

2nd October, 1908.

PUBLIC SERVICE CLASSIFICATION AND SUPERANNUATION AMENDMENT BILL.

MEMORANDUM.

PART II of the Public Service Classification and Superannuation Act, 1908 (as referred to in this Bill), is a re-enactment of the Public Service Superannuation Act, 1907. Part II of the Police Force Act, 1908, is a re-enactment of the Police Provident Fund Act, 1899. Part IX of the Education Act, 1908, is a re-enactment of the Teachers' Superannuation Act, 1905.

The purpose of the present Bill is fourfold, namely,—

- (1.) To substitute in place of the present Superannuation scheme for the Education service a scheme which is, so far as practicable, the same as that established for the Public Service;
- (2.) To place the Police Force in the same position as the rest of the Public Service in respect of superannuation;
- (3.) To make certain miscellaneous amendments in the superannuation scheme for the Public Service.
- (4.) To make certain provisions respecting broken time in the Railways service

I. TEACHERS' SUPERANNUATION.

1. The differences between the Education service and the Public Service are such that it is impracticable to include them in the same scheme of superannuation. The Bill therefore preserves the separate existence of the Teachers' Superannuation Board and Fund, and Part I contains all the provisions applicable to teachers' superannuation. These provisions are essentially the same as those established by the Public Service Superannuation Act, 1907, but there are numerous minor variations necessitated by the special conditions of the Education service. Every existing contributor to the Teachers' Superannuation Fund comes automatically within the scope of the new scheme unless within six months he elects to remain subject to the old Act.

2. The retiring-allowance for contributors is based on their final salary instead of on their average salary during the period of their service. Existing contributors will count the whole of their back service instead of only one-half of it as at present.

3. An annual subsidy of £7,000 is provided for the Teachers' Superannuation Fund, corresponding to the subsidy of £20,000 provided by the Act of 1907 for the Public Service Superannuation Fund.

II. POLICE SUPERANNUATION.

1. The Police Provident Fund is abolished, and all its assets and liabilities are transferred to the Public Service Superannuation Fund.

2. The Police Provident Fund Board is abolished, and all its powers are transferred to the Public Service Superannuation Board. One additional member is added to the latter Board, to be elected by contributors belonging to the Police Department.

3. All persons hereafter appointed to the Police Force are to become contributors to the Public Service Superannuation Fund on the same terms as other public servants.

4. All existing contributors to the Police Provident Fund become on the passing of the Act contributors to the Public Service Superannuation Fund on the same terms as other public servants, save that within six months from the passing of the Act any such contributor may elect to remain subject to the existing provisions governing police superannuation.

5. The police who so join the Public Service Superannuation Fund are to be deemed original contributors—that is to say, they count the whole period of their back service, and their contributions are determined by the age of the contributor when he first joined the Police Provident Fund.

6. The special allowance to police officers injured in the execution of their duties is retained.

7. The Government subsidy of £20,000 provided by the Public Service Superannuation Act, 1907, is increased by £3,000 to meet the additional expenditure imposed on the fund by the inclusion of the Police Force.

III. PUBLIC SERVICE SUPERANNUATION.

1. (Clause 54): Sections 15 and 16 of the Public Service Classification Act, 1907, provided that all temporary officers already appointed should after five years' service become permanent, and that no temporary appointment made after the passing of that Act should continue for more than six months. These provisions do not apply to officers in the Post and Telegraph Department, and this Bill now makes the same provision as to them.

2. Clause 55 makes it clear that any contributor who attains the required age or length of service is entitled to a retiring-allowance whether he retires voluntarily or compulsorily. This is presumably the effect of the Act as it stands, but it is thought advisable to make the provision expressly.

3. (Clause 56): This clause is intended to guard against the possibility of a contributor drawing a retiring-allowance on the ground that he is medically unfit for the position which he has hitherto occupied, although he is perfectly fit for some other suitable position which is offered to him in the Public Service.

4. Clause 57 gives power to the Board to determine the rate of contribution payable by a contributor who is reappointed to the Public Service after retirement.

5. Clause 58 repeals and re-enacts, with verbal alterations, section 41 of the principal Act, the wording of which is ambiguous.

6. (Clause 59): This clause makes amended provisions for the difficulty raised by the transference of an officer from a service governed by one superannuation scheme to a service governed by another. The present law is that such an officer remains a contributor to the fund which he originally joined, but this arrangement will probably be found to cause grave practical difficulties.

7. (Clauses 60 and 61): By the present law, only continuous service can be counted towards a retiring-allowance. Experience has shown, however, that this rigid rule works considerable hardship owing to the existence of accidental or very brief intervals in the continuity of an officer's service. For example, on the transfer of an officer from one position to another there may be an interval of a day between his retirement from the one position and his appointment to the other. Clauses 60 and 61 contain an attempt to avoid hardships of this kind, while maintaining the spirit of the principle that service must be continuous.

8. Clause 62 makes provision for the difficulties created by the position of those temporary officers who, by virtue of section 15 of the Public Service Classification Act, 1907, become permanent officers in consequence of five years' temporary employment. The clause provides that all such officers who hereafter complete or who have already completed their term of five years after the commencement of the Public Service Classification Act, 1907, shall be contributors to the fund, and shall be entitled to count their period of service prior to the commencement of the Public Service Superannuation Act, just as original contributors do.

9. Clause 64 makes provision for the private secretaries of Ministers, those officers being at present outside the scope of the Superannuation Acts.

IV. GOVERNMENT RAILWAYS SUPERANNUATION.

This Part of the Bill makes special provisions in respect of broken periods of service in the Railways Department.

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PUBLIC SERVICE CLASSIFICATION AND SUPERANNUATION AMENDMENT.

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A BILL INTITULED

Title. AN ACT to amend the Public Service Classification and Superannuation Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :— 5

Short Title. 1. This Act may be cited as the Public Service Classification and Superannuation Amendment Act, 1908, and shall be read together with and deemed to form part of the Public Service Classification and Superannuation Act, 1908 (hereinafter referred to as the principal Act). 10

PART I.

TEACHERS' SUPERANNUATION.

Interpretation. 2. In this Part of this Act, unless a different intention appears,—
“Board” means the Teachers' Superannuation Board under this Act : 15
“Contributor” means a contributor to the Teachers' Superannuation Fund :
“Education Board” means an Education Board under the Education Act, 1908 : 20
“Education service” means service in any capacity for not less than twenty hours in a week—
(a.) Under an Education Board ; or
(b.) Under the governing body of a secondary school ; or
(c.) Under the managers of associated classes under Part VII of the Education Act, 1908 ; or 25
(d.) Under the Education Department in the case of Inspectors of Schools, managers or of inspectors, managers, or visiting officers of industrial schools, or of teachers of any schools under the control of that Department : 30
“Fund” means the Teachers' Superannuation Fund under this Act :
“Length of service” means in respect of any contributor the total period during which he has been a contributor :
“Prescribed” means prescribed by this Act or by regulations made under the authority thereof : 35
“Public school” means a public school as defined by the Education Act, 1908 :
“Regulations” means regulations made under this Act by the Governor by Order in Council : 40
“Salary” means, with respect to a contributor, the actual sum paid to him as salary in respect of his service, but does not include allowances or payment for overtime, save that payments made to a contributor by way of bonus on certificates, or for instruction to pupil-teachers or probationers, or for 45

the management or instruction of classes under Part VII of the Education Act, 1908, or the corresponding provisions of any former Act, shall be deemed to be the salary or a part of the salary of the contributor :

5 "Secondary school" means a secondary school as defined for any purpose by the Education Act, 1908.

