

21 GEO. V. No. 12, 1930. *Railway Superannuation Act.*

## RAILWAYS.

### An Act to provide a Superannuation Fund for the Benefit of Employees of the Commissioner for Railways, and for other purposes.

21 Geo. V.  
No. 12.  
THE  
RAILWAY  
SUPERANNU-  
ATION ACT  
OF 1930.

[ASSENTED TO 2ND OCTOBER, 1930.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Railway Superannuation Act of 1930*," and shall come into operation on and from the first day of October, one thousand nine hundred and thirty. Short title.

2 In this Act, unless the context otherwise indicates, the following terms have the meanings respectively assigned to them, that is to say:— Interpretation.

"Board"—The Railway Superannuation Board constituted under this Act; Board.

"Commissioner"—The Commissioner for Railways appointed under the provisions of \*"*The Railways Acts, 1914 to 1929*," or any Act amending the same; Commissioner.

"Contributor"—Any person contributing to the Fund; Contributor.

"Employee of the permanent staff"—Any employee, male or female, on the permanent staff of the Commissioner for Railways as defined in \*"*The Railways Acts, 1914 to 1929*," and regulations thereunder; Employee of the permanent staff.

"Fund"—The Railway Superannuation Fund established under this Act; Fund.

"Manager"—The officer appointed to be the manager and executive officer of the fund: the term, where necessary, includes any officer temporarily appointed to perform the duties of the manager; Manager.

\* 5 Geo. V. No. 24 and amending Acts, *supra*, pages 7215 *et seq.*

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Medical practitioner.	“Medical practitioner”—A duly qualified and registered medical practitioner approved by the Board ;
Minister.	“Minister”—The Secretary for Railways or other Minister of the Crown for the time being charged with the administration of this Act ;
Prescribed.	“Prescribed”—Prescribed by this Act ;
Regulations.	“Regulations”—Regulations made under the authority of this Act ;
This Act.	“This Act”—This Act and all Orders in Council and regulations made thereunder.

**3.** (1.) For the purposes of this Act there shall be constituted a Board to be called the Railway Superannuation Board, which shall consist of three persons, who shall be appointed by the Governor in Council on the nomination of the Minister. One of such persons shall be chairman, manager, and executive officer of the Fund :

Provided that not less than two of such persons so nominated for appointment shall be employees of the Commissioner.

All such persons shall, subject to this Act, hold office for a term of five years and shall be eligible for reappointment.

**Fees.** (2.) The fees (if any) to be paid to the chairman and manager and other members of the Board shall be as prescribed: Provided that the total fees (if any) payable per annum shall not exceed in the whole the sum of one hundred pounds.

**Deputy.** (3.) In case of the illness, inability, or absence of any member of the Board, the Governor in Council may appoint some other person to act as the deputy of such member during such illness, inability, or absence; and every such person shall, while he acts as such deputy, have all the powers and perform all the duties of such member.

**Administration of Act.** 4. This Act shall be administered by the Board.

**Expenses, how defrayed.** 5. All expenses necessary for the administration of this Act shall be defrayed by the Treasurer out of moneys to be appropriated from time to time by Parliament for the purpose.

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- 6.** (1.) The Governor in Council may from time to time—
- (a) Appoint an actuary or actuaries and such other officers, clerks, and servants as he thinks necessary for efficiently conducting the affairs of the Fund ;
- (b) Pay and allow to the persons so appointed such salaries and emoluments as he thinks fit.

Appoint-  
ment of  
actuary, &c.

(2.) Any officer of the Commissioner for Railways appointed under this section or appointed a member of the Board or chairman and manager may hold such office in conjunction with any other office held by him.

**7.** The Board shall be a corporation sole, with perpetual succession and an official seal, and subject to this Act may in its own name sue and be sued and may do and suffer all such acts and things as bodies corporate may by law do and suffer.

Board to  
be a  
corporation  
sole.

