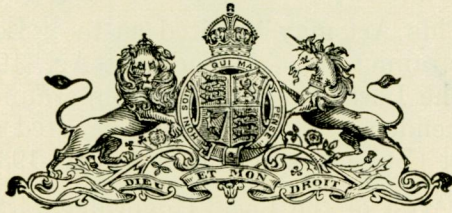


New South Wales.



ANNO VICESIMO QUINTO

GEORGII V REGIS.

Act No. 24, 1935.

An Act to extend the provisions of the Local Government (Superannuation) Act, 1927, to certain employees of urban committees and joint committees constituted under the Local Government Act, 1919, and to certain employees of the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915; to validate certain matters; to extend the powers of the Local Government Superannuation Board in certain respects; to amend the Local Government (Superannuation) Act, 1927, and the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 5th April, 1935.]

Local Government (Superannuation) Amendment.

BE it enacted by the King'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. (1) This Act may be cited as the "Local Government (Superannuation) Amendment Act, 1935."

(2) The Local Government (Superannuation) Act, 1927, as amended by this Act, may be cited as the Local Government (Superannuation) Act, 1927-1935.

Amendment of Part I of Act No. 33, 1927.

2. (1) Part I of the Local Government (Superannuation) Act, 1927, is amended—

Sec. 2 (2).
(Application of Act.)

(a) (i) by inserting at the end of subsection two of section two the following words:—

"Classes of servants may be defined in any such proclamation by reference to the occupation, age, sex, past service, or salary of the servants to whom this Act is to be applied."

(ii) by inserting in the same subsection after the word "other" the words "servant or servants or";

Sec. 3.
(Interpretation.)
(Council.)

(b) (i) by inserting in section three at the end of the definition of "Council" the words "urban committee, any joint committee constituted by any two or more councils under the Principal Act and the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915";

(Past service factor.)

(ii) by omitting from the same section the definition of "Past service factor" and by inserting in lieu thereof the following definition:—

"Past service factor" means the number of completed years of past service, not exceeding in any case twenty years, of a permanent servant at the time at which this Act is applied to him,
including

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including war service with the Australian Expeditionary Forces where the permanent servant at the time of enlisting was in the employment of a council.

(2) The amendments made by paragraph (a) of subsection one of this section shall be deemed to have been made on the first day of October, one thousand nine hundred and twenty-seven.

3. (1) Part II of the Local Government (Superannuation) Act, 1927, is amended—

Amendment of
Part II of Act
No. 35, 1927.

(a) (i) by inserting at the end of subsection one of section four the following words:—

Sec. 4 (1).
(Com-
pulsory
insurance.)

“ Where and so often as the salary of a permanent servant is increased he shall within such time and in such manner as may be prescribed effect additional insurance for such further amount as will together with the amount for which he is already insured pursuant to this section, if any, equal the amount for which he would be required to effect insurance if this Act were then first applied to him.”

(ii) (a) by inserting in paragraph (b) of subsection four of the same section after the word “ premium ” where secondly occurring the words “ and to the payment to the board of any other moneys due by such permanent servant to the council in respect of the policy ”;

Sec. 4 (4).

(b) by inserting at the end of the same paragraph after the word “ period ” the words “ and also pay to the board any other moneys due by such permanent servant to the council in respect of the policy ”;

(c) by inserting at the end of the same subsection the following new paragraphs:—

(e) In the event of the death of a permanent servant during the currency of a

policy

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policy the policy moneys shall stand charged with the repayment to the council in whose employ he was at his death of so much of the premium paid by the council in respect of the current premium period as is fixed by the board as being attributable to the unexpired portion of that period. The board shall before handing any policy to the personal representatives of a deceased permanent servant arrange for the collection of the amount and pay the same when received to the council.

Cancellation
of policies
by the
board.

(f) (i) Where a permanent servant ceases to be employed by any council and advises the board that he does not wish to take over or to continue any policy on his life effected under this Act or fails to advise the board of his wishes in this regard within one month after the posting of a notice by the board to his last known address or fails to pay on demand any moneys payable by him to the board, the board may arrange with the insurance company or companies concerned for the cancellation of such policy at such date as the board may decide upon.

The moneys paid by the insurance company or companies concerned shall be paid to the board and applied by it as follows:—

- (a) firstly, in or towards payment to the board of any moneys due to it by the permanent servant on any account; and
- (b) secondly, in or towards payment of the part of the premium paid by the council for the then current period of the policy attributable to the unexpired portion of that period and any other moneys due by the permanent servant to the council in respect of the policy; and

(c)

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(c) thirdly, in payment of the balance to the permanent servant.

(ii) Where the policy on the life of a permanent servant to whom this paragraph applies has not been in force for more than one year or for a sufficient time to enable a surrender value to attach to such policy and where the board has received commission from the insurance company or companies concerned in respect of such policy the board from its reserve account may make such payments as it deems equitable to the council last employing such permanent servant and to the permanent servant, but—

(a) the amount payable to the council shall not exceed the amount of the council's quota of premium or premiums paid in respect of the policy; and

(b) the amount payable to the permanent servant shall not exceed the amount of such servant's quota of premium or premiums paid by him in respect of the policy.

(iii) by inserting in subsection six of the same section after the words " this section " the words " or any other section of this Act ";

(iv) by inserting at the end of subsection eight of the same section the following proviso:—

Provided that the board may in any special case, on application being made to it as prescribed, if it is of the opinion that it is for the benefit of any permanent servant, exempt such servant from the obligations under this section for a period to be decided by it or postpone the application of the Act to any such permanent servant for such period as may be decided by it.

Postponement of application of Act in certain cases.

(b)

Local Government (Superannuation) Amendment.

New s. 4A.

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

Reserve fund.

4A. The board may set aside from time to time a portion not exceeding twenty per centum of any moneys received by it by way of commission or otherwise for the effecting of insurance on the lives of permanent servants as elsewhere provided in this Act and place such portion to a reserve account.

The board may invest any moneys in such reserve account in any investment authorised by this Act for any of its accounts.

The board may use the income and capital of such reserve account in making payments of premiums on the policy of a permanent servant who may be temporarily out of a council's employment, or to secure the surrender value of a policy and making payments to councils and permanent servants pursuant to paragraph (f) of subsection four of section four. Any payment so made together with interest at the prescribed rate shall be a charge on any policy moneys coming to the hands of the board on such surrender.

The board may at any time in its discretion pay from such reserve account any amount which it deems to be in excess of its requirements for the above purposes to its management account.

Sec. 5.
(Optional insurance.)

- (c) (i) by omitting from section five the words "the maximum cover indicated in the said Schedule" and by inserting in lieu thereof the words "one thousand pounds."
(ii) by inserting at the end of the same section the following words:—

Acceptance of existing policies for optional insurance.

"Any permanent servant who has effected insurance through the board under section four of this Act may request the board to accept any existing policy of insurance on his life in lieu of taking out further optional units as provided in this section.

"The

Local Government (Superannuation) Amendment.

“ The board may if it sees fit accept such policy provided it is satisfied that such policy to be handed to the board for its acceptance is the equivalent of the optional units of cover applied for, and the provisions of this section shall thereafter apply with respect to such policy as if the permanent servant concerned had taken out optional units as provided.”

- (d) (i) by inserting in subsection one of section six after the word “ Act ” the brackets and letter “ (a) ”;
- (ii) by inserting at the end of the same subsection the following new paragraphs:—
- (b) the board may fix a date or dates upon which premiums are to be paid to the board by the council, and may from time to time vary such date or dates as it may see fit;
- (c) all premiums payable by a council shall be paid not later than twenty-one days after the date or dates so fixed;
- (d) interest at a rate to be prescribed calculated on a daily basis shall be paid by any council on any premium not paid on the date or dates fixed by the board.
- Such interest shall be recoverable by the board in the same way in which premiums are recoverable.
- Such interest shall not be chargeable by the council against any permanent servant.
- The board may in any particular case for any reasonable cause remit payment of such interest;
- (e) the board may in the case of any permanent servant whom it deems and while it deems such permanent servant to be only temporarily out of employment

Sec. 6.
(Payment
of
premiums.)

Interest
chargeable
on overdue
premiums.

Continuing
policies
where
servant
temporarily
unemployed.

Local Government (Superannuation) Amendment.

employment pay any premiums payable for the purpose of retaining any existing insurance of such permanent servant, if such permanent servant shall so request.

In such case interest shall be payable by such permanent servant upon all moneys paid by the board, calculated at a rate to be prescribed.

All such moneys and interest shall be recoverable by the board from such permanent servant in the same manner as any moneys payable by a council to the board hereunder.

All such moneys may be paid by the board in any of the ways provided by subsection (4A) of this section and until repayment shall with the interest thereon be a charge upon the policy and all moneys to be received thereunder.

The board may include all moneys payable to it under this paragraph in any notice for payment of premium sent by it to any council in whose employment such permanent servant may be thereafter and the same shall be deducted by it as prescribed from any salary or other moneys payable by the council to the said servant and paid to the board.

- (iii) by omitting from paragraph (a) of subsection four of the same section all the words after the word " thereof ";
- (iv) by inserting after the same subsection the following new subsection:—

(4A) Where the council fails to pay any premium payable to the board under this Act within the time fixed by the board, the board may pay any such premium from the

Failure of
council to
pay
premium.

Local

Local Government (Superannuation) Amendment.

Local Government (Servants) Insurance Account or from any account subsidiary thereto kept by the board for the payment of premiums or may borrow sufficient to pay such premium by way of overdraft or otherwise and pay the same or make any arrangement with the insurance company concerned for payment of such premium.

(2) (a) Any permanent servant—

(i) who has effected insurance pursuant to section four of the Local Government (Superannuation) Act, 1927; and

(ii) whose salary at the commencement of this Act is of such amount as would if the Local Government (Superannuation) Act, 1927, then applied to him for the first time require him to effect insurance in a greater amount than the sum for which he is already insured,

shall within the time prescribed effect additional insurance in an amount equal to the difference between the amount of the insurance already effected by him and the greater amount of insurance in accordance with the scale set out in the Schedule to the Local Government (Superannuation) Act, 1927, as appropriate to his salary and age at the commencement of this Act.

(b) This subsection shall not apply in the case of any permanent servant who at the commencement of this Act has attained the age of fifty-five years.

4. Part III of the Local Government (Superannuation) Act, 1927, is amended—

(a) (i) by omitting from paragraph (b) of section seven the words “ and being in receipt of a salary of less than four hundred pounds per annum ”;

(ii) by inserting at the end of the same section the following new subsection:—

(2) Paragraph (b) of subsection one of this section (as amended by the Local Government (Superannuation) Amendment Act, 1935), shall not be construed to extend to any

case

Amendment of
Part III of
Act No. 35,
1927.

Sec. 7.
(Exemption.)

Local Government (Superannuation) Amendment.

case of a permanent servant who prior to the commencement of that Act had attained the age of fifty years and prior to such commencement has arranged with the board to insure or has effected insurance pursuant to section four of this Act.

Sec. 13.
(Contri-
butions by
councils in
certain
cases.)

(b) (i) by inserting in subsection one of section thirteen after the word "Act" where secondly occurring the words "or has elected (within the time prescribed) to contribute to the fund";

(ii) by inserting at the end of the same subsection the following proviso:—

Provided further that every permanent servant whose application for insurance in accordance with Part II of this Act has resulted in such permanent servant being deferred, refused insurance, or required to pay a loading in excess of that referred to in paragraph (c) of subsection one of section seven either in respect of compulsory or optional units of cover shall be deemed for the purpose of this Part to be exempted from the obligation under section four of this Act with regard to such part of the compulsory units of cover as are affected by such deferment, refusal or loading.

The contribution of the council and of the permanent servant under this Part shall in such cases but in respect of such part only be the same as it would have been under Part II of this Act in respect of both compulsory and optional insurance cover if there had not been such deferment refusal or loading.

(iii) by inserting in subsection two of the same section after the word "deduct" the words "by periodical instalments as prescribed."

(iv)

Local Government (Superannuation) Amendment.

(iv) by inserting after subsection three of the same section the following new subsection:—

(3A) Where the provisions of Part III of this Act apply to a permanent servant before he attains the age of fifty years and the salary of such permanent servant is increased subsequently to the first assessment of contribution in his case the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary.

Adjustment
of con-
tributions
in certain
cases.

Such adjustment shall only apply as from the commencement of the next succeeding contribution period following that during which the increase or increases took effect.

This provision shall not apply to any increases in salary taking effect after the permanent servant attains or has attained the age of fifty years, nor to any increases less in the aggregate than fifty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(c) by inserting next after the same section the following new section:—

13A. (1) The board may transfer such amount as it may deem necessary from the interest earned in any year on investments of the Local Government Provident Fund moneys and any discounts received in such year in connection with the purchase of or profit made on the sale of any security or premium paid or allowed in connection with the conversion of any security to Australian Consolidated securities, to a reserve account for the purpose of providing for the adjustment of the difference (if any) between the cost price and selling price on realisation of any investment of the Local Government Provident Fund moneys made by the board pursuant to this Act.

New s. 13A.

Provident
Fund
investment
reserve.

Local Government (Superannuation) Amendment.

(2) The moneys at credit of such reserve account may be invested by the board in any manner authorised by this Act for the investment of any of its funds and any interest so earned shall be paid to such reserve account.

(3) The board may at its discretion at any time—

- (a) utilise such reserve or any part thereof for the purpose for which the reserve account was established;
- (b) allocate out of any surplus moneys in such reserve account which it may consider to be in excess of its requirements for the purpose aforesaid such amount as it deems to be expedient to the credit of the interest earnings of the fund in respect of any year. Such amount when so transferred shall be deemed to be interest on the investments earned during such year;
- (c) allocate out of such account such amount as it may deem to be expedient towards the payment of the management expenses of the board:

Provided that the total of any amounts so allocated in respect of any year shall not be greater than a sum which bears the same proportion to the total management expenses for that year as the number of permanent servants in the Local Government Provident Fund at the end of such year bears to the aggregate obtained by adding such number of permanent servants to the number of permanent servants in respect of whom policies of insurance effected under this Act were in force at that date.

(4) The board may borrow to the extent of the moneys of the fund invested in securities for the purpose of providing cash with which to meet claims on the fund which may require to
be

Local Government (Superannuation) Amendment.

be met before realisation of such securities and any interest payable on such borrowings shall be paid out of the reserve account provided for by this section.

(5) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

- (d) by inserting at the end of section fourteen the following new proviso:—

Sec. 14.
(Retiring age.)

Provided further that the retiring date for the purposes of this Part shall be the anniversary date, following his sixty-fifth birthday or such subsequent birthday fixed as his retiring age as aforesaid, of the commencement of the period covered by the first contribution paid to the board as provided in section thirteen at the rate payable in respect of him in the last continuous period of his employment with a council.

- (e) by inserting after subsection one of section fifteen the following new subsection:—

Sec. 15.

(1A) Where a permanent servant to whom the provisions of this Act applies ceases to be employed by any council or dies the board may include in the amount it certifies to be at the credit of such permanent servant's account in the Local Government Provident Fund under this section interest calculated from the date interest was last credited to his account as provided in subsection four of section thirteen of this Act up to the end of the month next preceding that during which such certificate is issued, at a rate per annum not exceeding one per centum less than the rate of interest last credited to his account.

Provident Fund interest, broken periods.

- (f) by inserting in Part III after the same section the following new section:—

New s. 15A.

15A. In the case of the death of any permanent servant in respect of whom the board certifies that the amount to be paid is not more than fifty pounds the board may in its discretion but subject to the provisions of section one hundred

Certificates where less than £50 payable.

and

Local Government (Superannuation) Amendment.

and twenty-two of the Stamp Duties Act, 1920-1933, pay the same to any person claiming to be the legal or personal representative of the deceased upon such person making a statutory declaration to that effect and producing such other evidence that the board may require and without requiring the probate of the will of or letters of administration of the estate of the deceased permanent servant to be produced. An acknowledgment of such payment or payments signed by such person shall be a release to the board from any obligation to pay any more moneys from the said fund in respect of such deceased permanent servant.

Amendment of
Part IV of
Act No. 35,
1927.

New ss.
16A, 16B.

Board may
receive com-
missions,
etc.

5. Part IV of the Local Government (Superannuation) Act, 1927, is amended—

(a) by inserting next after section sixteen the following new sections:—

16A. (1) The board may under any agreement made with any approved insurance company or companies under subsection two of section four of this Act accept payment by way of commission or rebate or like payments in consideration of effecting insurances under this Act with such company or companies. All moneys so received by the board shall be paid into a special bank account to be called the “Local Government (Superannuation) Management Account.”

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

16B. (1) The board may invest any moneys standing to the credit of the Local Government (Superannuation) Management Account in any of the ways provided by section nine of this Act for the investment of the Local Government Provident Fund. The earnings from any such investment shall be paid into and form part of the Local Government (Superannuation) Management Account.

Investment
of manage-
ment
moneys.

(2)

Local Government (Superannuation) Amendment.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

- (b) by omitting section seventeen and inserting the following section in lieu thereof:— Substituted s. 17.

17. (1) The board may charge the whole of the costs of management of the board including the remuneration of the president and members to the Local Government (Superannuation) Management Account or may charge only a portion of such costs to such account and make a per capita levy on the councils and the permanent servants as hereinafter provided, for the balance of such costs. Expenses of management.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

- (c) by inserting after section seventeen the following new sections:— New ss. 17A-17o.

17A. (1) The board may in any year it deems it necessary impose in the prescribed manner a per capita levy on the councils to defray or assist in defraying the costs of management aforesaid. Levies for management expenses.

The amount of contribution levied in respect of each permanent servant shall not exceed ten shillings in any one year, one-half to be borne by the council and the other half by the permanent servant concerned.

(2) The board may levy annual per capita contributions for administration expenses as provided in subsection one of this section in respect of any particular group of permanent servants where the board considers the circumstances warrant such separate levy.

