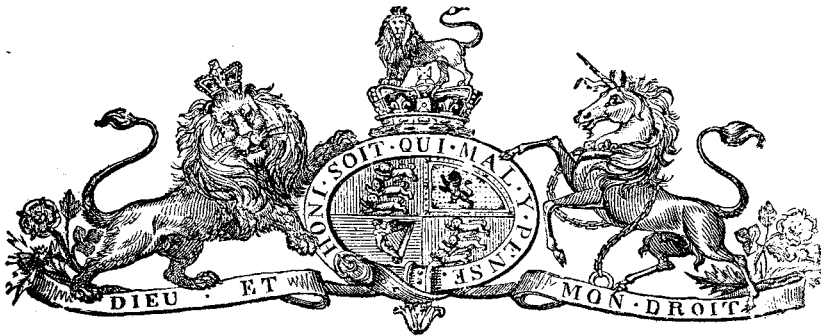


T A S M A N I A.

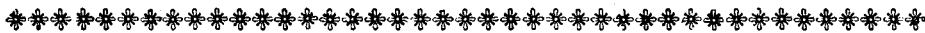


1860.

ANNO VICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 15.



AN ACT to regulate Superannuations and other Allowances to Persons having held Civil Offices in the Public Service under the Colonial Government. [4 October, 1860.]

WHEREAS it is expedient that the Law in force in the United Kingdom concerning Superannuations and other Allowances to persons having held Civil Offices in the Public Service should, with certain modifications, be adopted in this Colony, and be applicable to persons in the Civil Service of the Colonial Government: Be it therefore 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 :—

PREAMBLE.

1 The Superannuation Allowance to be granted after the commencement of this Act to persons who have served in an established capacity in the permanent Civil Service of the Colonial Government, whether their remuneration be computed by day pay, weekly wages, or annual salary, and for whom provision is not otherwise made by Legislative enactment in force at the time of the commencement of this Act, or hereafter to be passed, shall be as follows ; that is to say,

Ordinary rate of Superannuation Allowance.

To any person who has served Ten Years and upwards and under Eleven Years, an annual Allowance of Ten Sixtieths of the annual Salary and Emoluments of his Office :

For Eleven Years and under Twelve Years, an annual Allowance of Eleven Sixtieths of such Salary and Emoluments :

And in like manner a further addition to the annual Allowance of One Sixtieth in respect of each additional year of such service, until the completion of a period of service of Forty Years, when the annual Allowance of Forty Sixtieths may be granted ; and no addition shall be made in respect of any service beyond Forty Years :

Provided, that the Superannuation Allowance to be granted to any such persons who entered such service prior to the Fifth day of *August*, 1829, shall be computed as to amount in accordance with the provisions of the Act of the Imperial Parliament of the 5th *William* the 4th, chapter 24, in relation to Officers having entered the Public Service before that day : Provided also, that if any question should arise in any Department of the Public Service as to the claim of any person for Superannuation under this Clause, it shall be referred to the Governor in Council, whose decision shall be final.

Superannuations not to be granted on advanced amount of Salary received for less than Three years.

2 The Superannuation Allowance to be granted to any person under this Act shall not be computed upon the amount of the Salary and Emoluments enjoyed by him at the time of his retirement, unless he has been in the receipt of the same for a period of at least Three Years immediately before the granting of such Superannuation Allowance ; and in case he has not enjoyed his then existing Salary and Emoluments for that period, such Superannuation Allowance shall be calculated upon the average amount of Salary and Emoluments received by such person for Three Years next preceding the commencement of such Allowance.

Allowances in cases of bodily injury.

3 It shall be lawful for the Governor in Council to grant to any person who, being the holder of an Office in respect of which a Superannuation Allowance may be granted, but not having completed the period which would have entitled him to a Superannuation Allowance, is compelled to quit the Public Service by reason of severe bodily injury, occasioned, without his own default, in the discharge of his public duty, a Gratuity not exceeding Three Months' Pay for every Two Years of service, or a Superannuation Allowance not exceeding Ten Sixtieths of the annual Salary and Emoluments of his Office.

Power to Governor in Council to grant Gratuities in case of short service.

4 It shall be lawful for the Governor in Council to grant to any person who, being the holder of an Office in respect of which a Superannuation Allowance may be granted, is constrained, from infirmity of mind or body, to leave the Public Service before the completion of the period which would entitle him to a Superannuation Allowance, such sum of money by way of Gratuity as the Governor in Council may think proper, but so as that no such Gratuity shall exceed the amount of One Month's Pay for each Year of service.