**8.** A fund to be called "The Railway Superannuation Fund" shall be established by the contributions to be paid by contributors, by endowment from the Consolidated Revenue as hereinafter provided, and by the interest accruing in respect of the moneys standing to the credit thereof.

Establish  
ment of  
Fund.

**9** After the first day of October, one thousand nine hundred and thirty, there shall be paid to the credit of the Fund out of the Consolidated Revenue the sum of seven thousand five hundred pounds, being an amount calculated for a period of nine months on an annual amount of ten thousand pounds, and to the extent of seven thousand five hundred pounds the Consolidated Revenue is hereby appropriated for that purpose.

Government  
contribution.

After the first day of July, one thousand nine hundred and thirty-one, there shall be paid to the credit of the Fund in each year out of the Consolidated Revenue the sum of ten thousand pounds, and to that extent the Consolidated Revenue is hereby permanently appropriated for that purpose.

**10.** All contributions and moneys paid to the Fund under this Act, and all payments out of the Fund on account of pension, or incapacity, or surrender value

Exemption  
from duty.

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of contributions, shall be exempt from any charge or duty whatsoever for or in respect of income tax, stamp duty, or probate or succession duty.

Investment  
of Fund.

**11.** The moneys to the credit of the Fund shall be vested in the Board, and shall be invested on deposit with the Treasurer as a loan.

The moneys to the credit of the Fund shall be credited with interest at the rate of five pounds per centum per annum, according to the minimum monthly balance ; and the Consolidated Revenue is hereby permanently charged with the payment of the said interest at the rate aforesaid.

The Fund shall be deemed to be a "Government Trust Fund" within the meaning of the Acts relating to Government Trust Funds.

Application  
of Fund.

**12.** (1.) Subject to this Act, the Fund shall be applied to the following purposes :—

- (a) Payment of pensions under this Act ;
- (b) Refund of contributors' payments made to the Fund in cases where such refund is provided for by this Act.

Payment of  
claims.

(2.) When claims to benefit under this Act have been made and allowed by the Board the manager shall be authorised to make to the claimants the necessary payments out of the Fund ; and the receipts signed from time to time by such claimants respectively for such payments shall effectually discharge the Board and the Fund from any further liability or obligation whatsoever in respect of such benefit.

Compulsory  
contributors.

**13.** Subject to this Act, the following persons shall respectively be compulsory contributors to the Fund, namely :—

- (a) All employees (both male and female) of the Commissioner, being employees on the permanent staff of the Commissioner at the date of the coming into operation of this Act, and including employees on the permanent staff who at the date of the coming into operation of this Act are on extended leave of absence preparatory to retirement from office ; and

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- (b) All employees (both male and female) who subsequent to the coming into operation of this Act become employees on the permanent staff of the Commissioner :

Provided that in both cases (a) and (b), where the wife and husband are both employees on the permanent staff, the husband only shall be a compulsory contributor, and the wife shall be exempt from contributing under the provisions of this Act.

Every compulsory contributor as defined aforesaid shall be liable to contribute to the Fund at the rate following, that is to say :— Rates of contribution.

- (i.) A contribution equal to the rate during the first year of him or her being a contributor of an amount of five per centum of the gross salary, wages, earnings, and/or allowances of the contributor ;
- (ii.) A contribution equal to the rate during the second and subsequent years of him or her being a contributor of an amount of six and a-quarter per centum of the gross salary, wages, earnings, and/or allowances of the contributor.

**14** The method of payment of such contribution to the Fund shall be by deduction by the Commissioner from the fortnightly payment of salary, wages, earnings, and/or allowances of the contributor concerned (or, if the method of payment is altered to any other period than fortnightly periods of payment, by deduction in respect of such period of payment); and such contribution shall be payable by the contributor during his period of service in the employ of the Commissioner, and such compulsory payment of contribution shall be a definite condition of his employment with the Commissioner. Method of payment.

