

1954.] *City of Perth Scheme for Super- [No. 35.
annuation (Amendments
Authorisation).*

**CITY OF PERTH SCHEME FOR SUPER-
ANNUATION (AMENDMENTS
AUTHORISATION).**

3° Elizabeth II., No. XXXV.

No. 35 of 1954.

**AN ACT to authorise certain amendments of a
scheme for superannuation established by
the City of Perth under the City of Perth
Superannuation Fund Act, 1934.**

[Assented to 29th November, 1954.]

WHEREAS the City of Perth did on the first day Preamble.
of March, one thousand nine hundred and
thirty-seven, by virtue and in pursuance of section
eight of the City of Perth Superannuation Fund Act,
1934, adopt a scheme for the establishment of a
superannuation fund for the purpose of providing
superannuation benefits for salaried officers and
wages employees of the Council. And whereas the
said Scheme has been amended from time to time
by divers Acts. And whereas it is desired that further
amendments be made to the said scheme: Be it
therefore enacted by the Queen's Most Excellent
Majesty by and with the advice and consent of the
Legislative Council and Legislative Assembly of
Western Australia in this present Parliament
assembled and by the authority of the same, as
follows:—

1. This Act may be cited as the *City of Perth* Short title
*Scheme for Superannuation (Amendments Author-
isation) Act, 1954.*

No. 35.] *City of Perth Scheme for Superannuation (Amendments Authorisation)*. [1954.]

Definition of existing schedule.

2. "The existing scheme" shall mean the scheme for superannuation adopted by the City of Perth on the first day of March, 1937, as amended by the Acts mentioned in the First Schedule hereto.

Existing scheme may be amended.

3. The existing scheme may be amended in such manner that the said scheme for superannuation when so amended shall be as set forth in the Second Schedule to this Act.

When scheme shall be brought into operation.

4. The scheme for superannuation as amended in the manner authorised by this Act shall only be brought into operation if and when the provisions of section five to eight inclusive of the City of Perth Superannuation Fund Act, 1934, shall have been complied with as if such amended scheme were a proposition for a scheme within the meaning of section five of the said Act.

Accrued rights or obligations not affected.

5. The coming into operation of the scheme for superannuation as amended in the manner authorised by this Act shall not affect the accrued or accruing rights or obligations of any contributor to the existing scheme or the powers and obligations of the City of Perth under any of the amendments to the scheme authorised by any of the Acts mentioned in the First Schedule hereto.

FIRST SCHEDULE.

No. of Act.	Title.
18 of 1941	City of Perth Scheme for Superannuation (Amendments Authorisation) Act, 1941.
30 of 1946	City of Perth Scheme for Superannuation (Amendments Authorisation) Act, 1946.
54 of 1947	City of Perth Scheme for Superannuation (Amendments Authorisation) Act, 1947.
28 of 1949	City of Perth Scheme for Superannuation (Amendments Authorisation) Act, 1949.

SECOND SCHEDULE.

**THE CITY OF PERTH SUPERANNUATION
FUND SCHEME.**

A Scheme for the Establishment of a Superannuation Fund for the purpose of providing Superannuation Benefits for Officers and Wages Employees of the City of Perth, made pursuant to the powers conferred upon the City of Perth by the City of Perth Superannuation Fund Act, 1934.

1. In this Scheme, and the by-laws made under the City of Perth Superannuation Fund Act, 1934—

- “Act” means the City of Perth Superannuation Fund Act, 1934; Definitions.
- “actuary” means a Fellow of the Institute of Actuaries or a Fellow of the Faculty of Actuaries;
- “board” means any person or persons appointed by the Council under section three of the Act;
- “by-laws” means the by-laws for the time being made under section nine of the Act;
- “the Council” means the City of Perth;
- “contributor” means every officer and/or wages employee of the Council who contributes to the superannuation fund;
- “date of commencement” means the date when the scheme is adopted under section eight of the Act;
- “date of amendment” means the date when the City of Perth Scheme for Superannuation (Amendments Authorisation) Act, 1954, comes into operation;
- “officer” means a member of the Council’s staff whose name appears (under instructions in writing from the town clerk) on the monthly salary sheet or in the staff salaries book;
- “wages employee” means a person who is engaged by the head of a department duly authorised by the Council to engage employees and/or an employee whose name appears in the wages book of any department;
- “service” means continuous whole-time service in the employment of the Council after an officer or wages employee has attained the age of eighteen years, whether such service is rendered before or after the date of commencement:

Provided that the board may at any time in respect of any officer or wages employee resolve that any part-time service, whether already rendered or to be rendered by such officer or wages employee, shall rank as whole-time service and thereupon such part-time service shall be deemed for all purposes under this scheme to be whole-time service;

“contributing service” means service rendered by an officer or wages employee in respect of which he is a contributor to the Superannuation Fund;

“non-contributing service” means service rendered to the Council before the date of commencement by an officer or a wages employee;

“salary” means all salary, wages, fees, poundage, and other payments paid or made to any officer as such for his own use, also the money value of any residence or other allowances in kind appertaining to his office or employment, but does not include payment for overtime or forage or motor car allowance;

“Superannuation Fund” means the fund to be established in the manner prescribed and provided under clause two of this scheme;

ESTABLISHMENT OF SUPERANNUATION FUND.

