

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 1 October, 1913.

New South Wales.



ANNO QUARTO

GEORGI V REGIS.

Act No. , 1913.

An Act to provide a State provident fund for persons employed by the State or by certain public bodies, and for the families of such persons ; to provide a system of voluntary saving by such persons ; to amend and repeal various Acts ; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King'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 :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Superannuation Act, 1913," and shall commence and come into operation on the first day of January, one thousand nine hundred and fourteen.

Short title
and com-
mencement.

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112—A

2.

Superannuation.

2. This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY—*ss.* 1-3

PART II.—THE STATE PROVIDENT FUND—*ss.* 4-10.

PART III.—CONTRIBUTIONS—*ss.* 11-20.

5 PART IV.—PENSIONS AND BENEFITS—*ss.* 21-54.

DIVISION 1.—*Retirement on pension—ss.* 21-25.

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10 DIVISION 3.—*Breakdown pensions—special provisions—ss.* 44-48.

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15 PART V.—VOLUNTARY SAVING—*ss.* 55-62.

PART VI.—THE BOARD OF MANAGEMENT—*ss.* 63-77.

PART VII.—GENERAL PROVISIONS—*ss.* 78-86.

3. In this Act, unless inconsistent with the context ^{Interpreta-}
20 or subject-matter,— _{tion.}

“ Board ” means the State Provident Fund Management Board constituted by this Act.

“ Contributor ” means employee who is contributing under this Act.

25 “ Department ” or “ Department of the State ” means any Department under the administration of a Minister of the Crown.

30 “ Employee ” means person employed by an “ employer,” and who is by the terms of his employment required to give his whole time to the duties of his employment, but does not include a judge of the Supreme Court or of the Industrial Court, or a District Court judge, or persons in the employ of the University of Sydney at the commencement of this Act, or a professor of such University whether employed
35 at or after such commencement.

“ Employer ”

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- 5 “Employer” means the Crown acting in the Government of New South Wales, the Commissioners of the Government Savings Bank of New South Wales, Pastures Protection Board, the Municipal Council of Sydney, the Board of Fire Commissioners of New South Wales, the University of Sydney, and the trustees of the Sydney Grammar School.
- 10 “Salary” means salary or wages and includes value of allowances such as rent, house allowed rent free, light, fuel, rations, and fees allowed regularly as emoluments of office, but does not include bonuses, overtime payments and allowances for forage, equipment, climatic disadvantages, or travelling expenses.
- 15 “Service” means service under or employment by one or more employers.
- “The Fund” means the State Provident Fund established under this Act.

20

PART II.

THE STATE PROVIDENT FUND.

4. (1) There shall be a “State Provident Fund” into which shall be paid the contributions of employers and of their employees under this Act; and from which shall be paid the benefits provided for in this Act. Income and expenditure of Fund.
- 25 (2) Interest derived from the investment of the Fund shall form part thereof. Interest—part of Fund.
- (3) The income of the fund shall not be subject to taxation. Income not subject to taxation.
- 30 5. The Fund shall as far as practicable be invested by the Board— Investment of Fund.
- (a) in securities of the Government of New South Wales;
- (b) in loans to the councils of shires or municipalities, or the municipal council of Sydney;
- 35 (c) upon mortgage of land in the State of an estate of inheritance in fee simple or on mortgage of leasehold interests in such land; or (d)

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(d) in any other manner for the time being allowed by Act of Parliament or by the rules of court for the investment of Trust Funds.

5 **6.** Moneys 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 Colonial Treasurer or with any bank, and while in such bank shall be held to be moneys of the Crown. Moneys uninvested to be lodged in bank.

10 **7.** Cheques drawn on any account in any bank shall be signed as prescribed by the regulations. How cheques signed.

8. The accounts relating to the Fund shall be audited by the Auditor-General. Audit.

15 **9.** The Board may borrow for, and the Colonial Treasurer may lend to, the Fund moneys not exceeding two-thirds of the amount, and on the security, of moneys of the Fund invested in Government securities. Borrowing.

Quinquennial valuation and revision of tables of contributions.

20 **10.** (1) An investigation as to the state and sufficiency of the Fund shall be made at the expiration of each period of five years commencing on the first day of January, one thousand nine hundred and fourteen. Quinquennial investigation

(2) Such investigation shall be made by not less than two actuaries appointed by the Board. by two or more actuaries.

25 (3) Such actuaries shall report to the Board the result of their investigation and shall state whether any reduction or increase is necessary in the rates of contributions payable to the Fund. Actuaries to report.

PART III.

30

CONTRIBUTIONS.

Contributions by employees.

11. (1) Every employee shall (except as elsewhere in this Act provided) contribute to the Fund from the first day of January, one thousand nine hundred and 35 fourteen, or from the date of the commencement of his employment, where such employment commences after When to commence.

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after the said first day of January: Provided that the Governor may by proclamation in the Gazette exclude any class of persons casually employed for less than six months from the operation of the above provisions.

