

**LOCAL GOVERNMENT (SUPERANNUATION)  
AMENDMENT ACT.**

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**Act No. 33, 1948.**

**An Act to amend the Local Government (Super-  
annuation) Act, 1927-1940, and certain  
other Acts in certain respects; and for  
purposes connected therewith. [Assented  
to, 30th November, 1948.]**

**George VI.  
No. 33, 1948.**

BE

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

**No. 33, 1948.** **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,  
construction  
and citation.

**1.** (1) This Act may be cited as the "Local Government (Superannuation) Amendment Act, 1948."

(2) This Act shall be read and construed with the Local Government (Superannuation) Act, 1927-1940.

(3) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

Amendment  
of Act No.  
35, 1927.

**2.** The Local Government (Superannuation) Act, 1927-1940, is amended—

Sec. 2.  
(Application  
of Act.)

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

(4) (a) This Act shall also apply to and in respect of such servant or servants or class of servants of any body or association of persons, corporate or unincorporate, as the Governor may by proclamation published in the Gazette from time to time direct.

(b) For the purposes of the application of the provisions of this Act to any such servant, servants or class of servants a reference in this Act to a council or permanent servant shall be read and construed as a reference to any such body or association of persons or the servant of such body or association of persons to whom this Act is applied pursuant to paragraph (a) of this subsection, as the case may require.

(c) Classes of servants may be defined in any proclamation under this subsection by reference to the occupation, age, sex, past service, or salary of the servants to whom this Act is to be applied.

(b)

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(b) (i) by omitting from subsection one of section **No. 33, 1948.**  
four the words “be required to effect insur- Sec. 4.  
ance if this Act were then first applied to (Compul-  
him” and by inserting in lieu thereof the sory  
words “have been required to effect insur- insurance.)  
ance if such increased salary had been  
payable to him at the time the endowment  
insurance policy subsisting in respect of  
him was effected or deemed to have been  
effected pursuant to this section”;

(ii) by inserting at the end of subparagraph (i)  
of paragraph (f) of subsection four of the  
same section the following words:—

Where any balance so paid to a per-  
manent servant is not equal to the quota  
of premium or premiums paid by him in  
respect of the policy and where the  
board has received commission from the  
insurance company or companies con-  
cerned in respect of such policy the  
board from its reserve account may  
make such payment as it deems equit-  
able to the permanent servant but the  
amount so payable to the permanent  
servant together with the balance re-  
ferred to above shall not exceed the  
amount of such servant’s quota of  
premium or premiums paid by him in  
respect of the policy.

(c) by omitting from section five the words “who Sec. 5.  
effects a policy of insurance under section four (Optional  
of this Act, and at the time of effecting such further  
policy is not less than thirty-five years of age units.)  
and has had not less than five years’ past ser-  
vice,” and by inserting in lieu thereof the words  
“upon effecting a policy of insurance under  
section four of this Act or at any time there-  
after”;

(d)

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Sec. 7.  
(Exemption.)

(d) by omitting paragraph (c) of subsection one of section seven and by inserting in lieu thereof the following new paragraph:—

(c) being under the age of fifty-five years duly applies through the board to an insurance company for a policy of insurance under section four of this Act and—

(i) is refused by such insurance company; or

(ii) is informed that such insurance company will not accept the risk except upon the condition of his being charged a premium in respect of such policy at the rate charged by such insurance company for an age seven years or more greater than his actual age; or

(iii) is informed that such insurance company will not accept the risk except upon the condition of his being charged a premium in respect of such policy at the rate charged by such insurance company for an age three or more years greater but not exceeding six years greater than his actual age, and who elects within such time and in such manner as may be prescribed to contribute to the Fund hereinafter mentioned.

Sec. 7A.  
(Election to insure under sec. 4.)

(e) (i) by inserting in subsection one of section 7A after the words “provisions of” the words and symbols “subparagraph (i) or (ii) of”;

(ii) by omitting from the same subsection the word “three” and by inserting in lieu thereof the word “six”;

(f)

- (f) (i) by inserting in subsection one of section thirteen after the words "referred to in" the words and symbols "subparagraph (ii) of";
- (ii) by omitting from subsection (3A) of the same section the words "fifty pounds" and by inserting in lieu thereof the words "twenty pounds";
- (g) by inserting at the end of section fourteen the following new subsection:—
- (3) Notwithstanding anything contained in subsection one of this section the retiring age of a servant (other than an inspector of stock) of a pastures protection board to whom this Act is applied 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 servant (other than an inspector of stock) of a pastures protection board is over the age of sixty-five years at the date this Act is applied to him his retiring age shall be the age reached by him at the expiration of three months after such date, and no contribution shall be made under this Act in respect of any such servant.
- (h) by omitting from section 15A the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";
- (i) (i) by inserting in subsection eleven of section sixteen after the words "common seal" the words "and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with

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Sec. 13.  
(Contributions by councils in certain cases.)

