

**LOCAL GOVERNMENT AND OTHER AUTHORITIES (SUPERANNUATION) AMENDMENT ACT.**

**Act No. 41, 1954.**

An Act to amend the Local Government and Other Authorities (Superannuation) Act, 1927-1948, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th December, 1954.] Elizabeth II,  
No. 41, 1954.

**B**E 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 "Local Government and Other Authorities (Superannuation) Amendment Act, 1954." Short title,  
construction  
and  
citation.

(2) This Act shall be read and construed with the Local Government and Other Authorities (Superannuation) Act, 1927-1948.

(3)

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**No. 41, 1954.** (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, 1927-1954.

**Amendment of Act No. 35, 1927.** **2.** The Local Government and Other Authorities (Superannuation) Act, 1927-1948, is amended—

**Sec. 5.** (Optional further units.) (a) (i) by omitting from section five the words “one thousand pounds” and by inserting in lieu thereof the words “two thousand pounds:

Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—

(a) unless he has completed five years service; or

(b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds.”

(ii) by omitting from the same section the words “and within such time”;

**New sec. 7B.** (b) by inserting next after section 7A the following new section:—

**Certain servants insured under Part II may contribute to Provident Fund.**

7B. (1) A permanent servant who is insured under the provisions of section four of this Act and has attained the age of fifty years may, in lieu of effecting additional insurance in accordance with section four or five of this Act, request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he is eligible.

(2) A permanent servant who is insured under the provisions of section four of this Act and is under the age of fifty years and has applied through the board to an insurance company

company for an additional policy of insurance No. 41, 1954.  
under section four or five of this Act and such  
application has been refused by such insurance  
company or has been 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 years or more greater than his actual age,  
may, in lieu of effecting such additional insur-  
ance, request, in the prescribed manner, that  
contributions be made to the fund on his behalf  
in respect of any number of additional cover  
units of insurance of one hundred pounds each  
for which he would have been eligible if there  
had not been such a refusal or loading.

- (c) (i) by omitting from subsection one of section Sec. 13.  
thirteen the words “has elected (within the (Contri-  
time prescribed) to contribute to the fund” but ion by  
and by inserting in lieu thereof the words councils in  
“who has requested in pursuance of section certain  
7B of this Act that contributions be made cases.)  
to the fund on his behalf”;
- (ii) by inserting in subsection three of the same  
section after the word “shall” where firstly  
occurring the words “subject to the provi-  
sions of subsections one, (3A) and (3B) of  
this section”;
- (iii) by omitting from paragraph (a) of the  
proviso to the same subsection the word  
“section” and by inserting in lieu thereof  
the word “subsection”;
- (iv) by omitting from the same proviso the  
following word and paragraph:—  
“and  
(b) such contributions shall cease to be  
payable when such permanent ser-  
vant ceases to be employed by a  
council

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council or reaches such retiring age or dies, whichever event first happens”;

- (v) by omitting subsection (3A) of the same section and by inserting in lieu thereof the following subsections:—

**Adjustment  
of contribu-  
tions in  
certain  
cases.**

(3A) (a) Where the salary of a permanent servant is increased subsequently to the first assessment of contribution made in respect of such permanent servant under subsection three of this section the contribution payable by the council in respect of such permanent servant shall be adjusted to the basis of the increased salary:

Provided that this provision shall not apply to any increases less in the aggregate than twenty pounds in excess of the last salary basis of assessment in respect of such permanent servant.

(b) Such adjustment shall only apply as from the commencement of the next succeeding contribution period following that during which the increase or increases took effect.

(c) Any permanent servant who has attained the age of fifty years and whose salary is increased may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of this subsection shall not apply in respect of such increase and thereafter such provisions shall not apply to or in respect of such permanent servant.

**Contribu-  
tions in  
respect of  
servants  
insured  
under  
Part II.**

(3B) The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7B of this Act shall be an amount equivalent to  
the

the premium payable if a new policy were effected under Part II of this Act, at the age of the permanent servant at the time of making such request, for an amount equivalent to the number of cover units specified in his request. No. 41, 1954.

(3c) The contributions payable under this section shall cease to be payable when such permanent servant ceases to be employed by a council or reaches the retiring age mentioned in section fourteen of this Act or dies, whichever event first happens. When contributions cease to be payable.

(d) (i) by omitting from subsection one of section sixteen the words "a president and two members" and by inserting in lieu thereof the words "three members, one of whom shall, in and by the instrument by which he is appointed, be the president of the board"; Sec. 16. (Local Government Superannuation Board.)

(ii) by omitting from subsection two of the same section the words "Such board shall be appointed for a term of seven years" and by inserting in lieu thereof the words "A member shall, subject to this Act, be appointed for such term, not exceeding seven years, as may be specified in the instrument of his appointment";

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

(2A) A person who is of or above the age of sixty-five years shall not be appointed as a member.

(iv) by inserting at the end of subsection six of the same section the words "A member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years";

(v)

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

(8A) (a) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the board, but not the office of the president, or from accepting and retaining any remuneration, fees or allowances payable to a member of the board, other than the president, under this section.

(b) The office of a member (other than the president) shall not for the purposes of the Constitution Act, 1902, or any Act amending that Act, be deemed to be an office or place of profit under the Crown.

(8B) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member and a member shall not as such be subject to any such Act during his term of office.

(8c) A person who, at the date of his appointment as president, is an officer of the Public Service and who ceases to be president from any cause whatsoever otherwise than in pursuance of subsection five or six of this section (paragraph (d) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as president.

(8D)

(8D) (a) Nothing contained in this Act No. 41, 1954.  
shall affect the rights accrued or accruing  
under the Public Service Act, 1902, or under  
the Superannuation Act, 1916, or any Act  
amending such Acts, to any person  
appointed as president who is at the time  
of his appointment or has been at any time  
previous thereto an officer of the Public  
Service or an employee within the meaning  
of the Superannuation Act, 1916, or any  
amendment thereof.

(b) Any officer of the Public Service  
or any person who is an employee within  
the meaning of the Superannuation Act,  
1916, or any amendment thereof, who is  
appointed as president shall continue to  
contribute to any fund or account and shall  
be entitled to receive any deferred or  
extended leave and any payment, pension  
or gratuity as if he were an officer or  
employee within the meaning of the Public  
Service Act, 1902, or the Superannuation  
Act, 1916, as the case may be, or any Act  
amending such Acts, and for such purpose  
his service as president shall be deemed to  
be service for the purpose of such Acts.

**3.** Any permanent servant whose salary was increased before the commencement of this Act and after he attained the age of fifty years may, in such manner and within such time as may be prescribed, elect that the provisions of paragraph (a) of subsection (3A) of section thirteen of the Local Government and Other Authorities (Superannuation) Act, 1927-1954, shall apply, *mutatis mutandis*, to and in respect of such increase or any part of such increase, and thereupon such provisions shall apply to and in respect of such increase or part.

Adjustment  
of contribu-  
tions of  
servants  
over 50 at  
commence-  
ment of this  
Act.

**4.**

**No. 41, 1954.** **4.** The amendment made by subparagraph (iv) of paragraph (d) of section two of this Act shall not apply to any member of the board while he holds office by virtue of an appointment made before the commencement of this Act.

Members of  
board  
holding  
office at  
commence-  
ment of this  
Act.