- 5 (2) Such contributions shall cease to be paid when the contributor ceases to be employed by the employer, or reaches the age of sixty years, whichever first happens:

Provided that—

- 10 (a) where a woman contributor elects to contribute at the rate prescribed for retirement at age fifty-five, she shall cease to contribute when she reaches that age, or retires, whichever first happens;
- 15 (b) where a woman contributor does not elect to contribute at the rate prescribed for retirement at age fifty-five, the contributions payable by her shall be continued until she retires or reaches the age of sixty years, whichever first happens;
- 20 (c) where a contributor ceases to be employed by one employer and subsequently enters the employment of any other employer, he may resume the payment of his contributions as if there were no break in his employment on paying into the fund—
- 25 (a) all moneys received by him from the fund;
- 30 (b) the contributions which would have been payable by him and by his employer into the fund if he had continued in his employment; and
- 35 (c) interest on such moneys or on the amount of such contributions at the rate of three and a half per centum per annum, compounded annually.

If

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5 If he does not forthwith make such payments and resume such contributions as aforesaid he shall contribute according to his age at the time of the commencement of his employment by such other employer.

Scale of units.

12. Such contributions shall be in respect of units of pension; and the number of such units shall vary in relation to salary in accordance with the following scale:—

Where the salary of the employee is equivalent to the annual rate of—		The employee shall contribute the amount necessary to provide units of pension as under.
	£ £	
15	From 1 to 130 inclusive...	Two units, or 52
	„ 131 to 156 „ ...	Two and a half units, or 65
	„ 157 to 208 „ ...	Three units, or 78
	„ 209 to 260 „ ...	Four units, or 104
	„ 261 to 312 „ ...	Five units, or 130
20	„ 313 to 364 „ ...	Six units, or 156
	„ 365 to 416 „ ...	Seven units, or 182
	„ 417 to 468 „ ...	Eight units, or 208
	„ 469 to 520 „ ...	Nine units, or 234
	„ 521 to 572 „ ...	Ten units, or 260
25	„ 573 to 624 „ ...	Eleven units, or 286
	„ 625 and over ...	Twelve units, or 312

Provided that—

20 (a) if an employee's salary be increased after he has reached the age of forty years, it shall not be compulsory for him, but he may elect to contribute for additional units in respect of such increase.

No compulsory additional unit after age 40.

(b)

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- 5 (b) any employee who, when commencing to contribute, is of or over the age of thirty years may, within twelve months after so commencing, elect to take the benefit of this proviso, and thereupon the following provisions shall apply to him:—
- Option for employees over thirty years of age when commencing to contribute.
- (i) He shall not in any case be compelled to contribute for more than two units.
- 10 (ii) He may contribute for two and a half or three or four units (according to his salary as set out in this section) at the rates prescribed for the age of thirty.
- (iii) He may, if under the age of fifty-five years, elect to contribute for additional units in accordance with the prescribed table according to salary at rate for age, but not in any case exceeding a total of six units.
- 15 (c) Any employee who can satisfy the Board that adequate provision has been made for himself and family may be exempted from contributing for more than two units of pension.
- 20 Exemption from contributing for more than £52 per annum where other adequate provision made for self and family.
- (d) Any employee may elect to contribute for such number of units of pension as is prescribed for the salary-group next higher than that to which, according to the table prescribed in this section, he belongs; and in such case the employer shall contribute in respect of the like number of units.
- 25 Employee may elect to contribute for pension of next higher salary-group.
- 13.** Where the salary of a contributor is reduced, the number of units for which he is compelled to contribute shall be reduced accordingly; and any contributions in respect of units in excess of such reduced number previously paid by and in respect of such contributor shall be credited as a single payment for an additional pension to be actuarially calculated.
- 30 Employee reduced in salary.
- 35

Scale of contributions.

- 14.** The amount of contribution to be paid by each employee shall, except where otherwise in this Act provided, be based upon the number of units of pension
- Contributions according to scale graduated by age at commencement.

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pension for which such contributor contributes, upon sex, upon the age at which such contributor commences to contribute for each unit, and, in the case of a woman contributor, upon whether she contributes for a pension payable at age fifty-five or age sixty, and shall be in accordance with the tables of contributions hereinafter prescribed.

15. (1) During the five years commencing on the first day of January, one thousand nine hundred and fourteen, and until other tables of contributions are prescribed as hereinafter provided, the tables of contributions for men and women according to ages set out in Schedule I shall be in force, and shall apply to both employers and employees.

Tables of contributions in Schedule I.

(2) As soon as practicable after the end of each quinquennial period, dating from the first day of January, one thousand nine hundred and fourteen, the Governor may, if the Board so recommend, prescribe tables of contributions, which shall take effect from a date to be proclaimed, and shall be in force until other tables are prescribed.

Quinquennial adjustment of rates.

Contributions by employers.

16. (1) Each employer shall contribute to the Fund regular payments at prescribed periods in respect of each contributor employed by him, based (except where otherwise in this Act provided) upon the number of units of pension for which such contributor contributes, upon sex, upon the age at which such contributor commences to contribute for each unit, and, in the case of a woman contributor, upon whether she contributes for a pension payable at age fifty-five or age sixty; and such payments shall be in accordance with the tables of contributions prescribed.

Particulars and table of contributions of employers.

(2) Such contributions shall be paid as from the first day of January, one thousand nine hundred and fourteen, or from the date of commencement of an employee's service, where service commences after the said day, and shall cease when the contributor ceases to contribute to the fund.

When to commence.

(3) In the case of an employee over fifty-nine years of age at the commencement of this Act, twenty-four

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four contributions in accordance with this Act shall be paid by the employer and the employee prior to the employee's attaining the age of sixty years.

