

# Greater Newcastle (Amendment) Act 1940 No 28

[1940-28]



New South Wales

## Status Information

### Currency of version

Repealed version for 7 November 1940 to 6 December 2007 (accessed 19 December 2024 at 15:52)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Part 4 of Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2007](#) No 82 with effect from 7.12.2007.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Greater Newcastle (Amendment) Act 1940 No 28



New South Wales

An Act to validate the establishment of a certain superannuation scheme and pension fund in relation to the Newcastle District Abattoir Board, and certain payments and other matters arising therefrom; to make certain provisions in relation to the said scheme and fund; to amend the [Greater Newcastle Act 1937](#), and certain other Acts; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the [Greater Newcastle \(Amendment\) Act 1940](#).

## 2 Definitions

In this Act, unless the context or subject matter otherwise indicates or requires:

**Board** means the Newcastle District Abattoir Board constituted by the [Newcastle District Abattoir and Sale-yards Act 1912](#).

**Council** means the Council of the City of Greater Newcastle.

**Scheme** means the superannuation scheme and pension fund or superannuation and pension scheme established by the agreement, or by the agreement as altered by any instrument lawfully made after the commencement of this Act.

**The agreement** means the agreement dated the first day of April, one thousand nine hundred and twenty-five, and made between Newcastle District Abattoir Board constituted by the [Newcastle District Abattoir and Sale-yards Act 1912](#) of the First part, such of the officers and salaried staff of the said Board as should execute that instrument of the Second part, and such other officers of the said Board as should thereafter execute that instrument or a duplicate thereof or a document referring to that instrument and undertaking to be bound thereby of the Third part, as altered by a certain agreement bearing date the twenty-sixth day of November, one thousand nine hundred and thirty-five, and expressed to be supplemental to the first-mentioned agreement, and by a certain further agreement bearing date the thirteenth day of April, one thousand nine hundred and thirty-seven, and expressed to be supplemental to the first-mentioned agreement.

### **3 Validation of scheme**

- (1) The agreement is hereby ratified and confirmed.
- (2) Without prejudice to the generality of subsection one of this section:
  - (a) the execution by the Board of the agreement is validated,
  - (b) the establishment by the Board pursuant to the agreement of a superannuation fund, the payment of moneys to that fund by the Board pursuant to the agreement, and the payment of moneys by the Board out of that fund pursuant to the agreement, are hereby validated.
- (3) The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to or in respect of the trusts of the scheme arising out of the agreement, or out of the agreement as altered by any instrument lawfully made after the commencement of this Act.
- (4) The provisions of the *Truck Act of 1900*, or of section forty-nine of the *Industrial Arbitration Act 1912*, or of section ninety-two of the *Industrial Arbitration Act 1940*, or of any Act amending or replacing those provisions, shall not apply and shall be deemed never to have applied in respect of deductions from the wages or salary of a contributor to the scheme of the amount of the contribution payable by such contributor thereto.
- (5) The agreement shall be, and shall be deemed always to have been, an agreement with the Board within the meaning of paragraph (e) of subsection two of section twenty-one of the *Greater Newcastle Act 1937*, as amended by subsequent Acts, and in force immediately before the appointed day referred to in that section.

### **4 Council to pay moneys to fund**

- (1) In the event of the assets of the superannuation fund established under the agreement being at any time insufficient to enable the Council to pay to any contributor to the scheme the benefits to which he is entitled under the scheme the Council shall pay to that fund such sum or sums of money as may be necessary for that purpose. Such sum or sums of money shall be paid from the trading fund of the abattoir trading undertaking of the Council.
- (2) When all benefits payable pursuant to the scheme have been paid by the Council any moneys remaining in the superannuation fund established under the agreement shall vest in the Council freed and discharged from any trusts of the scheme arising out of the agreement or out of the agreement as altered by any instrument lawfully made after the commencement of this Act and shall be transferred by the Council to the trading fund of the abattoir trading undertaking.