

Act No. 41, 1954.

Local Government and Other Authorities (Superannuation) Amendment.

(2) This Act shall be read and construed with the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

(3) The Local Government (Superannuation) Act, 1927, as amended, shall be read with this Act, and may be cited as if it contained the words "one thousand pounds".

(4) The Local Government and Other Authorities (Superannuation) Act, 1927, as amended, shall be read with this Act, and may be cited as if it contained the words "one thousand pounds".

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 41, 1954.

An Act to amend the Local Government and Other Authorities (Superannuation) Act, 1927-1948, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th December, 1954.]

BE it enacted by the Queen'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 and Other Authorities (Superannuation) Amendment Act, 1954."

Short title, construction and citation.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) This Act shall be read and construed with the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

(3) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1954.

Amendment
of Act No.
35, 1927.

Sec. 5.

(Optional
further
units.)

2. The Local Government and Other Authorities (Superannuation) Act, 1927-1948, is amended—

(a) (i) by omitting from section five the words “one thousand pounds” and by inserting in lieu thereof the words “two thousand pounds:

Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—

(a) unless he has completed five years service; or

(b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds.”

(ii) by omitting from the same section the words “and within such time”;

(b) by inserting next after section 7A the following new section:—

New sec.
7B.

Certain
servants
insured
under
Part II
may
contribute
to
Provident
Fund.

7B. (1) A permanent servant who is insured under the provisions of section four of this Act and has attained the age of fifty years may, in lieu of effecting additional insurance in accordance with section four or five of this Act, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he is eligible.

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) A permanent servant who is insured under the provisions of section four of this Act and is under the age of fifty years and has applied through the board to an insurance company for an additional policy of insurance under section four or five of this Act and such application has been refused by such insurance company or has been informed that such insurance company will not accept the risk except upon the condition of his being charged a premium in respect of such policy at the rate charged by such insurance company for an age three years or more greater than his actual age, may, in lieu of effecting such additional insurance, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he would have been eligible if there had not been such a refusal or loading.

(c) (i) by omitting from subsection one of section thirteen the words "has elected (within the time prescribed) to contribute to the fund" and by inserting in lieu thereof the words "who has requested in pursuance of section 7B of this Act that contributions be made to the fund on his behalf";

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

(ii) by inserting in subsection three of the same section after the word "shall" where firstly occurring the words "subject to the provisions of subsections one, (3A) and (3B) of this section";

(iii) by omitting from paragraph (a) of the proviso to the same subsection the word "section" and by inserting in lieu thereof the word "subsection";

(iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(iv) by omitting from the same proviso the following word and paragraph:—

“and

(b) such contributions shall cease to be payable when such permanent servant ceases to be employed by a council or reaches such retiring age or dies, whichever event first happens”;

(v) by omitting subsection (3A) of the same section and by inserting in lieu thereof the following subsections:—

(3A) (a) Where the salary of a permanent servant is increased subsequently to the first assessment of contribution made in respect of such permanent servant under subsection three of this section the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary:

Provided that this provision shall not apply to any increases less in the aggregate than twenty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(b) 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.

(c) Any permanent servant who has attained the age of fifty years and whose salary is increased may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of this subsection shall not apply in respect of

of

Adjustment
of contribu-
tions in
certain
cases.

Local Government and Other Authorities (Superannuation) Amendment.

of such increase and thereafter such provisions shall not apply to or in respect of such permanent servant.

(3B) The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7B of this Act shall be an amount equivalent to the premium payable if a new policy were effected under Part II of this Act, at the age of the permanent servant at the time of making such request, for an amount equivalent to the number of cover units specified in his request.

Contributions in respect of servants insured under Part II.

(3c) The contributions payable under this section shall cease to be payable when such permanent servant ceases to be employed by a council or reaches the retiring age mentioned in section fourteen of this Act or dies, whichever event first happens.

When contributions cease to be payable.