17. (1) Where a pension calculated in accordance with this Act is less than the minimum prescribed, and where this Act provides that such prescribed minimum is to be paid, the cost of increasing such pension to the minimum shall be paid to the Fund by the employer by payments at prescribed periods on the requisition of the Board.

Cost of increasing pension to the minimum.

(2) Where any employee is allowed to contribute as though he were younger than his real age, the difference between the employee's contribution and the rate for his real age according to the prescribed table shall be paid by his employer in addition to the contribution prescribed by the last preceding section, by payments at prescribed periods on the requisition of the Board.

Cost of reducing contribution of employee below rate for age.

18. (1) Where the employer is the Crown or a Minister of the Crown, the employer's contribution shall be paid from Consolidated Revenue.

From what Fund employer shall pay contributions.

(2) In the case of any other employer his contribution shall be paid from such fund of such employer as the Governor may from time to time by regulation prescribe, or, if no such regulation is made, from such fund as the employer thinks fit.

General provisions as to contributions.

19. In respect of any contributor who is on leave of absence, whether on pay or not, his contributions shall be paid during or in respect of such period of leave as for a period of service, without reduction, and the Board may recover the amount of any such contributions in any court of competent jurisdiction.

Employees on leave of absence.

20. The contributions of contributors shall be deducted by employers from the salaries of such contributors at each payment of such salaries, and shall, together with the employers' contributions, be paid without deduction for postage, forwarding, or exchange, to the Board.

Manner of payment—Deduction from wages or salaries.

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PART IV.

PENSIONS AND BENEFITS.

DIVISION 1.—*Retirement on pension.**Age retirement.*

- 5 **21.** (1) Every man contributor who has served for Age of optional retirement.
 at least ten years with any one or more employers shall
 be entitled to elect to retire on pension from the service
 of his employer upon or after reaching the age of
 sixty years; and every woman contributor who has
 10 so served shall be entitled to so retire upon or after
 reaching the age of fifty-five years.
- (2) Every contributor who has served for Age of compulsory retirement.
 at least ten years with any one or more employers
 may be compulsorily retired on pension by his employer
 15 upon or after reaching the age of sixty years.
- (3) Every contributor shall be entitled to elect Retirement after 35 years service.
 to retire on pension on the completion of thirty-five years'
 aggregate service.

Breakdown retirement.

- 20 **22.** (1) Any contributor who has served for at least Breakdown retirement.
 ten years with any one or more employers may be retired
 on pension from the service of his employer on the
 ground of invalidity or physical or mental incapacity to
 perform his duties.
- 25 (2) The question whether such employee is an How breakdown determined.
 invalid, or is physically or mentally incapable of perform-
 ing his duties, and whether such invalidity or incapacity
 is or is not due to the fault of such contributor, shall be
 referred to the Chief Medical Officer of the Government,
 30 and shall be determined by the Board in accordance
 with that officer's report.

Retrenchment

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Retrenchment and discharge.

23. Compulsory termination by an employer of the service of a contributor expressed to be on the ground that the employment of such contributor is not necessary or that his position is not to be refilled, or on the ground that the work for which such contributor was engaged is finished, or on the ground that the quantity of work has diminished and has rendered necessary a reduction in the number of employees—

- 10 (a) shall be deemed to be “retrenchment” if the contributor has served such employer for at least ten years, and if the Board be satisfied as to the bona-fides of such ground of termination of service ; and
- 15 (b) shall be deemed to be “discharge” if the contributor has not so served, or if the Board be not so satisfied.

Dismissal.

24. Compulsory termination by an employer of the service of a contributor, however expressed, other than a compulsory retirement on pension as in this Act provided, or retrenchment, or discharge, shall be deemed to be dismissal.

Resignation.

25 25. Voluntary termination of service (however expressed) by a contributor who is not entitled to retire on pension shall be deemed to be resignation.

DIVISION 2.—*Grant of pensions and benefits.*

Pension unit and minimum.

30 26. (1) The sum of twenty-six pounds per annum shall be the unit of pension.

(2)

Superannuation.

(2) The minimum amount of any pension to a contributor (except where this Act provides that pensions shall be actuarially determined) shall be two units, and to the widow of a contributor or pensioner one unit.

Normal pension of contributor.

27. On the retirement of a contributor he shall (except where otherwise specially provided) be entitled to receive a pension according to the number of units for which he contributed at the time of his retirement; that is to say, the pension shall be in accordance with the following scale:—

Where the contributor at retirement was contributing for—	His pension shall be at the annual rate of—
	£
Two units	52
Two and a half units...	65
Three units	78
Four units	104
Five units	130
Six units	156
Seven units	182
Eight units	208
Nine units	234
Ten units	260
Eleven units	286
Twelve units	312

28. (1) If a contributor elects to retire as in subsection three of section twenty-one of this Act provided after thirty-five years' service, and before reaching the age of sixty years, he shall be entitled to a pension which shall be the actuarial equivalent of the contributions paid by and in respect of him up to the time of his retirement.

Pension on retirement before age 60 —man or woman— after 35 years' service.

(2)

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(2) On the retirement at the age of fifty-five years of a woman who has contributed for a pension payable on reaching the said age, the full pension for which she has so contributed shall be payable.

Pension of woman retiring at age 55.

5 (3) On the retirement at the age of fifty-five years of a woman who has contributed for a pension payable on reaching the age of sixty years, she shall be entitled to a pension which shall be the actuarial equivalent of the contributions paid by and in respect 10 of her up to the time of her retirement.

