



ANNO QUINQUAGESIMO TERTIO ET QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

A.D. 1890.

No. 485.

An Act to provide for a Fund for the Relief and the Maintenance of Superannuated Public School Teachers, and for the Widows and Families of Deceased Teachers, and for other purposes.

[*Assented to, December 23rd, 1890.*]

WHEREAS a fund has been formed to provide for the relief and maintenance of infirm and superannuated public school teachers, and of the widows and families of deceased public school teachers: And whereas it is desirable to provide for the continuance of such fund, and for its administration and regulation—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as “The Teachers Superannuation Act, 1890.” Short title.

2. In the interpretation of this Act the following terms shall, unless the context or subject otherwise requires, have the several meanings set against them respectively, that is to say:— Interpretation.

“Board”—The Board hereby constituted:

“Fund”—The fund referred to in section 3:

“Minister”—The Minister Controlling Education:

“Prescribed”—Prescribed by the regulations under this Act:

“Subscriber”

The Teachers Superannuation Act.—1890.

“Subscriber”—A person subscribing to the fund under section 13 of this Act:

“Teacher”—A head teacher, an assistant teacher, or a teacher of a provisional school.

Continuation of fund.

3. The “Public School Teachers Superannuation and Widows Fund” now existing and invested in the names of John Anderson Hartley, James George Russell, William Liston, William Lewis Neale, Isaac Arthur Plummer, and Charles Baillie Whillas, or some of them, shall be continued under and subject to the provisions of this Act, and under the name of “The Public School Teachers Superannuation Fund.” The fund, and the income arising therefrom, shall be exempt from taxation under “The Taxation Act, 1884,” and any amendment thereof.

Fund exempt from taxation.

Incorporation of Board.

4. For the purposes of this Act a Board is hereby constituted, to be called “The Board of Management of the Public School Teachers Superannuation Fund,” which shall be a body corporate with perpetual succession and a common seal, and shall by the said name be capable of suing and being sued, and of purchasing, holding, and alienating land, and of doing all acts necessary or expedient for carrying out the purposes of this Act, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

Members of Board.

5. The Board shall consist of six members, of whom the Inspector-General of Schools, if any, shall *ex officio* be one. The first members, other than the Inspector-General, shall be James George Russell, William Liston, William Lewis Neale, Isaac Arthur Plummer, and Charles Baillie Whillas. There shall be a Chairman of the Board, who shall have a casting as well as a deliberative vote. The Inspector-General of Schools, if any, shall be permanent Chairman. Subject to this provision, every Chairman shall be elected by the members of the Board.

Chairman.

Retirement of members.

6. 1. On the thirty-first day of March, one thousand eight hundred and ninety-one, and on the same day in every subsequent year, one member of the Board shall retire from office. The member to retire shall be the one who has been longest in office without re-appointment or re-election; and when there shall be two or more such members, or when all the members shall have been in office for the same period without re-appointment or re-election, the one to retire shall be decided by lot among them at least six weeks before the day for retirement: Provided that the Inspector-General is not to retire under this section.

Appointment by Governor.

ii. In the case of the first retirement of the said James George Russell or William Liston, or where the retiring member shall have been appointed by the Governor, or by the Board in place of a member appointed by the Governor, the Governor shall appoint a person to be a member of the Board in the place of the retiring member. iii. In

The Teachers Superannuation Act.—1890.

III. In the case of the first retirement of the said William Lewis Neale, Isaac Arthur Plummer, or Charles Baillie Whillas, or where the retiring member shall have been elected, or shall have been appointed by the Board in place of an elected member, the subscribers shall, in the prescribed manner, elect a subscriber to be a member of the Board in the place of the retiring member.

Election by subscribers.

IV. Any retiring member shall be eligible for re-appointment or re-election.

Retiring member eligible.

7. Any of the following acts or events shall cause a vacancy in the office of member of the Board, namely:—

Extraordinary vacancies in Board.

Death, lunacy, idiocy, insolvency, the execution of a statutory deed of assignment for the benefit of creditors, or conviction for felony:

Absence from the province without the leave of the Board during the holding of three consecutive ordinary meetings, or failure to attend three consecutive ordinary meetings of the Board without sufficient cause, followed in either case by a resolution of the Board, passed within three weeks of the last of such meetings declaring the office vacant, which resolution the Board may pass, but are not bound to pass:

As to an elected member, his ceasing to be a subscriber:

Resignation by notice in writing signed by the member and posted or delivered to the Chairman of the Board, or, if there shall be no such Chairman, then to the Minister.

