

FIRST PRINT

**LOCAL GOVERNMENT AND OTHER AUTHORITIES  
(SUPERANNUATION) AMENDMENT BILL 1985**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

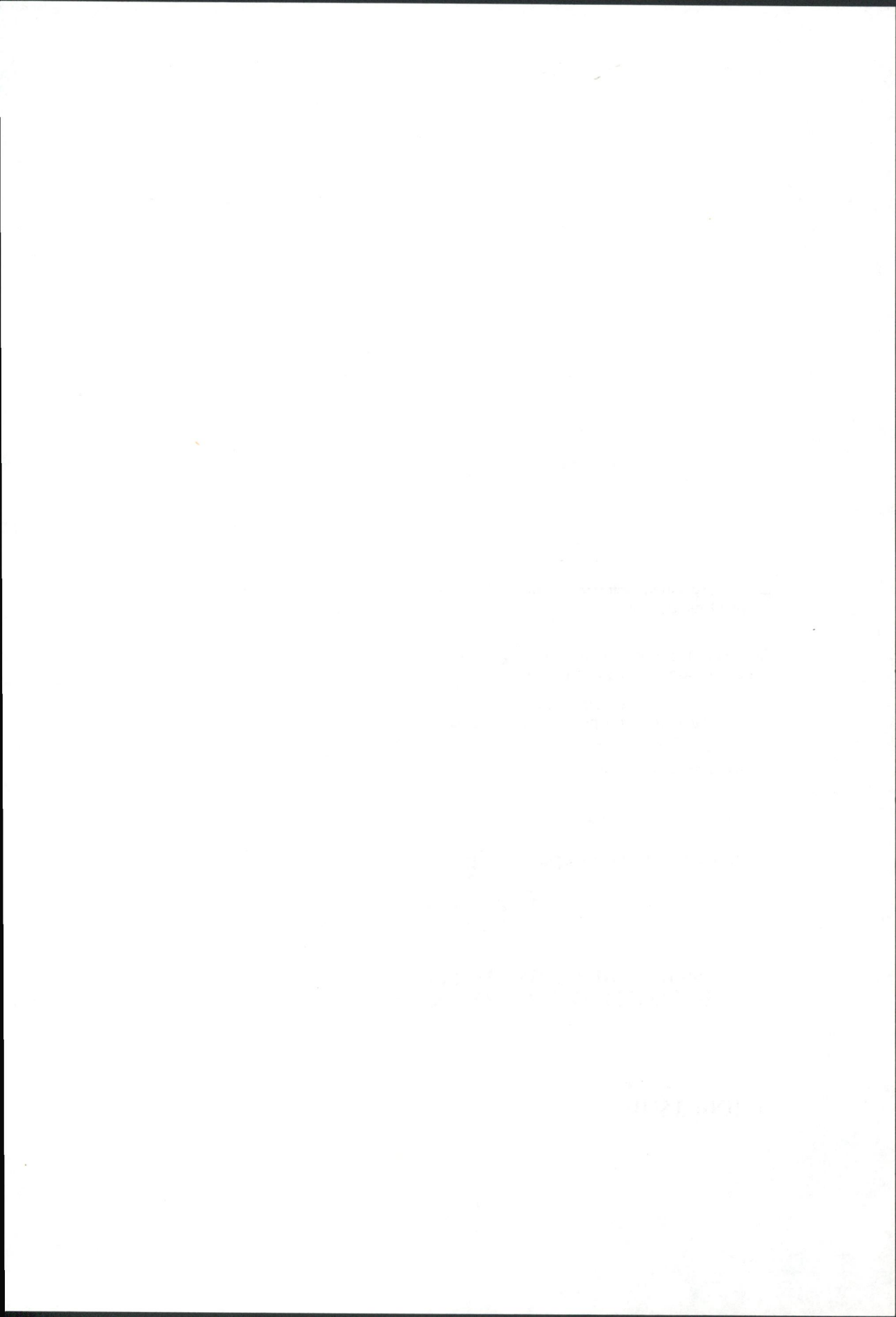
This Bill is cognate with the Public Authorities Superannuation (Amendment) Bill 1985.

The object of this Bill is to amend the Local Government and Other Authorities (Superannuation) Act 1927 so as—

- (a) to provide that a spouse's pension in the Pension Fund under that Act is not suspended on the remarriage of the pensioner (Schedule 1 (1)); and
- (b) to increase the maximum amount of benefit that may be paid before the grant of probate, etc., from \$2,000 to \$10,000 or such other amount as may be prescribed by regulation (Schedule 1 (2)).

The Bill also restores spouses' pensions in the Pension Fund that were suspended before the commencement of the proposed Act because of remarriage (clause 3).

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**LOCAL GOVERNMENT AND OTHER AUTHORITIES  
(SUPERANNUATION) AMENDMENT BILL 1985**

No.      , 1985

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**A BILL FOR**

An Act to amend the Local Government and Other Authorities  
(Superannuation) Act 1927 in relation to spouses' pensions and certain  
payments on death.

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Local Government and Other Authorities (Superannuation) Amendment 1985

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:

5 **Short title**

1. This Act may be cited as the "Local Government and Other Authorities (Superannuation) Amendment Act 1985".

**Amendment of Act No. 35, 1927**

2. The Local Government and Other Authorities (Superannuation) Act 10 1927 is amended in the manner set forth in Schedule 1.