The Fund.

3. (1.) There is hereby established a fund to be called "The Teachers' Superannuation Fund" (being the same fund as is established under Part IX of the Education Act, 1908). Teachers' Superannuation Fund.

(2.) The fund shall consist of—

(a.) The contributions of persons in the Education service, as hereinafter provided :

15 (b.) Moneys at any time paid into the fund under section thirty-nine hereof :

(c.) Interest from time to time accruing from investment of the moneys of the fund, as hereinafter provided :

(d.) The moneys in the fund at the commencement of this Act.

20 4. All moneys belonging to the fund shall be paid to the Public Trustee, who shall from time to time invest the same in such manner as is prescribed by regulations. Moneys payable to Public Trustee.

5. (1.) The contribution to be made by a contributor shall be the following percentage of his salary, and shall be deducted from his salary as it becomes payable from time to time, that is to say :— Contributions by contributors.

25 (a.) Five per centum if his age does not exceed thirty years at the time when the first contribution becomes payable ;

(b.) Six per centum if his age then exceeds thirty years but does not exceed thirty-five years ;

30 (c.) Seven per centum if his age then exceeds thirty-five years but does not exceed forty years ;

(d.) Eight per centum if his age then exceeds forty years but does not exceed forty-five years ;

(e.) Nine per centum if his age then exceeds forty-five years but does not exceed fifty years ; and

35 (f.) Ten per centum if his age then exceeds fifty years.

(2.) The amount so deducted shall forthwith be paid to the Public Trustee to the credit of the fund by the Education Board or other governing body or person charged with the duty of paying the salary of the contributor. To be paid to Public Trustee.

40 (3.) For the purposes of this section a contributor's age shall be deemed to exceed thirty years on and after the thirtieth anniversary of his birth, and the other ages mentioned in this section shall be calculated respectively in the same manner.

45 6. If the salary of a contributor is for any period temporarily stopped on the ground of ill health, or if for any period a contributor is on leave of absence without salary, or is temporarily unemployed in the Education service but has not retired therefrom, he shall during that period continue to contribute to the fund in such manner and to such extent as may be prescribed by regulations. Contributions by contributors who are temporarily not receiving salary.

The Board.

Constitution of
Teachers'
Superannuation
Board.

7. The fund shall be administered by a Board called the Teachers' Superannuation Board, consisting of the following members :—

- (a.) A Minister of the Crown ;
- (b.) Four persons to be appointed and removable by the Governor in Council ; 5
- (c.) Two persons to be elected by and from among the contributors resident in the North Island ;
- (d.) Two persons to be elected by and from among the contributors resident in the South Island. 10

Elective members
of Board.

8. (1.) With respect to the elective members of the Board, the following provisions shall apply :—

- (a.) The elective members belonging at the commencement of this Act to the Teachers' Superannuation Board as established under Part IX of the Education Act, 1908, shall be deemed to have been elected under this Act and to represent the contributors resident in the North Island and South Island respectively in accordance with the mode of their election, and shall be the elective members of the Board accordingly until the election of their successors under this Act. 15 20
- (b.) A separate ballot of the contributors resident in the North and South Islands respectively shall be taken on the first Monday in March, nineteen hundred and nine, and thereafter on the same Monday in every third year.
- (c.) Every ballot shall be taken in manner prescribed by regulations, and if any question arises as to the regularity or validity of any ballot, or the voting thereat, the question shall be determined by the Minister of Education, whose decision shall be final. 25
- (d.) If any elective member of the Board dies, or retires from the Education service, or by notice in writing addressed to the Minister of Education resigns his office, his seat shall become vacant. 30
- (e.) Any such vacancy shall be filled by election by a ballot of the contributors represented by the vacating member ; but the person so elected shall hold office only for the residue of the period during which his predecessor would have held the same if he had remained a member of the Board : 35

Provided that where any such vacancy arises within three months before the ordinary election a ballot shall not be taken, but in lieu thereof the Governor may appoint to the vacancy any person in the Education service, who shall hold office as a member of the Board until the ordinary election only. 40

(2.) Notice of the election or appointment of every member of the Board shall be gazetted, and such gazetted shall be conclusive evidence of the validity of every such election or appointment. 45

Procedure of Board.

9. With respect to the procedure of the Board, the following provisions shall apply :—

(a.) The Minister shall be chairman at all meetings at which he is present, and in his absence the Board shall elect some other member to be chairman.

(b.) Five members of the Board shall form a quorum.

5 (c.) Subject to the provisions of this Act and the regulations made thereunder, the Board may regulate its own proceedings.

10 10. (1.) The Governor may from time to time appoint some person to be Secretary of the Board, and the person so appointed may hold the office of Secretary in conjunction with any other office which the Governor deems to be not incompatible therewith, and shall receive, out of moneys to be appropriated by Parliament, such salary as the Governor from time to time determines.

Appointment of Secretary.

15 (2.) The person who at the passing of this Act is in office as the Secretary of the Teachers' Superannuation Board under Part IX of the Education Act, 1908, shall be deemed to have been appointed as the Secretary of the Board under this Act.

Benefits.

20 11. The fund shall be held and applied for the benefit of the contributors in the manner and subject to the conditions hereinafter set forth.

Application of fund.

25 12. (1.) Every male contributor whose length of service is not less than forty years or whose age is not less than sixty-five years, and every female contributor whose length of service is not less than thirty years or whose age is not less than fifty-five years, shall on his or her retirement from the Education service be entitled to receive from the fund an annual retiring-allowance for the rest of his or her life, computed as follows :—

Retiring-allowances.

30 For every year of the contributor's length of service the contributor shall receive one-sixtieth of his or her annual salary, and for every fraction of a year of that length of service the contributor shall receive a proportionate part of one-sixtieth of that salary, but in no case shall the retiring-allowance exceed two-thirds of that salary.

New proviso.

35 Provided that the Board may, with the approval of the Minister of Education, extend the provisions of this section to any case in which the age of a male contributor is not less than sixty years or the age of a female contributor is not less than fifty years.

40 13. (1.) Every contributor whose length of service exceeds fifteen years and who retires from the Education service on the ground of being medically unfit for further duty shall on his retirement be entitled to receive from the fund a retiring-allowance for the rest of his life, computed as mentioned in the last preceding section.