Sec. 14.  
(Retiring age.)

Sec. 15A.  
(Certificates where less than £50 payable.)

Sec. 16.  
(Local Government Superannuation Board.)

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with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer”;

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

(11A) The corporate name of the board shall be the “Local Government Superannuation Board”.

**Sec. 17κ.**  
(Servant to retire unless retained by resolution.)

- (j) by inserting in subsection four of section 17κ after the word “stock” the words “and to and in respect of a servant (other than an inspector of stock) of a pastures protection board to whom this Act is applied”;

**New sec. 17p.**  
Contingent account.

- (k) by inserting next after section 17o the following new section:—

17p. (1) For the purposes of this section there shall be established an account to be called the “Contingent Account”.

As soon as practicable after the commencement of the Local Government (Superannuation) Amendment Act, 1948, the board shall transfer to such account from the Local Government (Superannuation) Management Account the sum of ten thousand pounds.

(2) The board may from time to time set aside from the income of the Local Government (Superannuation) Management Account such amounts as the board may deem desirable and may transfer such amounts to the Contingent Account.

The amounts which may be so set aside in any one year shall not exceed the difference between the amount of the income of the Local Government (Superannuation) Management Account for that year and the amount of the costs of management of the board, including the remuneration of the president and members for such year.

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For the purposes of this subsection "income" No. 23, 1948.  
means the moneys received by the board by way of commission or rebate or like payment under section 16A of this Act and any earnings from investments under section 16B of this Act.

(3) The moneys at credit of the Contingent Account may be invested by the board in any manner authorised by this Act for the investment of any of its funds and any interest so earned shall be paid to such account.

(4) The board may from time to time in its absolute discretion use the Contingent Account in payment of—

- (a) sickness benefits to permanent servants and funeral donations in respect of persons who at the time of their death were permanent servants; or
- (b) premiums on policies or contributions to the Local Government Provident Fund in respect of permanent servants who, in the opinion of the board, are unable through sickness or other sufficient cause to pay such premiums or contributions.

The amounts payable under this subsection shall be determined by the board subject to the maximum amounts, if any, prescribed by regulations and shall be paid under and subject to such conditions as the board may determine or as may be prescribed by regulations.

**3.** (1) This section shall apply only to those servants to whom the provisions of the Local Government and Other Authorities (Superannuation) Act, 1927-1948, apply by virtue of subsection four of section two of that Act.

Insurance of certain servants.

(2) Notwithstanding the provisions of any agreement made by the Local Government Superannuation Board with an approved insurance company or companies under section four of the Local Government (Superannuation) Act, 1927-1940, for the issue of policies under that section, any policy which a servant to whom this section

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Writing off  
of moneys  
owing to  
the board.

**4.** The Local Government Superannuation Board may remit payment of and may write off any moneys, and interest on such moneys, which are owing to the board by a permanent servant either for premiums on the policy of that servant or for contributions to the Local Government Provident Fund and which became payable in respect of any period prior to the commencement of this Act, during which the permanent servant was temporarily out of a council's employment through any reason attributable to the war in which His Majesty was engaged and which commenced on the third day of September, one thousand nine hundred and thirty-nine.

Servants of  
Sydney  
County  
Council.

**5.** Any servant who, at the date of commencement of this Act, is in the employment of the Sydney County Council and who prior to the commencement of this Act has become or who thereafter becomes a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, and who within three months after the date of such commencement or after the date upon which he becomes a permanent servant as aforesaid (as the case may require) by notice in writing addressed to the Sydney County Council, so elects, shall be entitled to retain the rights and privileges in relation to payments on retirement or death to which he would have been entitled if he had not become a permanent servant as aforesaid.

The provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to or in respect of any servant who makes such election as aforesaid.

This section shall not apply to officers or servants transferred from the Municipal Council of Sydney to the Sydney County Council in pursuance of section forty-seven of the Gas and Electricity Act, 1935, as amended by subsequent Acts.

**6.**



**Constitution Amendment (Legislative Council  
Members Allowances) Act.**

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**6.** (1) The Pastures Protection Act, 1934-1943, is amended by inserting at the end of section twenty-four the following new subsection:—

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Amendment  
of Act No.  
35, 1934.

(3) A secretary or rabbit inspector shall on his attaining the retiring age as fixed by the Local Government and Other Authorities (Superannuation) Act, 1927-1948, retire from the service of the board.

Sec. 24.  
(Other  
servants.)

Where in the opinion of the Minister no suitable person under the age of sixty-five years is available for appointment to the office of secretary or rabbit inspector, a secretary or rabbit inspector, as the case may be, who has retired may be appointed to act temporarily in such office until an appointment under subsection one of this section is made. Such 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. In other respects the provisions of subsection one of this section shall apply to such temporary appointment.

(2) The Pastures Protection Act, 1934, as amended by subsequent Acts, and by this Act, may be cited as the Pastures Protection Act, 1934-1948.

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