**Existing suspensions of pension on remarriage lifted**

3. (1) A spouse's pension (within the meaning of section 15BOB of the Local Government and Other Authorities (Superannuation) Act 1927) which, immediately before the commencement of this Act, was not payable 15 because of the operation of section 15BOB (2) of that Act, becomes payable on and from that commencement, but any such pension is not payable in respect of any period before that commencement.

(2) A reference in the Local Government and Other Authorities (Superannuation) Act 1927 to a person who becomes entitled to a pension 20 at a particular time does not include a reference to a person to whom a pension becomes payable as referred to in subsection (1) at that time.

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**SCHEDULE 1**

(Sec. 2)

**AMENDMENTS TO THE LOCAL GOVERNMENT AND OTHER  
25 AUTHORITIES (SUPERANNUATION) ACT 1927**

(1) Section 15BOB (2)—

Omit the subsection.

(2) Section 17BA (1), (1A)—

Omit section 17BA (1), insert instead:

Local Government and Other Authorities (Superannuation) Amendment 1985SCHEDULE 1—*continued*AMENDMENTS TO THE LOCAL GOVERNMENT AND OTHER  
AUTHORITIES (SUPERANNUATION) ACT 1927—*continued*

(1) Where a contributor under Part III or IIIB dies and—

- 5 (a) a benefit thereby becomes payable from the Provident Fund or the Benefits Fund, as the case may be;
- (b) production to the board of probate of the will, or letters of administration of the estate, of the deceased has not been arranged; and
- 10 (c) the board has not, within the period of 3 months that next succeeds the death of the contributor, received notice of intention to apply for a grant of probate of the will, or letters of administration of the estate, of the deceased,

15 the board may, if it so decides, make a payment of the whole or a part of the benefit in accordance with subsection (1A), being a payment that does not exceed \$10,000 or, where some other amount is prescribed for the purposes of this section, that other amount.

(1A) Where the board makes a decision under subsection (1), the board may—

- 20 (a) pay the whole or any part of the amount of the benefit to an eligible person within the meaning of the Family Provision Act 1982;
- (b) after paying the funeral expenses of the deceased or reimbursing a person who has paid those expenses—pay the whole or any part of the balance to a person referred to in paragraph (a); or
- 25 (c) in special circumstances—pay the whole or any part of the amount of the benefit, or the balance referred to in paragraph (b), to some other person.
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**LOCAL GOVERNMENT AND OTHER AUTHORITIES  
(SUPERANNUATION) AMENDMENT ACT 1985 No. 179**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 179, 1985**

An Act to amend the Local Government and Other Authorities  
(Superannuation) Act 1927 in relation to spouses' pensions and certain  
payments on death. [Assented to, 4th December, 1985.]

*Local Government and Other Authorities (Superannuation) Amendment 1985*

**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:

**Short title**

1. This Act may be cited as the "Local Government and Other Authorities (Superannuation) Amendment Act 1985".

**Amendment of Act No. 35, 1927**

2. The Local Government and Other Authorities (Superannuation) Act 1927 is amended in the manner set forth in Schedule 1.

**Existing suspensions of pension on remarriage lifted**

3. (1) A spouse's pension (within the meaning of section 15BOB of the Local Government and Other Authorities (Superannuation) Act 1927) which, immediately before the commencement of this Act, was not payable because of the operation of section 15BOB (2) of that Act, becomes payable on and from that commencement, but any such pension is not payable in respect of any period before that commencement.

(2) A reference in the Local Government and Other Authorities (Superannuation) Act 1927 to a person who becomes entitled to a pension at a particular time does not include a reference to a person to whom a pension becomes payable as referred to in subsection (1) at that time.

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SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE LOCAL GOVERNMENT AND OTHER  
AUTHORITIES (SUPERANNUATION) ACT 1927

(1) Section 15BOB (2)—

Omit the subsection.

(2) Section 17BA (1), (1A)—

Omit section 17BA (1), insert instead:

*Local Government and Other Authorities (Superannuation) Amendment 1985*

SCHEDULE 1—*continued*

AMENDMENTS TO THE LOCAL GOVERNMENT AND OTHER  
AUTHORITIES (SUPERANNUATION) ACT 1927—*continued*

- (1) Where a contributor under Part III or IIIb dies and—
- (a) a benefit thereby becomes payable from the Provident Fund or the Benefits Fund, as the case may be;
  - (b) production to the board of probate of the will, or letters of administration of the estate, of the deceased has not been arranged; and
  - (c) the board has not, within the period of 3 months that next succeeds the death of the contributor, received notice of intention to apply for a grant of probate of the will, or letters of administration of the estate, of the deceased,

the board may, if it so decides, make a payment of the whole or a part of the benefit in accordance with subsection (1A), being a payment that does not exceed \$10,000 or, where some other amount is prescribed for the purposes of this section, that other amount.

(1A) Where the board makes a decision under subsection (1), the board may—

- (a) pay the whole or any part of the amount of the benefit to an eligible person within the meaning of the Family Provision Act 1982;
  - (b) after paying the funeral expenses of the deceased or reimbursing a person who has paid those expenses—pay the whole or any part of the balance to a person referred to in paragraph (a); or
  - (c) in special circumstances—pay the whole or any part of the amount of the benefit, or the balance referred to in paragraph (b), to some other person.
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