

SUPERANNUATION ORDINANCE, 1917-1941.⁽¹⁾

An Ordinance relating to the Public Service.

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

PART I.—PRELIMINARY.

1.—(1.) This Ordinance may be cited as the *Superannuation Ordinance, 1917-1941.*⁽¹⁾

Short title and commencement.

Sub-section (1) amended by No. 2 of 1930, s. 2.

(1) The *Superannuation Ordinance, 1917-1941*, comprises the *Superannuation Ordinance, 1917*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua Govt. Gaz.	Date on which came into operation.
<i>Superannuation Ordinance, 1917</i> (No. 3 of 1918)	—	5.9.1917	6.3.1918	1.5.1918 (Papua Govt. Gaz. of 3.4.1918)
<i>Superannuation Ordinance, 1918</i> (No. 6 of 1918)	7.5.1918 ^(a)	—	—	7.5.1918 (<i>Ordinances etc. of Papua, 1918, p. 19</i>)
<i>Superannuation Ordinance, 1920</i> (No. 7 of 1921)	—	15.11.1920	3.8.1921	3.8.1921 (Papua Govt. Gaz. of 3.8.1921)
<i>Superannuation Ordinance, 1921</i> (No. 1 of 1922)	—	23.9.1921	1.3.1922	1.3.1922 (Papua Govt. Gaz. of 1.3.1922)
<i>Superannuation Ordinance, 1925</i> (No. 15 of 1925)	—	31.8.1925	31.12.1925	31.12.1925 (Papua Govt. Gaz. of 31.12.1925)
<i>Superannuation Ordinance, 1926</i> (No. 9 of 1926)	—	19.7.1926	6.10.1926	1.1.1926 (Sec. 4 <i>Superannuation Ordinance, 1926</i>)
<i>Superannuation Ordinance, 1927</i> (No. 13 of 1927)	—	13.6.1927	24.12.1927	24.12.1927 (Papua Govt. Gaz. of 24.12.1927)
<i>Superannuation Ordinance, 1931</i> (No. 12 of 1931)	—	15.7.1931	2.12.1931	2.12.1931 (Papua Govt. Gaz. of 2.12.1931)
<i>Superannuation Ordinance, 1933</i> (No. 1 of 1934)	—	17.7.1933	2.5.1934	2.5.1934 (Papua Govt. Gaz. of 2.5.1934)
<i>Superannuation Ordinance, 1935</i> (No. 17 of 1935)	—	18.7.1935	4.12.1935	4.12.1935 (Papua Govt. Gaz. of 4.12.1935)
<i>Superannuation Ordinance, 1938</i> (No. 12 of 1938)	—	11.5.1938	7.9.1938	1.4.1938 (Sec. 3, <i>Superannuation Ordinance, 1938</i>)
<i>Superannuation Ordinance</i> (No. 2), 1938 (No. 16 of 1938)	—	1.8.1938	7.12.1938	7.12.1938 (Papua Govt. Gaz. of 7.12.1938)
<i>Superannuation Ordinance, 1939</i> (No. 10 of 1939)	22.8.1939 ^(b)	—	—	22.8.1939 (<i>Ordinances etc. of Papua, 1939, p. 27</i>)
<i>Superannuation Ordinance, 1941</i> (No. 11 of 1941)	—	15.7.1941	5.11.1941	5.11.1941 (Papua Govt. Gaz. of 5.11.1941)

(a) Notified in Papua Govt. Gaz. of 4.9.1918 as not disallowed by Gov.-Gen. in Council.

(b) No notice of non-disallowance by Gov.-Gen. in Council has been published in Papua Govt. Gaz.

PUBLIC SERVICE—

(2.) It shall commence on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette*.⁽¹⁾

Division.

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

- Part I.—Preliminary.
- Part II.—Retirement of Officers in Certain Cases.
- Part III.—Superannuation Allowances and Gratuities.
- Part IIIA.—Female Officers.
- Part IV.—Superannuation Fund Account.
- Part V.—General.