Pension of woman retiring at age 55.

Breakdown pensions.

29. (1) If a contributor who has served for at least ten years with any one or more employers be retired on the ground of invalidity or physical or mental incapacity 15 to perform his duties, then—

Retirement through invalidity not his own fault—full pension.

(a) If such invalidity or incapacity is not due to his own fault he shall be entitled to the full pension for which he has been contributing at the time of such retirement; but

20 (b) If such invalidity or incapacity is due to his own fault he shall be entitled to a pension which shall be the actuarial equivalent of the contributions made by and in respect of him up to the time of his retirement.

Retirement through invalidity, his own fault—actuarially reduced pension See clause 55 et seq. of this Bill. See South Australian Act, s. 21.

25 (2) A contributor retired as aforesaid shall be granted payment of pension for one year only at a time, and a fresh application shall be necessary before any further payment is made.

Pension for one year only at a time.

Widows' and children's pensions.

30 **30.** On the death of a contributor before retirement, pension shall be paid to his widow as follows:—

Pension to widow and orphans on death of employee in Service.

(a) During her own life, one half of the pension for which her husband was contributing at the time of his death; provided that if she 35 remarry her rights under this paragraph shall thereupon cease and determine; and,

(b)

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(b) In respect of each of her or such contributor's children (except children of such remarriage) who are under sixteen years of age, a pension at the rate of thirteen pounds per annum.

5 **31.** On the death of a pensioner pension shall be paid to his widow as follows:—

Pension to widow and orphans on death of pensioner after retirement.

(a) During her own life, one-half of the pension payable to her husband at the time of his death, or at the rate of twenty-six pounds per annum whichever is the greater: Provided that if she remarry, her rights under this paragraph shall thereupon cease and determine; and

10
15 (b) In respect of each of her or such pensioner's children (except children of such remarriage) who are under sixteen years of age, a pension at the rate of thirteen pounds per annum.

Women contributors' death benefits,

20 **32.** On the death of a woman contributor before her retirement there shall be paid to her personal representatives, or, failing them, to such persons as the Board may determine, a sum equal to the total of the contributions paid by her to the fund.

On death before retirement, refund of contributions.

25 *Orphans' pensions.*

33. (1) On the death of a man contributor or of a man pensioner, if his wife be dead or divorced, and if he leave children of himself or of his wife under the age of sixteen years who were dependent upon him at the time of his death, there shall be paid to the guardian of such children, to be used for their support and education, a pension at the rate of thirteen pounds per annum in respect of each child.

Pension to orphans on death of employee or pensioner.

30
35 (2) Where pensions in respect of children are payable under this Act to a widow and such widow dies, such pensions shall be payable to the guardians of such children.

Retrenchment

*Superannuation.**Retrenchment benefits.*

34. (1) In case of the retrenchment of any contributor, such contributor shall be entitled within one month after such retrenchment to choose either—

Contributor
retrenched
has choice of
benefits.

- 5 (a) a lump sum payment equal to twice the amount of the contributions paid by him under this Act, but without interest, in determination of all rights given by this Act to himself and his family; or
- 10 (b) a pension which shall be the actuarial equivalent of the contributions paid by and in respect of him.

(2) In default of such choice the Board shall determine the matter.

15 (3) Where any employee who has been re-trenched and is in receipt of a pension thereafter enters the service of an employer the following provisions shall apply:—

Retrenched
employee
re-entering
service.

- (a) The pension shall not cease to be payable.
- 20 (b) He shall contribute as provided in Part III of this Act.

(4) Where any employee who has been retrenched and has received a lump sum payment as aforesaid, thereafter enters the service of an employer, he shall not be entitled to claim any further benefit in respect of his previous service.

Resignation, dismissal, or discharge.

35. (1) Where a contributor resigns or is dismissed or discharged from the service of an employer, there shall be paid to such contributor a lump sum equal to the contributions paid by him under this Act (but without interest), irrespective of the cause of such resignation, dismissal, or discharge.

Refund of
contribu-
tions.

(2)

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(2) Where any employee who has been discharged or dismissed, or who has resigned, and has received a refund of the amount of his contributions, thereafter enters the service of an employer, he shall not be entitled to claim any further benefit in respect of his previous service.

Ex-employee
(resigned,
reduced, dis-
charged or
retrenched)
re-entering
service.

Desertion or imprisonment.

36. (1) Where any pensioner deserts his wife, such wife may apply to any police or stipendiary magistrate, and on proof of such desertion such magistrate may order the payment of pension under section thirty-one of this Act as if the said pensioner were dead. The Board shall comply with any such order; and may thereupon suspend payment of pension to the pensioner.

Desertion of
wife or child.

(2) Where any pensioner deserts any of his children who are dependent on him, if the pensioner's wife be dead or divorced, the guardian of such children, or the Board, may apply to any police or stipendiary magistrate, and on proof of such desertion such magistrate may order the payment of pension under section thirty-three of this Act as if the said pensioner were dead. The Board shall comply with any such order; and may thereupon suspend payment of pension to the pensioner.

37. Where any pensioner is sentenced to imprisonment for any period in excess of one month, his pension rights under this Act shall not operate during the period of such imprisonment; and

Pensioner
sent to im-
prisonment.

