

THE TERRITORY OF NAURU

NO. 7 OF 1966

A N O R D I N A N C E

To provide Superannuation Benefits for Nauruans employed in the Public Service of Nauru and to make provision for their Families.

(RESERVED 17th May, 1966.)

(ASSENTED TO 11th July, 1966.)

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the Nauru Act 1965 as follows:-

PART I - PRELIMINARY.

- Short title. 1. This Ordinance may be cited as the Superannuation Ordinance 1966.
- Commencement. 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.
- Parts. 3. This Ordinance is divided into Parts, as follows:-
- Part I. - Preliminary (Sections 1 - 6).
 - Part II. - The Superannuation Board (Sections 7 - 14).
 - Part III. - The Superannuation Fund (Sections 15 - 18).
 - Part IV. - Contributions.
 - Division 1 - Contributions by Officers
(Section 19).
 - Division 2 - Scale of Units (Sections 20 - 23).

Division 3 - Scale of Contributions by Officers
(Sections 24 - 26).

Division 4 - Contributions by the Administration
(Section 27).

Division 5 - General Provisions as to Contributions
(Sections 28 - 30).

Part V. - Pensions and Benefits.

Division 1 - Retirement on Pension (Sections 31 - 35).

Division 2 - Grant of Pensions and Benefits
(Sections 36 - 45).

Division 3 - Break-down Pensioners (Section 46 - 48).

Division 4 - General Provisions as to Pensions and
Benefits (Sections 49 - 56).

Part VI. - Miscellaneous (Sections 57 - 61).

Interpreta-
tion.

4.- (1.) In this Ordinance, unless the contrary
intention appears -

"contributor" means an officer who is, or has been,
contributing under this Ordinance to the Fund;

"minimum number of units " means -

(a) in relation to a contributor whose

contribution for units of pension is less
than one-tenth of his salary - a number of
units of pension equal to the sum of the
number of units for which he is contribu-
ting and the greatest number of additional
units for which he could, if he were
eligible, contribute without increasing
his total contribution for units to an
amount in excess of one-tenth of his
salary; or

(b) in relation to a contributor whose

contribution for units of pension is not
less than one-tenth of his salary - a
number of units of pension equal to the

number of his units, taking them into account in the order in which the obligation to contribute for them came into existence, for which his contribution does not exceed, in the aggregate, one-tenth of his salary;

"officer" means an officer of the Public Service of Nauru;

"Salary", in relation to an officer or contributor, means his salary or wages, and includes -

(a) any variation in his salary or wages made under sub-section (2.) of section twenty-seven of the Public Service Ordinance 1961-1964; and

(b) any allowance payable to the officer or contributor by way of salary or wages, other than -

(i) an allowance in respect of duties that he is called upon to perform temporarily;

(ii) a fee allowed as an emolument of office; or

(iii) a bonus or overtime payment;

"service" means service in the Public Service of Nauru and "serve" has a corresponding meaning;

"the Board" means the Nauru Superannuation Board established by this Ordinance;

"the Commissioner" has the same meaning as in the Public Service Ordinance 1961-1964;

"the Fund" means the Superannuation Fund established by this Ordinance.

(2.) A reference in this Ordinance to the retirement of an officer upon his attaining the age of sixty years includes the case of an officer whose retirement takes place on the day before he attains that age.

Certain Nauruans to be deemed to be officers.

5.- (1.) Where -

- (a) a Nauruan, other than an officer, has been employed in the Public Service of Nauru for a continuous period of not less than three years (whether or not the whole or a part of that period is before the date of commencement of this Ordinance) and the Commissioner certifies that the Nauruan's employment is likely to be continued for a further period of at least seven years; or
- (b) a Nauruan, other than an officer, is, at the date of commencement of this Ordinance, employed in the Public Service of Nauru and has been so employed for a continuous period of not less than ten years,

the Administrator may, upon application by the Nauruan, declare, by notice in the Gazette, that the Nauruan shall, for the purposes of this Ordinance, be deemed to be an officer for the duration of his service.

(2.) The Administrator shall not make a declaration under the last preceding sub-section with respect to a Nauruan unless the Nauruan produces evidence to the satisfaction of the Administrator that his health and physical fitness are such as to justify his being accepted as a contributor.

Married women not to be entitled to contribute to the Fund.

6.- (1.) Notwithstanding any other provision of this Ordinance, a married woman is not eligible, or required, to contribute to the Fund.

(2.) A female contributor who marries during her service shall, for the purposes of this Ordinance, be deemed to have resigned on the date of her marriage.

PART II. - THE NAURU SUPERANNUATION BOARD

Establishment of the Nauru Superannuation Board.

7.- (1.) There shall be a Nauru Superannuation Board, which shall consist of three members appointed by the Minister, one of whom shall be an officer of the Department of Territories, one of whom shall be an actuary and the other shall be a contributor elected by contributors in the manner specified by the Administrator by notice in the Gazette.

(2.) The member who is an officer of the Department of Territories shall be the Chairman of the Board.