Inserted by
No. 16 of 1938,
s. 2.

Interpretation.

3. In this Ordinance unless the context otherwise indicates—

“Board” means the Superannuation Fund Board constituted under this Ordinance.

“Administrator” means the Administrator with the advice of the Executive Council.

“Officer” means any person (including the Administrator) 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;

Provided that when the Administrator is or has been appointed from the Service he shall not by reason of his Commission being limited to a specified period be deemed a person within the meaning of this sub-paragraph;

(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 not being a female officer expressly made subject to the provisions of this Ordinance by order of the Administrator as hereinafter provided;

(e) Any officer or class of officers excepted by the Administrator from the operation of this Ordinance.

Amended by
No. 11 of 1941,
s. 3 and
Schedule.

Substituted by
No. 6 of 1918,
s. 2; amended
by No. 11 of
1941, s. 3 and
Schedule.

Proviso added
by No. 11 of
1941, s. 2.

Paragraph (d)
amended by
No. 16 of 1938,
s. 3, and by
No. 11 of 1941,
s. 3 and
Schedule.

Paragraph (e)
amended by
No. 11 of 1941,
s. 3 and
Schedule.

(1) See footnote (1) printed on p. 3865.

“Pensionable allowance” means an allowance in respect of which a superannuation allowance or gratuity under this Ordinance is payable and in respect of which an officer contributes to the fund.

Inserted by
No. 1 of 1934,
s. 2.

PART II.—RETIREMENT OF OFFICERS IN CERTAIN CASES.

4. Every officer who attains the age of fifty-four years may retire from the Service.

Optional
retirement at
fifty-four.

5. Any officer who has completed twenty years' service may retire from the Service at any age.

Retirement after
twenty years'
service.

Provided that any officer joining the Service after the first day of July, One thousand nine hundred and thirty-one, shall for the purposes of this section be required to complete twenty-eight years' service.

Proviso added
by No. 12 of
1931, s. 2.

Provided that service performed after the first day of August, One thousand nine hundred and thirty-eight, whilst under the age of twenty years shall not be counted for the purposes of this section.

Proviso added
by No. 16 of
1938, s. 4.

6. When an officer owing to mental or bodily infirmity desires to retire from the Service before he has attained the age of fifty-four years or completed twenty years' service or in the case of an officer joining the Service after the first day of July, One thousand nine hundred and thirty-one, twenty-eight years' service and produces medical evidence that he is by reason of such infirmity incapable of discharging the duties of his office and that such infirmity is likely to be permanent the Administrator if he thinks proper so to do may permit the officer to retire from the Service: Provided that the Administrator may require him to be examined by a Government medical officer or other duly qualified medical practitioner.

Voluntary
retirement
through ill-
health before
fifty-four.

Cf. Q. 53 Vic.
No. 10, s. 45.
Amended by
No. 12 of 1931,
s. 3, and by
No. 11 of 1941,
s. 3 and
Schedule.

7. When it is reported to the Administrator that any officer is by reason of any mental or bodily infirmity unfit to perform his duties the Administrator may appoint one or more medical officers or practitioners to examine and report upon the condition of such officer. If it appears to the Administrator to be for the public interest he may order that such officer shall retire from the Service.

Compulsory
retirement
through
ill-health.

Cf. Q. 16 s. 46.
Amended by
No. 11 of 1941,
s. 3 and
Schedule.

8. The power of giving permission for the retirement of an officer under this Part of this Ordinance may when the Administrator is the officer personally concerned be exercised by the Governor-General.

Governor-
General's
permission.

Amended by
No. 11 of 1941,
s. 3 and
Schedule.

PUBLIC SERVICE—

PART III.—SUPERANNUATION ALLOWANCES AND GRATUITIES.

Retiring officers entitled to superannuation allowance or gratuity.

Cf. Q. 53 Vic. No. 10, s. 47.

9. Subject to the provisions hereinafter contained every officer retiring from the Service under the foregoing provisions shall be entitled to the superannuation allowance or gratuity as the case may be hereinafter prescribed respectively applicable to his term of service and particular case.

Rate of superannuation allowance.

10. The following shall be the rate of superannuation allowance payable under the Ordinance:—

To any officer retiring under any of the foregoing provisions and who has served ten years a superannuation allowance at the rate of one-forty-second of his annual salary for each year of service but in no case shall the superannuation allowance exceed two-thirds of his annual salary.

Paragraph added by No. 12 of 1931, s. 4.

To any officer who joined the Service after the first day of July, One thousand nine hundred and thirty-one, retiring under any of the foregoing provisions and who has served ten years a superannuation allowance at the rate of one-fifty-second of his annual salary for each year of service but in no case shall the superannuation allowance exceed two-thirds of his annual salary.

Scale of gratuities.

11. The following shall be the scale of gratuities payable under this Ordinance:—

To any officer retiring under any of the foregoing provisions and who has not completed ten years of service a gratuity at the rate of half a month's salary for each completed six months of service.

How salary to be computed for purposes of superannuation allowance, etc.

12. For the purpose of computing superannuation allowances and gratuities the salary of the permanent appointment held by the officer at the date of retirement shall be taken if he has held such office or an office with the same salary for a period of three years immediately preceding such date; otherwise the average amount of the salary of the permanent appointments held by the officer during the three years immediately preceding his retirement shall be taken:

Proviso added by No. 9 of 1926, s. 2.

Provided that in the last-mentioned case if the average amount of the salary of the permanent appointments held by the officer during the three years preceding his retirement shall be less than the amount of the highest salary received by him in the permanent appointment (or permanent appointments with the same salary) held by him for a period of three years immediately preceding the appointment held by him at the date of his retirement then the

Superannuation Ordinance, 1917-1941.

amount of such highest salary shall be taken for the purpose of such computation.

12A.—(1.) Notwithstanding the provisions of the last preceding section if any officer retires from the Service at any time within three years after the thirty-first day of December One thousand nine hundred and twenty the salary of the permanent appointment held by him at the date of his retirement shall be taken for the purpose of computing the superannuation allowance or gratuity of such officer.

Variation of method of computing salary.

Section 12A inserted by No. 7 of 1921, s. 2.

(2.) Such officer shall before retiring from the Service pay to the Superannuation Fund Account by way of contribution thereto such a sum as is equal to the difference (if any) between the actual aggregate contributions made by him to the said account during the three years immediately preceding his retirement and the sum represented by Five pounds per centum per annum for three years of the salary of the permanent appointment held by him at the date of his retirement.

13.—(1.) Any officer in the Service at the commencement of this Ordinance shall be entitled to have the whole or any portion of his past services immediately preceding the commencement of this Ordinance 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 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 his return from such leave) and before he retires from the Service he pay to the Superannuation Fund Account hereinafter mentioned an amount equivalent to Five pounds per centum on the total salary received by him during the period of his service in respect of which the payment is made together with interest at the rate of Five pounds per centum per annum on such amount from the commencement of this Ordinance until payment.

Contributions by present officers for past services.

Cf. Q. 53 Vic. No. 10, s. 49.

Sub-section (1) amended by No. 6 of 1918, s. 3.

(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.

Sub-section (1A) inserted by No. 6 of 1918, s. 3.

(2.) Upon such payment being made he shall upon retirement from the Service as herein prescribed if all other necessary conditions have been fulfilled be entitled to the superannuation allowance or gratuity herein provided calculated on the whole or portion

Sub-section (2) amended by No. 6 of 1918, s. 3.

(as the case may be) of his past services in respect of which such payment has been made.

Sub-section (3)
amended by
No. 6 of 1918,
s. 3.