(3) The council shall pay to the board on or before a date notified to it by the board the whole of the levy due by itself and such of its permanent servants, and shall be entitled to receive

Local Government (Superannuation) Amendment.

receive and recover from each permanent servant in respect of whom such levy is paid one-half of the total amount so paid by it to the board in respect of him, and may if it sees fit deduct the same or any part thereof from any sum or sums which may be due or may become due to such permanent servant by way of salary or otherwise.

Board to fix date of commencement of premiums, etc.

17B. The board may by resolution fix, either generally or in any particular case, the date of commencement of the yearly period in respect of which premiums and/or contributions shall be payable under this Act.

Employment continued after retiring age.

17c. (1) Where any permanent servant on whose life a policy has been effected under this Act reaches the retiring age as fixed by this Act and still continues in the employment of a council, the board, instead of delivering such policy to the permanent servant as elsewhere provided in this Act, shall deliver such policy to the company or companies concerned and the company or companies shall upon demand made by the board in that behalf pay to the board the amount payable under such policy. An acknowledgment signed by or on behalf of the board shall be sufficient discharge to the company or companies for payment of such policy moneys and for the release of the company or companies from any further liability in respect of such policy.

Such moneys shall be paid into the Local Government Provident Fund Account and rank *pari passu* with moneys standing at the credit of other permanent servants in such account and shall in all respects be deemed to be moneys paid into such fund under Part III of this Act and shall be dealt with by the board accordingly.

(2) In the case of a permanent servant to whom Part III of this Act applies remaining in the employ of a council after he reaches the retiring age as fixed in section fourteen of this Act,

Act,

Local Government (Superannuation) Amendment.

Act, the moneys at his credit in such fund shall continue to be held by the board in the fund and shall participate in any interest distribution provided for in Part III of this Act until he ceases to be employed by a council.

(3) No further premiums or contributions shall be payable in respect of any such permanent servant.

17D. (1) The board may by notice in writing request any permanent servant who has failed to lodge an application for insurance or a statement as to his exemption from the obligation to insure within the time and in the manner prescribed under this Act to lodge such application or statement forthwith.

Enforce-
ment of
lodgment of
applica-
tions, etc

(2) The board may by notice in writing require any permanent servant to submit himself for medical examination by the insurance company or companies with which the board has in accordance with subsection two of section four of this Act agreed for the issue of policies, or to do any necessary things required by the insurance company or companies and agreed to by the board in order to effect insurance on the life of such permanent servant.

(3) Any permanent servant who refuses or neglects to comply with a notice under this section within fourteen days after the service thereof shall be liable to a penalty of not exceeding five pounds and to a further daily penalty of not exceeding two pounds for each day during which the permanent servant continues to refuse or neglect to comply with such notice.

(4) Where any permanent servant to whom the Act applies has failed or fails for any reason to comply with the provisions of the Act within the time prescribed and has prior to the commencement of the Local Government (Superannuation) Amendment Act, 1935, lodged or after such commencement lodges an application in the form prescribed, but not in the prescribed

Local Government (Superannuation) Amendment.

prescribed time, the amount of insurance cover effected and premium to be paid in respect thereof or contribution to be paid in respect of him if fixed prior to such commencement shall be deemed to have been fixed or shall be fixed as though the Act applied to him on the date of lodgment of the application or on such other date as the board may by resolution fix.

Completion of necessary documents on behalf of servants.

17E. The board may, in accordance with any agreement made between it and any insurance company or companies where it is necessary for a permanent servant to sign a proposal form or other document usually required by such company or companies from any applicant for insurance and such permanent servant fails to comply within the time and in the manner prescribed under this Act with the written request of the board so to do, complete such form or forms for and on his behalf. Such permanent servant shall be bound by the terms of such form or forms as if he had duly signed the same himself.

Certain option for female employees.

17F. Any female permanent servant in respect of whom an insurance policy has not been effected under this Act may as prescribed elect to be exempted from the obligation to effect insurance cover on her life as provided in Part II of this Act, in which case the provisions of Part III thereof shall apply to her.

Past service not to count where servant previously employed.

17G. Where any permanent servant is appointed to the service of any council who was previously in the employ of a council but who resigned such employment or was dismissed from such employment such permanent servant shall not be entitled to any consideration for past service in relation to any amount of optional insurance cover or in the fixation of contribution under Part III of this Act as the case may be unless he is so appointed within a period of three months from such resignation or dismissal.

Local Government (Superannuation) Amendment.

17H. (1) If the board is satisfied that a servant of a council is not or is not likely to be employed by such council continuously each year, and if such servant would be a permanent servant within the meaning of this Act if he were employed continuously each year by such council, the board may upon the application of such council or servant, declare such servant to be a permanent servant for the purposes of this Act and such servant shall for such purposes remain a permanent servant for the purposes of this Act until he leaves the employment of the council permanently or the board declares him to be no longer a permanent servant for the purposes of this Act because he is not being employed for a sufficient time or the circumstances of his employment are not such as to justify him in the opinion of the board being so regarded.

Servants not continuously employed may be declared permanent servants.

(2) Where the employment of a servant of a council who has been declared to be a "permanent servant" in pursuance of this section is terminated and such servant is again employed by a council the board may again declare such servant to be a permanent servant for the purposes of this Act and the provisions of subsection one of this section shall apply to him.

(3) The provisions of this Act shall continue to apply to any servant of a council in respect of whom a policy of insurance has been effected under Part II or contributions have become payable to the Provident Fund under Part III of this Act notwithstanding that his employment with a council has been changed to some other class of occupation to that in which he was employed when the said policy of insurance was effected or the Provident Fund contributions became payable in respect of him and such provisions shall continue to apply to him in the same manner as if no such change or changes of occupation had taken place.

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Apportionment of premiums where servant jointly employed.

17I. Where any permanent servant is employed by more than one council the board shall have power to decide upon what principle or basis the amount of insurance that such permanent servant shall be compelled to take or have the option, if any, of taking shall be decided or what shall be the amount of the contribution to the provident fund in respect of such servant, as the case may be, and also the principle or basis upon which the amount of premium or contribution which shall be paid by the respective councils shall be decided and the principle or basis upon which the amount which shall be deducted by the respective councils from the salary of such permanent servant shall be decided.

The decision of the board under this section shall be final and binding upon every council and every permanent servant affected:

Provided that the quota of premium or contribution by any council shall not be greater than if the permanent servant were solely employed by any council at a salary equivalent to the portion of the salary of such permanent servant which such council is liable to pay.

Apportionment of premiums or contributions in certain cases.

17J. Where in respect of any permanent servant insurance is effected or the period covered by contributions payable under Part III of this Act in respect of him commences from a date other than the commencement of the year fixed by the board pursuant to section 17B of this Act the board may apportion the first premium or the first contribution as the case may be for the part of the year dating from the date the insurance cover was deemed to have commenced or the period covered by the contributions payable under Part III of this Act commenced, in which case the supplement to make up a full year's premium or contribution will only be payable

Local Government (Superannuation) Amendment.

payable in respect of the last period for which premium or contribution as the case may be would ordinarily be payable for such permanent servant.

17K. (1) A permanent servant shall on attaining the age of sixty-five years or such later retiring age as is fixed under section fourteen of this Act immediately retire from the service of the council provided that the council may by resolution and with the consent of the permanent servant extend the period of service or employment of any such permanent servant for one year or any less period and so from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years.

Servant to retire unless retained by resolution of council.

(2) No contribution shall be made by a council or permanent servant under this Act in respect of any such extended period of service.

(3) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935.

17L. Where a permanent servant is entitled to receive any benefit under this Act on his ceasing to be employed by a council, and such council has granted him long service leave which will terminate coincidentally with the termination of his employment with the council, the board may if the permanent servant so requests and if it deems it expedient so to do having regard to the purpose of this Act, pay over to him any such benefit at any time during such period of long service leave upon arrangements being made to the satisfaction of the board for the repayment to the council of his quota of any premiums or contributions which have been advanced by the council.

Long service leave.

Local Government (Superannuation) Amendment.

Minors.

17M. A servant of a council who is a minor may, as fully and effectually as if he were of full age—

- (a) do, execute, suffer, and perform all acts, deeds, matters and things necessary or proper for the purpose of effecting a policy of insurance on his own life for the purposes of this Act and may surrender such policy, give discharges for the surrender value of the policy or deal with the same in any manner authorised by this Act; or
- (b) if he has been a contributor to the Local Government Provident Fund, give discharges for payments from that fund.

17N. The decision of the board shall be final and conclusive as to whether a person is a permanent servant within the meaning of this Act or is correctly classified under any proclamation made thereunder. Such decision shall have effect from a date stated by the board not being earlier than twelve months prior to the date of such decision.

17O. In any case in which the board purporting to act in exercise of authority conferred by this Act has made any arrangement or agreement with an insurance company with respect to a policy effected under this Act it shall be deemed to have so acted as a continuing agent for the person insured by such policy and any such arrangement or agreement shall be binding upon such person, but so that the board shall be under no liability in respect thereof.

6. Part I of the Local Government (Superannuation) Act, 1927, is further amended by omitting from subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15A."

Further amendment of Part I of Act No. 35, 1927, s. 1.

(Division into parts.)

(Revision.)

Local Government (Superannuation) Amendment.

7. The Local Government Act, 1919, is amended—

Amendment of
Act No. 41,
1919.

- (a) by inserting after section ninety-six the following new section:—

New s. 96A.

96A. (1) Any servant of a council to whom the Local Government (Superannuation) Act, 1927, as amended by the Local Government (Superannuation) Amendment Act, 1935, applies shall on his attaining the retiring age as fixed by such Act immediately retire from the service of the council employing him unless the council by resolution and with the consent of the servant extend the period of service or employment of such servant for one year or less period and so on from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years.

Retirement
of certain
servants.

(2) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935.

- (b) by inserting next after the word "servant" in subsection two of section ninety-nine the words "except where he is retired under section 96A of this Act."

Sec. 99.
(Inquiry
before retire-
ment of
certain
servants.)

By Authority:

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney.—1935.

[9d.]

Local Government (Amendment) Bill

The Local Government Act, 1909, is amended—

Local Government Act, 1909, section 11, sub-section (1), clause (a)

Local Government Act, 1909, section 11, sub-section (1), clause (a)

Local Government Act, 1909, section 11, sub-section (1), clause (a)

in the following manner:—

11. Any servant of a council to whom the Local Government (Amendment) Act, 1909, is applied by the Local Government shall be deemed to be a servant of the council for the purposes of the provisions of the Act relating to the appointment and employment of servants of the council, and the provisions of the Act relating to the appointment and employment of servants of the council shall apply to such servants as if they were servants of the council.

12. The provisions of the Act relating to the appointment and employment of servants of the council shall apply to such servants as if they were servants of the council.

Local Government Act, 1909, section 11, sub-section (1), clause (a)

13. The provisions of the Act relating to the appointment and employment of servants of the council shall apply to such servants as if they were servants of the council.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 29 March, 1935.

New South Wales.



ANNO VICESIMO QUINTO

GEORGI V REGIS.

Act No. 24, 1935.

An Act to extend the provisions of the Local Government (Superannuation) Act, 1927, to certain employees of urban committees and joint committees constituted under the Local Government Act, 1919, and to certain employees of the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915; to validate certain matters; to extend the powers of the Local Government Superannuation Board in certain respects; to amend the Local Government (Superannuation) Act, 1927, and the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 5th April, 1935.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Local Government (Superannuation) Amendment.

BE it enacted by the King'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. (1) This Act may be cited as the "Local Government (Superannuation) Amendment Act, 1935."

(2) The Local Government (Superannuation) Act, 1927, as amended by this Act, may be cited as the Local Government (Superannuation) Act, 1927-1935.

Amendment of Part I of Act No. 35, 1927.

2. (1) Part I of the Local Government (Superannuation) Act, 1927, is amended—

**Sec. 2 (2).
(Application of Act.)**

(a) (i) by inserting at the end of subsection two of section two the following words:—

"Classes of servants may be defined in any such proclamation by reference to the occupation, age, sex, past service, or salary of the servants to whom this Act is to be applied."

(ii) by inserting in the same subsection after the word "other" the words "servant or servants or";

**Sec. 3.
(Interpretation.)
(Council.)**

(b) (i) by inserting in section three at the end of the definition of "Council" the words "urban committee, any joint committee constituted by any two or more councils under the Principal Act and the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915";

(Past service factor.)

(ii) by omitting from the same section the definition of "Past service factor" and by inserting in lieu thereof the following definition:—

"Past service factor" means the number of completed years of past service, not exceeding in any case twenty years, of a permanent servant at the time at which this Act is applied to him, including

Local Government (Superannuation) Amendment.

including war service with the Australian Expeditionary Forces where the permanent servant at the time of enlisting was in the employment of a council.

(2) The amendments made by paragraph (a) of subsection one of this section shall be deemed to have been made on the first day of October, one thousand nine hundred and twenty-seven.

3. (1) Part II of the Local Government (Superannuation) Act, 1927, is amended—

Amendment of Part II of Act No. 35, 1927.

(a) (i) by inserting at the end of subsection one of section four the following words:—

Sec. 4 (1).
(Compulsory insurance.)

“ Where and so often as the salary of a permanent servant is increased he shall within such time and in such manner as may be prescribed effect additional insurance for such further amount as will together with the amount for which he is already insured pursuant to this section, if any, equal the amount for which he would be required to effect insurance if this Act were then first applied to him.”

(ii) (a) by inserting in paragraph (b) of subsection four of the same section after the word “ premium ” where secondly occurring the words “ and to the payment to the board of any other moneys due by such permanent servant to the council in respect of the policy ”;

Sec. 4 (4).

(b) by inserting at the end of the same paragraph after the word “ period ” the words “ and also pay to the board any other moneys due by such permanent servant to the council in respect of the policy ”;

(c) by inserting at the end of the same subsection the following new paragraphs:—

(e) In the event of the death of a permanent servant during the currency of a policy

Local Government (Superannuation) Amendment.

policy the policy moneys shall stand charged with the repayment to the council in whose employ he was at his death of so much of the premium paid by the council in respect of the current premium period as is fixed by the board as being attributable to the unexpired portion of that period. The board shall before handing any policy to the personal representatives of a deceased permanent servant arrange for the collection of the amount and pay the same when received to the council.

Cancellation
of policies
by the
board.

(f) (i) Where a permanent servant ceases to be employed by any council and advises the board that he does not wish to take over or to continue any policy on his life effected under this Act or fails to advise the board of his wishes in this regard within one month after the posting of a notice by the board to his last known address or fails to pay on demand any moneys payable by him to the board, the board may arrange with the insurance company or companies concerned for the cancellation of such policy at such date as the board may decide upon.

The moneys paid by the insurance company or companies concerned shall be paid to the board and applied by it as follows:—

- (a) firstly, in or towards payment to the board of any moneys due to it by the permanent servant on any account; and
- (b) secondly, in or towards payment of the part of the premium paid by the council for the then current period of the policy attributable to the unexpired portion of that period and any other moneys due by the permanent servant to the council in respect of the policy; and

(c)

Local Government (Superannuation) Amendment.

(c) thirdly, in payment of the balance to the permanent servant.

(ii) Where the policy on the life of a permanent servant to whom this paragraph applies has not been in force for more than one year or for a sufficient time to enable a surrender value to attach to such policy and where the board has received commission from the insurance company or companies concerned in respect of such policy the board from its reserve account may make such payments as it deems equitable to the council last employing such permanent servant and to the permanent servant, but—

(a) the amount payable to the council shall not exceed the amount of the council's quota of premium or premiums paid in respect of the policy; and

(b) the amount payable to the permanent servant shall not exceed the amount of such servant's quota of premium or premiums paid by him in respect of the policy.

(iii) by inserting in subsection six of the same section after the words " this section " the words " or any other section of this Act ";

(iv) by inserting at the end of subsection eight of the same section the following proviso:—

Provided that the board may in any special case, on application being made to it as prescribed, if it is of the opinion that it is for the benefit of any permanent servant, exempt such servant from the obligations under this section for a period to be decided by it or postpone the application of the Act to any such permanent servant for such period as may be decided by it.

Postpone-
ment of
application
of Act in
certain
cases.

(b)

Local Government (Superannuation) Amendment.

New s. 4A.

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

Reserve
fund.

4A. The board may set aside from time to time a portion not exceeding twenty per centum of any moneys received by it by way of commission or otherwise for the effecting of insurance on the lives of permanent servants as elsewhere provided in this Act and place such portion to a reserve account.

The board may invest any moneys in such reserve account in any investment authorised by this Act for any of its accounts.

The board may use the income and capital of such reserve account in making payments of premiums on the policy of a permanent servant who may be temporarily out of a council's employment, or to secure the surrender value of a policy and making payments to councils and permanent servants pursuant to paragraph (f) of subsection four of section four. Any payment so made together with interest at the prescribed rate shall be a charge on any policy moneys coming to the hands of the board on such surrender.

The board may at any time in its discretion pay from such reserve account any amount which it deems to be in excess of its requirements for the above purposes to its management account.

Sec. 5.
(Optional
insurance.)

(c) (i) by omitting from section five the words "the maximum cover indicated in the said Schedule" and by inserting in lieu thereof the words "one thousand pounds."

(ii) by inserting at the end of the same section the following words:—

Acceptance
of existing
policies for
optional
insurance.

"Any permanent servant who has effected insurance through the board under section four of this Act may request the board to accept any existing policy of insurance on his life in lieu of taking out further optional units as provided in this section.

"The

Local Government (Superannuation) Amendment.

“ The board may if it sees fit accept such policy provided it is satisfied that such policy to be handed to the board for its acceptance is the equivalent of the optional units of cover applied for, and the provisions of this section shall thereafter apply with respect to such policy as if the permanent servant concerned had taken out optional units as provided.”

- (d) (i) by inserting in subsection one of section six after the word “ Act ” the brackets and letter “(a)”;
- (ii) by inserting at the end of the same subsection the following new paragraphs:—

Sec. 6.
(Payment of premiums.)

