

SUPERANNUATION ORDINANCE 1928-1940.⁽¹⁾

An Ordinance to provide Superannuation Benefits for Persons employed in the Public Service of New Guinea.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920-1926*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Superannuation Ordinance 1928-1940*.⁽¹⁾ Short title.
Amended by
No. 3 of 1934,
s. 50.
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*.⁽¹⁾ Commencement.
3. The *Superannuation Ordinance 1927* is hereby repealed. Repeal.

(1) The *Superannuation Ordinance 1928-1940* comprises the *Superannuation Ordinance 1928*, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwltth. Gaz.</i>	Date on which took effect.
<i>Superannuation Ordinance 1928</i> (No. 35 of 1928)	18.12.1928	21.12.1928	31.1.1929 (<i>N.G. Gaz.</i> of 25.1.1929)
<i>Superannuation Ordinance 1929</i> (No. 10 of 1929)	26.7.1929	29.7.1929	29.7.1929 (<i>Cwltth. Gaz.</i> of 29.7.1929)
<i>Superannuation Ordinance 1930</i> (No. 8 of 1930)	29.1.1930	30.1.1930	30.1.1930 (<i>Cwltth. Gaz.</i> of 30.1.1930)
<i>Superannuation Ordinance</i> (No. 2) 1930 (No. 16 of 1930)	6.8.1930	14.8.1930	30.7.1930 (Sec. 2, <i>Superannuation Ordinance</i> (No. 2) 1930)
<i>Superannuation Ordinance 1931</i> (No. 2 of 1931)	28.1.1931	29.1.1931	29.1.1931 (<i>Cwltth. Gaz.</i> of 29.1.1931)
<i>Superannuation Ordinance</i> (No. 2) 1931 (No. 21 of 1931)	24.7.1931	30.7.1931	30.7.1931 (<i>Cwltth. Gaz.</i> of 30.7.1931)
<i>Superannuation Ordinance 1932</i> (No. 1 of 1932)	28.1.1932	28.1.1932	28.1.1932 (<i>Cwltth. Gaz.</i> of 28.1.1932)
<i>Superannuation Ordinance</i> (No. 2) 1932 (No. 12 of 1932)	23.7.1932	28.7.1932	28.7.1932 (<i>Cwltth. Gaz.</i> of 28.7.1932)
<i>Superannuation Ordinance 1933</i> (No. 3 of 1933)	18.1.1933	19.1.1933	19.1.1933 (<i>Cwltth. Gaz.</i> of 19.1.1933)

(Footnote continued on next page.)

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Parts.

4. This Ordinance is divided into Parts as follows:—

- Part I.—Preliminary.
- Part II.—Contributions.
- Part III.—The Superannuation Fund.
- Part IV.—Superannuation Allowances.
- Part V.—General.

(1)—continued.