(3.) 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 in case of an officer on leave of absence for active service with any of His Majesty's Forces within six months after his return to duty from such leave of absence.

(4.) 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 legal personal representative.

(5.) For the purposes of this section the term "past services" includes service in the Public Service of the Possession of British New Guinea by officers who were continued in office under the provisions of the *Papua Act*, 1905.⁽²⁾

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

Section 13A
inserted by
No. 6 of 1918,
s. 4.

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 Sub-section (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 such payment from the commencement of this Ordinance or from the date of his appointment being so approved until payment:

(2) Now the *Papua Act* 1905-1940.

Superannuation Ordinance, 1917-1941.

Provided that the Lieutenant-Governor⁽³⁾ may either before or after the expiration thereof extend the period within which such payment with interest thereon may be made by any such officer by any term up to one year but where the period is so extended the amount of interest to be paid shall be at the rate of Ten pounds per centum per annum on such payment from the commencement of the Ordinance or from the date of his appointment being so approved until payment.

Proviso added by No. 9 of 1926, s. 3.

(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 or extended period 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.

Sub-section (2) amended by No. 9 of 1926, s. 3.

(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 twelve months after the commencement of this Ordinance or within twelve months after the appointment of such officer was so approved or in case of an officer on leave of absence for active service within twelve months after his return from such leave.

Sub-section (4) amended by No. 1 of 1922, s. 4.

(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.

13B. Notice by an officer of his intention to avail himself of the provisions of Section 13 or of Section 13A of this Ordinance shall be deemed to be sufficient notice if it is given on or before the thirtieth day of June One thousand nine hundred and twenty-one notwithstanding that the time limited by either of those sections for the giving of such notice may have already expired or may expire before that date.

Section 13B inserted by No. 7 of 1921, s. 3.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

PUBLIC SERVICE—

Pensionable allowances.
Section 13C inserted by No. 1 of 1934, s. 3.

13c.—(1.) For the purpose of computing the superannuation allowance or gratuity payable under the Ordinance in respect of a pensionable allowance the amount of the pensionable allowance shall be deemed annual salary of a permanent office.

(2.) When a pensionable allowance ceases to be paid to an officer through no misconduct of his own such officer shall nevertheless be entitled to count the pensionable allowance for the purpose of the preceding subsection but only as if his retirement had been immediately prior to the date when the pensionable allowance ceased.

Past service, further time for taking advantage of provisions as to.
Section 13D inserted by No. 16 of 1938, s. 5.

13d.—(1.) Notwithstanding that an officer has failed to avail himself of the provisions of Section Thirteen or Section Thirteen A of this Ordinance within the period specified in such sections or in Section Thirteen B of this Ordinance the Lieutenant-Governor⁽³⁾ may if the circumstances make it appear to him just and equitable so to do order that such officer be permitted to avail himself of the provisions of the said sections and notice given pursuant to any such order shall be deemed sufficient notice under this Ordinance.

(2.) The conditions of payment of contribution in respect of past service and other conditions shall be such as the Lieutenant-Governor⁽³⁾ may fix in respect of each officer the subject of an order under this section.

Refund of contributions on death of officer.

14. If any officer die while in the Service all contributions made by him to the Superannuation Fund Account shall be repaid to his personal representative without interest.

* * * * *

Proviso added by No. 12 of 1931, s. 5; repealed by No. 16 of 1938, s. 6.

14a.—(1.) When an officer is removed from the Public Service in consequence of the abolition of his office such officer shall be entitled from the date of such abolition to a superannuation allowance or gratuity as though he had at such date retired under the provisions of the Ordinance.

Abolition of office.
Section 14A inserted by No. 17 of 1935, s. 2; repealed by No. 16 of 1938, s. 7; re-inserted by No. 10 of 1939, s. 2.