(b) the board may fix a date or dates upon which premiums are to be paid to the board by the council, and may from time to time vary such date or dates as it may see fit;

(c) all premiums payable by a council shall be paid not later than twenty-one days after the date or dates so fixed;

(d) interest at a rate to be prescribed calculated on a daily basis shall be paid by any council on any premium not paid on the date or dates fixed by the board.

Interest chargeable on overdue premiums.

Such interest shall be recoverable by the board in the same way in which premiums are recoverable.

Such interest shall not be chargeable by the council against any permanent servant.

The board may in any particular case for any reasonable cause remit payment of such interest;

(e) the board may in the case of any permanent servant whom it deems and while it deems such permanent servant to be only temporarily out of employment

Continuing policies where servant temporarily unemployed.

Local Government (Superannuation) Amendment.

employment pay any premiums payable for the purpose of retaining any existing insurance of such permanent servant, if such permanent servant shall so request.

In such case interest shall be payable by such permanent servant upon all moneys paid by the board, calculated at a rate to be prescribed.

All such moneys and interest shall be recoverable by the board from such permanent servant in the same manner as any moneys payable by a council to the board hereunder.

All such moneys may be paid by the board in any of the ways provided by subsection (4A) of this section and until repayment shall with the interest thereon be a charge upon the policy and all moneys to be received thereunder.

The board may include all moneys payable to it under this paragraph in any notice for payment of premium sent by it to any council in whose employment such permanent servant may be thereafter and the same shall be deducted by it as prescribed from any salary or other moneys payable by the council to the said servant and paid to the board.

- (iii) by omitting from paragraph (a) of subsection four of the same section all the words after the word " thereof ";
- (iv) by inserting after the same subsection the following new subsection:—

(4A) Where the council fails to pay any premium payable to the board under this Act within the time fixed by the board, the board may pay any such premium from the

**Failure of
council to
pay
premium.**

Local

Local Government (Superannuation) Amendment.

Local Government (Servants) Insurance Account or from any account subsidiary thereto kept by the board for the payment of premiums or may borrow sufficient to pay such premium by way of overdraft or otherwise and pay the same or make any arrangement with the insurance company concerned for payment of such premium.

(2) (a) Any permanent servant—

(i) who has effected insurance pursuant to section four of the Local Government (Superannuation) Act, 1927; and

(ii) whose salary at the commencement of this Act is of such amount as would if the Local Government (Superannuation) Act, 1927, then applied to him for the first time require him to effect insurance in a greater amount than the sum for which he is already insured,

shall within the time prescribed effect additional insurance in an amount equal to the difference between the amount of the insurance already effected by him and the greater amount of insurance in accordance with the scale set out in the Schedule to the Local Government (Superannuation) Act, 1927, as appropriate to his salary and age at the commencement of this Act.

(b) This subsection shall not apply in the case of any permanent servant who at the commencement of this Act has attained the age of fifty-five years.

4. Part III of the Local Government (Superannuation) Act, 1927, is amended—

(a) (i) by omitting from paragraph (b) of section seven the words “ and being in receipt of a salary of less than four hundred pounds per annum ”;

(ii) by inserting at the end of the same section the following new subsection:—

(2) Paragraph (b) of subsection one of this section (as amended by the Local Government (Superannuation) Amendment Act, 1935), shall not be construed to extend to any

case

Amendment of
Part III of
Act No. 35,
1927.

Sec. 7.
(Exemption.)

Local Government (Superannuation) Amendment.

case of a permanent servant who prior to the commencement of that Act had attained the age of fifty years and prior to such commencement has arranged with the board to insure or has effected insurance pursuant to section four of this Act.

Sec. 13.
(Contributions by councils in certain cases.)

(b) (i) by inserting in subsection one of section thirteen after the word "Act" where secondly occurring the words "or has elected (within the time prescribed) to contribute to the fund";

(ii) by inserting at the end of the same subsection the following proviso:—

Provided further that every permanent servant whose application for insurance in accordance with Part II of this Act has resulted in such permanent servant being deferred, refused insurance, or required to pay a loading in excess of that referred to in paragraph (c) of subsection one of section seven either in respect of compulsory or optional units of cover shall be deemed for the purpose of this Part to be exempted from the obligation under section four of this Act with regard to such part of the compulsory units of cover as are affected by such deferment, refusal or loading.

The contribution of the council and of the permanent servant under this Part shall in such cases but in respect of such part only be the same as it would have been under Part II of this Act in respect of both compulsory and optional insurance cover if there had not been such deferment refusal or loading.

(iii) by inserting in subsection two of the same section after the word "deduct" the words "by periodical instalments as prescribed."

(iv)

Local Government (Superannuation) Amendment.

(iv) by inserting after subsection three of the same section the following new subsection:—

(3A) Where the provisions of Part III of this Act apply to a permanent servant before he attains the age of fifty years and the salary of such permanent servant is increased subsequently to the first assessment of contribution in his case the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary.

Adjustment
of con-
tributions
in certain
cases.

Such adjustment shall only apply as from the commencement of the next succeeding contribution period following that during which the increase or increases took effect.

This provision shall not apply to any increases in salary taking effect after the permanent servant attains or has attained the age of fifty years, nor to any increases less in the aggregate than fifty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(c) by inserting next after the same section the following new section:—

13A. (1) The board may transfer such amount as it may deem necessary from the interest earned in any year on investments of the Local Government Provident Fund moneys and any discounts received in such year in connection with the purchase of or profit made on the sale of any security or premium paid or allowed in connection with the conversion of any security to Australian Consolidated securities, to a reserve account for the purpose of providing for the adjustment of the difference (if any) between the cost price and selling price on realisation of any investment of the Local Government Provident Fund moneys made by the board pursuant to this Act.

Provident
Fund
investment
reserve.

(2).

Local Government (Superannuation) Amendment.

(2) The moneys at credit of such reserve account may be invested by the board in any manner authorised by this Act for the investment of any of its funds and any interest so earned shall be paid to such reserve account.

(3) The board may at its discretion at any time—

- (a) utilise such reserve or any part thereof for the purpose for which the reserve account was established;
- (b) allocate out of any surplus moneys in such reserve account which it may consider to be in excess of its requirements for the purpose aforesaid such amount as it deems to be expedient to the credit of the interest earnings of the fund in respect of any year. Such amount when so transferred shall be deemed to be interest on the investments earned during such year;
- (c) allocate out of such account such amount as it may deem to be expedient towards the payment of the management expenses of the board:

Provided that the total of any amounts so allocated in respect of any year shall not be greater than a sum which bears the same proportion to the total management expenses for that year as the number of permanent servants in the Local Government Provident Fund at the end of such year bears to the aggregate obtained by adding such number of permanent servants to the number of permanent servants in respect of whom policies of insurance effected under this Act were in force at that date.

(4) The board may borrow to the extent of the moneys of the fund invested in securities for the purpose of providing cash with which to meet claims on the fund which may require to be

Local Government (Superannuation) Amendment.

be met before realisation of such securities and any interest payable on such borrowings shall be paid out of the reserve account provided for by this section.

(5) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

- (d) by inserting at the end of section fourteen the following new proviso:—

Sec. 14.
(Retiring age.)

Provided further that the retiring date for the purposes of this Part shall be the anniversary date, following his sixty-fifth birthday or such subsequent birthday fixed as his retiring age as aforesaid, of the commencement of the period covered by the first contribution paid to the board as provided in section thirteen at the rate payable in respect of him in the last continuous period of his employment with a council.

- (e) by inserting after subsection one of section fifteen the following new subsection:—

Sec. 15.

(1A) Where a permanent servant to whom the provisions of this Act applies ceases to be employed by any council or dies the board may include in the amount it certifies to be at the credit of such permanent servant's account in the Local Government Provident Fund under this section interest calculated from the date interest was last credited to his account as provided in subsection four of section thirteen of this Act up to the end of the month next preceding that during which such certificate is issued, at a rate per annum not exceeding one per centum less than the rate of interest last credited to his account.

Provident Fund interest, broken periods.

- (f) by inserting in Part III after the same section the following new section:—

New s. 15A.

15A. In the case of the death of any permanent servant in respect of whom the board certifies that the amount to be paid is not more than fifty pounds the board may in its discretion but subject to the provisions of section one hundred

Certificates where less than £50 payable.

and

Local Government (Superannuation) Amendment.

and twenty-two of the Stamp Duties Act, 1920-1933, pay the same to any person claiming to be the legal or personal representative of the deceased upon such person making a statutory declaration to that effect and producing such other evidence that the board may require and without requiring the probate of the will of or letters of administration of the estate of the deceased permanent servant to be produced. An acknowledgment of such payment or payments signed by such person shall be a release to the board from any obligation to pay any more moneys from the said fund in respect of such deceased permanent servant.

Amendment of
Part IV of
Act No. 35,
1927.

New ss.
16A, 16B.

Board may
receive com-
missions,
etc.

Investment
of manage-
ment
moneys.

5. Part IV of the Local Government (Superannuation) Act, 1927, is amended—

(a) by inserting next after section sixteen the following new sections:—

16A. (1) The board may under any agreement made with any approved insurance company or companies under subsection two of section four of this Act accept payment by way of commission or rebate or like payments in consideration of effecting insurances under this Act with such company or companies. All moneys so received by the board shall be paid into a special bank account to be called the "Local Government (Superannuation) Management Account."

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

16B. (1) The board may invest any moneys standing to the credit of the Local Government (Superannuation) Management Account in any of the ways provided by section nine of this Act for the investment of the Local Government Provident Fund. The earnings from any such investment shall be paid into and form part of the Local Government (Superannuation) Management Account.

(2)

Local Government (Superannuation) Amendment.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

- (b) by omitting section seventeen and inserting the following section in lieu thereof:—

Substituted
s. 17.

17. (1) The board may charge the whole of the costs of management of the board including the remuneration of the president and members to the Local Government (Superannuation) Management Account or may charge only a portion of such costs to such account and make a per capita levy on the councils and the permanent servants as hereinafter provided, for the balance of such costs.

Expenses
of manage-
ment.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

- (c) by inserting after section seventeen the following new sections:—

New ss.
17A-17C.

17A. (1) The board may in any year it deems it necessary impose in the prescribed manner a per capita levy on the councils to defray or assist in defraying the costs of management aforesaid.

Levies for
manage-
ment
expenses.

The amount of contribution levied in respect of each permanent servant shall not exceed ten shillings in any one year, one-half to be borne by the council and the other half by the permanent servant concerned.

(2) The board may levy annual per capita contributions for administration expenses as provided in subsection one of this section in respect of any particular group of permanent servants where the board considers the circumstances warrant such separate levy.

(3) The council shall pay to the board on or before a date notified to it by the board the whole of the levy due by itself and such of its permanent servants, and shall be entitled to

receive

Local Government (Superannuation) Amendment.

receive and recover from each permanent servant in respect of whom such levy is paid one-half of the total amount so paid by it to the board in respect of him, and may if it sees fit deduct the same or any part thereof from any sum or sums which may be due or may become due to such permanent servant by way of salary or otherwise.

Board to fix date of commencement of premiums, etc.

17B. The board may by resolution fix, either generally or in any particular case, the date of commencement of the yearly period in respect of which premiums and/or contributions shall be payable under this Act.

Employment continued after retiring age.

17c. (1) Where any permanent servant on whose life a policy has been effected under this Act reaches the retiring age as fixed by this Act and still continues in the employment of a council, the board, instead of delivering such policy to the permanent servant as elsewhere provided in this Act, shall deliver such policy to the company or companies concerned and the company or companies shall upon demand made by the board in that behalf pay to the board the amount payable under such policy. An acknowledgment signed by or on behalf of the board shall be sufficient discharge to the company or companies for payment of such policy moneys and for the release of the company or companies from any further liability in respect of such policy.

Such moneys shall be paid into the Local Government Provident Fund Account and rank pari passu with moneys standing at the credit of other permanent servants in such account and shall in all respects be deemed to be moneys paid into such fund under Part III of this Act and shall be dealt with by the board accordingly.

(2) In the case of a permanent servant to whom Part III of this Act applies remaining in the employ of a council after he reaches the retiring age as fixed in section fourteen of this Act,

Local Government (Superannuation) Amendment.

Act, the moneys at his credit in such fund shall continue to be held by the board in the fund and shall participate in any interest distribution provided for in Part III of this Act until he ceases to be employed by a council.

(3) No further premiums or contributions shall be payable in respect of any such permanent servant.

17d. (1) The board may by notice in writing request any permanent servant who has failed to lodge an application for insurance or a statement as to his exemption from the obligation to insure within the time and in the manner prescribed under this Act to lodge such application or statement forthwith.

Enforce-
ment of
lodgment of
applica-
tions, etc.

(2) The board may by notice in writing require any permanent servant to submit himself for medical examination by the insurance company or companies with which the board has in accordance with subsection two of section four of this Act agreed for the issue of policies, or to do any necessary things required by the insurance company or companies and agreed to by the board in order to effect insurance on the life of such permanent servant.

(3) Any permanent servant who refuses or neglects to comply with a notice under this section within fourteen days after the service thereof shall be liable to a penalty of not exceeding five pounds and to a further daily penalty of not exceeding two pounds for each day during which the permanent servant continues to refuse or neglect to comply with such notice.

(4) Where any permanent servant to whom the Act applies has failed or fails for any reason to comply with the provisions of the Act within the time prescribed and has prior to the commencement of the Local Government (Superannuation) Amendment Act, 1935, lodged or after such commencement lodges an application in the form prescribed, but not in the prescribed

Local Government (Superannuation) Amendment.

prescribed time, the amount of insurance cover effected and premium to be paid in respect thereof or contribution to be paid in respect of him if fixed prior to such commencement shall be deemed to have been fixed or shall be fixed as though the Act applied to him on the date of lodgment of the application or on such other date as the board may by resolution fix.

Completion
of necessary
documents
on behalf
of servants.

17E. The board may, in accordance with any agreement made between it and any insurance company or companies where it is necessary for a permanent servant to sign a proposal form or other document usually required by such company or companies from any applicant for insurance and such permanent servant fails to comply within the time and in the manner prescribed under this Act with the written request of the board so to do, complete such form or forms for and on his behalf. Such permanent servant shall be bound by the terms of such form or forms as if he had duly signed the same himself.

Certain
option for
female
employees.

17F. Any female permanent servant in respect of whom an insurance policy has not been effected under this Act may as prescribed elect to be exempted from the obligation to effect insurance cover on her life as provided in Part II of this Act, in which case the provisions of Part III thereof shall apply to her.

Past service
not to count
where servant
previously
employed.

17G. Where any permanent servant is appointed to the service of any council who was previously in the employ of a council but who resigned such employment or was dismissed from such employment such permanent servant shall not be entitled to any consideration for past service in relation to any amount of optional insurance cover or in the fixation of contribution under Part III of this Act as the case may be unless he is so appointed within a period of three months from such resignation or dismissal.

17H.

Local Government (Superannuation) Amendment.

17H. (1) If the board is satisfied that a servant of a council is not or is not likely to be employed by such council continuously each year, and if such servant would be a permanent servant within the meaning of this Act if he were employed continuously each year by such council, the board may upon the application of such council or servant, declare such servant to be a permanent servant for the purposes of this Act and such servant shall for such purposes remain a permanent servant for the purposes of this Act until he leaves the employment of the council permanently or the board declares him to be no longer a permanent servant for the purposes of this Act because he is not being employed for a sufficient time or the circumstances of his employment are not such as to justify him in the opinion of the board being so regarded.

Servants not continuously employed may be declared permanent servants.

(2) Where the employment of a servant of a council who has been declared to be a "permanent servant" in pursuance of this section is terminated and such servant is again employed by a council the board may again declare such servant to be a permanent servant for the purposes of this Act and the provisions of subsection one of this section shall apply to him.

(3) The provisions of this Act shall continue to apply to any servant of a council in respect of whom a policy of insurance has been effected under Part II or contributions have become payable to the Provident Fund under Part III of this Act notwithstanding that his employment with a council has been changed to some other class of occupation to that in which he was employed when the said policy of insurance was effected or the Provident Fund contributions became payable in respect of him and such provisions shall continue to apply to him in the same manner as if no such change or changes of occupation had taken place.

Local Government (Superannuation) Amendment.

Apportionment of premiums where servant jointly employed.

17i. Where any permanent servant is employed by more than one council the board shall have power to decide upon what principle or basis the amount of insurance that such permanent servant shall be compelled to take or have the option, if any, of taking shall be decided or what shall be the amount of the contribution to the provident fund in respect of such servant, as the case may be, and also the principle or basis upon which the amount of premium or contribution which shall be paid by the respective councils shall be decided and the principle or basis upon which the amount which shall be deducted by the respective councils from the salary of such permanent servant shall be decided.

The decision of the board under this section shall be final and binding upon every council and every permanent servant affected:

Provided that the quota of premium or contribution by any council shall not be greater than if the permanent servant were solely employed by any council at a salary equivalent to the portion of the salary of such permanent servant which such council is liable to pay.

Apportionment of premiums or contributions in certain cases.

17j. Where in respect of any permanent servant insurance is effected or the period covered by contributions payable under Part III of this Act in respect of him commences from a date other than the commencement of the year fixed by the board pursuant to section 17B of this Act the board may apportion the first premium or the first contribution as the case may be for the part of the year dating from the date the insurance cover was deemed to have commenced or the period covered by the contributions payable under Part III of this Act commenced, in which case the supplement to make up a full year's premium or contribution will only be payable

Local Government (Superannuation) Amendment.

payable in respect of the last period for which premium or contribution as the case may be would ordinarily be payable for such permanent servant.

17k. (1) A permanent servant shall on attaining the age of sixty-five years or such later retiring age as is fixed under section fourteen of this Act immediately retire from the service of the council provided that the council may by resolution and with the consent of the permanent servant extend the period of service or employment of any such permanent servant for one year or any less period and so from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years.

Servant to retire unless retained by resolution of council.

(2) No contribution shall be made by a council or permanent servant under this Act in respect of any such extended period of service.

(3) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935.