(3.) A member, other than the member who is a contributor elected by contributors holds office during the pleasure of the Minister.

(4.) Subject to the next succeeding sub-section the member elected by contributors holds office for a period of five years commencing on the date on which he is declared to be elected.

(5.) The member elected by contributors ceases to hold office if he ceases to be a contributor.

(6.) A member is eligible for re-appointment or re-election.

(7.) In the case of the illness or absence of a member of the Board, the Minister may appoint a person to be the deputy of that member during his illness or absence.

(8.) A person appointed under the last preceding sub-section to be the deputy of the member of the Board elected by contributors shall be a contributor.

Incorporation of the Board.

8.- (1.) The Board -

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (c) is capable of acquiring, holding and disposing of real and personal property; and
- (d) may sue and be sued in its corporate name.

(2.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

Filling of vacancy in the office of elected member.

9. Where there is a vacancy in the office of the member elected by contributors, the Minister may appoint a contributor nominated by the Nauru Local Government Council to hold the vacant office until the election of a contributor to hold the office or until the expiration of a period of twelve months from the date when the office became vacant, whichever first occurs.

Meetings of the Board.

10.- (1.) Subject to the next succeeding sub-section the Chairman shall convene a meeting of the Board, at least once in each year, and such other meetings as are, in his opinion, necessary for the efficient conduct of its affairs.

(2.) The Chairman shall, on receipt of a written request signed by another member of the Board, convene a meeting of the Board.

(3.) The Chairman shall preside at all meetings of the Board at which he is present and, in his absence, the member who is an actuary shall preside.

(4.) The Chairman shall, not later than thirty days before a meeting of the Board, notify the members in writing of the time and the place of such meeting.

(5.) A notice under the last preceding sub-section may be given by telegram sent to the usual place of residence of the member.

(6.) If at the time and place fixed for a meeting of the Board, neither the Chairman nor the member who is an actuary is present, the meeting lapses.

(7.) At a meeting of the Board, two members constitute a quorum.

(8.) A question arising at a meeting of the Board shall be decided by a majority of the votes of the members present.

(9.) If at a meeting of the Board at which only two members are present the members cannot agree on a question, the question shall be decided on the casting vote of the member presiding at the meeting.

(10.) In the last three preceding sub-sections, a reference to a member shall be read as including a reference to the deputy of a member who attends a meeting during the illness or absence of a member.

Removal of members.

11. The Minister may remove a member from office for inability, inefficiency or misbehaviour.

Resignation of members.

12.- (1.) A member may resign his office by writing under his hand addressed to the Minister.

(2.) A resignation under this section does not have effect until accepted by the Minister.

Delegation.

13.- (1.) The Board may, either generally or in relation to a matter or class of matters, by writing under its seal, delegate all or any of its powers and functions under this Act, except this power of delegation.

(2.) A power or function so delegated shall be exercised by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Board.

Reports.

14. The Board shall, in each year, submit to the Minister a report dealing with the general administration and working of this Ordinance.

PART III. - THE SUPERANNUATION FUND

Establishment of the Fund.

15.- (1.) There shall be a Superannuation Fund into which shall be paid the contributions of officers and of the Administration under this Ordinance and from which shall be paid payments in respect of benefits under this Ordinance.

(2.) Income derived from the investment of moneys in the Fund shall form part of the Fund.

Investment of the Fund.

16.- (1.) Moneys in the Fund shall be invested by the Board -

- (a) in securities of the Commonwealth;
- (b) in any other manner for the time being allowed by any Act of the Parliament of the Commonwealth, or of the Parliament of a State of the Commonwealth, for the investment of trust funds in Australia; or
- (c) in any other manner approved by the Minister.

(2.) Moneys held uninvested by the Board shall be lodged on fixed deposit or on call with the Commonwealth Savings Bank or with any other Bank approved by the Minister.

(3.) Cheques drawn on the Board's account with a bank shall be signed as prescribed.

Audit of the accounts of the Fund.

17. The Minister shall arrange for the inspection and audit of the accounts relating to the Fund.

Quinquennial investigation.

18.- (1.) An investigation as to the state and sufficiency of the Fund as at the thirtieth day of June, One thousand nine hundred and seventy-one, and at the expiration of each succeeding period of five years after that date, shall be made by an actuary appointed by the Minister.

(2.) The actuary shall submit to the Minister a report on the result of his investigation.

PART IV. - CONTRIBUTIONS

Division 1. - Contributions by Officers

Commencement
and cessation
of contribu-
tions.

19.- (1.) Subject to this Ordinance, a Nauruan who is an officer at the date of commencement of this Ordinance shall contribute to the Fund as from the date of commencement of this Ordinance or, if that day is not a pay-day, the next succeeding pay-day after that day.

