



PAPUA.



No. III. of 1918.

# AN ORDINANCE

*Relating to the Public Service.*

[RESERVED 5TH SEPTEMBER, 1917;

ASSENTED TO 10TH JANUARY, 1918.] <sup>(a)</sup>

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

## PART I.—PRELIMINARY.

1. (1) This Ordinance may be cited as the *Superannuation Ordinance, 1917.* Short Title and commencement.

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

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

PART I.—PRELIMINARY.

PART II.—RETIREMENT OF OFFICERS IN CERTAIN CASES.

PART III.—SUPERANNUATION ALLOWANCES AND GRATUITIES.

PART IV.—SUPERANNUATION FUND ACCOUNT.

PART V.—GENERAL.

(a) Date assented to by the Governor-General.  
March, 1918.

Assent notified in *Gazette* No. 3 of 6th

Interpretation.

**3.** In this Ordinance unless the context otherwise indicates—

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

“Lieutenant-Governor” means the Lieutenant-Governor with the advice of the Executive Council.

“Officer” means any person (including the Lieutenant-Governor) in the Public Service of the Territory in receipt of a fixed annual salary paid out of Revenue or out of any Special Fund with the exceptions following:—

Officers other than medical officers whose whole time is not required to be engaged in the Public Service;

Persons engaged under agreement for a specified period;

Persons whose service is terminable by notice either on the part of the Government or of such person;

Female officers and employees;

Any officer or class of officers excepted by the Lieutenant-Governor from the operation of this Ordinance.

## PART II.—RETIREMENT OF OFFICERS IN CERTAIN CASES.

Optional  
retirement  
at fifty-four.

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

Retirement  
after twenty  
years service.

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

Voluntary  
retirement  
through ill-  
health before  
fifty-four.  
Cf. Q. 53 Vic.,  
No. 10, s. 45.

**6.** When an officer owing to mental or bodily infirmity desires to retire from the Service before he has attained the age of fifty-four years or completed twenty years service and produces medical evidence that he is by reason of such infirmity incapable of discharging the duties of his office and that such infirmity is likely to be permanent the Lieutenant-Governor if he thinks proper

so to do may permit the officer to retire from the Service. Provided that the Lieutenant-Governor may require him to be examined by a Government medical officer or other duly qualified medical practitioner.

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

Compulsory retirement through ill-health. Cf. Q. 53, Vic. No. 10, s. 46.

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

Governor-General's permission

### PART III.—SUPERANNUATION ALLOWANCES AND GRATUITIES.

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

Retiring officers entitled to superannuation allowance or gratuity. Cf. *Ibid.*, s. 47.

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

Rate of superannuation allowance

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

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

Scale of gratuities.

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

12. For the purpose of computing superannuation allowances and gratuities the salary of the permanent appointment held by the officer at the date of retirement shall be taken if he has held such office or an office with

How salary to be computed for purposes of superannuation allowance &c.

the same salary for a period of three years immediately preceding such date; otherwise the average amount of the salary of the permanent appointments held by the officer during the three years immediately preceding his retirement shall be taken.

Contributions  
by present  
officers for past  
services.  
Cf. Q. 53, Vic.  
No. 10, s. 49.

**13.** (1) Any officer in the Service at the commencement of this Ordinance shall be entitled to have any portion of his past services immediately preceding the commencement of this Ordinance counted in the period of service required in computing his superannuation allowance or gratuity as the case may be if within five years after the commencement of this Ordinance (or in the case of an officer on leave of absence for active service with His Majesty's Forces returning to duty after the commencement of this Ordinance within five years after his return from such leave) and before he retires from the Service he pay to the Superannuation Fund Account hereinafter mentioned in one sum or by five or less instalments to be approved by the Board an amount equivalent to five pounds per centum on the total salary received by him during the period of his service in respect of which the payment is made together with interest at the rate of five pounds per centum per annum on such amount from the commencement of this Ordinance until payment.

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

(3) Notice of such intended payment must be given to the Board within six months after the commencement of this Ordinance or in case of an officer on leave of absence for active service with any of His Majesty's Forces within six months after his return to duty from such leave of absence.