Retiring-allowance when contributor medically unfit for further duty.

45 (2.) In the case of a retiring-allowance being granted on the ground of the contributor being medically unfit for further duty, the retiring-allowance, or any one or more instalments thereof, may be forfeited by order of the Board if the contributor fails at any time without reasonable justification to submit himself for medical examination when and as often as required by the Board, or if, being reported by two medical practitioners on any such examination to be medically fit to re-enter the Education service, and having in the opinion of the Board reasonable opportunity of so doing, he fails to do so ; but this subsection shall not apply to any male contributor after he has attained the age of sixty-five years, or to any female contributor after she has attained the age
55 of fifty-five years.

(3.) For the purposes of this Act a contributor shall be deemed to be medically unfit for further duty if on the certificate of at least two medical practitioners approved by the Board it is established to the satisfaction of the Board that by reason of mental or bodily infirmity, not caused by irregular or intemperate habits, the contributor has become permanently unable to perform his duties. 5

New.

On re-entering service, new salary and retiring-allowance not to exceed former salary.

14. (1.) When a former contributor while in receipt of a retiring-allowance under the *last preceding* section re-enters the Education service and becomes permanently employed therein, his retiring-allowance shall cease and he shall again become a contributor to the fund at such rate of contribution as the Board determines, and if he subsequently retires from the Education service his retiring-allowance shall be calculated separately in respect of his two successive periods of service and of the salary received by him in each of those periods. 10 15

(2.) *In any case other than that provided for in the last preceding subsection*, when a former contributor re-enters the Education service while in receipt of a retiring-allowance, or receives payment for services rendered by him to or for any branch of the Government service, or to or for any of the bodies named in the definition of "Education service" in section two hereof, while in receipt of a retiring-allowance, then no more of that retiring-allowance shall be paid than is equivalent, when added to the remuneration so received by him in any one year, to his annual salary at the date of his retirement. 20 25

(23.) This section shall extend and apply to any person who before the commencement of this Act has retired on a retiring-allowance under the provisions of the Teachers' Superannuation Act, 1905, or Part IX of the Education Act, 1908.

On retirement, contributor may elect to receive refund of contributions.

15. A contributor may on his retirement under circumstances entitling him to a retiring-allowance, elect, at any time before accepting the first instalment of his retiring-allowance, to accept a sum equal to the total amount of his contributions to the fund in lieu of his retiring-allowance, in which case he shall be entitled to receive that sum accordingly without interest, but no further sum shall be payable out of the fund in the event of his death. 30 35

Computation of retiring-allowance.

16. (1.) For the purpose of computing the retiring-allowance to be granted to a contributor, his salary shall be deemed to be the average rate of salary received by him during the three years next preceding his retirement, or if the aggregate period during which he has been employed in the Education service is less than three years, then during that period. 40

(2.) In estimating the said period of three years no account shall be taken of any interval or intervals during which the contributor has been temporarily out of employment in the Education service, or during which his salary has been temporarily stopped. 45

Retiring-allowance to be paid in monthly instalments.

17. A retiring-allowance shall be paid by equal monthly instalments, the first instalment being payable one month after the date of the contributor's retirement.

Refund of contributions to contributor retiring before becoming entitled to retiring-allowance.

18. (1.) If any contributor retires from the Education service, *whether voluntarily or otherwise*, before becoming entitled to a retiring-allowance under this Act, he shall be entitled to a refund of the whole amount actually contributed by him to the fund, but without interest. 50

New.

(2.) If after any person has so retired he subsequently re-enters the Education service, and becomes permanently employed therein, he shall for all the purposes of this Part of this Act be deemed to have been then first permanently employed in the said service, and he shall thereupon be bound or entitled, as the case may be, to become a contributor to the fund in the same manner in all respects as if he had not formerly been a contributor thereto.

19. If any male contributor dies, whether before or after becoming entitled to a retiring-allowance, the following provisions shall apply :—

Provisions applicable on death of male contributor.

(a.) If he leaves a wife surviving him, there shall be paid out of the fund to the widow, at her election, either—

(i.) An annuity of eighteen pounds during her widowhood ; or

(ii.) The amount of the deceased contributor's contributions to the fund, less any sums received by him from the fund in his lifetime.

(b.) Any such election by the widow shall be final, and shall be deemed to be made when the first payment from the fund is received and accepted by her.

(c.) If the said contributor leaves a child or children under the age of fourteen years, there shall be paid out of the fund to or on behalf of each such child the sum of five shillings a week until that child attains the age of fourteen years.

(d.) If the said contributor leaves no widow, the amount of his contributions to the fund, less any sums which he has received out of the fund in his lifetime, and less any sums which have been paid or may become payable in the future to or on behalf of any child or children under the age of fourteen years under the foregoing provisions, shall be paid to the personal representatives of the deceased contributor in trust for the persons entitled thereto under his will, or, in case of intestacy, for the next-of-kin or other persons entitled to his estate under the law relating to the distribution of the estates of intestates, and shall not, except so far as it is otherwise specifically directed by the will of the contributor, be available as assets in his estate for the payment of his debts or liabilities.

20. When any female contributor dies, whether before or after becoming entitled to a retiring-allowance, the following provisions shall apply :—

Provisions applicable on death of female contributor.

(a.) If she leaves a child or children under the age of fourteen years, there shall be paid out of the fund to or on behalf of each such child the sum of five shillings a week until that child attains the age of fourteen years.

(b.) The amount of the contributions of the deceased contributor, less any sums which she has received out of the fund in her lifetime, and less any sums which have been paid or may become payable in the future to or on behalf of any child under the age of fourteen years under the foregoing provisions of this section, shall be paid to her personal representatives in trust for the persons entitled thereto under her will, or, in case of her intestacy, for the next-of-kin or other persons entitled to her estate under the law relating to the distribution of the estates of intestates, and shall not, except

so far as it is otherwise specifically directed by the will of the contributor, be available as assets in her estate for the payment of her debts or liabilities.

Payments on behalf of child under fourteen.

21. (1.) Any moneys payable out of the fund under either of the two *last preceding* sections to or on behalf of a child under the age of fourteen may, at the discretion of the Board, be either paid to the child himself or expended by the Board for the benefit of the child, or paid to the Public Trustee or any other person to be expended on behalf of the child in such manner as the Public Trustee or that other person thinks fit. 5 10

Or to personal representatives of deceased contributor.

(2.) Any moneys payable out of the fund under either of the two *last preceding* sections to the personal representatives of a deceased contributor may, if no grant of probate or of letters of administration is obtained within three months after the death of the contributor, be paid to the Public Trustee in trust for the persons beneficially entitled thereto under this Act. 15

Contributors.

Contributors to fund.