**15.** Subject to this Act, the rates of pension payable to a contributor shall be based in accordance with the table as set forth in the Schedule to this Act, and shall be payable to a contributor on his arriving at the retiring age of sixty-five years, subject to payments of contribution as herein provided : Rates of pension. Schedule.

Provided always, and subject as is otherwise provided in this Act—

- (i.) The minimum pension payable to a contributor shall be one hundred and ten pounds per annum ;
- (ii.) The maximum pension payable to a contributor shall be two hundred pounds per annum ;
- (iii.) The pension payable shall not in any case be in excess of the salary or wages or allowances paid to a contributor immediately prior to retirement ;
- (iv.) The pension shall not be payable and shall not take effect until the contributor has attained the age of sixty-five years ;
- (v.) At least one hundred and ten pounds shall be paid into the Fund by a contributor before any pension is payable, and the amount by which any contribution shall be less than such amount shall be made good by the contributor, either by the setting off the value of any extended leave and/or retiring allowance due to such contributor, or by means of a cash payment to the Fund of such amount as will bring such contribution up to the amount of one hundred and ten pounds.

Voluntary  
increase of  
pension.

**16.** If any contributor to the Fund so desires, he may upon retirement at the age of sixty-five years increase his pension to the maximum of two hundred pounds or to any sum greater than the pension to which he is ordinarily entitled under this Act but not greater in the whole than two hundred pounds, and such contributor shall have such right of increase accordingly.

Such contributor shall in such case be required to deposit with the Board such sum as shall be actuarially determined for each additional one pound per annum increase of pension.

Such deposit shall also extend in respect of the benefit of his widow's pension hereinafter referred to :

Provided that if such contributor does not desire that the increase of such pension shall extend in respect of the benefit of his widow's pension, the contributor shall be required to deposit with the Board such sum as shall be actuarially determined (but being less than

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the sum as provided in paragraph two of this section), for each additional one pound per annum increase of pension.

**17.** Every employee to which this Act applies shall be compulsorily retired from the service of the Commissioner on attaining the age of sixty-five years, unless the Commissioner shall otherwise in any special case direct; but in no case shall such extension of the period of service be greater than a period of six months in respect of any such employee. Compulsory retiring age.

Notwithstanding anything contained in this Act, any employee of the Commissioner on the permanent staff who shall at the coming into operation of this Act have attained the age of sixty-four years may voluntarily retire from the service of the Commissioner, if application is made prior to the first day of December, one thousand nine hundred and thirty, and thereupon enjoy the same pension as if such employee had attained the age of sixty-five years. Persons at age of sixty-four years at date of operation of this Act.

**18.** Any employee of the permanent staff between the age of sixty years and sixty-five years may after the coming into operation of this Act voluntarily retire from the service, and shall be entitled to receive a pension proportionate to the full pension to which he would have otherwise been entitled if he had retired at the age of sixty-five years; such pension to be in accordance with the following table:— Voluntary retirement.

	Percentage of Normal Pension.
Between the age of 60 and under 61 years ..	75
Between the age of 61 and under 62 years ..	80
Between the age of 62 and under 63 years ..	85
Between the age of 63 and under 64 years ..	90
Between the age of 64 and under 65 years ..	95

Provided always that such employee may, if he so desires, in lieu of receiving such proportionate pension as aforesaid, receive from the Fund the total contributions paid by him into the Fund, but without interest.

**19. (1.)** Upon the death of any pensioner receiving at the time of his death a pension under this Act, the widow of such pensioner shall be entitled to receive during her widowhood a pension equal to one-half of the pension payable to the pensioner at the time of his death: Widow's pension.

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Provided always that the widow and such deceased pensioner were married prior to the date of the retirement on pension of the deceased contributor.

