



ANNO VICESIMO QUARTO

# ELIZABETHAE II REGINAE

A.D. 1975

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## No. 17 of 1975

An Act to amend the Savings Bank of South Australia Act,  
1929-1973.

[Assented to 27th March, 1975]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Savings Bank of South Australia Act Amendment Act, 1975".

(2) The Savings Bank of South Australia Act, 1929-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Savings Bank of South Australia Act, 1929-1975".

Repeal of  
s. 20 of  
principal Act  
and enactment  
of section in  
its place—

Officers on  
fixed establish-  
ment.

2. Section 20 of the principal Act is repealed and the following section is enacted and inserted in its place:—

20. (1) The Trustees may from time to time by notice in the *Gazette*, declare that any officer, clerk or servant is or has been for the number of years mentioned in such notice on the fixed establishment of the Bank and any such declaration under subsection (1) of section 20 of this Act as in force at any time before the commencement of the Savings Bank of South Australia Act Amendment Act, 1975, shall, for all purposes, have effect as if it were a declaration under this subsection.

(2) Subject to this section, where on or after the first day of January, 1975, an officer, clerk or servant the subject of a declaration under subsection (1) of this section—

(a) having attained the age of sixty years, ceased or ceases to be employed by the Bank;

or

(b) having been permitted by the Trustees to resign his office in the Bank on a certificate of illness or infirmity, ceased or ceases to be employed by the Bank,

that officer, clerk or servant shall be paid by the Bank a sum equal to one hundred and fifteen per centum of a sum equal to one month's salary calculated in the manner set out in subsection (4) of this section for every year and a proportionate sum for any period of less than a year that he may have been or been declared to have been on the fixed establishment of the Bank.

(3) Subject to this section, where on or after the first day of January, 1975, an officer, clerk or servant the subject of a declaration under subsection (1) of this section, having been or been declared to have been on the fixed establishment of the Bank for a period of not less than twenty years, ceased or ceases to be employed by the Bank that officer, clerk or servant shall be paid by the Bank a sum equal to one month's salary calculated in the manner set out in subsection (4) of this section for every year and a proportionate sum for any period of less than a year that he may have been or been declared to have been on the fixed establishment of the Bank.

(4) For the purposes of determining the sum payable to an officer, clerk or servant pursuant to subsection (2) or subsection (3) of this section each one month's salary shall be deemed to be one-thirty-sixth of the total salary, ascertained in the manner provided by this subsection, deemed to be payable to the officer, clerk or servant during the three years next preceding his ceasing to be employed by the Bank—

(a) disregarding the salary payable to the officer, clerk or servant in consequence of any temporary or acting occupancy of any office in the Bank by the officer, clerk or servant;

(b) regarding any period of service in the temporary or acting occupancy of any office in the Bank by the officer, clerk or servant as being service in the occupancy of the office permanently occupied by the officer, clerk or servant;

and

(c) regarding the salary payable in respect of the office or offices permanently occupied by the officer, clerk or servant during that period of three years as being an amount that, in the opinion of the Trustees, is the equivalent of the salary that would be payable in respect of that office or those offices at the time of his ceasing to be employed by the Bank.

(5) Where on or after the first day of January, 1975, an officer, clerk or servant of the Bank the subject of a declaration under subsection (1) of this section died or dies while in the service of the Bank (notwithstanding that the death occurs or occurred during his absence on leave) the Trustees may in their discretion pay such sum as would have been payable to the officer, clerk or servant had such officer, clerk or servant, on the day that he died, resigned his office having been permitted by the Trustees to so resign his office on a certificate of illness or infirmity—

(a) to or for the benefit of the spouse or other dependant of the officer, clerk or servant or of any one or more of them in such proportion and in such manner as the Trustees may think fit;

or

(b) to the legal personal representative of the deceased officer, clerk or servant.

(6) For the purposes of this section and of section 22 of this Act in calculating the period that any officer, clerk or servant may have been declared to be on the fixed establishment of the Bank there shall be deducted, unless the Trustees specifically direct to the contrary, any period or periods during which the officer, clerk or servant was absent on duly authorized leave of absence without pay.

(7) Notwithstanding anything in subsection (2) or subsection (3) of this section, no payment shall be made pursuant to this section to or in relation to any officer, clerk or servant of the Bank where the officer, clerk or servant ceased to be employed by the Bank on the grounds of his misconduct or pecuniary embarrassment.

(8) Where on or after the first day of January, 1975, an officer, clerk or servant or the spouse or dependant of a deceased officer, clerk or servant became entitled to or could have been paid a lump sum pursuant to subsection (2) or subsection (5) of this section the Trustees may on the application of the officer, clerk, servant, spouse or dependant, as the case requires, made before that lump sum is so paid provide or make arrangements for the provision of a pension in lieu of all or portion of the lump sum.

(9) For the purposes of subsection (8) of this section the Trustees may contribute or set aside such moneys of the Bank as the Trustees may from time to time determine.

(10) The rights of officers, clerks or servants or any person claiming through any deceased officer, clerk or servant are subject to the provisions of section 20a of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor