

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

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 6, 1968.

An Act to establish a new scheme of superannuation for certain servants of councils and certain other bodies; for this purpose to amend the Local Government (Superannuation) Act, 1927, as subsequently amended; and for purposes connected therewith. [Assented to, 24th April, 1968.]

BE

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

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,
citation
and com-
mencement.

1. (1) This Act may be cited as the "Local Government and Other Authorities (Superannuation) Amendment Act, 1968".

(2) The Local Government (Superannuation) Act, 1927, as subsequently amended and as amended by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927–1968.

(3) Except as provided in subsection four of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(4) Section 15AC of the Local Government (Superannuation) Act, 1927, as subsequently amended, to be inserted by paragraph (d) of section two of this Act, shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

Amendment
of Act No.
35, 1927.

Sec. 1.
(Short title.)

2. The Local Government (Superannuation) Act, 1927, as subsequently amended, is amended—

- (a) (i) by omitting from subsection four of section one the figures and letter "15A" and by inserting in lieu thereof the figures "15";
- (ii) by inserting in the same subsection next after the matter relating to Part IIIA the following new matter :—

PART IIIB.—SUPERANNUATION BENEFITS
PROVISIONS—ss. 15H–15AD.

(iii)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- (iii) by omitting from the same subsection the word "SCHEDULE" and by inserting in lieu thereof the word "SCHEDULES"; No. 6, 1968
- (b) by inserting at the end of section fourteen the following new subsection :— Sec. 14.
(Retiring age.)
- (4) Notwithstanding anything contained in subsection one of this section the retiring age of a person who becomes a permanent servant on or after the appointed day referred to in Part III B of this Act shall be the age of sixty-five years.
- (c) by omitting section 15A; Sec. 15A.
(Certificates where less than \$1,000 payable.)
- (d) by inserting next after Part IIIA the following new Part :— New Part III B.

PART III B.

SUPERANNUATION BENEFITS PROVISIONS.

15H. In this Part, unless inconsistent with the context or subject-matter— Interpretation.

"Additional death benefits", in relation to a contributor, means the additional amount payable under section 15w of this Act to the personal representative of that contributor on his death.

"Additional disablement benefits", in relation to a contributor, means the amount payable under paragraph (b) of subsection one of section 15x of this Act to that contributor.

"Appointed day" means the day appointed by the Governor pursuant to subsection three of section one of the Local Government and Other Authorities (Superannuation) Amendment Act, 1968.

"Benefits

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

“Benefits Fund” means the Superannuation Benefits Fund established under section 15s of this Act.

“Contributor” means a person who, under subsection two of section 15J, subsection four of section 15K or subsection seven of section 15L, of this Act, has become a contributor and continues to be a permanent servant who has not attained the age of sixty-five years.

“Current insurance policy”, in relation to a person, means an insurance policy in force in respect of that person that was effected by that person or accepted by the board under Part II of this Act and that is kept in force by the payment of the premiums thereon under section six of this Act.

“Superannuation year” means the period that commences on the first day of April in any year and ends on the thirty-first day of March in the next following year.

Non-
application
of Parts II
and III.

15i. Parts II and III of this Act do not apply to or in respect of a person referred to in subsection one of section 15J of this Act (not being a person whose application to be exempted from coming under the provisions of this Part has been approved under subsection seven of that section) or a contributor.

Servants
who
become
permanent
after ap-
pointed
day.

15J. (1) A person—

(a) who—

- (i) on the appointed day is not but is subsequently employed by a council ;
or
- (ii) on the appointed day is employed by a council and on or after that day

ceases

*Local Government and Other Authorities (Superannuation)
Amendment.*

ceases to be so employed but is subsequently employed by the same or another council,

No. 6, 1968

and when so subsequently employed is a permanent servant; or

(b) who otherwise becomes a permanent servant on or after the appointed day,

and who has not attained the age of sixty-five years shall, within the prescribed time after he was so subsequently employed or otherwise became a permanent servant, furnish to the board, in a form approved by the board, such details of his medical and personal history as are provided for in that form.

(2) A person referred to in subsection one of this section becomes a contributor on the first day of the month next following the day on which he furnishes details as required by that subsection or, where he fails to furnish details as required by that subsection, on such day as the board may by resolution fix.

(3) The board may by notice in writing require any person referred to in subsection one of this section to submit himself for such medical examination or examinations as the board may determine.

(4) The board shall consider the medical and personal history of the servant submitted by him and the results of any medical examination referred to in subsection three of this section and shall determine whether or not the permanent servant is qualified for additional death benefits and additional disablement benefits.