(2.) Subject to this Ordinance, a Nauruan who becomes an officer after the date of commencement of this Ordinance or who is deemed to be an officer by virtue of a declaration under section 5 of this Ordinance shall contribute to the Fund as from -

(a) where the Nauruan becomes an officer by virtue of an appointment on probation - the day immediately following the expiration of six months after the date of his appointment;

(b) where the Nauruan becomes an officer by virtue of an appointment, not being an appointment on probation - the day on which he becomes an officer; or

(c) where the Nauruan is deemed to be an officer by virtue of a declaration under section 5 of this Ordinance - the day on which the declaration is notified in the Gazette.

or, if the day referred to in paragraph (a), (b) or (c) is not a pay-day, the next succeeding pay-day after that day.

(3.) Subject to the next succeeding sub-section, a contributor shall, in respect of a unit of pension, be liable to pay contributions until immediately after the last fortnightly payment before he ceases to be an officer

or before the anniversary of his initial contribution in respect of that unit next preceding the attainment by him of the age of sixty years, whichever first happens.

(4.) In the case of a contributor whose initial contribution in respect of a unit of pension is made within twelve months before he attains the age of sixty years, twenty-six contributions at the fortnightly rate applicable to the contributor in respect of that unit shall be made before a pension in respect of superannuation as regards that unit becomes payable.

(5.) For the purposes of the last two preceding sub-sections, the initial contribution of a contributor in respect of any additional unit of pension shall be deemed to have been made on the date as from which the contribution became payable.

(6.) Where -

(a) after, but as from a date before, the attainment by a contributor of the age of sixty years; or

(b) after, but as from a date before, the attainment by a pensioner of the age of sixty years, being a pensioner who retired on or after attaining that age,

his salary is increased to such an amount that the number of units of pension ascertained in relation to him in accordance with the formula set out in sub-section (2.) of section 21 of this Ordinance exceeds the number of units so ascertained immediately before the increase, the contributor or pensioner may elect to contribute for such number of additional units as does not exceed a number equal to the excess.

(7.) In respect of units of pension for which a contributor or pensioner elects to contribute under the last preceding sub-section, twenty-six contributions at

the fortnightly rate applicable to the age of sixty years shall be made before pension in respect of superannuation becomes payable and, upon payment of those contributions, pension becomes payable as from the date of retirement.

Division 2. - Scale of Units

Scale of
units of
pension.

20.- (1.) Subject to this Ordinance, contributions required to be made by an officer shall be for units of pension.

(2.) Subject to this Ordinance, a contributor is not eligible or required to begin to contribute for a unit of pension as from a date after he has attained the age of sixty years.

(3.) Any additional contribution payable by reason of an increase in the salary of a contributor is payable as from the date upon which his salary is increased, or as from the date as from which his salary is increased, whichever is the later, or, if that date is not a pay-day, as from the next following pay-day.

Number of
units.

21.- (1.) Subject to this Ordinance, the number of units for which a contributor is required to contribute to the Fund is such number of units as the member is, for the time being, required to contribute to the Fund in accordance with the succeeding provisions of this section.

(2.) An officer is, subject to the succeeding provisions of this section, required to contribute to the Fund for one unit of pension in respect of each Sixty dollars of his salary for the time being, disregarding any remainder of his salary that is less than Sixty dollars.

(3.) Where a person, on becoming a contributor, is required by the last preceding sub-section to contribute for a number of units that is in excess of the minimum number of units in relation to him, he may, within six months after the date on which he became a contributor, elect not to contribute for one or more of those units

not exceeding that excess and the number of units for which he is required to contribute shall, on and from the date on which he became a contributor, be reduced accordingly.

(4.) Where -

(a) the salary of a contributor is increased; and

(b) the contributor is, immediately before the increase by virtue of an election under this section, contributing for a number of units that is less than the number of units for which he would have been required to contribute but for that election,

the contributor is required to contribute, as from the date of the increase, for a number of additional units of pension equal to the number of additional units for which he would have been required to contribute if he had not made the election.

(5.) Where -

(a) a contributor is required under the last preceding sub-section to contribute for an additional unit **or** additional units of pension; and

(b) the sum of the number of units for which he was contributing immediately before the increase in his salary and the number of additional units for which he is so required to contribute after the increase in his salary is in excess of the minimum number of units in relation to him,

he may, within six months after the date on which he was required to contribute for the additional unit or those additional units, elect not to contribute for the additional unit or for some or all of those additional units and the number of units for which the contributor

is required to contribute to the Fund shall, on and from the date on which his salary is increased, be reduced accordingly.

(6.) The last preceding sub-section does not authorise a contributor to make an election that would result in the number of units for which he is required to contribute being less than the minimum number of units in relation to him.

(7.) Where -

- (a) the salary of a contributor is increased;
- (b) the number of units for which he was contributing before the increase is less than the number of units for which he could, but for an election under this section, have been required to contribute under this section before the increase; and
- (c) the contributor has not made an election under sub-section (5.) of this section as a result of the increase in salary,

the contributor may, within six months after the date on which his salary was increased, elect to contribute for such number of additional units of pension as does not exceed the difference between the two numbers referred to in paragraph (b) of this sub-section, and, if the contributor satisfies the Board that he is not suffering from any physical or mental defect likely to render him incapable of performing his duties before attaining the age of sixty years, the number of units for which the member is required to contribute to the Fund shall, on and from the date on which the Board is so satisfied, be increased accordingly.

