

Act No. 11, 1910.

An Act to provide superannuation allowances and gratuities for persons employed in the Railway and Tramway Services ; to amend the Acts regulating the Public Service and the Government Railways Act, 1901 ; and for purposes consequent thereon or incidental thereto. [27th August, 1910.]

RAILWAY SERVICE
SUPERANNUATION.

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 :—

1. This Act may be cited as the “ Railway Service Superannuation Act, 1910.” Short title and commencement.

This Act shall commence and take effect on and from the first day of October, one thousand nine hundred and ten.

Superannuation allowances and gratuities shall become payable on and after the first day of November, one thousand nine hundred and ten.

2. In this Act, unless the context requires another meaning :— Definitions.
“ Chief Commissioner ” means Chief Commissioner for Railways and Tramways.

“ Emoluments ”

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"Emoluments" does not include forage, equipment, or travelling allowances.

"Officer" means officer, clerk, servant, or other person employed permanently by the Chief Commissioner to assist in the execution of the Government Railways Act, 1901.

"Salary" includes wages.

"Superannuation allowances" and "gratuities" means superannuation allowances and gratuities payable under this Act.

"Service" means service, whether permanent or temporary, under the railway or tramway service of New South Wales.

"The board" means the board constituted under the provisions of this Act.

This Act shall not apply to any officer who, at the commencement of the Act, is a contributor to the superannuation account under the Civil Service Act of 1884.

The board.

3. The board shall consist of seven persons, namely,—three appointed by the Governor for a term of five years; three elected for a term of three years of whom two shall be elected by the officers in the railway service, and one by the officers in the tramway service, under regulations made under this Act; and the Chief Commissioner, who shall ex officio be chairman of the board.

Any vacancy in the members so appointed or elected shall be filled by appointment or election as aforesaid as the case may be. Any person elected shall hold office for the unexpired term of office of the person whose vacancy he fills.

Deduction from salaries.

4. On the days appointed for payment of the salary and emoluments of any officer a deduction shall be made from such salary and emoluments of a sum not exceeding one and one-half per centum thereof.

Government Railways Superannuation Account.

5. (1) The amounts so deducted shall be placed to the credit of a special account in the Treasury to be called the Government Railways Superannuation Account.

There shall also, on appropriation by Parliament, be annually placed to the credit of the said account, from the Consolidated Revenue Fund, such moneys as may be required to meet claims under this Act.

(2) Moneys at credit of the said account shall be applied in paying superannuation allowances, gratuities, and refunds, and making other payments authorised by this Act.

Persons to whom superannuation allowances are payable.

6. A superannuation allowance is payable to an officer—

- (a) who is over sixty years of age and has retired after ten years' or longer service; or
- (b) who is under sixty years of age, and has, after ten years' or longer service, been compelled to retire through infirmity of body or mind not caused by intemperate habits, such infirmity being duly certified to the satisfaction of the board as likely to be permanent; or

(c)

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- (c) who is under sixty years of age, and whose services have been dispensed with after ten years' or longer service, by reason that his office has been abolished, and no other office, whether in the railway or tramway, or in any other branch of the Public Service has been found for him at not less than five-sixths of his salary.

7. A superannuation allowance shall be payable each year for the rest of the life of the officer. Period and amount of allowances.

Such allowance shall, subject to this Act, amount to one-sixtieth of an average taken of the annual salaries and emoluments of the officer during his term of service, multiplied by the number of complete years of his service, but shall not exceed two-thirds of the average of such annual salary and emoluments :

8. Any officer who held any office in the service at the commencement of this Act shall, notwithstanding his not having contributed by way of deduction from his salary and emoluments during his past services to the Government Railways Superannuation Account, be entitled to the superannuation allowances and gratuities herein provided, subject to such an annual abatement as on the certificate of an actuary appointed by the board is equivalent to one and one-half per centum on the total salaries and emoluments received by such officer prior to the commencement of this Act; or the officer may, at his option, pay, in one sum or by the prescribed instalments extending over three years, a sum equivalent to one and one-half per centum on such total salaries and emoluments; and subject to such payment he shall be entitled to his superannuation allowance without abatement. Allowances to officers in Service at commencement of Act.

9. A gratuity not exceeding two months' salary at the then rate for each complete year of service, and not less than six months' salary shall be payable to any officer who is incapacitated from the further discharge of his duties by reason of bodily injury received in the course of his duty, and who retires from the service. If, before payment of the gratuity, such officer dies from such injury, the gratuity shall be payable to his widow, or if he does not leave a widow, to his personal representatives to be administered as part of his estate. Gratuities to officers incapacitated.

10. A gratuity not exceeding one month's salary at the then rate for each complete year of service shall be payable to any officer— Gratuities to officers compelled to retire.

- (a) who is under sixty years of age, and after less than ten years' service has been compelled to retire through infirmity of body or mind, not caused by intemperate habits, such infirmity being duly certified to the satisfaction of the board as likely to be permanent; or
- (b) whose services have been dispensed with otherwise than for an offence and who is not entitled to a superannuation allowance.