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Superannuation Ordinance</i> (No. 2) 1933 (No. 38 of 1933)	12.5.1933	15.12.1933	12.5.1933 (<i>Laws of T.N.G.</i> , Vol. XII, p. 219)
<i>Superannuation Ordinance</i> 1934 (No. 18 of 1934)	7.2.1934	15.8.1934	The whole except Sec. 2, on 7.2.1934 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 54); Sec. 2 on 31.1.1934 (Sec. 2(2), <i>Superannuation Ordinance</i> 1934)
<i>Superannuation Ordinance</i> (No. 2) 1934 (No. 34 of 1934)	24.9.1934	15.1.1935	The whole except Sec. 2, on 24.9.1934 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 106); Sec. 2 on 1.2.1934 (Sec. 2(2), <i>Superannuation Ordinance</i> (No. 2) 1934)
<i>Superannuation Ordinance</i> 1935 (No. 11 of 1935)	16.1.1935	15.6.1935	16.1.1935 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 163)
<i>Superannuation Ordinance</i> (No. 2) 1935 (No. 34 of 1935)	31.7.1935	15.2.1936	31.7.1935 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 335)
<i>Superannuation Ordinance</i> 1936 (No. 8 of 1936)	25.2.1936	15.6.1936	The whole except Sec. 5, on 25.2.1936 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 385); Sec. 5 on 31.1.1929 (Sec. 5(2), <i>Superannuation Ordinance</i> 1936)
<i>Superannuation Ordinance</i> (No. 2) 1936 (No. 34 of 1936)	5.8.1936	14.11.1936	The whole except Sec. 2, on 5.8.1936 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 488); Sec. 2 on 31.1.1929 (Sec. 2(2), <i>Superannuation Ordinance</i> (No. 2) 1936)
<i>Superannuation Ordinance</i> 1937 (No. 17 of 1937)	4.3.1937	22.6.1937	The whole except Sec. 3, on 4.3.1937 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 65); Sec. 3 on 20.2.1930 (Sec. 3(2), <i>Superannuation Ordinance</i> 1937)
<i>Superannuation Ordinance</i> 1938 (No. 6 of 1938)	10.2.1938	14.5.1938	10.2.1938 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 122)
<i>Superannuation Ordinance</i> (No. 2) 1938 (No. 34 of 1938)	24.8.1938	15.12.1938	24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 156)
<i>Superannuation Ordinance</i> 1939 (No. 16 of 1939)	5.9.1939	16.12.1939	5.9.1939 (except that Sec. 27B of the <i>Superannuation Ordinance</i> 1928-1939, inserted by Sec. 2 of the <i>Superannuation Ordinance</i> 1939, came into operation on 1.9.1938: Sec. 27B(2), <i>Superannuation Ordinance</i> 1928-1939) (<i>Laws of T.N.G.</i> , Vol. XV, p. 47)
<i>Superannuation Ordinance</i> 1940 (No. 6 of 1940)	2.4.1940	(a)	2.9.1939 (Sec. 2, <i>Superannuation Ordinance</i> 1940)
<i>Superannuation Ordinance</i> (No. 2) 1940 (No. 11 of 1940)	24.9.1940	16.12.1940	2.9.1939 (Sec. 2, <i>Superannuation Ordinance</i> (No. 2) 1940)

(a) No notice of non-disallowance has been published in *N.G. Gaz.*

5.—(1.) In this Ordinance, unless the contrary intention appears—

“Average annual salary” means the amount ascertained by dividing the total amount of salary received or deemed under this Ordinance to have been received by an officer during so much of his service as is to be taken into account for superannuation allowance purposes by the number of years, including any portion of a year, of that service;

Amended by
No. 8 of 1936,
s. 2.

“Officer” means a person who is an officer in the Public Service of the Territory for the purposes of the *Public Service Ordinance* and includes the Administrator and any Judge of the Supreme Court and a person who is a member of the European Constabulary under the *Police Force Ordinance*, but does not include—

Amended by
No. 17 of 1937,
ss. 2 and 3.

- (a) officers, other than medical officers, who by the terms of their employment are not required to give their whole time to the duties of their employment;
- (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 Administrator from the operation of this Ordinance; and
- (f) officers who are not of European origin;

“Pensioner” means a person to whom a superannuation allowance has been granted under this Ordinance;

“Salary” means salary or wages but does not include any allowances, fees allowed as emoluments of office, bonuses or overtime payments;

“Service” means continuous service⁽²⁾ in any one or more of the following offices or positions:—

Substituted by
No. 17 of 1937,
s. 3.

- (a) as an officer in the Public Service under the *Public Service Ordinance*;
- (b) as a member of the European Constabulary under the *Police Force Ordinance*;

(2) See Section 8 of the *Superannuation Ordinance* 1937, printed on p. 4289.

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(c) as the Administrator or a Judge in the terms of his appointment by the Governor-General, and, in relation to any qualifying period of employment, includes—

(d) any service under the Civil Administration of the Territory prior to the commencement of the *Public Service Ordinance* which is continuous with service under that Ordinance; and

(e) any service under the *Police Force Ordinance* 1922-1927 which is continuous with service under the *Police Force Ordinance*;

Amended by
No. 8 of 1936,
s. 2(b).

“the age for retirement” means the age of fifty-five years;⁽³⁾

Inserted by
No. 17 of 1937,
s. 3.

