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*Australian Mutual Provident Society's Officers' Provident Fund Trustees Enabling.*

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AUSTRALIAN  
MUTUAL PROVIDENT  
SOCIETY'S OFFICERS'  
PROVIDENT FUND  
TRUSTEES  
ENABLING.

An Act on behalf of the trustees of the Officers' Provident Fund of the Australian Mutual Provident Society to remove doubts as to the construction of the deed of settlement establishing that fund referred to in the Australian Mutual Provident Society's Officers' Provident Fund Trustees Act, 1890, and to confirm the provisions of the said deed of settlement. [12th December, 1912.]

Preamble.

WHEREAS by the Australian Mutual Provident Society's Officers' Provident Fund Trustees Act of 1890, after reciting amongst other things that a fund intituled the "Officers' Provident Fund" (hereinafter and hereinafter called "the said fund") was, in the year one thousand eight hundred and eighty nine, established in Sydney by the Australian Mutual Provident Society (hereinafter and hereinafter called "the said society") and by the officers for the time being of the said society for the purpose of providing superannuation allowances, gratuities, and payments for the officers of the said society: And that by deed of settlement of the said fund, bearing date the seventh day of May, one thousand eight hundred and eighty nine, it was provided that the trustees of the said fund should be the chairman for the time being of the board of directors of the said society, another director for the time being of the said society chosen by the board of directors of the said society, the actuary for the time being of the said society, and the chief clerk for the time being at the head office of the said society: And that it was thereby further provided that the trustees for the time being of the said fund should have the complete management and control of all matters, things, and provisions in connection with the said fund, and all the details connected therewith: And that it was expedient that the lands, tenements, hereditaments, securities, and property in or upon the security of which the moneys belonging to or forming part of the said fund had been or might thereafter be from time to time invested, should be vested by operation of law in the trustees for the time being of the said fund without requiring the same to be assigned, transferred, or conveyed to the new trustee or trustees on every change of trustees: And that those objects could not be effected without the aid and authority of the Legislature, it was thereby enacted that the property in or upon the security of which the moneys belonging

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belonging to the Officers' Provident Fund of the Australian Mutual Provident Society was or might be thereafter invested be vested in the trustees for the time being of such fund, subject to the provisions and conditions in the said Act contained: And whereas the said deed of settlement which was made between the said society of the first part, Joseph Palmer Abbott, James Thomas Walker, Morrice Alexander Black, and David Carment, who were respectively the chairman of the board of directors of the said society, a director of the said society chosen by the board of directors, the actuary of the said society, and the chief clerk at the head office of the said society (thereinafter referred to as the trustees) of the second part, and the officers of the said society who were then or who might be thereafter on the staff thereof, whose names were given or intended to be given in the Schedule thereto (thereinafter called the officers) of the third part, was deemed desirable for the continuous and more efficient working and carrying on the said fund, subject to the provisions thereof, one of which provisions was as follows:—"That the said trustees may at any time add to or alter the present provisions of this deed, or may add fresh provisions, provided that such emendations or additions shall first be approved of by a majority in number of the said trustees and by a minute of the board of directors of the said society, and when so approved of shall be as binding on all concerned as if they had originally been inserted herein": And whereas the said fund has been administered under the provisions of the said deed since the year one thousand eight hundred and eighty-nine and various additions to and alterations in the said deed have been made from time to time in manner thereby provided: And whereas the trustees of the said fund are desirous of extending and varying the benefits of the said fund in the following manner:—

- (1) That in case of any officer of ten and less than twenty years' service who dies in the service of the said society, a gratuity equal to one-twelfth of the salary of which he was in receipt during each year of service shall be paid to or distributed amongst his widow, children, and other dependents, or such one or more of them, and in such shares and proportions as the trustees shall in their discretion determine.
- (2) That in the case of any officer of twenty or more years' service, who dies in the service of the said society, the pension which the deceased officer would have enjoyed had he retired at the date of death, shall for the period of five years from his death, be paid to or distributed amongst his widow, children, and other dependents, or such one or more of them, and in such shares and proportions as the trustees shall in their discretion determine:

(3)

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- (3) That should any officer die within five years after entering upon the enjoyment of a pension, such pension shall, for the balance of such period of five years, be paid to or distributed amongst his widow, children, and other dependents, or such one or more of them, and in such shares and proportions as the trustees shall in their discretion determine:

And whereas it has been found by experience that without such additional benefits, grave hardships arise in the administration of the said fund: And whereas doubts have arisen as to the construction of the deed of settlement with regard to the power of the trustees of the said fund to add to or alter the provisions of the said deed of settlement relating to the benefits thereby conferred or otherwise and as to the effect of the said deed of settlement: And whereas such doubts cannot be removed without the aid and authority of the Legislature: Be it therefore enacted by the King's Most Excellent Majesty by and with the consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Powers of adding to provision of deed of settlement.

**1.** The power contained in the said deed of settlement of the said fund to add to or alter the provisions thereof, or to add fresh provisions thereto, shall include and be deemed to have included the power to make such additions to or alterations of the provisions of the said deed of settlement, or to add such fresh provisions thereto as were or shall hereafter be in the opinion of a majority in number of the trustees for the time being of the said fund and in accordance with a minute of the board of directors of the said society, calculated to benefit, past, present, or future officers of the Australian Mutual Provident Society who are or were or may be contributors to the fund under the rules and regulations for the time being comprised in the said deed of settlement, or the dependents of such officers, and the said deed with any alterations and additions made prior to the date of this Act is confirmed accordingly.

Administration of fund.

**2.** The said fund shall be administered during the continuance of the said society under the provisions for the time being of the said deed of settlement.

Short title.

**3.** This Act shall be styled and may be cited as the "Australian Mutual Provident Society's Officers' Provident Fund Trustees Enabling Act."