

LEGISLATIVE ASSEMBLY MEMBERS SUPERANNUATION (FURTHER AMENDMENT) ACT.

Act No. 34, 1962.

Elizabeth II,
No. 34, 1962

An Act to make further provision relating to the pension rights of members of the Legislative Assembly; for this and other purposes to amend the Legislative Assembly Members Superannuation Act, 1946-1962; and for purposes connected therewith. [Assented to, 7th December, 1962.]

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
and
citation.

1. (1) This Act may be cited as the "Legislative Assembly Members Superannuation (Further Amendment) Act, 1962".

(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, 1946-1962.

Amendment
of Act No.
13, 1962.
Sec. 1.
(Short
title and
citation.)

(3) The Legislative Assembly Members Superannuation (Amendment) Act, 1962, is amended by omitting subsection two of section one.

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2. The Legislative Assembly Members Superannuation Act, 1946, as amended by subsequent Acts, is amended—

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Amendment
of Act No.
32, 1946.

(a) by omitting from section nine the words “three hundred and twelve pounds” and by inserting in lieu thereof the words “three hundred and ninety pounds”;

Sec. 9.
(Contri-
butions.)

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

New sec.
10A.

10A. In case of the illness or absence of the Under Secretary of the Treasury the Minister may appoint the Deputy Under Secretary of the Treasury or some other officer of the Treasury to act in place of the Under Secretary as custodian trustee during the illness or absence of the Under Secretary and any person so appointed shall whilst so acting exercise and perform all the powers, authorities, duties and functions of the custodian trustee.

Appoint-
ment
of person
to act in
absence of
Under
Secretary.

3. The Legislative Assembly Members Superannuation Act, 1946, as amended by subsequent Acts, is further amended—

Further
amendment
of Act No.
32, 1946.

(a) by inserting at the end of subparagraph (a) of subsection one of section twelve the following new subparagraph :—

Sec 12.
(Pensions.)

(a1) Subject to this Act every person who after the commencement of the Legislative Assembly Members Superannuation (Further Amendment) Act, 1962, ceases to be a member of the Legislative Assembly and who has contributed, whether before or after, or partly before and partly after, such commencement, to the fund for an aggregate period of fifteen years or more shall be entitled to be paid out of the fund a pension at the rate of thirty pounds per week; such entitlement shall be in lieu of any entitlement to which such person would but for this subparagraph have been entitled under subparagraph (a) of this subsection and paragraph (a) of subsection ten of this section.

(b)

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- (b) by inserting in subparagraph (b) of the same subsection after the word and symbols "paragraph (a)" the words and symbols "or paragraph (a1)";
- (c) by omitting from subparagraph (ii) of paragraph (b1) of subsection two of the same section the words "six pounds per week" and by inserting in lieu thereof the words "seventy-five per centum of the rate which would have been payable to the person to whom paragraph (b) of this subsection applies had he been in receipt of a pension by virtue of the said paragraph (b) at the time of his death";
- (d) by inserting at the end of subsection three of the same section the following new paragraph and subsection :—

Notwithstanding anything contained in this section the rate of pension payable to a person who immediately before the commencement of the Legislative Assembly Members Superannuation (Further Amendment) Act, 1962, was not in receipt of a pension under this subsection but becomes entitled thereto after such commencement upon the death of a male member of the Legislative Assembly who has served in the Parliaments specified in paragraph (b) of subsection one of this section shall be seventy-five per centum of the rate which would have been payable to the member had he been in receipt of a pension by virtue of the said paragraph (b) at the time of his death.

(3A) Upon the death of a male member of the Legislative Assembly who has contributed to the fund as referred to in paragraph (a1) of subsection one of this section there shall be paid out of the fund a pension to his widow at the rate of seventy-five per centum of the rate which would have been payable to the member had he been in receipt of a pension by virtue of the said paragraph (a1) at the time of his death.

The pension so payable to the widow shall subject to this section be payable to her until her death.

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- (e) by inserting at the end of subsection four of the same section the following new paragraph :— No. 34, 1962

Notwithstanding anything contained in this section the rate of pension payable to a person who immediately before the commencement of the Legislative Assembly Members Superannuation (Further Amendment) Act, 1962, was not in receipt of a pension under this subsection but becomes entitled thereto after such commencement shall be seventy-five per centum of the rate which was payable at the time of his death to the male person in respect of whom the widow's entitlement to a pension under this subsection accrues.

- (f) by omitting from paragraph (ii) of subsection six of the same section the words "six pounds per week" and by inserting in lieu thereof the words "seventy-five per centum of the rate which would have been payable to the person whose pension is suspended in accordance with this subsection had he been in receipt of a pension at the time of his death";

- (g) by inserting next after subsection ten of the same section the following new subsection :—

(11) 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 (Further Amendment) Act, 1962, was not in receipt of a pension under paragraph (b) of subsection one of this section, but becomes entitled thereto after such commencement, shall—

- (a) if such person has been a member of the Legislative Assembly in any three Parliaments—be twenty-four pounds per week;
or

- (b) if such person has contributed to the fund for an aggregate period of—

- (i) ten years—be twenty-five pounds per week;

(ii)

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- (ii) eleven years—be twenty-six pounds
per week;
 - (iii) twelve years—be twenty-seven
pounds per week;
 - (iv) thirteen years—be twenty-eight
pounds per week;
 - (v) fourteen years—be twenty-nine
pounds per week.
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