



1854.

No. 21.

An Act to provide for the retirement of Officers in the Civil Service.

[Assented to, December 16, 1854.]

WHEREAS it is expedient to make provision for the retirement of Officers, Clerks, and others employed in the Civil Service of this Province, by a deduction from the salaries of the said Officers, Clerks, and others—Be it therefore Enacted, by the Governor of South Australia, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. From and after the first day of January next, the Colonial Treasurer shall deduct from the salary payable to every such Officer, Clerk, or other person, as aforesaid, a sum equivalent to Two Pounds and Ten Shillings per centum thereon, to be set aside as an equivalent for the retirement or superannuation allowance to which such Officer, Clerk, or other person, may thereafter become entitled under provisions of this Act, in accordance with the Schedule hereto annexed: Provided that such deduction shall not be made upon the gratuity, good-service pay, or other contingent allowance, if any, enjoyed by such Officer, Clerk, or other person, or from the salary payable to any person, not being on the Establishment of the said Service, holding an acting or temporary appointment, or from the salary payable to any such Officer, Clerk, or other person, who shall, by writing, under his hand, addressed to the Colonial Secretary of the said Province, request to be exempted from such deduction, thereby forfeiting all participation in the benefits that might otherwise have been derived, by such Officer, Clerk, or other person, under the provisions of this Act.

Deduction on account of retirement.

Exemptions.

2. The Colonial Treasurer shall record the particulars of all such deductions,

Record to be kept.

Deductions brought to account of General Revenue.

deductions, in a book to be kept for that purpose, and return the amounts into the Colonial Treasury, to be brought to account as General Revenue.

Officers—how placed on retired list.

3. Any Officer, Clerk, or other person, as aforesaid, desiring to avail himself of the retiring allowance, hereinafter provided, shall notify such desire in writing, addressed to the Colonial Secretary, accompanied (if such Officer shall not have been on the Establishment of the said Service fifteen years or upwards) by a certificate, signed by a medical practitioner, and by the Head of the Department in which he shall be then serving, that, by reason of age, bad health, or other infirmity, he is no longer capable of performing his duties; and the Colonial Secretary, if satisfied as to the allegations contained in such certificate, if any, as aforesaid, shall thereupon direct such Officer, Clerk, or other person, to be placed on the retired list.

Retirement—when to be paid.

4. The Colonial Treasurer shall, periodically, at such times as the Governor may appoint for that purpose, pay to every Officer, Clerk, or other person, whose name shall appear on such retired list, such sums as they may be entitled to receive under provisions of this Act.

Officers dismissed or resigning to forfeit claim.

5. Every Officer, Clerk, or other person, who shall be dismissed from the said Service on account of misconduct, or who shall voluntarily resign his appointment therein, shall forfeit all sums that may have been deducted from his salary, in accordance with the provisions of this Act, as well as all participation in the advantages, which, otherwise, he might have derived thereunder.

Retiring allowances—how computed.

6. For the purpose of computing the amount of retirement to which any such Officer, Clerk, or other person, may become entitled, under this Act, the period during which he shall have held any appointment on the Establishment of the said Service, shall alone be taken into consideration, the number of days (if any in excess of six weeks in each respective year) which such Officer, Clerk, or other person, may have been absent from duty, shall be deducted from the period during which he may have held any such appointment, and the proportionate amount payable to such Officer, Clerk, or other person, by way of retirement, shall be computed upon the average of the salaries, which such Officer, Clerk, or other person, shall have received during the period of three years, next preceding the date of his retirement.

Expenditure on account of retirements never to exceed in the aggregate £10,000 over and above the aggregate amount of deductions and interest thereon.

7. Whereas no deduction on account of retirement has hitherto been made, from the salaries of Officers, Clerks, and others, employed in the Civil Service of this Province, and it is expedient to provide for the retirement of Officers, Clerks, and others, now employed therein—Be it therefore Enacted, that it shall be lawful for the Colonial Treasurer, under the warrant of the Governor, to pay to any such Officer, Clerk, or other person, by way of retiring allowance, such sum or sums as any such Officer, Clerk, or other person would have been entitled to, in accordance with the Schedule hereto

hereto annexed, had this Act been in force, and such deductions made during the entire period in which such Officer, Clerk, or other person may have held any appointment on the Establishment of the said Service: Provided that the amounts so paid to such Officers, Clerks, or other persons, shall not at any time exceed in the aggregate the sum of Ten Thousand Pounds over and above the aggregate amount of all moneys repaid into the Treasury on account of retirement deductions, under provisions of this Act, together with six per centum per annum on such deductions from the date of their being so repaid.

8. Whereas Thomas Lipson, Commander in the Royal Navy, and Thomas Gilbert, have served from the foundation of the said Colony, on the twenty-eighth day of December, one thousand eight hundred and thirty-six, and have been subjected to privations such as entitle them to special consideration, such Officers shall, for the purposes of this Act, be deemed and taken to have served thirty-five years, although at the date of retirement they may not respectively have completed such term of thirty-five years' service.

Exceptions in favor of certain Officers who have served since 28th December, 1836.

9. No person who shall receive any compensation for risk of loss of office under any Act for granting a Civil List to Her Majesty shall be entitled to any benefit or advantage under this Act.

Act not to extend to persons receiving compensation for risk of loss of office.

SCHEDULE REFERRED TO.

Every Officer, Clerk, or other person shall, on retirement be entitled to receive, if he shall have served on the Establishment	{	7 years.....one-sixth 14 years.....two-sixths 21 years.....three-sixths 28 years.....four-sixths 35 years.....five-sixths 42 years.....six-sixths	}	Of the average salary of office or offices held by him during last three years previous to retirement.
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