



ANNO TRICESIMO TERTIO

**ELIZABETHAE II REGINAE**

**A.D. 1984**

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**No. 7 of 1984**

**An Act to amend the Local Government Act, 1934.**

*[Assented to 19 April 1984]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. (1) This Act may be cited as the "Local Government Act Amendment Act, 1984".

(2) The Local Government Act, 1934, is in this Act referred to as "the principal Act".

Amendment of s. 157—  
Appointment, removal and salaries of officers.

2. Section 157 of the principal Act is amended—

(a) by striking out subsections (5), (6), (7) and (8);

(b) by striking out from subsection (11) the word "superannuation,";  
and

(c) by striking out from subsection (12b) the word "superannuation,".

Insertion of new ss. 157a to 157f.

3. The following sections are inserted after section 157 of the principal Act:

Local Government superannuation scheme.

157a. (1) The Minister may—

(a) approve a scheme providing for superannuation and related benefits for the officers and employees of every council (in this section and succeeding sections referred to as "the superannuation scheme");

and

(b) approve any amendments to the superannuation scheme.

(2) The Minister shall, upon approving a scheme as the superannuation scheme or upon approving an amendment to the superannuation scheme—

(a) cause the scheme, or amendment to the scheme, to be published in the *Gazette*,

and

- (b) cause a copy of the scheme, or amendment to the scheme, to be laid before each House of Parliament.

(3) A scheme approved by the Minister as the superannuation scheme, or an amendment to the superannuation scheme, is subject to disallowance by resolution of either House of Parliament (notice of which resolution must be given within fourteen sitting days of the House after the copy of the scheme or amendment is laid before the House).

(4) Subject to this section, the provisions of the superannuation scheme, or an amendment to the scheme, shall have effect as from the date or dates fixed by the scheme or amendment, or if no date or dates are so fixed, as from the date on which the scheme or amendment is published in the *Gazette*.

(5) Every council is bound to comply with the provisions of the superannuation scheme as from time to time in force pursuant to this section.

(6) In this section—

“council” includes a controlling authority constituted under this Act or an authority or body declared by the superannuation scheme to be an authority or body to which the scheme applies:

“officer” or “employee” of a council means an officer or employee of a class declared by the superannuation scheme to be officers or employees to whom the scheme applies.

157b. (1) A board entitled the “Local Government Superannuation Board” shall be established to administer the superannuation scheme.

Local  
Government  
Superannuation  
Board.

(2) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) shall be capable in its corporate name of acquiring, holding, dealing with and disposing of real and personal property;
- (c) shall be capable of acquiring or incurring any other rights or liabilities and of suing or being sued in its corporate name.

(3) The Board shall consist of six members of whom—

- (a) five shall be persons appointed by the Governor—
- (i) one being a person nominated by the Minister, who shall be the chairman of the Board;
- (ii) two being persons nominated by the Local Government Association of South Australia;
- (iii) one being a person nominated by the Municipal Officers Association of Australia (South Australian Branch);

and

(iv) one being a person nominated by the Australian Workers Union (South Australian Branch);

and

(b) one shall be the person holding or acting in the office of the Public Actuary or his nominee.

(4) Subject to this Act, the constitution, powers, functions and duties of the Board shall be as set out in the superannuation scheme.

Investment of funds generated under the scheme.

157c. The investment of funds generated under the superannuation scheme shall be carried out on behalf of the Local Government Superannuation Board by investment managers appointed by the Board with the approval of the Minister.

Auditing of accounts of Superannuation Board.

157d. (1) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Local Government Superannuation Board.

(2) For the purposes of an audit under subsection (1), the Auditor-General may exercise in relation to the accounts of the Board and the members and employees of the Board the powers that are vested in the Auditor-General by the Audit Act, 1921, in respect of public accounts and accounting officers.

Annual report by Superannuation Board.

157e. (1) The Local Government Superannuation Board shall, on or before the thirtieth day of September in each year, deliver to the Minister a report upon the operations of the Board during the preceding financial year.

(2) The report must incorporate the audited statement of accounts of the Board for the financial year to which the report relates.

(3) The Minister shall, as soon as practicable after his receipt of the report, cause a copy of the report to be laid before each House of Parliament.

Actuarial review of scheme.

157f. (1) Within four years after the commencement of the superannuation scheme and at least once in every three years thereafter, the Local Government Superannuation Board shall obtain a report from an actuary on the state and sufficiency of the funds generated under the superannuation scheme.

(2) The Board shall, within two months after its receipt of the report, forward a copy to the Minister together with any recommendations it thinks fit to make as a result of the report.

(3) The Minister shall, as soon as practicable after his receipt of the report and any recommendations of the Board, cause a copy of the report and recommendations (if any) to be laid before each House of Parliament.

(4) In this section—

“actuary” means a person who is a Fellow of the Institute of Actuaries of Australia.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor