

## No. XXIX.

SUPERANNUATION  
ACT REPEAL.

## An Act to repeal the Superannuation Act of 1864 and to provide for terminating the system of Allowances and Gratuities established thereunder. [1st May, 1873.]

## Preamble.

WHEREAS it is expedient to repeal the Superannuation Act of 1864 and to provide for terminating the system of allowances and gratuities established thereunder Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

## Repeal of Superannuation Act of 1864.

1. The Act of Council twenty-seventh Victoria number eleven being the Superannuation Act of 1864 is hereby repealed but such repeal shall not affect any allowance or gratuity granted or act done before the passing of this Act except so far as herein specifically enacted.

## Interpretation clause.

2. In the interpretation of this Act unless the context otherwise indicates the word "pension" means any superannuation allowance granted under the Act hereby repealed or under this Act.

## Balance at credit of Superannuation Fund carried to Consolidated Revenue Fund on which certain payments under this Act are made chargeable.

3. The balance at the credit of the Superannuation Fund on the thirty-first day of March in the year one thousand eight hundred and seventy-three shall be carried to the credit and form part of the Consolidated Revenue Fund And all payments in respect of pensions under the sixth seventh and eighth sections hereof shall be chargeable upon and paid from the said Fund.

## How arrears of existing pensions to be paid.

4. All amounts in respect of pensions in arrear accrued due and payable up to the commencement of this Act to the grantees of such pensions under the provisions of the said repealed Act shall be paid to such grantees according to the scale prescribed by the seventh section of this Act Provided that the pensions accrued due and payable to those persons mentioned or referred to in the sixth section of this Act shall be paid in full.

## Gratuities already authorized to be paid in full.

5. All sums of money in the nature of gratuities to which any person shall be entitled under the provisions of the seventh or tenth sections of the said repealed Act and the payment whereof shall have been duly authorized before the passing of this Act shall be paid in full to such persons according to the respective scales prescribed by the said sections Provided always that no person shall after the passing of this Act be entitled to any gratuity under either of the said sections unless the payment thereof to him shall have been duly authorized as herein provided.

## Rate of pensions of Pensioners forced to retire.

6. All persons formerly in the Public Service who have been required by the Governor with the advice of the Executive Council to retire from active service under the provisions of the said repealed Act shall after the passing of this Act be entitled to be paid the respective pensions granted to them under the provisions of the said Act and in accordance with the scale therein prescribed.

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7. All persons to whom pensions shall have been granted under the provisions of the said repealed Act before the passing of this Act and not within the meaning of the last preceding section shall after the passing of this Act be paid according to the following scale viz.—

Reduced rate of pensions for other Pensioners.

To any person who shall have served fifteen years and upwards and under sixteen years an annual pension of fifteen-sixtieths of the annual salary of his office.

Sixteen years and under seventeen years an annual pension of sixteen-sixtieths of such salary.

And in like manner a further addition to the annual pension of one-sixtieth in respect of each additional year of such service until the completion of a period of service of forty years when a pension of forty-sixtieths may be granted And no addition shall be made in respect of any service beyond forty years.

8. All officers in the Public Service who at the time of the passing of this Act are entitled to retire from active service under the provisions of the said repealed Act may so retire upon pensions to be computed according to the scale set forth in the last preceding section but in such computation no period of service of any such officer subsequent to the date of the passing of this Act shall be taken into account but such officer's service shall be deemed for such purpose to have terminated on the aforesaid date And no pension within the meaning of this or the last preceding section shall exceed the respective rates in the scale last aforesaid.

Pensions to persons entitled to retire at passing of Act.

9. All sums of money deducted under the provisions of the first section of the said repealed Act from the pay or salary of any officer in the Public Service at the time of the passing of this Act shall together with interest thereon at the rate of five pounds per centum per annum up to the said time be refunded to such person for the whole period during which such person has been a contributor to the Superannuation Fund created by the said Act upon his lodging an application in the form or to the effect of the Schedule hereto addressed to the Under Secretary or other official head of the Department or Service to which such person so applying belongs accompanied by a certificate of the Auditor General endorsed upon such application specifying the amount to which such person is entitled under this Act Provided always that no such deductions shall be refunded to any person to whom any pension gratuity or payment shall have been or be granted or made under this or any Imperial or the said repealed Act and that no pension gratuity or payment under this Act shall be granted or made to any person to whom any such deductions shall have been or shall be refunded as aforesaid.

Refund of deductions.

10. It shall be lawful for the Governor with the advice aforesaid to raise by the sale of Treasury Bills or Debentures secured upon the Consolidated Revenue Fund and bearing interest at a rate not exceeding four pounds per centum per annum the respective amounts required for the purpose of paying the arrears of pensions and gratuities and for the refunding of deductions authorized by this Act Provided that not less than one-tenth part of the amounts so to be raised by Debentures or Treasury Bills shall be paid off out of the said Consolidated Revenue Fund on or before the thirty-first day of March one thousand eight hundred and seventy-four and on or before the corresponding day of each succeeding year the like proportion of one-tenth of the said amounts shall be paid off in like manner until the whole of the said loan be extinguished And all sums borrowed under this Act shall be paid to the Colonial Treasurer and be by him placed to a separate credit to be called the "Superannuation Repeal Fund" and no part of the money so borrowed shall on any pretence

Loan authorized to be repaid in ten years.

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pretence be paid used or applied directly or indirectly either temporarily or otherwise to or for any purpose other than the purposes mentioned in this section.

Governor by  
warrant to authorize  
payment by Colonial  
Treasurer.

11. The Colonial Treasurer shall cause the amounts of the said pensions in arrear authorized gratuities and of the deductions so to be refunded to be paid in such manner as the Governor by any Warrant or order in writing under his hand and directed to the said Treasurer shall from time to time order and direct and the payments so to be made shall be charged upon and payable out of the said "Superannuation Repeal Fund."

Treasurer to be  
allowed credit for  
payments there-  
under.

12. The said Treasurer shall in his accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned and he shall receive credit for the same accordingly.

Certain claims only  
to be recognized.

13. No claim to a pension superannuation allowance gratuity payment or benefit whatsoever under the said repealed Act other than so far as the same are expressly continued or confirmed by this Act shall after the passing of this Act be recognized as binding on the Government under the provisions of the said repealed Act Provided always that nothing in this Act shall be deemed to alter or affect the Constitution Act or any Instruction issued by Her Majesty to the Governor in pursuance thereof or to prejudice or affect the rights of any members of the Civil Service in office at the time of the passing of this Act and who shall not have received any refund of deductions under the ninth section hereof to any pensions or superannuation allowances to which they may claim to be entitled by virtue of any Imperial Act Order in Council or Instruction as aforesaid.

Short title.

14. This Act may be cited as the "Superannuation Act Repeal Act of 1873."

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SCHEDULE.

(Date)

I (*state name and official grade*) hereby request that the deductions heretofore made from my salary as contributions to the Superannuation Fund under the authority of the Superannuation Act of 1864 with interest thereon at the rate of five pounds per centum per annum may be refunded to me in terms of the ninth section of the Superannuation Act Repeal Act of 1873.

(Signed)

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*Endorsement of Auditor General.*

I certify that A.B. occupies the official grade stated in this application and that he has contributed to the Superannuation Fund the aggregate sum of \_\_\_\_\_ as specified in the margin and that he is entitled under the "Superannuation Act Repeal Act of 1873" to the refund of the said sum together with \_\_\_\_\_ as interest thereon.

(Date)

C.R.  
Auditor General.