(d) (i) by omitting from subsection one of section sixteen the words "a president and two members" and by inserting in lieu thereof the words "three members, one of whom shall, in and by the instrument by which he is appointed, be the president of the board";

Sec. 16. (Local Government Superannuation Board.)

(ii) by omitting from subsection two of the same section the words "Such board shall be appointed for a term of seven years" and by inserting in lieu thereof the words "A member shall, subject to this Act, be appointed for such term, not exceeding seven years, as may be specified in the instrument of his appointment";

(iii) by inserting next after the same subsection the following new subsection:—

(2A) A person who is of or above the age of sixty-five years shall not be appointed as a member.

(iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(iv) by inserting at the end of subsection six of the same section the words "A member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years";

(v) by inserting next after subsection eight of the same section the following new subsections:—

(8A) (a) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the board, but not the office of the president, or from accepting and retaining any remuneration, fees or allowances payable to a member of the board, other than the president, under this section.

(b) The office of a member (other than the president) shall not for the purposes of the Constitution Act, 1902, or any Act amending that Act, be deemed to be an office or place of profit under the Crown.

(8B) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member and a member shall not as such be subject to any such Act during his term of office.

(8c) A person who, at the date of his appointment as president, is an officer of the Public Service and who ceases to be president from any cause whatsoever otherwise than in pursuance of subsection five

or

*Local Government and Other Authorities (Superannuation)
Amendment.*

or six of this section (paragraph (d) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as president.

(8D) (a) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed as president who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

(b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, who is appointed as president shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, or any Act amending such Acts, and for such purpose his service as president shall be deemed to be service for the purpose of such Acts.

3. Any permanent servant whose salary was increased before the commencement of this Act and after he attained the age of fifty years may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of subsection (3A) of section thirteen

Adjustment of contributions of servants over 50 at commencement of this Act.

Local Government and Other Authorities (Superannuation) Amendment.

thirteen of the Local Government and Other Authorities (Superannuation) Act, 1927-1954, shall apply, mutatis mutandis, to and in respect of such increase or any part of such increase, and thereupon such provisions shall apply to and in respect of such increase or part.

Members of board holding office at commencement of this Act.

4. The amendment made by subparagraph (iv) of paragraph (d) of section two of this Act shall not apply to any member of the board while he holds office by virtue of an appointment made before the commencement of this Act.

BY AUTHORITY:

A. H. PETTIFER, Government Printer, Sydney, 1955.

13. Any payment servant whose salary was increased before the commencement of this Act and after he attained the age of fifty years may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of subsection (3A) of section 13 of this Act shall apply to and in respect of such increase or part.

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.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 November, 1954.*

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 41, 1954.

An Act to amend the Local Government and Other Authorities (Superannuation) Act, 1927-1948, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th December, 1954.]

BE it enacted by the Queen'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 and Other Authorities (Superannuation) Amendment Act, 1954." Short title, construction 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.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) This Act shall be read and construed with the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

(3) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1954.

Amendment
of Act No.
35, 1927.

Sec. 5.
(Optional
further
units.)

2. The Local Government and Other Authorities (Superannuation) Act, 1927-1948, is amended—

(a) (i) by omitting from section five the words “one thousand pounds” and by inserting in lieu thereof the words “two thousand pounds:

Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—

(a) unless he has completed five years service; or

(b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds.”

(ii) by omitting from the same section the words “and within such time”;

New sec.
7B.

Certain
servants
insured
under
Part II
may
contribute
to
Provident
Fund.

(b) by inserting next after section 7A the following new section:—

7B. (1) A permanent servant who is insured under the provisions of section four of this Act and has attained the age of fifty years may, in lieu of effecting additional insurance in accordance with section four or five of this Act, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he is eligible.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) A permanent servant who is insured under the provisions of section four of this Act and is under the age of fifty years and has applied through the board to an insurance company for an additional policy of insurance under section four or five of this Act and such application has been refused by such insurance company or has been informed that such insurance company will not accept the risk except upon the condition of his being charged a premium in respect of such policy at the rate charged by such insurance company for an age three years or more greater than his actual age, may, in lieu of effecting such additional insurance, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he would have been eligible if there had not been such a refusal or loading.