“the *Police Force Ordinance*” means the *Police Force Ordinance* 1930,⁽⁴⁾ as amended from time to time, and includes any Ordinance substituted for that Ordinance;

“the *Public Service Ordinance*” means the *Public Service Ordinance* 1922-1928,⁽⁵⁾ as amended from time to time, and includes any Ordinance substituted for that Ordinance;

Substituted by
No. 17 of 1937,
s. 3.

“the Service” when used in relation to an officer of the Public Service of the Territory means the Public Service of the Territory, and when used in relation to a member of the European Constabulary means the New Guinea Police Force, and when used in relation to the Administrator or a Judge means the office of Administrator or Judge as the case may be;

“the Superannuation Fund” means the Superannuation Fund established under the provisions of this Ordinance;

“the Treasurer” means the Treasurer of the Territory of New Guinea.

(2.) For the purposes of this Ordinance, the service of an officer which is to be taken into account for superannuation allowance purposes is the period of service in respect of which the officer contributes to the Superannuation Fund.

(3) See Section 13 of the *Superannuation Ordinance* 1936, printed on p. 4288.

(4) Now the *Police Force Ordinance* 1930-1940.

(5) Now the *Public Service Ordinance* 1922-1940.

Superannuation Ordinance 1928-1940.

PART II.—CONTRIBUTIONS. (5A)

6.—(1.) Every officer shall (except as otherwise provided in this Ordinance) contribute in accordance with this Ordinance from such date as the Administrator notifies in the *New Guinea Gazette*,⁽⁶⁾ or in the case of an officer appointed to the Service after the commencement of this Ordinance, from the date of the commencement of his service under that appointment.

Commencement and cessation of contributions by officers.

(2.) Subject to section twenty-seven A of this Ordinance the contributions of an officer shall cease to be paid when he ceases to be employed in the Service.⁽³⁾

Sub-section (2) added by No. 8 of 1936, s. 3; amended by No. 6 of 1938, s. 2.

7.—(1.) The Administration shall each month pay into the Superannuation Fund an amount equal to the contributions of officers to the Superannuation Fund during the last preceding month.

Contributions by Administration. Section 7 substituted by No. 8 of 1936, s. 4.

(2.) Payments by the Administration into the Superannuation Fund shall be paid out of the public revenue of the Territory, which is hereby appropriated accordingly.⁽³⁾

8. The rate of contribution payable by an officer shall be five per centum of the salary of the officer.

Amount of contributions.

9.—(1.) Subject to the provisions of this Ordinance, the contributions of officers shall be deducted from their salaries at each payment of salaries:

Method of making contributions.

Provided that, where an officer is absent from the Territory on the date notified⁽⁷⁾ by the Administrator in pursuance of section six of this Ordinance and has been paid in advance salary which would accrue due on and after that date, contributions in respect of the salary which accrued due after that date and which was so paid in advance shall be payable to the Treasurer by the officer within six months after his return to the Territory or within such further period as the Administrator directs.

Section 9 amended by No. 10 of 1929, s. 2; substituted by No. 8 of 1936, s. 5.

(2.) An officer who is on leave of absence through illness, either without salary or at less than full salary, shall pay his contributions during or in respect of the period of leave of absence as if he had received the salary of his office or classification during that period without reduction:

Sub-section (2) amended by No. 6 of 1940, s. 3.

Provided that the Administrator may, upon the application of the officer, permit the contribution falling due during the period of leave of absence to be paid by him in such sums and at such times as the Administrator approves.

(3) See Section 13 of the *Superannuation Ordinance* 1936, printed on p. 4288.

(5A) As to superannuation rights and contributions of officers suspended under the National Security (External Territories) Regulations, see Regulation 16 of those Regulations.

(6) Pursuant to Section 6, the Administrator, by notice (undated) published in *N.G. Gaz.* of 25.1.1929 directed "that every officer shall (except as otherwise provided in the Ordinance) contribute in accordance with the *Superannuation Ordinance* 1928 from the thirty-first day of January, One thousand nine hundred and twenty-nine".

(7) The date notified was 31.1.1929. See footnote (6) above.

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Sub-section (3) substituted by No. 6 of 1940, s. 3.

(3.) An officer who is on leave of absence as long leave, or furlough, at half salary shall pay his contributions during or in respect of the period of leave of absence as if he had received the salary of his office or classification during that period without reduction.

Sub-section (4) added by No. 6 of 1940, s. 3; substituted by No. 11 of 1940, s. 3.

(4.) Where an officer is granted leave of absence in pursuance of section thirty-three A of the *Public Service Ordinance* or section twenty-two A of the *Police Force Ordinance*, or, being the Administrator or a Judge, is granted leave of absence by the Governor-General for defence purposes, the Administration shall, during any period of that leave of absence which is granted without salary, pay into the Superannuation Fund sums equivalent to the contributions which would have been payable by the officer if during that period he received the salary of his office or classification, and the sums so paid shall, for the purposes of this Ordinance, be deemed to be contributions paid by the officer.

Sub-section (5) added by No. 6 of 1940, s. 3.

(5.) An officer who has paid his contributions in accordance with the provisions of sub-sections (2.) and (3.) of this section, or whose contributions have been paid by the Administration in accordance with the provisions of the last preceding sub-section, shall, for the purpose of computing his superannuation allowance, be deemed to have received the salary of his office or classification.

PART III.—THE SUPERANNUATION FUND.

Establishment of the fund.

Sub-section (1) amended by No. 34 of 1934, s. 2 and by No. 8 of 1936, s. 6.

10.—(1.) There shall be a separate Treasury Trust Fund, to be called the Superannuation Fund, into which shall be paid the contributions of officers, payments by the Administration under this Ordinance, and any moneys appropriated from time to time by the Legislative Council for the purposes of the Superannuation Fund, and from which shall be paid the benefits provided for in this Ordinance.

(2.) Income derived from the investment of the fund shall form part thereof.

Investment of fund.

11. The Superannuation Fund shall, as far as practicable, be invested by the Treasurer—

Paragraph (a) amended by No. 34 of 1938, s. 2.

- (a) in securities of the Commonwealth or in securities of the Administration guaranteed by the Commonwealth;
- (b) in any other manner for the time being allowed by any Act or Ordinance for the investment of trust funds in New Guinea.

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12. Moneys belonging to the Superannuation Fund which are held uninvested may be lodged either at call or on fixed deposit, or partly at call and partly on fixed deposit, with the Commonwealth Bank, or with any other prescribed bank.

Moneys uninvested may be lodged in bank.

13. If, in any financial year, the Superannuation Fund is insufficient for the payment of superannuation allowances payable during the year, there shall be payable out of the public revenue of the Territory, which is hereby appropriated accordingly, the amount of the deficiency.

Appropriation of revenue to meet deficiency.

PART IV.—SUPERANNUATION ALLOWANCES.

14.—(1.) Subject to this Ordinance, every officer who has had not less than ten years' service and who—

Retiring officers entitled to superannuation allowance.

(a) retires from the Service under the provisions of the *Public Service Ordinance* or the *Police Force Ordinance*, as the case may be, upon or after attaining the age for retirement; or

Paragraph (a) amended by No. 17 of 1937, s. 4.

(b) retires from the office of Administrator, or Judge of the Supreme Court, upon or after attaining the age for retirement,

Paragraph (b) amended by No. 17 of 1937, s. 2.

shall be entitled to superannuation allowance in accordance with this Ordinance.

(2.) An officer who has had not less than six years' service, and who is retired from the Service on the grounds of infirmity, not due to his own fault, and is not entitled to a superannuation allowance under the last preceding sub-section, shall be entitled to superannuation allowance in accordance with this Ordinance.

15.—(1.) The superannuation allowance payable under sub-section (1.) of the last preceding section shall be at the rate of two per centum of the total salary received or deemed under this Ordinance to have been received by the officer during so much of his service as is taken into account, but shall not in any case exceed sixty-six and two-thirds per centum of the salary of his office or classification at the time of his retirement.⁽³⁾

Rate of superannuation allowance.

Sub-section (1) amended by No. 8 of 1936, s. 7(b).

(2.) The superannuation allowance payable under sub-section (2.) of the last preceding section shall be at the rate of two per centum of the average annual salary of the officer for each year of service prior to retirement, but not less than twenty per centum of his average annual salary and not more than sixty-six and two-thirds per centum of the salary of his office or classification at the time of his retirement.⁽³⁾

Sub-section (2) amended by No. 8 of 1936, s. 7(c).

