

**LOCAL GOVERNMENT AND OTHER AUTHORITIES  
(SUPERANNUATION) AMENDMENT ACT, 1983, No. 22**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 22, 1983.**

An Act to amend the Local Government and Other Authorities (Superannuation) Act, 1927, in relation to disclosure of pecuniary interests by members of the Local Government Superannuation Board, in relation to the actuarial investigation of the Local Government Pension Fund and for other purposes. [Assented to, 21st April, 1983.]

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**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, 1983".

**Principal Act.**

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

**Amendment of Act No. 35, 1927.**

3. The Principal Act is amended in the manner set forth in Schedule 1.

**Transitional.**

4. (1) A person who, immediately before the commencement of section 15co of the Principal Act, was a person—

- (a) to whom Part II, III, IIIB or IIID of the Principal Act applied; and
- (b) who, by reason of a change in his employment classification within the service of his employer, would, but for this subsection, have been entitled or required to become a contributor to the State Superannuation Fund,

shall be deemed not to have been so entitled or required since that change and while he remained in the service of that employer and if, at the commencement of this Act—

- (c) that Part still applies; and

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- (d) he would, but for section 15CO of the Principal Act, be still so entitled or required, by reason of that change,

the change in his employment classification shall, for the purposes of section 15CO of the Principal Act, be deemed to have occurred on the commencement of this Act.

(2) A person who, before the commencement of this Act—

- (a) was or would, but for this subsection, have been a person to whom Part II, III or IIIB of the Principal Act applied; and
- (b) was or would, but for this subsection, have become entitled or required to contribute to the State Superannuation Fund at a time on or before he became a person to whom Part II, III or IIIB of the Principal Act applied,

shall—

- (c) if he became a participant in a superannuation scheme under the Principal Act, be deemed not to have been so entitled or required since that time and while he remained a person to whom the Principal Act applied and may not, while he remains a person to whom the Principal Act applies, become a contributor to the State Superannuation Fund; and
- (d) if he did not, while remaining so entitled or required, become a participant in a superannuation scheme under the Principal Act, be deemed not to have been, since that time, a person to whom the Principal Act applied and shall, while he remains so entitled or required, be deemed not to be a person to whom the Principal Act applies.
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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Sections 15AD, 15CC—

Omit “At the end of each superannuation year or as soon thereafter as practicable” wherever occurring, insert instead “As soon as practicable, but within 6 months, after the end of each superannuation year”.

(2) (a) Section 15AN (2A), (2B)—

After section 15AN (2), insert:—

(2A) A servant who is a person to whom this section applies and who is entitled or required to become a contributor to the State Superannuation Fund may not become a contributor under this section unless he makes an election under subsection (2) before the day referred to in subsection (3) (b).

(2B) A person who has become a contributor under this section and who would, but for this subsection, be and have been, from a time before he so became a contributor, entitled or required to become a contributor to the State Superannuation Fund may not become while he remains a person to whom this section applies, and shall be deemed not to have been, since that time and while he remained a person to whom this section applied, entitled or required to become, a contributor to the State Superannuation Fund.

(b) Section 15AN (3)—

Omit “A servant”, insert instead “Subject to subsection (2A), a servant”.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (3) (a) Section 15CD (3A)—

After section 15CD (3), insert:—

(3A) The actuary or actuaries appointed to make an investigation referred to in subsection (1) shall, in respect of the first investigation after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1983, and in respect of any succeeding investigation, complete the investigation and report the result of the investigation to the board as referred to in subsection (3) as soon as practicable, but not later than 13 months, after the date as at which the investigation was made.

## (b) Section 15CD (5)—

After section 15CD (4), insert:—

(5) Where the Minister considers that the circumstances relating to any particular investigation so warrant it, he may authorise an extension of the time within which an investigation is required to be completed, or a report is required to be made, under subsection (3A) or a report is required to be forwarded to the Minister with comments under subsection (4) to such date as he may determine and any such authorisation shall have effect according to its tenor.

## (4) (a) Section 16 (5)—

Omit “sufficient cause”, insert instead “wilful contravention of a regulation made under subsection (5A) or for any other sufficient cause”.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (b) Section 16 (5A)—

After section 16 (5), insert:—

(5A) The regulations may make provision for or with respect to—

(a) the disclosure by members of the board of all or any of the following pecuniary interests or other matters:—

- (i) real or personal property;
- (ii) income;
- (iii) gifts;
- (iv) financial or other contributions to any travel;
- (v) shareholdings or other beneficial interests in corporations;
- (vi) partnerships;
- (vii) trusts;
- (viii) positions (whether remunerated or not) held in, or membership of, corporations, trade unions, professional associations or other organisations or associations;
- (ix) occupations, trades, professions or vocations;
- (x) debts;
- (xi) payments of money or transfers of property to relatives or other persons by, or under arrangements made by, members;
- (xii) any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations;

(b) prescribing the manner in which, and the times at which, pecuniary interests or other matters shall be disclosed and providing for the verification by statutory declaration or otherwise of any such disclosure; and

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) the compilation and maintenance of registers of pecuniary interests or other matters disclosed by members and the inspection and publication of any such register.

## (5) Section 19A—

After section 19, insert:—

**Statement of accounts.**

19A. (1) The board shall, as soon as practicable, but within 6 months, after 31st March in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General's certificate given under this section in relation to the statement.

(2) The statement of accounts shall be in a form approved by the Auditor-General after consultation with the board, and shall include such information as is requested by him, and shall exhibit a true and fair view of the financial position and transactions of the board.

(3) The board shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

(4) The Auditor-General's certificate shall state that he has audited the accounts of the board relating to the relevant financial year, and shall indicate whether the statement of accounts complies with subsection (2), and shall set forth any qualifications subject to which the certificate is given.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(6) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.