17L. Where a permanent servant is entitled to receive any benefit under this Act on his ceasing to be employed by a council, and such council has granted him long service leave which will terminate coincidentally with the termination of his employment with the council, the board may if the permanent servant so requests and if it deems it expedient so to do having regard to the purpose of this Act, pay over to him any such benefit at any time during such period of long service leave upon arrangements being made to the satisfaction of the board for the repayment to the council of his quota of any premiums or contributions which have been advanced by the council.

Long service leave.

Local Government (Superannuation) Amendment.

Minors.

17M. A servant of a council who is a minor may, as fully and effectually as if he were of full age—

- (a) do, execute, suffer, and perform all acts, deeds, matters and things necessary or proper for the purpose of effecting a policy of insurance on his own life for the purposes of this Act and may surrender such policy, give discharges for the surrender value of the policy or deal with the same in any manner authorised by this Act; or
- (b) if he has been a contributor to the Local Government Provident Fund, give discharges for payments from that fund.

17N. The decision of the board shall be final and conclusive as to whether a person is a permanent servant within the meaning of this Act or is correctly classified under any proclamation made thereunder. Such decision shall have effect from a date stated by the board not being earlier than twelve months prior to the date of such decision.

17O. In any case in which the board purporting to act in exercise of authority conferred by this Act has made any arrangement or agreement with an insurance company with respect to a policy effected under this Act it shall be deemed to have so acted as a continuing agent for the person insured by such policy and any such arrangement or agreement shall be binding upon such person, but so that the board shall be under no liability in respect thereof.

6. Part I of the Local Government (Superannuation) Act, 1927, is further amended by omitting from subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15A."

Further amendment of Part I of Act No. 35, 1927, s. 1. (Division into parts.) (Revision.)

Local Government (Superannuation) Amendment.

7. The Local Government Act, 1919, is amended—

Amendment of Act No. 41, 1919.

(a) by inserting after section ninety-six the following new section:—

New s. 96A.

96A. (1) Any servant of a council to whom the Local Government (Superannuation) Act, 1927, as amended by the Local Government (Superannuation) Amendment Act, 1935, applies shall on his attaining the retiring age as fixed by such Act immediately retire from the service of the council employing him unless the council by resolution and with the consent of the servant extend the period of service or employment of such servant for one year or less period and so on from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years.

Retirement of certain servants.

(2) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935.

(b) by inserting next after the word "servant" in subsection two of section ninety-nine the words "except where he is retired under section 96A of this Act."

Sec. 99. (Inquiry before retirement of certain servants.)

In the name and on behalf of His Majesty I assent to this Act.

A. HORE-RUTHVEN,
Governor,

*Government House,
Sydney, 5th April, 1935.*

(Faint mirrored text from the reverse side of the page, including "Sydney, 5th April, 1935.")

1907

REPORT OF THE COMMISSIONER OF THE LAND OFFICE
FOR THE YEAR 1907

ALBANY, N. Y., 1908

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ALBANY, N. Y., 1908

LOCAL GOVERNMENT (SUPERANNUATION) AMENDMENT BILL.

SCHEDULE of Amendment referred to in Message of 28 March, 1935.

Page 2, clause 2, lines 19 to 21. *Omit* all words on these lines after the word
“applied” in line 19.

From the ...

...

...

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 13 March, 1935.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

C. H. H. CALVERT,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 28 March, 1935.

New South Wales.



ANNO VICESIMO QUINTO

GEORGII V REGIS.

Act No. , 1935.

An Act to extend the provisions of the Local Government (Superannuation) Act, 1927, to certain employees of urban committees and joint committees constituted under the Local Government Act, 1919, and to certain employees of the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915; to validate certain matters; to extend the powers of the Local Government Superannuation Board in certain respects; to amend the Local Government (Superannuation) Act, 1927, and the Local Government Act, 1919; and for purposes connected therewith.

19677

56—A

BE

NOTE.—The words to be omitted are ruled through.

Local Government (Superannuation) Amendment.

BE it enacted by the King'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:—

1. (1) This Act may be cited as the "Local Government (Superannuation) Amendment Act, 1935." Short title.

(2) The Local Government (Superannuation) Act, 1927, as amended by this Act, may be cited as the Local Government (Superannuation) Act, 1927-1935.

2. (1) Part I of the Local Government (Superannuation) Act, 1927, is amended— Amendment of Part I of Act No. 35, 1927.

(a) (i) by inserting at the end of subsection two of section two the following words:— Sec. 2 (2). (Application of Act.)

15 "Classes of servants may be defined in any such proclamation by reference to the occupation, age, sex, past service, or salary of the servants to whom this Act is to be applied. ~~Such proclamation may apply to all areas or to any particular area or areas specified in the proclamation.~~"

(ii) by inserting in the same subsection after the word "other" the words "servant or servants or";

25 (b) (i) by inserting in section three at the end of the definition of "Council" the words "urban committee, any joint committee constituted by any two or more councils under the Principal Act and the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915"; Sec. 3. (Interpretation.) (Council.)

30 (ii) by omitting from the same section the definition of "Past service factor" and by inserting in lieu thereof the following definition:— (Past service factor.)

35 "Past service factor" means the number of completed years of past service, not exceeding in any case twenty years, of a permanent servant at the time at which this Act is applied to him,
40 including

Local Government (Superannuation) Amendment.

including war service with the Australian Expeditionary Forces where the permanent servant at the time of enlisting was in the employment of a council.

5

(2) The amendments made by paragraph (a) of subsection one of this section shall be deemed to have been made on the first day of October, one thousand nine hundred and twenty-seven.

10 **3.** (1) Part II of the Local Government (Superannuation) Act, 1927, is amended— Amendment of Part II of Act No. 35, 1927.

(a) (i) by inserting at the end of subsection one of section four the following words:— Sec. 4 (1). (Compulsory insurance.)

15

“ Where and so often as the salary of a permanent servant is increased he shall within such time and in such manner as may be prescribed effect additional insurance for such further amount as will together with the amount for which he is already insured pursuant to this section, if any, equal the amount for which he would be required to effect insurance if this Act were then first applied to him.”

20

(ii) (a) by inserting in paragraph (b) of subsection four of the same section after the Sec. 4 (4).

25

word “ premium ” where secondly occurring the words “ and to the payment to the board of any other moneys due by such permanent servant to the council in respect of the policy”;

30

(b) by inserting at the end of the same paragraph after the word “ period ” the words “ and also pay to the board any other moneys due by such permanent servant to the council in respect of the policy”;

35

(c) by inserting at the end of the same subsection the following new paragraphs:—

(e) In the event of the death of a permanent servant during the currency of a policy

Local Government (Superannuation) Amendment.

5 policy the policy moneys shall stand charged
with the repayment to the council in whose
employ he was at his death of so much of
the premium paid by the council in respect
10 of the current premium period as is fixed
by the board as being attributable to the
unexpired portion of that period. The
board shall before handing any policy to the
personal representatives of a deceased per-
manent servant arrange for the collection of
the amount and pay the same when received
to the council.

15 (f) (i) Where a permanent servant ceases
to be employed by any council and advises
the board that he does not wish to take
over or to continue any policy on his life
effected under this Act or fails to advise
the board of his wishes in this regard
20 within one month after the posting of a
notice by the board to his last known
address or fails to pay on demand any
moneys payable by him to the board, the
board may arrange with the insurance com-
pany or companies concerned for the can-
25 cellation of such policy at such date as the
board may decide upon.

Cancellation
of policies
by the
board.

The moneys paid by the insurance com-
pany or companies concerned shall be paid
to the board and applied by it as follows:—

30 (a) firstly, in or towards payment to
the board of any moneys due to it by
the permanent servant on any
account; and

35 (b) secondly, in or towards payment of
the part of the premium paid by the
council for the then current period
of the policy attributable to the
unexpired portion of that period and
any other moneys due by the per-
40 manent servant to the council in
respect of the policy; and

(c)

Local Government (Superannuation) Amendment.

(c) thirdly, in payment of the balance to the permanent servant.

(ii) Where the policy on the life of a permanent servant to whom this paragraph applies has not been in force for more than one year or for a sufficient time to enable a surrender value to attach to such policy and where the board has received commission from the insurance company or companies concerned in respect of such policy the board from its reserve account may make such payments as it deems equitable to the council last employing such permanent servant and to the permanent servant, but—

(a) the amount payable to the council shall not exceed the amount of the council's quota of premium or premiums paid in respect of the policy; and

(b) the amount payable to the permanent servant shall not exceed the amount of such servant's quota of premium or premiums paid by him in respect of the policy.

(iii) by inserting in subsection six of the same section after the words " this section " the words " or any other section of this Act ";

(iv) by inserting at the end of subsection eight of the same section the following proviso:—

Provided that the board may in any special case, on application being made to it as prescribed, if it is of the opinion that it is for the benefit of any permanent servant, exempt such servant from the obligations under this section for a period to be decided by it or postpone the application of the Act to any such permanent servant for such period as may be decided by it.

Postpone-
ment of
application
of Act in
certain
cases.

(L)

Local Government (Superannuation) Amendment.

(b) by inserting next after section four the following new section:— New s. 4A.

4A. The board may set aside from time to time a portion not exceeding twenty per centum of any moneys received by it by way of commission or otherwise for the effecting of insurance on the lives of permanent servants as elsewhere provided in this Act and place such portion to a reserve account. Reserve fund.

The board may invest any moneys in such reserve account in any investment authorised by this Act for any of its accounts.

The board may use the income and capital of such reserve account in making payments of premiums on the policy of a permanent servant who may be temporarily out of a council's employment, or to secure the surrender value of a policy and making payments to councils and permanent servants pursuant to paragraph (f) of subsection four of section four. Any payment so made together with interest at the prescribed rate shall be a charge on any policy moneys coming to the hands of the board on such surrender.

The board may at any time in its discretion pay from such reserve account any amount which it deems to be in excess of its requirements for the above purposes to its management account.

(c) (i) by omitting from section five the words "the maximum cover indicated in the said Schedule" and by inserting in lieu thereof the words "one thousand pounds." Sec. 5.
(Optional insurance.)

(ii) by inserting at the end of the same section the following words:—

"Any permanent servant who has effected insurance through the board under section four of this Act may request the board to accept any existing policy of insurance on his life in lieu of taking out further optional units as provided in this section. Acceptance of existing policies for optional insurance.

"The

Local Government (Superannuation) Amendment.

5 “ The board may if it sees fit accept such policy provided it is satisfied that such policy to be handed to the board for its acceptance is the equivalent of the optional units of cover applied for, and the provisions of this section shall thereafter apply with respect to such policy as if the permanent servant concerned had taken out optional units as provided.”

10 (d) (i) by inserting in subsection one of section six after the word “ Act ” the brackets and letter “(a)”;

Sec. 6.
(Payment of premiums.)

(ii) by inserting at the end of the same subsection the following new paragraphs:—

15 (b) the board may fix a date or dates upon which premiums are to be paid to the board by the council, and may from time to time vary such date or dates as it may see fit;

20 (c) all premiums payable by a council shall be paid not later than twenty-one days after the date or dates so fixed;

25 (d) interest at a rate to be prescribed calculated on a daily basis shall be paid by any council on any premium not paid on the date or dates fixed by the board.

Interest chargeable on overdue premiums.

30 Such interest shall be recoverable by the board in the same way in which premiums are recoverable.

Such interest shall not be chargeable by the council against any permanent servant.

35 The board may in any particular case for any reasonable cause remit payment of such interest;

40 (e) the board may in the case of any permanent servant whom it deems and while it deems such permanent servant to be only temporarily out of employment

Continuing policies where servant temporarily unemployed.

Local Government (Superannuation) Amendment.

5 employment pay any premiums payable for the purpose of retaining any existing insurance of such permanent servant, if such permanent servant shall so request.

In such case interest shall be payable by such permanent servant upon all moneys paid by the board, calculated at a rate to be prescribed.

10 All such moneys and interest shall be recoverable by the board from such permanent servant in the same manner as any moneys payable by a council to the board hereunder.

15 All such moneys may be paid by the board in any of the ways provided by subsection (4A) of this section and until repayment shall with the interest thereon be a charge upon the policy and all moneys to be received thereunder.

25 The board may include all moneys payable to it under this paragraph in any notice for payment of premium sent by it to any council in whose employment such permanent servant may be thereafter and the same shall be deducted by it as prescribed from any salary or other moneys payable by the council to the said servant and paid to the board.

- 30
- (iii) by omitting from paragraph (a) of subsection four of the same section all the words after the word " thereof ";
- 35 (iv) by inserting after the same subsection the following new subsection:—

40 (4A) Where the council fails to pay any premium payable to the board under this Act within the time fixed by the board, the board may pay any such premium from the

Failure of council to pay premiums.

Local

Local Government (Superannuation) Amendment.

Local Government (Servants) Insurance Account or from any account subsidiary thereto kept by the board for the payment of premiums or may borrow sufficient to pay such premium by way of overdraft or otherwise and pay the same or make any arrangement with the insurance company concerned for payment of such premium.

5

(2) (a) Any permanent servant—

10

(i) who has effected insurance pursuant to section four of the Local Government (Superannuation) Act, 1927; and

15

(ii) whose salary at the commencement of this Act is of such amount as would if the Local Government (Superannuation) Act, 1927, then applied to him for the first time require him to effect insurance in a greater amount than the sum for which he is already insured,

shall within the time prescribed effect additional insurance in an amount equal to the difference between the amount of the insurance already effected by him and the greater amount of insurance in accordance with the scale set out in the Schedule to the Local Government (Superannuation) Act, 1927, as appropriate to his salary and age at the commencement of this Act.

25

(b) This subsection shall not apply in the case of any permanent servant who at the commencement of this Act has attained the age of fifty-five years.

4. Part III of the Local Government (Superannuation) Act, 1927, is amended—

30

(a) (i) by omitting from paragraph (b) of section seven the words “ and being in receipt of a salary of less than four hundred pounds per annum ”;

35

(ii) by inserting at the end of the same section the following new subsection:—

(2) Paragraph (b) of subsection one of this section (as amended by the Local Government (Superannuation) Amendment Act, 1935), shall not be construed to extend to any

40

case

Amendment of
Part III of
Act No. 35,
1927.

Sec. 7.
(Exemption.)

Local Government (Superannuation) Amendment.

5 case of a permanent servant who prior to the commencement of that Act had attained the age of fifty years and prior to such commencement has arranged with the board to insure or has effected insurance pursuant to section four of this Act.

10 (b) (i) by inserting in subsection one of section thirteen after the word "Act" where secondly occurring the words "or has elected (within the time prescribed) to contribute to the fund";

Sec. 13.
(Contributions by councils in certain cases.)

(ii) by inserting at the end of the same subsection the following proviso:—

15 Provided further that every permanent servant whose application for insurance in accordance with Part II of this Act has resulted in such permanent servant being deferred, refused insurance, or required to pay a loading in excess of that referred to in paragraph (c) of subsection one of section seven either in respect of compulsory or optional units of cover shall be deemed for the purpose of this Part to be exempted from the obligation under section four of this Act with regard to such part of the compulsory units of cover as are affected by such deferment, refusal or loading.

20 The contribution of the council and of the permanent servant under this Part shall in such cases but in respect of such part only be the same as it would have been under Part II of this Act in respect of both compulsory and optional insurance cover if there had not been such deferment refusal or loading.

25 (iii) by inserting in subsection two of the same section after the word "deduct" the words "by periodical instalments as prescribed."

(iv).

Local Government (Superannuation) Amendment.

(iv) by inserting after subsection three of the same section the following new subsection:—

5 (3A) Where the provisions of Part III of this Act apply to a permanent servant before he attains the age of fifty years and the salary of such permanent servant is increased subsequently to the first assessment of contribution in his case the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary.

10

Adjustment of contributions in certain cases.

15 Such adjustment shall only apply as from the commencement of the next succeeding contribution period following that during which the increase or increases took effect.

20 This provision shall not apply to any increases in salary taking effect after the permanent servant attains or has attained the age of fifty years, nor to any increases less in the aggregate than fifty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(c) by inserting next after the same section the following new section:—

New s. 13A.

25 13A. (1) The board may transfer such amount as it may deem necessary from the interest earned in any year on investments of the Local Government Provident Fund moneys and any discounts received in such year in connection with the purchase of or profit made on the sale of any security or premium paid or allowed in connection with the conversion of any security to Australian Consolidated securities, to a reserve account for the purpose of providing for the adjustment of the difference (if any) between the cost price and selling price on realisation of any investment of the Local Government Provident Fund moneys made by the board pursuant to this Act.

30

35

Provident Fund investment reserve.

Local Government (Superannuation) Amendment.

5 (2) The moneys at credit of such reserve account may be invested by the board in any manner authorised by this Act for the investment of any of its funds and any interest so earned shall be paid to such reserve account.

(3) The board may at its discretion at any time—

- 10 (a) utilise such reserve or any part thereof for the purpose for which the reserve account was established;
- 15 (b) allocate out of any surplus moneys in such reserve account which it may consider to be in excess of its requirements for the purpose aforesaid such amount as it deems to be expedient to the credit of the interest earnings of the fund in respect of any year. Such amount when so transferred shall be deemed to be interest on the investments earned during such year;
- 20 (c) allocate out of such account such amount as it may deem to be expedient towards the payment of the management expenses of the board:

25 Provided that the total of any amounts so allocated in respect of any year shall not be greater than a sum which bears the same proportion to the total management expenses for that year as the number of permanent servants in the Local Government Provident Fund at the end of such

30 year bears to the aggregate obtained by adding such number of permanent servants to the number of permanent servants in respect of whom policies of

35 insurance effected under this Act were in force at that date.

40 (4) The board may borrow to the extent of the moneys of the fund invested in securities for the purpose of providing cash with which to meet claims on the fund which may require to be

Local Government (Superannuation) Amendment.

be met before realisation of such securities and any interest payable on such borrowings shall be paid out of the reserve account provided for by this section.

5 (5) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

(d) by inserting at the end of section fourteen the following new proviso:—

Sec. 14.
(Retiring age.)

