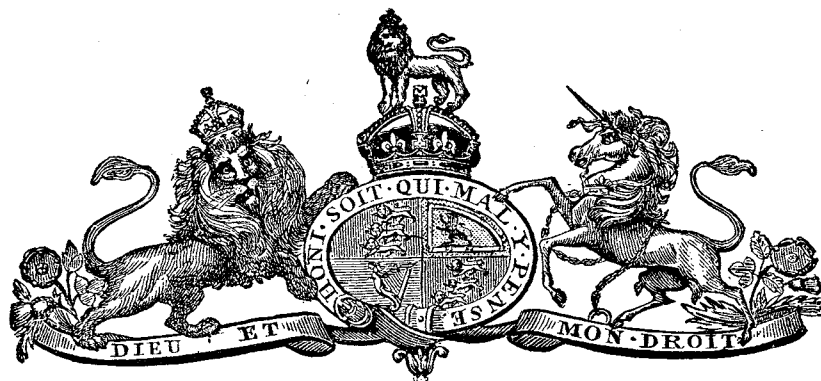


T A S M A N I A.



1904.

ANNO QUARTO

EDWARDI VII. REGIS,

No. 13.

AN ACT to provide for a Fund for the Relief A.D. 1904.
and the Maintenance of Superannuated
State Teachers and of the Widows and
Families of Deceased State Teachers, and
for other purposes. [26 October, 1904.]

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 State Teachers Superannuation Short title.
Fund Act, 1904.”

2 In the interpretation of this Act, and of any Regulations made Interpretation.
hereunder, unless inconsistent with the context or subject-matter—

“Board” shall mean “The State Teachers Superannuation
Fund Board”:

10d.]

State Teachers Superannuation Fund.

A.D. 1904.

"The Fund" shall mean "The State Teachers Superannuation Fund :"

"Regulations" shall mean Regulations made under this Act :

"Prescribed" shall mean prescribed by Regulations under this Act :

"Minister" shall mean the Minister controlling Education :

"Subscriber" shall mean a person subscribing to "The Fund," or who having been a subscriber to "The Fund" is (a) receiving an annuity therefrom, or (b) is temporarily excluded or excused by the Board from paying subscriptions :

"Officer" shall mean a person employed in or by the Education Department of *Tasmania* (unless engaged under a special contract), whose employment shall, in the opinion, expressed in the prescribed manner, of the Board and of the Minister, be of a permanent character.

Incorporation of Board.

3 For the purposes of this Act a Board is hereby constituted, to be called "The State Teachers Superannuation Fund Board," which shall be a body corporate with perpetual succession and a common seal, and shall by the said name be capable of suing and being sued, and of purchasing, holding, and alienating land, and of doing all acts necessary or expedient for carrying out the purposes of this Act, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

Members of Board.

4 The Board shall consist of Seven members, of whom the Director of Education, or such other Civil Servant as the Board and the Minister shall in the prescribed manner agree upon, shall *ex officio* be one. The first members other than the *ex officio* member shall be *Robert Mackenzie Johnston*, and *Edward David Dobbie*, who shall be deemed to have been appointed by the Governor, and *Albert Lovell Brockett*, *Samuel Ouston Lovell*, *George Heritage*, and *Richard Smith*. The *ex officio* member shall be the executive officer of the Board, and the clerical work and book-keeping of the Fund shall be deemed portion of the ordinary work of the clerical staff of the Education Department, except so far as the Board otherwise determines. The Board shall annually elect, from among themselves, a chairman, who shall have a casting as well as a deliberative vote.

Chairman.

Retirement of members ; appointment and selection of new members.

5—(1.) On the Thirty-first day of *December*, One thousand nine hundred and five, and on the same day in every subsequent year, One member of the Board shall retire from office. The member to retire shall be the one, other than the *ex officio* member, who has been longest in office without re-appointment or re-election ; and when there shall be Two or more such members, or when all the members shall have been in office for the same period without re-appointment or re-election, the one to retire shall be decided by lot among them at least Six weeks before the day for retirement ; or if the decision is not made

State Teachers Superannuation Fund.

by lot within the required time, then such member as the Governor may declare shall retire. A.D. 1904.

(2.) In the case of the retirement on the last day of any year of the said *Robert Mackenzie Johnston*, or *Edward David Dobbie*, or any of their successors in office, the Governor shall appoint a person to be a member of the Board in the place of the retiring member. Appointment of two by Governor.

