

# SUPERANNUATION ORDINANCES 1951.<sup>(1)</sup>

BEING THE

SUPERANNUATION ORDINANCE 1951

AS AMENDED BY THE

SUPERANNUATION ORDINANCE (No. 2) 1951

AND THE

SUPERANNUATION (PAPUA AND NEW GUINEA) ORDINANCE  
(No. 2) 1951.

## SUPERANNUATION ORDINANCE 1951.<sup>(1)(2)(3)</sup>

### No. 1 of 1951.

#### An Ordinance relating to the Superannuation of former Officers of the Territory of Papua and of the Territory of New Guinea.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949*, as follows:—

1. This Ordinance may be cited as the *Superannuation* Short title. *Ordinance 1951.*<sup>(1)(2)(3)</sup>

2. This Ordinance shall be deemed to have come into operation *Commencement.* on the first day of July, One thousand nine hundred and forty-nine.

(1) The *Superannuation Ordinances 1951* comprise the *Superannuation Ordinance 1951*, as amended by the other Ordinances referred to in the following Table:—

#### ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
<i>Superannuation Ordinance 1951</i> (No. 1 of 1951)	4.1.1951	18.1.1951	The whole except Section 15 on 1.7.1949 (Sec. 2, <i>Superannuation Ordinance 1951</i> ); Section 15 on 1.1.1951 (Sec. 15 (2) <i>Superannuation Ordinance 1951</i> )
<i>Superannuation Ordinance</i> (No. 2) 1951 (No. 8 of 1951)	4.4.1951	19.4.1951	19.4.1951 ( <i>Cwlth. Gaz.</i> of 19.4.1951)
<i>Superannuation (Papua and New Guinea) Ordinance</i> (No. 2) 1951 (No. 41 of 1951)	1.11.1951 (a)	13.11.1951	29.9.1951 (Sec. 2, <i>Superannuation (Papua and New Guinea) Ordinance</i> (No. 2) 1951)

(a) Made by the Administrator of the Government of the Cwlth. of Australia in Council.

(2) Words, phrases and sections which have been repealed have been enclosed in square brackets, printed in *italics* and indicated by footnotes.

(3) Amendments made by the *Superannuation Ordinance* (No. 2) 1951 (printed in this Volume on p. 1175) and the *Superannuation (Papua and New Guinea) Ordinance* (No. 2) 1951 (printed in this Volume on p. 1156) are indicated by footnotes.

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Repeal.

3. The *Superannuation Ordinance* 1949<sup>(4)</sup> of the Territory of Papua-New Guinea is repealed.

Definitions.

4. In this Ordinance, unless the contrary intention appears—

“salary” means the salary or wages paid to an officer and includes Cost of Living variations and the rate of Territorial Allowance applicable to an unmarried officer and, except where an allowance by way of salary is paid to the officer in respect of duties which he is called upon to perform temporarily, includes an allowance paid to an officer by way of salary or wages but does not include any other allowance or any fee allowed as an emolument of office, bonus or overtime payment;

“Secretary” means the Secretary of the Department of External Territories of the Commonwealth;

“superannuation allowance” means a superannuation allowance payable under the *Superannuation Ordinance*, 1917-1941<sup>(5)</sup> of the Territory of Papua or the *Superannuation Ordinance* 1928-1940<sup>(6)</sup> of the Territory of New Guinea, as the case requires;

“superannuation fund” means the Superannuation Fund Account established under the *Superannuation Ordinance*, 1917-1941<sup>(5)</sup> of the Territory of Papua or the Superannuation Fund established under the *Superannuation Ordinance* 1928-1940<sup>(6)</sup> of the Territory of New Guinea, as the case requires;

[“suspended officer” means an officer of the Territory of Papua or of the Territory of New Guinea who, immediately before the first day of July, One thousand nine hundred and forty-nine, was suspended from office in the Public Service of the Territory of Papua or the Territory of New Guinea as the case may be by the operation of the National Security (External Territories) Regulations;]<sup>(7)</sup>

“suspension” means suspension from office by operation of the External Territories Regulations,<sup>(8)</sup> and “suspended” has a corresponding meaning;

“the External Territories Regulations” means the National Security (External Territories) Regulations<sup>(8)</sup> as in force at any time prior to the date of commencement of this Ordinance.

(4) Printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 339-342.

(5) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. IV., on pp. 3865-3879.

(6) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. IV., on pp. 4273-4287.

(7) The definition of “suspended officer” was omitted and a new definition was substituted by Section 2 of the *Superannuation Ordinance* (No. 2) 1951, printed in this Volume on p. 1175.