10 Provided further that the retiring date for the purposes of this Part shall be the anniversary date, following his sixty-fifth birthday or such subsequent birthday fixed as his retiring age as aforesaid, of the commencement of the period covered by the first contribution paid to the board as provided in section thirteen at the rate payable in respect of him in the last continuous period of his employment with a council.

15 (e) by inserting after subsection one of section fifteen the following new subsection:—

Sec. 15.

20 (1A) Where a permanent servant to whom the provisions of this Act applies ceases to be employed by any council or dies the board may include in the amount it certifies to be at the credit of such permanent servant's account in the Local Government Provident Fund under this section interest calculated from the date interest was last credited to his account as provided in subsection four of section thirteen of this Act up to the end of the month next preceding that during which such certificate is issued, at a rate per annum not exceeding one per centum less than the rate of interest last credited to his account.

Provident Fund interest, broken periods.

25 (f) by inserting in Part III after the same section the following new section:—

New s. 15A.

30 15A. In the case of the death of any permanent servant in respect of whom the board certifies that the amount to be paid is not more than fifty pounds the board may in its discretion but subject to the provisions of section one hundred and

Certificates where less than £50 payable.

and

Local Government (Superannuation) Amendment.

and twenty-two of the Stamp Duties Act, 1920-1933, pay the same to any person claiming to be the legal or personal representative of the deceased upon such person making a statutory declaration to that effect and producing such other evidence that the board may require and without requiring the probate of the will of or letters of administration of the estate of the deceased permanent servant to be produced. An acknowledgment of such payment or payments signed by such person shall be a release to the board from any obligation to pay any more moneys from the said fund in respect of such deceased permanent servant.

5. Part IV of the Local Government (Superannuation) Act, 1927, is amended—

Amendment of Part IV of Act No. 35, 1927.
New ss. 16A, 16B.

(a) by inserting next after section sixteen the following new sections:—

16A. (1) The board may under any agreement made with any approved insurance company or companies under subsection two of section four of this Act accept payment by way of commission or rebate or like payments in consideration of effecting insurances under this Act with such company or companies. All moneys so received by the board shall be paid into a special bank account to be called the "Local Government (Superannuation) Management Account."

Board may receive commissions, etc.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

16B. (1) The board may invest any moneys standing to the credit of the Local Government (Superannuation) Management Account in any of the ways provided by section nine of this Act for the investment of the Local Government Provident Fund. The earnings from any such investment shall be paid into and form part of the Local Government (Superannuation) Management Account.

Investment of management moneys.

Local Government (Superannuation) Amendment.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

5 (b) by omitting section seventeen and inserting the following section in lieu thereof:— Substituted s. 17.

10 17. (1) The board may charge the whole of the costs of management of the board including the remuneration of the president and members to the Local Government (Superannuation) Management Account or may charge only a portion of such costs to such account and make a per capita levy on the councils and the permanent servants as hereinafter provided, for the balance of such costs. Expenses of management.

15 (2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

(c) by inserting after section seventeen the following new sections:— New ss. 17A-17M.

20 17A. (1) The board may in any year it deems it necessary impose in the prescribed manner a per capita levy on the councils to defray or assist in defraying the costs of management aforesaid. Levies for management expenses.

25 The amount of contribution levied in respect of each permanent servant shall not exceed ten shillings in any one year, one-half to be borne by the council and the other half by the permanent servant concerned.

30 (2) The board may levy annual per capita contributions for administration expenses as provided in subsection one of this section in respect of any particular group of permanent servants where the board considers the circumstances warrant such separate levy.

35 (3) The council shall pay to the board on or before a date notified to it by the board the whole of the levy due by itself and such of its permanent servants, and shall be entitled to receive

Local Government (Superannuation) Amendment.

5 receive and recover from each permanent servant in respect of whom such levy is paid one-half of the total amount so paid by it to the board in respect of him, and may if it sees fit deduct the same or any part thereof from any sum or sums which may be due or may become due to such permanent servant by way of salary or otherwise.

10 17B. The board may by resolution fix, either generally or in any particular case, the date of commencement of the yearly period in respect of which premiums and/or contributions shall be payable under this Act. Board to fix date of commencement of premiums, etc.

15 17C. (1) Where any permanent servant on whose life a policy has been effected under this Act reaches the retiring age as fixed by this Act and still continues in the employment of a council, the board, instead of delivering such policy to the permanent servant as elsewhere provided in this Act, shall deliver such policy to the company or companies concerned and the company or companies shall upon demand made by the board in that behalf pay to the board the amount payable under such policy. An acknowledgment signed by or on behalf of the board shall be sufficient discharge to the company or companies for payment of such policy moneys and for the release of the company or companies from any further liability in respect of such policy. Employment continued after retiring age.

20

25

30 Such moneys shall be paid into the Local Government Provident Fund Account and rank pari passu with moneys standing at the credit of other permanent servants in such account and shall in all respects be deemed to be moneys paid into such fund under Part III of this Act and shall be dealt with by the board accordingly.

35

40 (2) In the case of a permanent servant to whom Part III of this Act applies remaining in the employ of a council after he reaches the retiring age as fixed in section fourteen of this Act,

Local Government (Superannuation) Amendment.

5 Act, the moneys at his credit in such fund shall continue to be held by the board in the fund and shall participate in any interest distribution provided for in Part III of this Act until he ceases to be employed by a council.

(3) No further premiums or contributions shall be payable in respect of any such permanent servant.

10 17D. (1) The board may by notice in writing request any permanent servant who has failed to lodge an application for insurance or a statement as to his exemption from the obligation to insure within the time and in the manner prescribed under this Act to lodge such application or statement forthwith.

Enforce-
ment of
lodgment of
applica-
tions, etc.

15 (2) The board may by notice in writing require any permanent servant to submit himself for medical examination by the insurance company or companies with which the board has in accordance with subsection two of section four of this Act agreed for the issue of policies, or to do any necessary things required by the insurance company or companies and agreed to by the board in order to effect insurance on the life of such permanent servant.

20 (3) Any permanent servant who refuses or neglects to comply with a notice under this section within fourteen days after the service thereof shall be liable to a penalty of not exceeding five pounds and to a further daily penalty of not exceeding two pounds for each day during which the permanent servant continues to refuse or neglect to comply with such notice.

25 (4) Where any permanent servant to whom the Act applies has failed or fails for any reason to comply with the provisions of the Act within the time prescribed and has prior to the commencement of the Local Government (Superannuation) Amendment Act, 1935, lodged or after such commencement lodges an application in the form prescribed, but not in the

Local Government (Superannuation) Amendment.

5 prescribed time, the amount of insurance cover effected and premium to be paid in respect thereof or contribution to be paid in respect of him if fixed prior to such commencement shall be deemed to have been fixed or shall be fixed as though the Act applied to him on the date of lodgment of the application or on such other date as the board may by resolution fix.

10 17E. The board may, in accordance with any agreement made between it and any insurance company or companies where it is necessary for a permanent servant to sign a proposal form or other document usually required by such company or companies from any applicant for insurance and such permanent servant fails to comply within the time and in the manner prescribed under this Act with the written request of the board so to do, complete such form or forms for and on his behalf. Such permanent servant shall be bound by the terms of such form or forms as if he had duly signed the same himself.

Completion of necessary documents on behalf of servants.

15
20
25 17F. Any female permanent servant in respect of whom an insurance policy has not been effected under this Act may as prescribed elect to be exempted from the obligation to effect insurance cover on her life as provided in Part II of this Act, in which case the provisions of Part III thereof shall apply to her.

Certain option for female employees.

30 17G. Where any permanent servant is appointed to the service of any council who was previously in the employ of a council but who resigned such employment or was dismissed from such employment such permanent servant shall not be entitled to any consideration for past service in relation to any amount of optional insurance cover or in the fixation of contribution under Part III of this Act as the case may be unless he is so appointed within a period of three months from such resignation or dismissal.

Past service not to count where servant previously employed.

17H.

Local Government (Superannuation) Amendment.

5 17H. (1) If the board is satisfied that a ser-
vant of a council is not or is not likely to be
employed by such council continuously each year,
and if such servant would be a permanent servant
within the meaning of this Act if he were
employed continuously each year by such council,
the board may upon the application of such
council or servant, declare such servant to be a
10 permanent servant for the purposes of this Act
and such servant shall for such purposes remain
a permanent servant for the purposes of this
Act until he leaves the employment of the council
15 permanently or the board declares him to be no
longer a permanent servant for the purposes
of this Act because he is not being employed
for a sufficient time or the circumstances of his
employment are not such as to justify him in
the opinion of the board being so regarded.

Servants not
continuously
employed
may be
declared
permanent
servants.

25 (2) Where the employment of a servant
of a council who has been declared to be a
" permanent servant " in pursuance of this sec-
tion is terminated and such servant is again
employed by a council the board may again
declare such servant to be a permanent servant
for the purposes of this Act and the provisions
of subsection one of this section shall apply to
him.

30 (3) The provisions of this Act shall con-
tinue to apply to any servant of a council in
respect of whom a policy of insurance has been
effected under Part II or contributions have
become payable to the Provident Fund under
Part III of this Act notwithstanding that his
35 employment with a council has been changed to
some other class of occupation to that in which
he was employed when the said policy of insur-
ance was effected or the Provident Fund con-
tributions became payable in respect of him and
such provisions shall continue to apply to him
40 in the same manner as if no such change or
changes of occupation had taken place.

Local Government (Superannuation) Amendment.

5 17i. Where any permanent servant is employed by more than one council the board shall have power to decide upon what principle or basis the amount of insurance that such permanent servant shall be compelled to take or have the option, if any, of taking shall be decided or what shall be the amount of the contribution to the provident fund in respect of such servant, as the case may be, and also the principle or basis upon which the amount of premium or contribution which shall be paid by the respective councils shall be decided and the principle or basis upon which the amount which shall be deducted by the respective councils from the salary of such permanent servant shall be decided.

Apportionment of premiums where servant jointly employed.

10 The decision of the board under this section shall be final and binding upon every council and every permanent servant affected:

20 Provided that the quota of premium or contribution by any council shall not be greater than if the permanent servant were solely employed by any council at a salary equivalent to the portion of the salary of such permanent servant

25 which such council is liable to pay.

30 17j. Where in respect of any permanent servant insurance is effected or the period covered by contributions payable under Part III of this Act in respect of him commences from a date other than the commencement of the year fixed by the board pursuant to section 17B of this Act the board may apportion the first premium or the first contribution as the case may be for the part of the year dating from the date the insurance cover was deemed to have commenced

35 or the period covered by the contributions payable under Part III of this Act commenced, in which case the supplement to make up a full year's premium or contribution will only be payable

Apportionment of premiums or contributions in certain cases.

Local Government (Superannuation) Amendment.

payable in respect of the last period for which premium or contribution as the case may be would ordinarily be payable for such permanent servant.

5 17K. (1) A permanent servant shall on attain-
ing the age of sixty-five years or such later
retiring age as is fixed under section fourteen
10 of this Act immediately retire from the ser-
vice of the council provided that the council
may by resolution and with the consent of the
permanent servant extend the period of service
or employment of any such permanent servant
15 for one year or any less period and so from time
to time as the council may see fit: Provided that
such extensions shall not exceed in the aggregate
five years.

Servant to
retire unless
retained by
resolution
of council.

(2) No contribution shall be made by a council or permanent servant under this Act in respect of any such extended period of service.

20 (3) This section shall not operate until
the expiration of two years after the commence-
ment of the Local Government (Superannuation)
Amendment Act, 1935.

25 17L. Where a permanent servant is entitled
to receive any benefit under this Act on his
ceasing to be employed by a council, and such
council has granted him long service leave which
will terminate coincidentally with the termination
30 of his employment with the council, the board
may if the permanent servant so requests and if
it deems it expedient so to do having regard to
the purpose of this Act, pay over to him any such
benefit at any time during such period of long
35 service leave upon arrangements being made to
the satisfaction of the board for the repayment
to the council of his quota of any premiums or
contributions which have been advanced by the
council.

Long
service
leave.

17M.

Local Government (Superannuation) Amendment.

17M. A servant of a council who is a minor ^{Minors.} may, as fully and effectually as if he were of full age—

- 5 (a) do, execute, suffer, and perform all acts, deeds, matters and things necessary or proper for the purpose of effecting a policy of insurance on his own life for the purposes of this Act and may surrender such policy, give discharges for 10 the surrender value of the policy or deal with the same in any manner authorised by this Act; or
- 15 (b) if he has been a contributor to the Local Government Provident Fund, give discharges for payments from that fund.

20 17N. The decision of the board shall be final and conclusive as to whether a person is a permanent servant within the meaning of this Act or is correctly classified under any proclamation made thereunder. Such decision shall have effect from a date stated by the board not being earlier than twelve months prior to the date of such decision.

25 17o. In any case in which the board purporting to act in exercise of authority conferred by this Act has made any arrangement or agreement with an insurance company with respect to a policy effected under this Act it shall be deemed to have so acted as a continuing agent 30 for the person insured by such policy and any such arrangement or agreement shall be binding upon such person, but so that the board shall be under no liability in respect thereof.

35 **6.** Part I of the Local Government (Superannuation) Act, 1927, is further amended by omitting from subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15A."

Further amendment of Part I of Act No. 35, 1927, s. 1. (Division into parts.) (Revision.)

Local Government (Superannuation) Amendment.

7. The Local Government Act, 1919, is amended—

Amendment of
Act No. 41,
1919.

- (a) by inserting after section ninety-six the following new section:—

New s. 96A.

5 96A. (1) Any servant of a council to whom the
Local Government (Superannuation) Act, 1927,
as amended by the Local Government (Superan-
10 nuation) Amendment Act, 1935, applies shall
on his attaining the retiring age as fixed by such
Act immediately retire from the service of the
council employing him unless the council by
resolution and with the consent of the servant
extend the period of service or employment of
such servant for one year or less period and
15 so on from time to time as the council may see
fit: Provided that such extensions shall not
exceed in the aggregate five years.

Retirement
of certain
servants.

20 (2) This section shall not operate until
the expiration of two years after the commence-
ment of the Local Government (Superannuation)
Amendment Act, 1935.

- (b) by inserting next after the word "servant" in subsection two of section ninety-nine the words "except where he is retired under section 96A of this Act."

Sec. 99.
(Inquiry
before retire-
ment of
certain
servants.)

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 13 March, 1935.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 13 March, 1935.

New South Wales.



ANNO VICESIMO QUINTO

GEORGII V REGIS.

Act No. , 1935.

An Act to extend the provisions of the Local Government (Superannuation) Act, 1927, to certain employees of urban committees and joint committees constituted under the Local Government Act, 1919, and to certain employees of the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915; to validate certain matters; to extend the powers of the Local Government Superannuation Board in certain respects; to amend the Local Government (Superannuation) Act, 1927, and the Local Government Act, 1919; and for purposes connected therewith.

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56—A

BE

NOTE.—The words to be omitted are ruled through.

Local Government (Superannuation) Amendment.

BE it enacted by the King'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
 5 the same, as follows:—

1. (1) This Act may be cited as the "Local Government (Superannuation) Amendment Act, 1935." Short title.

(2) The Local Government (Superannuation) Act, 1927, as amended by this Act, may be cited as the Local
 10 Government (Superannuation) Act, 1927-1935.

2. (1) Part I of the Local Government (Superannuation) Act, 1927, is amended— Amendment of Part I of Act No. 35, 1927.

(a) (i) by inserting at the end of subsection two of section two the following words:— Sec. 2 (2). (Application of Act.)

15 "Classes of servants may be defined in any such proclamation by reference to the occupation, age, sex, past service, or salary of the servants to whom this Act is to be applied. ~~Such proclamation may apply to all areas or to any particular area or areas specified in the proclamation.~~"

(ii) by inserting in the same subsection after the word "other" the words "servant or servants or";

25 (b) (i) by inserting in section three at the end of the definition of "Council" the words "urban committee, any joint committee constituted by any two or more councils under the Principal Act and the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915"; Sec. 3. (Interpretation.) (Council.)

30 (ii) by omitting from the same section the definition of "Past service factor" and by inserting in lieu thereof the following definition:— (Past service factor.)

35 "Past service factor" means the number of completed years of past service, not exceeding in any case twenty years, of a permanent servant at the time at which this Act is applied to him,
 40 including

Local Government (Superannuation) Amendment.

including war service with the Australian Expeditionary Forces where the permanent servant at the time of enlisting was in the employment of a council.

5

(2) The amendments made by paragraph (a) of subsection one of this section shall be deemed to have been made on the first day of October, one thousand nine hundred and twenty-seven.

10 **3.** (1) Part II of the Local Government (Superannuation) Act, 1927, is amended—

Amendment of
Part II of Act
No. 35, 1927.

(a) (i) by inserting at the end of subsection one of section four the following words:—

Sec. 4 (1).
(Com-
pulsory
insurance.)

15

“ Where and so often as the salary of a permanent servant is increased he shall within such time and in such manner as may be prescribed effect additional insurance for such further amount as will together with the amount for which he is already insured pursuant to this section, if any, equal the amount for which he would be required to effect insurance if this Act were then first applied to him.”

20

(ii) (a) by inserting in paragraph (b) of subsection four of the same section after the word “ premium ” where secondly occurring the words “ and to the payment to the board of any other moneys due by such permanent servant to the council in respect of the policy ”;

Sec. 4 (4).

25

(b) by inserting at the end of the same paragraph after the word “ period ” the words “ and also pay to the board any other moneys due by such permanent servant to the council in respect of the policy ”;

30

(c) by inserting at the end of the same subsection the following new paragraphs:—

35

(e) In the event of the death of a permanent servant during the currency of a policy

Local Government (Superannuation) Amendment.

5 policy the policy moneys shall stand charged
with the repayment to the council in whose
employ he was at his death of so much of
the premium paid by the council in respect
of the current premium period as is fixed
by the board as being attributable to the
unexpired portion of that period. The
board shall before handing any policy to the
personal representatives of a deceased per-
manent servant arrange for the collection of
10 the amount and pay the same when received
to the council.