2. (1) The Council shall establish the Superannuation Fund, to which shall be carried and credited in each year—

- (a) the amounts deducted in such year from the salaries and/or wages of contributors under the provisions of the by-laws;
- (b) a contribution by the Council of a sum equal to the amount which during such year has been contributed to the Superannuation Fund by contributors:

Provided that one-half of the sum which the Council is to contribute for every unit of pension which shall be taken up by wages employees under paragraph 8A (i) (A) shall only become payable by the Council to the Superannuation Fund when a wages employee becomes entitled to a superannuation allowance under the said paragraph;

- (c) all dividends and interest arising in such year out of the investment of the Superannuation Fund or any part thereof;

1954.] *City of Perth Scheme for Super-* [No. 35.
annuation (Amendments
Authorisation).

- (d) in addition to the contributions to be made by the Council to the Superannuation Fund under subparagraph (b) and (d) hereof the Council shall also contribute to the said Fund—
- (i) such sums as may be required to make up the reduction of contributions by wages employees brought about by the concessions granted to wages employees under paragraph 8A (iii) hereof on account of their length of service; and
 - (ii) such sums as may be required to provide for the supplementary allowances to be paid to officers under paragraph 8 (1) (d) and the supplementary allowances to be paid to the widows of officers under paragraph 8 (3) (A) and/or (B); and
 - (iii) such sums as may be required to provide for the supplementary allowances to be paid to wages employees and/or their widows under paragraph 8 (2) (A) and/or 8 (4) (A) respectively.

All such additional contributions to be made by the Council shall be ascertained and paid at the thirtieth June each year.

ACTUARIAL INVESTIGATION.

3. (1) Once at least in every five years the condition of the Superannuation Fund shall be submitted by the board to an actuary, who shall consider the same, and shall make an actuarial valuation of the assets and liabilities of the Superannuation Fund.

(2) Where on any such valuation the actuary certifies that a deficiency is disclosed, the Council shall make good the deficiency by means of payments by the Council into the Superannuation Fund.

(3) Where on any such valuation the actuary certifies that a disposable surplus is disclosed, the board may dispose thereof by increasing or extending the superannuation allowances, or by reducing the contributions of contributors in the manner recommended and certified by the actuary.

(4) Where on any such valuation the actuary certifies that in order to maintain an equality of value, as respects persons becoming contributors after the date of commencement between the amounts to be contributed by or in respect of such persons and the amounts of benefit to which such persons will become entitled, it is expedient to increase or decrease the contribution as provided by the scheme in respect of such persons, provision may be made by the bylaws

for such increase or decrease, as the case may require, to be applied in equal proportions as between the Council and such persons.

CONTROL OF SUPERANNUATION FUND.

4. The Superannuation Fund shall be controlled, managed, and administered by a board consisting of the Lord Mayor of the City of Perth for the time being, who shall be the chairman; a member of the Finance Committee of the Council; a member of the Electricity Committee of the Council; the Town Clerk for the time being of the Council, the City Treasurer for the time being of the Council, and a wages employee.

If the member of the Finance Committee or the member of the Electricity Committee shall at any time die or resign, or cease to be a member of the Committee, the Council shall forthwith appoint another member of the same Committee in his place.

In case any member of the board shall for any reason whatever be unable to attend four consecutive meetings of the board, the Council may appoint some person to act as the deputy of such member.

The certificate of the Lord Mayor of the City of Perth for the time being shall be conclusive evidence that the persons named in such certificate are members of the board.

Any three members of the board shall be entitled to sign and indorse cheques and other negotiable instruments and all deeds and other documents (including all instruments and other documents under the Transfer of Land Act, 1893) for and on behalf of the board.

All investments of the contributions to the Superannuation Fund shall be made by the board in the name of "The City of Perth" and/or in the name of the board.

CONTRIBUTORS AND CONTRIBUTIONS.

Officers.

5. (a) Every officer in the service of the Council at the date of commencement shall have the option of becoming a contributor to the Superannuation Fund, on the terms and conditions set out herein and in the by-laws, and such option shall be exercised not later than thirty-one days after the date of commencement.

(b) Every officer who shall join the service of the Council after the date of commencement shall become a contributor, on the terms and conditions set out herein and/or in the by-laws.

1954.] *City of Perth Scheme for Superannuation (Amendments Authorisation).* [No. 35.]

(c) Every officer who shall be in the service of the Council at the date of commencement and elects to become a contributor, and every officer who joins the service of the Council after the date of commencement, shall make an annual contribution to the Superannuation Fund of a sum not exceeding six pounds per centum of his annual salary: Provided that no officer shall make any contribution on that part of his salary which exceeds one thousand two hundred and forty-eight pounds per annum. And such amount shall be deducted from the salary payable to him by the Council by the officer of the Council authorised to pay the same, in the manner and at the times mentioned in the by-laws, and shall be paid to the credit of and form part of the Superannuation Fund.

(d) Any officer who is a contributor at the date of amendment shall be entitled to elect not to make any contribution on that part of his salary which exceeds eight hundred and thirty-two pounds, in which case the maximum superannuation allowance to which he shall become entitled shall not exceed eight pounds per week.

Wages Employees.

(e) Every wages employee who shall be in the service of the Council at the date of commencement, and being under the age of fifty years, shall have the option of becoming a contributor to the Superannuation Fund, on the terms and conditions set out herein and/or in the by-laws, and such option shall be exercised not later than thirty-one days after the date of commencement.

(f) Every wages employee who shall be engaged after the date of commencement, and being under the age of fifty years, shall become a contributor to the Superannuation Fund, on the terms and conditions set out herein and/or in the by-laws.

(g) Every wages employee who becomes a contributor shall contribute to the Superannuation Fund weekly sums not exceeding the rates shown in the table hereunder:—

Present Age (Last Birthday).	Contributions Payable Per Week.
	s. d.
Up to 29	1 3
30 to 39	1 9
40 to 44	2 6
45 to 49	3 0

All of which respective sums shall be deducted from the wages payable to each respective contributor by the Council, by the officer of the Council authorised to pay the same, at the times mentioned in the by-laws, and shall be paid to the credit of and form part of the Superannuation Fund.

No. 35.] *City of Perth Scheme for Super-annuation (Amendments Authorisation).* [1954.]

6. No contributor shall be required to make any contribution for the purposes of this scheme in respect of any period of service previous to the date of commencement.

TITLE TO SUPERANNUATION ALLOWANCES.

7. (1) Every contributor—

- (a) who shall have completed ten years' total service and shall become incapable of discharging the duties of his office or employment with efficiency by reason of permanent ill-health or infirmity of mind or body; or
- (b) who shall have attained any age between sixty-five and seventy years and have completed ten years' service,

shall be entitled, on resigning or otherwise ceasing to hold his office or employment, to receive during life a superannuation allowance according to the scale provided by paragraph 8 (1) hereof in the case of officers and by paragraphs 8 (2) hereof in the case of wages employees.

(2) On the death of any contributor his widow shall be entitled to receive during her life and widowhood a superannuation allowance—

- (a) if at the time of his death the contributor was in receipt of a superannuation allowance under the scheme; or
- (b) if at the time of his death the contributor had completed ten years' total service and was still in the employ of the Council:

Provided that no widow shall be entitled to superannuation allowance under subclause (a) hereof unless she was married to the contributor prior to the date on which he became entitled to receive a superannuation allowance.

(3) Every such superannuation allowance shall be paid out of the Superannuation Fund.

(4) Where a contributor has attained the age of seventy years, he shall cease to hold his office or employment:

Provided that the Council, or the person duly authorised by the Council to appoint or engage another officer or wages employee (as the case may be) in the place of any such contributor, may extend the period of service or employment of such contributor for one year, or any less period, and so from time to time, as it or he may deem expedient:

Provided also that no contribution shall be made by the Council or by any officer or wages employee to the Superannuation Fund in respect of any such extended period

and any such extended period shall be disregarded in calculating any superannuation allowance out of the Superannuation Fund.

SUPERANNUATION ALLOWANCES.

Officers.

