

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

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 16, 1967.

An Act to extend the Legislative Assembly Members Superannuation Act, 1946-1965, to certain members of the Legislative Council who were or are Ministers of the Crown; to increase contributions and pensions payable under the said Act; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 23rd March, 1967.]

BE

Legislative Assembly Members Superannuation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 16, 1967
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 Short title
and
citation.
Assembly Members Superannuation (Amendment) Act, 1967".

(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, 1946–1967.

2. The Legislative Assembly Members Superannuation Amendment
of Act
No. 2, 1946.
Act, 1946–1965, is amended by inserting next after section
two the following new section :— New sec. 2A.

2A. (1) Subject as hereinafter provided the provisions of this Act and the regulations thereunder— Application
of Act to
Ministers of
the Crown in
Legislative
Council.

(a) relating to contributions to the fund shall, mutatis mutandis, extend and apply to and in respect of members of the Legislative Council who at any time after the first day of May, one thousand nine hundred and forty-six, and before the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, were Ministers of the Crown or who at such commencement are or who thereafter become Ministers of the Crown and who elect to contribute to the fund within the time prescribed;

(b) relating to qualifications for and entitlement to pensions and benefits shall, mutatis mutandis, extend and apply to and in respect of—

(i) persons who pursuant to paragraph (a) of this subsection elect to become contributors to the fund;

(ii)

No. 16, 1967

- (ii) children, under the age of eighteen years, and widows of such persons.

(2) (a) An election by a member of the Legislative Council, who was at any time after the first day of May, one thousand nine hundred and forty-six, and before the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, a Minister of the Crown, or who at such commencement is a Minister of the Crown, to contribute to the fund shall be made within six months after such commencement.

(b) A member of the Legislative Council who becomes a Minister of the Crown after such commencement and elects to contribute to the fund shall make such election within three months of becoming a Minister of the Crown.

(3) (a) A member of the Legislative Council who elects as provided by paragraph (a) of subsection two of this section to contribute to the fund shall pay into the fund an amount equivalent to that which would have been payable by him as a contributor to the fund had he been a member of the Legislative Assembly during the period within which he held office as a Minister of the Crown before the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967.

(b) Such payment shall—

- (i) be in addition to the deductions if any payable under section nine of this Act, and
- (ii) for the purposes of this Act be deemed to be a contribution to the fund for the period during which the person making such payment held office as Minister of the Crown.

(c) No deduction shall be made pursuant to section nine of this Act in respect of a member of the Legislative Council who has elected as aforesaid to contribute to the fund during any period that such member is not a Minister of the Crown.

(d)

(d) In the application of the provisions of No. 16, 1967 this Act to a member of the Legislative Council who pursuant to this section has elected to contribute to the fund requirements as to the qualifying period of membership shall not be deemed to have been satisfied unless such member has been a Minister of the Crown for that period.

(4) For the purposes of this section—

- (a) unless the context otherwise indicates or requires a reference in this Act or the regulations to—
 - (i) a member or member of the Legislative Assembly shall include a reference to a member of the Legislative Council who is, or at any time during his term of office as such has been, a Minister of the Crown, and has elected to contribute to the fund, and
 - (ii) the Legislative Assembly shall include a reference to the Legislative Council;
- (b) the regulations may make such modifications, additions and amendments to this Act and the regulations as the Governor may deem necessary for giving effect to the provisions of this section or for providing for matters consequential upon or incidental to the enactment of this section.

The regulations shall not contain provisions, conditions or benefits more favourable to or in respect of a person to whom this Act and the regulations are extended and applied by this section than are applicable to or in respect of a member of the Legislative Assembly.

(5) The provisions of this section shall not operate to entitle any member of the Legislative Council who pursuant to this section has elected to contribute to the fund to a pension before he ceases to be a member of the Legislative Council.

Legislative Assembly Members Superannuation (Amendment).

No. 16, 1967

Further
amendment
of Act No.
32, 1946.Sec. 9.
(Contribu-
tions.)

3. The Legislative Assembly Members Superannuation Act, 1946–1965, is further amended by omitting from section nine the words “seven hundred and eighty” and by inserting in lieu thereof the words “eight hundred and four”.

Further
amendment
of Act No.
32, 1946.Sec. 12.
(Pensions.)

4. (1) The Legislative Assembly Members Superannuation Act, 1946–1965, is further amended—

(a) by inserting next after paragraph (a1) of subsection one of section twelve the following new paragraph :—

(a2) Subject to this Act every person who after the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, ceases to be a member and who has served as a member for an aggregate period of fifteen years or more shall be entitled to be paid out of the fund a pension, if he has served as a member for an aggregate period of—

- (i) fifteen years and less than sixteen years, at the rate of sixty-two dollars per week;
- (ii) sixteen years and less than eighteen years, at the rate of sixty-six dollars per week;
- (iii) eighteen years and less than twenty years, at the rate of seventy dollars per week;
- (iv) twenty years and less than twenty-two years, at the rate of seventy-four dollars per week;
- (v) twenty-two years and less than twenty-four years, at the rate of seventy-eight dollars per week;
- (vi) twenty-four years and over, at the rate of eighty dollars per week.

Such entitlement shall be in lieu of any entitlement to which such person would but for this paragraph have been entitled under paragraph (a) or (a1) of this subsection.

The

Legislative Assembly Members Superannuation (Amendment).

The service referred to in this paragraph shall in respect of any Parliament to which such person was elected as a member be reckoned from the day of his election thereto and shall include service before the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, as well as service after such commencement. No. 16, 1967

- (b) by inserting in paragraph (b) of the same subsection after the word and symbols "paragraph (a1)" the words and symbols "or paragraph (a2)";
- (c) by inserting at the end of the same paragraph the following new paragraph :—

Any person who before the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, was not a member and who subsequently becomes a member shall not be entitled to receive a pension in terms of this section unless he has been a member for an aggregate period of eight years.

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

(2A) Where by the operation of section nineteen or section thirty-four of the Constitution Act, 1902, as amended by subsequent Acts, the seat of a member becomes vacant such member shall not be entitled to a pension under this Act but shall be entitled to a refund of his contributions without interest.

- (e) by inserting next after subsection (3A) of the same section the following new subsection :—

(3B) (a) Upon the death of a contributor after the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, who but for his death would have been entitled

No. 16, 1967

entitled upon ceasing to be a member to a pension under this section there shall be paid out of the fund—

- (i) if he is survived by his widow and no children, a pension to his widow at the rate of seventy-five per centum of the rate which would have been payable to the contributor had he been in receipt of a pension under this section;
- (ii) if he is survived by his widow, and children under the age of eighteen years, to the widow a pension at the rate of seventy-five per centum of the rate which would have been payable to the contributor had he been in receipt of a pension under this section and an allowance of four dollars per week in respect of each such child;
- (iii) if his wife has predeceased him and he is survived by children under the age of eighteen years, to the guardian or person having custody of such children an allowance of ten dollars per week in respect of each such child;
- (iv) if his wife has predeceased him and he is not survived by children under the age of eighteen years, to his estate an amount equivalent to his contributions to the fund together with compound interest at the rate of four and one half per centum per annum.

(b) The pension payable to a widow as aforesaid shall subject to this section be payable to her until her death.

(c) Any allowance payable in respect of a child under this subsection shall be payable until such child attains the age of eighteen years or where an allowance in respect of such child under paragraph (b) of subsection (4A) of this section becomes payable until such time.

(d)

(d) Upon a child where there is only one child surviving the contributor, or upon the youngest child where there are more than one child surviving the contributor, attaining the age of eighteen years and payments have been made in respect of such child or children under subparagraph (iii) of paragraph (a) of this subsection there shall be paid to such child, or his children (including those in respect of whom no such payments were made) in equal shares, the amount by which such contributor's contributions to the fund together with compound interest at the rate of four and one half per centum per annum calculated to the date of the death of the contributor exceed the amount paid in respect of the child or children under the said subparagraph (iii) of paragraph (a) of this subsection. No. 16, 1967

(e) The total amount payable per week to a widow and in respect of surviving children pursuant to subparagraph (ii) of paragraph (a) of this subsection shall not exceed the amount per week which would have been payable to the contributor had he been in receipt of a pension under this section.

(f) The entitlement of a widow to a pension under this subsection shall be in lieu of any entitlement to which such widow would but for this subsection have been entitled under any other provision of this section.

(f) by inserting at the end of subsection four of the same section the following proviso :—

Provided that nothing in this subsection shall have the effect of reducing the rate of pension which would have been payable to a widow but for the amendment made to this subsection by the Legislative Assembly Members Superannuation (Further Amendment) Act, 1962.

(g)

Legislative Assembly Members Superannuation (Amendment).

