

**LOCAL GOVERNMENT AND OTHER AUTHORITIES
(SUPERANNUATION) AMENDMENT ACT, 1979, No. 7**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

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Act No. 7, 1979.

An Act to amend the Local Government and Other Authorities (Superannuation) Act, 1927, with respect to the time for making applications to come under Part IIIb of that Act, the limitations on certain benefits as a result of payments in respect of untaken sick leave and gratuities, and borrowings by the Local Government Superannuation Board by way of overdraft, and for certain other purposes. [Assented to, 10th April, 1979.]

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

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.

1. This Act may be cited as the "Local Government and Other Authorities (Superannuation) Amendment Act, 1979".

Com-
mencement.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) Section 5 shall in its application to a provision of Schedules 1–4 commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced.

(3) Schedule 1 shall be deemed to have commenced on 1st January, 1979.

(4) Schedules 2 and 4 shall be deemed to have commenced on 1st April, 1977.

Principal
Act.

3. The Local Government and Other Authorities (Superannuation) Act, 1927, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT,
RELATING TO THE MAKING OF CERTAIN APPLICATIONS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT,
RELATING TO GRATUITIES AND UNTAKEN SICK LEAVE.

SCHEDULE 3.—AMENDMENT TO THE PRINCIPAL ACT,
RELATING TO BORROWING POWERS.

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

SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE
PRINCIPAL ACT.

SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS.

5. The Principal Act is amended in the manner set forth in Schedules 1–4. Amend-
ment of
Act No.
35, 1927.

6. Schedule 5 has effect. Savings,
transitional
and other
provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE MAKING
OF CERTAIN APPLICATIONS.

(1) (a) Section 15AO (1)—
Omit “1977”, insert instead “1979”.

(b) Section 15AO (1)—
Omit “1978”, insert instead “1980”.

(2) (a) Section 15AP (1)—
Omit “1977”, insert instead “1979”.

(b) Section 15AP (1)—
Omit “1978”, insert instead “1980”.

(3) (a) Section 15AQ (1)—
Omit “1977”, insert instead “1979”.

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

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE MAKING
OF CERTAIN APPLICATIONS,—*continued.*

(b) Section 15AQ (1)—

Omit “1978”, insert instead “1980”.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO GRATUITIES
AND UNTAKEN SICK LEAVE.

(1) Section 1 (4)—

Omit the matter relating to Division 7 of Part IIID, insert
instead :—

DIVISION 7.—*Alternative benefits*—ss. 15CDA–15CG.

(2) Section 15CDA—

Before section 15CE, insert :—

15CDA. In this Division—

“gratuity” means a gratuity under section 97 of the
Principal Act;

“special sum” means a special sum under section 15CG;

“transferee” means a person who became a contributor
pursuant to section 15AO, 15AP, 15AQ or 15AR.

Interpre-
tation.

(3) Section 15CE—

Omit “under section 97 of the Principal Act”.

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

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO GRATUITIES
AND UNTAKEN SICK LEAVE—*continued.*

(4) (a) Section 15CF (1), definition of “special sum”—

Omit the definition.

(b) Section 15CF (2)—

Omit the subsection, insert instead :—

(2) Except as prescribed, where employer-financed benefits are paid, or are or would but for this section be payable, to a person consequent on a transferee's ceasing to be a contributor, and it appears to the board, from information available to it, that a gratuity has been or will be paid consequent on the transferee's ceasing to be a servant of the council that employed him immediately before he ceased to be a contributor—

(a) subsection (3) applies to the person unless he elects to take the benefit of subsection (5); or

(b) if he elects, in accordance with the regulations, to take the benefit of subsection (5)—subsection (5) applies to him, unless the employer-financed benefits are constituted by a lump sum payable under section 15BJ (2) (b) or 15BK (2) (b).

(c) Section 15CF (6) (a)—

Omit “paid or payable”, insert instead “applicable”.

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

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO GRATUITIES
AND UNTAKEN SICK LEAVE—*continued.*

(d) Section 15CF (6) (c)—

Omit the paragraph, insert instead :—

- (c) requiring councils to notify the board as to payments, or proposed payments, of gratuities consequent on persons' ceasing to be servants.

(5) Section 15CG—

After section 15CF, insert :—

**Special
sums.**

15CG. (1) Subject to subsection (2), for the purposes of section 15CF, the special sum applicable in relation to a person to whom section 15CF (3) or (5) applies is—

- (a) if the transferee concerned ceased to be a servant at the time he ceased to be a contributor—the amount that appears to the board, from information available to it, to be the amount that has been or will be paid as a gratuity consequent on the transferee's ceasing to be a servant; or
- (b) if the transferee concerned continued to be a servant after the time he ceased to be a contributor—the amount that appears to the board, from information available to it, to be the amount that would have been paid as a gratuity on the transferee's ceasing to be a servant had he ceased to be a servant at that time.