(2.) If any contributor shall die between the ages of sixty and sixty-five years after having contributed to the Fund for at least fifteen years, the widow of such contributor shall be entitled to receive during her widowhood a pension equal to one-half of the pension to which the contributor would have been entitled at the date of his death :

Provided however and subject as hereinafter provided that such widow may, if she so desires, in both of the above cases (1.) and (2.), in lieu of receiving such pension as hereinbefore provided, receive from the Fund the total contributions paid by her late husband into the Fund, but without interest :

Provided always that if a pensioner has received prior to his death any payments of pension from the Fund the amount of payments of pension so paid to him shall be deducted from the amount payable to the widow in any case where, in lieu of receiving the one-half pension as aforesaid, such widow elects to receive the amount of total contributions (without interest) paid by her late husband into the Fund.

For the purposes of this section the term " pension " shall also include a " breakdown pension " as hereinafter provided.

Breakdown  
pension.

20. Subject as herein provided, if a contributor is permanently incapacitated while in the execution of his duties as an employee of the Commissioner, and is certified as being so permanently incapacitated after an examination by two medical practitioners, he shall be paid a pension to be called " a breakdown pension. " Such pension shall be one hundred and ten pounds per annum, or, if such contributor is receiving less than one hundred and ten pounds per annum, shall be fixed at the same rate as the rate of salary or wages payable to such contributor at the time of his incapacitation, and such pension shall be payable to such contributor irrespective of the period of his contribution to the Fund :

Provided that such pension shall not be paid to such contributor in respect of the period during



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which such contributor is entitled to receive compensation payments pursuant to the provisions of \**"The Workers' Compensation Acts, 1916 to 1929,"* or any Act amending the same; and the pension payable under this Act shall commence and be payable after the completion of the compensation payments pursuant to the provisions of the Workers' Compensation Acts accordingly:

Provided further that in computing the time from which the pension under this Act shall operate there shall be deducted from the amount paid to such employee pursuant to the provisions of the Workers' Compensation Acts the amount paid by such contributor for hospital or medical expenses actually incurred by him in respect of his injury which rendered him permanently incapacitated:

Provided always that where compensation is payable by whatever means or for whatever periods under the Workers' Compensation Acts the "breakdown pension" shall not be payable until such time after the date of the injury as shall be equal to the period of time which would have elapsed as if the total amount of compensation paid under the Workers' Compensation Acts (less deduction for hospital or medical expenses actually incurred by the contributor as aforesaid) were paid weekly at the rate of the "breakdown pension" to which the contributor was entitled from the date of his injury.

After the expiration of such period the "breakdown pension" shall be payable to the contributor accordingly.

Contributions to the Fund by such contributor who is permanently incapacitated shall cease during the period of incapacitation:

Provided always that any "breakdown pension" shall be reviewed annually by the Board, and any adjustments that the Board may deem fit and proper shall be made accordingly.

21. Any contributor upon leaving the service of the Commissioner, after contributing for at least one year to the Fund, shall be entitled to a refund of the total amount of his contributions to the Fund, but without interest:

Return of  
contribu-  
tions.

\* 6 Geo. V. No. 35, and amending Acts, *supra*, pages 9851 *et seq.*

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Provided, however, notwithstanding anything contained herein to the contrary, if the Commissioner finds it necessary to dispense with the services of a permanent employee owing to there being insufficient work offering to provide employment for the said employee, such employee shall be entitled to a refund of all contributions paid, without interest, irrespective of the period during which he has contributed to the Fund :

Provided always that if any contributor is dismissed from the service of the Commissioner on account of the misappropriation of funds he shall be entitled (if he has contributed to the Fund for a year) to a refund of the total amount of his contributions to the Fund less the amount of the moneys so misappropriated by him, and the amount of any such misappropriation shall be a first charge against any such refund.

If a contributor, after contributing for at least one year, shall die before reaching the age of sixty-five years and has not taken advantage of section eighteen of this Act to voluntarily retire on pension as therein prescribed, the whole of his contributions paid by him to the Fund, without interest, shall be paid to his legal representative.

Insurance  
policies.

**22.** Any contributor who has before the operation of this Act effected a policy of insurance on his life may, with the consent of the insurance or assurance company concerned and of the Board, assign such policy (if free from any mortgage or encumbrance) to the Board with a request that the Board shall continue the payments of the premiums to the company in respect of such policy.