(8.) Where a contributor makes an election under sub-section (5.) or (7.) of this section as a result of an increase in salary, and subsequently purports to make an election under the other of these sub-sections as a result of the same increase in salary, the election made under the other sub-section shall be deemed not to have been made.

Contributor
reduced in
salary.

22, - (1.) Where the salary of a contributor is reduced to such an amount that the number of units of pension ascertained in relation to him in accordance with the formula set out in sub-section (2.) of section 21 of this Ordinance is less than the number of units so ascertained immediately before the reduction, the contributor may elect to reduce the number of units of pension for which he shall contribute to a number of units not less than the first-mentioned number of units or the minimum number of units in relation to the contributor, whichever is the greater.

(2.) An election under this section does not have effect so as to terminate the liability of a contributor to contribute for a unit of pension the obligation to contribute for which came into existence on a particular date unless it also has such effect with respect to every unit of pension the obligation to contribute for which came into existence after that date.

Refund of
contributions
consequent
upon an
election.

23. Where a contributor makes an election under either sub-section (3.) or sub-section (5.) of section 21 of this Ordinance or the last preceding section, any contributions paid by him with respect to a unit of pension to which the election relates or with respect to which the election has effect shall be refunded to him from the Fund.

Division 3. - Scale of Contributions by Officers.

Amount of contribution by officers.

24.- (1.) Subject to this Division, the amount of the contribution required to be made by an officer in respect of a unit is an amount ascertained in accordance with the table of contributions set out in the Schedule to this Ordinance having regard to his age when the obligation to contribute for that unit comes into existence.

(2.) In the case of a male officer, the contribution for his initial unit, or for one of his initial units, of pension shall be increased by Two cents per fortnight.

Contributions by officers aged sixty years or more at the commencement of this Ordinance.

25.- (1.) Subject to the next succeeding section, the amount of the contribution required to be made by an officer who is, at the date of commencement of this Ordinance, sixty years of age or more is an amount to be determined by the Board in his case.

(2.) An amount determined under the last preceding sub-section shall, for the purpose of ascertaining the contribution to be paid for each of the units of pension to which the amount relates, be deemed to be allocated equally amongst those units.

(3.) In addition to the amount determined in accordance with sub-section (1.) of this section, an officer shall pay to the Fund an amount of Sixty-five cents in respect of one of his initial units.

(4.) The Board shall determine, in respect of the units for which it makes a determination under sub-section (1.) of this section, the amount which, for the purposes of section 36 of this Ordinance, is the unit of pension.

Contributions by officer serving at commencement of Ordinance.

26.- (1.) An officer who is required to contribute to the Fund as from the date of commencement of this Ordinance and whose contributions but for this section would exceed one tenth of his salary at that date may within three months after that date, elect to pay as contribution

for the units of pension for which he is required to contribute having regard to his salary at that date an amount specified by him in his election, being an amount not less than one tenth of his salary at that date but less than the amount that, but for the election, he would be required to pay as contribution under either of the last two preceding sections.

(2.) An amount specified in an election under the last preceding sub-section shall, after allocating the amount of Two cents per fortnight to one of the contributor's initial units be deemed to be allocated equally amongst those units.

Division 4. - Contributions by the Administration.

Contributions
by Adminis-
tration.

27.- (1.) Subject to the next succeeding sub-section the Administration shall pay to the Fund in each fortnight in respect of each unit for which contribution is payable by a contributor for that fortnight, a contribution equal to two and one-half times the amount shown in the second or third column, as the case may be, of the table in the Schedule to this Ordinance opposite to the age set out in the first column of that table that corresponds to the age next birthday of the contributor when the obligation to contribute for the unit came into existence.

(2.) Where the Board makes a determination in respect of an officer under section 25 of this Ordinance, the Board shall also determine the amount of contribution which shall be paid to the Fund by the Administration, and the Administration shall pay to the Fund the contribution so determined.

(3.) The Public moneys of the Territory are appropriated to the extent necessary for the purposes of the last two preceding sub-sections.

Division 5. - General Provisions as to Contributions.

Contributors
on leave.

28. A contributor who is on leave of absence, either with or without pay, shall pay his contributions during or in respect of the period of leave, as for a period of service, without reduction.

Manner of
payment of
contributions.

29.- (1.) Subject to this section, the contributions of contributors shall be deducted from their salaries at each payment of salaries, and shall be paid to the Board.

(2.) Where a contributor is on leave of absence, either without pay or at less than full pay, the Board may, upon the application of the contributor, permit the contributions falling due during his absence to be paid by him in such smaller sums, and at such periods, as the Board approves.

Determination
of Salary.

30.- (1.) For the purposes of this Part, other than the last preceding section, the salary of an officer or contributor shall be taken to be his annual salary.