8. (1) The superannuation allowance to be made to an officer who is a contributor under this scheme shall be made out of the Superannuation Fund, and shall be at the following rates, viz.:—

- (a) For officers who became contributors under paragraph 5 (a), one-sixtieth of the average amount of his salary during each year of his contributing service and one-sixtieth of the average amount of his salary during each year of his non-contributing service.
- (b) For officers who became contributors under paragraph 5 (b), one-sixtieth of the average amount of his salary during each year of his contributing service.
- (c) The maximum superannuation allowance shall be forty-sixtieths but shall not exceed twelve pounds per week plus the supplementary allowances under the next succeeding paragraph: Provided that where an officer retires within six months prior to the date of amendment after having contributed an amount which would have entitled him to a superannuation allowance under the existing scheme of more than eight pounds per week had the maximum not been fixed at eight pounds per week, then the maximum allowance shall be twelve pounds per week.
- (d) Every officer who is at present entitled or who may hereafter become entitled to a superannuation allowance under this subparagraph shall be entitled to a supplementary allowance based on the following formula:—
 - (i) If the superannuation allowance is four pounds per week or less it shall be increased by fifty per cent.
 - (ii) If the superannuation allowance exceeds four pounds per week it shall be increased by fifty per cent. on that part of the allowance which does not exceed four pounds per week and by twenty-five per cent. on that part which exceeds four pounds per week.

Wages Employees.

(2) The superannuation allowance to be made to a wages employee who is a contributor under the existing scheme shall be made out of the Superannuation Fund at the rate of twelve shillings and sixpence per week.

(a) Every wages employee who is at the date of amendment entitled or who may hereafter become entitled to a superannuation allowance under this subparagraph shall be entitled to a supplementary allowance of six shillings and three pence per week.

Widows of Officers.

(3) (A) The superannuation allowance to be made to a widow of a contributor under paragraph 7 (2) (a) shall be at the rate of one-half the allowance which was being paid to her husband at the time of his death.

(B) The superannuation allowance to be made to the widow of a contributor under paragraph 7 (2) (b) shall be one-half of the allowance which would have been payable to her husband if he had commenced to receive a superannuation allowance under subclause (1) of this clause on the day of his death.

Widows of Wages Employees.

(C) Every widow of an officer who at the date of amendment is in receipt of a superannuation allowance shall be entitled to a supplementary allowance based on the following formula:—

An amount equal to one-half of the supplementary allowance to which her husband would have been entitled to under paragraph 8 (1) (d) had he been living at the date of amendment.

(4) The superannuation allowance to be made to the widow of a wages employee shall be at the rate of six shillings and three pence per week.

(a) Every widow of a wages employee who is at the date of amendment entitled or who may hereafter become entitled to a superannuation allowance under this subparagraph shall be entitled to a supplementary allowance of three shillings and one penny half-penny per week.

UNIT OF PENSION SCHEME FOR WAGES
EMPLOYEES.

8A. (i) After the date of amendment the following scheme shall come into operation for the benefit of wages employees in order to give them a maximum superannuation allowance of three pounds per week on retirement.

(a) A unit of pension shall be twelve shillings and for each unit of pension the wages employees shall make a contribution for one-third of a unit and the Council shall contribute for two-thirds of a unit.

(b) Every wages employee who shall be engaged after the date of amendment shall take up one or more but not exceeding five units of pension which shall include widows' benefits.

(c) The contribution by a wages employee for each unit of pension taken up by him shall be made weekly at the following rates:—

Age Next Birthday.	Including Half Benefit to Widow.
	£ s. d.
16-19	6
20-24	7
25-29	9
30-34	11
35-39	1 3
40-44	1 8
45-49	2 4
50	2 11
51	3 2
52	3 6
53	3 10
54	4 3
55	4 9
56	5 4
57	6 1
58	7 1
59	8 5
60	10 1
61	12 7
62	16 9
63	1 5 0
64	2 10 0

(ii) Every wages employee who is a contributor to the existing scheme at the date of amendment may elect—

- (a) to continue his contributions under the existing scheme; or
- (b) to take up one or more, but not exceeding five units of pension.

No. 35.] *City of Perth Scheme for Super-annuation (Amendments Authorisation).* [1954.]

(iii) If a wages employee elects to take up one or more units of pension under subparagraph (ii) (b) his weekly contributions for each unit of pension taken up by him shall be made on the following basis:—

Age Next Birthday.	Including Half Benefit to a Widow.			Without Benefit to a Widow.					
	£	s.	d.	£	s.	d.			
16-19	6		4			
20-24	7		5			
25-29	9		6			
30-34	11		9			
35-39	1	3	11			
40-44	1	8	1	3		
45-49	2	4	1	10		
50	2	11	2	4		
51	3	2	2	6		
52	3	6	2	9		
53	3	10	3	1		
54	4	3	3	5		
55	4	9	3	9		
56	5	4	4	3		
57	6	1	5	0		
58	7	1	5	8		
59	8	5	6	9		
60	10	1	8	3		
61	12	7	10	4		
62	16	9	13	9		
63	1	5	0	1	0	6
64	2	10	0	2	1	0