(5)

No. 6, 1968

(5) Until the board has made a determination under subsection four of this section that a permanent servant is qualified for additional death benefits and additional disablement benefits, that servant shall not be so qualified.

(6) A person referred to in subsection one of this section may, if—

- (a) he is the holder of a current insurance policy; or
- (b) there is any amount standing to his credit in the fund,

apply to the board within the prescribed time referred to in that subsection to be exempted from coming under the provisions of this Part.

(7) The board may, if it thinks fit, approve of the application, and, where the applicant is the holder of a current insurance policy, may so approve subject to such conditions (which shall have effect notwithstanding any other provision of this Act and shall be binding on the council concerned and the applicant) with respect to the apportionment of premiums payable in respect of the policy and the acceptance of the policy by the board for the purposes of Part II of this Act as the board thinks fit.

Election
by policy
holders to
come under
this Part.

15K. (1) Within a period of twelve months after the appointed day or within such further period as the Governor may, by proclamation published in the Gazette before the expiration of that period of twelve months, allow, a permanent servant who is the holder of a current insurance policy may in a form approved by the board—

- (a) apply to surrender or to have cancelled all current insurance policies in his name and direct payment to the board of any moneys payable in respect of the surrender or cancellation;

(b)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- (b) if he has any amount standing to his credit in the fund apply to have that amount transferred to the Benefits Fund for credit to his servant's account; and
- (c) elect to come under the provisions of this Part.

No. 6, 1968

(2) Subsection one of this section does not apply to a permanent servant who has at any time been exempted from the obligation to effect insurance under section four of this Act by virtue of paragraph (c) of subsection one of section seven of this Act, unless he has subsequently been informed that an insurance company will accept the risk of that insurance as mentioned in subsection one of section 7A of this Act.

(3) Where a person referred to in subsection one of this section becomes a contributor, the board shall upon his becoming a contributor—

- (a) cause the insurance policies to be surrendered or cancelled;
- (b) pay the proceeds of the surrender or cancellation to the Benefits Fund;
- (c) transfer any amount standing to that person's credit in the fund to the Benefits Fund; and
- (d) credit the amounts paid or transferred under paragraph (b) or (c) of this subsection to that person's servant's account in the Benefits Fund.

(4) A person who makes an application and election under subsection one of this section becomes a contributor—

- (a) where the application and election are lodged with the board on or after the first day of March and before the first day of September in any year—on the first day of October in that year; and

(b)

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

- (b) where the application and election are lodged with the board on or after the first day of September in any year and before the first day of March in the next following year—on the first day of April in that lastmentioned year,

and shall upon that day be qualified for additional death benefits and additional disablement benefits.

Applications by contributors to fund and others to come under this Part.

15L. (1) Within a period of twelve months after the appointed day or within such further period as the Governor may, by proclamation published in the Gazette before the expiration of that period of twelve months, allow, a permanent servant (not being a permanent servant entitled to make an application and election under section 15K of this Act), in respect of whom contributions are, when he makes the application referred to in this subsection, being made under Part III of this Act to the fund, and who has not attained the age of sixty-five years, may, in a form approved by the board—

- (a) apply to have transferred to the Benefits Fund for credit to his servant's account the amount standing to his credit in the fund;
- (b) if he is the holder of any current insurance policies, apply to surrender or to have cancelled those insurance policies and direct payment to the board of any moneys payable in respect of the surrender or cancellation; and
- (c) apply to come under the provisions of this Part.

(2) A servant of a council who, immediately before the appointed day, was, and has since continued to be, a permanent servant may, if he has not attained the age of sixty-five years, in

*Local Government and Other Authorities (Superannuation)
Amendment.*

a form approved by the board, apply to come under the provisions of this Part if, when he makes the application, he is not the holder of a current insurance policy and is not a person in respect of whom contributions to the fund are being paid. **No. 6, 1968**

(3) An applicant under subsection one or two of this section shall furnish to the board with his application such details of his medical and personal history as are provided for in the form on which he makes the application.

(4) The board may by notice in writing require any such applicant to submit himself for such medical examination or examinations as the board may determine.

(5) The board shall consider any details of the medical and personal history of the applicant submitted by him and the results of any medical examination referred to in subsection four of this section and shall, as it thinks fit—

- (a) decide that the applicant shall be qualified for additional death benefits and additional disablement benefits; or
- (b) approve of the application subject to the condition that the applicant shall not be qualified for additional death benefits and additional disablement benefits.