(3) See Section 13 of the *Superannuation Ordinance 1936*, printed on p. 4288.

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(3.) The rate of superannuation allowance determined by the foregoing provisions of this section is the annual rate of superannuation allowance, and payment thereof shall be made at such intervals as are prescribed.

Contributions &c.
in respect of
past service.

Sub-section (1)
amended by
No. 10 of 1929,
s. 3, No. 8 of
1930, s. 2, No.
16 of 1930, s. 3,
No. 2 of 1931,
s. 2, No. 21 of
1931, s. 2, No.
1 of 1932, s. 2,
No. 12 of 1932,
s. 2, No. 3 of
1933, s. 2, No.
38 of 1933, s. 2,
No. 18 of 1934,
s. 2, No. 34 of
1934, s. 3, No.
11 of 1935, s. 2,
No. 34 of 1935,
s. 2, No. 8 of
1936, s. 8, and
by No. 17 of
1937, s. 5.

16.—(1.) If an officer who is in the Service at the commencement of this Ordinance desires to have the whole or any portion of his service prior to that commencement taken into account in the computation of his superannuation allowance, he may, before the first day of July, One thousand nine hundred and thirty-seven, by notice in writing to the Administrator, elect to contribute, in accordance with this section, an amount equal to Five pounds per centum of the total salary received by him during the period of service to be so taken into account, together with interest at the rate of Five pounds per centum per annum on the amount of that contribution from the commencement of this Ordinance until the date of payment of the contribution :

Provided that, where the officer elects to contribute in respect of a portion only of his prior service, that portion shall be the period immediately preceding the commencement of this Ordinance.

Sub-section (2)
amended by
No. 34 of 1934,
s. 3.

(2.) Any contribution under the last preceding sub-section may be paid in one sum or by instalments as prescribed, and payment thereof, together with interest, shall be made or completed within five years from the date the officer elects to contribute in accordance with that sub-section and before the retirement of the officer.

(3.) Any officer who has made an election under sub-section (1.) of this section and has, within the period specified in the last preceding sub-section, paid or completed the payment with interest of the contribution in respect of a period of his service prior to the commencement of this Ordinance shall, upon retirement, be entitled to have that period of service taken into account in computing the amount of allowance payable to him under this Ordinance.

(4.) If an officer, who has made an election under sub-section (1.) of this section, dies before completing the payment of the contribution elected to be paid by him, such instalments and interest as have been paid on account shall be refunded to his legal personal representative.

Sub-section (5)
amended by
No. 17 of 1937,
s. 5.

(5.) Except as provided in this section or the next two succeeding sections, service prior to the commencement of this Ordinance shall not be taken into account in the computation of superannuation allowances.

Inclusion of
certain excepted
services.

Sub-section (1)
amended by
No. 34 of 1936,
s. 2.

17.—(1.) Where the service of an officer appointed to the Service under the *Public Service Ordinance* has, immediately prior to such appointment, been preceded by an unbroken period of service coming within either of the exceptions specified in paragraphs (b)

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and (c) of the definition of "Officer" in section five of this Ordinance, the officer may, within six months after the commencement of this Ordinance, or, where the officer is appointed to the Service after that commencement, within twelve months after the date of his appointment, by notice in writing to the Administrator, elect to contribute in accordance with this section, an amount equal to Five pounds per centum of the total salary, wages or remuneration received by him during the whole or a portion of that unbroken period of service, together with interest, at the rate of Five pounds per centum per annum on the amount of that contribution, from the commencement of the Ordinance, or the date of his appointment to the Service, whichever is the later :

Provided that, where the whole or any portion of the period of service in respect of which the officer elects to contribute is after the first day of March, One thousand nine hundred and thirty-six, the rate of interest shall be Three pounds ten shillings per centum per annum on the amount of the contribution in respect of that period :⁽³⁾

Proviso inserted by No. 8 of 1936, s. 9.

Provided further that where the officer elects to contribute in respect of a portion only of the unbroken period of service, that portion shall be the period immediately preceding the commencement of this Ordinance, or the date of the appointment of the officer to the Service, as the case may be.

