

**LEGISLATIVE ASSEMBLY MEMBERS  
SUPERANNUATION (AMENDMENT) ACT.**

**Act No. 39, 1949.**

An Act to amend the Legislative Assembly Members Pensions Act, 1946, in certain respects; and for purposes connected therewith. [Assented to, 12th November, 1949.]

**B**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 "Legislative Assembly Members Superannuation (Amendment) Act, 1949".

(2) The Legislative Assembly Members Pensions Act, 1946, as amended by this Act, may be cited as the Legislative Assembly Members Superannuation Act, 1946-1949.

**2.** (1) The Legislative Assembly Members Pensions Act, 1946, is amended—

(a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

(b) (i) by inserting in paragraph (b) of subsection two of section twelve after the word "Commonwealth" where firstly occurring the words "or of any State (other than this State)";

(ii) by inserting in the same paragraph after the word "Commonwealth" where secondly, thirdly and fourthly occurring the words "or of any such State";

(iii)

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(iii) by inserting at the end of the same paragraph the following new paragraph:—

(b1) A person shall not be entitled to a pension pursuant to paragraph (b) of this subsection unless—

(a) during the period from the date upon which he resigns his seat in the Legislative Assembly to the date upon which he ceases to be a member of the Parliament of the Commonwealth or of any State (other than this State) he has paid into the fund an amount equivalent to that which he would have paid into the fund had he not ceased to be a member of the Legislative Assembly; and

(b) upon ceasing to be a member of the Parliament of the Commonwealth or of any such State he is not entitled to receive a pension under the Parliamentary Retiring Allowances Act 1948 of the Parliament of the Commonwealth or under any like Act of the Parliament of any such State, as the case may be.

Payments under subparagraph (a) of this paragraph shall be made by such instalments and at such times as the managing trustees or a majority of them determine.

Any person who has paid into the fund in accordance with subparagraph (a) of this paragraph shall upon receipt of any pension referred to

to in subparagraph (b) of this paragraph be entitled to a refund of the contributions paid by him to the fund, without interest. No. 39, 1949.

Where a person who has made payments into the fund in accordance with subparagraph (a) of this paragraph dies whilst he is a member of the Parliament of the Commonwealth or of any such State there shall be paid to his widow out of the fund—

- (i) if such widow is entitled to a pension under the Parliamentary Retiring Allowances Act 1948 of the Parliament of the Commonwealth or under any like Act of the Parliament of any such State, as the case may be, a refund of all contributions paid by such person to the fund, without interest, or
- (ii) if such widow is not entitled to any pension referred to in subparagraph (i) of this paragraph a pension at the rate of four pounds per week, which pension shall subject to this section be payable to her until her death.
- (iv) by omitting from subsection three of the same section the word "three" and by inserting in lieu thereof the word "four";
- (v) by omitting from subsection four of the same section the word "three" and by inserting in lieu thereof the word "four";
- (vi) by inserting at the end of subsection six of the same section the following new paragraphs and subsection:—

Upon the expiration of the period of such suspension such person shall not be entitled to

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to receive a pension under any of the provisions of this section unless—

- (a) during the period of such suspension he has paid into the fund an amount equivalent to that which he would have paid into the fund had he been a member of the Legislative Assembly; and
- (b) he is not entitled to receive a pension under the Parliamentary Retiring Allowances Act 1948 of the Parliament of the Commonwealth or under any like Act of the Parliament of any State (other than this State).

Payments under paragraph (a) of this subsection shall be made by such instalments and at such times as the managing trustees or a majority of them determine.

Any person who has paid into the fund in accordance with the provisions of this subsection shall upon receipt of any pension referred to in subparagraph (b) of this subsection be entitled to a refund of the contributions paid by him to the fund, without interest.

Where a person who has made payments into the fund in accordance with paragraph (a) of this subsection dies whilst he holds any such office of profit or is such a member there shall be paid to his widow out of the fund—

- (i) if such widow is entitled to a pension under the Parliamentary Retiring Allowances Act 1948 of the Parliament of the Commonwealth or under any like Act of the Parliament of any such State, as the case may be, a refund of all contributions paid by such person to the fund, without interest, or

(ii)

(ii) if such widow is not entitled to any **No. 39, 1949.**

pension referred to in subparagraph  
(i) of this paragraph a pension at  
the rate of four pounds per week,  
which pension shall subject to this  
section be payable to her until her  
death.

(7) Where by any provision of this  
section a person is required, in order to be  
entitled to receive a pension thereunder, to  
make payments into the fund during any  
period during which he holds an office of  
profit under the Crown or is a member of  
the Parliament of the Commonwealth or of  
any State, such person shall be deemed to  
have complied with such provision in respect  
of any period during which he held such  
office or was a member before the date upon  
which His Majesty's assent to this Act is  
signified if he pays into the fund, by such  
instalments and at such times as the  
managing trustees or a majority of them  
determine, an amount equivalent to the sum  
he would have paid into the fund if payments  
thereto had been made by him in accordance  
with such provision during such period.

(2) (a) The amendments made by subparagraphs  
(i), (ii), (iii) and (vi) of paragraph (b) of subsection one  
of this section shall be deemed to have commenced upon  
the seventh day of May, one thousand nine hundred and  
forty-six.

(b) The amendments made by subparagraphs  
(iv) and (v) of paragraph (b) of subsection one of this  
section shall as from the date upon which His Majesty's  
assent to this Act is signified apply to and in respect of  
pensions under subsections three and four of section  
twelve of the Legislative Assembly Members Superan-  
nuation Act, 1946-1949, which are payable at such date  
as well as to and in respect of any such pensions which  
become payable after such date.