(6) Where it approves of the application subject to the condition that the applicant shall not be qualified for additional death benefits and additional disablement benefits, the board shall, by notice in writing, inform the applicant of its decision, and if the applicant does not, in writing, and within

No. 6, 1968

within twenty-one days after the date of the notice, or such further period not exceeding one month as the board may, whether before or after the expiration of that period of twenty-one days, determine, lodge with the board notice of his agreement to the condition, his application to come under the provisions of this Part shall be deemed to have lapsed.

(7) A person in respect of whom a decision is made under paragraph (a) of subsection five of this section or who has lodged with the board notice of his agreement referred to in subsection six of this section becomes a contributor—

(a) where he is a permanent servant referred to in subsection one of this section and the decision was made or notice of his agreement was lodged with the board—

(i) on or after the first day of March and before the first day of September in any year—on the first day of October in that year; or

(ii) on or after the first day of September in any year and before the first day of March in the next following year—on the first day of April in that lastmentioned year; or

(b) where he is a permanent servant referred to in subsection two of this section—on the first day of the month next following the day on which the decision was made or notice of his agreement was lodged with the board, as the case may be,

and, in the case of a person in respect of whom such a decision was made, shall on the day on which he becomes a contributor be qualified for additional death benefits and additional disablement benefits.

(8)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(8) Where the board makes a decision referred to in paragraph (b) of subsection five of this section in relation to a servant of a council and the servant becomes a contributor, he shall not be qualified for additional death benefits and additional disablement benefits. No. 6, 1968

(9) Where a person referred to in subsection one of this section becomes a contributor, the board shall upon his becoming a contributor—

- (a) transfer the amount standing to that person's credit in the fund to the Benefits Fund;
- (b) cause any insurance policies referred to in paragraph (b) of subsection one of this section to be surrendered or cancelled;
- (c) pay the proceeds of the surrender or cancellation to the Benefits Fund; and
- (d) credit the amounts transferred or paid under paragraph (a) or (c) of this subsection to that person's servant's account in the Benefits Fund.

(10) Where an application is made by a servant of a council under subsection two of this section, the operation of the provisions of Parts II and III of this Act in relation to that servant is suspended—

- (a) where the board makes a decision referred to in paragraph (a) of subsection five of this section in relation to that servant, until he becomes a contributor; or
- (b) where the board makes a decision referred to in paragraph (b) of that subsection in relation to that servant, until—
 - (i) he becomes a contributor;

(ii)

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

(ii) he lodges with the board notice of his refusal to agree to the condition imposed by the board; or

(iii) the expiration one month after the period of twenty-one days referred to in subsection six of this section,

whichever first occurs.

(11) A servant shall not, except with the approval of the board, be entitled to make more than one application under this section.

Applications to be qualified for additional death benefits and additional disablement benefits.

15M. (1) A contributor who is not qualified for additional death benefits and additional disablement benefits may, in a form approved by the board, apply to the board to become qualified for those benefits.

(2) An applicant under subsection one of this section shall furnish to the board with his application such details of his medical and personal history as are provided for in the form on which he makes the application.

(3) The board may by notice in writing require any such applicant to submit himself for such medical examination or examinations as the board may determine.

(4) The board shall consider the medical and personal history of the applicant submitted by him and the results of any medical examination referred to in subsection three of this section and, if it approves of the application, the contributor shall be qualified for additional death benefits and additional disablement benefits as on and from such date, not being earlier than the date of the approval, as may be specified by the board in the approval.

(5)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(5) A contributor shall not be entitled to make more than one application under this section in any period of three years. **No. 6, 1968**

15N. (1) In respect of every permanent servant of a council who becomes a contributor in any superannuation year otherwise than on the first day of that year, that council shall be liable to pay to the board an amount equal to eight and three-quarters per centum of the salary that would, if he were to continue to receive salary at the rate payable to him by that council at the time he becomes a contributor, be payable to him in respect of the period commencing on the day on which he becomes a contributor and ending on the last day of the superannuation year in which that day occurs or if, during that superannuation year, he would attain the age of sixty-five years, in respect of the period commencing on the day on which he becomes a contributor and ending on the day on which he would attain that age.

Council's liability for contributors not referred to in section 15o.

(2) Where any amount has been paid or is payable under Part II or III of this Act in respect of a superannuation year by the council in respect of a person referred to in subsection one of this section, an amount that bears to the amount so paid or payable the same proportion as the number of complete months remaining in that superannuation year after that person became a contributor bears to twelve shall be credited to the council.