- (c) (i) by omitting from subsection one of section Sec. 13. thirteen the words "has elected (within the (Contri- time prescribed) to contribute to the fund" bution by and by inserting in lieu thereof the words councils in "who has requested in pursuance of section cases.) 7B of this Act that contributions be made to the fund on his behalf";
- (ii) by inserting in subsection three of the same section after the word "shall" where firstly occurring the words "subject to the provisions of subsections one, (3A) and (3B) of this section";
- (iii) by omitting from paragraph (a) of the proviso to the same subsection the word "section" and by inserting in lieu thereof the word "subsection";

(iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(iv) by omitting from the same proviso the following word and paragraph:—

“and

(b) such contributions shall cease to be payable when such permanent servant ceases to be employed by a council or reaches such retiring age or dies, whichever event first happens”;

(v) by omitting subsection (3A) of the same section and by inserting in lieu thereof the following subsections:—

Adjustment
of contribu-
tions in
certain
cases.

(3A) (a) Where the salary of a permanent servant is increased subsequently to the first assessment of contribution made in respect of such permanent servant under subsection three of this section the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary:

Provided that this provision shall not apply to any increases less in the aggregate than twenty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(b) 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.

(c) Any permanent servant who has attained the age of fifty years and whose salary is increased may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of this subsection shall not apply in respect of

of

*Local Government and Other Authorities (Superannuation)
Amendment.*

of such increase and thereafter such provisions shall not apply to or in respect of such permanent servant.

(3B) The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7B of this Act shall be an amount equivalent to the premium payable if a new policy were effected under Part II of this Act, at the age of the permanent servant at the time of making such request, for an amount equivalent to the number of cover units specified in his request.

(3c) The contributions payable under this section shall cease to be payable when such permanent servant ceases to be employed by a council or reaches the retiring age mentioned in section fourteen of this Act or dies, whichever event first happens.

- (d) (i) by omitting from subsection one of section sixteen the words "a president and two members" and by inserting in lieu thereof the words "three members, one of whom shall, in and by the instrument by which he is appointed, be the president of the board";
- (ii) by omitting from subsection two of the same section the words "Such board shall be appointed for a term of seven years" and by inserting in lieu thereof the words "A member shall, subject to this Act, be appointed for such term, not exceeding seven years, as may be specified in the instrument of his appointment";
- (iii) by inserting next after the same subsection the following new subsection:—

(2A) A person who is of or above the age of sixty-five years shall not be appointed as a member.

(iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- (iv) by inserting at the end of subsection six of the same section the words "A member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years";
- (v) by inserting next after subsection eight of the same section the following new subsections:—

(8A) (a) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the board, but not the office of the president, or from accepting and retaining any remuneration, fees or allowances payable to a member of the board, other than the president, under this section.

(b) The office of a member (other than the president) shall not for the purposes of the Constitution Act, 1902, or any Act amending that Act, be deemed to be an office or place of profit under the Crown.

(8B) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member and a member shall not as such be subject to any such Act during his term of office.

(8c) A person who, at the date of his appointment as president, is an officer of the Public Service and who ceases to be president from any cause whatsoever otherwise than in pursuance of subsection five

or

*Local Government and Other Authorities (Superannuation)
Amendment.*

or six of this section (paragraph (d) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as president.

(8D) (a) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed as president who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

(b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, who is appointed as president shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, or any Act amending such Acts, and for such purpose his service as president shall be deemed to be service for the purpose of such Acts.