(8) Printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 44-66.

5. This Ordinance shall apply to a suspended officer who— Application of Ordinance.
- (a) is an officer of the Territory on the first day of February, One thousand nine hundred and fifty-one; or
- (b) has been an officer of the Territory of Papua-New Guinea or of the Territory of Papua and New Guinea and has been granted a superannuation allowance.

\* (9) \* \* \* \* \*

6.—(1.) Where, immediately prior to the date of commencement of this Ordinance a suspended officer was contributing to a superannuation fund in accordance with regulation 16 of the External Territories Regulations,<sup>(8)</sup> he may, subject to this Ordinance, continue to contribute to that fund. Continuance of contributions.

(2.) A suspended officer contributing under this section shall, notwithstanding that he may, before the date of commencement of this Ordinance, have been contributing at a lower rate, make, as from the date of commencement of this Ordinance, the contributions which he would have been required to make if he had not been suspended but had continued to serve and was still serving as an officer of the Public Service of the Territory of Papua or of the Territory of New Guinea, as the case may be.

7.—(1.) Benefits shall continue to be payable out of the superannuation funds notwithstanding that the Public Service of the Territory of Papua and the Public Service of the Territory of New Guinea have ceased to exist. Continuance of benefits.

(2.) For the purposes of determining his eligibility for, or the amount of, any such benefit, a suspended officer who contributes to a superannuation fund under the last preceding section shall be deemed to be, during the period in respect of which he so contributes, and, subject to this section, to have been, during the period in respect of which he contributed to that fund under the External Territories Regulations,<sup>(8)</sup> serving in the office in the Public Service of the Territory of Papua or of the Territory of New Guinea, as the case may be, in which he was serving immediately prior to his suspension, and to be and to have been in receipt of salary accordingly.

(3.) Where, during any period, a suspended officer was, under the External Territories Regulations,<sup>(8)</sup> contributing to a superannuation fund at a rate less than the rate at which he was contributing immediately prior to his suspension, the last preceding sub-section shall apply in relation to so much only of that period

(6) See footnote (6), printed in this Volume on p. 1170.

(8) See footnote (8), printed in this Volume on p. 1170.

(9) Section 5 has been amended by inserting a new sub-section (2) by Section 3 of the *Superannuation Ordinance* (No. 2) 1951, printed in this Volume on p. 1175.

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as bears to the whole of that period the same proportion as the rate of contribution during that period bears to the rate at which he was contributing immediately prior to his suspension.

Additional contributions to superannuation funds.

8.—(1.) Where a suspended officer who has been an officer of the Public Service of the Territory of Papua or of the Territory of New Guinea has at any time been, as an officer of the Territory of Papua—New Guinea, or is or becomes, as an officer of the Territory of Papua and New Guinea, in receipt of salary which was or is higher than the salary, or the salary and allowance, in respect of which he was or is, apart from this section, contributing to a superannuation fund, he may elect to contribute to that superannuation fund, as from the date from which he first received any such higher salary, in addition to any contribution apart from this section, at the rate of five per centum of the excess, from time to time, of his salary as an officer of the Territory of Papua—New Guinea or of the Territory of Papua and New Guinea over the salary, or the salary and allowance, in respect of which he was or is so contributing apart from this section.

(2.) For the purposes of the last preceding sub-section, a suspended officer who has, whether before or after the date of commencement of this Ordinance, elected, in pursuance of section seventeen of the *Superannuation Ordinance 1928-1940*<sup>(6)</sup> of the Territory of New Guinea, to contribute to a superannuation fund in respect of salary for a particular period shall be deemed to have been so contributing in respect of that salary during that period.

(3.) Notwithstanding anything contained in sub-section (1.) of this section, where a suspended officer has at any time become eligible to make an election under this section and has failed to do so within the time prescribed by this Ordinance, he shall not at any subsequent time be entitled to make such an election.

(4.) A suspended officer who makes an election under this section and who, as an officer of the Territory of Papua—New Guinea or of the Territory of Papua and New Guinea, is or has been on leave of absence of any kind either without salary or on less than full salary shall contribute in accordance with this Ordinance to the superannuation fund during or in respect of the period of leave of absence as if he were in receipt of, or had received, during that period the salary of his office, without reduction.

Election where salary reduced.

9. Where a suspended officer makes an election under the last preceding section and his salary as an officer of the Territory of Papua and New Guinea or of the Territory of Papua—New Guinea is reduced, or has, before the commencement of this Ordinance, been reduced, he may, if he elects to do so, contribute to the superannuation fund in pursuance of the last preceding section as if his salary had not been so reduced.