(3) Where the amount credited to the council under subsection two of this section is greater than the amount of the council's liability under subsection one of this section in respect of the servant, the surplus shall be refunded by the board to the council.

(4)

No. 6, 1968

(4) Any amount credited to the council under subsection two of this section, reduced by any amount refunded to it under subsection three of this section, shall, for the purposes of section 15R of this Act, be deemed to have been paid by the council in respect of the permanent servant concerned.

(5) Subject to subsection two of this section, the amount referred to in subsection one of this section shall be paid to the board by the council within twenty-one days after a demand in writing is made by the board.

Council's
liability for
contributors
not referred
to in
section 15N.

15O. (1) In respect of every permanent servant of a council who on the first day of any superannuation year is a contributor, that council shall be liable to pay to the board an amount equal to eight and three-quarters per centum of the salary that—

- (a) if he was a contributor employed by that council on the thirty-first day of December next preceding that first day would, if he were to continue to receive salary at the rate payable to him by that council on that thirty-first day of December; or
- (b) if he was not a contributor employed by that council on the thirty-first day of December next preceding that first day would, if he were to continue to receive salary at the rate payable to him by that council on the day on which he became a contributor,

be payable to him in respect of that superannuation year or, if during that superannuation year he would attain the age of sixty-five years, in respect of the period commencing on the first day of that superannuation year and ending on the day on which he would attain that age.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) The amount referred to in subsection one of this section shall be paid to the board by the council within twenty-one days after the commencement of the superannuation year in respect of which the liability arises. No. 6, 1968

15P. (1) The board may in any particular case charge interest calculated on a daily basis, at a rate to be prescribed, in respect of any amount which is not paid within the period prescribed by subsection five of section 15N, or subsection two of section 15O, of this Act. Interest payable on unpaid liabilities of councils.

(2) Any interest so charged shall be paid to the board by the council by which the unpaid amount was payable and shall not be chargeable by the council against any permanent servant.

15Q. Where as at the thirty-first day of December in any year the salary of a permanent servant exceeds or is less than— Variations in salary of \$100 or less to be disregarded.

(a) where he became a contributor during that year, his salary as at the date on which he became a contributor; or

(b) where he (not being a person referred to in paragraph (a) of this section) was a contributor on the thirty-first day of December next preceding that firstmentioned day, the salary in respect of which the contributions in respect of him were assessed on that lastmentioned day,

but the excess or deficiency does not exceed one hundred dollars, the excess or deficiency shall be disregarded for the purpose of determining the liability of the council under subsection one of section 15O of this Act but where the excess or deficiency exceeds that amount it shall be taken into account for the purpose of determining that liability.

15R.

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

Servant's
contribution.

15R. Where a council pays to the board in respect of a permanent servant any amount under section 15N or 15O of this Act, it shall be entitled—

- (a) to receive and recover from the permanent servant two-fifths of the amount so paid or, where under section 15Z of this Act part of any such amount has been credited or refunded or is to be credited or is refundable to the council, two-fifths of the difference between the amount so paid and the part so credited or refunded or to be credited or refundable; and
- (b) to deduct as prescribed the amounts so receivable and recoverable from any amount or amounts that may become due to the permanent servant by way of salary or otherwise.

Superannuation
Benefits
Fund.

15s. There shall be established a Superannuation Benefits Fund which shall consist of—

- (a) all amounts received by the board or transferred to the Benefits Fund pursuant to subsection three of section 15K of this Act;
- (b) all amounts transferred to the Benefits Fund or received by the board pursuant to subsection nine of section 15L of this Act;
- (c) all contributions received or receivable by the board in respect of a contributor;
- (d) all income received on any investments belonging to the Benefits Fund;
- (e) profits derived from the sale of any investments belonging to the Benefits Fund; and
- (f) all amounts received by the board pursuant to any agreement or policy entered into by the board under section 15AC of this Act.

15T.

*Local Government and Other Authorities (Superannuation)
Amendment.*

15T. (1) The Benefits Fund shall be applied by the board to the following purposes, that is to say—

No. 6, 1968
Application
of Benefits
Fund.

- (a) the investment, as far as practicable, in any securities in which trust funds may by any law in force in New South Wales be invested;
- (b) the transfer to the Local Government (Superannuation) Management Account referred to in subsection one of section 16A of this Act of such amounts as the board thinks fit towards the management expenses of the board;
- (c) the payment of any amounts payable by the board pursuant to this Part;
- (d) the transfer to the Contingent Account established under section 17P of this Act of such amounts as the board may determine;
- (e) all amounts payable by the board pursuant to any agreement or policy entered into by the board under section 15AC of this Act.

