

# Greater Newcastle (Amendment) Bill.

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## EXPLANATORY NOTE.

THE object of this Bill is to validate a certain superannuation scheme and pension fund which was established in 1925 for the benefit of the officers of the Newcastle District Abattoir Board.

The Newcastle District Abattoir Board was dissolved on the 2nd April, 1939, when its assets were vested in the Council of the City of Greater Newcastle and the officers then in the employment of the Board were transferred to the service of that Council. Doubts have now arisen as to the validity of the superannuation scheme and pension fund. This Bill validates the scheme and provides that if at any time the assets available are insufficient to meet the claims arising under the scheme, the Council of the City of Greater Newcastle shall pay whatever sums are required to meet such claims and, if on the termination of the scheme there are any assets then remaining, such assets shall become assets of the abattoir trading undertaking of the Council.

The assets of the City of New York were transferred to the Board of Education and the officers thereof in the year 1897. The Board of Education has since that time been in the possession and control of the assets of the City of New York and has been authorized by the Board of Education to pay the same to the persons entitled to them. The Board of Education has also been authorized to pay the same to the persons entitled to them in the event of the death of the person entitled to them. The Board of Education has also been authorized to pay the same to the persons entitled to them in the event of the death of the person entitled to them. The Board of Education has also been authorized to pay the same to the persons entitled to them in the event of the death of the person entitled to them.

No. , 1940.

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## A BILL

To validate the establishment of a certain superannuation scheme and pension fund in relation to the Newcastle District Abattoir Board, and certain payments and other matters arising therefrom; to make certain provisions in relation to the said scheme and fund; to amend the Greater Newcastle Act, 1937, and certain other Acts; and for purposes connected therewith.

[MR. L. O. MARTIN;—22 *October*, 1940.]

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**B**E 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.** This Act may be cited as the "Greater Newcastle (Amendment) Act, 1940." Short title and citation.

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**2.**

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*Greater Newcastle (Amendment).*

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**2.** In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.

5       “ Board ” means the Newcastle District Abattoir Board constituted by the Newcastle District Abattoir and Sale-yards Act, 1912.

      “ Council ” means the Council of the City of Greater Newcastle.

10       “ Scheme ” means the superannuation scheme and pension fund or superannuation and pension scheme established by the agreement, or by the agreement as altered by any instrument lawfully made after the commencement of this Act.

15       “ The agreement ” means the agreement dated the first day of April, one thousand nine hundred and twenty-five, and made between Newcastle District Abattoir Board constituted by the Newcastle District Abattoir and Sale-yards Act, 1912, of the First part, such of the officers and salaried staff of the said Board as should execute that instrument of the Second part, and such other officers of the said Board as should thereafter execute that instrument or a duplicate thereof or a document referring to that instrument and undertaking to be bound thereby  
25       of the Third part, as altered by a certain agreement bearing date the twenty-sixth day of November, one thousand nine hundred and thirty-five, and expressed to be supplemental to the first-mentioned agreement, and by a certain  
30       further agreement bearing date the thirteenth day of April, one thousand nine hundred and thirty-seven, and expressed to be supplemental to the first-mentioned agreement.

**3.** (1) The agreement is hereby ratified and confirmed. Validation of scheme.

35       (2) Without prejudice to the generality of subsection one of this section—

(a) the execution by the Board of the agreement is validated;

(b)

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*Greater Newcastle (Amendment).*

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5 (b) the establishment by the Board pursuant to the agreement of a superannuation fund, the payment of moneys to that fund by the Board pursuant to the agreement, and the payment of moneys by the Board out of that fund pursuant to the agreement, are hereby validated.

10 (3) The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to or in respect of the trusts of the scheme arising out of the agreement, or out of the agreement as altered by any instrument lawfully made after the commencement of this Act.

15 (4) The provisions of the Truck Act of 1900, or of section forty-nine of the Industrial Arbitration Act, 1912, or of section ninety-two of the Industrial Arbitration Act, 1940, or of any Act amending or replacing those provisions, shall not apply and shall be deemed never to have applied in respect of deductions from the wages or salary of a contributor to the scheme of the amount of 20 the contribution payable by such contributor thereto.

25 (5) The agreement shall be, and shall be deemed always to have been, an agreement with the Board within the meaning of paragraph (e) of subsection two of section twenty-one of the Greater Newcastle Act, 1937, as amended by subsequent Acts, and in force immediately before the appointed day referred to in that section.

