nothing in paragraph 1.(a) shall be taken to entitle a person to an additional pension at a rate that exceeds -

(a) in a case where the person is entitled to additional pension in respect of one office only - 75% of the rate, at which additional salary is payable in respect of that office at the date of his retirement; or

(b) in a case where the person is entitled to additional pension in respect of 2 or more offices - 75% of the rate that is the highest rate, at which additional salary is payable in respect of either or any of those offices at the date of his retirement.

4. The basis to be used for calculating the higher rate of pension to which a person, who enters the Parliament after the date of this Determination, may be entitled under Section 14 (3a) of that Act, shall be in accordance with paragraph 1.(a).

Dated at Perth this Sixth day of March 1991.

B J COLLIER CHAIRMAN

M F Beeson MEMBER

R H C Turner MEMBER

Salaries and Allowances Tribunal