

2002-2003

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Parliamentary (Choice of  
Superannuation) Bill 2003**

**No.     , 2003**

*(Mr Andren)*

**A Bill for an Act to amend the law relating to  
superannuation for parliamentarians, and for  
related purposes**

*23/10/2003 4:52 PM*



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## Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2

<b>Schedule 1—Amendment of the Parliamentary Contributory Superannuation Act 1948</b>		<b>3</b>
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1     **A Bill for an Act to amend the law relating to**  
2     **superannuation for parliamentarians, and for**  
3     **related purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *Parliamentary (Choice of*  
7                     *Superannuation) Act 2003*.

8     **2 Commencement**

9                     (1) Subject to subsection (2), this Act commences on a day to be fixed  
10                     by Proclamation.



1  
2 **Schedule 1—Amendment of the Parliamentary**  
3 **Contributory Superannuation Act 1948**  
4

5 **1 Subsection 4(1) (definition of *member*)**

6 Repeal the definition, substitute:

7 *member* means a member of either House who makes  
8 contributions to the Commonwealth under the provisions of this  
9 Act.

10 **2 Subsection 4(1)**

11 Insert:

12 *non PCSS contributor* means a member of either House who has  
13 never made or has ceased to make contributions to the  
14 Commonwealth under the provisions of this Act as a result of a  
15 choice made under section 4G.

16 **3 Paragraph 4(4A)(aa)**

17 Repeal the paragraph, substitute:

18 (aa) a member or a non PCSS contributor is taken to be employed  
19 by the Commonwealth;

20 **4 After section 4F**

21 Insert:

22 **4G Choosing to be a non PCSS contributor**

- 23 (1) This section applies to a member of either House who is or  
24 becomes a member of another complying superannuation fund or  
25 the holder of an RSA.
- 26 (2) On or after 1 July 2003, a member of either House may, by written  
27 notice given to the Trust choose:
- 28 (a) to cease to make contributions to the Commonwealth under  
29 the provisions of this Act at the end of a day (not earlier than  
30 the day on which the notice is given) stated in the notice, or

- 1 (b) never to make contributions to the Commonwealth under the  
2 provisions of this Act, where the person choosing is a new  
3 member of either House.
- 4 (3) The person may make this choice on first becoming entitled to  
5 parliamentary allowance or at any time he or she is a member.
- 6 (4) The person must have effective membership of a complying  
7 superannuation fund or be the holder of an RSA for the whole of  
8 the period or periods he or she is a member of either House after  
9 the date stated in the written notice to the Trust.
- 10 (5) A non PCSS contributor may not revoke his or her choice after the  
11 day stated in the written notice given to the Trust.
- 12 (6) In this section:
- 13 *complying superannuation fund* has the meaning given by  
14 section 45 of the *Superannuation Industry (Supervision) Act 1993*.
- 15 *RSA* has the same meaning as in the *Retirement Savings Accounts*  
16 *Act 1997*.
- 17 (7) The Governor-General may make regulations relating to the  
18 arrangements and processes for choosing to be a non PCSS  
19 contributor under this section.

#### 20 **4H Superannuation contributions for non PCSS contributors**

21 The Commonwealth must make contributions to a non PCSS  
22 contributor's chosen fund or RSA for that person's benefit. The  
23 contributions must be made with effect from the day stated in the  
24 written notice to the Trust at the rate payable, and on the terms  
25 necessary to avoid a superannuation guarantee shortfall, under the  
26 *Superannuation Guarantee (Administration) Act 1992*.

#### 27 **5 Subsection 13(9)**

28 Repeal the subsection, substitute:

- 29 (9) In this section:

30 *Minister of State* means a Minister of State who is entitled to a  
31 parliamentary allowance and who makes contributions to the  
32 Commonwealth under the provisions of this Act.



1                    ***month*** means one of the 12 months of the year.

2                    ***office holder*** means a person who:

- 3                    (a) is entitled to a parliamentary allowance;
- 4                    (b) holds an office in, or in relation to, the Parliament or either
- 5                    House, being an office in respect of which he or she is
- 6                    entitled to an allowance by way of salary; and
- 7                    (c) makes contributions to the Commonwealth under the
- 8                    provisions of this Act;

9                    but does not include a Minister of State.

10                  ***person*** means a person who makes contributions to the

11                  Commonwealth under the provisions of this Act.

## 12                  **6 After section 18B**

13                  Insert:

### 14                  **18C Benefits for members who choose to become non PCSS**

15                  **contributors**

- 16                  (1) A member who ceases to make contributions to the
- 17                  Commonwealth under the provisions of this Act as a result of a
- 18                  choice made under section 4G, is entitled to a benefit equal to the
- 19                  superannuation guarantee safety-net amount.
- 20                  (2) Except as provided by this section, this benefit is in substitution for
- 21                  any benefits that would otherwise apply under this Act in respect
- 22                  of the person.
- 23                  (3) If a member who is a spouse of a member or a person who served
- 24                  as a member and is receiving benefits under this Act, ceases to
- 25                  make contributions to the Commonwealth under the provisions of
- 26                  this Act as a result of a choice made under section 4G, any
- 27                  entitlements under this Act due to the member as a result of the
- 28                  death of the spouse are not affected by this provision.

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