(4) If the officer die before having completed the payment herein mentioned the instalments together with interest (if any) paid on account thereof shall be refunded to his legal personal representative.

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



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

Refund of contributions on death of officer.

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

Treatment of contributions on voluntary resignation.

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

No refund upon dismissal from Service.

#### PART IV.—SUPERANNUATION FUND ACCOUNT.

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

Contributions to a Superannuation Fund Account.  
Cf. Q. 53, Vic. No. 10, s. 58.

**18.** (1) The Lieutenant-Governor subject to such regulations as may be prescribed in that behalf shall constitute a Board to be called the Superannuation Fund Board for the purpose of dealing with and investing the funds from time to time standing to the credit of the Superannuation Fund Account.

Investment of Superannuation Fund Account.  
Cf. *Ibid.*, s. 62.

(2) The Board shall consist of three officers, two of whom shall be appointed by the Lieutenant-Governor and one of whom shall be elected by the officers for the time being in the Public Service in such manner as may be prescribed.

Constitution of Board.  
Cf. *Ibid.*

Powers of  
Board.  
*Ibid.*

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

Board to  
report.  
Cf. Q. 53, Vic.  
No. 10, s. 63,

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

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

Audit.  
*Ibid.*, s. 64.

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

Actuaries.  
*Ibid.*, s. 65.

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

Quinquennial  
Actuarial  
investigations.  
Cf. *Ibid.*, s. 66

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

Payments and  
Grants in aid  
to Fund from  
Revenue.

**24.** (1) If the funds to the credit of the Superannuation Fund Account shall at any time be insufficient to pay all sums of money which may from time to time be payable by way of superannuation allowances gratuities repayments and outgoings in accordance with this Ordinance the same shall be charged on and paid out of the Public Revenue of the Territory.

(2) If any actuarial investigation and report under the provisions of this Ordinance discloses a deficit in the Superannuation Fund Account the Lieutenant-Governor

may cause provision to be made therefor by grants in aid of the Superannuation Fund Account out of the Public Revenue of the Territory which may if the Lieutenant-Governor thinks fit be spread over a series of years.

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

Advance to Fund.

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

Guarantee of Fund.

#### PART V.—GENERAL.

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

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

**28.** No superannuation allowance granted under this Ordinance shall be assignable or transferable or liable to be attached sequestrated or levied upon for or in respect of any debt or claim whatsoever.

Superannuation allowance not assignable.  
Cf. *Ibid.*, s. 12.

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

Superannuation allowance to cease on conviction.  
*Ibid.*, s. 13.

**30.** If any person to whom a superannuation allowance has been granted under this Ordinance becomes insolvent such superannuation allowance shall forthwith cease; provided always that in any case when a superannuation allowance ceases by reason of the insolvency of the person to whom it has been granted it shall be lawful

Superannuation allowance to cease on insolvency.  
Cf. *Ibid.* s. 14.



for the Lieutenant-Governor from time to time during the remainder of such person's life or during such shorter period or periods either continuous or discontinuous as the Lieutenant-Governor shall think fit to pay all or any part of the moneys to which such person would have been entitled by way of superannuation allowance had he not become insolvent to or to apply the same for the maintenance and personal support or benefit of all or any exclusive of the other or others of the following persons namely such first named person and any wife child or children of his in such proportions and manner as the Lieutenant-Governor thinks proper.

Age from which superannuation allowance etc. may be earned.

Cf. Fiji, No. 13 of 1907, s. 4.

Service to be unbroken.

Cf. Fiji, No. 13 of 1907, Sch.

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

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

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

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

Application of Ordinance.

**33.** This Ordinance shall apply only to Europeans.

Lieutenant-Governor may make regulations.

**34.** The Lieutenant-Governor may from time to time make and when made vary and revoke regulations—

(a) for regulating the dealing with and investing of the funds from time to time standing to the credit of the Superannuation Fund Account;

(b) for regulating the proceedings of the Board;



(c) prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Passed in Council this fifth day of September, in the year of Our Lord one thousand nine hundred and seventeen.

*Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the Tenth day of January, one thousand nine hundred and eighteen.*

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