No. 16, 1967

(g) by inserting next after the same subsection the following new subsection :—

(4A) (a) Upon the death of a pensioner who was a contributor to the fund after the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, there shall be paid out of the fund—

- (i) if he is survived by his widow and no children, a pension to his widow at the rate of seventy-five per centum of the rate which was payable to him at the time of his death;
- (ii) if he is survived by his widow, and children under the age of eighteen years, to the widow a pension at the rate of seventy-five per centum of the rate which was payable to him at the time of his death and an allowance of four dollars per week in respect of each such child;
- (iii) if the pensioner being a widower is survived by children under the age of eighteen years, to the guardian or person having custody of such children an allowance of ten dollars per week in respect of each such child.

(b) Upon the death of a widow to whom a pension was payable under subparagraph (ii) of paragraph (a) of this subsection there shall be paid out of the fund, if such widow is survived by children under the age of eighteen years, to the guardian or person having custody of such children an allowance of ten dollars per week in respect of each such child.

(c) The pension payable to a widow as aforesaid shall subject to this section be payable to her until her death.

(d) Any allowance payable in respect of a child under this subsection shall be payable until such child attains the age of eighteen years.

(e)

Legislative Assembly Members Superannuation (Amendment).

(e) The total amount payable per week to a widow and in respect of surviving children pursuant to subparagraph (ii) of paragraph (a) of this subsection shall not exceed the amount per week which was payable to the pensioner at the time of his death. No. 16, 1967

(f) The entitlement of a widow to a pension under this subsection shall be in lieu of any entitlement to which such widow would but for this subsection have been entitled under any other provision of this section.

(g) Where a male person who is in receipt of a pension under subsection one of this section marries whilst he is in receipt of that pension no pension or allowance in respect of children of that marriage shall be payable under this subsection to the widow or guardian or person having custody of such children.

(h) by omitting from subsection six of the same section the words and symbols “(other than this State)”;

(i) by inserting next after the same subsection the following new subsection :—

(6A) Where a person in receipt of a pension under this Act in respect of his service as a member of the Parliament of this State again becomes a member of the Parliament of this State the pension shall be cancelled and thereafter his rights and liabilities under this Act shall be the same as if he had never received a pension.

(j) by inserting next after subsection eleven of the same section the following new subsection :—

(12) 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, 1967, was not in receipt of a pension under paragraph (b) of subsection one of this

*Legislative Assembly Members Superannuation (Amendment).***No. 16, 1967**

this section but becomes entitled thereto after such commencement shall, if such person has contributed to the fund for an aggregate period of—

- (a) eight years and less than ten years, be fifty dollars per week;
- (b) ten years and less than eleven years, be fifty-two dollars per week;
- (c) eleven years and less than twelve years, be fifty-four dollars per week;
- (d) twelve years and less than thirteen years, be fifty-six dollars per week;
- (e) thirteen years and less than fourteen years, be fifty-eight dollars per week;
- (f) fourteen years and less than fifteen years, be sixty dollars per week.

(2) The amendment made by paragraph (f) of subsection one of this section shall be deemed to have commenced upon the seventh day of December, one thousand nine hundred and sixty-two.

Further
amendment
of Act No.
32, 1946.

Sec. 13.
(Refunds of
contribu-
tions.)

5. The Legislative Assembly Members Superannuation Act, 1946–1965, is further amended—

- (a) by inserting at the end of section thirteen the following new subsections :—

(3) Where a contributor dies after the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, and would had he otherwise ceased to be a member been not entitled to a pension under section twelve of this Act and is not survived by a widow but is survived by children under the age of eighteen years there shall be paid to all the children of the contributor in equal shares out of the fund a refund of all contributions paid by such contributor to the fund.

(4)

Legislative Assembly Members Superannuation (Amendment).

(4) Notwithstanding anything contained in this Act (subsection (2A) of section twelve excepted) any refund of contributions payable under this Act after the commencement of the Legislative Assembly Members Superannuation (Amendment) Act, 1967, shall be the contributions actually paid plus compound interest at the rate of four and one half per centum calculated to the date upon which the contributor in respect of whom the refund is payable ceases to be a contributor to the fund. No. 16, 1967

(b) by inserting next after section seventeen the following new section :— New sec. 18.

18. The Trustees may from time to time require The Government Actuary to make an actuarial investigation of the fund. Actuarial investigation.

NURSES