15 (f) (i) Where a permanent servant ceases
to be employed by any council and advises
the board that he does not wish to take
over or to continue any policy on his life
effected under this Act or fails to advise
the board of his wishes in this regard
within one month after the posting of a
notice by the board to his last known
address or fails to pay on demand any
moneys payable by him to the board, the
board may arrange with the insurance com-
pany or companies concerned for the can-
20 cellation of such policy at such date as the
board may decide upon.

Cancellation
of policies
by the
board.

25 The moneys paid by the insurance com-
pany or companies concerned shall be paid
to the board and applied by it as follows:—

30 (a) firstly, in or towards payment to
the board of any moneys due to it by
the permanent servant on any
account; and

35 (b) secondly, in or towards payment of
the part of the premium paid by the
council for the then current period
of the policy attributable to the
unexpired portion of that period and
any other moneys due by the per-
manent servant to the council in
respect of the policy; and

40 (c)

Local Government (Superannuation) Amendment.

(c) thirdly, in payment of the balance to the permanent servant.

(ii) Where the policy on the life of a permanent servant to whom this paragraph applies has not been in force for more than one year or for a sufficient time to enable a surrender value to attach to such policy and where the board has received commission from the insurance company or companies concerned in respect of such policy the board from its reserve account may make such payments as it deems equitable to the council last employing such permanent servant and to the permanent servant, but—

(a) the amount payable to the council shall not exceed the amount of the council's quota of premium or premiums paid in respect of the policy; and

(b) the amount payable to the permanent servant shall not exceed the amount of such servant's quota of premium or premiums paid by him in respect of the policy.

(iii) by inserting in subsection six of the same section after the words " this section " the words " or any other section of this Act ";

(iv) by inserting at the end of subsection eight of the same section the following proviso:—

Provided that the board may in any special case, on application being made to it as prescribed, if it is of the opinion that it is for the benefit of any permanent servant, exempt such servant from the obligations under this section for a period to be decided by it or postpone the application of the Act to any such permanent servant for such period as may be decided by it.

Postpone-
ment of
application
of Act in
certain
cases.

(L)

Local Government (Superannuation) Amendment.

(b) by inserting next after section four the following new section:— New s. 4A.

4A. The board may set aside from time to time a portion not exceeding twenty per centum of any moneys received by it by way of commission or otherwise for the effecting of insurance on the lives of permanent servants as elsewhere provided in this Act and place such portion to a reserve account. Reserve fund.

The board may invest any moneys in such reserve account in any investment authorised by this Act for any of its accounts.

The board may use the income and capital of such reserve account in making payments of premiums on the policy of a permanent servant who may be temporarily out of a council's employment, or to secure the surrender value of a policy and making payments to councils and permanent servants pursuant to paragraph (f) of subsection four of section four. Any payment so made together with interest at the prescribed rate shall be a charge on any policy moneys coming to the hands of the board on such surrender.

The board may at any time in its discretion pay from such reserve account any amount which it deems to be in excess of its requirements for the above purposes to its management account.

(c) (i) by omitting from section five the words "the maximum cover indicated in the said Schedule" and by inserting in lieu thereof the words "one thousand pounds." Sec. 5.
(Optional insurance.)

(ii) by inserting at the end of the same section the following words:—

"Any permanent servant who has effected insurance through the board under section four of this Act may request the board to accept any existing policy of insurance on his life in lieu of taking out further optional units as provided in this section. Acceptance of existing policies for optional insurance.

"The

Local Government (Superannuation) Amendment.

- 5 “ The board may if it sees fit accept such policy provided it is satisfied that such policy to be handed to the board for its acceptance is the equivalent of the optional units of cover applied for, and the provisions of this section shall thereafter apply with respect to such policy as if the permanent servant concerned had taken out optional units as provided.”
- 10 (d) (i) by inserting in subsection one of section six after the word “ Act ” the brackets and letter “ (a) ”; Sec. 6.
(Payment
of
premiums.)
- (ii) by inserting at the end of the same subsection the following new paragraphs:—
- 15 (b) the board may fix a date or dates upon which premiums are to be paid to the board by the council, and may from time to time vary such date or dates as it may see fit;
- 20 (c) all premiums payable by a council shall be paid not later than twenty-one days after the date or dates so fixed;
- 25 (d) interest at a rate to be prescribed calculated on a daily basis shall be paid by any council on any premium not paid on the date or dates fixed by the board. Interest
chargeable
on overdue
premiums.
- 30 Such interest shall be recoverable by the board in the same way in which premiums are recoverable.
- Such interest shall not be chargeable by the council against any permanent servant.
- 35 The board may in any particular case for any reasonable cause remit payment of such interest;
- 40 (e) the board may in the case of any permanent servant whom it deems and while it deems such permanent servant to be only temporarily out of employment Continuing
policies
where
servant
temporarily
unemployed.

Local Government (Superannuation) Amendment.

5 employment pay any premiums payable for the purpose of retaining any existing insurance of such permanent servant, if such permanent servant shall so request.

In such case interest shall be payable by such permanent servant upon all moneys paid by the board, calculated at a rate to be prescribed.

10 All such moneys and interest shall be recoverable by the board from such permanent servant in the same manner as any moneys payable by a council to the board hereunder.

15 All such moneys may be paid by the board in any of the ways provided by subsection (4A) of this section and until repayment shall with the interest thereon be a charge upon the policy and all moneys to be received thereunder.

20 The board may include all moneys payable to it under this paragraph in any notice for payment of premium sent by it to any council in whose employment such permanent servant may be thereafter and the same shall be deducted by it as prescribed from any salary or other moneys payable by the council to the said servant and paid to the board.

25 (iii) by omitting from paragraph (a) of subsection four of the same section all the words after the word " thereof ";

35 (iv) by inserting after the same subsection the following new subsection:—

40 (4A) Where the council fails to pay any premium payable to the board under this Act within the time fixed by the board, the board may pay any such premium from the

Failure of council to pay premium.

Local

Local Government (Superannuation) Amendment.

5 Local Government (Servants) Insurance Account or from any account subsidiary thereto kept by the board for the payment of premiums or may borrow sufficient to pay such premium by way of overdraft or otherwise and pay the same or make any arrangement with the insurance company concerned for payment of such premium.

(2) (a) Any permanent servant—

10 (i) who has effected insurance pursuant to section four of the Local Government (Superannuation) Act, 1927; and

15 (ii) whose salary at the commencement of this Act is of such amount as would if the Local Government (Superannuation) Act, 1927, then applied to him for the first time require him to effect insurance in a greater amount than the sum for which he is already insured,

20 shall within the time prescribed effect additional insurance in an amount equal to the difference between the amount of the insurance already effected by him and the greater amount of insurance in accordance with the scale set out in the Schedule to the Local Government (Superannuation) Act, 1927, as appropriate to his salary and
25 age at the commencement of this Act.

(b) This subsection shall not apply in the case of any permanent servant who at the commencement of this Act has attained the age of fifty-five years.

30 4. Part III of the Local Government (Superannuation) Act, 1927, is amended—

(a) (i) by omitting from paragraph (b) of section seven the words “ and being in receipt of a salary of less than four hundred pounds per annum ”;

35 (ii) by inserting at the end of the same section the following new subsection:—

40 (2) Paragraph (b) of subsection one of this section (as amended by the Local Government (Superannuation) Amendment Act, 1935), shall not be construed to extend to any

case

Amendment of
Part III of
Act No. 35,
1927.

Sec. 7.
(Exemption.)

Local Government (Superannuation) Amendment.

5 case of a permanent servant who prior to the commencement of that Act had attained the age of fifty years and prior to such commencement has arranged with the board to insure or has effected insurance pursuant to section four of this Act.

10 (b) (i) by inserting in subsection one of section thirteen after the word "Act" where secondly occurring the words "or has elected (within the time prescribed) to contribute to the fund";

Sec. 13.
(Contributions by councils in certain cases.)

(ii) by inserting at the end of the same subsection the following proviso:—

15 Provided further that every permanent servant whose application for insurance in accordance with Part II of this Act has resulted in such permanent servant being deferred, refused insurance, or required to pay a loading in excess of that referred to in paragraph (c) of subsection one of section seven either in respect of compulsory or optional units of cover shall be deemed for the purpose of this Part to be exempted from the obligation under section four of this Act with regard to such part of the compulsory units of cover as are affected by such deferment, refusal or loading.

30 The contribution of the council and of the permanent servant under this Part shall in such cases but in respect of such part only be the same as it would have been under Part II of this Act in respect of both compulsory and optional insurance cover if there had not been such deferment refusal or loading.

35 (iii) by inserting in subsection two of the same section after the word "deduct" the words "by periodical instalments as prescribed."

(iv)

Local Government (Superannuation) Amendment.

(iv) by inserting after subsection three of the same section the following new subsection:—

(3A) Where the provisions of Part III of this Act apply to a permanent servant before he attains the age of fifty years and the salary of such permanent servant is increased subsequently to the first assessment of contribution in his case the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary.

Adjustment
of con-
tributions
in certain
cases.

Such adjustment shall only apply as from the commencement of the next succeeding contribution period following that during which the increase or increases took effect.

This provision shall not apply to any increases in salary taking effect after the permanent servant attains or has attained the age of fifty years, nor to any increases less in the aggregate than fifty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(c) by inserting next after the same section the following new section:—

13A. (1) The board may transfer such amount as it may deem necessary from the interest earned in any year on investments of the Local Government Provident Fund moneys and any discounts received in such year in connection with the purchase of or profit made on the sale of any security or premium paid or allowed in connection with the conversion of any security to Australian Consolidated securities, to a reserve account for the purpose of providing for the adjustment of the difference (if any) between the cost price and selling price on realisation of any investment of the Local Government Provident Fund moneys made by the board pursuant to this Act.

New s. 13A.

Provident
Fund
investment
reserve.

Local Government (Superannuation) Amendment.

(2) The moneys at credit of such reserve account may be invested by the board in any manner authorised by this Act for the investment of any of its funds and any interest so earned shall be paid to such reserve account.

(3) The board may at its discretion at any time—

(a) utilise such reserve or any part thereof for the purpose for which the reserve account was established;

(b) allocate out of any surplus moneys in such reserve account which it may consider to be in excess of its requirements for the purpose aforesaid such amount as it deems to be expedient to the credit of the interest earnings of the fund in respect of any year. Such amount when so transferred shall be deemed to be interest on the investments earned during such year;

(c) allocate out of such account such amount as it may deem to be expedient towards the payment of the management expenses of the board:

Provided that the total of any amounts so allocated in respect of any year shall not be greater than a sum which bears the same proportion to the total management expenses for that year as the number of permanent servants in the Local Government Provident Fund at the end of such year bears to the aggregate obtained by adding such number of permanent servants to the number of permanent servants in respect of whom policies of insurance effected under this Act were in force at that date.

(4) The board may borrow to the extent of the moneys of the fund invested in securities for the purpose of providing cash with which to meet claims on the fund which may require to be

Local Government (Superannuation) Amendment.

be met before realisation of such securities and any interest payable on such borrowings shall be paid out of the reserve account provided for by this section.

5 (5) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

(d) by inserting at the end of section fourteen the following new proviso:—

10 Provided further that the retiring date for the purposes of this Part shall be the anniversary date, following his sixty-fifth birthday or such subsequent birthday fixed as his retiring age as aforesaid, of the commencement of the period covered by the first contribution paid to the board as provided in section thirteen at the rate payable in respect of him in the last continuous period of his employment with a council.

15 (e) by inserting after subsection one of section fifteen the following new subsection:—

20 (1A) Where a permanent servant to whom the provisions of this Act applies ceases to be employed by any council or dies the board may include in the amount it certifies to be at the credit of such permanent servant's account in the Local Government Provident Fund under this section interest calculated from the date interest was last credited to his account as provided in subsection four of section thirteen of this Act up to the end of the month next preceding that during which such certificate is issued, at a rate per annum not exceeding one per centum less than the rate of interest last credited to his account.

25 (f) by inserting in Part III after the same section the following new section:—

30 15A. In the case of the death of any permanent servant in respect of whom the board certifies that the amount to be paid is not more than fifty pounds the board may in its discretion but subject to the provisions of section one hundred and

Sec. 14.
(Retiring
age.)

Sec. 15.

Provident
Fund
interest,
broken
periods.

New s. 15A.

Certificate:
where less
than £50
payable.

and

Local Government (Superannuation) Amendment.

5 and twenty-two of the Stamp Duties Act, 1920-
 10 1933, pay the same to any person claiming to be
 the legal or personal representative of the
 deceased upon such person making a statutory
 declaration to that effect and producing such
 other evidence that the board may require and
 without requiring the probate of the will of or
 letters of administration of the estate of the
 deceased permanent servant to be produced. An
 acknowledgment of such payment or payments
 signed by such person shall be a release to the
 board from any obligation to pay any more
 moneys from the said fund in respect of such
 deceased permanent servant.

15 **5.** Part IV of the Local Government (Superannua-
 tion) Act, 1927, is amended—

Amendment of
 Part IV of
 Act No. 35,
 1927.

(a) by inserting next after section sixteen the follow-
 ing new sections:—

New ss.
 16A, 16B.

20 16A. (1) The board may under any agreement
 made with any approved insurance company or
 companies under subsection two of section four
 of this Act accept payment by way of commis-
 sion or rebate or like payments in consideration
 of effecting insurances under this Act with such
 25 company or companies. All moneys so received
 by the board shall be paid into a special bank
 account to be called the "Local Government
 (Superannuation) Management Account."

Board may
 receive com-
 missions,
 etc.

30 (2) This section shall be deemed to have
 commenced on the first day of October, one
 thousand nine hundred and twenty-seven.

35 16B. (1) The board may invest any moneys
 standing to the credit of the Local Government
 (Superannuation) Management Account in any
 of the ways provided by section nine of this Act
 for the investment of the Local Government
 Provident Fund. The earnings from any such
 investment shall be paid into and form part of
 the Local Government (Superannuation) Man-
 40 agement Account.

Investment
 of manage-
 ment
 moneys.

(2)

Local Government (Superannuation) Amendment.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

5 (b) by omitting section seventeen and inserting the following section in lieu thereof:— Substituted s. 17.

10 17. (1) The board may charge the whole of the costs of management of the board including the remuneration of the president and members to the Local Government (Superannuation) Management Account or may charge only a portion of such costs to such account and make a per capita levy on the councils and the permanent servants as hereinafter provided, for the balance of such costs. Expenses of management.

15 (2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

20 (c) by inserting after section seventeen the following new sections:— New ss. 17A-17M.

25 17A. (1) The board may in any year it deems it necessary impose in the prescribed manner a per capita levy on the councils to defray or assist in defraying the costs of management aforesaid. Levies for management expenses.

30 The amount of contribution levied in respect of each permanent servant shall not exceed ten shillings in any one year, one-half to be borne by the council and the other half by the permanent servant concerned.

35 (2) The board may levy annual per capita contributions for administration expenses as provided in subsection one of this section in respect of any particular group of permanent servants where the board considers the circumstances warrant such separate levy.

(3) The council shall pay to the board on or before a date notified to it by the board the whole of the levy due by itself and such of its permanent servants, and shall be entitled to receive

Local Government (Superannuation) Amendment.

5 receive and recover from each permanent servant in respect of whom such levy is paid one-half of the total amount so paid by it to the board in respect of him, and may if it sees fit deduct the same or any part thereof from any sum or sums which may be due or may become due to such permanent servant by way of salary or otherwise.

10 17B. The board may by resolution fix, either generally or in any particular case, the date of commencement of the yearly period in respect of which premiums and/or contributions shall be payable under this Act. Board to fix date of commencement of premiums, etc.

15 17c. (1) Where any permanent servant on whose life a policy has been effected under this Act reaches the retiring age as fixed by this Act and still continues in the employment of a council, the board, instead of delivering such policy to the permanent servant as elsewhere provided in this Act, shall deliver such policy to the company or companies concerned and the company or companies shall upon demand made by the board in that behalf pay to the board the amount payable under such policy. An acknowledgment signed by or on behalf of the board shall be sufficient discharge to the company or companies for payment of such policy moneys and for the release of the company or companies from any further liability in respect of such policy. Employment continued after retiring age.

20 30 Such moneys shall be paid into the Local Government Provident Fund Account and rank pari passu with moneys standing at the credit of other permanent servants in such account and shall in all respects be deemed to be moneys paid into such fund under Part III of this Act and shall be dealt with by the board accordingly.

35 40 (2) In the case of a permanent servant to whom Part III of this Act applies remaining in the employ of a council after he reaches the retiring age as fixed in section fourteen of this Act,

Local Government (Superannuation) Amendment.

5 Act, the moneys at his credit in such fund shall continue to be held by the board in the fund and shall participate in any interest distribution provided for in Part III of this Act until he ceases to be employed by a council.

(3) No further premiums or contributions shall be payable in respect of any such permanent servant.

10 17D. (1) The board may by notice in writing request any permanent servant who has failed to lodge an application for insurance or a statement as to his exemption from the obligation to insure within the time and in the manner prescribed under this Act to lodge such application or statement forthwith.

Enforcement of lodgment of applications, etc.

15 (2) The board may by notice in writing require any permanent servant to submit himself for medical examination by the insurance company or companies with which the board has in accordance with subsection two of section four of this Act agreed for the issue of policies, or to do any necessary things required by the insurance company or companies and agreed to by the board in order to effect insurance on the life of such permanent servant.

20 (3) Any permanent servant who refuses or neglects to comply with a notice under this section within fourteen days after the service thereof shall be liable to a penalty of not exceeding five pounds and to a further daily penalty of not exceeding two pounds for each day during which the permanent servant continues to refuse or neglect to comply with such notice.

25 (4) Where any permanent servant to whom the Act applies has failed or fails for any reason to comply with the provisions of the Act within the time prescribed and has prior to the commencement of the Local Government (Superannuation) Amendment Act, 1935, lodged or after such commencement lodges an application in the form prescribed, but not in the

Local Government (Superannuation) Amendment.

prescribed time, the amount of insurance cover effected and premium to be paid in respect thereof or contribution to be paid in respect of him if fixed prior to such commencement shall be deemed to have been fixed or shall be fixed as though the Act applied to him on the date of lodgment of the application or on such other date as the board may by resolution fix.