(3.) In the case of the retirement on the last day of any year of the said *Albert Lovell Brockett*, *Samuel Ouston Lovell*, *George Heritage*, or *Richard Smith*, or any of their successors in office, the subscribers shall, in the prescribed manner, elect a subscriber to be a member of the Board in the place of the retiring member. Election of four by subscribers.

(4.) Any retiring member shall be eligible for re-appointment or re-election. Retiring member eligible.

(5.) Subscribers who are annuitants for life shall be eligible to be members of the Board. Life annuitants eligible.

6 Any of the following acts or events shall cause a casual vacancy in the office of member of the Board, namely :— Extraordinary vacancies in Board.

- I. Death, lunacy, bankruptcy, filing a petition for liquidation by arrangement or composition with creditors under "The Bankruptcy Act, 1870," or conviction for felony or misdemeanor :
- II. Absence from the State without the leave of the Board during the holding of Three consecutive ordinary meetings, or failure to attend Three consecutive ordinary meetings of the Board without sufficient cause, followed in either case by a resolution of the Board, passed at or before the next succeeding ordinary meeting of the Board, declaring the office vacant, which resolution the Board may pass, but are not bound to pass :
- III. As to an elected member, his ceasing to be a subscriber or his applying for an annuity on the ground of incapacity for work :
- IV. Resignation by notice in writing signed by the member and posted or delivered to the chairman of the Board, or, if there is no such chairman, then to the executive officer.

7 Any casual vacancy in the Board occurring at any time other than the last day of any year shall be filled by the Board appointing a person to take the place of the member whose office is vacant, or, when there shall not be sufficient members of the Board to form a quorum, by the Governor appointing a person to take the place of such member. Any member appointed under this section shall retire when the member whose place he takes would have retired had no such casual vacancy occurred, and on such retirement the successor of the retiring member shall be appointed or elected, as the case may be, as if the retirement had been that of the member whose place has been so taken. Subject to the regulations for the time being in force relating to a quorum, the powers of the Board shall not be affected by any diminution of its members. Casual vacancy, how filled. Powers not affected by vacancy.

State Teachers Superannuation Fund.

A.D. 1904.

tion in the number of its members, or by any vacancy in the office of member.

Evidence of
appointment
or election.

8 Upon the appointment or election of any person as a member of the Board, notice thereof by the Chairman, or, if none, then by the Executive Officer of the Board, shall be published in the *Gazette*, and the *Gazette* containing such notice shall be conclusive evidence of such appointment or election.

Member of
Board not to
borrow from
Fund.

9 No member of the Board shall during his membership, nor until a period of six months shall have elapsed after he has ceased to be a member of the Board, borrow from the Fund.

Protection to
members of
Board.

10 No member of the Board shall be personally liable except for his own acts and deeds, or be answerable for any banker, broker, or other person with whom any part of the moneys or effects of or belonging to the Fund shall be deposited or lodged for safe custody, or be answerable for the insufficiency or deficiency of any security or securities in or upon which any moneys shall be placed out or invested, or for the defect of or in title or value of any lands, or for any other misfortune, loss, or damage which may happen by reason of anything done by him in virtue of his office in the execution of this Act, except in cases where he shall be guilty of wilful neglect or default.

Officers of
Board.

11—(1.) The Board may—

- I. Appoint such officers, clerks, and servants as they think necessary for efficiently conducting the affairs of the Fund :
- II. Pay and allow such salaries and emoluments as they think fit:
- III. From time to time remove from office any officer, clerk, or servant, and re-appoint him, or appoint another in his place.

(2.) Any person in the Civil Service appointed under sub-section (1.) of this Section shall, while in the employment of the Board, be deemed to be still in the Civil Service.

Formation of
Fund.

12 A fund, to be called "The State Teachers Superannuation Fund," shall be formed, by the subscriptions to be paid by subscribers and by the moneys which may be received for the purchase of status, and the interest arising from the investment of such subscriptions and moneys. The Fund shall be exempt from all taxation whatsoever.

Investment of
Fund.

13 The Fund shall be vested in and be under the control and management of the Board, who may invest the same on deposit with the Treasurer of *Tasmania*, or in any bank, or upon first mortgage of the fee simple of land in *Tasmania*, or upon Government securities of the Commonwealth of *Australia*, or of any State of the said Commonwealth, or upon securities guaranteed by the Government of the said Commonwealth or of any such State, or upon the securities of the

State Teachers Superannuation Fund.

Municipal Corporations of *Hobart* or *Launceston*, or upon any other securities authorised by law for the investment of trust funds. A.D. 1904.