(2.) When such an officer is immediately upon the abolition of his office re-employed as an officer of the Public Service then there shall be deemed no break in the continuity of his service and when his salary upon such re-employment is less than the salary he was receiving in the abolished office the difference in salary shall until the salary of his new office equals or exceeds that which he was receiving in the abolished office be treated in the same manner as if it were a pensionable allowance which had ceased in the cir-

(3) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

cumstances of Sub-section Two of Section Thirteen C of the Ordinance.

(3.) No officer shall be compelled to accept another office at a lower salary upon abolition of his office and when the office offered him is at the same salary he will not be compelled to accept it unless it is for work for which he is reasonably fitted.

15. If any officer voluntarily resigns from the Service and is not under any of the foregoing provisions entitled to a superannuation allowance or gratuity he shall if he entered the Service before the commencement of this Ordinance have repaid to him without interest a sum equal to the whole of the contributions made by him to the Superannuation Fund Account; but if he entered the Service after the commencement of this Ordinance he shall be entitled to no repayment of any contribution made by him to such account.

Treatment of contributions on voluntary resignation.

16. No repayment of any contributions made by him to the Superannuation Fund Account shall be made to any officer who shall be dismissed from the Service for misconduct nor unless the Administrator otherwise orders to any officer whose appointment has not been approved by the Governor-General:

No refund upon dismissal from Service.

Amended by No. 11 of 1941, s. 3 and Schedule.

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 Administrator his dismissal from the Service.

Proviso added by No. 6 of 1918, s. 5; amended by No. 11 of 1941, s. 3 and Schedule.

16A.—(1.) Any officer or class of officers may by order of the Administrator be excepted from the operation of this Ordinance and upon the making of any such order or from the date specified therein the Ordinance shall cease to apply to the officer or officers in respect of whom the order was made.

Exempt officers.

Section 16A inserted by No. 1 of 1922, s. 3; substituted by No. 16 of 1938, s. 8.

Sub-section (1) amended by No. 11 of 1941, s. 3 and Schedule.

(2.) Any officer subject to an order made in respect to him under the preceding subsection of this section may apply to the Administrator for its cancellation and the Administrator may thereupon cancel such order subject to such payment of contribution and interest as he may approve.

Sub-section (2) amended by No. 11 of 1941, s. 3 and Schedule.

(3.) This section shall be deemed to have always been in operation from the commencement of this Ordinance.

16B.—(1.) If any person to whom a superannuation allowance is payable under this Ordinance is appointed to any office in the Public Service of a tropical Territory of the Commonwealth then

Superannuation allowance to be suspended in certain cases.

Section 16B inserted by No. 13 of 1927, s. 2.

PUBLIC SERVICE—

during his tenure of such office such superannuation allowance shall cease to be payable.

(2.) For the purposes of this section the term "tropical Territory of the Commonwealth" shall include—

- (a) the Territory of New Guinea;
- (b) the Island of Nauru;
- (c) that part of the Northern Territory which is now known as North Australia and is situated North of the twentieth parallel of South Latitude.

PART IIIA.—FEMALE OFFICERS.

Heading inserted by No. 16 of 1938, s. 9.

Admission of female officers. Section 16C inserted by No. 16 of 1938, s. 9.

16C.—(1.) The Lieutenant-Governor⁽³⁾ may upon application to him by a female officer order that she be made subject to the provisions of this Ordinance.

(2.) The female officer in respect of whom any such order is made shall be entitled to count for the purposes of this Ordinance such unbroken past service as is specified in such order.

Sub-section (3) amended by No. 10 of 1939, s. 3.

(3.) Any order made under this section shall be conditional upon payment by the female officer of an amount equivalent to Five pounds per centum on the total salary received by her during the period of past service specified in the said order together with Five pounds per centum on such amount.

Proviso added by No. 10 of 1939, s. 3.

Provided that an order made pursuant to the provisions of this section after the first day of September One thousand nine hundred and thirty-nine shall be conditional upon payment by the female officer of an amount equivalent to five pounds per centum on the total salary received by her during the period of past service specified in the order together with interest at the rate of five pounds per centum per annum upon such amount from the making of the order until payment.