Such contributor may, if he so desires, at any time withdraw such policy from the Board upon payment to the Board of all premiums paid by the Board, with compound interest at the rate of five per centum per annum added thereto, but such compound interest shall not be so added in any case where the contributor has paid to the Board interest at five per centum yearly in accordance with the last proviso to this section.

Upon the maturity of the policy or upon the contributor leaving the service before the age of retirement, or leaving the service upon retirement on pension, the total premiums paid by the Board (and in any

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case where interest has not been paid yearly by the contributor as herein provided), together with compound interest at the rate of five per centum per annum added thereto from the respective dates of payment of such premiums, shall be deducted from any moneys due on the policy concerned, or from any moneys held on behalf of or due to the employee by the Commissioner :

Provided always that if the amount so held or due be less than the total premiums so paid (and in any case where interest has not been paid yearly by the contributor as herein provided), together with compound interest at the rate of five per centum per annum as aforesaid, the balance of such moneys shall be paid by the contributor concerned, or in the case of his death by his legal representative ; or the Board in its discretion may obtain from the company concerned the surrender value of the policy, and, after deducting therefrom the amount owing as aforesaid by the contributor, shall pay the balance of such moneys to the contributor concerned :

Provided always that any contributor shall be permitted to pay to the Board interest at five per centum yearly in respect of the premiums of the policy concerned payable by the Board as aforesaid.

**23.** Every dispute respecting any claim for any Disputes. payment out of the Fund under this Act, or any payment in respect of a policy of life assurance as hereinbefore provided, shall be referred to the manager, who after due inquiry shall report thereon to the Board.

The Board shall thereupon determine the matter of such dispute and the person or persons entitled to the amount in dispute, and the determination of the Board shall be binding and conclusive on all persons without right of recourse to any court or judicial tribunal whatsoever :

Provided, however, that any person may appeal from any such determination of the Board by memorial to the Governor in Council.

**24.** As at the first day of October, one thousand nine hundred and thirty-three, and as at the first day of October in every fifth year thereafter, the Board shall cause the assets and liabilities of the Fund to be valued Quin-  
quennial  
actuarial  
investiga-  
tion.

and reported on by an actuary. Such actuary shall report on—

- (a) The sufficiency of the contributions to and the actuarial soundness of the Fund; and
- (b) Whether the condition of the Fund requires any adjustment to be made in the prescribed amount of pensions, or in the rates of contribution to the Fund :

Provided that if the condition of the Fund as disclosed by the actuarial investigation makes it expedient that the rate of contribution shall be increased or decreased it shall be lawful for the Governor in Council by Order in Council to increase or decrease such rate of contribution by such a percentage as will ensure the continued actuarial soundness of the Fund :

Provided further that no increase over and above the said six and one-quarter per centum, as provided in section thirteen of this Act, shall be made in the rate of contribution in respect of contributors who were contributors at the coming into operation of this Act.

- (c) If a surplus is shown, the manner in which such surplus may be dealt with ; and
- (d) Any other actuarial matter affecting the Fund as may be required by the Board.

Upon completion of such valuation and report, the Governor in Council on the recommendation of the Minister may take such steps as he deems advisable to comply with the recommendations of the actuary.

No person shall be deemed to be entitled to any compensation by reason of any alteration in any prescribed pension which may be made by any Act amending this Act, or by any regulation, or by the Board or by the Governor in Council in consequence of any actuarial investigation or otherwise under this Act.

Assignment  
prohibited.

**25.** It shall not be lawful for any contributor or any person who may be or become entitled to any of the benefits of this Act to assign, transfer, make over, or otherwise part with, either absolutely or conditionally, any sum of money to which he or she may be or become entitled under this Act; and any deed, instrument, or

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document purporting to assign, transfer, make over, or part with any such sum of money as aforesaid shall be void.

