

Act No. 8, 1903.

PUBLIC SERVICE
(SUPERANNUATION).

An Act to provide that on the Superannuation Account becoming exhausted, all amounts payable to and out of that account shall be paid to and out of the Consolidated Revenue Fund; to provide for the payment of certain superannuation allowances; and to otherwise amend the Public Service Act, 1902, and the Civil Service Act of 1884. [19th October, 1903.]

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:—

Short title.

1. This Act may be cited as the "Public Service (Superannuation) Act, 1903," and shall be construed with the Civil Service Act of 1884 and the Public Service Act, 1902.

Provision for
deductions,
allowances, and
refunds on
Superannuation
Account becoming
exhausted.

2. Notwithstanding anything in section seventy of the Public Service Act, 1902, when the Governor is advised that the Superannuation Account has become exhausted, he shall so certify, and on such certificate being given—

- (a) all deductions under section fifty-three of the Civil Service Act of 1884, as amended by the Act fifty-ninth Victoria number twenty-five, from the salaries of persons shall be paid into the Consolidated Revenue Fund;
- (b) all superannuation allowances payable under the Civil Service Act of 1884 and the Public Service Act, 1902, to any persons shall continue to be paid to such persons in accordance with the provisions of the said Acts, but shall be paid from the Consolidated Revenue Fund;
- (c) all persons being contributors to the Superannuation Account at or after the commencement of this Act and becoming entitled to superannuation allowances shall be paid and shall receive out of the Consolidated Revenue Fund allowances to be calculated at the same rates and for the same periods as superannuation allowances payable and receivable from the said account before the commencement of this Act;
- (d) every person who having been in the Civil Service had a superannuation allowance computed or assigned at any time before the commencement of this Act consequent on his acceptance

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acceptance of another office under the Crown which he now holds, but who is not receiving such allowance shall, upon retirement from such office, be paid from the Consolidated Revenue Fund such allowance in accordance with the provisions of the Civil Service Act of 1884, and the Public Service Act, 1902;

- (c) all amounts of refunds and interest theretofore payable out of the Superannuation Account, under section sixty-two of the Act fifty-ninth Victoria number twenty-five, or section seventy-three of the Public Service Act, 1902, and all gratuities payable out of such account under section fifty-one of the Civil Service Act of 1884, shall be paid out of the Consolidated Revenue Fund :

Provided that the annual sum of three thousand five hundred pounds, payable out of the Consolidated Revenue Fund, under section forty-three of the Constitution Act, 1902, shall be payable each year in satisfaction of the claims of such officers as are or may become entitled to be paid thereunder.

3. Notwithstanding anything in section forty-four of the Public Service Act, 1902, any person temporarily employed under the provisions of the said section may be so employed after the termination of the period mentioned in the said section for any further periods not exceeding twelve months each, if the Board after investigation certify before the commencement of each such period that it would be in the public interest that such person should be so further employed. Temporary employ-
ment.

4. On any person having become or becoming hereafter entitled under section one of the repealed Act sixtieth Victoria number twenty-seven, or under subsection (a) of section seventy-one of the Public Service Act, 1902, to a refund on his retirement from his public employment, such person shall be deemed to have been and shall be also entitled to a gratuity not exceeding one month's pay for each year of service from the date of his permanent appointment, and a fortnight's pay in respect of each year of temporary service. Such gratuity to be calculated on the average of his salary during the whole term of his employment, and to be payable, in the case of a retirement before the commencement of the Public Service Act, 1902, only in respect to service prior to the commencement of the repealed Act fifty-ninth Victoria number twenty-five, and in the case of a retirement after the commencement of the Public Service Act, 1902, only in respect of service prior to such commencement. Granting gratuities
to railway officers
who ceased to
contribute to the
fund.

5. If an officer now in the Public Service who elected under section sixty-two of the repealed Act fifty-ninth Victoria number twenty-five to discontinue contributing to the Superannuation Account applies to the Colonial Treasurer within one month after the commencement Provision for
enabling
ex-contributors to be
reinstated on the
fund under certain
conditions.

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commencement of this Act to be reinstated as a contributor to such account, and proves to the satisfaction of a District Court Judge appointed by the Governor in that behalf—

- (a) that he so discontinued contributing in consequence of a statement made by the Public Service Board as to the period of service to be counted in calculating retiring allowances that in cases where an officer commenced to contribute to the Superannuation Account since the first day of January, one thousand eight hundred and eighty-five, his services would count from the date of such commencement; and
- (b) that in law his services prior to such date should be so counted; or
- (c) that he so discontinued contributing in consequence of breaks in his service, such service afterwards having been made by his department to count as continuous—

the Colonial Treasurer shall, by writing under his hand, direct that such officer be so reinstated, and thereupon the said officer, on paying into the Treasury within three months after such direction of the Colonial Treasurer the amount of all yearly deductions from his salary which would have accrued due from him if he had not discontinued contributing to the said account, shall have the same rights and be entitled to the same privileges and benefits as if he had not discontinued so contributing.

Allowing contributors a right to cease contributing to the fund.

6. (1) Any person whose salary at the commencement of this Act is subject to an annual deduction under the Civil Service Act of 1884, may, within twelve months thereafter, elect that such deductions shall no longer be made, and in that event such person on his voluntary resignation or his retirement from the Public Service for any cause other than an offence, or if he dies while in the service, his personal representative on his death, shall be entitled to be paid from and out of the Consolidated Revenue Fund a refund of the amount deducted from his salary as aforesaid and paid to the Superannuation Account under the said Act, or to the Consolidated Revenue Fund under this Act, up to the date of such election, together with interest thereon at the rate of three pounds per centum from the said date.

Any person so electing as aforesaid shall be entitled on retirement to the gratuity provided under section seventy-one of the Public Service Act, 1902.

(2) Every person who, under the provisions aforesaid, elects as aforesaid shall thereupon cease to be entitled to any right in or benefit from the Consolidated Revenue Fund in respect of any deductions made as aforesaid, except such refund, interest, and gratuity.

Service in the Government Printing Office for gratuity or pension.

7. For the purpose of computing the amount of superannuation allowance or gratuity due to any person now in the Public Service, all unbroken service by that person in the Government Printing Office shall

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shall be deemed to be service within the meaning of the Civil Service Act of 1884, the Public Service Act, 1902, and any Act amending the same. And where such person became a contributor to the Superannuation Fund in terms of section fifty-seven of the first-mentioned Act, and continues to so contribute, he shall on retirement (except for an offence) in respect to the whole of his service prior to his commencing to so contribute be subject to the provisions of section fifty-five of that Act.