Proviso amended by No. 8 of 1936, s. 9.

(2.) Any contribution under the last preceding sub-section may be paid in one sum or by instalments as prescribed, and payment thereof, together with interest, shall be made or completed within five years from the commencement of this Ordinance or from the date the officer made an election under the last preceding sub-section, as the case may be, and before his retirement from the Service.

Sub-section (2) amended by No. 34 of 1936, s. 2.

(3.) Any officer who has made an election under sub-section (1.) of this section and has, within the period specified in the last preceding sub-section, paid or completed the payment with interest of the contribution in respect of the unbroken period of service or portion thereof shall, upon retirement, be entitled to have that period or portion thereof, taken into account in computing the amount of allowance payable to him under this Ordinance.

(4.) If an officer who has made an election under sub-section (1.) of this section dies before completing the payment of the contribution elected to be paid by him, such instalments and interest as have been paid on account shall be refunded to his legal personal representative.

(3) See Section 13 of the *Superannuation Ordinance 1936*, printed on p. 4288.

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Contributions in respect of service under the *Police Force Ordinance* 1922-1927.

Section 17A inserted by No. 17 of 1937, s. 6.

17A.—(1.) If a member of the European Constabulary under the *Police Force Ordinance* desires to have the whole or any portion of his service in the Police Force under the *Police Force Ordinance* 1922-1927 which is continuous with service in the European Constabulary, taken into account in the computation of his superannuation allowance, he may, before the first day of July, One thousand nine hundred and thirty-seven, by notice in writing to the Administrator, elect to contribute, in accordance with this section, an amount equal to Five pounds per centum of the total salary received by him during the period of service in the Police Force under the *Police Force Ordinance* 1922-1927 to be so taken into account, together with interest at the rate of Five pounds per centum per annum on the amount of that contribution from the commencement of the *Police Force Ordinance* until the date of payment of the contribution:

Provided that, where the member elects to contribute in respect of a portion only of his service in the Police Force under the *Police Force Ordinance* 1922-1927, that portion shall be the period immediately preceding his appointment to the European Constabulary.

(2.) Any contribution under the last preceding sub-section may be paid in one sum or by instalments as prescribed, and payment thereof, together with interest, shall be made or completed within five years from the date the member made an election under the last preceding sub-section, and before his retirement from the Service.

(3.) Any member who has made an election under sub-section (1.) of this section and has, within the period specified in the last preceding sub-section, paid or completed the payment with interest of the contribution in respect of the period of his service in the Police Force under the *Police Force Ordinance* 1922-1927 shall, upon retirement, be entitled to have that period taken into account in computing the amount of allowance payable to him under this Ordinance.

(4.) If a member who has made an election under sub-section (1.) of this section dies before completing the payment of the contribution elected to be paid by him, such instalments and interest as have been paid on account shall be refunded to his legal personal representative.

Payment during leave for Defence purposes of contributions in respect of past service, &c.
Inserted by No. 6 of 1940, s. 4.

17B. Where an officer is granted leave of absence in pursuance of section thirty-three A of the *Public Service Ordinance* or section twenty-two A of the *Police Force Ordinance*, the period of the leave of absence so granted shall not be taken into account in computing the period of five years prescribed in sections sixteen, seventeen, and seventeen A of this Ordinance.

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18. On the death of an officer, superannuation allowance shall be payable to his widow as follows:—

Superannuation allowance to widow on death of officer.

- (a) during her own life at the rate of one-half of the superannuation allowance to which the officer would have been entitled had he retired immediately prior to his death or at the rate of one-half of the superannuation allowance to which the officer would have been entitled had he continued in the Service without further increase of salary until he reached the age for retirement, whichever is the higher rate:

Provided that if she remarries her allowance shall thereupon cease and determine; and

- (b) in respect of each of her or the officer's children (except children of her remarriage) who are under the age of sixteen years, a pension at the rate of Thirteen pounds per annum until the child attains the age of sixteen years.

19. On the death of a pensioner, superannuation allowance shall be paid to his widow as follows:—

Superannuation allowance to widow on death of pensioner.