(a) if his wife be alive, she shall during such period be entitled under section thirty-one of this Act to pension for herself and for children who were dependent upon the pensioner as if the pensioner were dead;

(b) if his wife be dead or divorced, pensions for children dependent upon the pensioner shall, during such period, be payable under section thirty-three of this Act as if the pensioner were dead.

38.

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38. Where any woman pensioner is sentenced to imprisonment for any period in excess of one month, her pension rights under this Act shall not operate during the period of such imprisonment. But any pension payable to her in respect of children shall be payable under section thirty-three as if she were dead.

Woman pensioner sentenced to imprisonment

General provisions as to pensions.

39. Notwithstanding anything elsewhere contained in this Act, any money payable out of the Fund under this Act in respect of a child under the age of sixteen years may, at the discretion of the Board, be paid to the child's guardian or expended by the Board for the benefit of the child.

Payments to children.

40. (1) Except where otherwise specifically provided, a pension shall be payable during the life of the person entitled thereto.

Pensions payable for life.

(2) Pensions in respect of children shall be payable until they reach the age of sixteen years or die under that age.

41. Pensions shall be payable monthly.

Pensions payable monthly.

42. Except where otherwise specifically provided, in any case where in this Act provision is made for the pension of any person to be actuarially determined, any pension under this Act to his widow in respect of her own life shall be one half of the amount so actuarially determined, but not less than one unit.

Actuarial reduction of pension of widow.

43. Where a pensioner marries after retirement from service, his widow shall not be entitled to pension for herself.

No pension for widow if pensioner marry.

30 DIVISION 3.—*Breakdown pensioners—Special provisions re.*

44. Any pensioner who is in receipt of a "break-down" pension, shall be held to be on leave of absence without pay, but shall not be required to contribute in respect of the period of such leave. Notwithstanding

Breakdown pensioner held to be on leave.

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the fact that he is held to be on leave of absence, his office or position shall be held to be vacant, and may be filled by the appointment thereto of some other person.

- 5 **45.** The period of such leave without pay in the case of a "breakdown" pensioner shall not count as service; but neither shall it, in the event of his re-employment under any employer, be held to constitute a break in the continuity of his service. Continuity of service.
- 10 **46.** Any such pensioner shall submit himself for medical examination as and when required by the Board, and if he make default in complying with such requirement, pension shall cease to be payable to him during such default. Employee retired through infirmity may be called up for medical examination.
- 15 **47.** (1) If, in the opinion of the Board, the health of any pensioner retired as aforesaid has become so restored as to enable him to perform his duties, the Board may communicate with the employer from whose service he was retired, or any other employer under this Act, and, if suitable employment be found for such pensioner, at a salary not less than two-thirds of his salary at the time of his retirement, or at such salary as may be agreed upon between him and his employer, may cancel the pension; thereupon the pension shall cease to be payable. Employee restored to health may be recalled to service.
- 20 (2) In the event of the recurrence of his infirmity, any contributor who has thus been recalled to the Service shall be entitled to pension as provided in this Act, but not less than the amount of the pension at which he was first retired.
- 25 **48.** The Governor may, on the recommendation of the Board, at any time, by regulation, prescribe, in respect of contributors suffering from invalidity or physical or mental incapacity to perform their duties, any or all of the following:— Governor may prescribe different provisions.
- 30 (a) Conditions of retirement.
- (b) Pensions or other benefits.
- (c) Provisions for cancellation of pensions or other benefits.
- 40 (d) Conditions of compulsory re-employment.

DIVISION

*Superannuation.*DIVISION 4.—*Rights under various Acts.**Civil Service Act 1884.*

49. This Act shall not (except as herein specifically provided) apply to employees who have the right vested or contingent to either a pension, a refund of contributions with or without interest, or a gratuity, or both refund and gratuity, under the Civil Service Act, 1884, and any Acts amending that Act.

Rights under Civil Service Superannuation Account not prejudiced.

50. Any such employee (notwithstanding his rights under the said Acts) may if he has such right to a pension be permitted by the Board, and, if he has not such right to a pension, shall be entitled—

Benefits for widow and children.

(a) to contribute to the Fund under Part III of this Act, in which case he shall be a contributor and shall have the rights of a contributor under this Act and the provisions of this Act shall apply to his employer: Provided that this paragraph shall not apply to an employee who at the commencement of this Act is of or over the age of sixty years, and who has a right, vested or contingent, to a pension under the said Acts of or exceeding fifty-two pounds per annum;

(b) and shall be entitled to contribute to the Fund according to tables of contributions to be prescribed by regulations and acquire either or both of the following benefits, namely:—

(i) Pension to widow as in this Act provided for a specified sum not exceeding fifty-two pounds per annum.

(ii) Pension to children as in this Act provided.

In each such case the employer shall pay an equal amount to the Fund.

51. Any employee who has a right vested or contingent to a pension under the said Acts may, at any time within twelve months after the commencement of this Act, make application to the Board to transfer to the Board such right, and to receive in return therefor

Old-style contributor may exchange his rights for any equivalent under this Act.

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a grant by the Board of such new rights of pension for any or all of himself, his widow, and children, as may be agreed upon between himself and the Board, subject to the Board's actuary certifying that
 5 such new rights are the actuarial equivalent of his said right under the said Acts. Where any such agreement is made, the employee shall continue to contribute as provided in the said Acts. When any benefit becomes payable under any such agreement it shall be paid by
 10 the Board from the Fund; and the Fund shall be recouped as prescribed from the Consolidated Revenue Fund for all such payments.