10 17E. The board may, in accordance with any agreement made between it and any insurance company or companies where it is necessary for a permanent servant to sign a proposal form or other document usually required by such company or companies from any applicant for insurance and such permanent servant fails to comply within the time and in the manner prescribed under this Act with the written request of the board so to do, complete such form or forms for and on his behalf. Such permanent servant shall be bound by the terms of such form or forms as if he had duly signed the same himself.

Completion of necessary documents on behalf of servants.

15 17F. Any female permanent servant in respect of whom an insurance policy has not been effected under this Act may as prescribed elect to be exempted from the obligation to effect insurance cover on her life as provided in Part II of this Act, in which case the provisions of Part III thereof shall apply to her.

Certain option for female employees.

20 17G. Where any permanent servant is appointed to the service of any council who was previously in the employ of a council but who resigned such employment or was dismissed from such employment such permanent servant shall not be entitled to any consideration for past service in relation to any amount of optional insurance cover or in the fixation of contribution under Part III of this Act as the case may be unless he is so appointed within a period of three months from such resignation or dismissal.

Past service not to count where servant previously employed.

17H.

Local Government (Superannuation) Amendment.

5 17H. (1) If the board is satisfied that a servant of a council is not or is not likely to be employed by such council continuously each year, and if such servant would be a permanent servant within the meaning of this Act if he were employed continuously each year by such council, the board may upon the application of such council or servant, declare such servant to be a permanent servant for the purposes of this Act and such servant shall for such purposes remain a permanent servant for the purposes of this Act until he leaves the employment of the council permanently or the board declares him to be no longer a permanent servant for the purposes of this Act because he is not being employed for a sufficient time or the circumstances of his employment are not such as to justify him in the opinion of the board being so regarded.

Servants not continuously employed may be declared permanent servants.

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15
20 (2) Where the employment of a servant of a council who has been declared to be a "permanent servant" in pursuance of this section is terminated and such servant is again employed by a council the board may again declare such servant to be a permanent servant for the purposes of this Act and the provisions of subsection one of this section shall apply to him.

25
30 (3) The provisions of this Act shall continue to apply to any servant of a council in respect of whom a policy of insurance has been effected under Part II or contributions have become payable to the Provident Fund under Part III of this Act notwithstanding that his employment with a council has been changed to some other class of occupation to that in which he was employed when the said policy of insurance was effected or the Provident Fund contributions became payable in respect of him and such provisions shall continue to apply to him in the same manner as if no such change or changes of occupation had taken place.

Local Government (Superannuation) Amendment.

17i. Where any permanent servant is employed by more than one council the board shall have power to decide upon what principle or basis the amount of insurance that such permanent servant shall be compelled to take or have the option, if any, of taking shall be decided or what shall be the amount of the contribution to the provident fund in respect of such servant, as the case may be, and also the principle or basis upon which the amount of premium or contribution which shall be paid by the respective councils shall be decided and the principle or basis upon which the amount which shall be deducted by the respective councils from the salary of such permanent servant shall be decided.

Apportionment of premiums where servant jointly employed.

The decision of the board under this section shall be final and binding upon every council and every permanent servant affected:

Provided that the quota of premium or contribution by any council shall not be greater than if the permanent servant were solely employed by any council at a salary equivalent to the portion of the salary of such permanent servant which such council is liable to pay.

17j. Where in respect of any permanent servant insurance is effected or the period covered by contributions payable under Part III of this Act in respect of him commences from a date other than the commencement of the year fixed by the board pursuant to section 17B of this Act the board may apportion the first premium or the first contribution as the case may be for the part of the year dating from the date the insurance cover was deemed to have commenced or the period covered by the contributions payable under Part III of this Act commenced, in which case the supplement to make up a full year's premium or contribution will only be payable

Apportionment of premiums or contributions in certain cases.

Local Government (Superannuation) Amendment.

payable in respect of the last period for which premium or contribution as the case may be would ordinarily be payable for such permanent servant.

5

17K. (1) A permanent servant shall on attaining the age of sixty-five years or such later retiring age as is fixed under section fourteen of this Act immediately retire from the service of the council provided that the council may by resolution and with the consent of the permanent servant extend the period of service or employment of any such permanent servant for one year or any less period and so from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years.

Servant to retire unless retained by resolution of council.

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(2) No contribution shall be made by a council or permanent servant under this Act in respect of any such extended period of service.

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(3) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935.

25

17L. Where a permanent servant is entitled to receive any benefit under this Act on his ceasing to be employed by a council, and such council has granted him long service leave which will terminate coincidentally with the termination of his employment with the council, the board may if the permanent servant so requests and if it deems it expedient so to do having regard to the purpose of this Act, pay over to him any such benefit at any time during such period of long service leave upon arrangements being made to the satisfaction of the board for the repayment to the council of his quota of any premiums or contributions which have been advanced by the council.

Long service leave.

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17M.

Local Government (Superannuation) Amendment.

17M. A servant of a council who is a minor ^{Minors.} may, as fully and effectually as if he were of full age—

5 (a) do, execute, suffer, and perform all acts, deeds, matters and things necessary or proper for the purpose of effecting a policy of insurance on his own life for the purposes of this Act and may surrender such policy, give discharges for the surrender value of the policy or deal with the same in any manner authorised by this Act; or

10 (b) if he has been a contributor to the Local Government Provident Fund, give discharges for payments from that fund.

15 17N. The decision of the board shall be final and conclusive as to whether a person is a permanent servant within the meaning of this Act or is correctly classified under any proclamation made thereunder. Such decision shall have effect from a date stated by the board not being earlier than twelve months prior to the date of such decision.

20 25 30 17O. In any case in which the board purporting to act in exercise of authority conferred by this Act has made any arrangement or agreement with an insurance company with respect to a policy effected under this Act it shall be deemed to have so acted as a continuing agent for the person insured by such policy and any such arrangement or agreement shall be binding upon such person, but so that the board shall be under no liability in respect thereof.

35 6. Part I of the Local Government (Superannuation) Act, 1927, is further amended by omitting from subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter " 15A."

Further amendment of Part I of Act No. 35, 1927, s. 1. (Division into parts.) (Revision.)

Local Government (Superannuation) Amendment.

7. The Local Government Act, 1919, is amended—

Amendment of
Act No. 41,
1919.

- (a) by inserting after section ninety-six the following new section:—
- New s. 96A.

5 96A. (1) Any servant of a council to whom the Local Government (Superannuation) Act, 1927, as amended by the Local Government (Superannuation) Amendment Act, 1935, applies shall on his attaining the retiring age as fixed by such Act immediately retire from the service of the council employing him unless the council by resolution and with the consent of the servant extend the period of service or employment of such servant for one year or less period and so on from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years. Retirement of certain servants.

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(2) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935. Retirement of certain servants.

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- (b) by inserting next after the word "servant" in subsection two of section ninety-nine the words "except where he is retired under section 96A of this Act."
- Sec. 99. (Inquiry before retirement of certain servants.)

The Board has reviewed the information submitted to it and has found that the information is true and correct and that the applicant is qualified to be licensed as a ...

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The Board has reviewed the information submitted to it and has found that the information is true and correct and that the applicant is qualified to be licensed as a ...

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 13 March, 1935.

New South Wales.



ANNO VICESIMO QUINTO

GEORGI V REGIS.

Act No. , 1935.

An Act to extend the provisions of the Local Government (Superannuation) Act, 1927, to certain employees of urban committees and joint committees constituted under the Local Government Act, 1919, and to certain employees of the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915; to validate certain matters; to extend the powers of the Local Government Superannuation Board in certain respects; to amend the Local Government (Superannuation) Act, 1927, and the Local Government Act, 1919; and for purposes connected therewith.

Local Government (Superannuation) Amendment.

BE it enacted by the King'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:—

1. (1) This Act may be cited as the "Local Government (Superannuation) Amendment Act, 1935." Short title.

(2) The Local Government (Superannuation) Act, 1927, as amended by this Act, may be cited as the Local Government (Superannuation) Act, 1927-1935.

2. (1) Part I of the Local Government (Superannuation) Act, 1927, is amended— Amendment of Part I of Act No. 35, 1927.

(a) (i) by inserting at the end of subsection two of section two the following words:— Sec. 2 (2). (Application of Act.)

15 "Classes of servants may be defined in any such proclamation by reference to the occupation, age, sex, past service, or salary of the servants to whom this Act is to be applied. Such proclamation may apply to

20 all areas or to any particular area or areas specified in the proclamation."

(ii) by inserting in the same subsection after the word "other" the words "servant or servants or";

25 (b) (i) by inserting in section three at the end of the definition of "Council" the words "urban committee, any joint committee constituted by any two or more councils under the Principal Act and the Grafton and South Grafton Water Board constituted under the Grafton and South Grafton Water Supply Administration Act, 1915"; Sec. 3. (Interpretation.) (Council.)

30

(ii) by omitting from the same section the definition of "Past service factor" and by inserting in lieu thereof the following definition:— (Past service factor.)

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"Past service factor" means the number of completed years of past service, not exceeding in any case twenty years, of a permanent servant at the time at which this Act is applied to him, including

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Local Government (Superannuation) Amendment.

including war service with the Australian Expeditionary Forces where the permanent servant at the time of enlisting was in the employment of a council.

5

(2) The amendments made by paragraph (a) of subsection one of this section shall be deemed to have been made on the first day of October, one thousand nine hundred and twenty-seven.

10 **3.** (1) Part II of the Local Government (Superannuation) Act, 1927, is amended—

Amendment of
Part II of Act
No. 35, 1927.

(a) (i) by inserting at the end of subsection one of section four the following words:—

Sec. 4 (1).
(Com-
pulsory
insurance.)

15

“ Where and so often as the salary of a permanent servant is increased he shall within such time and in such manner as may be prescribed effect additional insurance for such further amount as will together with the amount for which he is already insured pursuant to this section, if any, equal the amount for which he would be required to effect insurance if this Act were then first applied to him.”

20

(ii) (a) by inserting in paragraph (b) of sub-

Sec. 4 (4).

25

section four of the same section after the word “ premium ” where secondly occurring the words “ and to the payment to the board of any other moneys due by such permanent servant to the council in respect of the policy ”;

30

(b) by inserting at the end of the same paragraph after the word “ period ” the words “ and also pay to the board any other moneys due by such permanent servant to the council in respect of the policy ”;

35

(c) by inserting at the end of the same subsection the following new paragraphs:—

(e) In the event of the death of a permanent servant during the currency of a policy

Local Government (Superannuation) Amendment.

5 policy the policy moneys shall stand charged
with the repayment to the council in whose
employ he was at his death of so much of
the premium paid by the council in respect
of the current premium period as is fixed
by the board as being attributable to the
unexpired portion of that period. The
board shall before handing any policy to the
personal representatives of a deceased per-
manent servant arrange for the collection of
10 the amount and pay the same when received
to the council.

15 (f) (i) Where a permanent servant ceases
to be employed by any council and advises
the board that he does not wish to take
over or to continue any policy on his life
effected under this Act or fails to advise
the board of his wishes in this regard
within one month after the posting of a
notice by the board to his last known
address or fails to pay on demand any
moneys payable by him to the board, the
board may arrange with the insurance com-
pany or companies concerned for the can-
25 cellation of such policy at such date as the
board may decide upon.

Cancellation
of policies
by the
board.

The moneys paid by the insurance com-
pany or companies concerned shall be paid
to the board and applied by it as follows:—

- 30 (a) firstly, in or towards payment to
the board of any moneys due to it by
the permanent servant on any
account; and
35 (b) secondly, in or towards payment of
the part of the premium paid by the
council for the then current period
of the policy attributable to the
unexpired portion of that period and
any other moneys due by the per-
manent servant to the council in
40 respect of the policy; and

(c)

Local Government (Superannuation) Amendment.

(c) thirdly, in payment of the balance to the permanent servant.

5

(ii) Where the policy on the life of a permanent servant to whom this paragraph applies has not been in force for more than one year or for a sufficient time to enable a surrender value to attach to such policy and where the board has received commission from the insurance company or companies concerned in respect of such policy the board from its reserve account may make such payments as it deems equitable to the council last employing such permanent servant and to the permanent servant, but—

10

15

(a) the amount payable to the council shall not exceed the amount of the council's quota of premium or premiums paid in respect of the policy; and

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(b) the amount payable to the permanent servant shall not exceed the amount of such servant's quota of premium or premiums paid by him in respect of the policy.

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(iii) by inserting in subsection six of the same section after the words " this section " the words " or any other section of this Act ";

30

(iv) by inserting at the end of subsection eight of the same section the following proviso:—

Provided that the board may in any special case, on application being made to it as prescribed, if it is of the opinion that it is for the benefit of any permanent servant, exempt such servant from the obligations under this section for a period to be decided by it or postpone the application of the Act to any such permanent servant for such period as may be decided by it.

35

Postponement of application of Act in certain cases.

(l)

Local Government (Superannuation) Amendment.

- (b) by inserting next after section four the following new section:—
- 4A. The board may set aside from time to time a portion not exceeding twenty per centum of any moneys received by it by way of commission or otherwise for the effecting of insurance on the lives of permanent servants as elsewhere provided in this Act and place such portion to a reserve account.
- The board may invest any moneys in such reserve account in any investment authorised by this Act for any of its accounts.
- The board may use the income and capital of such reserve account in making payments of premiums on the policy of a permanent servant who may be temporarily out of a council's employment, or to secure the surrender value of a policy and making payments to councils and permanent servants pursuant to paragraph (f) of subsection four of section four. Any payment so made together with interest at the prescribed rate shall be a charge on any policy moneys coming to the hands of the board on such surrender.
- The board may at any time in its discretion pay from such reserve account any amount which it deems to be in excess of its requirements for the above purposes to its management account.
- (c) (i) by omitting from section five the words "the maximum cover indicated in the said Schedule" and by inserting in lieu thereof the words "one thousand pounds."
- (ii) by inserting at the end of the same section the following words:—
- "Any permanent servant who has effected insurance through the board under section four of this Act may request the board to accept any existing policy of insurance on his life in lieu of taking out further optional units as provided in this section.

New s. 4A.

Reserve fund.

Sec. 5.
(Optional insurance.)

Acceptance of existing policies for optional insurance.

"The

Local Government (Superannuation) Amendment.

- 5 “ The board may if it sees fit accept such policy provided it is satisfied that such policy to be handed to the board for its acceptance is the equivalent of the optional units of cover applied for, and the provisions of this section shall thereafter apply with respect to such policy as if the permanent servant concerned had taken out optional units as provided.”
- 10 (d) (i) by inserting in subsection one of section six after the word “ Act ” the brackets and letter “ (a) ”; Sec. 6.
(Payment of premiums.)
- (ii) by inserting at the end of the same subsection the following new paragraphs:—
- 15 (b) the board may fix a date or dates upon which premiums are to be paid to the board by the council, and may from time to time vary such date or dates as it may see fit;
- 20 (c) all premiums payable by a council shall be paid not later than twenty-one days after the date or dates so fixed;
- 25 (d) interest at a rate to be prescribed calculated on a daily basis shall be paid by any council on any premium not paid on the date or dates fixed by the board. Interest chargeable on overdue premiums.
- 30 Such interest shall be recoverable by the board in the same way in which premiums are recoverable.
- Such interest shall not be chargeable by the council against any permanent servant.
- 35 The board may in any particular case for any reasonable cause remit payment of such interest;
- 40 (e) the board may in the case of any permanent servant whom it deems and while it deems such permanent servant to be only temporarily out of employment Continuing policies where servant temporarily unemployed.

Local Government (Superannuation) Amendment.

5 employment pay any premiums payable for the purpose of retaining any existing insurance of such permanent servant, if such permanent servant shall so request.

In such case interest shall be payable by such permanent servant upon all moneys paid by the board, calculated at a rate to be prescribed.

10 All such moneys and interest shall be recoverable by the board from such permanent servant in the same manner as any moneys payable by a council to the board hereunder.

15 All such moneys may be paid by the board in any of the ways provided by subsection (4A) of this section and until repayment shall with the interest thereon be a charge upon the policy and all moneys to be received thereunder.

20 The board may include all moneys payable to it under this paragraph in any notice for payment of premium sent by it to any council in whose employment such permanent servant may be thereafter and the same shall be deducted by it as prescribed from any salary or other moneys payable by the council to the said servant and paid to the board.

(iii) by omitting from paragraph (a) of subsection four of the same section all the words after the word " thereof ";

35 (iv) by inserting after the same subsection the following new subsection:—

40 (4A) Where the council fails to pay any premium payable to the board under this Act within the time fixed by the board, the board may pay any such premium from the

Failure of council to pay premium.

Local

Local Government (Superannuation) Amendment.

5 Local Government (Servants) Insurance Account or from any account subsidiary thereto kept by the board for the payment of premiums or may borrow sufficient to pay such premium by way of overdraft or otherwise and pay the same or make any arrangement with the insurance company concerned for payment of such premium.

(2) (a) Any permanent servant—

10 (i) who has effected insurance pursuant to section four of the Local Government (Superannuation) Act, 1927; and

15 (ii) whose salary at the commencement of this Act is of such amount as would if the Local Government (Superannuation) Act, 1927, then applied to him for the first time require him to effect insurance in a greater amount than the sum for which he is already insured,

20 shall within the time prescribed effect additional insurance in an amount equal to the difference between the amount of the insurance already effected by him and the greater amount of insurance in accordance with the scale set out in the Schedule to the Local Government (Superannuation) Act, 1927, as appropriate to his salary and
25 age at the commencement of this Act.

(b) This subsection shall not apply in the case of any permanent servant who at the commencement of this Act has attained the age of fifty-five years.

30 4. Part III of the Local Government (Superannuation) Act, 1927, is amended—

(a) (i) by omitting from paragraph (b) of section seven the words “ and being in receipt of a salary of less than four hundred pounds per annum ”; Amendment of Part III of Act No. 35, 1927. Sec. 7. (Exemption.)