- (a) during her own life at the rate of one-half of the superannuation allowance payable to the pensioner at the time of his death:

Provided that if she remarries her allowance shall thereupon cease and determine; and

- (b) in respect of each of her or the officer's children (except children of her remarriage) who are under the age of sixteen years, a pension at the rate of Twenty-six⁽³⁾ pounds per annum until the child attains the age of sixteen years:

Paragraph (b) amended by No. 8 of 1936, s. 10.

Provided that where a pensioner marries after ceasing to be an officer of the Service superannuation allowance shall not, upon the death of the pensioner, be payable to his widow.

20. On the death of an officer or a pensioner whose wife is dead or divorced, and who leaves children of himself or of his wife who are under the age of sixteen years and who were dependent upon him at the time of his death, and on the death of a widow who was entitled to receive pension under either of the last two preceding sections in respect of children, there shall be paid to the guardian of the children, to be used for their support and education, a pension at the rate of Fifty-two⁽³⁾ pounds per annum in respect of each child until the child attains the age of sixteen years.

Pension to orphans. Amended by No. 8 of 1936, s. 11.

(3) See Section 13 of the *Superannuation Ordinance 1936*, printed on p. 4288.

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Employee restored to health may be recalled to service.

21.—(1.) If, in the opinion of the Administrator, the health of any retired officer to whom superannuation allowance is being paid under sub-section (2.) of section fourteen of this Ordinance has become so restored as to enable him to perform his duties, the Administrator may cause suitable employment to be found for the officer.

Sub-section (2) amended by No. 17 of 1937, s. 7.

(2.) If suitable employment is offered to him, whether in the Public Service of the Territory or in that of the Commonwealth, or, in the case of a member of the European Constabulary under the *Police Force Ordinance*, in the European Constabulary, at a salary not less than two-thirds of his salary at the time of his retirement, or at such salary as is agreed upon between him and the Administrator, the Administrator may cancel the superannuation allowance and thereupon it shall cease to be payable.

(3.) In the event of the recurrence of his infirmity, any officer who has been re-employed in the Service shall be entitled to superannuation allowance at a rate not less than the amount of the pension on which he was first retired.

Refund of contributions on death of officer.

22. If any officer dies while in the Service leaving no widow or child to whom superannuation allowance is payable, all contributions made by him under this Ordinance shall be repaid to his legal personal representative without interest.

Treatment of contributions on resignation or retirement.

23.—(1.) Any officer who retires voluntarily from the Service, and is not entitled to superannuation allowance, shall be entitled to a refund of contributions without interest.

Sub-section (2) amended by No. 8 of 1936, s. 12.

(2.) An officer who is compulsorily retired from the Service shall, if he is not entitled to superannuation allowance, be entitled to a sum equal to twice the amount of contributions paid without interest.⁽³⁾

Sub-section (3) omitted by No. 8 of 1936, s. 12.

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Refund upon dismissal from service.

24. An officer dismissed from the Service shall be entitled to a refund of contributions without interest unless he has been dismissed for the offence of embezzlement, or unless the Administrator directs that, on account of the serious nature of the offence, no refund shall be paid.

PART V.—GENERAL.

Superannuation allowance not assignable.

25. Superannuation allowances granted under this Ordinance shall not be in any way assigned, transferred, charged or passed by operation of law to any person other than the pensioner and shall

(3) See Section 13 of the *Superannuation Ordinance* 1936, printed on p. 4288.

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not be liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever.

26.—(1.) Where a pensioner is sentenced to imprisonment for any period exceeding one month, superannuation allowance shall not be payable during the period of his imprisonment:

Superannuation allowance to cease on conviction.

Provided that the Administrator may direct that, during the period of imprisonment, the whole or any part of the pension shall be paid to the wife of the pensioner, or, where the pensioner is a widower with children dependent upon him, to such person, for the benefit of the children, as the Administrator determines.

(2.) Where a pensioner is detained as a patient in a hospital for the insane, the Administrator may direct that his superannuation allowance or any part thereof shall be paid during the period of detention to his wife, or, where the pensioner is a widower with children dependent upon him, to such person, for the benefit of the children, as the Administrator determines.