30 **4.** (1) In the event of the assets of the superannuation fund established under the agreement being at any time insufficient to enable the Council to pay to any contributor to the scheme the benefits to which he is entitled under the scheme the Council shall pay to that fund such sum or sums of money as may be necessary for that purpose. Such sum or sums of money shall be paid from the trading fund of the abattoir trading under- 35 taking of the Council.

(2)

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*Greater Newcastle (Amendment).*

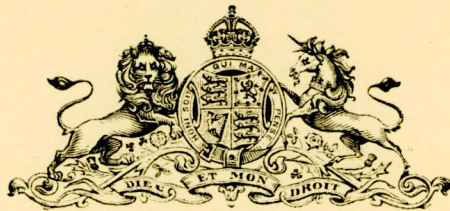
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(2) When all benefits payable pursuant to the scheme have been paid by the Council any moneys remaining in the superannuation fund established under the agreement shall vest in the Council freed and discharged from any trusts of the scheme arising out of the agreement or out of the agreement as altered by any instrument lawfully made after the commencement of this Act and shall be transferred by the Council to the trading fund of the abattoir trading undertaking.

*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, 24 October, 1940.*

## New South Wales.



ANNO QUARTO

# GEORGI VI REGIS.

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Act No. , 1940.

An Act to validate the establishment of a certain superannuation scheme and pension fund in relation to the Newcastle District Abattoir Board, and certain payments and other matters arising therefrom; to make certain provisions in relation to the said scheme and fund; to amend the Greater Newcastle Act, 1937, and certain other Acts; and for purposes connected therewith.

**B**E 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 as embled, and by the authority of  
5 the same, as follows:—

**1.** This Act may be cited as the "Greater Newcastle (Amendment) Act, 1940." Short title and citation.

*Greater Newcastle (Amendment).*

2. In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.

5 “ Board ” means the Newcastle District Abattoir Board constituted by the Newcastle District Abattoir and Sale-yards Act, 1912.

“ Council ” means the Council of the City of Greater Newcastle.

10 “ Scheme ” means the superannuation scheme and pension fund or superannuation and pension scheme established by the agreement, or by the agreement as altered by any instrument lawfully made after the commencement of this Act.

15 “ The agreement ” means the agreement dated the first day of April, one thousand nine hundred and twenty-five, and made between Newcastle District Abattoir Board constituted by the Newcastle District Abattoir and Sale-yards Act, 1912, of the First part, such of the officers and salaried staff of the said Board as should execute that instrument of the Second part, and such other officers of the said Board as should thereafter execute that instrument or a duplicate thereof or a document referring to that instrument and undertaking to be bound thereby of the Third part, as altered by a certain agreement bearing date the twenty-sixth day of November, one thousand nine hundred and thirty-five, and expressed to be supplemental to the first-mentioned agreement, and by a certain further agreement bearing date the thirteenth day of April, one thousand nine hundred and thirty-seven, and expressed to be supplemental to the first-mentioned agreement.

3. (1) The agreement is hereby ratified and confirmed. Validation of scheme.

35 (2) Without prejudice to the generality of subsection one of this section—

(a) the execution by the Board of the agreement is validated;

(b)



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*Greater Newcastle (Amendment).*

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5 (b) the establishment by the Board pursuant to the agreement of a superannuation fund, the payment of moneys to that fund by the Board pursuant to the agreement, and the payment of moneys by the Board out of that fund pursuant to the agreement, are hereby validated.

10 (3) The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to or in respect of the trusts of the scheme arising out of the agreement, or out of the agreement as altered by any instrument lawfully made after the commencement of this Act.

15 (4) The provisions of the Truck Act of 1900, or of section forty-nine of the Industrial Arbitration Act, 1912, or of section ninety-two of the Industrial Arbitration Act, 1940, or of any Act amending or replacing those provisions, shall not apply and shall be deemed never to have applied in respect of deductions from the wages or salary of a contributor to the scheme of the amount of 20 the contribution payable by such contributor thereto.

25 (5) The agreement shall be, and shall be deemed always to have been, an agreement with the Board within the meaning of paragraph (e) of subsection two of section twenty-one of the Greater Newcastle Act, 1937, as amended by subsequent Acts, and in force immediately before the appointed day referred to in that section.

30 4. (1) In the event of the assets of the superannuation fund established under the agreement being at any time insufficient to enable the Council to pay to any contributor to the scheme the benefits to which he is entitled under the scheme the Council shall pay to that fund such sum or sums of money as may be necessary for that purpose. Such sum or sums of money shall be paid from the trading fund of the abattoir trading undertaking of the Council. 35

Council  
to pay  
moneys to  
fund.