22. (1.) Every person who is first permanently employed in the Education service after the passing of this Act as a teacher in any public school shall thereupon become a contributor to the fund, unless he is already a contributor to the fund under some other provision of this Act. 20

(2.) Every person who is first permanently employed after the passing of this Act in any branch of the Education service which is also a branch of the Government service shall thereupon become a contributor to the fund, unless he is already a contributor to the fund under some other provision of this Act. 25

Future employees in Education service may elect to become contributors.

23. (1.) Every person who is first permanently employed in the Education service after the passing of this Act, and who is not included within the provisions of the *last preceding* section, may at any time within six months after the date of his appointment elect to become a contributor to the fund. 30

(2.) Every such election shall be made in writing under the hand of the person so electing, and delivered to the Secretary of the Board or to the Minister of Education. 35

(3.) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the fund except with the consent of the Board and on such conditions as the Board, having due regard to the interests of the fund, determines. 40

(4.) Nothing in this section shall affect the provisions of the *last preceding* section.

(5.) In determining for the purposes of this and the *last preceding* section whether any person is first permanently employed after the passing of this Act, no account shall be taken of any employment prior to the first day of January, nineteen hundred and six (being the date of the commencement of the Teachers' Superannuation Act, 1905). 45

Contributors to fund under Education Act may elect to become contributors under this Act.

24. (1.) Every person who is at the passing of this Act a contributor to the fund in accordance with the provisions of Part IX of the Education Act, 1908, shall as from the passing of this Act be a contributor to the fund in accordance with the provisions of this Act, unless within six months after the passing of this Act he elects to remain subject to the provisions of the said Part IX of the Education Act, 1908. 50 55

(2.) Every such election shall be made in writing under the hand of the contributor, and delivered to the Secretary of the Board or to the Minister of Education.

(3.) Every such election shall take effect retrospectively as if made on the passing of this Act.

(4.) Any such election may be made within the time hereinbefore limited, although the contributor so electing is no longer in the Education service.

(5.) If any contributor so entitled to elect dies before he has made an election, an election may be made within six months after the passing of this Act by his executors or administrators, and any such election shall have the same effect as if made by the contributor, in his lifetime.

25. Every contributor who so elects to remain subject to the provisions of Part IX of the Education Act, 1908, shall as from the passing of this Act continue to be a contributor to the fund in the same manner and subject to the same provisions as if Part IX of the said Act remained in force and continued to apply to him.

Provisions where contributor elects to remain subject to Part IX of the Education Act.

26. As to every contributor under Part IX of the Education Act, 1908, who becomes a contributor under this Act in accordance with section twenty-four hereof, the following provisions shall apply:—

Provisions where contributor elects to become subject to this Act.

(a.) After the passing of this Act he shall contribute to the fund the same proportion of his salary as he contributed before the passing of this Act.

(b.) For all the purposes of this Act, the length of his service shall be deemed to be the aggregate of the following periods:—

(i.) The period during which he has been a contributor to the fund, whether before or after the passing of this Act:

(ii.) The length of his service (if any) within the meaning of Part IX of the Education Act, 1908, prior to the date at which he became a contributor to the fund.

(c.) All contributions made by him to the fund before the passing of this Act shall be computed as contributions made by him under this Act.

27. (1.) Every person who becomes a contributor to the fund under this Act shall remain a contributor thereto until his death or his retirement from the Education service.

Provisions with respect to contributors.

(2.) No person shall for the purposes of this Act be deemed to have retired from the Education service by reason of any interval during which he has not been employed in the said service, if the said interval is less than twelve months.

(3.) Every person shall for the purposes of this Act be deemed to have retired from the Education service—

Retirement from service.

(a.) If at any time while he is not employed in the Education service he gives notice in writing to the Secretary of the Board or to the Minister of Education of his retirement therefrom; or

(b.) If at any time after the passing of this Act he remains out of employment in the said service for a period of twelve months:

Provided that before the expiry of that period the Board may, if it thinks fit, for special reasons, on the application of the contributor, extend the period herein prescribed for a further period not exceeding twelve months, in which case the contributor shall be deemed to have retired from the Education service at the end of the period as so extended, unless he sooner obtains employment in the Education service.

Struck out.

Provisions with respect to persons re-entering service after retirement therefrom.

28. If after the passing of this Act any person retires from the Education service, and at any time thereafter re-enters the said service, he shall not by reason of that re-entry be entitled to become a contributor to the fund without the leave of the Board, and on such special conditions (if any) as the Board thinks fit to impose in the interests of the fund.

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Provisions with respect to contributors who become employed in universities or other educational institutions.

29. (1.) If any person while he is a contributor to the fund ceases to be employed in the Education service, and becomes employed as a professor, lecturer, or teacher in a university college within the meaning of the Education Act, 1908, or in an endowed college or school, he may within two months after beginning to be so employed elect, by notice under his hand delivered to the Secretary of the Board or the Minister of Education, to remain a contributor to the fund; and all the provisions of this Act shall continue to apply to him accordingly, with the necessary modifications, as if employment in any such college or school were employment in the Education service within the meaning of this Act.

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(2.) An endowed college or school means any educational institution which is maintained wholly or in part by grants from the public revenue or by the proceeds of public endowments granted by the Crown.

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Provisions with respect to deductions under Civil Service Reform Act, 1886.

30. (1.) Where any person who has had or is liable to have any part of his salary deducted under the Civil Service Reform Act, 1886, becomes a contributor, the deduction shall thereupon cease, and the moneys already deducted and remaining in the hands of the Public Trustee to his credit shall be invested for his benefit independently of the fund, and shall on his retirement from the Education service or his death be paid as provided by the Act under which the deductions have been made, in addition to the benefits to which he is entitled under this Act.

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(2.) This section shall extend and apply to any person who becomes a contributor under section twenty-four of this Act, and to all moneys standing to his credit in the hands of the Public Trustee in respect of deductions made before he so becomes a contributor.

Provisions with respect to contributors who are subject to Civil Service Insurance Act, 1893.

31. (1.) When any person who has effected a policy on his life under the Civil Service Insurance Act, 1893, becomes a contributor, he shall be entitled at his option—

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- (a.) To keep the policy alive independently of this Act; or
- (b.) To surrender the policy and have the surrender value thereof paid to the Public Trustee to be invested independently of the fund, and to be paid, together with all interest accrued thereon, to the contributor on his retirement, or to his personal representatives on his death; or
- (c.) To surrender the policy and to receive the equivalent of its surrender value in the form of a paid-up policy, following the terms and conditions of the surrendered policy, or such other terms and conditions as may be mutually agreed upon between the policyholder and the Government Insurance Commissioner.

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(2.) The option conferred by the *last preceding* subsection may be exercised by the policyholder at any time after he becomes a contributor.

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(3.) The Governor in Council may at any time direct that the whole or any part of the money standing to the credit of any contributor under this or the *last preceding* section shall be paid to that contributor.