27.—(1.) Subject to this section, no service shall be taken into account in the computation of superannuation allowance if that service is not continuous to the date of the retirement of the officer.

Service to be unbroken.

(2.) The period during which an officer is absent on leave without pay (other than leave through illness or leave of absence granted in pursuance of section thirty-three A of the *Public Service Ordinance* or section twenty-two A of the *Police Force Ordinance* or, in the case of the Administrator or a Judge, leave of absence granted by the Governor-General for defence purposes) shall not be counted in computing his superannuation allowance, but such absence shall not be deemed to affect the continuity of his service:

Sub-section (2) amended by No. 10 of 1929, s. 4, No. 6 of 1940, s. 5, and by No. 11 of 1940, s. 4.

Provided always that the Administrator may specially order in any case that a period of absence on leave without pay shall be counted in computing superannuation allowance and the order may be subject to such conditions as to the payment of contributions and otherwise as the Administrator specifies, and may apply to a period of absence on leave without pay which expired before the passing of this Ordinance.

(3.) Except as otherwise prescribed, where a period of absence on leave without pay is taken into account in computing superannuation allowance, the officer shall, for the purpose of the computation, be deemed to have received salary during that period at the rate in force immediately prior to the commencement of the leave.

Sub-section (3) amended by No. 6 of 1940, s. 5.

27A.—(1.) Where an officer, who has been granted leave of absence on full pay, retires or is retired from the Service prior to the expiration of the period for which leave was granted, and has been paid an amount of salary in full for the residue of that period,

Officer retiring while on leave. Section 27A inserted by No. 6 of 1938, s. 3.

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he shall not be entitled to superannuation allowance in accordance with this Ordinance until the day immediately following the date of expiration of that period.

(2.) The contributions of the officer to the Superannuation Fund shall not cease until the date of expiration of the period for which leave was granted, and, for the purpose of computing the superannuation allowance payable to the officer, the period from the date of his retirement to and including the date of expiration of the period for which leave was granted shall be reckoned as part of his service and shall be taken into account accordingly.

Special provisions relating to officers transferred under section 43 of *Commonwealth Public Service Act 1922-1937*.
Section 27B inserted by No. 16 of 1939, s. 2.

27B.—(1.) Notwithstanding anything contained elsewhere in this Ordinance, where an officer is transferred to an office in the Commonwealth Service in pursuance of section forty-three of the *Commonwealth Public Service Act 1922-1937*,⁽⁸⁾ subject to any conditions determined by the Governor-General in pursuance of that section—

- (a) the officer shall, during the period of his transfer, at such times and in such manner as the Governor-General directs, contribute to the Superannuation Fund in accordance with this Ordinance;
- (b) the period of the officer's transfer shall be reckoned as part of his service and taken into account in computing the superannuation allowance payable to him under this Ordinance; and
- (c) for the purposes of computing the superannuation allowance payable to the officer and determining the rate of contribution payable by him, he shall be deemed to have received, during the period of his transfer, salary at the rate which he was receiving at the date immediately prior to the date of his transfer to the Commonwealth Service.

(2.) This section shall be deemed to have commenced on the first day of September, One thousand nine hundred and thirty-eight.

Annual report.
Section 28 substituted by No. 10 of 1929, s. 5.

28.—(1.) The Administrator shall cause to be published in the *New Guinea Gazette*, not later than the thirtieth day of September in each year, a complete statement of the receipts and expenditure of the Superannuation Fund during the year ended the thirtieth day of June last preceding.

(2.) A copy of the statement, together with a report dealing

(8) Now the *Commonwealth Public Service Act 1922-1945*.

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with the general administration and working of the Ordinance, shall be submitted by the Administrator to the Minister.⁽⁹⁾

29. The Minister⁽⁹⁾ may make regulations,⁽¹⁰⁾ not inconsistent Regulations. with this Ordinance, prescribing all matters which, by this Ordinance, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

(9) Section 4 of the *Ordinances Interpretation Ordinance 1934-1941* provides that in any Ordinance "unless the contrary intention appears—'Minister' means the Minister of State for the time being administering the *New Guinea Act 1920-1932.*"

(10) See the *Superannuation Regulations*, printed on p. 4291.