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

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO GRATUITIES
AND UNTAKEN SICK LEAVE—*continued.*

(2) The board, in circumstances which appear to it to be proper, and having regard to such matters as appear to it to be relevant, may—

- (a) make a determination of the amount of a special sum applicable in any particular case, and the amount so determined shall in that case be deemed to be, and always to have been, the amount of the special sum, instead of any other amount, until the determination is revoked or varied under paragraph (b); and
- (b) revoke or vary any such determination.

(3) Where the board in any particular case makes or varies a determination under subsection (2), it may take such action as will, in its opinion, result in all parties in the case being placed, as nearly as possible, in the position that, had the determination, or the determination as varied, been in force when the transferee ceased to be a contributor, they would have been placed at all relevant times.

(4) Where the board in any particular case revokes a determination under subsection (2), it may take such action as will, in its opinion, result in all parties in the case being placed, as nearly as possible, in the position that, had the determination never been in force, they would have been placed at all relevant times.

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

Sec. 5.

SCHEDULE 3.

AMENDMENT TO THE PRINCIPAL ACT, RELATING TO BORROWING
POWERS.

Section 16F—

After section 16E, insert :—

Financial
accommo-
dation.

16F. (1) The board may, for the purpose of obtaining financial accommodation, borrow by way of overdraft from any bank, but the total amount borrowed by way of overdraft shall not at any time exceed \$4,000,000.

(2) Any amounts payable by the board—

(a) towards the repayment of money borrowed pursuant to subsection (1); or

(b) by way of interest, charges and fees in respect of financial accommodation referred to in that subsection,

shall be paid from such funds or accounts (or both) established under this Act, and in such proportions, as the board determines.

Sec. 5.

SCHEDULE 4.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 15BC (3)—

Omit “(b)”, insert instead “(c)”.

(2) Section 15BG (1) (c)—

Omit “15H”, insert instead “15BH”.

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

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT
—*continued.*

(3) Section 15BK (2) (b)—

After “number”, insert “(not exceeding 40)”.

(4) Section 15BM (3)—

After “100”, insert “x 100”.

(5) Section 15BN (2) (b)—

After “number”, insert “(not exceeding 40)”.

(6) (a) Section 15BV (2) (b)—

Omit the paragraph, insert instead :—

(b) in the case of a person who is entitled to a pension under section 15BH and who has attained the age of 60 years on or before the date of his resignation or dismissal—9.00 (in the case of a man) or 10.35 (in the case of a woman),

(b) Section 15BV (3) (b)—

Omit “lesser.”, insert instead “lesser, together with interest at a rate or rates determined by the board, but reduced by an amount or amounts calculated in such manner as the board may determine in respect of amounts referred to in section 15BA (1) (a) and (c).”.

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

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT
—*continued.*

(7) Schedule E—

Omit Column 3 of Schedule E, insert instead :—

Column 3.
Multiplier (Females).
11.83
11.50
11.19
10.89
10.62
10.35

Sec. 6.

SCHEDULE 5.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Applica-
tions.

1. Any act, matter or thing—
 - (a) that was done or omitted during the period commencing on 1st January, 1979, and ending immediately before the date of assent to this Act;
 - (b) that, apart from this Act, was not validly done or omitted; and
 - (c) that would have been validly done or omitted if Schedule 1 had been in force on 1st January, 1979,
 is validated.

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

SCHEDULE 5—continued.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—continued.

2. (1) In this clause, “the Regulation” means the Local Government and Other Authorities (Superannuation) Regulation, 1978, as in force immediately before the date of assent to this Act. **Untaken sick leave.**

(2) An employer shall, on the requisition of the board, pay to the board an amount equal to so much of the amount paid to the employer pursuant to clause 17 of the Regulation in respect of a person to whom section 15CF (3) or (5) of the Principal Act applied (who is in this clause referred to as “the relevant person”) as would not have been payable had paragraph (b) of the definition of “special sum” in section 15CF (1) of the Principal Act not been enacted.

(3) The amount paid under subclause (2) of this clause to the board shall, as soon as practicable, be paid by the board to the relevant person or, if he is dead, to such person or persons as the board may determine.

(4) For the purposes of calculating any amount payable pursuant to clause 17 of the Regulation to an employer, that clause shall be deemed always to have had effect as if paragraph (b) of the definition of “special sum” in section 15CF (1) of the Principal Act had not been enacted.

(5) Nothing in this Act affects a pension to which an amount was converted pursuant to clause 16 of the Regulation before the date of assent to this Act.

3. (1) Division 7 of Part III D of the Principal Act, as amended by this Act, applies to and in respect of persons who ceased to be contributors before the date of assent to this Act as well as persons who cease to be contributors on or after that date. **Gratuities.**

(2) Nothing in the Principal Act, as amended by this Act, applies in relation to a gratuity paid after the expiration of the period of 18 months after a former contributor ceased his employment, where that period of 18 months expired before the date of assent to this Act.

4. An election to take the benefit of section 15CF (5) of the Principal Act made before the date of assent to this Act continues to have effect notwithstanding Schedule 2 (4) (b). **Elections.**