(2) Moneys in the Benefits Fund held uninvested by the board may be lodged either at call or on fixed deposit, or partly at call and partly on fixed deposit with the Treasurer, or with any bank, and while so lodged in a bank shall be deemed to be moneys of the Crown.

15U. (1) There shall be maintained, in the Benefits Fund, a separate account in respect of each contributor to which shall be credited any moneys to be credited or transferred to that contributor's servant's account in accordance with subsection three of section 15K, or subsection nine of section 15L, of this Act and all contributions received or receivable by the board pursuant to this Part in respect of that contributor.

(2)

No. 6, 1968

(2) At the end of each superannuation year, or as soon thereafter as practicable, the board shall credit each servant's account with interest at a rate determined in respect of that year by the board, calculated on the total amount at credit in each such account at the end of that year, and shall debit each such account with—

- (a) an amount calculated in such manner as the board may determine to cover the amounts referred to in paragraphs (b), (d) and (e) of subsection one of section 15T of this Act;
- (b) where the servant is a permanent servant who is qualified for additional death benefits and additional disablement benefits, with the amount assessed by the board as the contribution payable in respect of that year by that servant for additional death benefits and additional disablement benefits; and
- (c) any amount paid to or in respect of that contributor under this Part.

Lump sum
benefit on
retirement.

15v. (1) Subject to section 15Z of this Act, where a contributor (in this section referred to as "the former contributor")—

- (a) being a male, ceases to be employed by a council on or after the day on which he attains the age of sixty years and before he attains the age of sixty-five years;
- (b) being a female, ceases to be employed by a council on or after the day on which she attains the age of fifty-five years and before she attains the age of sixty-five years; or
- (c) attains the age of sixty-five years,

the board shall pay to the former contributor the total amount standing to the credit of the former contributor in his or her servant's account.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) A payment under subsection one of this section shall not be made until the expiration of a period of twenty-eight days after the former contributor has ceased to be employed by the council unless within that period he or she applies to the board for the payment to be made. No. 6, 1968

15W. Subject to sections 15Z and 17BA of this Act, where a contributor (in this section referred to as "the former contributor") dies, the board shall, on an application in writing in a form approved by the board made to the board by the personal representative of the former contributor, pay to that personal representative, as a death benefit, the total amount standing to the former contributor's credit in his servant's account and, where he was qualified for additional death benefits, an additional amount equal to the product of the annual salary that was payable to him immediately before his death and the multiplier specified in Schedule B to this Act under the heading "Multiplier of salary" that is opposite the age in years specified in that Schedule under the heading "Age in years" of the former contributor at the time of his death. Death of contributor.

15X. (1) Where a contributor (in this section referred to as "the former contributor") resigns or is dismissed from the service of the council by which he is employed and the board is of the opinion that his resignation or dismissal was due, directly or indirectly, to his permanent physical or mental incapacity, not caused by an act or default of the former contributor intended by him to produce that incapacity, the board shall, subject to sections 15Z and 17BA of this Act— Disablement of contributor.

- (a) on application made to the board by the former contributor and if the board is of the opinion that the former contributor is permanently unable, by reason of that incapacity to perform the duties that he was required

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

required to perform before he suffered the incapacity, pay to the former contributor, as a disablement benefit, the total amount standing to the credit of the former contributor in his servant's account; and

(b) on an application—

(i) made to the board by the former contributor, and if the board is of the opinion that the former contributor is permanently unable, by reason of that incapacity, to engage in or be employed in any remunerative occupation in which it is in the opinion of the board reasonable to expect him to engage, pay to the former contributor; or

(ii) made to the board by the personal representative of the former contributor where the former contributor has died, no payment has been made to him under subparagraph (i) of this paragraph, and the board is of the opinion that his death resulted from that incapacity, pay to that personal representative,

as additional disablement benefits, an amount equal to the product of the annual salary that was payable to the former contributor immediately before his resignation or dismissal and the multiplier specified in Schedule B to this Act under the heading "Multiplier of salary" that is opposite the age in years specified in that Schedule under the heading "Age in years" of the former contributor at the time of his resignation or dismissal.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) An application under subsection one of this section shall be in writing in a form approved by the board and shall— No. 6, 1968

- (a) in the case of an application referred to in paragraph (a) of that subsection, be lodged with the board within twenty-one days; or
- (b) in the case of an application referred to in paragraph (b) of that subsection, be lodged with the board within two years,

after the resignation or dismissal of the former contributor or within such further period as the board may in any particular case allow.