Power to Governor in Council to grant Allowances on abolition of Offices.

5 It shall be lawful for the Governor in Council to grant to any person retiring or removed from the Public Service under the Colonial Government in consequence of the abolition of his Office, or for the purpose of facilitating improvements in the organisation of the Department to which he belongs, by which greater efficiency and economy can be effected, such special annual Allowance by way of Compensation, not exceeding the amount to which such person would have been entitled under the Scale of Superannuation provided by this Act if Ten Years were added to the number of Years which he may have actually served,

as on a full consideration of the circumstances of the case may seem to the Governor in Council to be a reasonable and just Compensation for the loss of Office; but no such Allowance shall exceed Two-thirds of the Salary and Emoluments of the Office.

6 It shall not be lawful for the Governor in Council to grant the full amount of Superannuation Allowance which can be granted under this Act to any person not being the Head Officer or One of the Head Officers of a Department, unless upon production of a Certificate, signed by the Head Officer of the Department, or by Two Head Officers if there be more than One, that he has served with diligence and fidelity to the satisfaction of such Head Officer or Officers; and in every case in which any Superannuation Allowance is granted, after the refusal of such Certificate, the Order in Council granting it shall state such refusal, and the grounds on which the Allowance is granted.

Condition of grant of full Superannuations to public Servants not Heads of Departments.

7 It shall be lawful for the Governor in Council to grant to any person any such Allowance of less amount than otherwise would have been awarded to him where his defaults or demerit in relation to the Public Service appear to the Governor in Council to justify such diminution; and in every such case the Order in Council granting such Allowance shall state the grounds on which such diminution is made.

Reduced Allowance for demerits in individual cases.

8 It shall not be lawful to grant any Superannuation Allowance under the provisions of this Act to any person who is under Sixty Years of age, unless upon Medical Certificate to the satisfaction of the Governor in Council that he is incapable, from infirmity of mind or body, to discharge the duties of his situation, and that such infirmity is likely to be permanent.

Evidence of infirmity of persons under Sixty.

9 Every person to whom a Superannuation or Compensation Allowance has been granted before he has attained the age of Sixty Years shall, until he has attained that age, be liable to be called upon to fill any Public Office or Situation under the Crown in this Colony for which his previous public services may render him eligible; and if he declines when called upon to do so to take upon him such Office or Situation, or declines or neglects to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the Compensation or Superannuation Allowance which had been granted to him.

Persons superannuated under Sixty may be required to serve again.

10 In case any person enjoying any Superannuation Allowance under this Act, in consequence of retiring from Office on account of age, infirmity, or any other cause, or enjoying any Compensation under this Act for past services upon the abolition or reduction of Office, is appointed to fill any Office in any Public Department under the Crown, whether in this Colony or elsewhere, every such Allowance or Compensation shall cease to be paid for any period subsequent to such appointment if the annual Salary and Emoluments of the Office to which he is appointed are equal to those of the Office formerly held by him; and in case they are not equal to those of his former Office, then no more of such Superannuation Allowance or Compensation shall be paid to him than what, with the Salary and Emoluments of his new appointment, is equal to those of his former Office.

No Superannuation or Compensation to be enjoyed with Salary for efficient services.

11 All Orders by the Governor in Council under this Act shall be laid before both Houses of the Legislature within Twenty days after the meeting of Parliament.

Orders in Council granting Allowances to be laid before Parliament.

Civil Allowances,
&c. to be laid
before Parliament.

12 Accounts of all Compensations for Offices abolished, and of all Allowances in the nature of Superannuation or Retired Allowances to all persons in respect of their having held any Public Office or employment under the Colonial Government, shall annually be laid before both Houses of the Legislature within Twenty days after the meeting of Parliament.

Act not to apply
to Political
Officers.

13 Nothing in this Act contained shall apply to any person who has held a Political Office in respect of such Office.

Act not to give an
absolute right to
Allowances, or to
prevent dismissal
of persons for
misconduct.

14 Nothing in this Act contained shall extend or be construed to extend to give any person an absolute right to Compensation for past services, or to any Superannuation or Retiring Allowance under this Act, or to deprive the Governor of the power and authority to dismiss any person from the Public Service without Compensation.

Short Title.

15 In referring to this Act it shall be sufficient to use the expression *The Superannuation Act*.