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Reports on officers
unfit to perform
their duties.

11. When an officer is reported unfit to perform his duties by reason of any infirmity of body or mind, the Chief Commissioner may appoint three duly qualified medical practitioners to examine and report upon his condition, and may also direct the head of the department or branch in which he is employed to report on the manner in which his duties have been performed. If, on such reports, it appears to the board to be for the public interest, he may retire upon the superannuation allowance provided by this Act.

Medical examination
of officers receiving
allowances or
gratuities.

12. (1) When an officer who has retired from the service through infirmity of body or mind is in receipt of a superannuation allowance or has received a gratuity, he shall submit himself for medical examination as and when required by the board; and, if he makes default in complying with such requirement, any superannuation allowance or gratuity shall cease to be payable during such default.

Where health of
officer is restored.

(2) If, in the opinion of the board, the health of any such officer has become so restored as to enable him to perform his duties, the Chief Commissioner may require him to resume such duties, or to undertake any other duties in the service for which he is qualified, at his former salary, and thereupon any superannuation allowance granted to such officer shall cease to be payable. But, in the event of the recurrence of his infirmity, the officer shall be entitled to his superannuation allowance, together with any increase in the same to which he would be entitled from additional length of service.

If any such officer who has received a gratuity fails to resume or undertake such duties when so required, the board may recover from him, as a Crown debt, the amount of such gratuity, and pay the same into the Government Railways Superannuation Account.

Refund where officer
dies in the Service.

13. Where an officer dies whilst in the service, his widow, or if he does not leave a widow, his personal representatives shall be entitled to a refund of the deductions made from his salary and emoluments under this Act, together with interest at the rate prescribed on the amounts of such deductions from the dates when they were respectively made.

Refund where officer
dies shortly after
retirement.

14. If an officer retires upon a superannuation allowance and dies within six months after such retirement, his representatives may receive a sum which is equal to the difference between the actual amount of superannuation allowance received by him and the total deductions made under this Act in respect of his salary and emoluments.

Refund where officer
voluntarily retires.

15. Where an officer voluntarily retires after service for fifteen years or longer, he shall, on a certificate of good conduct being furnished to the board, be entitled to a refund of the deductions made from his salary and emoluments under this Act, but without any interest thereon.

16.

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16. No officer shall receive or be entitled to any superannuation allowance or gratuity in respect of so much of his salary and emoluments as is in excess of eight hundred pounds per annum; and no officer shall be liable to a deduction under this Act from so much of his salary and emoluments as is in excess of that amount.

Limit of amount of allowance or gratuity.

17. Moneys payable under this Act shall be certified by the board.

Payments to be certified by board.

18. Any officer dismissed from the service for misconduct shall forfeit all rights to superannuation allowances or gratuities. But if he was dismissed for a cause which, in the opinion of the board, did not amount to serious misconduct, he may receive a refund of such portion of the deduction made from his salary as the board may think fair under all the circumstances.

Where officer dismissed for misconduct.

19. Where an officer has in pursuance of the Government Railways Act, 1901, effected a policy of insurance for the payment of money on his death, or on his attaining a certain age, and such policy is in force at the commencement of this Act, such officer may, within three months after such commencement elect either to—

Surrender or transfer of officer's policy of insurance.

- (a) hold such policy, in which case the provisions of the Government Railways Act, 1901, shall cease to apply to the same; or
- (b) accept the surrender value of such policy, whereupon he shall be relieved from any further obligation to continue his insurance under the said Act; or
- (c) transfer such policy to a person named by the board, and request the board to continue the payments of the premiums under the said policy.

The board shall on such transfer cause to be duly paid the premiums on such policy, and shall hand over to the officer or to his personal representatives to be administered as part of his estate, any sums received on maturity of the policy, less the amount of the premiums, with interest thereon at the rate of three and a half per centum per annum from the respective dates of payment.

20. The determination of the board as to—

- (a) whether a deduction shall be made from the salary and emoluments of an officer;
- (b) the period of service of an officer;
- (c) whether an officer has been dismissed from the service for misconduct,

Certain determinations of board to be final.

shall be final and conclusive.

21. A superannuation allowance shall not be capable of being assigned or charged, and shall not be liable to be seized or sold under any process of law. Any gratuity payable under this Act to the representatives of a deceased officer shall not be assets for the payment of his debts.

Allowances may not be assigned or charged.

22.

Saturday Half Holiday.

Regulations.

22. The Governor may make regulations for carrying out the provisions of this Act.

Such regulations shall be published in the Gazette, and shall take effect from the date of such publication.

Such regulations shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. But if either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to take effect.

Recovery of penalties.

23. Penalties imposed by this Act, or by any regulations thereunder may be recovered before any stipendiary or police magistrate, or any two justices in petty sessions.