(4.) Payment in respect of past service shall be completed before retirement and may be by instalments over a period not exceeding five years from the making of the order.

(5.) In the event of the death of a female officer before completion of payment in respect of past service all instalments paid by her shall be refunded to her personal representative without interest but such refund shall not include any interest paid by her in respect of contribution for past service.

(6.) Upon the marriage of a female officer in respect of whom an order has been made under this Part of this Ordinance she

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

shall resign from the Service and thereupon all contributions made by her to the fund shall be refunded to her without interest.

16d. Except as otherwise provided a female officer subject to an order made pursuant to the provisions of the preceding section of this Ordinance shall become subject to the Ordinance upon the same terms and conditions as were or are applicable to a male officer at the date from which her service for the purposes of this Ordinance commenced.

Period female officers to serve.
Inserted by No. 16 of 1938, s. 9.

PART IV.—SUPERANNUATION FUND ACCOUNT.

17. For the purpose of providing a fund for the payment of the superannuation allowances and gratuities in accordance with this Ordinance every officer over twenty years of age shall contribute⁽⁴⁾ a sum equal to Five pounds per centum of the annual salary received by him and such contribution shall be deducted monthly from his salary and shall be paid to the credit of an account to be called the Superannuation Fund Account which account shall be kept in some bank or banks in the Territory to be approved by the Administrator.

Contributions to a Superannuation Fund Account.
Cf. Q. 53 Vic. No. 10, s. 58.
Amended by No. 11 of 1941, s. 3 and Schedule.

18.—(1.) The Administrator 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. 1b. s. 62.
Section 18 substituted by No. 6 of 1918, s. 6.

(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.

Sub-section (1) amended by No. 11 of 1941, s. 3 and Schedule.

18A. Where a member of the Board dies resigns or otherwise vacates his office or his appointment as a member of the Board is cancelled the Administrator may appoint a person to fill the vacancy.

Vacancies—appointments to fill.
Cf. Cwlth. No. 33 of 1922, s. 63.

18B. In the case of illness or absence of any member of the Board the Administrator may appoint a deputy to act for the member during his illness or absence and every deputy so appointed shall while so acting have all the powers and authority of such member.

Inserted by No. 15 of 1925, s. 2; amended by No. 11 of 1941, s. 3 and Schedule.

Temporary appointments.
Cf. Cwlth. 1b. s. 64.

Inserted by No. 15 of 1925, s. 2; amended by No. 11 of 1941, s. 3 and Schedule.

(4) As to contributions by officers suspended under the National Security (External Territories) Regulations of the Commonwealth, see Regulation 16 of those Regulations.

PUBLIC SERVICE—

Cancellation of appointment.

Inserted by No. 15 of 1925, s. 2; amended by No. 11 of 1941, s. 3 and Schedule.

18c. The Administrator may cancel the appointment of any member of the Board as and when he may think fit.

Incorporation of Board.

Cf. Cwlt. No. 33 of 1922, s. 71.

Section 18D inserted by No. 15 of 1925, s. 2.

18d.—(1.) The Board shall be a body corporate having perpetual succession and a common seal.

(2.) The seal of the Board shall not be attached to any document except on resolution of the Board and shall be authenticated by the signatures of two members of the Board and of the Secretary.

Powers of Board.

Cwlt. *Ib.* s. 71.

19. The Board shall subject to such regulations as aforesaid have full power to deal with and invest the said funds in the prescribed manner.

Board to report.

Cf. Q. 53 Vic. No. 10, s. 63.

Sub-section (1) amended by No. 11 of 1941, s. 3 and Schedule.

20.—(1.) A full account of all dealings with the funds shall be kept by the Board and in every year not later than the thirty-first day of March the Board shall submit to the Administrator a complete statement of all moneys paid into the Superannuation Fund Account and invested by it during the year ending on the thirty-first day of December then last preceding together with a full report on the state of the account.

