

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

Act No. 2, 1959.

Elizabeth II, No. 2, 1959. An Act to make further provision with respect to the benefits and contributions payable under the Local Government and Other Authorities (Superannuation) Act, 1927-1954; for these and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 24th September, 1959.]

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 "Local Government and Other Authorities (Superannuation) Amendment Act, 1959".

(2) 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, 1927-1959.

Amendment
of Act No.
35, 1927.

2. (1) The Local Government and Other Authorities (Superannuation) Act, 1927-1954, is amended—

Sec. 1.
(Short
title.)

(a) by inserting in subsection four of section one next after the matter relating to Part III the words and symbols "PART IIIA.—VOLUNTARY SAVINGS—ss. 15B-15G";

(b)

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3.

- (b) by inserting next after subsection one of section **No. 2, 1959.**
four the following new subsection :—

Sec. 4.

(1A) In its application to permanent servants effecting endowment insurance policies as required by subsection one of this section after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, the said subsection one shall be read and construed as if the words "the Schedule" were omitted therefrom and the word and letter "Schedule A" were substituted therefor. (Compulsory insurance.)

- (c) (i) by omitting from section five the words "A permanent servant of a council upon effecting a policy of insurance under section four of this Act or at any time thereafter may effect one or more optional cover units of insurance of one hundred pounds each, but so that the total of the compulsory and optional cover so effected shall not exceed two thousand pounds :

Sec. 5.
(Optional further units.)

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."

and by inserting in lieu thereof the following paragraph :—

A permanent servant of a council who has not attained the age of fifty-five years and—

- (a) who before the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, has effected a policy

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policy of insurance under section four of this Act, may, if such policy is still subsisting, within six months after such commencement or thereafter at such times as may be prescribed; or

- (b) who after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, effects a policy of insurance under section four of this Act may, upon effecting such policy or thereafter at such times as may be prescribed,

effect one or more optional cover units of insurance of one hundred pounds each, but so that the total of the compulsory and optional cover (including in a case to which paragraph (a) of this section applies any optional cover effected before such commencement) so effected shall not exceed six thousand pounds.

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

The council's quota payable as hereinafter defined, in respect of such policy or policies, shall not in any such case be calculated on the premium or premiums actually payable on such policy or policies, but shall be calculated on the rate of premium which would have been payable if a new policy were effected for the optional units of cover applied for at the then age of such permanent servant.

Sec. 6.
**(Payment of
premiums.)**

- (d) by omitting paragraph (d) of subsection one of section six and by inserting in lieu thereof the following paragraph :—

(d) the board may in any particular case charge interest at a rate to be prescribed calculated on a daily basis on any premium not paid on the date or dates fixed by the board.

Such

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Such interest shall be recoverable by the board in the same way in which premiums are recoverable. No. 2, 1959.

Such interest shall not be chargeable by the council against any permanent servant.

- (e) by inserting in subsection one of section 7B after the word "years" the words "but is under the age of fifty-five years"; Sec. 7B.
(Certain servants insured under Part II may contribute to Provident Fund.)
- (f) by inserting next after section 7B the following new section :— New sec. 7C.

7C. (1) A permanent servant who at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, has attained the age of fifty-five years and is insured under the provisions of section four of this Act or sections four and five of this Act or is a permanent servant in respect of whom contributions are made to the fund or is so insured and is a permanent servant in respect of whom contributions are made as aforesaid may, within six months after such commencement or thereafter at such times as may be prescribed, request, in the prescribed manner, that contributions or additional contributions be made annually to the fund on his behalf of an amount which does not exceed—

Additional contributions to Provident Fund.

(a) the difference between—

(i) any premium payable in respect of any such insurance and annual contribution made to the fund in respect of him, and

(ii) forty pounds per centum of his salary for the time being; or

(b) four hundred and thirty pounds,

whichever is the lesser.

(2)

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(2) A permanent servant who by virtue of the operation of paragraph (c) of subsection one of section seven of this Act is exempted from the obligation to effect insurance under section four of this Act may request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of units of or additional cover units of insurance of one hundred pounds each for which he would have been eligible if he had not been so exempted.

Any request under this subsection shall—

- (a) in the case of a permanent servant who is at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, exempted from the obligation to effect insurance under section four of this Act, be made within six months after such commencement or thereafter at such times as may be prescribed;
- (b) in the case of a permanent servant who after such commencement becomes so exempted, be made within six months after the date upon which the provisions of this Act are applied to him or the date of his appointment, as the case may be, or thereafter at such times as may be prescribed.