8. Any casual vacancy in the Board shall be filled by the Board appointing a person to take the place of the member whose office is vacant, or, when there shall not be sufficient members of the Board to form a quorum, by the Governor appointing a person to take the place of such member. Any member appointed under this section shall retire when the member whose place he takes would have retired had no such casual vacancy occurred, and on such retirement the successor of the retiring member shall be appointed or elected, as the case may be, as if the retirement had been that of the member whose place has been so taken. Subject to the regulations for the time being in force relating to a quorum, the powers of the Board shall not be affected by any diminution in the number of its members, or by any vacancy in the office of member.

Casual vacancy, how filled.

Powers not affected by vacancy.

9. The fund shall be vested in and be under the control and management of the Board, who may invest the same on deposit in any bank, or upon first mortgage of the fee-simple of land in South Australia, or upon Government securities of the said province or of any Australian colony, or upon securities guaranteed by the Government of the said province, or the Government of any Australian colony, or upon the securities of any Municipal Corporation in the said province.

Investment of fund.

10. The

The Teachers Superannuation Act.— 1890.

Powers of Board as to officers.

10. The Board may—

- i. Appoint such officers, clerks, and servants as they shall think necessary for efficiently conducting the affairs of the fund:
- ii. Pay and allow such salaries and emoluments as the Board shall think fit:
- iii. From time to time remove from office any officer, clerk, or servant, and re-appoint him, or appoint another in his place.

Application of fund.

11. The fund shall be devoted to the following purposes:—

- i. Payment of the expenses of management, including the payment of an amount not exceeding One Guinea per meeting to each member of the Board who is not employed in the public service:
- ii. Providing annuities for subscribers on their retirement from service on attaining the prescribed age, or on account of illness or infirmity:
- iii. Providing annuities for the widows of subscribers:
- iv. Providing annuities for the children of subscribers after the death of both parents.

Protection to annuitants.

12. No annuity payable out of the fund shall be anticipated, assigned, transferred, charged, encumbered, or otherwise parted with by the person entitled, or contingently entitled thereto, in possession, expectancy, or otherwise; nor shall any such annuity be attached or taken in execution under the process of any court, nor, in the event of the insolvency of such person, vest in the assignee or trustee of his estate; but every such annuity shall be an inalienable personal provision for the person entitled thereto.

Voluntary subscribers.

13. i. The subscribers to the fund may be—

- a. Any person employed by or in the Education Department who shall be approved by the Board as a subscriber:
- b. Head teachers:
- c. Assistant teachers:
- d. (With the consent of the Board in each case) teachers of provisional schools.

Compulsory subscribers.

- ii. All head teachers and assistant teachers hereafter appointed shall subscribe to the fund, in accordance with regulations to be made by the Board in that behalf:
- iii. No subscriber shall, without the consent of the Board, cease to subscribe to the fund while employed by or in the Education Department:
- iv. The Minister may pay subscriptions becoming due by any subscriber, and deduct the same from his salary.

14. i. Any

The Teachers Superannuation Act.—1890.