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(4.) This section shall extend and apply to any person who becomes a contributor under section twenty-four of this Act.

32. (1.) When any person who is entitled under the Civil Service Act, 1866, to receive compensation for loss of office becomes a contributor, the following provisions shall apply :—

Provisions with respect to contributors entitled to compensation for loss of office.

- 5 (a.) Save in the manner and to the extent hereinafter in this section stated, his right to that compensation shall not be taken away or affected, but shall be cumulative with his right to payment from the fund.
- 10 (b.) Such compensation shall be calculated only in respect of the period of his employment up to the time when he became a contributor, and in respect of his salary at the time when he became a contributor.
- 15 (c.) If on his retirement from the Education service he receives and accepts a retiring-allowance from the fund, he shall thereby forfeit his right to such compensation. He shall be deemed to have received and accepted a retiring-allowance when he has received and accepted his first instalment thereof.
- 20 (d.) If on his retirement from the Government service he receives and accepts such compensation, he shall forfeit his right to a retiring-allowance from the fund, and no annuity or periodical payment shall be payable out of the fund on his death; but the acceptance of such compensation shall not affect his right to a return of the contributions made by him to the fund, or, in case of his death, the right of any other person to a return of those contributions.
- 25 (e.) If after he has retired from the Education service or the Government service he dies before he has received and accepted either a retiring - allowance from the fund or compensation under the said Act, such compensation (if any) shall be payable to his personal representatives, and no moneys shall be payable out of the fund except the amount of his contributions.
- 30 (f.) Notwithstanding anything hereinbefore contained, if a contributor who has received and accepted a retiring-allowance dies before the amount paid to him in respect of that allowance is equal to the aggregate amount of the compensation to which he was so entitled and his contributions to the fund, the difference between the said amounts shall be payable out of the fund to and on behalf of the persons entitled, under the provisions of sections *nineteen* and *twenty* of this Act, to the balance (if any) of his contributions to the fund.

45 (2.) This section shall apply and extend to a person who becomes a contributor under section *twenty-four* of this Act, and in any such case paragraph (b) hereof shall be read as referring to the date when he first became a contributor under the Teachers' Superannuation Act, 1905.

50 33. With respect to any former contributor who before the passing of this Act has retired from the Education service on a retiring-allowance under the provisions of the Teachers' Superannuation Act, 1905, or Part IX of the Education Act, 1908, or who has died while still a contributor under either of those enactments, the following provisions shall apply :—

Provisions with respect to retired contributors under former Acts.

- 55 (a.) Subject to the *next succeeding* paragraph, the Teachers' Superannuation Act, 1905, or Part IX of the Education Act, 1908, as the case may be, shall continue to apply in the same manner as if this Act had not been passed.

(b.) If after the passing of this Act any former contributor re-enters the Education service, he shall be subject to section twenty-eight of this Act in the same manner as if he had retired after the passing of this Act.

Miscellaneous.

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Provisions when compensation paid under Workers' Compensation for Accidents Act.

34. When compensation is paid by the Crown or by any Education Board or other employer of a contributor under the provisions of the Workers' Compensation for Accidents Act, 1908, or any Act amending or substituted for that Act, in respect of an accident to a contributor, the following provisions shall apply :—

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(a.) When such compensation is paid to the contributor in respect of an accident by which he has become medically unfit for further duty, all moneys so received by him, whether by way of a weekly payment or otherwise, shall to the extent thereof be deemed to be received in satisfaction of his retiring-allowance under this Act, and such allowance shall be reduced or postponed accordingly in such manner as the Board directs.

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(b.) When any such compensation has been received in respect of the death of a contributor by any person entitled under this Act to receive any annuity or periodical payment in consequence of that death, the compensation so received by that person shall to the extent thereof be deemed to be received in satisfaction of that annuity or periodical payment, and the same shall be reduced or postponed accordingly in such manner as the Board directs.

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(c.) No such compensation shall take away or affect the right of a contributor or any other person to receive from the fund under the provisions of this Act the amount of the contributions made to the fund by a contributor.

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Disputes to be determined by Board.

35. If any dispute arises as to whether any person is or has been in the Education service within the meaning of this Act, or as to whether any person is, or is entitled or bound to become, a contributor to the fund, or as to the period of service which any contributor is entitled to count, the dispute shall be determined by the Board, and the determination of the Board shall be final and conclusive.

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Retiring-allowances not alienable.

36. In no case shall any retiring-allowance or other moneys granted or payable out of the fund to any person be in any way assigned or charged or pass to any other person by operation of law; nor shall any moneys payable out of the fund on the death of a contributor be assets for the payment of his debts or liabilities.

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Board to prepare annual statement and balance-sheet.

37. (1.) Before the first day of April in each year there shall be prepared by the Board, in such form as may be prescribed by regulations, a statement of its revenue account for the year ended on the thirty-first day of December preceding, and of its balance-sheet at the close of that year, and a statement of membership and of retiring and other allowances at the close of that year.

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(2.) The said accounts and statements, accompanied by a report from the Board, after being audited by the Audit Office, shall, within ten days after the completion of the audit, be forwarded by the Board to the Minister of Education, who shall within ten days after the receipt thereof lay the same before Parliament if then sitting, or if not then within ten days after the commencement of the next ensuing session.

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Triennial actuarial examination of fund.

38. (1.) For the period ending on the thirty-first day of December, nineteen hundred and *ten*, and for each triennial period thereafter, an

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examination of the fund shall be made by an actuary appointed for that purpose by the Governor.

5 (2.) The actuary shall set forth the result of his examination in a report, which shall be so prepared as to show the state of the fund at the close of the period, having regard to the prospective liabilities and assets and the probable annual sums required by the fund to provide the retiring and other allowances falling due within the ensuing three years without affecting or having recourse to the actuarial reserve appertaining to the contributors' contributions.

10 (3.) The Board shall cause the said report to be printed and a copy thereof to be supplied to each contributor.

(4.) A copy of the report shall, within ten days after it is received, be laid before Parliament if then sitting, or if not then within ten days after the commencement of the next ensuing session.

15 39. (1.) In the month of January in every year after the passing of this Act, the Minister of Finance shall pay into the fund and out of the Consolidated Fund, without further appropriation than this Act, the sum of seven thousand pounds, together with such further amount (if any) as is deemed by the Governor in Council, in accordance with the aforesaid report of the actuary, to be required to meet the charges on the fund during the ensuing year. Annual contribution by Government.

20 (2.) A statement of all additional amounts so paid into the fund shall be laid before Parliament within ten days after the payment thereof if Parliament is then sitting, or if not then within ten days after the commencement of the next ensuing session.

25 40. The Governor may from time to time, by Order in Council gazetted, make such regulations as he thinks necessary for any of the following purposes :— Regulations.