14 The Fund shall be devoted, as may be prescribed, to the following purposes:— Application of Fund.

- I. Payment of the expenses of management :
- II. Providing annuities —
 - (a) For subscribers having a status of not less than the prescribed number of years with respect to the Fund on their retirement from the Civil Service on or after attaining the prescribed age :
 - (b) For subscribers having such status as may be prescribed during incapacity for work by reason of ill health or infirmity :
- III. Providing annuities for widows of subscribers and for children of male subscribers :
- IV. Payment of money to any subscriber ceasing to be a subscriber :
- V. Granting such other benefits as may be prescribed.

15 Subject to and in accordance with the Regulations—

- I. Any officer who is now receiving a salary of more than Fifty Pounds per annum may be, with the consent of the Board, but shall not be compelled to be, a subscriber to the Fund :
- II. The following persons shall be subscribers to the Fund —
 - (a) Every officer who is now receiving the sum of Fifty Pounds or less per annum upon entering into receipt of the prescribed sum or more per annum :
 - (b) Every person who hereafter becomes an officer and enters into receipt of the prescribed sum or more per annum.

Optional subscribers.

Compulsory subscribers.

16 Unless and until otherwise prescribed—

- I. The maximum annual subscription shall be as follows:—

Maximum and minimum subscriptions.

Males.		Females.	
Salary.	Maximum Subscription.	Salary.	Maximum Subscription.
Not exceeding £200	£16	Not exceeding £150	£12
Each full £50 above the first £200	£4 up to £40, inclusive of the £16	Each full £37 10s. above the first £150	£3 up to £30, inclusive of the £12

- II. The minimum annual subscriptions shall be, for males, Five Pounds Six Shillings and Eight Pence, and for females Four Pounds.

State Teachers Superannuation Fund.

A.D. 1904.

Subscriptions not
to cease without
consent.How subscrip-
tions to be paid.Purchase of
status.Annuities for
life.

And for a year.

Annuitants for a
year to be deemed
in the Civil
Service on leave
without pay for
Two years.

17 No subscriber shall, without the consent of the Board, cease while employed in the Education Department, to be a subscriber to the Fund.

18 The Minister shall pay to the Board month by month the subscriptions due by each subscriber on pay, and shall deduct such payments from the salary of the subscriber.

19 Any officer may, with the consent of the Board, purchase status in the prescribed manner with respect to the Fund.

20—(1.) Every subscriber who shall have paid subscriptions for the prescribed number of years, or shall have acquired a status with respect to the Fund equivalent to the prescribed number of years' subscription, and shall have attained the prescribed age, shall, on retiring from his employment in the Education Department, be entitled to receive the prescribed annuity for the remainder of his life.

(2.) Every other annuity shall be granted for not more than one year at a time, and a fresh application from the subscriber shall each time be necessary.

21 As regards a subscriber who from pay, or being upon leave of absence without pay, in the Education Department, passes to the receipt of an annuity under this Act other than an annuity for his life, the following conditions shall apply for a period of Two years :—

- i. He shall during the continuance of such annuity or any renewal thereof be held to be on leave of absence without pay, and shall not by reason of absence from active service forfeit his seniority or status in the Civil Service :
- ii. The period of such continuance shall not count as service, but neither shall it, in the event of his re-employment in the Civil Service, be held to constitute a break in the continuity of his service :
- iii. Upon regaining, in the opinion of the Board, capacity for work, the Governor may appoint him to such vacant position in the Education Department as his efficiency, capacity for work, and then seniority may, in the opinion of the Governor, entitle him to :
- iv. If he refuses re-employment in the Education Department when so offered he shall cease to be a subscriber, and shall not be entitled to any further annuity out of the Fund, and any moneys he shall have received by way of annuity shall be deducted from the sum repayable to him out of the Fund upon his so ceasing to be a subscriber.

State Teachers Superannuation Fund.

22 No annuity payable out of the Fund shall be anticipated, assigned, transferred, charged, encumbered, or otherwise parted with by the person entitled or contingently entitled thereto, in possession, expectancy, or otherwise; nor shall any such annuity be attached or taken in execution under the process of any Court, nor, in the event of the bankruptcy of such person or the filing by him of a petition for liquidation by arrangement or composition with creditors under "The Bankruptcy Act, 1870," vest in the trustee of his estate; but every such annuity shall be an inalienable personal provision for the person entitled thereto.

A.D. 1904.

Protection to annuitants.