Provided—

- (1) where an employee has less than ten years' service the rate of contributions for one unit shall be based on the age of the employee at the date when he became a contributor and up to four units at the rate of contribution at the age of his next birthday;
- (2) where an employee has more than ten years' service and less than twenty years the rate of contributions for two units shall be based on the age of the employee at the date when he became a contributor and up to three units at the rate of contribution at the age of his next birthday;
- (3) where an employee has more than twenty years' service and less than thirty years, the rate of contributions for three units shall be based on the age of the employee at the date when he became a contributor and up to two units at the rate of contribution at the age of his next birthday;

1954.] *City of Perth Scheme for Super-* [No. 35.
annuation (Amendments
Authorisation).

- (4) where an employee has more than thirty years' service and less than forty years' at the rate of contributions for four units shall be based on the age of the employee at the date when he became a contributor and one unit at the rate of contribution at the age of his next birthday.

(iv) If a wages employee elects to take up one or more units of pension under (ii) (b) he shall cease to have any entitlement to superannuation allowances under the existing scheme and if at the time of his election he is not contributing to a widow's benefits he shall take up his units of pension without widow's benefits.

(v) All contributions payable by wages employees under this paragraph shall be deducted from the wages payable by the Council to each respective contributor by the officer of the Council authorised to pay the same at the times mentioned in the by-laws and shall be paid to the credit of and form part of the Superannuation Fund.

9. The Council, or any person duly authorised in that behalf by the Council, may request any officer or wages employee, who shall have attained any age between sixty-five and seventy years, to resign, and upon such request being made such officer or wages employee shall resign.

10. Where an officer received allowances in kind as part of his salary, the value of such allowances shall be fixed by the board for the purposes of assessing the amount of such officer's contribution to the Superannuation Fund under paragraph 5 (c) and the amount of superannuation allowance to which such officer shall be entitled under paragraph 8 (1) (a) and (b) hereof, and the board's decision shall be final.

11. A contributor who is dismissed or resigns or otherwise ceases to hold his office or employment in consequence of any offence of a fraudulent character, or of grave misconduct, shall forfeit all claim to any superannuation allowance under this scheme:

Provided that, in the case of any such contributor, the board may, if it sees fit, return to him out of the Superannuation Fund, or pay to his wife or family out of that Fund, a sum equal to the amount of all his contributions thereto under this scheme, or to such part thereof as the board shall think fit.

12. A contributor who has not become entitled to a superannuation allowance, and loses his office or employment by reason of a reduction of staff, or the abolition of his office, or ceases to hold his office or employment by reason of ill-health, mental infirmity, or bodily injury, or is required to retire on marriage, or is requested to resign, shall be

entitled to receive out of the Superannuation Fund a sum equal to the amount of all his contributions to such Fund, but without interest.

13. In the event of a contributor voluntarily resigning his office or employment, or being dismissed for any reason whatsoever (except for fraud or misconduct) before he has, under the provisions of this scheme, become entitled to a superannuation allowance, the board shall pay to him out of the Superannuation Fund a sum equal to the amount of the contributions made by such contributor to such Fund, but without interest.

14. (1) In the event of an officer who is a contributor dying before becoming entitled to or receiving a superannuation allowance under this scheme, the board shall pay to his legal personal representative out of the Superannuation Fund, a sum equal to the amount of contributions made by such contributor to such fund, but without interest.

(2) In the event of a contributor other than an officer dying before becoming entitled to or receiving superannuation allowance under this scheme, the board shall pay to his legal personal representative out of the Superannuation Fund a sum equal to the amount of contributions made by such contributor to such Fund, and also a sum equal to the amount of contributions made by the Council to such Fund on account of such contributor, both of such sums to be paid without interest.

(3) In any case in which any contributor shall die after he has become entitled to a superannuation allowance under this scheme, and before he shall have received by way of superannuation allowance an amount equal in the aggregate to the amount of his contributions under this scheme, the board shall pay to his legal personal representative out of the Superannuation Fund the difference between the total amount which such contributor has received by way of superannuation allowance and the aggregate amount of his contributions under this scheme, but without interest:

Provided that the provisions of this clause shall not apply in any case where the widow of a contributor is entitled to receive any superannuation allowance under the scheme:

Provided also, that in any case in which the widow shall die after she has become entitled to a superannuation allowance and before she shall have received by way of such allowance an amount equal in the aggregate to the amount of contributions paid to the scheme by the contributor, the board shall, out of the Superannuation Fund, pay to her legal personal representative for the sole use of any children dependent upon her at the time of her death the difference between the total amount which such contributor and/or