30 (a.) Prescribing the manner in which elections shall be conducted under this Part of this Act, and the facilities to be given to members of the Education service for voting thereat, and to the members of the Board for attending meetings thereof;

(b.) Prescribing the powers, functions, and procedure of the Board with respect to the fund;

35 (c.) Prescribing the mode of investment of moneys belonging to the fund; and

(d.) Generally prescribing whatever else he thinks necessary in order to give full effect to this Part of this Act.

41. Part IX of the Education Act, 1908, is hereby repealed. Repeal.

40 PART II.

POLICE SUPERANNUATION.

42. The principal Act is hereby amended in manner following :— Miscellaneous amendments of principal Act.

45 (a.) As to section eighteen thereof, by omitting the words “(b) So much of the Police Department as is included in Part II of the Police Force Act, 1908”:

(b.) As to section twenty-two thereof, by omitting the word “ten” and substituting the word “eleven,” and by inserting after the words “Governor in Council” the words “One person to be elected by and from the contributors who belong to the Police Department”:

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(c.) As to section twenty-three thereof, by inserting after the words "Telegraph Department" the words "a separate ballot of the members of the Police Department":

(d.) As to section fifty thereof, by omitting the words "the Police Provident Fund or."

Future members of Police Force to be subject to Part II of principal Act.

43. Part II of the Police Force Act, 1908, shall not apply to any person who after the commencement of this Act becomes a member of the Police Force, and every such person shall be subject to the provisions of Part II of the principal Act.

Merger of Police Provident Fund in Public Service Superannuation Fund.

44. (1.) The Police Provident Fund, established by Part II of the Police Force Act, 1908, is hereby merged in the Public Service Superannuation Fund, and all moneys belonging to the first-mentioned fund on the commencement of this Act shall be transferred to the Public Service Superannuation Fund and shall form part thereof, and shall be available for the purposes thereof and subject to all the provisions of Part II of the principal Act.

(2.) All sums of money payable at the commencement of this Act or thereafter becoming payable to or out of the Police Provident Fund under the provisions of Part II of the Police Force Act, 1908, shall be and become payable to or out of the Public Service Superannuation Fund.

Abolition of Police Provident Fund Board, and transfer of powers.

45. The Police Provident Fund Board established under the Police Force Act, 1908, is hereby abolished, and all its powers, functions, and duties are hereby transferred to or imposed upon the Public Service Superannuation Board.

Contributors to Police Provident Fund to become contributors to Public Service Superannuation Fund, unless election to the contrary.

46. (1.) Every person who is at the commencement of this Act a contributor to the Police Provident Fund shall thereupon become and be a contributor to the Public Service Superannuation Fund and subject accordingly to all the provisions of the principal Act, unless within six months after the commencement of this Act he elects to remain subject to the provisions of Part II of the Police Force Act, 1908.

(2.) Every such election shall be made in writing under the hand of the contributor and delivered to the Secretary of the Public Service Superannuation Board.

(3.) Every such election shall take effect retrospectively as if made at the commencement of this Act.

(4.) Any such election may be made within the time hereinbefore limited, although the contributor so electing is no longer in the Government service.

(5.) If any contributor so entitled to elect dies before he has made an election, an election may be made within six months after the commencement of this Act by his executors or administrators, and any such election shall have the same effect as if made by the contributor in his lifetime.

Provisions where contributor elects to be subject to Part II of Police Force Act.

47. Every contributor who so elects to remain subject to the provisions of Part II of the Police Force Act, 1908, shall, as from the commencement of this Act, be deemed to remain and be a contributor to the Police Provident Fund, and to be subject to all the provisions of Part II of the Police Force Act, 1908, accordingly, save that all contributions payable by him shall be paid into the Public Service Superannuation Fund, and that all moneys which, if

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this Act had not been passed, would be payable to or in respect of that contributor out of the Police Provident Fund, shall be paid out of the Public Service Superannuation Fund.

48. As to every person who becomes a contributor to the Public Service Superannuation Fund by virtue of section forty-six of this Act the following provisions shall apply:—

Provisions where contributor elects to contribute to Public Service Superannuation Fund.

(a.) He shall be deemed to be an original contributor to the said fund within the meaning and for the purposes of section thirty-five of the principal Act;

(b.) All contributions made by him to the Police Provident Fund before the commencement of this Act shall, for the purpose of calculating the total amount of his contributions, and the interest (if any) payable thereon, be deemed to have been made by him to the Public Service Superannuation Fund on the respective dates on which they were made to the Police Provident Fund;

(c.) He shall contribute to the Public Service Superannuation Fund at the rate prescribed by the principal Act for the age to which he had attained at the date when his first contribution became payable to the Police Provident Fund on his becoming a contributor thereto.

49. (1.) A person who, at the commencement of this Act, is a member of the Police Force but is not a contributor to the Police Provident Fund, shall not at any time hereafter be bound to become a contributor to the Public Service Superannuation Fund, whether he remains in the Police Force or is transferred to any other branch of the Public Service.

Provisions where present member of Police Force is not a contributor to Police Provident Fund.

(2.) Any such person may at any time within three months after the commencement of this Act, and while he is still employed in the Public Service, make application in writing to the Public Service Superannuation Board to be admitted as a contributor to the Public Service Superannuation Fund.

(3.) The Board shall thereupon determine the terms and conditions, as to contributions, payments, benefits, or otherwise, on which the applicant may be admitted as a contributor to the Fund. The said terms and conditions shall be such as in the opinion of the Board are required in the interests of the Fund and in order to observe a fair equality of benefits as between the applicant and those contributors to the Police Provident Fund who become contributors to the Public Service Superannuation Fund in pursuance of section forty-six of this Act.

(4.) On receiving notice in writing of the terms and conditions so fixed by the Board the applicant may within one month thereafter elect, by notice in writing delivered to the Secretary of the Board, to become a contributor to the fund on the said terms and conditions.

50. (1.) Any person who before the commencement of this Act has retired from the Police Force on a retiring allowance as medically unfit for further duty, and who after the commencement of this Act returns to duty in pursuance of section thirty-three of the Police Force Act, 1908, at the direction of the Public Service Superannuation Board shall thereupon become and be a contributor to the Police Provident Fund and subject to the provisions of Part II of the

Provisions where member of the Police Force who has been retired as medically unfit returns to duty after commencement of this Act

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Police Force Act, 1908, accordingly, save that all moneys payable by, to, or in respect of that contributor shall be paid to or out of the Public Service Superannuation Fund.

(2.) Any such person may within three months after so returning to duty make application in accordance with section forty-nine of this Act to be admitted as a contributor to the Public Service Superannuation Fund and all the provisions of the said section forty-nine shall apply to any such application. 5

Election by Police Department of representative on Superannuation Board.

