

PAPUA.



No. VI. of 1918.

AN ORDINANCE

To Amend the "*Superannuation Ordinance, 1917.*"

J. H. P. MURRAY.

[L.S.]

7th May, 1918.

BE it enacted by the Lieutenant-Governor of the Territory of Papua, with the advice and consent of the Legislative Council thereof, as follows:—

1. (1) This Ordinance may be cited as the *Superannuation Ordinance, 1918.*

Short title
and
citation.

(2) The *Superannuation Ordinance, 1917*, is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Superannuation Ordinance, 1917-1918.*

2. Section three of the Principal Ordinance is amended by omitting the definition of "Officer" and inserting in its stead the following definition:—

Amendment of
section 3
of Principal
Ordinance.

"'Officer' means any person (including the Lieutenant-Governor) in the Public Service of the Territory whether his appointment thereto has

or has not been approved by the Governor-General and who is in receipt of a fixed annual salary paid out of Revenue or out of any Special Fund with the exceptions following:—

- (a) Officers other than medical officers whose whole time is not required to be engaged in the Public Service;
- (b) Persons engaged under agreement for a specified period;
- (c) Persons whose service by the terms of their appointment is expressed to be terminable by notice either on the part of the Government or of such person;
- (d) Female officers and employees;
- (e) Any officer or class of officers excepted by the Lieutenant-Governor from the operation of this Ordinance."

Amendment of section 13 of the Principal Ordinance.

3. Section thirteen of the Principal Ordinance is amended—

- (a) by inserting in subsection (1) after the words "entitled to have" the words "the whole or";
- (b) by omitting from subsection (1) the words "in one sum or by five or less instalments to be approved by the Board";
- (c) by inserting after subsection (1) the following new subsection:—

"(1A) Such payment with interest thereon may be made by any such officer in one sum or by instalments. The instalments with interest thereon may be paid at any time provided they are made within one of the periods of five years hereinbefore mentioned applicable to the particular case and before he retires from the service and may be of any amount not less than the amount prescribed by the Regulations."

- (d) by adding at the end of subsection (2) the following words "calculated on the whole or portion (as the case may be) of his past services in

respect of which such payment has been made.”

(e) by omitting from subsection (3) the words “of such intended payment” and inserting in lieu thereof the words “by an officer of his intention to avail himself of the provisions of this section.”

(f) by inserting in subsection (3) after the words “must be given” the words “by him.”

4. After section thirteen of the Principal Ordinance the following new section is inserted :—

“13A (1) Where the service of any officer has either before or after the commencement of this Ordinance been immediately preceded by an unbroken period of service in an appointment or under an agreement coming within either of the exceptions specified in paragraphs (b) and (c) of section three of this Ordinance such officer if and when his appointment to the service has been approved by the Governor-General under the provisions of subsection (2) of section seventeen of the *Papua Act* but not otherwise shall be entitled to have such period or any part of such period counted in the period of service required in computing his superannuation allowance or gratuity as the case may be if within five years after the commencement of this Ordinance or within five years after the date on which his appointment was so approved or (in the case of an officer on leave of absence for active service with His Majesty's Forces returning to duty after the commencement of this Ordinance) within five years after the return of the officer from leave of absence for active service (whichever of such periods expire on the later date) and before he retires from the service he pay to the Superannuation Fund Account an amount equal to Five Pounds per centum on the total salary wages or other remuneration received by him during the unbroken period of service (coming within either of the exceptions specified as aforesaid) in respect of which payment is made together with interest at the rate of Five Pounds per centum per annum on

Amendment of section 13 of the Principal Ordinance.

When certain excepted services may be counted in computing allowance or gratuity.

such payment from the commencement of this Ordinance or from the date of his appointment being so approved until payment.

(2) Such payments with interest thereon may be made by any such officer in one sum or by instalments. The instalments with interest thereon may be paid at any time provided they are made within one of the periods of five years applicable to the particular case and before he retires from the service and may be of any amount not less than the amount prescribed by the Regulations.

(3) Upon such payment being made such officer shall upon retirement from the service as herein prescribed and if all other necessary conditions be fulfilled be entitled to the Superannuation allowance or gratuity herein provided calculated on the whole or portion (as the case may be) of the unbroken period of service before-mentioned in respect of which such payment has been made.

(4) Notice by an officer of his intention to avail himself of the provisions of this section must be given by him to the Board within six months after the commencement of this Ordinance or within six months after the appointment of such officer was so approved or in case of an officer on leave of absence for active service within six months after his return from such leave.

(5) If the officer die before having completed the payment herein mentioned the instalments together with interest (if any) paid on account thereof shall be refunded to his personal representative.

(6) No Order in Council under the provisions of the *Superannuation Ordinance, 1917*, (No 2) shall be made in respect of any payment referred to in this Section."

Amendment of
section 16 of
the Principal
Ordinance.

5. Section sixteen of the Principal Ordinance is amended by adding at the end thereof the following:—

"Provided that no such order for repayment shall be withheld except upon the ground of such misconduct as would in the case of an officer whose

appointment has been approved by the Governor-General warrant in the opinion of the Lieutenant-Governor his dismissal from the Service.”

6. Section eighteen of the Principal Ordinance is repealed and the following section inserted in its stead:—

“18 (1) The Lieutenant-Governor subject to such Regulations as may be prescribed in that behalf shall constitute a Board of three persons to be called the Superannuation Fund Board for the purpose of dealing with and investing the funds for the time being standing to the credit of the Superannuation Fund Account.

Constitution
of Board.
Cf. Q. 53 Vic.
No. 10. s. 52

(2) The Board may consist of persons within or without the Public Service and the remuneration of any member of the Board who is not an officer may be fixed by Regulation but shall not exceed One hundred pounds per annum and shall be paid out of the Superannuation Fund Account.”

Passed in Council this seventh day of May, in the year of Our Lord One thousand nine hundred and eighteen.