52. Any employee who under the aforesaid Acts has a right vested or contingent to a refund of contri-
 15 butions with or without interest, or a gratuity, or both refund and gratuity, may at any time within twelve months after the commencement of this Act make application to the Board to transfer to the Board such right, and to receive in return therefor a grant by the
 20 Board of such new rights of pension for any or all of himself, his widow, and children, as may be agreed upon between himself and the Board, subject to the Board's actuary certifying that such new rights are the actuarial equivalent of his said right under the said
 25 Acts.

“Ex-contributor” or “non-contributor” may exchange his rights under 1884 Act for any equivalent under this Act.

DIVISION 5.—Existing insurance policies.

53. Notwithstanding anything to the contrary in any Act, it shall not be necessary for any contributor under this Act to insure his life, or to continue in force
 30 any policy of insurance on his life already taken out at the commencement of this Act.

Insurance policies may be continued or discontinued at option of contributor.

54. Any employee whose life is insured may sur-
 render his policy of insurance, and may pay the
 surrender value to the Board under the provisions of
 35 Part V of this Act relating to voluntary saving.

Surrender of policies.

Superannuation.

PART V.

VOLUNTARY SAVING.

- 55.** (1) Any employee may authorise his employer to deduct from his salary and pay to the Fund any sum Additional payments to Fund by deduction from salary. 5 in excess of the compulsory contribution elsewhere in this Act provided, and may at any time cancel such authorisation.
- (2) Any employee may pay directly to the Fund By direct payment. any sum of money.
- 10 **56.** Any moneys paid to the Fund by, or by authorisation of, any employee under this Part shall Moneys part of Fund. form part of the Fund.
- 57.** Such moneys shall be credited to such Rate of interest allowed. 15 employee, and shall accumulate at such rate of interest, compounded annually, as may from time to time be determined by the Governor on the recommendation of the Board as the result of the quinquennial investigation; and, until such determination has been made, at the rate of three and one-half per centum 20 interest, compounded annually.
- 58.** Any employee may, at any time after the Money withdrawable at any time. expiration of three months' notice, withdraw from the Fund the whole amount lying at his credit therein under this Part (both principal and interest) or any portion 25 thereof.
- 59.** Any employee may at any time apply any Purchase of additional pensions, or of annuities. moneys lying at his credit under this Part in purchasing from the Board an annuity on his life, or on the life of his wife, son, or daughter.
- 30 **60.** Any annuity sold by the Board under this Part Scale of payments for annuities. shall be in accordance with the table of contributions for annuities prescribed in Schedule II of this Act, or with such table as the Governor may from time to time, on the recommendation of the Board, prescribe in lieu thereof.

Superannuation.

61. Any employee who has lodged moneys in the Fund under this Part may, on his retirement, allow such moneys to remain in the Fund and may add thereto as though he had not retired; or may exercise 5 the rights conferred by the three next preceding sections.

Retired
employee may
continue in
Fund.

62. Any employee may, if the Board approve, borrow from the Fund for the purpose of acquiring a residence for himself and family, or for any purpose 10 approved by the Board. The Board may charge such rate of interest and arrange the loan on such terms as they may determine.

Purchase of
homes.

PART VI.

BOARD OF MANAGEMENT.

15 **63.** The Governor shall from time to time appoint a State Provident Fund Management Board, which shall consist of a president and two members, one of whom shall be an actuary.

Constitution
of Board.

64. Such Board shall be appointed for a term of 20 seven years, and any member shall be eligible for reappointment.

Term of office.

65. Where an appointment is made to fill an extraordinary vacancy, such appointment shall be for the remainder of the term of the vacant office.

Extraordinary
vacancies--
appointments
to fill.

25 **66.** In the case of the illness, suspension, or absence of the president or any member of the Board, the Governor may appoint a deputy to act for such president or member during his illness, suspension, or absence, and every such deputy shall during the time he acts 30 as deputy have all the powers and authority of such president or member as the case may be.

Temporary
appointments.

67. (1) A member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office 35 except as hereinafter provided. The Minister shall cause

Removal of
members of
Board.

to

Superannuation.

to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension, if Parliament be in session and actually sitting, and when Parliament is not in session or not
5 actually sitting, within seven days after the commencement of the next session or sitting.

(2) A member of the board suspended under this section shall be restored to office unless each House of Parliament, within twenty one days from the time
10 when such statement has been laid before it, declares by resolution that the said member ought to be removed from office, and if each House of Parliament within the said time so declare, the said member shall be removed by the Governor accordingly.

15 **68.** A member of the Board shall be deemed to have vacated his office if he— Vacation office.

- (a) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or remuneration for their benefit;
- 20 (b) being president, absents himself from duty for a period of fourteen consecutive days except on leave granted by the Governor; or, being a member other than the president, absents himself from three consecutive meetings of
25 which reasonable notice has been given to him personally or in the ordinary course of post, except on leave granted by the Governor;
- (c) becomes incapable of performing his duties;
- (d) resigns his office by writing under his hand
30 addressed to the Governor.

69. The president shall be the permanent administrative officer of the Board, shall preside at its meetings, and shall have a deliberative vote. He shall devote the whole of his time to the duties of his office, and shall
35 be paid a salary of one thousand pounds per annum. President's salary.