(2.) In ascertaining the annual salary of an officer or contributor for the purposes of this section -

- (a) subject to the next succeeding paragraph, if the officer or contributor is not receiving remuneration at the maximum rate applicable to his office or position, he shall be deemed to be receiving remuneration at that maximum rate; and
- (b) if the officer or contributor has not attained the age of twenty-one years and occupies an office or position in respect of which the remuneration varies according to the age of the occupant, the last preceding paragraph does not apply, but, in the case of such an officer or contributor who has not attained the age of twenty years,

he shall be deemed to be receiving remuneration at the rate that would be applicable to him if he were twenty years of age.

PART V. - PENSIONS AND BENEFITS.

Division 1. - Retirement on Pension.

Retirement
at age sixty.

31. Every contributor is entitled to a pension on his retirement on or after attaining the age of sixty years.

Breakdown
retirement.

32. A contributor who is retired on the grounds of invalidity or of physical or mental incapacity to perform his duties is entitled to a pension.

Retrenchment and
discharge.

33. The compulsory termination of the service of a contributor for the reason that his service or position is not necessary, or for the reason that the work for which he is engaged is finished, or for the reason that the quantity of work has diminished and has rendered necessary a reduction in the number of persons required to do it -

(a) shall, for the purposes of this Ordinance, be deemed to be "retrenchment", if the contributor has served for not less than ten years continuously; and

(b) shall, for the purposes of this Ordinance, be deemed to be "discharge", if the contributor has served for less than ten years continuously.

Dismissal.

34. Compulsory termination of the service of a contributor, however expressed, other than -

(a) retirement on pension as provided in this Ordinance;

(b) retirement through invalidity or physical or mental incapacity; or

(c) retrenchment or discharge,

shall, for the purposes of this Ordinance, be deemed to be dismissal.

Resignation.

35. Voluntary termination of service, however expressed, by a contributor who is not entitled to retire on pension shall be deemed to be resignation.

Division 2. - Grant of Pensions and Benefits.

Pension Units.

36.- (1.) Subject to this Ordinance, the unit of pension is Thirty-six dollars forty cents per annum.

(2.) A unit of pension the contribution for which was the subject of an election under section twenty-six of this Ordinance is an amount equal to the sum of Twenty-six dollars and an amount that bears the same proportion to Ten dollars forty cents as the amount of fortnightly contribution paid for the unit bears to the amount that the person making the election would have been required to pay as fortnightly contribution for the unit but for the election.

Amount of pension on retirement.

37. Subject to this Ordinance, a contributor is, upon retirement on or after attaining the age of sixty years, entitled to receive a pension according to the number of units in respect of which he has paid the contributions that he is required to have paid under this Ordinance.

Retirement from invalidity.

38. Subject to this Ordinance, where a contributor is retired on the ground of invalidity or physical or mental incapacity to perform his duties, the contributor is-

- (a) if the invalidity or incapacity is not due to wilful action on his part for the purpose of obtaining pension - entitled to receive a pension according to the number of units for which he was contributing at the time of his retirement; or
- (b) if the invalidity or incapacity is due to wilful action on his part for the purpose of obtaining pension - entitled to receive an amount equal to the amount of the contributions paid by him to the Fund.

Payment on
retrenchment.

39.- (1.) A contributor who is retrenched is entitled to receive an amount equal to three and one half times the sum of the contributions paid by him to the Fund.

(2.) A contributor referred to in the last preceding sub-section may, within three months or such longer period as the Board approves after the date of his retrenchment, elect to receive payment under this section either in the form of a lump sum or as a pension.

(3.) If the contributor does not make an election in accordance with the last preceding sub-section, the Board shall determine in which form payment to him shall be made.

(4.) Where a contributor who has received, or is receiving, benefit under this section again becomes or is deemed for the purposes of this Ordinance to be, an officer, the number of units of pension for which he would otherwise be entitled or required to contribute shall be reduced by a number equal to the number of units of pension that are certified by an actuary appointed by the Board to be equivalent to the benefit that he has received, or has received and is entitled to receive, under this section.

Resignation
consequent on
re-settlement
of the Nauruan
people.

40.- (1.) A contributor whom the Administrator has certified has resigned from the Public Service of Nauru for the purpose of taking up residence outside Nauru, in pursuance of a scheme for the re-settlement of the Nauruan people outside Nauru, is entitled to receive an amount equal to three and one half times the sum of the contributions paid by him to the Fund.

(2.) A contributor referred to in the last preceding sub-section may, within three months or such longer period as the Board approves after the date of his resignation, elect to receive payment under this

section either in the form of a lump sum or as a pension.

(3.) If the contributor does not make an election in accordance with the last preceding sub-section, the Board shall determine in which form payment to him shall be made.

(4.) Where a contributor who has received, or is receiving, benefit under this section again becomes, or is deemed for the purposes of this Ordinance to be, an officer, the number of units of pension for which he would otherwise be entitled or required to contribute shall be reduced by a number equal to the number of units of pension that are certified by an actuary appointed by the Board to be equivalent to the benefit that he has received, or has received and is entitled to receive, under this section.

Refunds of contributions on resignation, discharge or dismissal.

41.- (1.) Where a contributor resigns (other than a contributor referred to in the last preceding section) or is discharged or dismissed, there shall be paid to him an amount equal to the amount of the contributions paid by him to the Fund.

(2.) Where a person referred to in the last preceding sub-section again becomes, or is deemed for the purposes of this Ordinance to be, an officer, he shall contribute to the Fund as required by this Ordinance but is not entitled to claim any further benefit in respect of his previous service.

Pension to widow and children on death of contributor.

42.- (1.) Subject to this Ordinance, on the death of a male contributor before retirement, pension is payable to his widow, as follows:-

- (a) during her own life, five-eighths of the pension for which her husband was contributing at the time of his death; and
- (b) in respect of each of her or the contributor's children (except children of her re-marriage) who are under the age of sixteen years, a pension

at the rate of Fifty-two dollars per annum.

(2.) A pension payable to a widow under paragraph (a) of the last preceding sub-section ceases to be payable on her re-marriage.

(3.) On the death of a widow to whom a pension in respect of a child is payable under paragraph (b) of sub-section (1.) of this section, there is payable to the guardian of the child, in respect of the child, a pension at a rate equal to the sum of the rate specified in that paragraph and the rate of One hundred and four dollars per annum.

Pension to widow and children on death of pensioner.

43.- (1.) Subject to this Ordinance, on the death of a male pensioner, pension is payable to his widow, as follows:-

- (a) during her own life, five-eighths of the pension payable to her husband at the time of his death; and
- (b) in respect of each of her or the pensioner's children (except children of her re-marriage) who are under the age of sixteen years, a pension at the rate of Fifty-two dollars per annum.

(2.) A pension payable to a widow under paragraph (a) of the last preceding sub-section ceases to be payable on her re-marriage.

(3.) On the death of a widow to whom a pension in respect of a child is payable under paragraph (b) of sub-section (1.) of this section, there is payable to the guardian of the child, in respect of the child, a pension at a rate equal to the sum of the rate specified in that paragraph and the rate of One hundred and fifty-six dollars per annum.

(4.) Where a pensioner who marries after his retirement dies leaving a widow or children of the marriage, a pension is not payable under this section to the widow or in respect of any of the children.

Pension to orphan on death of contributor or pensioner.

44. On the death of a male contributor, or of a male pensioner, whose wife is dead or divorced and who leaves children of himself or of his wife (except children of her re-marriage) who are under the age of sixteen years and who were dependent upon him at the date of his death, there shall be paid to the guardian of the children, to be used for their support and education, pension at the rate of One hundred and fifty-six dollars per annum in respect of each child.

Refund of contributions on death of unmarried contributor.

45. Where an unmarried contributor, other than a contributor referred to in the last preceding section, dies before retirement, there shall be paid to the personal representative of the contributor or, if there is no such representative, to such person (if any) as the Board determines, an amount equal to the amount of the contributions paid by the contributor to the Fund.

Division 3. - Break-down Pensioners.

Break-down pensioners deemed to be on leave.

46.- (1.) A pensioner who is in receipt of a pension under section 38 of this Ordinance shall, for the purposes of this Ordinance, be deemed to be on leave of absence without pay, but shall not be required to contribute in respect of the period of that leave.

(2.) If a person referred to in the last preceding sub-section again becomes employed in the Public Service of Nauru, the period during which he was deemed to be on leave of absence without pay shall not, for the purpose of this Ordinance, be deemed to be a break in the continuity of his service.

Medical
examination
of pensioner
who was
retired be-
cause of
invalidity.

47.- (1.) The Board may, by notice in writing to a person who has been retired on pension under section 38 of this Ordinance, require that person -

- (a) to submit himself for medical examination by a medical practitioner nominated by the Board at a time and place specified in the notice; or
- (b) to furnish in writing to the Board, within such period as is specified in the notice, such information as is required by the notice with respect to any employment (whether as an employee or on his own account) in which the person has been engaged during such period as is specified in the notice.

(2.) A notice to a person under the last preceding sub-section may be given by delivering it to him personally or by sending it by post addressed to him at his address last known to the Board.

(3.) Where a person fails to comply with a notice given to him under this section and does not satisfy the Board that there was a reasonable excuse for the failure, the Board may suspend the person's pension.

(4.) Where the Board suspends a person's pension under this section because of the person having failed to comply with a notice requiring him to submit himself for medical examination, his pension is not payable in respect of the period that commenced on the day on which he was required by the notice to submit himself for examination, and ends on the day immediately preceding the day on which he submits himself for medical examination at a time and place approved by the Board.

(5.) Where the Board suspends a person's pension under this section by virtue of the person having failed to comply with a notice requiring him to furnish

information to the Board, his pension is not payable in respect of the period that commenced upon the expiration of the period within which he was required by the notice to furnish the information and ends on the day immediately preceding the day on which he furnished the information to the Board.

