

PARLIAMENTARY PENSION

Table of Contents

Page

Principal

Parliamentary Pension Act 2008

Table of Provisions	210,201
Table of Amendments	210,401
Parliamentary Pension Act 2008	210,601

[The next page is 210,201]

Parliamentary Pension Act 2008

TABLE OF PROVISIONS

Section

Title

PART 1 — PRELIMINARY

- 1 Short title and commencement
- 2 Objective
- 3 Definitions

PART 2 — REPEAL AND SAVINGS

- 4 Repeal
- 5 Assets
- 6 Savings
- 7 Liabilities

PART 3 — PARLIAMENTARY PENSIONS FOR FORMER MEMBERS OF PARLIAMENT

- 8 Parliamentary Pensions to Members of Parliament
- 9 Pension benefits to widow or widower
- 10 Pension benefits to dependants
- 11 Forfeit of salary

PART 4 — MISCELLANEOUS

- 12 Charge on Treasury Fund
- 13 Regulations

[The next page is 210,401]

Parliamentary Pension Act 2008

TABLE OF AMENDMENTS

The Parliamentary Pension Act 2008 No 10 was certified on 8 September 2008 and commenced on 30 September 2008 (s 1).

Amending Legislation	Certified	Date of Commencement
Parliamentary Pension (Amendment) Act 2014 No 21	29 October 2014	29 October 2014
Parliamentary Pension (Amendment) Act 2016 No 40	19 July 2016	19 July 2016
Parliamentary Pension (Amendment) No 2 Act 2016 No 61	23 December 2016	23 December 2016
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Parliamentary Pension (Amendment) Act 2021 No 17	14 September 2021	14 September 2021
Parliamentary Pension (Amendment) Act 2022 No 3*	8 June 2022	8 June 2022

* The amendments from this instrument do not affect the entitlement to parliamentary pension prior to its commencement, s 6, Act 3 of 2022, opn 8 June 2022.

[The next page is 210,601]

An Act to repeal the *Parliamentary Superannuation Act 1991*, abolish the Nauru Parliamentary Superannuation Trust and establish a new Parliamentary Pension for former Members of Parliament.

Be it enacted by the Parliament of Nauru as follows:

[Long title am Act 17 of 2021 s 4, opn 14 Sep 2021]

PART 1 — PRELIMINARY

1 Short title and commencement

This Act may be cited as the *Parliamentary Pension Act 2008* and came into effect 30 September 2008.

2 Objective

The objective of this Act is to repeal the *Parliamentary Superannuation Act 1991*, abolish the Nauru Parliamentary Superannuation Trust and establish a new Parliamentary Pension for former Members of Parliament.

[s 2 am Act 17 of 2021 s 5, opn 14 Sep 2021]

3 Definitions

In this Act:

‘dependant’ means, in relation to a Member or former Member of Parliament or a surviving spouse, a child of that person or a child who lives with that person or a child whom that person is under a legal obligation to support, who has not attained the age of 17 years;

‘full year’ means a total period of 12 months and is not confined to 12 consecutive months in one calendar year;

‘Parliament Pension’ refers to the Pension payment prescribed by this Act; and

‘salary’ means an income paid for current employment or services including an allowance paid to a Board Member of an instrumentality of the Republic or State Owned Enterprise and does not include a Pension, superannuation income, royalty payments, lease payments or benefits from a provident fund.

[The next page is 210,801]

PART 2 — REPEAL AND SAVINGS

4 **Repeal**

The *Parliamentary Superannuation Act 1991* is hereby repealed.

5 **Assets**

All current assets, income sources and equipment of the Nauru Parliamentary Superannuation Trust and Nauru Parliamentary Superannuation Fund are hereby vested in the Republic.

6 **Savings**

- (1) Notwithstanding the repeal of the *Parliamentary Superannuation Act 1991*, and the abolition of the Nauru Parliamentary Superannuation Trust and the Nauru Parliamentary Superannuation Fund consequent upon such repeal, the Republic shall, subject to subsection (2), honour the liability to pay such outstanding Pension entitlements as were accrued by eligible former Members of Parliament under the “*Parliamentary Superannuation Act 1991*” up to the date of this Act coming into force.
- (2) The Cabinet may determine that the settlement of liabilities of the Republic under subsection (1) is to be deferred until such time as it is deemed by the Cabinet to be practicable to make budgetary provision for the payment of pending entitlements previously accrued under the *Parliamentary Superannuation Act 1991*.

7 **Liabilities**

Subject to Section 6, the Republic and its employees shall not be liable for any liabilities and debts of the Nauru Parliamentary Superannuation Trust or the Nauru Parliamentary Superannuation Fund incurred by virtue of the breach or neglect by the Trustees or any employees of the Trust of the duties that were prescribed under the *Parliamentary Superannuation Act 1991*, or by virtue of the Trustees or any employees of the Trust exceeding or acting beyond the powers that were prescribed under the *Parliamentary Superannuation Act 1991*.

[The next page is 211,001]

**PART 3 — PARLIAMENTARY PENSIONS FOR FORMER MEMBERS OF
PARLIAMENT**

[Pt 3 heading am Act 17 of 2021 s 6, opn 14 Sep 2021]

8 Parliamentary Pensions to Members of Parliament

(1) Subject to this Act, a person who has been a Member of Parliament shall on ceasing to be a Member of Parliament be entitled to a Parliamentary Pension, where such person:

(a) has served as a Member of Parliament under one of the following 3 categories:

(i) 3 terms prior to 8 September 2008;

(ii) an aggregate period of 8 years or more from 9 September 2008; or

(iii) an aggregate period of 8 years or more, such period commencing before 8 September 2008 and completing after 9 September 2008; and

(b) is not in full-time employment, or in receipt of any salary from the Republic, including its instrumentalities or State Owned Enterprises.