70. The members of the Board other than the president shall each be paid such remuneration as the Governor may from time to time determine. Remuneration of other members.

71. Two members of the Board shall constitute a
40 quorum of the Board at any meeting of which reasonable notice has been given personally or by post to all the members; and any business transacted at a meeting at which a quorum is present shall be valid. **72.** Quorum.

Superannuation.

- 72.** Where the voting on any business is equal, such business shall be postponed till the next meeting of the Board, and notice of such business, and of the fact that the voting was equal, shall be given on the notice calling such next meeting. If the voting at such next meeting be again equal, the president may, in his discretion, further postpone such business, or may then or at any postponed consideration thereof, if the voting be again equal, give a casting vote and so decide the question at issue.
- 73.** The Board shall be a corporate body, having perpetual succession and a common seal. Such seal shall not be attached to any document except on resolution of the Board, and shall be authenticated by the signatures of two members of the Board and of the Secretary.
- 74.** The Board may authorise the president to determine such matters as it may specify by resolution under seal.
- 75.** The staff of the Board shall be appointed under and be subject to the provisions of the Public Service Act, 1902, and any Acts amending that Act, and shall include a secretary and an actuary.
- 76.** The cost of management shall be provided on the Estimates of the Colonial Treasurer, and shall be paid from the Consolidated Revenue. The moneys received and paid under this section, and the accounts in connection therewith, shall be kept, as part of the Public Accounts, separately from the moneys and accounts of the Fund.
- 77.** The Board shall each year submit a report to Parliament, giving information as to its work, and as to any general decisions or principles adopted by it in the course thereof.

Where voting
equal.

Corporate
body.

Delegation of
power to
president.

Staff.

Cost of
management.

Annual
Report to
Parliament.

Superannuation.

PART VII.

GENERAL PROVISIONS.

78. Any dispute under this Act may be determined in the first place by the Board: Provided that any person Settlement of disputes.
 5 aggrieved by a decision of the Board may appeal to the Minister, who shall thereupon refer the matter for opinion to a judge of the Supreme Court, and shall decide the point in accordance with such opinion. Such decision shall be final and conclusive and not subject to appeal.

10 **79.** The Governor may, on the recommendation of Regulations.
 the Board, make regulations providing for matters expressed by this Act to be prescribed, and for the better carrying out of the provisions of the Act, and in
 15 such regulations may provide penalties for the breach thereof.

80. The Board may at any time require any employer Returns.
 to furnish such returns with respect to his employees as the Board may decide, and may at any time require any
 20 employee to furnish such information as the Board may decide is necessary for the purpose of any investigation in connection with the Fund. If any such employer or
 employee neglect to furnish such information within a reasonable time, he shall be liable to a penalty not exceeding ten pounds.

25 **81.** Pensions and other benefits under this Act shall Assignment of pensions.
 not be in any way assigned or charged or passed by operation of law to any person other than the pensioner
 or beneficiary, and any moneys payable out of the Fund on the death of an employee or beneficiary shall not be
 30 assets for the payment of his debts or liabilities.

82. The Board may recover contributions under the Power to recover.
 Act in any court of competent jurisdiction.

83. (1) Employees who have served for at least ten Retirement after ten years' service under certain conditions.
 years with any one or more employers, and who at the
 35 passing of this Act are of the age of sixty years or upwards,

Superannuation.

upwards, or who attain that age before the commencement of this Act, may retire or be retired at any time after such passing or after attaining such age at a pension in accordance with salary, as set
 5 out in section twelve, but not exceeding four units or one hundred and four pounds per annum, without paying any contribution to the fund. Any such pension shall be payable from date of retirement but shall not be paid until the expiration of three months from the
 10 commencement of this Act, and shall carry widows' and children's benefits as elsewhere in this Act provided.

(2) Such pension shall be paid from the fund and shall be repaid to the fund by the employer by monthly payments.

15 (3) Any such employee as aforesaid who, under the Civil Service Act, 1884, or any Acts amending that Act, has a right, vested or contingent, to a pension, to a refund of contributions with or without interest, or a gratuity, or both refund and gratuity, may, on
 20 surrendering such right, be granted pension under this section.

(4) Persons who at the passing of this Act were employed by any employer and who would, if this Act came into force on its passing be employees within
 25 the meaning of this Act, shall be deemed to be employees within the meaning of this section: Provided that this section shall not apply to persons in the employ of the University of Sydney.

Equation of payments.

30 **84.** The board may enter into an agreement with Equation of payments any employer for the payment of such employer's contributions in respect of such of his employees as at the commencement of this Act were over thirty years of age by equated payments over a series of years, and in
 35 such agreements may provide for the readjustment of such equated payments after each quinquennial investigation of the fund.

Additional

Superannuation.

Additional regulations.

85. Where under this Act an employee may make any election or choice, regulations may be made under this Act prescribing the time within which such election or choice must be made, unless such time is stated in this Act. ^{Additional regulations.}

Extension of Act to shire and municipal councils.

86. On application made by a council of a shire or municipality to the Governor, the provisions of this Act may, if the Governor approve, be extended to such council. Such approval shall be proclaimed in the Gazette, and thereupon the council shall be an employer within the meaning of this Act; and the date of publication of such proclamation shall be the date of commencement of this Act so far as affects such council and its employees. In any such case section eighty-three shall not apply to such council or its employees. ^{Extension of Act.}

Superannuation.

SCHEDULES.

