

FINALUS CAMPUS



ANALYSIS

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1994-95, No. 37

An Act to amend the Legislative Assembly Members' Superannuation Act 1976

(30 June 1995)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled in accordance with the provisions of Article 41(1) of the Constitution, and by the authority of the same as follows:

1. Short Title and commencement - (1) This Act may be cited as the Legislative Assembly Members' Superannuation Amendment Act 1994-95 and shall be read together with and deemed part of the Legislative Assembly Members' Superannuation Act 1976 (hereinafter referred to as "the principal Act").

(2) This Act shall come into force on the 1st July 1995.

2. Interpretation - The principal Act is amended by -

(a) adding after paragraph (d) in the definition of "basic salary", the following new paragraph -

"(e) in the case of a former office holder other than the Prime Minister, former Minister and former Speaker, the prescribed salary of that office holder at the date of entitlement."

(b) deleting from the definition of "former Minister", the words "and Assistant to a Minister".

(c) inserting after the definition of "former Minister", the following new definition -

"Former Office Holder" means a qualified member other than a former Prime Minister, former Minister or former Speaker who has been an office holder and has been paid an Office Salary (as defined in the Civil List Act 1984) for a period of not less than four consecutive years."

- (d) inserting after the definition of "Minister", the following new definition -
"Office holder" shall have the meaning ascribed to it by the Civil List Act 1984;"

3. Adjustment of retiring allowances - The principal Act is amended by repealing section 9 and substituting the following new section -

"9. Adjustment of retiring allowances - Where, after the date of entitlement of any former Prime Minister, former Minister, former Speaker, former other office holder or members is amended, the prescribed salary of the Prime Minister, Ministers, the Speaker, office holders or members is amended, the allowance payable under this Act shall, from the date upon which the statute or other instrument amending those salaries comes into force, be calculated upon the basis of the appropriate amended salary."

4. Amendment to Schedule - The Schedule to the principal Act is amended by inserting after the words "Former Speaker", the words "Former Office Holder."

5. Transitional - (1) Every person who at the date of coming into force of this Act is in receipt of a retiring allowance at the same rate as a former Minister, shall after the coming into force of this Act be paid the retiring allowance applicable to that person at the basic rate as defined in section 2 (as amended by this Act), calculated in accordance with the Schedule.

(2) Notwithstanding any Act or rule of law to the contrary, nothing in subsection (1) shall entitle any person adversely affected thereby to claim for or to be paid any compensation.

This Act is administered by the Legislative Service

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