(3) Paragraph (a) of subsection one of this section does not apply to a contributor referred to in section 15v of this Act.

(4) Paragraph (b) of subsection one of this section does not apply unless the former contributor was qualified for additional disablement benefits.

15Y. (1) Where a contributor (in this section referred to as "the former contributor") resigns or is dismissed from the service of the council by which he is employed, the board shall, subject to section 15z of this Act—

(a) pay to the former contributor—

- (i) any amount credited to his servant's account pursuant to subsection three of section 15K or subsection nine of section 15L of this Act, as the case may be, together with so much of any interest credited to his servant's account under subsection two of section 15U of this Act as is attributable to any such amount; and

(ii)

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

- (ii) two-fifths of the amount remaining in his servant's account after deduction of the amount and interest, if any, referred to in subparagraph (i) of this paragraph; and
- (b) pay to the council the amount remaining in the servant's account after making the payment referred to in paragraph (a) of this section.

(2) Subsection one of this section does not apply to a contributor referred to in section 15v or 15x of this Act.

(3) A payment under subsection one of this section shall not be made until the expiration of a period of twenty-eight days after the former contributor resigned or was dismissed unless within that period he applies to the board for the payment to be made.

Board to
certify
amount
due.

15z. (1) Where a person becomes entitled to any payment under section 15v, 15w, 15x or 15y of this Act the board shall before making the payment—

- (a) make such adjustments to the servant's account from which the payment or any part of the payment is to be made as it considers necessary by reason of any unpaid liability to the board of the council or the former contributor concerned, by reason of any transfers to or from the servant's account concerned required to be made but not made or by reason of the payment in advance of any amounts paid by a council or for any other reason that the board thinks fit;
- (b) credit to that servant's account such amount as the board thinks fit in respect of interest for the period from the commencement of
the

*Local Government and Other Authorities (Superannuation)
Amendment.*

the superannuation year in which the payment is to be made to the proposed date of the payment; and No. 6, 1968

- (c) certify the amount payable under section 15v, 15w, 15x or 15y of this Act, as the case may be, after any such adjustments have been made or the servant's account has been so credited.

(2) The amount certified by the board under paragraph (c) of subsection one of this section shall be the amount payable under section 15v, 15w, 15x or 15y of this Act, as the case may be.

(3) Where a person becomes entitled to any payment under section 15v, 15w, 15x or 15y of this Act and the council which employed the contributor in respect of whom the payment is to be made has paid in advance to the board any contributions in respect of that contributor, the board shall refund to that council such part of those contributions as is attributable to the period that is after the date on which the contributor resigns, dies or is dismissed.

15AA. Moneys payable to or in respect of any person as a contributor shall not be in any way assigned or charged, or passed by operation of law, to any person, other than that firstmentioned person or his personal representative, nor shall any such moneys be assets for the payment of the debts or liabilities of that firstmentioned person. Moneys not to be assigned.

15AB. (1) Where the board is satisfied, on an application in writing made to the board on a form approved by the board by a contributor by whom an application has not been made under subsection two of section 15v, or subsection three of section 15y, of this Act, that the contributor has ceased, Transfer of contributor from council to council.

or

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

or is to cease, to be employed in the service of a council and proposes to enter, within a reasonable time, the service of another council, the board may approve of the retention in that contributor's servant's account, for such period as may be specified in the approval, of the moneys standing to his credit in that account.

(2) An application under subsection one of this section may be made by a contributor at any time before he ceases to be employed in the service of a council or within twenty-one days after he so ceases to be employed.

(3) An approval under subsection one of this section—

(a) may be given subject to such terms and conditions relating to the payment by the contributor—

(i) of the contributions that would, had he not ceased to be employed in the service of the council, have been payable under this Part in respect of him during the period; or

(ii) of the contributions paid in respect of him for the period,

commencing on the date on which he ceased to be employed and ending on the date on which he commences service with the other council or on the date on which the period referred to in that approval expires, whichever is the earlier; and

(b) shall cease to be in force if the contributor fails to comply with any of those terms and conditions.