SCHEDULE I.

TABLE A.

MEN.

Retirement at Sixty.

Contributions—Half Cost, payable twice each month.				Contributions—Half Cost, payable twice each month.			
Age next Birthday.	First £52 pension to man, £26 pension to widow, £13 for each child to age 16.	Subsequent increments, £52 pension to man, £26 pension to widow.	Age next Birthday.	Age next Birthday.	First £52 pension to man, £26 pension to widow, £13 for each child to age 16.	Subsequent increments, £52 pension to man, £26 pension to widow.	Age next Birthday.
10			16	40	0 9 11	0 9 2	40
	£ s. d.	£ s. d.	17	41	0 10 6	0 9 9	41
			18	42	0 11 3	0 10 6	42
15			19	43	0 12 0	0 11 3	43
				44	0 12 11	0 12 2	44
			20				
			21				
			22	45	0 13 11	0 13 2	45
20			23	46	0 15 1	0 14 4	46
			24	47	0 16 5	0 15 8	47
				48	0 18 0	0 17 2	48
			25	49	0 19 11	0 19 1	49
			26				
			27				
25			28	50	1 2 1	1 1 3	50
			29	51	1 4 11	1 4 0	51
				52	1 8 3	1 7 4	52
			30	53	1 12 6	1 11 7	53
			31	54	1 18 2	1 17 2	54
			32				
30			33				
			34	55	2 5 11	2 4 10	55
				56	2 16 5	2 15 2	56
			35	57	3 15 1	3 13 7	57
			36	58	5 12 3	5 10 1	58
			37	59	11 2 11	10 18 11	59
35			38				
			39				

Where an increment of pension is less than £52 to contributor with £26 to widow, the increment of contribution shall be proportionately reduced.

TABLE

Superannuation.

TABLE B.

WOMEN.*Half-cost for each £52 per annum—contributions payable twice a month.*

5	Age next Birth-day.	Retirement at 55.			Retirement at 60.			Age next Birth-day.	Age next Birth-day.	Retirement at 55.			Retirement at 60.			Age next Birth-day.
		£	s.	d.	£	s.	d.			£	s.	d.	£	s.	d.	
	16	0	2	0	0	1	2	16	40	0	13	4	0	6	11	40
	17	0	2	1	0	1	3	17	41	0	14	8	0	7	6	41
10	18	0	2	3	0	1	4	18	42	0	16	2	0	8	1	42
	19	0	2	5	0	1	6	19	43	0	18	0	0	8	10	43
									44	1	0	0	0	9	7	44
	20	0	2	8	0	1	7	20								
	21	0	2	11	0	1	9	21								
15	22	0	3	2	0	1	10	22								
	23	0	3	5	0	2	0	23	45	1	2	7	0	10	6	45
	24	0	3	8	0	2	2	24	46	1	5	8	0	11	6	46
									47	1	9	6	0	12	8	47
									48	1	14	6	0	14	1	48
	25	0	4	0	0	2	4	25	49	2	1	2	0	15	9	49
	26	0	4	4	0	2	6	26								
	27	0	4	9	0	2	9	27								
20	28	0	5	1	0	3	0	28								
	29	0	5	6	0	3	2	29								
									50	2	10	6	0	17	10	50
									51	3	4	6	1	0	3	51
	30	0	5	11	0	3	5	30	52	4	7	11	1	3	3	52
	31	0	6	5	0	3	8	31	53	6	14	5	1	7	1	53
25	32	0	6	11	0	3	11	32	54	13	13	6	1	12	2	54
	33	0	7	6	0	4	2	33								
	34	0	8	1	0	4	6	34								
	35	0	8	9	0	4	10	35	55	.....			1	19	2	55
	36	0	9	6	0	5	2	36	56	.....			2	9	7	56
	37	0	10	3	0	5	6	37	57	.....			3	7	2	57
30	38	0	11	2	0	6	0	38	58	.....			5	1	10	58
	39	0	12	2	0	6	5	39	59	.....			10	3	5	59

Where an increment of pension is less than £52 to contributor the increment of contribution shall be proportionately reduced.

Superannuation.

SCHEDULE II.

ANNUITIES.

Amount of Annuity per month that £100 will purchase.

Age 5 last birthday.	Men.	Women.	Age last birthday.
	£ s. d.	£ s. d.	
50	0 11 3	0 10 5	50
51	0 11 6	0 10 8	51
52	0 11 9	0 10 10	52
53	0 12 1	0 11 1	53
10 54	0 12 4	0 11 4	54
55	0 12 8	0 11 7	55
56	0 13 0	0 11 10	56
57	0 13 5	0 12 1	57
58	0 13 10	0 12 5	58
15 59	0 14 3	0 12 9	59
60	0 14 8	0 13 2	60
61	0 15 2	0 13 7	61
62	0 15 8	0 14 0	62
63	0 16 2	0 14 5	63
20 64	0 16 9	0 14 11	64
65	0 17 4	0 15 5	65
66	0 18 0	0 16 0	66
67	0 18 9	0 16 8	67
68	0 19 6	0 17 4	68
25 69	1 0 3	0 18 0	69
70	1 1 1	0 18 10	70
71	1 2 0	0 19 8	71
72	1 3 0	1 0 6	72
73	1 4 0	1 1 6	73
30 74	1 5 1	1 2 6	74
75	1 6 3	1 3 7	75

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[1s. 6d.]