(2.) The statement and report of the Board shall be laid before the Legislative Council during the first session after the receipt thereof. The statement shall be published in the *Gazette*.

Audit.

Cf. Q. *Ib.* s. 64.

Amended by No. 11 of 1941, s. 3 and Schedule.

21. The Treasurer or such person as the Administrator may from time to time appoint shall once at least in every year examine the books and accounts of the Board and shall report thereon to the Administrator and such report shall be laid before the Legislative Council during the first session after the receipt thereof.

Actuaries.

Cf. Q. *Ib.* s. 65.

Amended by No. 11 of 1941, s. 3 and Schedule.

22. The Administrator may on the recommendation of the Board appoint one or more qualified persons as actuaries for the purposes of this Ordinance.

Quinquennial actuarial investigations.

Cf. Q. *Ib.* s. 66.

Amended by No. 11 of 1941, s. 3 and Schedule.

23. At the expiration of five years after the commencement of this Ordinance and thereafter at the expiration of each successive five years the actuaries appointed under this Ordinance shall make an actuarial investigation as to the state and sufficiency of the Superannuation Fund Account and shall report thereon to the Administrator.

24.—(1.) If the funds to the credit of the Superannuation Fund Account shall at any time be insufficient to pay all sums of money which may from time to time be payable by way of superannuation allowances gratuities repayments and outgoings in accordance with this Ordinance the same shall be charged on and paid out of the Public Revenue of the Territory and the amount of the deficiency is hereby appropriated in the financial year in which it may occur: For the purposes of this subsection only “funds to the credit of the Superannuation Fund Account” shall be deemed to refer to income only: “income” shall mean the annual interest earned by the moneys invested by the Board together with all contributions of any kind made to the Fund on and after the first day of January, One thousand nine hundred and thirty-three.

Payments and grants in aid to Fund from Revenue.

Sub-section (1) amended by No. 1 of 1934, s. 4.

(2.) If any actuarial investigation and report under the provisions of this Ordinance discloses a deficit in the Superannuation Fund Account the Administrator may cause provision to be made therefor by grants in aid of the Superannuation Fund Account out of the Public Revenue of the Territory which may if the Administrator thinks fit be spread over a series of years.

Sub-section (2) amended by No. 11 of 1941, s. 3 and Schedule.

25. The Lieutenant-Governor⁽³⁾ may cause a sum not exceeding Five thousand pounds to be advanced by way of loan to the Superannuation Fund Account out of the Public Revenue of the Territory which advance and the repayment thereof shall be made in such instalments as may be ordered by the Lieutenant-Governor.⁽³⁾

Advance to Fund.

26. The Superannuation Fund Account is guaranteed by the Public Revenue of the Territory.

Guarantee of Fund.

PART V.—GENERAL.

27. No officer who shall be dismissed from the Service for misconduct shall be entitled to compensation for past services or to any superannuation allowance gratuity or other allowance under this Ordinance nor shall anything herein contained limit the right of the Crown to dismiss any officer without compensation.

Dismissed officers.
Cf. Fiji No. 13 of 1907, s. 7.

27A. Notwithstanding the provisions of this Ordinance elsewhere contained the Lieutenant-Governor⁽³⁾ may upon the re-appointment to the Service of any officer whose appointment has been terminated by the Governor-General order that his past service shall count for the purpose of this or any other Ordinance or regulations thereunder and thereupon such past service and his service subsequent to re-appointment shall be deemed for all purposes to have continued unbroken.

Reappointment of dismissed officers.

Inserted by No. 12 of 1938, s. 2.

(3) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

Unless otherwise ordered by the Lieutenant-Governor⁽³⁾ the period of service for retirement and the rate of superannuation allowance or gratuity payable to such an officer shall be computed upon the basis applicable at the time such officer originally joined the Service.

Superannuation allowance not assignable.

Cf. Fiji No. 13 of 1907, s. 12.

