

TRANSPORT COMMISSIONERS (SUPERANNUATION) ACT.

Act No. 30, 1964.

Elizabeth II, An Act to make provision whereby the Commissioners for Railways, Government Transport and Motor Transport may become contributors under the Superannuation Act, 1916, as amended; for this and other purposes to amend the said Act, as amended, and the Transport (Division of Functions) Act, 1932-1960; and for purposes connected therewith. [Assented to, 21st May, 1964.]

BE it enacted by the Queen'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 :—

Short title, citation and construction.

1. (1) This Act may be cited as the "Transport Commissioners (Superannuation) Act, 1964".
- (2) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Act, 1932-1964.
- (3) This Act shall be read and construed with the Transport (Division of Functions) Act, 1932, and the Superannuation Act, 1916, and any Act amending such Acts.

Amendment of Act No. 31, 1932.

Sec. 9.
(**Saving of rights.**)

2. The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended—

- (a) by omitting from subsection four of section nine the words "and to have so retired at an age at which the payment, pension, or gratuity would have become payable in pursuance of the Act under which the fund or account to which his contributions have been made, is administered";

(b)

(b) by inserting next after the same section the following new sections :—

New secs.
9A-9C.

9A. (1) This section shall apply to and in respect of the persons who at the commencement of the Transport Commissioners (Superannuation) Act, 1964, held office as the Commissioner for Railways, Commissioner for Government Transport and Commissioner for Motor Transport.

(2) A Commissioner to whom this section applies may, within three months after such commencement, elect to become an employee within the meaning of, and subject to, the Superannuation Act, 1916.

(3) Upon any such Commissioner making an election as aforesaid—

(a) he shall cease to contribute to the Government Railways Superannuation Account and shall be refunded, but without payment of interest thereon, all deductions made from his salary for payment into that Account and shall thereupon cease to be entitled to any benefits or rights in respect of the said Account;

(b) he shall, notwithstanding anything contained in section three of the Superannuation Act, 1916, be deemed to be an employee and to have had service within the meaning of the Superannuation Act, 1916, from the date of his first appointment as Commissioner in the cases of the Commissioner for Railways and the Commissioner for Government Transport, and from the date of his appointment as Superintendent of Motor Transport in the case of the Commissioner for Motor Transport;

(c) he shall, within such time as may be specified by the Board, make such of the elections and applications as he would have been entitled or required to make under the Superannuation Act, 1916, had he been such

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such an employee as from the date he is deemed to be an employee under paragraph (b) of this subsection as the State Superannuation Board requires him to make;

- (d) he shall, within such time after the commencement of the Transport Commissioners (Superannuation) Act, 1964, as the State Superannuation Board may require, make such contributions to the State Superannuation Fund as would have been for the time being applicable to him had such elections and applications been in force at the appropriate times during the period from the date he is so deemed to be such an employee to the date of commencement of this Act, together with interest thereon as provided in subsection two of section nineteen of the Superannuation Act, 1916;
- (e) he shall be entitled to the rights and be subject to the obligations of a contributor and, upon becoming a pensioner, of a pensioner, and the widow and children of any such Commissioner, or of any such Commissioner who becomes a pensioner, shall be entitled to the rights and be subject to the obligations of the widow and children of a contributor or pensioner, as the case may be;
- (f) he shall not be entitled to receive any retirement gratuity, superannuation allowance or benefit of like nature under any Act other than a superannuation allowance or payment in lieu thereof under the Superannuation Act, 1916.

(4) The employer's liability in respect of the number of units of pension for which a Commissioner has from time to time become a contributor under this section shall be deemed to have applied as from the time such Commissioner has become such a contributor and the employer's liability in respect of such Commissioner for contributions

contributions and payments payable by an employer **No. 30, 1964** under the Superannuation Act, 1916, after the commencement of the Transport Commissioners (Superannuation) Act, 1964, shall be payable from the Consolidated Revenue Fund and such Fund shall be recouped the amount so paid therefrom by the Department administered by such Commissioner.

9B. (1) This section shall apply to and in respect of any person who is first appointed a Commissioner for Railways, Commissioner for Government Transport or Commissioner for Motor Transport after the commencement of the Transport Commissioners (Superannuation) Act, 1964.

(2) A Commissioner to whom this section applies may, if he is not at the date of his first appointment as Commissioner a contributor to the State Superannuation Fund, elect, within three months after his appointment as such, to become an employee within the meaning of, and subject to, the Superannuation Act, 1916.

(3) Upon any such Commissioner making an election as aforesaid—

- (a) he shall cease to contribute to the Government Railways Superannuation Account or the Railways Retirement Fund and shall be refunded, but without payment of interest thereon, all deductions made from his salary or annual wages for payment into that Account or Fund and shall thereupon cease to be entitled to any benefits or rights in respect of the said Account or Fund;
- (b) he shall, notwithstanding anything contained in section three of the Superannuation Act, 1916, be deemed to be an employee and to have had service within the meaning of the Superannuation Act, 1916, from the date of his appointment as Commissioner;
- (c) he shall be entitled to the rights and be subject to the obligations of a contributor and, upon becoming a pensioner, of a pensioner,

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pensioner, and the widow and children of any such Commissioner, or of any such Commissioner who becomes a pensioner, shall be entitled to the rights and be subject to the obligations of the widow and children of a contributor or pensioner, as the case may be;

(d) he shall not be entitled to receive any retirement gratuity, superannuation allowance or benefit of like nature under any Act other than a superannuation allowance or payment in lieu thereof under the Superannuation Act, 1916.

(4) The contributions and payments payable by an employer in respect of a Commissioner who becomes a contributor under the Superannuation Act, 1916, by virtue of this section shall be made from the Consolidated Revenue Fund which shall be recouped the amount of such contributions and payments by the Department administered by such Commissioner.

Elections
under secs.
9A and 9B.

9C. (1) An election made by a Commissioner under section 9A or 9B of this Act shall be made by notice in writing addressed to the State Superannuation Board and notice of any such election shall be given as soon as practicable to the Board administering any fund or account under any Act to which the Commissioner was contributing for a pension, retirement allowance or benefit immediately prior to his becoming a contributor under the Superannuation Act, 1916.

(2) In sections 9A and 9B of this Act and subsection one of this section, "the Superannuation Act, 1916" means the Superannuation Act, 1916, as amended by subsequent Acts and by the Governor pursuant to section ninety-two of that Act, as so amended.