

**LEGISLATIVE ASSEMBLY MEMBERS SUPER-
ANNUATION (AMENDMENT) ACT.**

Act No. 64, 1957.

Elizabeth II,
No. 64, 1957. An Act to increase the rates of contributions and pensions under the Legislative Assembly Members Superannuation Act, 1946-1954; for this and other purposes to amend the said Act; and for purposes connected therewith.
[Assented to, 9th December, 1957.]

BE

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 "Legislative Assembly Members Superannuation (Amendment) Act, 1957".

(2) The Legislative Assembly Members Superannuation Act, 1946, as amended by subsequent Acts and by this Act, may be cited as the Legislative Assembly Members Superannuation Act, 1946-1957.

2. The Legislative Assembly Members Superannuation Act, 1946-1954, is amended—

(a) by omitting from section two the definition of "Salary" and by inserting in lieu thereof the following definition:—

"Salary" means all moneys payable by way of salary or allowance to a member of the Legislative Assembly in pursuance of the Constitution Act, 1902, the Parliamentary Allowances and Salaries Act, 1956, or any Act amending or replacing the same.

(b) by omitting from section nine the words "one hundred and fifty-six pounds" and by inserting in lieu thereof the words "two hundred and thirty-four pounds".

3. (1) The Legislative Assembly Members Superannuation Act, 1946-1954, is further amended—

(a) (i) by omitting from paragraph (b1) of subsection two of section twelve the words:—

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

paragraph be entitled to a refund of the contributions paid by him to the fund, without interest."

and by inserting in lieu thereof the words:—

"Where a person—

- (ia) ceases to be a member of the Parliament of the Commonwealth or of any such State and thereupon becomes 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; or
- (iia) has served as a member of the Parliament of the Commonwealth or of any such State for a period which would, if he ceased to be such a member at the expiration of such period, be sufficient to entitle him to any such pension,

he shall, if he has, 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 such State, or to the date of the expiration of the period referred to in the foregoing subparagraph (iia) of this paragraph, as the case may require, paid into the fund an amount equivalent to that which he would have paid had he not ceased to be a member of the Legislative Assembly, be refunded an amount equivalent to the contributions so paid by him to the fund, without interest. Any person to whom contributions have been

been refunded as aforesaid and the widow of any such person shall not be entitled to receive a pension under this Act.”;

- (ii) by omitting from the same paragraph the words “if such widow is entitled to a pension” and by inserting in lieu thereof the words “if such widow is entitled to any benefit”;
- (iii) by omitting from the same paragraph the words “if such widow is not entitled to any pension” and by inserting in lieu thereof the words “if such widow is not entitled to any benefit”;

(b) (i) by inserting in subsection six of the same section after the words “in receipt of” the words “or is entitled to receive”;

(ii) by inserting in paragraph (b) of the same subsection immediately before the words “he is not entitled” the words “in the case of a person who became a member of the Parliament of the Commonwealth or of any State (other than this State)”;

(iii) by omitting from the same subsection the words:—

“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.”

and by inserting in lieu thereof the words:—

“Where a person—

- (ia) ceases to be a member of the Parliament of the Commonwealth or of any such State and thereupon becomes

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becomes 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; or

(iia) has served as a member of the Parliament of the Commonwealth or of any such State for a period which would, if he ceased to be such a member at the expiration of such period, be sufficient to entitle him to any such pension,

he shall, if he has, during the period of such suspension, or from the date upon which he becomes a member of the Parliament of the Commonwealth or of any such State to the date of the expiration of the period referred to in the foregoing subparagraph (iia) of this paragraph, as the case may require, 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, be refunded an amount equivalent to the contributions so paid by him to the fund, without interest. Any person to whom contributions have been refunded as aforesaid and the widow of any such person shall not be entitled to receive a pension under this Act.'';

(iv) by omitting from the same subsection the words "if such widow is entitled to a pension" and by inserting in lieu thereof the words "if such widow is entitled to any benefit";

(v)

(v) by omitting from the same subsection the words "if such widow is not entitled to any pension" and by inserting in lieu thereof the words "if such widow is not entitled to any benefit";

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

(9) Notwithstanding anything contained in this section the rate of pension payable to any person who, immediately before the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1957, was not in receipt of a pension under this section but becomes entitled thereto after such commencement, shall—

(a) if such person becomes so entitled pursuant to paragraph (a) of subsection one of this section, be eighteen pounds per week;

(b) if such person becomes so entitled pursuant to paragraph (b) of subsection one of this section, be fifteen pounds per week;

(c) if such person being a widow becomes so entitled pursuant to subparagraph (ii) of paragraph (b1) of subsection two, subsection three, or paragraph (ii) of subsection six of this section, be twelve pounds fifteen shillings per week;

(d) if such person, being the widow of a person who was not in receipt of a pension under subsection one of this section

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section immediately before such commencement, becomes so entitled pursuant to subsection four of this section, be twelve pounds fifteen shillings per week.

(2) Subparagraph (i) of paragraph (a) 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.
