

## GOVERNMENT RAILWAYS (AMENDMENT) ACT.

Act No. 12, 1945.

An Act to amend Part IX of the Government Railways Act, 1912-1944, relating to super-annuation allowances and gratuities payable to contributors to the Government Railways Superannuation Account; and for purposes connected therewith. [Assented to, 3rd April, 1945.]

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.** (1) This Act may be cited as the "Government Railways (Amendment) Act, 1945." Short title and citation.

(2) The Government Railways Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Government Railways Act, 1912-1945.

**2.** The Government Railways Act, 1912-1944, as amended by subsequent Acts, is amended— Amendment of Act No. 30, 1912.

(a) (i) by inserting in section one hundred and fourteen after the words "such annual salary and emoluments" the following proviso:— Sec. 114. (Period and amount of allowance.)

Provided that in the case of an officer who has had forty years' service or more than forty years' service and who retires after the commencement of the Government Railways (Amendment) Act, 1945, such allowance shall, subject to this Part of this Act, be two-thirds of the average of the annual

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annual salaries and emoluments of the officer during the forty years' service next preceding the date of his retirement.

(ii) by inserting at the end of the same section the following new subsection:—

(2) Superannuation allowances shall be payable in fortnightly instalments at the rate of fourteen three-hundred and sixty-fifths of the annual superannuation allowances;

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s. 115.

(b) by omitting section one hundred and fifteen and by inserting in lieu thereof the following section:—

Payment by  
officer of  
deductions  
appropriate  
to his  
superannua-  
tion  
allowance.

115. (1) An officer who has not contributed during his service an amount equivalent to one and one-half per centum of the average determined under section one hundred and fourteen of this Act as the basis for the computation of the superannuation allowance payable to such officer pursuant to the said section multiplied, in the case of an officer with less than forty years' service, by the number of complete years of his service, and in the case of an officer with forty years' service or with more than forty years' service by forty, shall pay to the Government Railways Superannuation Account the difference between such amount and the amounts of the deductions made pursuant to section one hundred and eleven of this Act.

(2) Any officer, who at the date of his retirement has paid to the Government Railways Superannuation Account by way of deductions from his salary and emoluments an amount in excess of that which is due under this Part of this Act, shall be refunded the amount of such excess payment.

(3) An officer who has been re-employed in the service and who has received a refund pursuant to this Part of this Act of the deductions made from his salary and emoluments under

under this Part of this Act, shall repay the No. 12, 1945. amount of the refund so received to the Government Railways Superannuation Account.

(4) An officer to whom subsection one of this section applies shall be entitled to the superannuation allowances herein provided subject to such an annual abatement over a period of ten years as on the certificate of an actuary appointed by the Board is equivalent to the amount payable by such officer pursuant to the said subsection, or such officer may, at his option, pay such amount in one sum.

(5) An officer to whom subsection three of this section applies shall pay the amount to be repaid pursuant to that subsection in one sum or by deductions of a sum of five shillings or such greater sum as such officer elects to pay from his salary and emoluments fortnightly. Any portion of such amount remaining unpaid pursuant to this subsection at the date of the officer's retirement shall be paid by such an annual abatement of the superannuation allowance payable to such officer over a period of ten years as on the certificate of an actuary appointed by the Board is equivalent to the portion of the amount so remaining unpaid, or such officer may, at his option, pay such portion in one sum.

(6) Subject to payment in accordance with subsection four or subsection five of this section an officer shall be entitled to his superannuation allowance without abatement.

(7) Any officer who has retired prior to the commencement of the Government Railways (Amendment) Act, 1945, and whose superannuation allowance has been subjected to an annual abatement shall be entitled to the superannuation allowance payable to him without further abatement if the total amount to which his superannuation allowances have been subjected by annual abatement is at the commencement of the Government Railways (Amendment)

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(Medical  
examination  
of officers.)**

(Amendment) Act, 1945, or at any time thereafter sufficient to discharge the liability of such officer to the Government Railways Superannuation Account at the date of his retirement.

(c) by omitting subsection two of section one hundred and nineteen and by inserting in lieu thereof the following subsection:—

(2) (a) 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 Commissioner for Railways or the Commissioner for Road Transport and Tramways, as the case may be, may require him to resume such duties, or to undertake any other duties, in the service for which he is qualified at not less than the salary for the time being payable to officers with the same classification and with the same length of service therein as such officer had at the date upon which he was compelled to retire through infirmity of body or mind, and thereupon any superannuation allowance granted to such officer shall cease to be payable.

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.

(b) If, in the opinion of the Board, the health of any such retired officer has not become so restored as to enable him to perform his duties, but the health of such retired officer would permit of him performing duties in keeping with the condition of his health the officer may, at his option, undertake such duties as may be offered to him by the Commissioner for Railways or the Commissioner for Road Transport and Tramways, as the case may be, at the ruling rate of pay applicable to same, and upon undertaking such duties his superannuation allowance shall cease to be payable.

(c)

(e) In the event of the recurrence of his No. 12, 1945. infirmity any officer who resumes duty under the provisions of paragraph (a) or paragraph (b) of this subsection, shall be entitled to his super-annuation allowance together with any increase in the same to which he would be entitled from additional length of service.