(3) Any permanent servant—

- (a) to whom the provisions of this Act are applied, or who is appointed as such, after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, and who is exempted from the obligation to effect insurance under section four of this Act by virtue of the operation of paragraph (a) of subsection one of section seven of this Act; or

(b)

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- (b) who is exempted from the obligation to effect insurance under section four of this Act by virtue of the operation of paragraph (b) of subsection one of section seven of this Act; or
- (c) who being a female to whom the provisions of this Part apply by virtue of the operation of section 17F of this Act,

may request, in the prescribed manner, that additional annual contributions be made to the fund on his or her behalf of an amount which does not exceed—

- (i) the difference between the annual contribution to the fund payable otherwise than pursuant to this subsection in respect of such permanent servant and fifteen pounds per centum of such permanent servant's salary for the time being, or
 - (ii) four hundred and thirty pounds,
- whichever is the lesser.

Paragraph (b) of this subsection shall not apply to and in respect of a permanent servant who may request that additional contributions be made annually to the fund on his behalf pursuant to subsection one of this section.

Any request by a permanent servant pursuant to paragraph (a) of this subsection shall be made within six months after the date upon which the provisions of this Act are applied to him or the date of his appointment, as the case may be, or thereafter at such times as may be prescribed.

Any request by a permanent servant pursuant to paragraph (b) or (c) of this subsection shall :—

- (i) if such permanent servant is exempted as referred to in the said paragraph (b), or is a permanent servant to whom the provisions of this Part apply as referred to in the

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the said paragraph (c), at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, be made within six months after such commencement or thereafter at such times as may be prescribed, or

- (ii) if such permanent servant becomes so exempted or a permanent servant to whom the provisions of this Part so apply after such commencement, be made within six months after the date upon which the provisions of this Act are applied to him or her or the date of his or her appointment, as the case may be, or thereafter at such times as may be prescribed.

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

- (g) (i) by inserting in subsection one of section thirteen after the word, letter and symbol "section 7B" the word, letter and symbol "or 7C";

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

(1A) The board may in any particular case charge interest at a rate to be prescribed calculated on a daily basis on any contribution payable by a council which is not paid on the date or dates fixed by the board.

Such interest shall be recoverable by the board in the same way in which contributions are recoverable.

Such interest shall not be chargeable by the council against any permanent servant.

- (iii) by inserting at the end of subsection (3B) of the same section the following new paragraph :—

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 7C of this Act shall be an amount

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amount equivalent to the total of the amount specified in his request and the amount (if any) payable in respect of him under subsection three of this section. No. 2, 1959.

(iv) by omitting from subsection four of the same section the words "ascertain the average rate of interest earned on the various investments of the fund, and each participating permanent servant's account shall be credited with such interest calculated at such ascertained rate per centum" and by inserting in lieu thereof the words "credit the account of each participating permanent servant with interest at a rate determined by the board";

(h) (i) by inserting at the end of subsection three of section 13A the following new paragraph: — Sec. 13A.
(Provident Fund investment reserve.)
(d) allocate out of such account such amount as it may deem desirable and transfer such amount to the Contingent Account.

(ii) by omitting subsection five of the same section;

(i) by omitting from section 15A the words "one hundred pounds" and by inserting in lieu thereof the words "five hundred pounds"; Sec. 15A.
(Certificates where less than £100 payable.)

(j) by inserting next after section 15A the following new Part: — New Part IIIA.

PART IIIA.

VOLUNTARY SAVINGS.

15B. (1) A permanent servant may authorise the council by which he is employed to pay to the board on his behalf any sum of money payable to him by the council. Additional payments to Provident Fund.

(2) A permanent servant may pay directly to the board any sum of money.

15C.

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Moneys
part of
Provident
Fund.

15C. Any moneys paid to the board by or on the authorisation of a permanent servant under this Part shall be paid into the fund and shall, subject to the provisions of this Part, be deemed to be moneys payable into the fund under Part III of this Act and shall be dealt with by the board accordingly.

Rate of
interest
allowed.

15D. Any moneys paid to the fund by, or by authorisation of, a permanent servant under this Part shall be credited to the permanent servant and shall accumulate at such rate of interest, compounded annually, as may from time to time be determined by the board.