Amended by No. 12 of 1931, s. 6; and by No. 16 of 1938, s. 10.

28. No superannuation allowance gratuity or other moneys granted or payable whether upon the death of an officer or otherwise under this Ordinance shall be assignable or transferable or liable to be attached sequestrated or levied upon for or in respect of any debt or claim whatsoever.

Superannuation allowance to cease on conviction.

Cf. Fiji *Ib.* s. 13.

Amended by No. 10 of 1939, s. 4.

29. If any person to whom a superannuation allowance has been granted under this Ordinance is convicted before any Court in His Majesty's Dominions of any offence for which he is sentenced to death or any term of imprisonment with hard labour exceeding twelve months and does not within two months after such conviction receive His Majesty's free pardon then and in every such case such superannuation allowance shall forthwith cease: Provided always that in the case of a person who after conviction as above described receives His Majesty's free pardon at any time the superannuation allowance shall be restored.

Superannuation allowance to cease on insolvency.

Cf. Fiji *Ib.* s. 14.

Amended by No. 11 of 1941, s. 3 and Schedule.

30. If any person to whom a superannuation allowance has been granted under this Ordinance becomes insolvent such superannuation allowance shall forthwith cease: Provided always that in any case when a superannuation allowance ceases by reason of the insolvency of the person to whom it has been granted it shall be lawful for the Administrator from time to time during the remainder of such person's life or during such shorter period or periods either continuous or discontinuous as the Administrator shall think fit to pay all or any part of the moneys to which such person would have been entitled by way of superannuation allowance had he not become insolvent to or to apply the same for the maintenance and personal support or benefit of all or any exclusive of the other or others of the following persons namely such first-named person and any wife child or children of his in such proportions and manner as the Administrator thinks proper.

Age from which Superannuation allowance etc., may be earned.

Cf. Fiji *Ib.* s. 4.

31. No officer shall be granted a superannuation allowance or gratuity for any service performed while under the age of twenty years.

Service to be unbroken.

Cf. Fiji *Ib.* Sch.

32.—(1.) The service in respect of which superannuation allowances or gratuities will be granted must be unbroken.

(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

Superannuation Ordinance, 1917-1941.

(2.) The service of an officer shall not be deemed to be broken by reason of his absence on leave on full or half pay or in the case of officers on leave of absence for active service with His Majesty's Forces without pay and the period of such leave shall be counted for the purposes of a superannuation allowance or gratuity as service.

(3.) The period during which an officer is absent on leave without pay (other than leave for active service with His Majesty's Forces) shall not be counted in computing his superannuation allowance or gratuity but such officer's service shall not thereby be deemed to be broken:

Absence on leave without pay to count in certain cases. Sub-section (3) added by No. 1 of 1922, s. 2; amended by No. 11 of 1941, s. 3 and Schedule.

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

33. This Ordinance shall apply only to Europeans.

Application of Ordinance.

34.—(1.) The Administrator may make regulations⁽⁵⁾ not inconsistent 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 and in particular—

Regulations. Section 34 substituted by No. 15 of 1925, s. 3. Sub-section (1) amended by No. 11 of 1941, s. 3 and Schedule.

- (a) for regulating the dealing with and investment of the funds for the time being standing to the credit of the Superannuation Fund Account;
- (b) providing for the appointment of a Chairman and Deputy Chairman of the Board;
- (c) for regulating the meetings and proceedings of the Board;
- (d) prescribing the nature and source of the information or evidence upon which it will be competent for the Board to act in order to determine the amount of contributions and interest (if any) payable by an officer to the Superannuation Fund Account and the date at which such period commences or to determine what superannuation allowance gratuity or refund of contributions is payable under this Ordinance to any officer.

(2.) This section shall be deemed to have come into operation on the sixth day of March One thousand nine hundred and eighteen.

(5) See the *Superannuation Regulations, 1918*, printed on p. 3882.