

LOCAL GOVERNMENT (SUPERANNUATION) AMENDMENT ACT.

Act No. 49, 1940.

George VI.
No. 49, 1940.

An Act to extend the provisions of the Local Government (Superannuation) Act, 1927-1935, to inspectors of stock appointed under the Pastures Protection Act, 1934; to amend the Local Government (Superannuation) Act, 1927-1935, the Pastures Protection Act, 1934, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1940.]

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:—

Short title.

1. (1) This Act may be cited as the "Local Government (Superannuation) Amendment Act, 1940."

(2) The Local Government (Superannuation) Act, 1927-1935, as amended by this Act, may be cited as the Local Government (Superannuation) Act, 1927-1940.

2.

Local Government (Superannuation) Amendment Act.

445

No. 49, 1940.

2. The Local Government (Superannuation) Act, 1927-1935, is amended—

Amendment of Act No. 35, 1927.

(a) by inserting after subsection two of section two the following new subsection:—

Sec. 2.

(3) This Act shall also apply to and in respect of every inspector of stock who shall for the purposes of this Act be deemed to be a servant of a pastures protection board as defined in the Pastures Protection Act, 1934.

(b) (i) by inserting at the end of the definition of "Council" in section three the following words—"and a pastures protection board as defined in the Pastures Protection Act, 1934";

Sec. 3. (Interpretation.)

(ii) by inserting in the same section, after the definition of "Future service factor" the following definition:—

"Inspector of stock" means an inspector of stock appointed in pursuance of the Pastures Protection Act, 1934.

(iii) by inserting at the end of the definition of "Permanent servant" in the same section the words "The expression 'permanent servant' includes an inspector of stock who shall be deemed to be the permanent servant of a pastures protection board which pays his salary or any part thereof."

(Permanent servant.)

(c) by omitting from subsection one of section seven the words "of the proclamation extending the provisions of this Act," and by inserting in lieu thereof the words "upon which the provisions of this Act are applied";

Sec. 7. (Exemption.)

(d) (i) by omitting from subsection three of section thirteen the words "of the proclamation extending the provisions of this Act" and by inserting in lieu thereof the words "upon which the provisions of this Act are applied";

Sec. 13 (3). (Annual contributions.)

(ii)

Local Government (Superannuation) Amendment Act.

No. 49, 1940.

Sec. 14.
(Retiring
age.)

(ii) by omitting from the same subsection the words "of such proclamation" and by inserting in lieu thereof the words "upon which the provisions of this Act are applied to him";

(e) (i) by omitting from section fourteen the words "of the proclamation extending the provisions of this Act" wherever occurring, and by inserting in lieu thereof the words "upon which the provisions of this Act are applied";

(ii) by omitting from the same section the words "of such proclamation or" and by inserting in lieu thereof the words "upon which the provisions of this Act are applied to him or at the date of his";

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

(2) Notwithstanding anything contained in subsection one of this section the retiring age of a permanent servant who is an inspector of stock shall not be later than the anniversary date, following his sixty-fifth birthday, of the commencement of the period covered by the first contribution paid to the board as provided in section thirteen, at the rate payable in respect of him in the last continuous period of his employment with a pastures protection board.

Where a permanent servant who is an inspector of stock is over the age of sixty-five years at the commencement of the Local Government (Superannuation) Amendment Act, 1940, his retiring age shall be the age reached by him at the expiration of three months after such commencement, and no contribution shall be made under this Act in respect of any such permanent servant.

(f)

Local Government (Superannuation) Amendment Act.

447

No. 49, 1940.

- (f) by inserting at the end of section 17κ the following new subsection:—

Sec. 17κ.
(Servant to retire.)

(4) In the application of subsection one of this section to and in respect of a permanent servant who is an inspector of stock that subsection shall be read as if all words following the words “service of the council” were omitted therefrom.

3. The Local Government (Superannuation) Act, 1927-1935, is further amended—

Further amendment of Act No. 35, 1927.

- (a) by omitting subsection four of section six and by inserting in lieu thereof the following new subsection:—

Sec. 6.
(Premiums.)

(4) The council's quota of the premium payable in respect of the compulsory cover provided for in section four of this Act and of the premium payable in respect of the optional cover units provided for in section five of this Act shall be one moiety of each such premium:

Provided that where optional cover units have been effected before the commencement of the Local Government (Superannuation) Amendment Act, 1940, or where optional cover units in respect of which application has been made to the board before such commencement are effected after such commencement the council's quota of the premium payable in respect thereof shall be a proportion of that premium corresponding to the ratio that the past service factor bears to the total service factor.

- (b) by inserting after section seven the following new section:—

New sec. 7A.

7A. (1) Where a permanent servant is, in accordance with the provisions of paragraph (c) of subsection one of section seven of this Act, exempted from the obligation to effect insurance under section four of this Act and is subsequently informed by an insurance company that such insurance company will accept the risk and that the premium charged in respect of the policy

Election to insure under s. 4.

**Local Government (Superannuation) Amendment
Act.**

No. 49, 1940.

policy will not exceed the rate charged by such insurance company for an age three years greater than his actual age, such servant may elect, in the manner prescribed, to discontinue his contributions to the fund.

(2) Where a permanent servant so elects to discontinue his contributions to the fund, he shall, within such time as may be prescribed, effect insurance under section four of this Act.

(3) Upon such insurance being effected by the permanent servant—

(a) the provisions of subsections one and two of section thirteen of this Act shall cease to apply to or in respect of such permanent servant; and

(b) there shall be refunded to the council which has made the contribution to the fund required by subsection one of section thirteen in respect of such permanent servant for the year current at the date upon which such insurance is effected such proportion of that contribution as shall be attributable to the portion of that year which is unexpired at such date.

(4) Notwithstanding the provisions of section fifteen of this Act, the board may, with the consent of a permanent servant who has elected under this section to effect insurance under section four of this Act, apply moneys standing to the credit of such permanent servant in the fund in payment of his proportion of any premiums on insurance effected by him under Part II of this Act.

Amendment
of Act
No. 35, 1934.

Sec. 19.
(Pastures
Protection
Fund.)

4. The Pastures Protection Act, 1934, is amended—

(a) by inserting in paragraph (a) of subsection two of section nineteen, immediately before the word "Act" wherever occurring, the words "or any other";

(b)

Local Government (Superannuation) Amendment Act.

449

No. 49, 1940.

- (b) (i) by inserting in section twenty-one after the words "from time to time determine" the following words:—

Sec. 21.

An inspector of stock shall on his attaining the retiring age as fixed by the Local Government (Superannuation) Amendment Act, 1940, retire from his office as such inspector of stock.

- (ii) by inserting at the end of the same section the following words:—

(Contribution.)

The Crown shall contribute to each board a sum equal to one half of so much of any premium or contribution paid by the board under the Local Government (Superannuation) Act, 1927-1940, as is not recoverable under that Act from the inspector of stock in respect of whom it was so paid.

- (c) by inserting in section twenty-two after the word "determine" the following words:—

Sec. 22.

Where in the opinion of the Minister no qualified and suitable person under the age of sixty-five years is available to fill a vacancy in the office of an inspector of stock, the Minister may appoint a person who has retired from the office of inspector of stock to act temporarily as inspector of stock until an appointment to fill the vacancy is made. The temporary appointment may be made from time to time, but in no case shall the period for which the appointment is made exceed three months at any one time. Any such person so appointed to act temporarily as an inspector of stock shall be paid such salary and allowances as the Minister may determine.