- 14.** **i.** Any teacher entitled or contingently entitled to a retiring allowance under the provisions of The Education Regulations of 1879 and The Education Regulations of 1885, may, with the sanction of the Minister and of the Board, assign such allowance or any part thereof with all interest thereon to the Board, in the prescribed form, for the purchase of a status with respect to the fund. Any such purchase shall be conditional on the Board receiving the allowance and the interest (if any) assigned; and if the moneys received by the Board shall be less than contemplated at the time of the purchase, the status shall be proportionately reduced: Purchase of status.
- ii.** All assignments to the members of the Board of Management of The Public School Teachers Superannuation and Widows Fund, heretofore made by public school teachers, and accepted by the Board, and sanctioned by the Minister, being assignments of moneys which such teachers were entitled to have placed to their credit, under No. 283 of The Education Regulations of 1885, shall, so far as such assignments have already been carried into effect by the receipt by the members of the said Board of the moneys thereby purporting to be assigned, be valid according to the tenor thereof, and such moneys shall be deemed portion of the fund:
- iii.** All such assignments, not already carried into effect by the receipt of the moneys as mentioned in the last preceding section, shall operate as if the same had been made to the Board under the first sub-section hereof:
- iv.** Any person employed by or in the Education Department may, with the sanction of the Board, assign to the Board his retiring allowance under the "Civil Service Act, 1874," or any part thereof, with all interest thereon, for the purchase of a status with respect to the fund. Any such assignment shall operate as if the same had been an assignment by a teacher of his retiring allowance under sub-section i. hereof.
- 15.** Any subscriber shall, on retiring from his employment by or in the Education Department, be entitled to receive the benefits provided for retiring subscribers in every case where such subscriber shall have subscribed for twenty years, or shall have acquired a status with respect to the fund equivalent to that obtainable by twenty years' subscription: Provided that such subscriber shall, on retiring, have attained, if a man the age of sixty years, or if a woman the age of fifty years. Payment of benefits on retirement on twenty years' subscription.
- 16.** The accounts relating to the fund shall once at least in every year be audited by the Commissioners of Audit, or by one or more actuaries or accountants, to be approved by the Minister. Audit of accounts.

17. The

*The Teachers Superannuation Act.—1890.***Regulations.**

17. The Board, with the sanction of the Governor, may, from time to time make, alter, and revoke regulations for all or any of the following purposes, that is to say—

- a. Prescribing the duties of all persons employed in the administration of the fund or otherwise for the purpose of this Act:
- b. Regulating the security to be given by such persons or any of them:
- c. Fixing, increasing, or reducing the subscriptions to be made, and the benefits to be taken by subscribers and the proportion of money repayable to subscribers ceasing, by reason of dismissal or otherwise, to subscribe to the fund: Provided that the maximum subscription shall be Sixteen Pounds per annum for a man and Twelve Pounds per annum for a woman:
- d. Prescribing the modes of purchasing status in respect of the fund, whether by cash payments or by assignments of retiring allowances or otherwise, and prescribing, increasing, or reducing the amounts to be paid for the purchase of status:
- e. Prescribing the times and manner of elections of members of the Board:
- f. Regulating the meetings of the Board, and the times and places of, and the quorum and proceedings at such meetings, the custody of the common seal, and the mode of its use:
- g. Prescribing the period of office and the mode of election of the Chairman (subject to the provisions of section 5 with regard to the Inspector-General):
- h. Prescribing forms necessary or expedient for carrying out this Act:
- i. For holding meetings of subscribers, and regulating the proceedings thereat:
- j. Carrying out the objects of this Act, and to meet any particular case that may arise.

In the construction of this section general words shall not be limited or controlled by particular words.

Regulations to be published, &c.

18. Such regulations shall be published in the *Government Gazette*, and shall afterwards be judicially noticed, and have the force of law; and the *Government Gazette* purporting to contain a copy of any such regulations shall be conclusive evidence thereof. All such regulations shall be laid before both Houses of Parliament within fourteen days after the publication thereof, if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next sitting of Parliament.

Reports on fund.

19. 1. In the month of March in every year a report on the condition,

The Teachers Superannuation Act.—1890.

condition, investments, and affairs of the fund and its administration during the year ending on the thirty-first day of January next preceding shall be prepared and laid before the Governor by the Board.

- II. As soon as conveniently may be after the thirty-first day of January, one thousand eight hundred and ninety-four, and at the end of every subsequent period of five years, the affairs of the fund shall be investigated and reported upon by an actuary, to be appointed by the Board and approved by the Governor, and the report of such actuary shall be laid before the Governor by the Board.

20. No member of the Board shall be personally liable except for his own acts and deeds, or be answerable for any banker, broker, or other person, with whom any part of the moneys or effects of or belonging to the fund shall be deposited or lodged for safe custody, or be answerable for the insufficiency or deficiency of any security or securities in or upon which any moneys shall be placed out or invested, or for the defect of or in title or value of any lands, or for any other misfortune, loss, or damage, which may happen by reason of anything done by him in virtue of his office in the execution of this Act, except in cases where he shall be guilty of wilful neglect or default.

Protection to members of Board.

21. The *Government Gazette* containing a notice by the Minister of the appointment or election of any person as a member of the Board, shall be conclusive evidence of such appointment or election.

Evidence of appointment or election.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.