Money
withdraw-
able at
any time.

15E. A permanent servant may, at any time after the expiration of three months' notice, withdraw from the fund the whole amount standing to his credit therein under this Part (both principal and interest) or any portion thereof.

Power to
close
accounts.

15F. The board may—

- (a) refuse to accept from any council any payment made by it on behalf of any permanent servant pursuant to subsection one of section 15B of this Act;
- (b) refuse to accept from a permanent servant any direct payment pursuant to subsection two of the same section.

In any such case there shall be paid to the permanent servant concerned the whole amount standing to his credit in the fund under this Part (both principal and interest).

Payment of
moneys from
fund on
retirement
or death of
permanent
servant.

15G. Where a permanent servant of a council to whose credit there is standing any amount in the fund under this Part of this Act ceases to be employed by a council or dies such permanent servant or his personal representative (as the case may

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may be) shall be entitled to receive from and out of the fund the amount standing to the credit of such permanent servant as aforesaid. No. 2, 1959.

(k) by omitting from paragraph (b) of subsection six of section sixteen the words "three consecutive meetings" and by inserting in lieu thereof the words "all meetings of the board held within a period of two months and"; Sec. 16.
(Local Government Superannuation Board.)

(l) by omitting from subsection two of section 17P the words "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". Sec. 17P.
(Contingent account.)

(m) by inserting next after the Schedule the following new Schedule :— New Schedule A.

SCHEDULE A.

Sec. 4 (1A).

SCALE OF COMPULSORY COVER.

| Age next birthday, permanent servant at time of taking out policy. | Amount of compulsory cover if salary— | | | | |
|--|---------------------------------------|----------------------|----------------------|----------------------|----------------------|
| | Up to £300 | Over £300 up to £350 | Over £350 up to £400 | Over £400 up to £450 | Over £450 up to £500 |
| 25 or under ... | £ 800 | £ 900 | £ 1,000 | £ 1,000 | £ 1,000 |
| 26 to 30 ... | 700 | 800 | 900 | 1,000 | 1,000 |
| 31 to 35 ... | 600 | 700 | 800 | 900 | 1,000 |
| 36 to 40 ... | 500 | 600 | 700 | 800 | 900 |
| 41 to 45 ... | 400 | 500 | 600 | 700 | 800 |
| 46 to 50 ... | 300 | 400 | 500 | 600 | 700 |
| 51 to 55 ... | 200 | 300 | 400 | 500 | 600 |

Age

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| Age next birthday, permanent servant at time of taking out policy. | Amount of compulsory cover if salary— | | | |
|--|--|-------------------------------|-------------------------------|--------------|
| | Over £500 up to £550 | Over £550 up to £600 | Over £600 up to £650 | Over £650 |
| | £ | £ | £ | £ |
| 25 or under | 1,000 | 1,000 | 1,000 | 1,000 |
| 26 to 30 | 1,000 | 1,000 | 1,000 | 1,000 |
| 31 to 35 | 1,000 | 1,000 | 1,000 | 1,000 |
| 36 to 40 | 1,000 | 1,000 | 1,000 | 1,000 |
| 41 to 45 | 900 | 1,000 | 1,000 | 1,000 |
| 46 to 50 | 800 | 900 | 1,000 | 1,000 |
| 51 to 55 | 700 | 800 | 900 | 1,000 |

NOTE:—In the application of the above scale any bonus accrued or to accrue upon a policy shall be disregarded.

(2) The amendment made by subparagraph (ii) of paragraph (c) of subsection one of this section shall be deemed to have commenced on the fifth day of April, one thousand nine hundred and thirty-five.

(3) Notwithstanding anything contained in the Local Government and Other Authorities (Superannuation) Act, 1927-1959, a permanent servant of a council who, at the commencement of this Act, has not—

- (a) attained the age of fifty-five years but attains that age within three months after such commencement, and
- (b) elected to insure under the Local Government and Other Authorities (Superannuation) Act, 1927-1959, or to make contributions to the Provident Fund under the said Act or to so insure and make such contributions to the maximum amount of six thousand pounds prescribed by the said Act,

may, within six months after such commencement, request in the prescribed manner that contributions or additional contributions be made to the said Provident 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 had he made such request under section 7B of the Local Government and Other Authorities (Superannuation) Act, 1927-1959, before attaining the age of fifty-five years.

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