(2)

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*Greater Newcastle (Amendment).*

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(2) When all benefits payable pursuant to the scheme have been paid by the Council any moneys remaining in the superannuation fund established under the agreement shall vest in the Council freed and dis-  
5 charged from any trusts of the scheme arising out of the agreement or out of the agreement as altered by any instrument lawfully made after the commencement of this Act and shall be transferred by the Council to the trading fund of the abattoir trading undertaking.

*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, 31 October, 1940.

## New South Wales.



ANNO QUARTO

# GEORGII VI REGIS.

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## Act No. 28, 1940.

An Act to validate the establishment of a certain superannuation scheme and pension fund in relation to the Newcastle District Abattoir Board, and certain payments and other matters arising therefrom; to make certain provisions in relation to the said scheme and fund; to amend the Greater Newcastle Act, 1937, and certain other Acts; and for purposes connected therewith. [Assented to, 7th November, 1940.]

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. This Act may be cited as the "Greater Newcastle (Amendment) Act, 1940."

Short title  
and citation.

2.

*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.*

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*Greater Newcastle (Amendment).*

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Interpreta-  
tion.

**2.** In this Act, unless the context or subject matter otherwise indicates or requires—

“ Board ” means the Newcastle District Abattoir Board constituted by the Newcastle District Abattoir and Sale-yards Act, 1912.

“ Council ” means the Council of the City of Greater Newcastle.

“ Scheme ” means the superannuation scheme and pension fund or superannuation and pension scheme established by the agreement, or by the agreement as altered by any instrument lawfully made after the commencement of this Act.

“ The agreement ” means the agreement dated the first day of April, one thousand nine hundred and twenty-five, and made between Newcastle District Abattoir Board constituted by the Newcastle District Abattoir and Sale-yards Act, 1912, of the First part, such of the officers and salaried staff of the said Board as should execute that instrument of the Second part, and such other officers of the said Board as should thereafter execute that instrument or a duplicate thereof or a document referring to that instrument and undertaking to be bound thereby of the Third part, as altered by a certain agreement bearing date the twenty-sixth day of November, one thousand nine hundred and thirty-five, and expressed to be supplemental to the first-mentioned agreement, and by a certain further agreement bearing date the thirteenth day of April, one thousand nine hundred and thirty-seven, and expressed to be supplemental to the first-mentioned agreement.

Validation  
of scheme.

**3.** (1) The agreement is hereby ratified and confirmed.

(2) Without prejudice to the generality of subsection one of this section—

(a) the execution by the Board of the agreement is validated;

(b)

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*Greater Newcastle (Amendment).*

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(b) the establishment by the Board pursuant to the agreement of a superannuation fund, the payment of moneys to that fund by the Board pursuant to the agreement, and the payment of moneys by the Board out of that fund pursuant to the agreement, are hereby validated.

(3) The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to or in respect of the trusts of the scheme arising out of the agreement, or out of the agreement as altered by any instrument lawfully made after the commencement of this Act.

(4) The provisions of the Truck Act of 1900, or of section forty-nine of the Industrial Arbitration Act, 1912, or of section ninety-two of the Industrial Arbitration Act, 1940, or of any Act amending or replacing those provisions, shall not apply and shall be deemed never to have applied in respect of deductions from the wages or salary of a contributor to the scheme of the amount of the contribution payable by such contributor thereto.

(5) The agreement shall be, and shall be deemed always to have been, an agreement with the Board within the meaning of paragraph (e) of subsection two of section twenty-one of the Greater Newcastle Act, 1937, as amended by subsequent Acts, and in force immediately before the appointed day referred to in that section.

4. (1) In the event of the assets of the superannuation fund established under the agreement being at any time insufficient to enable the Council to pay to any contributor to the scheme the benefits to which he is entitled under the scheme the Council shall pay to that fund such sum or sums of money as may be necessary for that purpose. Such sum or sums of money shall be paid from the trading fund of the abattoir trading undertaking of the Council.

Council  
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moneys to  
fund.

(2)

---

*Greater Newcastle (Amendment).*

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(2) When all benefits payable pursuant to the scheme have been paid by the Council any moneys remaining in the superannuation fund established under the agreement shall vest in the Council freed and discharged from any trusts of the scheme arising out of the agreement or out of the agreement as altered by any instrument lawfully made after the commencement of this Act and shall be transferred by the Council to the trading fund of the abattoir trading undertaking.

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

WAKEHURST,  
*Governor.*

*Government House,  
Sydney, 7th November, 1940.*