23 During the period of Fifteen years, computed from the First meeting of the Board, the due payment of all annuities payable under this Act is hereby guaranteed by the Government of *Tasmania*, and such sum as the Treasurer of *Tasmania* may at any time certify under his hand to be necessary to secure such payment is hereby appropriated accordingly out of the Consolidated Revenue Fund.

Government guarantee for first Fifteen years.

24 The accounts relating to the Fund shall once at least in every year be audited by the Auditor-General.

Audit of accounts.

25 In the month of *March* in every year a report on the condition, investments, and affairs of the Fund and its administration during the year ending on the Thirty-first day of *December* next preceding shall be prepared and laid before the Governor by the Board, and published in the *Gazette*.

Annual report.

26—(1.) As soon as conveniently may be after the Thirty-first day of *December*, One thousand nine hundred and nine, and at the end of every subsequent period of Five years, the affairs of the Fund shall be investigated and reported upon by an actuary, to be appointed by the Board and approved by the Governor, and the report of such actuary shall be laid before the Governor by the Board.

Quinquennial investigation.

(2.) After every such actuarial investigation the rates of subscriptions or scales of benefits, or both, shall be reviewed, and shall be altered if in the opinion of the Board alteration shall be necessary to ensure—

I. The actuarial soundness of the Fund :

II. The fullest benefits to subscribers consistent with such soundness.

27—(1.) All fines which by Section Forty-four of "The Civil Service Act, 1900," are to be credited to the Provident Fund created by that Act, shall, when imposed upon officers under this Act, be paid into and form part of the Fund formed under this Act.

Fines under Sect. 44 of Civil Service Act, 1900, imposed on officers under this Act, to form part of Fund under this Act.

State Teachers Superannuation Fund.

A.D. 1904.

—
No such officer
obliged to sub-
scribe to Provi-
dent Fund under
Civil Service Act,
1900.
Regulations.

(2.) Notwithstanding anything to the contrary contained in Part VII. of "The Civil Service Act, 1900," no officer under this Act shall be obliged to subscribe to the Provident Fund created by the former Act.

28 The Board, with the sanction of the Governor, may, from time to time, make, alter, and revoke regulations for all or any of the following purposes, that is to say—

- I. Prescribing the duties of all persons employed in the administration of the Fund or otherwise for the purpose of this Act :
- II. Regulating the security to be given by such persons or any of them :
- III. Fixing the mode of subscribing, and fixing, increasing, or reducing the subscriptions to be paid, and the benefits to be taken by subscribers, their widows and children, whether already receiving annuities or not, or by any particular class or classes of subscribers, their widows and children, or in special cases by any subscriber or subscribers, their widows and children, on the ground of special eligibility, previous subscription to the Fund, or ill-health, or on any other ground that shall appear reasonable to the Board, and fixing, increasing, or reducing the proportion of money to be repaid to subscribers ceasing to be subscribers :
- IV. Prescribing conditions as to age and medical examination :
- V. Providing for policies to be taken out by subscribers :
- VI. The continuance as a subscriber of any officer transferred from the Education Department to any other Branch of the Civil Service of *Tasmania*, or to the Public Service of the Commonwealth of *Australia* during such period as such officer shall remain in either of such last-mentioned Services, and the continuance for any period not exceeding Three years as a subscriber of any officer leaving the service of the Education Department of *Tasmania*, otherwise than to enter any other branch of the Civil Service of *Tasmania*, or the Public Service of the said Commonwealth, in any case where the Board shall think it probable that such officer may re-enter the Service of the Education Department of *Tasmania* :
- VII. Prescribing the modes of purchasing status in respect of the Fund, and prescribing and for increasing or reducing the amounts to be paid for the purchase of status :
- VIII. Prescribing the times and manner of elections of members of the Board :

State Teachers Superannuation Fund.

- ix. Regulating the meetings of the Board, and the times and places of and the quorum and proceedings of such meetings, the custody of the common seal, and the mode of its use: — A.D. 1904
- x. Prescribing the period of office and the mode of election of the chairman.
- xi. Prescribing forms necessary or expedient for carrying out this Act:
- xii. For holding meetings of subscribers, and regulating the proceedings thereat:
- xiii. Carrying out the objects of this Act, and to meet any particular case that may arise.

In the construction of this section general words shall not be limited or controlled by particular words.

29 Such regulations shall be published in the *Gazette*, and shall afterwards be judicially noticed and have the force of law; and the *Gazette* purporting to contain a copy of any such regulations shall be conclusive evidence thereof. Regulations to be published, &c.

100

1

2