51. (1.) The first election of a member of the Public Service Superannuation Board by members of the Police Department shall take place on a day to be fixed by the Minister of Justice, and all the provisions of section twenty-three of the principal Act shall, so far as applicable, apply to that election. 10

(2.) For the purposes of that election or of any subsequent election of a member of the said Board by members of the Police Department, every person who remains a contributor to the Police Provident Fund under section forty-seven of this Act shall be deemed to be a contributor to the Public Service Superannuation Fund so long as he continues to be a member of the Police Department, and the provisions of the principal Act and of this Act with respect to any such election shall apply to him accordingly. 15 20

(3.) Until the election of a member of the Public Service Superannuation Board by the contributors belonging to the Police Department, the members appointed or elected to the Board in accordance with the principal Act may exercise all the powers of the Board in the same manner as if it were fully constituted. 25

Provision where member of Police Force, being a contributor to the Public Service Superannuation Fund, retires as medically unfit.

52. In the case of any officer or constable of the Police Force who is a contributor to the Public Service Superannuation Fund, and who in consequence of injuries suffered by him in the execution of his duty retires from the public service as medically unfit for further duty under such circumstances that he is entitled to a retiring-allowance in accordance with section thirty-six of the principal Act, it shall be lawful for the Public Service Superannuation Board, if it is of opinion that the said retiring-allowance is not sufficient, to increase the same at the time of his retirement or at any time thereafter to such annual amount as in the special circumstances of the case the Board thinks just, not exceeding three-fifths of his annual salary as computed in accordance with Part II of the principal Act. 30 35

Increase of Government contribution to fund.

53. The sum of twenty thousand pounds payable into the Public Service Superannuation Fund out of the Consolidated Fund in each year under section forty-nine of the principal Act is hereby increased to the sum of twenty-three thousand pounds. 40

PART III.

PUBLIC SERVICE SUPERANNUATION.

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Temporary appointments to Post and Telegraph Department.

54. For the purposes of sections fifteen and sixteen of the principal Act, and for the purposes of the corresponding sections of the Public Service Classification Act, 1907 (relating to temporary

appointments to the Public Service), the Post and Telegraph Department shall be deemed to be and to have been part of the Public Service within the meaning of those Acts, and the said sections shall be read as if this provision had been in force as from the commencement of those Acts.

55. (1.) Section thirty-five of the principal Act is hereby amended by omitting the word "thereupon" in subsection one thereof, and substituting the words "after his retirement in any manner from the said service."

Section 35 of principal Act amended.

(2.) Section thirty-five of the principal Act is hereby further amended by inserting after the words "annual salary" in subsection one the words "and for every fraction of a year of service such contributor shall receive a proportionate part of one-sixtieth of his or her annual salary."

56. (1.) In the case of a retiring-allowance being granted under Part II of the principal Act, whether before or after the commencement of this Act, on the ground of the contributor being medically unfit for further duty, the retiring-allowance or any one or more instalments thereof may be forfeited by order of the Board if the contributor fails at any time without sufficient justification to submit himself for medical examination when and as often as required by the Board, or if, being reported by two medical practitioners on any such examination to be medically fit to accept any specified employment in the Public Service which the Board considers suitable for him, the contributor fails to do so when required by the Minister in charge of the Department to which that employment pertains.

Forfeiture of retiring-allowance or part thereof if contributor fails to report for medical examination when so required.

(2.) The foregoing provisions of this section shall not apply to any male contributor after he has attained the age of sixty-five years, or to any female contributor after she has attained the age of fifty-five years.

(3.) This section is in substitution for subsection two of section thirty-six of the principal Act, which subsection is hereby accordingly repealed.

Repeal.

57. Section thirty-seven of the principal Act is hereby amended by inserting after the words "contributor to the fund" in subsection one the words "at such rate of contribution as the Board determines."

Section 37 of principal Act amended.

58. (1.) If before a contributor becomes entitled to a retiring-allowance he retires from the Public Service, whether voluntarily or otherwise, he shall be entitled to a refund of the whole amount contributed by him to the fund, but without interest.

Provisions with respect to payments to be made to contributors who retire before becoming entitled to retiring-allowance.

(2.) This section is substituted for section forty-one of the principal Act, which section is hereby repealed accordingly.

59. (1.) If a contributor to any superannuation fund retires from the service in respect of which he is a contributor, and on his retirement or within one month thereafter is appointed to any other service in respect of which he is bound to become a contributor to any other superannuation fund, the amount of his contributions to the first-mentioned fund shall be transferred to his credit in the fund to which he is so bound to become a contributor, and he shall not be entitled to a retiring-allowance from the first-mentioned fund.

Transfer of contributions from one fund to another in certain cases.

(2.) Every such contributor shall thereupon become a contributor to the fund to which his contributions have been so transferred, on the following terms:—

(a.) He shall contribute to that fund the same proportion of his salary as if he had become a contributor to that fund at the age at which he first became a contributor to any superannuation fund from which his contributions have been transferred in pursuance of this section. 5

(b.) In respect of the fund to which his contributions have been transferred there shall be added to the period of his service while a contributor to that fund the period of service which he was theretofore entitled to count in respect of the fund from which his contributions have been transferred. 10

(c.) The amount of the contributions so transferred shall be added to the contributions made by him to the fund to which he so becomes a contributor. 15

(3.) In this section the term "superannuation fund" means the Public Service Superannuation Fund, the Government Railways Superannuation Fund, and the Teachers' Superannuation Fund.

(4.) Section fifty-four of the principal Act is hereby repealed. 20

Repeal.

Requirements as to continuity of service of contributors.

60. (1.) For the purposes of Part II of the principal Act, the employment of any person in the Government service, whether permanent or temporary, shall not be deemed to be or to have been discontinuous by reason merely of the existence of any break or interval in the course of his employment if all the following conditions are fulfilled:— 25

(a.) The break or interval has not exceeded fourteen clear days in duration:

(b.) No pension, compensation, retiring-allowance, or refund of contributions has been made or received in respect of the precedent period of service: 30

(c.) The break or interval has been due to compulsory retirement for some reason other than misconduct, or has been due to a voluntary retirement with the consent of the Minister in charge of the Department or of some superior officer duly authorised in that behalf. 35

(2.) For the purposes of Part II of the principal Act no person shall be deemed to have retired from the Government service by reason merely of the occurrence of any break or interval in his employment which does not make his service discontinuous in accordance with the *last preceding* subsection. 40

(3.) This section shall be deemed to have been also included in Part II of the principal Act, and in the Public Service Superannuation Act, 1907, as from the date of the passing of each of those Acts respectively. 45

Special provisions as to broken service.

61. (1.) If in the case of any person who is a contributor to the Public Service Superannuation Fund at the commencement of this Act there has been at any time before the commencement of the Public Service Superannuation Act, 1907, any break or interval in his employment in the Government service which, notwithstanding the provisions of the *last preceding* section, makes his employment discontinuous, the following provisions shall apply. 50

Public Service Classification and Superannuation Amendment. 19

(2.) If the said break or interval has not exceeded one year in duration, and if no pension or compensation has been received by the contributor in respect of his precedent period of service, the contributor may, if he elects so to do, pay into the Public Service Superannuation Fund within six months after the commencement of this Act a sum equal to the total contributions which would become payable by him into that fund during a period of five years from the commencement of this Act if he continued during that period to receive the same salary as that received by him at the commencement of this Act.

