

PAPUA.



No. 16 of 1938.

AN ORDINANCE

To Amend the "*Superannuation Ordinance, 1917-1938.*"

[RESERVED 1ST AUGUST, 1938;
ASSENTED TO 5TH OCTOBER, 1938.]^(a)

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. (1) This Ordinance may be cited as the *Superannuation Ordinance (No. 2), 1938.* Short title and citation.

(2) The *Superannuation Ordinance, 1917-1938*, 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 Ordinances, 1917-1938.*

(a) Assent notified in *Gazette* No. 19 of 7th December, 1938.

Superannuation Ordinance (No. 2), 1938.

Section 2 of
Principal
Ordinance
amended.

2. Section Two of the Principal Ordinance is amended by inserting therein immediately after the word "Gratuities." the following words and figures:—"PART IIIA.—FEMALE OFFICERS."

Section 3 of
Principal
Ordinance
amended.

3. Section Three of the Principal Ordinance is amended by adding at the end of paragraph (d) of the definition "Officer" therein the following further words "not being a female officer expressly made subject to the provisions of this Ordinance by order of the Lieutenant-Governor as hereinafter provided".

Section 5 of
Principal
Ordinance
further
proviso added.

4. Section Five of the Principal Ordinance is amended by adding thereto the following further proviso:—

"Provided that service performed after the first day of August, One thousand nine hundred and thirty-eight, whilst under the age of twenty years shall not be counted for the purposes of this section."

5. The Principal Ordinance is amended by inserting immediately after Section Thirteen C the following new section:—

Past service,
further time
for taking
advantage of
provisions
as to.

"13D. (1) Notwithstanding that an officer has failed to avail himself of the provisions of Section Thirteen or Section Thirteen A of this Ordinance within the period specified in such sections or in Section Thirteen B of this Ordinance the Lieutenant-Governor may if the circumstances make it appear to him just and equitable so to do order that such officer be permitted to avail himself of the provisions of the said sections and notice given pursuant to any such order shall be deemed sufficient notice under this Ordinance.

(2) The conditions of payment of contribution in respect of past service and other conditions shall be such as the Lieutenant-Governor may fix in respect of each officer the subject of an order under this section."

Section 14 of
Principal
Ordinance
proviso
repealed.

6. The Proviso to Section Fourteen of the Principal Ordinance is repealed.

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7. Section Fourteen A of the Principal Ordinance is repealed.

Section 14A of Principal Ordinance repealed.

8. Section Sixteen A of the Principal Ordinance is repealed and the following section inserted in its stead:—

Section 16A of Principal Ordinance repealed and substituted.

“16A. (1) Any officer or class of officers may by order of the Lieutenant-Governor be excepted from the operation of this Ordinance and upon the making of any such order or from the date specified therein the Ordinance shall cease to apply to the officer or officers in respect of whom the order was made.

(2) Any officer subject to an order made in respect to him under the preceding subsection of this section may apply to the Lieutenant-Governor for its cancellation and the Lieutenant-Governor may thereupon cancel such order subject to such payment of contribution and interest as he may approve.

(3) This section shall be deemed to have always been in operation from the commencement of this Ordinance.”

9. The Principal Ordinance is amended by inserting therein immediately after Section Sixteen B the following new Part:—

“PART IIIA.—FEMALE OFFICERS.

16c. (1) The Lieutenant-Governor may upon application to him by a female officer order that she be made subject to the provisions of this Ordinance.

Admission of female officers.

(2) The female officer in respect of whom any such order is made shall be entitled to count for the purposes of this Ordinance such unbroken past service as is specified in such order.

(3) Any order made under this section shall be conditional upon payment by the female officer of an amount equivalent to Five pounds per centum on the total salary received by her during the period of past service specified in the said order together with Five pounds per centum on such amount from the making of the order until payment.

Superannuation Ordinance (No. 2), 1938.

(4) Payment in respect of past service shall be completed before retirement and may be by instalments over a period not exceeding five years from the making of the order.

(5) In the event of the death of a female officer before completion of payment in respect of past service all instalments paid by her shall be refunded to her personal representative without interest but such refund shall not include any interest paid by her in respect of contribution for past service.

(6) Upon the marriage of a female officer in respect of whom an order has been made under this Part of this Ordinance she shall resign from the Service and thereupon all contributions made by her to the fund shall be refunded to her without interest.

Period female officers to serve.

16D. Except as otherwise provided a female officer subject to an order made pursuant to the provisions of the preceding section of this Ordinance shall become subject to the Ordinance upon the same terms and conditions as were or are applicable to a male officer at the date from which her service for the purposes of this Ordinance commenced."

Section 28 of Principal Ordinance amended.

10. Section Twenty-eight of the Principal Ordinance is amended by inserting therein immediately after the word "granted" the words "or payable whether upon the death of an officer or otherwise".

Passed in Council this first day of August, in the year of Our Lord One thousand nine hundred and thirty-eight.

Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the fifth day of October, One thousand nine hundred and thirty-eight.