3. Any permanent servant whose salary was increased before the commencement of this Act and after he attained the age of fifty years may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of subsection (3A) of section thirteen

Adjustment
of contribu-
tions of
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*Local Government and Other Authorities (Superannuation)
Amendment.*

thirteen of the Local Government and Other Authorities (Superannuation) Act, 1927-1954, shall apply, mutatis mutandis, to and in respect of such increase or any part of such increase, and thereupon such provisions shall apply to and in respect of such increase or part.

Members of
board
holding
office at
commence-
ment of this
Act.

4. The amendment made by subparagraph (iv) of paragraph (d) of section two of this Act shall not apply to any member of the board while he holds office by virtue of an appointment made before the commencement of this Act.

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

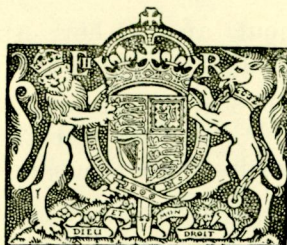
J. NORTHCOTT,
Governor.

*Government House,
Sydney, 6th December, 1954.*

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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 17 November, 1954.

New South Wales



ANNO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1954.

An Act to amend the Local Government and Other Authorities (Superannuation) Act, 1927-1948, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the Queen'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 and Other Authorities (Superannuation) Amendment Act, 1954." Short title, construction and citation.

Local Government and Other Authorities (Superannuation) Amendment.

(2) This Act shall be read and construed with the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

(3) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1954.

2. The Local Government and Other Authorities (Superannuation) Act, 1927-1948, is amended—

10 (a) (i) by omitting from section five the words “one thousand pounds” and by inserting in lieu thereof the words “two thousand pounds: Amendment of Act No. 35, 1927. Sec. 5. (Optional further units.)

15 Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—

(a) unless he has completed five years service; or

20 (b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds.”

(ii) by omitting from the same section the words “and within such time”;

25 (b) by inserting next after section 7A the following new section:— New sec. 7B.

30 7B. (1) A permanent servant who is insured under the provisions of section four of this Act and has attained the age of fifty years may, in lieu of effecting additional insurance in accordance with section four or five of this Act, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he is eligible. Certain servants insured under Part II may contribute to Provident Fund.

*Local Government and Other Authorities (Superannuation)
Amendment.*

5 (2) A permanent servant who is insured
under the provisions of section four of this Act
and is under the age of fifty years and has
applied through the board to an insurance
company for an additional policy of insurance
under section four or five of this Act and such
application has been refused by such insurance
company or has been informed that such
insurance company will not accept the risk
10 except upon the condition of his being charged
a premium in respect of such policy at the rate
charged by such insurance company for an age
three years or more greater than his actual age,
may, in lieu of effecting such additional insur-
15 ance, request, in the prescribed manner, that
contributions be made to the fund on his behalf
in respect of any number of additional cover
units of insurance of one hundred pounds each
for which he would have been eligible if there
20 had not been such a refusal or loading.

(c) (i) by omitting from subsection one of section Sec. 13.
thirteen the words "has elected (within the
time prescribed) to contribute to the fund"
and by inserting in lieu thereof the words (Contri-
bution by
councils in
certain
cases.)
25 "who has requested in pursuance of section
7B of this Act that contributions be made
to the fund on his behalf";

(ii) by inserting in subsection three of the same
section after the word "shall" where firstly
30 occurring the words "subject to the provi-
sions of subsections one, (3A) and (3B) of
this section";

(iii) by omitting from paragraph (a) of the
proviso to the same subsection the word
35 "section" and by inserting in lieu thereof
the word "subsection";

(iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

of such increase and thereafter such provisions shall not apply to or in respect of such permanent servant.

5 (3B) The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7B of this Act shall be an amount equivalent to the premium payable if a new policy were effected under Part II of this Act, at the age of the permanent servant at the time of making such request, for an amount equivalent to the number of cover units specified in his request.

10
15 (3c) The contributions payable under this section shall cease to be payable when such permanent servant ceases to be employed by a council or reaches the retiring age mentioned in section fourteen of this Act or dies, whichever event first happens.

