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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1917.

A BILL

To amend the law with respect to superannuation allowances, gratuities, and refunds under the Civil Service Act of 1884 and the Public Service Act, 1902; to amend the Superannuation Act, 1916, and certain Acts relating to the public service; and for purposes consequent thereon or incidental thereto.

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 "Superannuation (Amendment) Act, 1917."

2. (1) Section seventy-one of the Public Service Act, 1902, is hereby amended as follows:—

- (a) Omit “by the board”
- (b) Omit “was” in paragraph (a) where it occurs for the second time, and insert in its place the words “is at the date when his services are so dispensed with”
- (c) Omit “this Act” and insert “Public Service Act of 1895”

(2) This section shall have effect on and from the sixteenth August, one thousand nine hundred and two.

3. (1) The following new section is inserted next after section seventy-one of the Public Service Act, 1902:—

71A. Any officer who on the twenty-third December, one thousand eight hundred and ninety-five, was a contributor to the superannuation account, and who elected under the provisions of section sixty-two of the Public Service Act of 1895 to discontinue contributing thereto, shall be entitled, on his retirement from the Public Service for any cause other than an offence, to receive from the Consolidated Revenue Fund—

- (a) a refund of the amount paid by him to such account up to the date of his so electing as aforesaid, together with interest thereon at the rate of three per centum per annum from such last mentioned date; and
- (b) 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 only in respect of service prior to the twenty-third December, one thousand eight hundred and ninety-five.

In the event of the death of any such officer before retirement his legal representatives shall be entitled to receive from the Consolidated Revenue Fund the refund and interest specified in paragraph (a) hereof. (2)

(2) This section shall have effect on and from the sixteenth August, one thousand nine hundred and two, and the rights thereby conferred on the officers therein referred to shall be in lieu of any rights to a gratuity, refund, or interest conferred by the Public Service Act, 1902, or any Act amending it.

4. (1) Section four of the Public Service (Superannuation) Act, 1903, is amended, as follows:—

Amendment of Public Service Superannuation Act, 1903.

(a) Omit "subsection (a) of section seventy-one," insert "subsection one of section seventy-three"

(b) Omit all after the words "and to be payable" to the end of the section, and insert "only in respect of service prior to the twenty-third December, one thousand eight hundred and ninety-five."

(2) Nothing in this section shall apply to any person who has retired from his public employment before the commencement of this Act.

Saving.

5. (1) Where before or after the commencement of this Act any person has, on his retiring from the Public Service, become entitled to a superannuation allowance under any Acts relating to the Public Service, and is after such retirement employed in the Public Service of this State or of the Commonwealth, such person shall not be or be deemed to have been entitled to be paid such allowance for or during the time when he is or has been so employed:

Where person entitled to pension is subsequently employed in Public Service.

Provided that the Governor may make any agreement with any such person relating to his superannuation allowance as appears to him best for the Public Service.

(2) This section shall take effect retrospectively, but shall not apply to the amount of any such allowance already paid.

6. (1) Where—

(a) any person who has been employed as an officer of the Public Service is, at the commencement of this Act or at any time thereafter, in receipt of a superannuation allowance under the Civil Service Act of 1884 and the Public Service Act, 1902; and

(b)

- (b) such superannuation allowance has been subject to annual abatements certified in accordance with section fifty-five of the first-mentioned Act to be the equivalent of four per centum on the total salary received by such person during his term of office prior to the passing of the said Act; and
- (c) the sum of such abatements has at any time before or after the commencement of this Act equalled the amount of four per centum on the said total salary with interest at the rate of three per centum per annum on such amount from the date of the retirement of the said person from the public service,

the superannuation allowance payable to the said person shall cease to be subject to any such annual abatement: Provided that nothing in this section shall authorise any payment in respect of a superannuation allowance for any period before the commencement of this Act.

(2) Nothing in this section shall affect the operation of the Public Service (Superannuation) Act, 1908.

Amendment of the Superannuation Act, 1916.

7. The Superannuation Act, 1916, is amended as follows :—

- (i) In section twelve, paragraph (e), by omitting the roman numeral “ (iii) ”. Amendment
of Act No. 28,
1916.
Sec. 12.
- (ii) In section thirty-four, subsection one, paragraph (b), by inserting after the words “ sixty years ” the words “ or is unable on account of ill-health to continue in his occupation ”, and after the expression “ after the passing ” the words “ and before the commencement ”. Sec. 34 (1) (b).

The same section is amended by inserting the following subsection next after subsection three :—

(3A) This section shall apply to an employee who has served for at least ten years, and who has after the passing and before the commencement of this Act died while in the service of his

his employer, as if he had been retired on a pension under this section on account of ill-health on the day immediately preceding the day of his death.

- (iii) In subsection one of section thirty-five, by inserting after "has been retired" the words "or has voluntarily retired from the service of his employer".
 - (iv) In section fifty-six, subsection one, paragraph *Sec. 56 (1) (a)*, by inserting after the expression "after the passing" the words "and before the commencement".
 - (v) Section fifty-seven, by the addition of the *Sec. 57*. following subsection :
 - (2) This section shall come into operation when this Act receives the Royal Assent.
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