[subs (1) am Act 17 of 2021 s 7, opn 14 Sep 2021; Act 3 of 2022 s 4, opn 8 June 2022]

(2) Subject to subsections (3), (4) and (5), a Member of Parliament shall be entitled to a pension based on a ratio of 85 percent of the current applicable salary of the Members of Parliament as prescribed under the *Parliamentary Salaries and Allowances Act 2008*.

[subs (2) subst Act 17 of 2021 s 7, opn 14 Sep 2021]

(3) In addition to the basic rate payable under subsection (2), a former Member of Parliament shall be entitled to \$5 per fortnight for each full year (in excess of 8 years) of service as a Member of Parliament.

[subs (3) am Act 21 of 2014 s 3 Sch 1[1], opn 29 Oct 2014; Act 3 of 2022 s 4, opn 8 June 2022]

(4) In addition to payment provided for under subsections (2) and (3), a former Member of Parliament shall be entitled to:

(a) \$15 per fortnight for each full year of service as the Speaker or President; or

(b) \$10 per fortnight for each full year of service as a Minister.

[subs (4) subst Act 17 of 2021 s 7, opn 14 Sep 2021]

(4A) [subs 4(A) rep Act 17 of 2021 s 7, opn 14 Sep 2021]

(5) A former Member of Parliament who has become eligible for Parliamentary Pension and who ceases to be a Nauruan citizen shall not be entitled to a Parliamentary Pension.

[subs (5) subst Act 3 of 2022 s 4, opn 8 June 2022]

(5A) A former Member of Parliament who has become eligible for Parliamentary Pension shall be paid his or her entitlement notwithstanding that he or she resides temporarily or permanently outside of the Republic.

[subs (5A) insrt Act 3 of 2022 s 4, opn 8 June 2022]

(6) A former Member of Parliament who is convicted of a criminal offence for which the prescribed minimum penalty is not less than 2 years imprisonment is not entitled to a Parliamentary Pension under subsection (1).

[subs (6) insrt Act 61 of 2016 s 4, opn 23 Dec 2016]

(7) The payment of the pension under subsection (2) shall not be reduced with a reduction of the salary of a Member of Parliament under the *Parliamentary Salaries and Allowances Act 2008*.

[subs (7) insrt Act 17 of 2021 s 7, opn 14 Sep 2021]

9 Pension benefits to widow or widower

The surviving spouse of a Member of Parliament or a former Member shall be entitled to a Parliamentary Pension under this Act as follows:

- (a) if a Member dies during the Member's period of service then a Parliamentary Pension shall be paid to the Member's surviving spouse during his or her lifetime being the full rate of the Parliamentary Pension to which the deceased Member would have been entitled had the Member resigned at the date of death; or
- (b) if a former Member in receipt of a Parliamentary Pension dies then a Parliamentary Pension shall be paid to the Member's surviving spouse during his or her lifetime of being the full rate of the Parliamentary Pension to which the deceased former Member would have been entitled had the Member not died:

Provided that the surviving spouse is not in full-time employment or in receipt of any salary from the Republic including its instrumentalities or State Owned Enterprises.

10 Pension benefits to dependants

- (1) Where a surviving spouse of a Member or former Member of Parliament who is in receipt of or entitled to a Parliamentary Pension in accordance with Section 9 dies and is survived by one or more dependants, a Parliamentary Pension shall be paid to such dependant or dependants at the full rate to which the surviving spouse was or would have been entitled, provided that if there is more than one such dependant the dependants shall receive one Parliamentary Pension between them and shall not each be entitled to a full Parliamentary Pension.
- (2) Where a Member or former Member of Parliament who was or who would have been entitled to a Parliamentary Pension under this Act dies and is not survived by a spouse but is survived by one or more dependants, a Parliamentary Pension shall be paid to such dependant or dependants at the full rate to which the Member or former Member was or would have been entitled provided that if there is more than such one dependant the dependants shall receive one Parliamentary Pension between them and shall not each be entitled to a full Parliamentary Pension.
- (3) Parliamentary Pensions paid to dependants under subsection (1) or (2) hereof shall cease upon the youngest dependant attaining 17 years of age or as soon as by reason of death or any other cause there is no longer any entitled dependant aged 16 years or younger.

11 Forfeit of salary

A former Member of Parliament or surviving spouse who would be entitled to a Parliamentary Pension under Section 8 or 9 but for the fact that they are in receipt of a salary from the Republic, its instrumentalities or a State Owned

Enterprise may opt to forfeit such salary and upon such forfeiture, shall be entitled to receive a Parliamentary Pension.

[The next page is 211,201]

PART 4 — MISCELLANEOUS

12 Charge on Treasury Fund

The Parliamentary Pension to which a person is entitled under this Act shall be a charge on the Treasury Fund.

[s 12 am Act 3 of 2022 s 5, opn 8 June 2022]

13 Regulations

The Cabinet may make regulations, not inconsistent with this Act, prescribing matters required or permitted by this Act.

[The next page is 240,001]