20 (d) (i) by omitting from subsection one of section sixteen the words "a president and two members" and by inserting in lieu thereof the words "three members, one of whom shall, in and by the instrument by which he is appointed, be the president of the board";

25 (ii) by omitting from subsection two of the same section the words "Such board shall be appointed for a term of seven years" and by inserting in lieu thereof the words "A member shall, subject to this Act, be appointed for such term, not exceeding seven years, as may be specified in the instrument of his appointment";

30 (iii) by inserting next after the same subsection the following new subsection:—

35 (2A) A person who is of or above the age of sixty-five years shall not be appointed as a member.

40 (iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

5 (iv) by inserting at the end of subsection six of the same section the words "A member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years";

(v) by inserting next after subsection eight of the same section the following new subsections:—

10 (8A) (a) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such
15 provision shall not operate to disqualify him from holding that office and also the office of a member of the board, but not the office of the president, or from accepting and retaining any remuneration, fees or allow-
20 ances payable to a member of the board, other than the president, under this section.

25 (b) The office of a member (other than the president) shall not for the purposes of the Constitution Act, 1902, or any Act amending that Act, be deemed to be an office or place of profit under the Crown.

30 (8B) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member and a member shall not as such be subject to any such Act during his term of office.

35 (8C) A person who, at the date of his appointment as president, is an officer of the Public Service and who ceases to be president from any cause whatsoever otherwise than in pursuance of subsection five
or

*Local Government and Other Authorities (Superannuation)
Amendment.*

5 or six of this section (paragraph (d) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as president.

10 (8D) (a) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed as president who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

20 (b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, who is appointed as president shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, or any Act amending such Acts, and for such purpose his service as president shall be deemed to be service for the purpose of such Acts.

35 **3.** Any permanent servant whose salary was increased before the commencement of this Act and after he attained the age of fifty years may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of subsection (3A) of section thirteen

Adjustment of contributions of servants over 50 at commencement of this Act.

*Local Government and Other Authorities (Superannuation)
Amendment.*

thirteen of the Local Government and Other Authorities
(Superannuation) Act, 1927-1954, shall apply, mutatis
mutandis, to and in respect of such increase or any part
of such increase, and thereupon such provisions shall
5 apply to and in respect of such increase or part.

4. The amendment made by subparagraph (iv) of paragraph (d) of section two of this Act shall not apply to any member of the board while he holds office by virtue of an appointment made before the commencement of this
10 Act.

Members of
board
holding
office at
commence-
ment of this
Act.

[9d.]

No. , 1954.

A BILL

To amend the Local Government and Other Authorities (Superannuation) Act, 1927-1948, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. RENSRAW;—9 November, 1954.]

BE it enacted by the Queen'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 and Other Authorities (Superannuation) Amendment Act, 1954." Short title, construction and citation.

Local Government and Other Authorities (Superannuation) Amendment.

(2) This Act shall be read and construed with the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

(3) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1954.

2. The Local Government and Other Authorities (Superannuation) Act, 1927-1948, is amended—

10 (a) (i) by omitting from section five the words "one thousand pounds" and by inserting in lieu thereof the words "two thousand pounds: Amendment of Act No. 35, 1927. Sec. 5. (Optional further units.)

15 Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—

(a) unless he has completed five years service; or

20 (b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds."

(ii) by omitting from the same section the words "and within such time";

25 (b) by inserting next after section 7A the following new section:— New sec. 7B.

30 7B. (1) A permanent servant who is insured under the provisions of section four of this Act and has attained the age of fifty years may, in lieu of effecting additional insurance in accordance with section four or five of this Act, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he is eligible. Certain servants insured under Part II may contribute to Provident Fund.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

5 (2) A permanent servant who is insured
under the provisions of section four of this Act
and is under the age of fifty years and has
applied through the board to an insurance
company for an additional policy of insurance
under section four or five of this Act and such
application has been refused by such insurance
company or has been informed that such
insurance company will not accept the risk
10 except upon the condition of his being charged
a premium in respect of such policy at the rate
charged by such insurance company for an age
three years or more greater than his actual age,
may, in lieu of effecting such additional insur-
15 ance, request, in the prescribed manner, that
contributions be made to the fund on his behalf
in respect of any number of additional cover
units of insurance of one hundred pounds each
for which he would have been eligible if there
20 had not been such a refusal or loading.

(c) (i) by omitting from subsection one of section Sec. 13.
thirteen the words "has elected (within the (Contri-
time prescribed) to contribute to the fund" bution by
and by inserting in lieu thereof the words councils in
25 "who has requested in pursuance of section certain
7B of this Act that contributions be made cases.)
to the fund on his behalf";

(ii) by inserting in subsection three of the same
section after the word "shall" where firstly
30 occurring the words "subject to the provi-
sions of subsections one, (3A) and (3B) of
this section";

(iii) by omitting from paragraph (a) of the
proviso to the same subsection the word
35 "section" and by inserting in lieu thereof
the word "subsection";

(iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(iv) by omitting from the same proviso the following word and paragraph:—

“and

(b) such contributions shall cease to be payable when such permanent servant ceases to be employed by a council or reaches such retiring age or dies, whichever event first happens”;

(v) by omitting subsection (3A) of the same section and by inserting in lieu thereof the following subsections:—

(3A) (a) Where the salary of a permanent servant is increased subsequently to the first assessment of contribution made in respect of such permanent servant under subsection three of this section the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary:

Adjustment
of contribu-
tions in
certain
cases.

Provided that this provision shall not apply to any increases less in the aggregate than twenty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(b) 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.

(c) Any permanent servant who has attained the age of fifty years and whose salary is increased may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of this subsection shall not apply in respect of

*Local Government and Other Authorities (Superannuation)
Amendment.*

of such increase and thereafter such provisions shall not apply to or in respect of such permanent servant.

5 (3B) The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7B of this Act shall be an amount equivalent to the premium payable if a new policy were effected under Part II of this Act, at the age of the permanent servant at the time of making such request, for an amount equivalent to the number of cover units specified in his request.

10
15 (3C) The contributions payable under this section shall cease to be payable when such permanent servant ceases to be employed by a council or reaches the retiring age mentioned in section fourteen of this Act or dies, whichever event first happens.

20
25 (d) (i) by omitting from subsection one of section sixteen the words "a president and two members" and by inserting in lieu thereof the words "three members, one of whom shall, in and by the instrument by which he is appointed, be the president of the board";

30 (ii) by omitting from subsection two of the same section the words "Such board shall be appointed for a term of seven years" and by inserting in lieu thereof the words "A member shall, subject to this Act, be appointed for such term, not exceeding seven years, as may be specified in the instrument of his appointment";

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

40 (2A) A person who is of or above the age of sixty-five years shall not be appointed as a member.

(iv)

Contributions in respect of servants insured under Part II.

When contributions cease to be payable.

Sec. 16. (Local Government Superannuation Board.)

Local Government and Other Authorities (Superannuation) Amendment.

(iv) by inserting at the end of subsection six of the same section the words "A member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years";

(v) by inserting next after subsection eight of the same section the following new subsections:—

(8A) (a) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the board, but not the office of the president, or from accepting and retaining any remuneration, fees or allowances payable to a member of the board, other than the president, under this section.

(b) The office of a member (other than the president) shall not for the purposes of the Constitution Act, 1902, or any Act amending that Act, be deemed to be an office or place of profit under the Crown.

(8B) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member and a member shall not as such be subject to any such Act during his term of office.

(8C) A person who, at the date of his appointment as president, is an officer of the Public Service and who ceases to be president from any cause whatsoever otherwise than in pursuance of subsection five

or

*Local Government and Other Authorities (Superannuation)
Amendment.*

5 or six of this section (paragraph (d) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as president.

