

**SUPERANNUATION (PAPUA AND NEW GUINEA)  
ORDINANCE (No. 2) 1951.**<sup>(1)(2)</sup>

**No. 41 of 1951.**

**An Ordinance to amend the Superannuation (Papua and New Guinea) Ordinance 1951, and for other purposes.**

**B**E it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Superannuation (Papua and New Guinea) Ordinance (No. 2) 1951.*<sup>(1)(2)</sup>

(2.) The *Superannuation (Papua and New Guinea) Ordinance 1951* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Superannuation (Papua and New Guinea) Ordinances 1951.*

Commencement.

2. This Ordinance is deemed to have come into operation on the date fixed under section two of the Principal Ordinance.

Title.

3. The title to the Principal Ordinance is amended by adding at the end thereof the words “, and for other purposes.”

4. After section six of the Principal Ordinance the following section is inserted in Part I:—

Certain employees not to be contributors.

“6A. Where an employee has been appointed to the Public Service before the commencement of this Ordinance on the condition that he would not be entitled or required to contribute to any Superannuation Fund to be established for the Territory, that employee shall not be entitled or required to contribute to the Fund.”

Re-employment of pensioner, &c.

5. Section sixty-one of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “is employed by the Administration,” and inserting in their stead the words “is, after he has ceased to be an employee, re-employed by the Administration or employed by”; and

(1) For particulars of the *Superannuation (Papua and New Guinea) Ordinance (No. 2) 1951*, see footnote (1) printed in this Volume on p. 1119.

(2) Amendments made by the *Superannuation (Papua and New Guinea) Ordinance (No. 2) 1951* to the *Superannuation (Papua and New Guinea) Ordinance 1951* (printed in this Volume on p. 1119) have been indicated by footnotes to the latter Ordinance.

- (b) by omitting from sub-section (5.) the words “the Provident Account under the *Superannuation Act 1922-1950*, or”.

6. After section sixty-one of the Principal Ordinance the following section is inserted in Division 2 of Part V. :—

“61A.—(1.) Where a person in receipt of a pension under section forty-three of this Ordinance becomes an employee, as defined in section four of the *Superannuation Act 1922-1950* or as defined in section four of this Ordinance, a proportion of her pension equivalent to the amount which would have been payable by the Administration under section thirty-five of this Ordinance if—

Employment of persons in receipt of pension under section 48.

- (a) the pension were payable under section forty-six of this Ordinance; and  
(b) her husband had been a contributor in respect of the salary received by him immediately before his death,

shall be cancelled.

“(2.) Where a person referred to in the last preceding sub-section is a contributor to the Superannuation Fund under the *Superannuation Act 1922-1950* or the Superannuation Fund under this Ordinance, she is, on retirement on pension under that Act or this Ordinance, entitled to receive, in addition to that pension—

- (a) a proportion of the pension payable under section forty-three of this Ordinance based on the contributions which would have been paid by her husband if—

(i) the pension were payable under section forty-six of this Ordinance; and

(ii) her husband had been a contributor in respect of the salary received by him immediately before his death; and

- (b) the amount (if any) by which the difference between the pension payable under section forty-three of this Ordinance and the proportion of that pension specified in paragraph (a) of this sub-section exceeds the proportion of the pension payable—

(i) by the Commonwealth under the *Superannuation Act 1922-1950*; or

(ii) by the Administration under section thirty-five of this Ordinance,

in respect of the contributions paid by her under that Act or this Ordinance.

“(3.) Where a person referred to in sub-section (1.) of this section is a contributor to the Provident Account under Part VI. of this Ordinance, she shall, on ceasing to be such a contributor, be entitled to receive a pension under this Ordinance at the same rate

PART A : PUBLIC SERVICE—

as she was receiving immediately before her employment, and in addition, an amount from the Provident Account equal to the contributions paid by her to that Account, together with compound interest thereon at the rate of Three pounds per centum per annum.

“(4.) Nothing in the last preceding sub-section authorizes the payment of pension in respect of a child who has attained the age of sixteen years.”.

Contributors to Provident Account.

7. Section sixty-four of the Principal Ordinance is amended by inserting after paragraph (a) the following paragraph:—

“(aa) employees appointed to the Public Service before the commencement of this Ordinance on the condition that they would not be entitled or required to contribute to any Superannuation Fund to be established for the Territory;”.

Commencement of contributions.

8. Section sixty-seven of the Principal Ordinance is amended by omitting from paragraph (a) the words “paragraphs (a) and (b)” and inserting in their stead the words “paragraphs (a), (aa) and (b)”.

Benefits for serving employee who becomes a contributor.

9. Section seventy-five of the Principal Ordinance is amended—

(a) by omitting sub-paragraph (i) of paragraph (b) of sub-section (1.) and inserting in its stead the following sub-paragraph:—

“(i) the amount which he was contributing in respect of his relinquished rights immediately before the commencement of this Ordinance less the amount (if any) which he was contributing at that time under section eight of the *Superannuation Ordinances 1951*,<sup>(3)</sup> and”;

(b) by omitting from paragraph (c) of sub-section (3.)—

(i) the words “in the case of a serving employee who receives the additional pension payable under paragraph (b) of this sub-section,”; and

(ii) the word “and” (last occurring); and

(c) by adding at the end of paragraph (c) of sub-section (3.) the following proviso:—

“Provided that the aggregate of the pensions payable under paragraphs (a) and (b) of this sub-section and this paragraph shall not exceed the greater of—

(i) the sum of the pension shown in the Third Schedule to this Ordinance as the maximum pension in respect of the serving

(3) Printed in this Volume on pp. 1169.

employee's salary for the purposes of the last preceding paragraph, and an additional pension calculated on that maximum pension in accordance with this paragraph; and

- (ii) the pension payable under paragraph (a) of this sub-section; and ”.

10. Section seventy-six of the Principal Ordinance is amended—

- (a) by omitting from sub-paragraph (iii) of paragraph (c) of sub-section (1.) the words “ having attained ” and inserting in their stead the words “ on account of invalidity or having attained, on or before that date, ”;
- (b) by inserting in that sub-paragraph after the word “ Ordinance ” (first occurring) the words “, but subject to the limitations specified in the provisoes to those paragraphs. ”;
- (c) by omitting the proviso to that sub-paragraph; and
- (d) by adding at the end of that section the following sub-section:—

“ (3.) Contributions payable under this section shall be paid to, and benefits provided by this section shall be paid from—

- (a) where the serving employee was, immediately before the commencement of this Ordinance, paying contributions in accordance with the *Superannuation Ordinance 1928-1940*<sup>(4)</sup> of the Territory of New Guinea—the Superannuation Fund established under that Ordinance; and
- (b) where the serving employee was, immediately before the commencement of this Ordinance, paying contributions in accordance with the *Superannuation Ordinance, 1917-1941*<sup>(5)</sup> of the Territory of Papua—the Superannuation Fund Account established under that Ordinance.”.

11. After section eighty-four of the Principal Ordinance the following section is inserted:—

“ 84A. The Board shall administer the Superannuation Fund established under the *Superannuation Ordinance 1928-1940*<sup>(4)</sup> of

Board to administer existing Funds.

(4) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. IV., on pp. 4273-4287.

(5) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. IV., on pp. 3865-3879.

PART A : PUBLIC SERVICE—

the Territory of New Guinea and the Superannuation Fund Account established under the *Superannuation Ordinance, 1917-1941*<sup>(5)</sup> of the Territory of Papua, and for the purposes of that administration has—

(a) in relation to the former Fund—the powers and functions conferred—

(i) by the *Superannuation Ordinance 1928-1940*<sup>(4)</sup> of the Territory of New Guinea or any Regulations made thereunder, on the Administrator or the Treasurer of that Territory; and

(ii) by section seven of the *Superannuation Ordinance 1928-1935*<sup>(4)</sup> of the Territory of New Guinea, on the Treasurer of that Territory; and

(b) in relation to the latter Account—the powers and functions conferred—

(i) by the *Superannuation Ordinance, 1917-1941*<sup>(5)</sup> of the Territory of Papua or any Regulations made thereunder, on the Superannuation Fund Board established under that Ordinance; and

(ii) by sections seventeen, thirty and thirty-two of the *Superannuation Ordinance, 1917-1941*<sup>(5)</sup> of the Territory of Papua, and regulation seventeen of the Regulations made thereunder, on the Administrator of that Territory.”.

Assignment  
of pensions.

**12.** Section eighty-five of the Principal Ordinance is amended by omitting the word “member” and inserting in its stead the word “contributor”.

Amendment of  
*Superannuation  
Ordinance 1951,*  
as amended by  
*Superannuation  
Ordinance  
(No. 2) 1951.*

**13.—(1.)** Section fifteen of the *Superannuation Ordinance 1951*,<sup>(6)</sup> as amended by the *Superannuation Ordinance (No. 2) 1951*,<sup>(7)</sup> is repealed.

(2.) Section one of the *Superannuation Ordinance (No. 2) 1951* is amended by omitting sub-section (3.).

(3.) The *Superannuation Ordinance 1951*, as amended by the *Superannuation Ordinance (No. 2) 1951* and by this section, may be cited as the *Superannuation Ordinances 1951*.

(4) See footnote (4) printed in this Volume on p. 1159.

(5) See footnote (5) printed in this Volume on p. 1159.

(6) Printed in this Volume on p. 1169.

(7) Printed in this Volume on p. 1175.