No sum of money to which any contributor or any such person may be entitled as aforesaid shall pass to the creditors of or be in any way liable to or chargeable with the payment of any of the debts, liabilities, or engagements of such contributor or person, or be levied or attached or taken in execution by virtue of any process.

**26.** The Auditor-General, or such officer of his staff Audit. as he may from time to time appoint, shall once at least in every year examine the books and accounts of the Board in connection with the Fund, and shall report thereon to Parliament.

**27.** Subject to this Act, nothing in this Act shall Saving. prejudice or in any wise affect the provisions of \**"The Railways Acts, 1914 to 1929"* (or any Act amending the same):

Provided that, in respect of the retirement of any employee of the permanent staff who has attained the age of sixty-five years at the date of the coming into operation of this Act, it shall not be or be deemed to be obligatory on the part of the Commissioner either to give or to have given any notice of retirement to any such employee who may be retired on or after the date of the coming into operation of this Act, notwithstanding that such notice is prescribed by \**"The Railways Acts, 1914 to 1929,"* or any regulation thereunder, and notwithstanding that, but for the provisions herein contained, such notice of retirement would have been given to such employee prior to the date of the coming into operation of this Act.

**28.** (1.) The Governor in Council may from time Regulations. to time make such regulations providing for all or any purposes, whether general or to meet particular cases, as may be convenient for the administration of this Act, or as may be necessary or expedient to carry out the objects and purposes of this Act.

\* 5 Geo. V. No. 24 *supra*, page 7215.

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Without limiting the generality of the foregoing provisions, such regulations may provide for all or any of the following matters:—

- (i.) Regulating the conduct of the business of the Board, quorum at meetings, procedure at meetings, and the powers and duties of chairman; prescribing the fees, if any, payable to the manager and chairman and other members of the Board;
- (ii.) Prescribing the duties of the manager and other officers appointed for the purposes of this Act, and the mode of keeping the accounts;
- (iii.) Prescribing forms to be used for the purposes of this Act;
- (iv.) Regulating payments by contributors absent on leave without pay;
- (v.) Upon the advice of the actuary, or in accordance with tables provided by him, prescribing rates of contributions and the amounts of pension payable under this Act in respect of interests in the Fund, and for that purpose altering all or any of the prescribed rates and amounts;
- (vi.) Providing for all matters and things in relation to unclaimed moneys, the keeping of accounts and claims therefor;
- (vii.) Prescribing or regulating any matter or thing proper for giving full effect to this Act, and which is not by this Act provided for or is by this Act insufficiently provided for.

(2.) All Orders in Council and regulations made or purporting to have been made under this Act, upon being published in the *Gazette*, shall have the same force and effect as if they were enacted in this Act, and shall be judicially noticed, and their validity shall not be questioned in any proceedings whatever.

(3.) Such Orders in Council and regulations shall be laid before the Legislative Assembly within fourteen days after such publication if Parliament is in session, or, if not, then within fourteen days after the commencement of the next session.

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If the Legislative Assembly passes a resolution disallowing any such Order in Council or regulation, of which resolution notice has been given at any time within fourteen sitting days after such Order in Council or regulation has been laid before it, such Order in Council or regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

## SCHEDULE.

## PENSION PAYABLE AT THE AGE OF 65.

Years of Contribution.			Pension Payable at Age 65.	Years of Contribution.			Pension Payable at Age 65.
			£				£
Up to 15	..	..	110	Up to 31	..	..	158
16	..	..	113	32	..	..	161
17	..	..	116	33	..	..	164
18	..	..	119	34	..	..	167
19	..	..	122	35	..	..	170
20	..	..	125	36	..	..	173
21	..	..	128	37	..	..	176
22	..	..	131	38	..	..	179
23	..	..	134	39	..	..	182
24	..	..	137	40	..	..	185
25	..	..	140	41	..	..	188
26	..	..	143	42	..	..	191
27	..	..	146	43	..	..	194
28	..	..	149	44	..	..	197
29	..	..	152	45	..	..	200
30	..	..	155	..			..