10 (8D) (a) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed as president who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

20 (b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, who is appointed as president shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, or any Act amending such Acts, and for such purpose his service as president shall be deemed to be service for the purpose of such Acts.

3. Any permanent servant whose salary was increased before the commencement of this Act and after he attained the age of fifty years may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of subsection (3A) of section thirteen

Adjustment of contributions of servants over 50 at commencement of this Act,

*Local Government and Other Authorities (Superannuation)
Amendment.*

thirteen of the Local Government and Other Authorities
(Superannuation) Act, 1927-1954, shall apply, mutatis
mutandis, to and in respect of such increase or any part
of such increase, and thereupon such provisions shall
5 apply to and in respect of such increase or part.

4. The amendment made by subparagraph (iv) of paragraph (d) of section two of this Act shall not apply to any member of the board while he holds office by virtue of an appointment made before the commencement of this Act.

Members of
board
holding
office at
commence-
ment of this
Act.

10 Act.

LOCAL GOVERNMENT AND OTHER AUTHORITIES (SUPERANNUATION) AMENDMENT BILL, 1954.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to increase to £2,000 the total amount of the compulsory and optional cover of insurance which certain permanent servants of a council may effect;
- (b) to permit certain permanent servants who have effected compulsory insurance to also make contributions as prescribed to the Provident Fund;
- (c) to increase the contributions to the Provident Fund upon any increase in the salary of certain permanent servants who at present contribute to such Fund and who elect to have such contributions increased;
- (d) to make further provision in relation to the constitution of the Local Government Superannuation Board;
- (e) to make other amendments of an ancillary character.

STORIA DELLA LETTERATURA ITALIANA

di GIULIO CESARE PARISI

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No. , 1954.

A BILL

To amend the Local Government and Other Authorities (Superannuation) Act, 1927-1948, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. RENSHAW;—9 November, 1954.]

BE it enacted by the Queen'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 and Other Authorities (Superannuation) Amendment Act, 1954."

Short title,
construction
and
citation.

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) This Act shall be read and construed with the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

(3) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1954.

2. The Local Government and Other Authorities (Superannuation) Act, 1927-1948, is amended—

10 (a) (i) by omitting from section five the words "one thousand pounds" and by inserting in lieu thereof the words "two thousand pounds: Amendment of Act No. 35, 1927. Sec. 5. (Optional further units.)

15 Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—

(a) unless he has completed five years service; or

20 (b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds."

(ii) by omitting from the same section the words "and within such time";

25 (b) by inserting next after section 7A the following new section:— New sec. 7B.

30 7B. (1) A permanent servant who is insured under the provisions of section four of this Act and has attained the age of fifty years may, in lieu of effecting additional insurance in accordance with section four or five of this Act, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he is eligible. Certain servants insured under Part II may contribute to Provident Fund.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- 5 (2) A permanent servant who is insured under the provisions of section four of this Act and is under the age of fifty years and has applied through the board to an insurance company for an additional policy of insurance under section four or five of this Act and such application has been refused by such insurance company or has been informed that such insurance company will not accept the risk except upon the condition of his being charged a premium in respect of such policy at the rate charged by such insurance company for an age three years or more greater than his actual age, may, in lieu of effecting such additional insurance, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he would have been eligible if there had not been such a refusal or loading.
- 10
- 15
- 20
- 25 (c) (i) by omitting from subsection one of section thirteen the words "has elected (within the time prescribed) to contribute to the fund" and by inserting in lieu thereof the words "who has requested in pursuance of section 7B of this Act that contributions be made to the fund on his behalf";
- 30 (ii) by inserting in subsection three of the same section after the word "shall" where firstly occurring the words "subject to the provisions of subsections one, (3A) and (3B) of this section";
- 35 (iii) by omitting from paragraph (a) of the proviso to the same subsection the word "section" and by inserting in lieu thereof the word "subsection";

(iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(iv) by omitting from the same proviso the following word and paragraph:—

“and

5

(b) such contributions shall cease to be payable when such permanent servant ceases to be employed by a council or reaches such retiring age or dies, whichever event first happens”;

10

(v) by omitting subsection (3A) of the same section and by inserting in lieu thereof the following subsections:—

15

(3A) (a) Where the salary of a permanent servant is increased subsequently to the first assessment of contribution made in respect of such permanent servant under subsection three of this section the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary:

Adjustment
of contribu-
tions in
certain
cases.

20

Provided that this provision shall not apply to any increases less in the aggregate than twenty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

25

(b) 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.

30

35

(c) Any permanent servant who has attained the age of fifty years and whose salary is increased may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of this subsection shall not apply in respect of

of

*Local Government and Other Authorities (Superannuation)
Amendment.*

of such increase and thereafter such provisions shall not apply to or in respect of such permanent servant.

5 (3B) The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7B of this Act shall be an amount equivalent to the premium payable if a new policy were effected under Part II of this Act, at the age of the permanent servant at the time of making such request, for an amount equivalent to the number of cover units specified in his request.

10
15 (3c) The contributions payable under this section shall cease to be payable when such permanent servant ceases to be employed by a council or reaches the retiring age mentioned in section fourteen of this Act or dies, whichever event first happens.

20
25 (d) (i) by omitting from subsection one of section sixteen the words "a president and two members" and by inserting in lieu thereof the words "three members, one of whom shall, in and by the instrument by which he is appointed, be the president of the board";

30 (ii) by omitting from subsection two of the same section the words "Such board shall be appointed for a term of seven years" and by inserting in lieu thereof the words "A member shall, subject to this Act, be appointed for such term, not exceeding seven years, as may be specified in the instrument of his appointment";

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

40 (2A). A person who is of or above the age of sixty-five years shall not be appointed as a member. (iv)

*Local Government and Other Authorities (Superannuation)
Amendment.*

5 (iv) by inserting at the end of subsection six of the same section the words "A member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years";

(v) by inserting next after subsection eight of the same section the following new subsections:—

10 (8A) (a) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employ-
15 ment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the board, but not the office of the president, or from accepting and retaining any remuneration, fees or allow-
20 ances payable to a member of the board, other than the president, under this section.

25 (b) The office of a member (other than the president) shall not for the purposes of the Constitution Act, 1902, or any Act amending that Act, be deemed to be an office or place of profit under the Crown.

30 (8B) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member and a member shall not as such be subject to any such Act during his term of office.

35 (8c) A person who, at the date of his appointment as president, is an officer of the Public Service and who ceases to be president from any cause whatsoever otherwise than in pursuance of subsection five
or

*Local Government and Other Authorities (Superannuation)
Amendment.*

5 or six of this section (paragraph (d) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as president.

10 (8D) (a) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed as president who is at the time of his appointment or has been at any time
15 previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

20 (b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, who is appointed as president shall continue to contribute to any fund or account and shall
25 be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, or any Act
30 amending such Acts, and for such purpose his service as president shall be deemed to be service for the purpose of such Acts.

35 **3.** Any permanent servant whose salary was increased before the commencement of this Act and after he attained the age of fifty years may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of subsection (3A) of section thirteen

Adjustment of contributions of servants over 50 at commencement of this Act.

*Local Government and Other Authorities (Superannuation)
Amendment.*

thirteen of the Local Government and Other Authorities (Superannuation) Act, 1927-1954, shall apply, mutatis mutandis, to and in respect of such increase or any part of such increase, and thereupon such provisions shall apply to and in respect of such increase or part.

4. The amendment made by subparagraph (iv) of paragraph (d) of section two of this Act shall not apply to any member of the board while he holds office by virtue of an appointment made before the commencement of this Act.

Members of
board
holding
office at
commence-
ment of this
Act.