

TASMANIA.



1939.

ANNO TERTIO

GEORGII VI. REGIS.

No. 5.

ANALYSIS.

1. Short title.
2. Amendment of 2 Geo. VI. No. 41.
 - Section 18.
 - Section 21.
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 - Section 32.
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3. Adjustment of rights of election.

AN ACT to amend the *Superannuation Act 1938*.
 [31 July, 1939.]

A.D.
 1939.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Superannuation Act 1939*. Short title.

2 The Principal Act is hereby amended—

I. By inserting at the end of section eighteen thereof the following new subsections (9) and (10)—

Amendment
 of 2 Geo. VI
 No. 41.
 Section 18.

“(9) No employee appointed after the thirty-first day of July one thousand nine hundred and thirty-nine shall become a contributor until a duly

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qualified medical practitioner approved by the Board has examined such employee and has certified that, in his opinion, the employee is not affected by any physical or mental defect which is likely to render him incapable, before attaining the age for retirement, of performing his duties; but this provision shall not apply to an employee who at the time of his appointment has been continuously employed in a temporary capacity for a period of or exceeding two years if such temporary employment commenced before the date aforesaid.

(10) The contributions, if any, of such employee shall commence from the date on which such certificate is received by the Board or from the date of his appointment whichever is the later.”:

Section 21.

II. As to section twenty-one thereof—

(a) By deleting “at the appointed day” in division (b) of paragraph II. of subsection (4) and substituting “in accordance with the first schedule”: and

(b) By expunging subsection (5):

Section 26.

III. By inserting at the end of section twenty-six thereof the following new subsection (5)—

“(5) In the application of this section to the employees mentioned in section sixty-one, the foregoing provisions hereof shall be read and construed as if the relevant instrumentality or authority were substituted for the word ‘Treasurer’ wherever occurring in this section, and the relevant payments shall be made by such instrumentality or authority accordingly.”:

Section 32.

IV. As to section thirty-two thereof—

(a) By inserting the figure “(1)” at the commencement: and

(b) By adding at the end the following new subsection (2)—

“(2) The provisions of subsection (1) hereof shall be applied in respect of every employee whose service terminated in the year one thousand nine hundred and thirty-seven if his service exceeded thirty-five years and he was retired or permitted to retire on the grounds of ill-health.

Section 61.

V. By expunging subsections (1) and (2) of section sixty-one thereof, and substituting therefor the following new subsections (1) and (2)—

“(1) Where the salary of any employee is paid by any State instrumentality or statutory authority, and not from the Consolidated Revenue, all

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payments made by the Board in respect of any pension or gratuity payable under this Act to or in respect of such employee shall be charged to such instrumentality or authority, less the proportion, if any, of such pensions which is chargeable to the Fund. A.D. 1939.

(2) Such instrumentality or authority shall pay to the Board on the last day of each month the amount certified by the Board to be payable in respect of that month for pensions and gratuities to or in respect of former employees of such instrumentality or authority after the deduction of the proportion, if any, of such pensions which is chargeable to the Fund.”: and

VI. By inserting at the end of section sixty-two the following new subsections (8) and (9)— Section 62.

“(8) Where any person previously holding a permanent position in the Service of the State has, since the commencement of this Act, been employed in a temporary capacity by or on behalf of the State, such employment not being of a casual or part-time character, and the Board is satisfied that he is entitled, on the ground of lengthy and meritorious service, to be classed as an employee, the Board may grant him status as an employee and may grant him pension as from the termination of such service notwithstanding that he is not qualified therefor under any other provisions of this Act.

(9) Where an employee, after reaching the retiring age applicable to him, has continued to perform the duties of the office held by him at the date of his reaching that age, and has been paid the salary pertaining to that office, pension shall not be payable to him until he ceases to perform such duties.”.

3—(1) Every employee whose right of election has been affected by the provisions of subsection (5) of section twenty-one of the Principal Act shall have, and may exercise within one month after the commencement of this section, the right of election to which he would have been entitled if the said provisions had never been enacted, although he has made an election before the passing of this Act.

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(2) The deductions made in respect of four units from the salaries of any such employees prior to election by them respectively are hereby validated and declared to have been lawfully made, and all pensions paid in respect of any contributions so made to have been lawfully granted and paid.

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(3) Every employee who has retired or died after the appointed day and before he has, in the opinion of the Board, had a reasonable opportunity of exercising the election given by this section, shall be deemed to have elected to contribute for eight units at the rate prescribed for age thirty, or at his rate for age if less, and, subject to the provisions of subsection (7) of section eighteen of the Principal Act, pension, if payable, shall be paid as if he had so elected.

(4) Any increase payable under this section in any pension granted prior to this Act shall be payable as from the first day of August one thousand nine hundred and thirty-nine.

(5) Contributions at rate for age thirty, or at rate for age, whichever is the less, shall be deemed to have been payable in respect of four units by every employee to whom subsection (1) hereof applies, and where the same are in arrear or unpaid the amount payable by each such employee shall be paid in such manner and at such time as the Board may direct.