(4) From the date on which any approval under subsection one of this section is given until the approval ceases to be in force or until the contributor

*Local Government and Other Authorities (Superannuation)
Amendment.*

contributor enters the service of another council, No. 6, 1968
whichever first occurs—

- (a) the provisions of subsection one of section 15v, and of subsection one of section 15y, of this Act do not apply to that contributor; and
- (b) that contributor remains a contributor for the purposes of sections 15w and 15x of this Act and his salary shall, for the purposes of those sections, be deemed to be the annual salary that was payable to him immediately before he ceased to be employed.

(5) Where a contributor in respect of whom an approval under subsection one of this section has been given by the board has left the service of a council and, while the approval was in force, enters the service of another council—

- (a) the provisions of section 15J of this Act do not apply to or in respect of the contributor upon his entering the service of that other council; and
- (b) the board may make such determinations and give such directions as the board thinks fit with respect to—
 - (i) the payment by that other council to the council in whose service the contributor was previously employed of such part of any contributions paid by that lastmentioned council in respect of the contributor as relates to any period commencing on the day on which the contributor entered the service of that other council;
 - (ii) the liability of that other council to make contributions under this Part to the board in respect of the contributor;
 - (iii)

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

(iii) the amount that shall be regarded for the purposes of this Part as being the salary of the contributor for the purpose of determining any such liability of that other council or for the purpose of determining the deductions to be made by that other council from the salary of the contributor; and

(iv) such other matters as the board considers necessary for the purpose of equitably adjusting the rights and liabilities of the contributor and of the councils concerned.

(6) Any determination or direction made by the board under subsection five of this section has effect according to its tenor notwithstanding any other provision of this Act and shall be binding on the councils concerned and the contributor.

Board may enter into agreement for the purposes of this Part.

15AC. (1) The board may enter into an agreement (either alone or together with a policy of insurance) with an insurance company approved by the Minister or enter into an agreement with any other company so approved (any such insurance company or other company in this section being referred to as "the company") for or with respect to any one or more of the following :—

- (a) the management and investment of the Benefits Fund;
- (b) the payment to the company of the whole or any part of the assets and investments of the Benefits Fund; and
- (c) the exercise or performance by the company of any of the powers, authorities, duties and functions of the board under this Part that are specified in the agreement.

(2)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) The board shall not enter into any agreement or policy of insurance under subsection one of this section unless the terms and conditions of the agreement and any such policy have been approved by the Minister. No. 6, 1968

(3) Any agreement referred to in subsection one of this section—

- (a) where it does not include a provision referred to in subsection five of this section, shall; or
- (b) where it includes a provision so referred to, may,

include provisions—

- (c) for the appointment by the company of a person (in this section referred to as the “manager”) to act for and on behalf of the company in the management and investment pursuant to the agreement of the Benefits Fund; and
- (d) for transfer to the board without any deduction of any assets and investments of the Benefits Fund in the hands of the company on termination of such agreement.

(4) The company or, where there is a manager, the manager, while acting pursuant to the agreement, shall have and may exercise the powers, authorities, duties and functions of the company conferred or imposed on the company or the manager by the agreement, including any powers, authorities, duties and functions to invest any moneys paid to it by the board in investments specified in paragraph (a) of subsection one of section 15T of this Act or in any other investment of a class that is authorised by the agreement.

(5)

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

(5) Any agreement or policy of insurance referred to in subsection one of this section entered into with an insurance company shall include a provision under which the insurance company agrees to pay, upon the surrender or cancellation of an insurance policy (being a policy issued by that insurance company or by any other insurance company specified in the agreement) in respect of which an application referred to in paragraph (a) of subsection one of section 15K, or paragraph (b) of subsection one of section 15L, of this Act is made by a permanent servant, an amount, calculated in accordance with the agreement, in excess of the amount that would ordinarily have been payable by the insurance company by whom the policy was issued upon the surrender or cancellation of the policy.

(6) An agreement or policy referred to in subsection five of this section shall provide that the provision referred to in that subsection shall operate—

- (a) in the case where the agreement or policy is entered into before the appointed day, for a period of twelve months after that day; or
- (b) in the case where the agreement or policy is entered into after the appointed day, for a period of twelve months after the date of the agreement or policy,

or for such further period as, in either case, may be specified in the agreement or policy.

(7) An agreement and any policy under this section shall have effect according to its tenor notwithstanding any other provision of this Act.

Report to
Minister.

15AD. At the end of each superannuation year or as soon thereafter as practicable, the board shall furnish a report to the Minister on such matters relating to the operation of this Part as the Minister may

*Local Government and Other Authorities (Superannuation)
Amendment.*

may specify in a notice given by him to the board or as may be prescribed by regulations made under this Act. No. 6, 1968

- (e) by inserting at the end of section 17B the following new subsection :— Sec. 17B.
(Board to fix date of commencement of premiums, etc.)
- (2) Nothing in subsection one of this section applies to contributions payable under Part IIIB of this Act.
- (f) by inserting next after section 17B the following new section :— New sec.
17BA.

17BA. (1) Where a person in respect of whom an account is kept under Part III of this Act or a contributor under Part IIIB of this Act dies and the amount payable in respect of that contributor does not exceed one thousand dollars and— Payments on death where amount payable is \$1,000 or less.

- (a) probate of the will or letters of administration of the estate of that person or contributor have not been produced to the board; or
- (b) notice in writing of the existence of a will and of intention to prove it or notice of intention to take out letters of administration of the estate of that person or contributor is not given to the board within three months of the death of that person,

the board may, in its discretion, apply that amount—

- (c) by paying it; or
- (d) after payment of the funeral expenses of the deceased or re-imbursing any person who has paid those expenses, by paying the balance,

to the widower, widow or some relative of the deceased or to such other person as the board in the circumstances thinks fit.

(2)

No. 6, 1968

(2) No person shall have any claim against the board in respect of anything done in pursuance of this section, but nothing in this section shall relieve the person receiving payment in pursuance of this section from any liability to account for or apply the amount paid to him in accordance with law.

Sec. 17F.
(Certain
option for
female
employees.)

(g) by inserting at the end of section 17F the following new subsection :—

(2) Nothing in subsection one of this section applies to a person referred to in subsection one of section 15J of this Act.

Sec. 17I.
(Apportion-
ment of
premiums
where
servant
jointly
employed.)

(h) by inserting in section 17I after the words “provident fund” the words “or under Part III B of this Act”;

Sec. 17K.
(Servant to
retire unless
retained by
resolution of
council.)

(i) by omitting from subsection two of section 17K the words “Act in respect of any such extended period of service” and by inserting in lieu thereof the following words :—

Act—

(a) in respect of any extended period of service referred to in subsection one of this section; or

(b) in respect of a person who became a permanent servant on or after the appointed day referred to in Part III B of this Act and had, when he became such a servant, attained the age of sixty-five years;

(c)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- (c) where he is a contributor under Part IIIB of this Act and has attained the age of sixty-five years, in respect of any period of service after he attains that age. No. 6, 1968
- (j) by inserting at the end of paragraph (b) of section 17M the following word and new paragraph :— Sec. 17M.
(Minors.)
- ; or
- (c) give discharges for payments made under Part IIIB of this Act.
- (k) by inserting in paragraph (b) of subsection four of section 17P after the word "Fund" the words "or under Part IIIB of this Act"; Sec. 17P.
(Contingent
account.)
- (l) by inserting next after section 17P the following new section :— New sec.
17Q.
- 17Q. Notwithstanding anything in this Act, the board may transfer by way of loan to any fund or account established under this Act any moneys to the credit of any other such fund or account and any moneys so transferred shall be repaid on such terms and together with interest at such rate as the board may determine. Inter fund
loans.
- (m) by inserting next after subsection one of section twenty the following new subsection :— Sec. 20.
(Regula-
tions.)
- (1A) Without limiting the generality of subsection one of this section, regulations may be made for or with respect to the furnishing to the board by councils of such returns as may be provided for by the regulations.
- (n)

*Local Government and Other Authorities (Superannuation)
Amendment.*

No. 6, 1968

New
Schedule B.

(n) by inserting next after Schedule A the following
new Schedule :—

SCHEDULE B.

Secs. 15w
and 15x.

SCALE FOR CALCULATING ADDITIONAL DEATH BENEFITS
AND ADDITIONAL DISABLEMENT BENEFITS.

Age in years.	Multiplier of salary.	Age in years.	Multiplier of salary.
20, or under 20	6.0	40	2.50
21	5.8	41	2.35
22	5.6	42	2.20
23	5.4	43	2.05
24	5.2	44	1.90
25	5.0	45	1.75
26	4.8	46	1.60
27	4.6	47	1.45
28	4.4	48	1.30
29	4.2	49	1.15
30	4.0	50	1.00
31	3.85	51	0.9
32	3.70	52	0.8
33	3.55	53	0.7
34	3.40	54	0.6
35	3.25	55	0.5
36	3.10	56	0.4
37	2.95	57	0.3
38	2.80	58	0.2
39	2.65	59	0.1
		60, or over 60	0

NEW