(6.) The cost of any medical examination carried out for the purposes of this section shall be treated as part of the cost of the administration of this Ordinance.

Recovery of health of pensioner who was retired because of invalidity, etc.

48.- (1.) If, in the opinion of the Board, the health of a pensioner in receipt of a pension under section 38 of this Ordinance has become so restored as to enable the pensioner to perform duties that, in the opinion of the Board, are suitable to be performed by the pensioner having regard to the duties performed by the pensioner immediately before his retirement, the Board shall, subject to sub-section (4.) of this section request the Administration to offer to the pensioner suitable employment in the Public Service of Nauru.

(2.) If suitable employment is offered to the pensioner by the Administration at a salary not less than two-thirds of his salary at the time of his retirement or at such salary as is agreed upon between him and the Administration, the Board shall cancel his pension.

(3.) In the event of the recurrence of his infirmity, a person who has been re-employed by the Administration under this section is entitled to pension at a rate not less than the rate of his previous pension immediately before he was re-employed.

(4.) If a pensioner referred to in sub-section (1.) of this section is a married woman, the Board shall cancel her pension.

Division 4. - General Provision as to Pensions
and Benefits.

Desertion by
pensioner of
wife and
children.

49.- (1.) Where a pensioner deserts his wife or leaves her without means of support, the wife may, from time to time, apply to a court of summary jurisdiction and, on proof that the wife has been deserted or left without means of support, the court may order the payment to the wife, during such period as it thinks desirable, of pension under section 43 of this Ordinance, as if the pensioner were dead.

(2.) Where a pensioner whose wife is dead or divorced deserts or leaves without means of support any children of himself or of his wife (except children of her re-marriage) who are under the age of sixteen years and who are dependent on him the guardian of the children or the Board may, from time to time, apply to a court of summary jurisdiction and, on proof that any such child has been deserted or left without means of support, the court may order the payment to the guardian of the child, during such period as it thinks desirable, of pension under section 44 of this Ordinance in respect of the child, as if the pensioner were dead.

(3.) The Board shall comply with any order made under this section and the amount of pension payable to the pensioner shall be reduced by the amount of pension payable in pursuance of the order.

Imprisonment
of pensioner.

50.- (1.) Where a male pensioner is sentenced to imprisonment for any period exceeding one month, he shall not be paid pension during the period of his imprisonment and the Board, if it thinks fit, may -

- (a) if he has a wife - pay to the wife during that period pension in accordance with section 43 of this Ordinance, as if the pensioner were dead; or

(b) if his wife is dead or divorced and there are children of the pensioner or of his wife (except children of her re-marriage) who are under the age of sixteen years and who are dependent on the pensioner - pay to the guardian of any such child during that period pension in accordance with section 44 of this Ordinance in respect of the child, as if the pensioner were dead.

(2.) Where a female pensioner is sentenced to imprisonment for any period exceeding one month she shall not be paid pension during the period of her imprisonment and, if the whole or any part of her pension is in respect of a child, the Board, if it thinks fit, may pay during that period the whole or that part, as the case may be, of her pension to such other person as the Board determines, and subject to such conditions as the Board determines, for the benefit of the child.

Mental illness
of a pensioner.

51.- (1.) Where a male pensioner is detained as a patient in a hospital for the mentally ill, the Board may, if it thinks fit, pay the whole or any part of his pension during the period of his detention to his wife or, if his wife is dead or divorced to some other person for the benefit of any children of the pensioner or of his wife (except children of her re-marriage) who are under the age of sixteen years, in such proportions as the Board think fit.

(2.) Where a female pensioner is detained as a patient in a hospital for the mentally ill, the Board may pay the whole or any part of her pension during the period of her detention to some other person for the benefit of any children of the pensioner (or of her late husband) who are under the age of sixteen years in such proportions as the Board thinks fit.

Payments in
respect of
children.

52. Notwithstanding anything contained in this Ordinance, pension payable in respect of a child may, if

the Board thinks fit, be expended by the Board for the benefit of the child.

Pensions payable for life, etc.

53.- (1.) Except where otherwise provided in this Ordinance, a pension is payable during the life of the pensioner.

(2.) A pension in respect of a child is payable until the child attains the age of sixteen years or dies, whichever first occurs.

Instalment of pension.

54.- (1.) Pensions shall be paid in fortnightly instalments.

(2.) In order to ascertain the amount of an instalment of pension covering a period of a fortnight the annual amount of the pension shall be divided by twenty-six.

Payment of pensions otherwise than to pensioners.

55. Where, in the opinion of the Board, a payment of pension, a refund of contributions or other benefit under this Ordinance should be made to a person other than the pensioner or beneficiary, the Board may, subject to this Ordinance, authorise payment to that person accordingly.

Commencement of pension or benefit.