(6) See footnote (6), printed in this Volume on p. 1170.

**10.** An election under section eight or nine of this Ordinance shall be in writing signed by the officer making the election, and shall be delivered to or served by post upon the Secretary—

Manner and time of making elections.

- (a) in the case of an election under section eight of this Ordinance—within three months after the date of the first occasion on which he commences to receive any higher salary mentioned in that section, or, in the case of a person who commenced to receive any such higher salary before the date of notification of this Ordinance in the *Commonwealth Gazette*, within three months after that date; and
- (b) in the case of an election under section nine of this Ordinance—within three months after the date as from which his salary is reduced or, in the case of a person whose salary was reduced before the date of notification of this Ordinance in the *Commonwealth Gazette*, within three months after that date.

**11.** Subject to section nine of this Ordinance, an officer who has made an election under section eight of this Ordinance shall continue, while he remains an officer of the Territory of Papua and New Guinea, to contribute to the superannuation fund in accordance with the terms of the election.

Liability to contribute in accordance with election.

**12.—(1.)** Subject to this section, contributions payable by virtue of this Ordinance shall be deducted from the salaries of contributors at each payment of salaries.

Method of making contributions.

(2.) Where, on the making of an election under section eight of this Ordinance, contributions become payable by a suspended officer in respect of salary received by him before the date of the election, he shall be allowed twelve months within which to pay those contributions to the superannuation fund.

(3.) Where a contributor who has made an election under section eight of this Ordinance is absent on leave of absence through illness, either without salary or at less than full salary, the Secretary may, upon the application of the officer, permit the contributions payable under this Ordinance during his absence to be paid by him in such sums, and at such times, as the Secretary approves.

**13.—(1.)** As from the date from which a superannuation allowance becomes or has become payable to a suspended officer who has contributed to a superannuation fund in pursuance of an election made under section eight of this Ordinance, there shall be payable to him out of that superannuation fund, in addition to that superannuation allowance, an annual allowance equal to one sixty-sixth of the amount by which the total amount of salary received by him during the period of his employment as an officer

Additional benefits.

of the Territory of Papua-New Guinea and as an officer of the Territory of Papua and New Guinea exceeds the total amount of salary which he would have received during that period if his salary during that period had been, from time to time, the salary, or the salary and allowance, in respect of which he made contributions to that superannuation fund from time to time, in accordance with the provisions of the External Territories Regulations<sup>(8)</sup> or section six of this Ordinance.

(2.) An annual allowance shall not be payable to a suspended officer under this section unless and until he has paid all contributions payable by him under this Ordinance.

(3.) For the purposes of this section, a suspended officer who has contributed to a superannuation fund in accordance with section eight of this Ordinance shall be deemed to have received from time to time, salary as an officer of the Territory of Papua-New Guinea or of the Territory of Papua and New Guinea appropriate to the contributions from time to time so made by him.

Contributions  
and  
allowances.

**14.** Contributions paid to a superannuation fund under this Ordinance and allowances payable under this Ordinance shall be deemed to be contributions paid and superannuation allowances payable respectively for the purposes of—

- (a) sections fourteen, fifteen, sixteen, sixteen B, twenty-seven, twenty-eight, twenty-nine and thirty of the *Superannuation Ordinance, 1917-1941*<sup>(5)</sup> of the Territory of Papua; or
- (b) sections eighteen, nineteen, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of the *Superannuation Ordinance 1928-1940*<sup>(6)</sup> of the Territory of New Guinea.

Administration.

**[15.—(1.)** *The Secretary shall have and may exercise—*

- (a) *in relation to the Superannuation Fund Account established under the Superannuation Ordinance 1917-1941*<sup>(5)</sup> *of the Territory of Papua, the powers and functions of the Superannuation Fund Board under that Ordinance; and*
- (b) *in relation to the Superannuation Fund established under the Superannuation Ordinance 1928-1940*<sup>(6)</sup> *of the Territory of New Guinea, the powers and functions of the Treasurer under that Ordinance.*

(2.) *This section shall be deemed to have come into operation on the first day of January, One thousand nine hundred and fifty.]*<sup>(10)</sup>

(5) See footnote (5) printed in this Volume on p. 1170.

(6) See footnote (6) printed in this Volume on p. 1170.

(8) See footnote (8) printed in this Volume on p. 1170.

(10) Section 15 has been repealed by Section 13 of the *Superannuation (Papua and New Guinea) Ordinance (No. 2) 1951*, printed in this Volume on p. 1156.