35 (ii) by inserting at the end of the same section the following new subsection:—

40 (2) Paragraph (b) of subsection one of this section (as amended by the Local Government (Superannuation) Amendment Act, 1935), shall not be construed to extend to any case

Local Government (Superannuation) Amendment.

5 case of a permanent servant who prior to the commencement of that Act had attained the age of fifty years and prior to such commencement has arranged with the board to insure or has effected insurance pursuant to section four of this Act.

10 (b) (i) by inserting in subsection one of section thirteen after the word "Act" where secondly occurring the words "or has elected (within the time prescribed) to contribute to the fund";

Sec. 13.
(Contributions by councils in certain cases.)

(ii) by inserting at the end of the same subsection the following proviso:—

15 Provided further that every permanent servant whose application for insurance in accordance with Part II of this Act has resulted in such permanent servant being deferred, refused insurance, or required to pay a loading in excess of that referred to in paragraph (c) of subsection one of section seven either in respect of compulsory or optional units of cover shall be deemed for the purpose of this Part to be exempted from the obligation under section four of this Act with regard to such part of the compulsory units of cover as are affected by such deferment, refusal or loading.

30 The contribution of the council and of the permanent servant under this Part shall in such cases but in respect of such part only be the same as it would have been under Part II of this Act in respect of both compulsory and optional insurance cover if there had not been such deferment refusal or loading.

35 (iii) by inserting in subsection two of the same section after the word "deduct" the words "by periodical instalments as prescribed."

(iv)

Local Government (Superannuation) Amendment.

(iv) by inserting after subsection three of the same section the following new subsection:—

5 (3A) Where the provisions of Part III of this Act apply to a permanent servant before he attains the age of fifty years and the salary of such permanent servant is increased subsequently to the first assessment of contribution in his case the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary.

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Adjustment of contributions in certain cases.

15 Such adjustment shall only apply as from the commencement of the next succeeding contribution period following that during which the increase or increases took effect.

20 This provision shall not apply to any increases in salary taking effect after the permanent servant attains or has attained the age of fifty years, nor to any increases less in the aggregate than fifty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(e) by inserting next after the same section the following new section:—

New s. 13A.

25 13A. (1) The board may transfer such amount as it may deem necessary from the interest earned in any year on investments of the Local Government Provident Fund moneys and any discounts received in such year in connection with the purchase of or profit made on the sale of any security or premium paid or allowed in connection with the conversion of any security to Australian Consolidated securities, to a reserve account for the purpose of providing for the adjustment of the difference (if any) between the cost price and selling price on realisation of any investment of the Local Government Provident Fund moneys made by the board pursuant to this Act.

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Provident Fund investment reserve.

Local Government (Superannuation) Amendment.

5 (2) The moneys at credit of such reserve account may be invested by the board in any manner authorised by this Act for the investment of any of its funds and any interest so earned shall be paid to such reserve account.

(3) The board may at its discretion at any time—

10 (a) utilise such reserve or any part thereof for the purpose for which the reserve account was established;

15 (b) allocate out of any surplus moneys in such reserve account which it may consider to be in excess of its requirements for the purpose aforesaid such amount as it deems to be expedient to the credit of the interest earnings of the fund in respect of any year. Such amount when so transferred shall be deemed to be interest on the investments earned during such year;

20 (c) allocate out of such account such amount as it may deem to be expedient towards the payment of the management expenses of the board:

25 Provided that the total of any amounts so allocated in respect of any year shall not be greater than a sum which bears the same proportion to the total management expenses for that year as the number of permanent servants in the Local Government Provident Fund at the end of such year bears to the aggregate obtained by adding such number of permanent servants to the number of permanent servants in respect of whom policies of insurance effected under this Act were in force at that date.

30 (4) The board may borrow to the extent of the moneys of the fund invested in securities for the purpose of providing cash with which to meet claims on the fund which may require to be

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Local Government (Superannuation) Amendment.

be met before realisation of such securities and any interest payable on such borrowings shall be paid out of the reserve account provided for by this section.

5 (5) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

(d) by inserting at the end of section fourteen the following new proviso:—

Sec. 14.
(Retiring
age.)

10 Provided further that the retiring date for the purposes of this Part shall be the anniversary date, following his sixty-fifth birthday or such subsequent birthday fixed as his retiring age as aforesaid, of the commencement of the period

15 covered by the first contribution paid to the board as provided in section thirteen at the rate payable in respect of him in the last continuous period of his employment with a council.

(e) by inserting after subsection one of section fifteen the following new subsection:—

Sec. 15.

(1A) Where a permanent servant to whom the provisions of this Act applies ceases to be employed by any council or dies the board may include in the amount it certifies to be at the credit of such permanent servant's account in the Local Government Provident Fund under this section interest calculated from the date interest was last credited to his account as provided in subsection four of section thirteen of this Act up to the end of the month next preceding that during which such certificate is issued, at a rate per annum not exceeding one per centum less than the rate of interest last credited to his account.

Provident
Fund
interest,
broken
periods.

(f) by inserting in Part III after the same section the following new section:—

New s. 15A.

15A. In the case of the death of any permanent servant in respect of whom the board certifies that the amount to be paid is not more than fifty pounds the board may in its discretion but subject to the provisions of section one hundred

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Certificate:
where less
than £50
payable.

Local Government (Superannuation) Amendment.

5 and twenty-two of the Stamp Duties Act, 1920-1933, pay the same to any person claiming to be the legal or personal representative of the deceased upon such person making a statutory declaration to that effect and producing such other evidence that the board may require and without requiring the probate of the will of or letters of administration of the estate of the deceased permanent servant to be produced. An acknowledgment of such payment or payments signed by such person shall be a release to the board from any obligation to pay any more moneys from the said fund in respect of such deceased permanent servant.

15 **5.** Part IV of the Local Government (Superannuation) Act, 1927, is amended—

Amendment of Part IV of Act No. 35, 1927.
New ss. 16A, 16B.

(a) by inserting next after section sixteen the following new sections:—

20 16A. (1) The board may under any agreement made with any approved insurance company or companies under subsection two of section four of this Act accept payment by way of commission or rebate or like payments in consideration of effecting insurances under this Act with such company or companies. All moneys so received by the board shall be paid into a special bank account to be called the "Local Government (Superannuation) Management Account."

Board may receive commissions, etc.

30 (2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

35 16B. (1) The board may invest any moneys standing to the credit of the Local Government (Superannuation) Management Account in any of the ways provided by section nine of this Act for the investment of the Local Government Provident Fund. The earnings from any such investment shall be paid into and form part of the Local Government (Superannuation) Management Account.

Investment of management moneys.

(2)

Local Government (Superannuation) Amendment.

(2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

5 (b) by omitting section seventeen and inserting the following section in lieu thereof:— Substituted
s. 17.

10 17. (1) The board may charge the whole of the costs of management of the board including the remuneration of the president and members to the Local Government (Superannuation) Management Account or may charge only a portion of such costs to such account and make a per capita levy on the councils and the permanent servants as hereinafter provided, for the balance of such costs. Expenses
of manage-
ment.

15 (2) This section shall be deemed to have commenced on the first day of October, one thousand nine hundred and twenty-seven.

(c) by inserting after section seventeen the following new sections:— New ss.
17A-17M.

20 17A. (1) The board may in any year it deems it necessary impose in the prescribed manner a per capita levy on the councils to defray or assist in defraying the costs of management aforesaid. Levies for
manage-
ment
expenses.

25 The amount of contribution levied in respect of each permanent servant shall not exceed ten shillings in any one year, one-half to be borne by the council and the other half by the permanent servant concerned.

30 (2) The board may levy annual per capita contributions for administration expenses as provided in subsection one of this section in respect of any particular group of permanent servants where the board considers the circumstances warrant such separate levy.

35 (3) The council shall pay to the board on or before a date notified to it by the board the whole of the levy due by itself and such of its permanent servants, and shall be entitled to receive

Local Government (Superannuation) Amendment.

5 receive and recover from each permanent servant in respect of whom such levy is paid one-half of the total amount so paid by it to the board in respect of him, and may if it sees fit deduct the same or any part thereof from any sum or sums which may be due or may become due to such permanent servant by way of salary or otherwise.

10 17B. The board may by resolution fix, either generally or in any particular case, the date of commencement of the yearly period in respect of which premiums and/or contributions shall be payable under this Act. Board to fix date of commencement of premiums, etc.

15 17c. (1) Where any permanent servant on whose life a policy has been effected under this Act reaches the retiring age as fixed by this Act and still continues in the employment of a council, the board, instead of delivering such policy to the permanent servant as elsewhere provided in this Act, shall deliver such policy to the company or companies concerned and the company or companies shall upon demand made by the board in that behalf pay to the board the amount payable under such policy. An acknowledgment signed by or on behalf of the board shall be sufficient discharge to the company or companies for payment of such policy moneys and for the release of the company or companies from any further liability in respect of such policy. Employment continued after retiring age.

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30 Such moneys shall be paid into the Local Government Provident Fund Account and rank pari passu with moneys standing at the credit of other permanent servants in such account and shall in all respects be deemed to be moneys paid into such fund under Part III of this Act and shall be dealt with by the board accordingly.

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40 (2) In the case of a permanent servant to whom Part III of this Act applies remaining in the employ of a council after he reaches the retiring age as fixed in section fourteen of this Act,

Local Government (Superannuation) Amendment.

Act, the moneys at his credit in such fund shall continue to be held by the board in the fund and shall participate in any interest distribution provided for in Part III of this Act until he ceases to be employed by a council.

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(3) No further premiums or contributions shall be payable in respect of any such permanent servant.

17d. (1) The board may by notice in writing request any permanent servant who has failed to lodge an application for insurance or a statement as to his exemption from the obligation to insure within the time and in the manner prescribed under this Act to lodge such application or statement forthwith.

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Enforcement of lodgment of applications, etc.

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(2) The board may by notice in writing require any permanent servant to submit himself for medical examination by the insurance company or companies with which the board has in accordance with subsection two of section four of this Act agreed for the issue of policies, or to do any necessary things required by the insurance company or companies and agreed to by the board in order to effect insurance on the life of such permanent servant.

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(3) Any permanent servant who refuses or neglects to comply with a notice under this section within fourteen days after the service thereof shall be liable to a penalty of not exceeding five pounds and to a further daily penalty of not exceeding two pounds for each day during which the permanent servant continues to refuse or neglect to comply with such notice.

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(4) Where any permanent servant to whom the Act applies has failed or fails for any reason to comply with the provisions of the Act within the time prescribed and has prior to the commencement of the Local Government (Superannuation) Amendment Act, 1935, lodged or after such commencement lodges an application in the form prescribed, but not in the

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Local Government (Superannuation) Amendment.

5 prescribed time, the amount of insurance cover effected and premium to be paid in respect thereof or contribution to be paid in respect of him if fixed prior to such commencement shall be deemed to have been fixed or shall be fixed as though the Act applied to him on the date of lodgment of the application or on such other date as the board may by resolution fix.

10 17E. The board may, in accordance with any agreement made between it and any insurance company or companies where it is necessary for a permanent servant to sign a proposal form or other document usually required by such company or companies from any applicant for insurance and such permanent servant fails to comply within the time and in the manner prescribed under this Act with the written request of the board so to do, complete such form or forms for and on his behalf. Such permanent servant shall be bound by the terms of such form or forms as if he had duly signed the same himself.

Completion of necessary documents on behalf of servants.

15 17F. Any female permanent servant in respect of whom an insurance policy has not been effected under this Act may as prescribed elect to be exempted from the obligation to effect insurance cover on her life as provided in Part II of this Act, in which case the provisions of Part III thereof shall apply to her.

Certain option for female employees.

20 17G. Where any permanent servant is appointed to the service of any council who was previously in the employ of a council but who resigned such employment or was dismissed from such employment such permanent servant shall not be entitled to any consideration for past service in relation to any amount of optional insurance cover or in the fixation of contribution under Part III of this Act as the case may be unless he is so appointed within a period of three months from such resignation or dismissal.

Past service not to count where servant previously employed.

17H.

Local Government (Superannuation) Amendment.

5 17H. (1) If the board is satisfied that a servant of a council is not or is not likely to be employed by such council continuously each year, and if such servant would be a permanent servant within the meaning of this Act if he were employed continuously each year by such council, the board may upon the application of such council or servant, declare such servant to be a permanent servant for the purposes of this Act and such servant shall for such purposes remain a permanent servant for the purposes of this Act until he leaves the employment of the council permanently or the board declares him to be no longer a permanent servant for the purposes of this Act because he is not being employed for a sufficient time or the circumstances of his employment are not such as to justify him in the opinion of the board being so regarded.

Servants not continuously employed may be declared permanent servants.

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20 (2) Where the employment of a servant of a council who has been declared to be a "permanent servant" in pursuance of this section is terminated and such servant is again employed by a council the board may again declare such servant to be a permanent servant for the purposes of this Act and the provisions of subsection one of this section shall apply to him.

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30 (3) The provisions of this Act shall continue to apply to any servant of a council in respect of whom a policy of insurance has been effected under Part II or contributions have become payable to the Provident Fund under Part III of this Act notwithstanding that his employment with a council has been changed to some other class of occupation to that in which he was employed when the said policy of insurance was effected or the Provident Fund contributions became payable in respect of him and such provisions shall continue to apply to him in the same manner as if no such change or changes of occupation had taken place.

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17I.

Local Government (Superannuation) Amendment.

5 17i. Where any permanent servant is employed by more than one council the board shall have power to decide upon what principle or basis the amount of insurance that such permanent servant shall be compelled to take or have the option, if any, of taking shall be decided or what shall be the amount of the contribution to the provident fund in respect of such servant, as the case may be, and also the principle or 10 basis upon which the amount of premium or contribution which shall be paid by the respective councils shall be decided and the principle or basis upon which the amount which shall be deducted by the respective councils from the salary of such permanent servant shall be 15 decided.

Apportionment of premiums where servant jointly employed.

20 The decision of the board under this section shall be final and binding upon every council and every permanent servant affected:

25 Provided that the quota of premium or contribution by any council shall not be greater than if the permanent servant were solely employed by any council at a salary equivalent to the portion of the salary of such permanent servant which such council is liable to pay.

30 17j. Where in respect of any permanent servant insurance is effected or the period covered by contributions payable under Part III of this Act in respect of him commences from a date other than the commencement of the year fixed by the board pursuant to section 17B of this Act the board may apportion the first premium or the first contribution as the case may be for the part of the year dating from the date the insurance cover was deemed to have commenced or the period covered by the contributions payable under Part III of this Act commenced, in which case the supplement to make up a full 35 year's premium or contribution will only be payable

Apportionment of premiums or contributions in certain cases.

Local Government (Superannuation) Amendment.

payable in respect of the last period for which premium or contribution as the case may be would ordinarily be payable for such permanent servant.

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17K. (1) A permanent servant shall on attaining the age of sixty-five years or such later retiring age as is fixed under section fourteen of this Act immediately retire from the service of the council provided that the council may by resolution and with the consent of the permanent servant extend the period of service or employment of any such permanent servant for one year or any less period and so from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years.

Servant to retire unless retained by resolution of council.

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(2) No contribution shall be made by a council or permanent servant under this Act in respect of any such extended period of service.

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(3) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935.

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17L. Where a permanent servant is entitled to receive any benefit under this Act on his ceasing to be employed by a council, and such council has granted him long service leave which will terminate coincidentally with the termination of his employment with the council, the board may if the permanent servant so requests and if it deems it expedient so to do having regard to the purpose of this Act, pay over to him any such benefit at any time during such period of long service leave upon arrangements being made to the satisfaction of the board for the repayment to the council of his quota of any premiums or contributions which have been advanced by the council.

Long service leave.

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17M.

Local Government (Superannuation) Amendment.

17M. A servant of a council who is a minor ^{Minors,} may, as fully and effectually as if he were of full age—

- 5 (a) do, execute, suffer, and perform all acts, deeds, matters and things necessary or proper for the purpose of effecting a policy of insurance on his own life for the purposes of this Act and may surrender such policy, give discharges for the surrender value of the policy or deal with the same in any manner authorised by this Act; or
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- 15 (b) if he has been a contributor to the Local Government Provident Fund, give discharges for payments from that fund.

17N. The decision of the board shall be final and conclusive as to whether a person is a permanent servant within the meaning of this Act or is correctly classified under any proclamation made thereunder. Such decision shall have effect from a date stated by the board not being earlier than twelve months prior to the date of such decision.

17O. In any case in which the board purporting to act in exercise of authority conferred by this Act has made any arrangement or agreement with an insurance company with respect to a policy effected under this Act it shall be deemed to have so acted as a continuing agent for the person insured by such policy and any such arrangement or agreement shall be binding upon such person, but so that the board shall be under no liability in respect thereof.

35 **6.** Part I of the Local Government (Superannuation) Act, 1927, is further amended by omitting from subsection four of section one the figures "15" and by inserting in lieu thereof the figures and letter "15A."

Further amendment of Part I of Act No. 35, 1927, s. 1. (Division into parts.) (Revision.)

7.

Local Government (Superannuation) Amendment.

7. The Local Government Act, 1919, is amended—

Amendment of
Act No. 41,
1919.

- (a) by inserting after section ninety-six the following new section:—

New s. 96A.

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96A. (1) Any servant of a council to whom the Local Government (Superannuation) Act, 1927, as amended by the Local Government (Superannuation) Amendment Act, 1935, applies shall on his attaining the retiring age as fixed by such Act immediately retire from the service of the council employing him unless the council by resolution and with the consent of the servant extend the period of service or employment of such servant for one year or less period and so on from time to time as the council may see fit: Provided that such extensions shall not exceed in the aggregate five years.

Retirement
of certain
servants.

(2) This section shall not operate until the expiration of two years after the commencement of the Local Government (Superannuation) Amendment Act, 1935.

- (b) by inserting next after the word "servant" in subsection two of section ninety-nine the words "except where he is retired under section 96A of this Act."

Sec. 99.
(Inquiry
before retire-
ment of
certain
servants.)

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