

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.] George VI.
No. 39, 1949.

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 "Legislative Assembly Members Superannuation (Amendment) Act, 1949". Short
title and
citation.

(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— Amendment
of Act No.
32, 1946.

(a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation"; Sec. 1.
(Short
title.)

(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)"; sec. 12.
(Pensions.)

(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 para- ^{No. 39, 1949.}
graph be entitled to a refund of the
contributions paid by him to the
fund, without interest.

Where a person who has made pay-
ments into the fund in accordance
with subparagraph (a) of this para-
graph 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 Parliamen-
tary 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 contri-
butions 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 para-
graphs 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 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. No. 39, 1949.

(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 Superannuation 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.

LIQUID