56. Subject to this Ordinance, where an officer becomes liable to contribute for a unit of pension, he shall be deemed to be a contributor for that unit as from the date when he became liable to contribute but, if any pension or benefit becomes payable to or in respect of that contributor before he has commenced to make contributions, there shall be deducted from the first payment of pension or benefit such contributions as are due by him for that unit or, if a pay-day has not occurred before the pension or benefit becomes payable, one fortnightly contribution.

PART VI. - MISCELLANEOUS.

Board may require information to be furnished.

57.- (1.) The Board may, at any time, require a contributor or pensioner to furnish such information as the Board deems necessary for the purpose of any investigation in connexion with the Fund.

(2.) A person shall not, without reasonable excuse (proof whereof shall lie upon him), fail to furnish any information that he is required to furnish under this section.

Penalty: Twenty dollars.

Assignment of pension.

58.- (1.) Pensions and other benefits under this Ordinance shall not be in any way assigned or charged or passed by operation of law to any person other than the pensioner or beneficiary, and any moneys payable out of the Fund on the death of a contributor, pensioner or beneficiary shall not be assets for the payment of his debts or liabilities.

(2.) Nothing in this section prevents the making of an order in the nature of a garnishee order against an instalment of pension payable to a person who has been, or has been deemed for the purposes of this Ordinance to be, an officer.

Elections.

59.- (1.) An election under this Ordinance shall be made in writing.

(2.) Notwithstanding anything contained in this Ordinance, where an election is made before the commencement, or after the expiration, of the prescribed period and the Board is satisfied that -

(a) hardship would accrue to the officer or his dependants if the election were not recognized; and

(b) in all the circumstances of the case it is desirable that the election should be recognized,

the Board may recognize the election as if it had been made within the prescribed period.

(3.) In the event of the retirement of an officer on the ground of invalidity or physical or mental incapacity to perform his duties within one year after the recognition under the last preceding sub-section of an election made after the expiration of the prescribed period, the officer shall, if the election was to contribute for a unit of pension, be entitled to a refund of the contributions

paid for that unit, but shall not be entitled to any further payment in respect of that unit.

(4.) Where -

- (a) it is provided by this Ordinance that an election may be made by an officer;
- (b) a person purports to make the election after he ceases to be an officer; and
- (c) the Board is satisfied that -
 - (i) hardship would accrue to that person or to his dependants if the election were not recognized; and
 - (ii) in all the circumstances of the case it is desirable that the election should be recognized,

the Board may recognize the election as if it had been made before the person ceased to be an officer and, in the case of an election that is required to be made within a prescribed period, as if it had been made within that period.

Refund of contributions by the Administration.

60.--(1.) Where a contributor makes an election under either sub-section (3.) or sub-section (5.) of section 21 of this Ordinance or under section 22 of this Ordinance, an amount equal to the sum of the contributions paid by the Administration to the Fund in respect of the unit, or each unit, of pension to which the election relates or with respect to which the election has effect shall be refunded to the Administration from the Fund.

(2.) Where an amount equal to the amount of the contributions paid by a contributor to the Fund -

- (a) is paid to the contributor under section 41 of this Ordinance upon the resignation, discharge or dismissal of the contributor; or
- (b) is paid to a person other than the contributor under section 45 of this Ordinance upon the death of the contributor,

an amount equal to the sum of the contributions paid by the Administration to the Fund in respect of each unit of pension for which the contributor was contributing immediately before his resignation, discharge, dismissal or death, as the case may be, shall be refunded to the Administration from the Fund.

Regulations. 61. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, prescribing penalties not exceeding One hundred dollars for offences against the regulations.

THE SCHEDULE

NAURU SUPERANNUATION FUND

Rates of Contribution to be paid Fortnightly
for one Unit of Pension

<u>Age next Birthday</u>	<u>Amount to be paid by Male Employee</u>	<u>Amount to be paid by Female Employee</u>
	₪	₪
15		
16	0.08	0.06
17	0.08	0.06
18	0.08	0.06
19	0.08	0.07
20	0.09	0.07
21	0.09	0.07
22	0.10	0.07
23	0.10	0.08
24	0.11	0.08
25	0.11	0.09
26	0.12	0.09
27	0.12	0.10
28	0.13	0.10
29	0.13	0.11
30	0.14	0.12
31	0.14	0.12
32	0.15	0.13
33	0.16	0.14
34	0.17	0.15
35	0.18	0.15
36	0.19	0.16
37	0.20	0.17
38	0.21	0.18
39	0.22	0.19
40	0.23	0.21
41	0.25	0.22
42	0.26	0.24
43	0.28	0.25
44	0.30	0.27
45	0.33	0.29
46	0.35	0.31
47	0.38	0.34
48	0.42	0.38
49	0.46	0.42
50	0.51	0.46
51	0.57	0.52
52	0.64	0.59
53	0.73	0.68
54	0.86	0.80
55	1.04	0.97
56	1.30	1.22
57	1.74	1.64
58	2.61	2.45
59	5.17	4.75
60	5.38	5.12