(3.) On such payment being made by the contributor he shall thereafter be entitled to count for all the purposes of Part II of the principal Act the same period of service as if he had been in the employment of the Government during the said break or interval.

(4.) The sum so paid into the fund by a contributor in pursuance of this section shall form part thereof, and shall be computed for the purposes of the principal Act as part of his contributions to the fund.

(5.) If in the case of any contributor two or more of such breaks or intervals have occurred in his employment, the foregoing provisions shall apply to the latest of those breaks or intervals only.

62. (1.) All persons who in pursuance of subsection two of section fifteen of the principal Act have before the commencement of this Act become permanent officers of the Public Service by virtue of five years' temporary employment, and who have not before the commencement of this Act become contributors to the Public Service Superannuation Fund, shall as from the commencement of this Act become and be contributors to that fund.

Temporary officers becoming permanent by virtue of section 15 of the principal Act to be contributors to the fund.

(2.) All persons who in pursuance of the said subsection two of section fifteen of the principal Act become permanent officers of the Public Service after the commencement of this Act by reason of five years' temporary employment shall become and be contributors to the Public Service Superannuation Fund so soon as they so become permanent officers.

(3.) All persons who, whether before or after the commencement of this Act, become or have become contributors to the said fund under this section or under section twenty-eight of the principal Act, or under subsection two of section eleven of the Public Service Superannuation Act, 1907, shall be entitled to count as part of their length of service the period of their continuous service in the employment of the Government immediately prior to the thirtieth day of June, nineteen hundred and eight (being the last day on which persons permanently employed in the Public Service before the commencement of the Public Service Superannuation Act, 1907, could elect to become contributors to the fund), but not the period of their service between the said thirtieth day of June and the date at which they became contributors to the fund.

(4.) The last preceding subsection shall also apply to every temporary officer who since the commencement of the Public Service Superannuation Act, 1907 (and whether before or after the commencement of this Act), has been permanently appointed to the Public Service and who if he had not been so appointed would have

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become a permanent officer of the Public Service on the expiration of five years' temporary employment by virtue of section fifteen of the principal Act or by virtue of the corresponding provision of the Public Service Classification Act, 1907.

Repeal.

Section 11 of the Appropriation Act, 1887, revived.

Private secretaries of Ministers may contribute to superannuation funds.

(5.) Section twenty-eight of the principal Act is hereby repealed. 5

63. The provisions of section eleven of the Appropriation Act, 1887, are hereby revived, and shall be deemed to have continued in operation notwithstanding the repeal of that section by section thirty-nine of the Public Service Superannuation Act, 1907.

64. (1.) The provisions of this section shall apply to any person who is at the passing of this Act or who at any time hereafter becomes a contributor to the Public Service Superannuation Fund, the Government Railways Superannuation Fund, or the Teachers' Superannuation Fund, and who for the time being holds, in conjunction with the office in respect of which he is a contributor to that fund, the office of private secretary to a Minister. 10 15

(2.) Any such person may elect, by notice in writing delivered to the Secretary of the Board controlling the fund to which he is a contributor, to make contributions to that fund in respect of the salary received by him as a private secretary in addition to contributions in respect of the salary received by him in respect of the other office so held by him. 20

(3.) On any such election being made, the salary so received by the contributor as a private secretary shall, for the purpose of determining the rate of his contributions and for all other purposes in connection with the said superannuation fund, be deemed to be an addition to the salary received by him in respect of the other office so held by him. 25

(4.) Every such election shall take effect as from the commencement of the month succeeding the date of the delivery of the notice of election by the secretary aforesaid. 30

(5.) In the case of any person who holds office as a private secretary at the passing of this Act, his election shall be made not later than two months after the passing of this Act, and in the case of any person who is hereafter appointed to any such office, his election shall be made not later than two months after his appointment. 35

(6.) No person who does not so elect shall at any later time, whether in respect of the same or any subsequent appointment as private secretary to a Minister, be entitled to the benefits of this section. 40

PART IV.

Government Railways Superannuation.

Special provision where employment of Railway servants interrupted by strike.

65. Whereas in the year eighteen hundred and ninety, by reason of a strike among the employees of the Government Railways Department, certain persons temporarily ceased to be employed in the Government service: And whereas certain of those persons were subsequently reinstated in the said Department, and are at the time of the passing of this Act contributors to the Government Railways Superannuation Fund: And whereas, by reason of their service having 45

been temporarily discontinued in manner aforesaid, those contributors are unable to compute for the purposes of Part III of the Government Railways Act, 1908 (relating to superannuation) the period of their service antecedent to the said strike: And whereas it is
5 expedient to make further provision in this behalf for the benefit of those contributors: Be it therefore enacted as follows:—

(1.) If within six months after the commencement of this Act the sum of one thousand five hundred pounds is paid into the Government Railways Superannuation Fund by or on behalf of the
10 aforesaid contributors, every such contributor shall be entitled to count for all the purposes of Part III of the Government Railways Act, 1908, the period of his continuous service in the Government Railways Department (including, if continuous therewith, the period of his provincial service) immediately antecedent to the commence-
15 ment of the said strike, in addition to the period of his continuous service subsequent thereto.

(2.) The said sum of one thousand five hundred pounds so paid into the fund shall form part of the fund, but shall not be computed as part of the contributions made to the fund by the contributors
20 thereto.

66. (1.) If in the case of any person who is a contributor to the Government Railways Superannuation Fund at the commencement of this Act there has been at any time before the commencement of the Government Railways Superannuation Fund Act, 1902, any
25 break or interval in his employment in the service of the Government Railways Department, the following provisions shall apply.

General provision
for broken service
in Railways
Department.

(2.) If the said break or interval has not exceeded one year in duration, and if no pension or compensation has been received by the contributor in respect of his precedent period of service, the con-
30 tributor may, if he elects so to do, pay into the Government Railways Superannuation Fund within six months after the commencement of this Act a sum equal to the total contributions which would become payable by him into that fund during a period of five years from the commencement of this Act if he continued during that period to
35 receive the same pay as that received by him at the commencement of this Act.

(3.) On such payment being made by the contributor he shall thereafter be entitled to count for all the purposes of Part III of the Government Railways Act, 1908, the same period of service as if he
40 had been in the service of the said Department during that break or interval.

(4.) The sum so paid into the fund by a contributor in pursuance of this section shall form part thereof, and shall be computed for the purpose of the Government Railways Act, 1908, as part of his
45 contributions to the fund.

(5.) If in the case of any contributor two or more of such breaks or intervals have occurred in his employment, the foregoing provisions shall apply to the latest of those breaks or intervals only.