



VICTORIA  
GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 107]

THURSDAY, FEBRUARY 14.

[1957

THE MELBOURNE HARBOR TRUST COMMISSIONERS  
SUPERANNUATION REGULATIONS.

IN pursuance of section 37 of the *Melbourne Harbor Trust Act* 1928 (No. 3733) the Melbourne Harbor Trust Commissioners make the following regulations:—

1. These regulations shall come into operation on the tenth day of October, 1956, and shall be known as The Melbourne Harbor Trust Superannuation Regulations.

2. The Melbourne Harbor Trust Superannuation Regulations 1927-1955 are hereby repealed.

3. Notwithstanding the said repeal, all persons things and circumstances appointed or created by or under any of the repealed regulations or existing or continuing under any of the repealed regulations immediately before the commencement of these regulations shall continue to have the same status operation and effect under these regulations as they respectively would have had under the repealed regulations if they had not been so repealed.

4. In these regulations, unless inconsistent with the context or Definitions. subject matter—

“Actuary” means a Fellow or Associate of the Institute of Actuaries (London) or a Fellow or Associate of the Faculty of Actuaries (Edinburgh), or any other person of whose actuarial knowledge and experience the Commissioners approve.

“Commissioners” means the Melbourne Harbor Trust Commissioners.

“Employee” means—

(a) Any person who was at the date of the coming into operation of these regulations a contributor under any of the regulations by these regulations repealed.

(b) Any person who at or after the date of commencement of these regulations shall have completed three years (or in any special cases approved by the Commissioners six calendar months) continuous regular employment in the service and was at the time of the commencement of such employment under the age of fifty-seven years and who, within three calendar months next after the completion of such three years regular employment or of such approval by the Commissioners as the case may be, shall lodge with the Commissioners a notice in the form in the Third Schedule to these Regulations.

"Contributor" means an employee who is a contributor under these regulations and includes any employee who was at the date of coming into operation of these regulations a contributor under any of the regulations by these regulations repealed.

"Quarter" means a period of three calendar months commencing on the first day of any of the months of January, April, July or October.

"Service" means exclusive employment in the service of the Commissioners.

"The maximum age for retirement" means the age of sixty-five years in the case of male employees and sixty years in the case of female employees.

"Wages" means all the pecuniary emoluments received by any employee in his capacity as such whether as salary or wages or as allowances granted as addition to salary or wages, but does not include payments made for overtime or otherwise of a temporary character or made for travelling allowances and "annual wage" means the ordinary weekly rate of wages earned by any employee multiplied by fifty-two.

Words importing the masculine gender shall include the feminine gender.

Superannuation account.

5. (1) There shall be opened and kept in the books of the Commissioners an account to be called "The Melbourne Harbor Trust Superannuation Account" (hereinafter referred to as "the Account").

(2) There shall be credited to the Account—

- (a) The contributions made by employees under these regulations.
- (b) The parts of pensions and of other payments which under these regulations are to be borne by the Commissioners out of the Harbor Trust Fund.
- (c) Interest as set out in clause 6 of these regulations.

(3) There shall be debited to the Account—

- (a) The payments of pensions and other benefits made pursuant to these regulations.
- (b) Any other payments which in the opinion of the Commissioners are properly chargeable to the Account.

Interest.

6. The Commissioners shall on the first day of the months of January, April, July and October in every year credit the Account with interest for the preceding quarter on the average amount (being One hundred pounds or a multiple thereof) at the credit of the Account on the first day of each of the then last preceding three calendar months. The rate of such interest shall be the greater of either—

- (a) That obtained by the State Superannuation Board constituted under Act No. 3408 of the Parliament of the State of Victoria in respect of its then latest investment of any portion of the Superannuation Fund established under the said last-mentioned Act, or
- (b) Three pounds ten shillings per centum per annum.

7. (1) An investigation as to the state of the Account and the sufficiency of the contributions made by employees and of the parts of pensions credited by the Commissioners shall be made at the 30th June 1958 and at the expiration of each period of five years thereafter.

Quinquennial examination.

(2) The investigation shall be made by an actuary appointed by the Commissioners.

(3) The actuary shall report to the Commissioners the result of his investigation and shall state whether any reduction or increase is necessary in the rates of contributions as set out in the First and Second Schedules hereto or in the parts of pensions to be credited to the Account by the Commissioners.

(4) For the purposes of the investigation the rate of interest assumed to be credited to the Account shall not be less than Three pounds ten shillings per centum per annum.

8. The Commissioners may require any employee to undergo a medical examination before permitting such employee to become a contributor and they may for any reason deemed by them sufficient exclude any employee from becoming a contributor. In determining whether any person is an "employee" within the meaning of the definition in clause 4 of these regulations the decision of the Commissioners shall be final and conclusive.

Qualification of contributors

9. The Commissioners may require any contributor to undergo a medical examination before permitting such contributor to increase his contributions to provide units of pension in any case where such contributor had previously become entitled to increase his contributions, but had not elected to do so. In any such case the Commissioners may for any reason deemed by them sufficient exclude any contributor from increasing his contributions or may limit the amount by which he may increase his contributions and Regulation 15 shall have effect subject to this provision.

Medical examination.

10. (1) Every employee shall, except as otherwise provided in these regulations, contribute—

Commencement of contributions.

(a) In the case of a person entitled to become an employee within the meaning of these regulations on the date of the coming into operation of these regulations from such date; and

(b) In the case of a person who becomes entitled to become an employee at any later date from and inclusive of the pay day next following such date or if such date is a pay day from and inclusive of such pay day.

(2) The contributions of a contributor shall cease to be paid—

Cessation of contributions.

(a) Immediately after the last pay day on which he is employed in the service; or

(b) Immediately after the pay day next but one before the anniversary of his initial contribution in respect of the latest unit of pension contributed for next preceding the attainment by him of the maximum age for retirement, whichever shall first happen. Provided that in the case of a contributor whose initial contribution in respect of any unit or units of pension is made within twelve months before he attains the maximum age for retirement, twenty-six contributions at the fortnightly rates applicable to the contributor in respect of such unit or units or their equivalent shall be made before pension shall become payable in respect of such unit or units.

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

Leave of absence.

Provided that where a contributor is on leave of absence from the service through illness, either without pay or at less than full pay, the Commissioners may, upon his application, permit the contributions falling due during his absence to be paid by him by such instalments and at such periods as the Commissioners approve.

Leave of absence on account of illness.

12. The contributions of every contributor shall unless the Commissioners in any case otherwise determine be deducted from the wages of such contributor at each payment of wages and shall be forthwith credited to the Account.

Deduction from wages.

Scale of  
units.

13. Subject as in these regulations otherwise provided the contributions by an employee shall be in respect of units of pensions as defined in these regulations, and the number of units in respect of which an employee shall contribute shall have relation to the wages of the employee in accordance with the following scale:—

Column One.			Column Two.		
Where the Annual Wage of the Employee.			The Employee shall contribute the amount necessary to provide units of pension as under.		
	£			Per annum	£ s. d.
Does not exceed .. ..	195		Two units equivalent to a pension of .. ..	104	0 0
Exceeds 195 and does not exceed .. ..	260		Three units equivalent to a pension of .. ..	156	0 0
Exceeds 260 and does not exceed .. ..	325		Four units equivalent to a pension of .. ..	208	0 0
Exceeds 325 and does not exceed .. ..	390		Five units equivalent to a pension of .. ..	253	10 0
Exceeds 390 and does not exceed .. ..	455		Six units equivalent to a pension of .. ..	299	0 0
Exceeds 455 and does not exceed .. ..	520		Seven units equivalent to a pension of .. ..	344	10 0
Exceeds 520 and does not exceed .. ..	585		Eight units equivalent to a pension of .. ..	390	0 0
Exceeds 585 and does not exceed .. ..	650		Nine units equivalent to a pension of .. ..	422	10 0
Exceeds 650 and does not exceed .. ..	715		Ten units equivalent to a pension of .. ..	455	0 0
Exceeds 715 and does not exceed .. ..	780		Eleven units equivalent to a pension of .. ..	500	10 0
Exceeds 780 and does not exceed .. ..	845		Twelve units equivalent to a pension of .. ..	546	0 0
Exceeds 845 and does not exceed .. ..	910		Thirteen units equivalent to a pension of .. ..	591	10 0
Exceeds 910 and does not exceed .. ..	975		Fourteen units equivalent to a pension of .. ..	637	0 0
Exceeds 975 and does not exceed .. ..	1,040		Fifteen units equivalent to a pension of .. ..	682	10 0
Exceeds 1,040 and does not exceed .. ..	1,105		Sixteen units equivalent to a pension of .. ..	728	0 0
Exceeds 1,105 and does not exceed .. ..	1,170		Seventeen units equivalent to a pension of .. ..	773	10 0
Exceeds 1,170 and does not exceed .. ..	1,235		Eighteen units equivalent to a pension of .. ..	819	0 0
Exceeds 1,235 and does not exceed .. ..	1,300		Nineteen units equivalent to a pension of .. ..	864	10 0
Exceeds 1,300 and does not exceed .. ..	1,430		Twenty units equivalent to a pension of .. ..	910	0 0
Exceeds 1,430 and does not exceed .. ..	1,560		Twenty-one units equivalent to a pension of .. ..	955	10 0
Exceeds 1,560 and does not exceed .. ..	1,690		Twenty-two units equivalent to a pension of .. ..	1,001	0 0
Exceeds 1,690 and does not exceed .. ..	1,820		Twenty-three units equivalent to a pension of .. ..	1,046	10 0
Exceeds 1,820 and does not exceed .. ..	1,950		Twenty-four units equivalent to a pension of .. ..	1,092	0 0
Exceeds 1,950 and does not exceed .. ..	2,080		Twenty-five units equivalent to a pension of .. ..	1,137	10 0
Exceeds 2,080 .. ..			Twenty-six units equivalent to a pension of .. ..	1,183	0 0

Wages not  
exceeding  
£260.

14. An employee whose wages do not exceed £260 per annum may in the notice mentioned in clause 4 of these regulations elect to contribute for additional units to make up a total number of two, three or four units.

Increase in  
wages.

15. (1) (a) If the wages of a contributor are increased and by reason of that increase fall within a higher wages group in column one of the scale contained in clause 13 of these regulations than the wages group in which it fell prior to the increase he may within three months from the pay day on which payment of wages at the increased rate is first actually made elect to increase the number of units for which he is contributing by a number not exceeding the difference between—

the number of units specified in column two opposite the wages group in which his wages fall after the increase of his wages, and the number of units specified in column two opposite the wages group in which his wages fell before the increase.

Any increased contribution under this sub-clause shall be payable as from and inclusive of the pay day on which payment of wages at the increased rate is first actually made.

(b) Without affecting the generality of sub-paragraph (a) of paragraph (1) of this regulation a contributor may at any time elect under this sub-paragraph (b) to contribute for additional units to make up a total number of units not exceeding the number of units specified in column two opposite the wages group in which his wages fall.

(2) Paragraphs (1) (a) and (b) of this regulation shall not apply in the case of a contributor whose wages are increased under the cost of living adjustment clause or similar clause in any industrial agreement or award or determination to a sum amounting to not more than £10 per annum more than the minimum of the wages group next higher than the wages group from which such contributor was increased when such increase as aforesaid was made.

16. (1) If the wages of a contributor are reduced and by reason of such reduction fall within a lower wages group in column one of the scale contained in clause 13 of these regulations than the wages group in which they fell prior to the decrease, the following provisions shall apply to the contributor:—

Decrease in wages.

(a) If the reduction in wages is due to the contributor's own fault, the number of units for which he is contributing, if in excess of the number appropriate to the wages group to which his wages have been reduced, shall, notwithstanding that he may have made an election under clause 14 of these regulations, be reduced to such appropriate number; and

(b) If the reduction in wages is not due to the contributor's own fault, the number of units for which he is contributing shall not, unless the contributor otherwise elects within three months from the pay day on which payment of wages at the reduced rate is first actually made, be reduced.

Any reduced contribution under this sub-clause shall be first effective as from and inclusive of the pay day on which payment of wages at the reduced rate is first actually made. Any contributions previously paid by the contributor in respect of units in excess of the reduced number shall be refunded to him without interest.

(2) Sub-clause (1) of this clause shall not apply in the case of any contributor whose wages are reduced under the cost-of-living adjustment clause or similar clause in any industrial agreement or award or determination to a sum amounting to not more than £10 per annum less than the maximum of the wages group next lower than the wages group from which such contributor was reduced when such reduction as aforesaid was made.

17. (1) An employee who on the 1st January 1928 had completed not less than ten years' service and was then not less than thirty years of age shall not be obliged to contribute for more than two units unless he shall, in the notice mentioned in clause 4, have elected to contribute for some number of units exceeding two but not exceeding the number of units applicable at the date of such notice to his wages or four units as the case may be.

Employee at date of commencement.

(2) The contributions payable in respect of the first two, three or four units by an employee referred to in sub-clause (1) of this clause shall be those prescribed for the age of thirty.

18. No employee joining the service under the age of forty-five years, either before or after the coming into operation of these regulations, shall, after completing fifteen years of service, be required to contribute more than ten per centum of his wages; provided that any employee claiming the benefit of this clause shall have contributed for the maximum pension for which he was from time to time during his service entitled to contribute having regard to the amount of his wages.

Limitation of contributions.

19. Notwithstanding anything in these regulations, the Commissioners may, on the application of an employee, reduce as from such date as they shall think fit, the number of units for which the employee is contributing or for which he is required to contribute, but such reduced number of units shall not be less than two. Any contributions previously paid by the employee in respect of any unit or units in excess of the reduced number shall be refunded to him without interest.

Power to reduce units.

Scale of  
contributions.

20. The amount of contribution which shall be paid by an employee shall, except where otherwise provided in these regulations, be based upon—

- (a) The number of units of pension in respect of which the employee contributes;
- (b) Sex; and
- (c) The age at which the employee commences to contribute for each unit;

and shall be in accordance with the tables of contributions from time to time prescribed by the Commissioners by regulations.

Schedules of  
contributions.

21. The table of contributions for males according to age shall be that set out in the First Schedule hereto and the table of contributions for females according to age shall be that as set out in the Second Schedule and such table shall apply to male and female employees respectively until other tables of contributions are prescribed as aforesaid.

Pensions &c.  
to be paid by  
Commissioners.

22. All pensions and other benefits under these regulations shall subject to clause 5 hereof be paid by the Commissioners.

Credit by  
Commissioners if  
contributions  
at rate for age.

23. (1) Subject to paragraph 4 hereof, when a pension paid by the Commissioners is based upon the making by the employee throughout the period of his contribution of contributions corresponding at all times to the rates prescribed for the age of the employee there shall be debited to the Melbourne Harbor Trust Fund Account established under *Melbourne Harbor Trust Act 1928* (No. 3733) and credited to the Superannuation Account by the Commissioners in respect of each unit of pension paid a sum equal to the amount of such unit less £13.

Credit by  
Commissioners if  
contributions  
not at rate  
for age.

(2) Subject to paragraph 4 hereof, when a pension paid by the Commissioners is based upon the making by the employee at any time during the period of his contribution of a contribution or contributions at a rate other than that prescribed for the age of the employee a sum ascertained in the manner provided in the next paragraph of this regulation shall be debited to the said Harbor Trust Fund and credited to the Superannuation Account by the Commissioners.

(3) Subject to paragraph 4 hereof, to determine the sum to be debited and credited as by the last preceding paragraph provided the total of the amount of the contributions made by the employee from time to time shall be subtracted from the amount of  $3\frac{1}{2}$  times the total of the amount of the contributions which would have been payable by the employee had he at all times during the period of his contribution made contribution at the rates prescribed for his age and the ratio of this difference to the amount of  $3\frac{1}{2}$  times the total of the amount of the contributions which would have been payable by the employee had he at all times during the period of his contribution made contribution at the rates prescribed for his age shall represent the fraction of the pension payment to be so debited and credited. Provided always that where the employee has made contributions pursuant to clause 17 for four units of pension and no more than in the above calculation there shall for the figure  $3\frac{1}{2}$  whenever appearing be substituted the figure 4.

(4) In paragraphs (1), (2) and (3) of this clause the words "prescribed" when used with reference to a rate or rates shall mean—

- (a) In the case of any person who was on the 22nd day of December 1955—

- (i) In receipt of or entitled to receive a pension for which he had contributed under any of the regulations hereby repealed; or
- (ii) An employee whose contributions under any of the regulations hereby repealed had ceased pursuant to those regulations

the rate now prescribed by the table of contributions set out in these regulations.

- (b) In the case of every other contributor—the rate from time to time prescribed by the regulations for the time being in force.

24. The compulsory termination of the service of a contributor by the Commissioners for the reason that, in their opinion, the work upon which he was employed ought to be discontinued, or is finished, or that, having regard to the amount of work available, the Commissioners consider there should be a reduction in the number of employees—

Retrenchment and discharge.

- (a) Shall be deemed to be "retrenchment" if the contributor has been a contributor for not less than ten years;
- (b) Shall be deemed to be "discharged" if the contributor has been a contributor for less than ten years.

25. The compulsory termination of the service of a contributor (however expressed) other than—

Dismissal.

- (a) Retirement on pension as provided in these regulations;
- or
- (b) Retirement through ill-health or physical or mental incapacity to perform the duties allotted to him by the Commissioners; or
- (c) Retrenchment or discharge;

shall be deemed to be dismissal, for the purposes of these regulations.

26. Notwithstanding anything to the contrary in these regulations, the compulsory termination by the Commissioners of the services of a contributor, coupled with a direction or request to return to such service upon a date specified by the Commissioners within a period of four weeks, shall not be deemed to be retrenchment, discharge, or dismissal, but shall, for the purposes of these regulations, be treated as placing the contributor on leave of absence without pay until the date specified.

27. Mutual termination of service (however expressed) of a contributor who is not then entitled to retire on pension shall be deemed to be resignation.

Resignation.

28. Subject as in these regulations otherwise provided, a contributor shall, upon attaining the maximum age of retirement, be entitled to receive a pension according to the number of units for which he was contributing at the time of his retirement.

Pension on retirement.

Provided that any male contributor who has attained the age of sixty years, or any female contributor who has attained the age of fifty-five years, and who elects or is called upon to retire before attaining the maximum age for retirement, shall, as from the date of such retirement, be entitled to a pension which is the actuarial equivalent of the pension which would have been payable to the contributor upon attaining the maximum age of retirement if he or she had remained in the service until reaching that age.

29. Upon the retirement of a contributor (with the consent of the Commissioners, and after examination by the Commissioners' Medical Officer) on the ground of ill health or physical or mental incapacity to perform the duties that may be allotted to him by the Commissioners, such contributor shall—

Retirement through ill health.

- (a) If he shall not have been a contributor for more than five years, be entitled to a refund of the amount of the contributions made by him under these regulations, together with interest thereon from the first day of the quarter next after the making of the respective contributions at the average rate per centum per annum credited by the Commissioners to the Account under clause 6 of these regulations during the period over which such contributions shall have been made; or
- (b) If he shall have been a contributor for more than five years, he shall have the option to elect in writing to be delivered to the Commissioners within one month of such retirement to receive either:—
  - (i) The amount of his contributions to the Account, together with interest at the rate, and calculated in manner mentioned in paragraph (a) of this sub-clause, or
  - (ii) A pension at the rate of one-fifteenth of the pension being contributed for at the time of retirement for each full year's contribution.

Provided that a contributor shall on retirement through ill health, after he has contributed for more than fifteen years, be allowed the pension for which he was contributing.

Pension to  
widow and  
children.

30. On the death of a male contributor before retirement pension shall be paid 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. Provided that if she remarries, her pension under this paragraph shall thereupon cease and determine. Provided also that if she is not the first wife of the contributor, the pension payable to her under this paragraph shall be reduced by 1¼ per cent. for each year in excess of five years by which her age was exceeded by that of the contributor.
- (b) In respect of each of her or the contributor's children (except children of her remarriage) who are under the age of sixteen years, a pension at the rate of Twenty-six pounds per annum, until the age of sixteen years has been attained;

Provided that if there is no widow, and there are no such children under the age of sixteen years, there shall be paid to his estate a sum equal to the actual amount of the contributions paid by the contributor to the Account. Provided further that if there is no widow, and there are such children, and the total maximum liability under clause 34 of these regulations in respect of such children is a lesser sum than the actual amount of the contributions made by the contributor to the Account there shall be paid to his estate a sum equal to the amount of the difference between such actual amount and such total maximum liability.

Authority of  
Commissioners to pay  
money to  
widow.

31. On the death of a male contributor before retirement if—

- (i) the Commissioners are of opinion that such contributor was during any continuous period of absence from duty immediately preceding his death incapable, by reason of ill health or physical or mental incapacity not arising from his own fault, of performing such duties as may have been allotted to him by the Commissioners; and
- (ii) such contributor is survived by a widow—

the Commissioners may in their discretion authorize payment to the widow (in addition to any pension payable under clause 30) of a sum equal to the amount of pension which would have been payable to the contributor if during such period of absence (or, if such period exceeded three months, then during the last three months of such period) he had been in receipt of a pension under the provisions of clause 30 and contributions shall not be required to be made to the Fund for the period in respect of which such amount is calculated.

Pension to  
widow and  
children on  
death of  
pensioner.

32. On the death of a male pensioner, pension shall be paid 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: Provided that if she remarries, her pension under this paragraph shall thereupon cease and determine. Provided also that if she is not the first wife of the pensioner the pension payable to her under this paragraph shall be reduced by 1¼ per cent. for each year in excess of five years by which her age was exceeded by that of the pensioner.
- (b) In respect of each of her or the pensioner's children (except children of her remarriage), who are under the age of sixteen years, a pension at the rate of Twenty-six pounds per annum until the age of sixteen years has been attained;

Provided that where a pensioner marries after his retirement from service, pension shall not, upon the death of the pensioner, be payable to his widow or in respect of the children of that marriage.

Authority of  
Commissioners to pay  
money to  
widow im-  
mediately.

33. Notwithstanding anything in these regulations where at the time of the death of a pensioner or other beneficiary to or in respect of whom any money (not exceeding the amount of £200) was payable by way of pension or refund of contributions, the Commissioners may pay such money to such person as in the circumstances the Commissioners think fit.



34. On the death of a male contributor or pensioner whose wife is dead or divorced, and who leaves children of himself or of his wife under the age of sixteen years dependent upon him at the time of his death, there shall be paid to the guardian of such children, to be used for their support and education, a pension at the rate of Fifty-two pounds per annum, in respect of each child until the child attained the age of sixteen years.

Pensions to orphans.

35. On the death of a female contributor before retirement there shall be paid to her personal representatives, or, failing them, to such persons as the Commissioners determine, a sum equal to the actual amount of the contribution made by her to the Account.

Death of female contributor.

36. (1) In the event of the retrenchment of a contributor he shall be entitled to a pension which is the actuarial equivalent of the pension which would have been payable to the contributor upon attaining the maximum age for retirement, had he remained in the service, and within one month after the date of his retrenchment he may elect in lieu of such pension to receive payment of the then present value thereof in a lump sum.

Pension or lump sum on retrenchment.

(2) Failing an election, as provided in the last preceding sub-clause, the Commissioners shall determine which benefit shall be paid.

(3) Where an employee who has been retrenched, and is in receipt of a pension or has received payment in the form of a lump sum under this clause, re-enters the service of the Commissioners, the following provisions shall apply to him:—

Re-entry after retrenchment.

- (a) The pension (if any) shall not cease to be payable; and
- (b) He shall contribute as provided in these regulations, as if he were a new appointee, and shall not be entitled to claim any further benefit in respect of his previous service.

37. (1) Where a contributor resigns or is dismissed or discharged from the service, there shall be paid to him the actual amount of the contributions made by him under these regulations irrespective of the cause of his resignation, dismissal, or discharge.

Refund of contributions on resignation dismissal or discharge.

(2) Where an employee who has resigned or been dismissed or discharged, and has received a refund of the amount of his contributions, re-enters the service, he shall contribute as provided in these regulations as if he were a new appointee, and shall not be entitled to claim any further benefit in respect of his previous service.

Re-entry after resignation, dismissal or discharge.

38. Notwithstanding anything to the contrary contained in these regulations, if within six calendar months next after having been retrenched or dismissed or discharged, a former contributor shall re-enter the service, the Commissioners, if in their opinion special circumstances exist, may upon the written application in that behalf, of such former contributor, and upon his refunding to the Commissioners all payments of pension or other benefits or refunds of contributions made to him, and also paying to the Commissioners such contributions as he would have been liable to pay under these regulations had he continued in the service, treat him for the purpose of these regulations as if he had not been retrenched, dismissed or discharged.

Temporary non-employment.

39. Where a male pensioner—

- (a) Has unlawfully deserted his wife or left her without means of support; or
- (b) If his wife is dead or divorced, has deserted any of his or her children who are dependent on him,

Desertion by male pensioner.

payment of his pension shall be discontinued during such periods as the Commissioners think desirable, and the Commissioners shall during such period pay pension in accordance with the provisions of clauses 32, 33 or 34 (as the case may require) of these regulations as if the pensioner were dead.

40. Where a male pensioner is sentenced to imprisonment for any period exceeding one month, payment of his pension under these regulations shall be discontinued during the period of his imprisonment; and—

Imprisonment of male pensioner.

- (a) If his wife is alive, she shall, during that period be entitled to pension in accordance with the provisions of clause 32 of these regulations, as if the pensioner were dead; or

- (b) If his wife is dead or divorced, pensions for his or her children shall, during that period, be payable in accordance with the provisions of clause 34 as if the pensioner were dead.
- Imprisonment of female pensioner.** 41. Where a female pensioner is sentenced to imprisonment for any period exceeding one month payment of her pension under these regulations shall be discontinued during the period of her imprisonment.
- Provided that any pension payable to her in respect of children shall be payable to the guardian of the children for their support and education.
- Payments to children.** 42. (1) Where pensions in respect of children are payable under these regulations to a widow, the pensions shall, if the widow dies, be payable to the guardians of the children.
- (2) Notwithstanding anything in these regulations any money payable under these regulations in respect of a child under the age of sixteen years may, at the discretion of the Commissioners, be paid to the guardian of the child, or expended by the Commissioners for the benefit of the child.
- Period for which pensions payable.** 43. (1) Except where otherwise provided in these regulations, a pension shall be payable during the life of the person entitled thereto.
- (2) Pensions in respect of children shall be payable until they attain the age of sixteen years or die before attaining that age.
- Continuation of rate of pension.** 44. Notwithstanding anything in these regulations the pension payable to or in respect of any pensioner widow or child to whom pension was payable immediately before the commencement of these regulations shall, whilst the same remains payable pursuant to these regulations, be payable at the rate at which such pension was payable immediately before the commencement of these regulations.
- Pensions payable fortnightly.** 45. Pensions shall be payable at the Head Office of the Commissioners in Melbourne, or at such other place or places as the Commissioners may from time to time approve, in fortnightly instalments, and in order to ascertain the amount for a fortnightly instalment, the annual pension shall be divided by twenty-six.
- Recall to service.** 46. (1) Any pensioner who is in receipt of a pension under these regulations shall upon being thereunto required by the Commissioners return to the service unless he prove to the Commissioners that his physical or mental condition is such that he is unable to perform the duties allotted to him by the Commissioners, and if he makes default in complying with such requirement or furnishing such proof, the Commissioners may by notice to him cancel his pension, and thereupon such pension shall cease to be payable.
- (2) Where a pensioner who is recalled returns to the service the following provisions shall apply to him, namely—
- (a) The pension payable to him under these regulations shall continue to be paid in addition to his wages.
- (b) He shall not be required to contribute further to the Account.
- (c) He shall not be entitled to claim or receive any increased pension or other benefit under these regulations in respect of his additional service.
- Gratuity to persons excluded by Commissioners.** 47. (1) Every person who shall have had at least three years' continuous regular employment in the service and who shall apply to become a contributor under these regulations, but who shall be excluded by the Commissioners under the powers conferred by clause 8 of these regulations, and who shall perform at least five years' continuous regular employment in the service after the date of such exclusion, shall—
- (a) On retirement upon or after reaching the age of sixty years, but before reaching the age of sixty-five years;
- (b) On retirement (with the consent of the Commissioners, and after examination by the Commissioners' Medical Officer) through ill health or physical or mental incapacity, or
- (c) On being retrenched or discharged; be entitled to receive a gratuity equal to one week's wages at the rate lastly received by him, for every complete year of continuous regular employment in the service.

(2) Every person who shall have had at least three years' continuous regular employment in the service and who shall apply to become a contributor under these regulations, but who shall be excluded by the Commissioners under the powers conferred by clause 8 of these regulations shall on retirement from the service upon or after reaching the age of sixty-five years be entitled to receive a gratuity equal to one week's wages at the rate lastly received by him for every complete year of continuous regular employment in the service.

(3) In the event of the death of any person who would on retirement be entitled to receive a gratuity under sub-clause (1) or sub-clause (2) of this clause a sum equivalent to the amount of such gratuity shall be paid to the widow (if any) of such deceased person.

(4) In the event of the death of any person who would on retirement be entitled to receive a gratuity under sub-clause (1) or sub-clause (2) of this clause, and who leaves no widow but leaves children of himself or of his wife under the age of sixteen years dependent upon him at the time of his death, a sum equivalent to the amount of such gratuity shall be paid to the guardian of such children to be used for their support and education.

(5) All payments under this clause shall be made out of the Harbor Trust Fund and shall be borne wholly by the Commissioners.

Gratuities to be paid from the Melbourne Harbor Trust Fund Account.

48. (1) The Commissioners for the purpose of any investigation in connexion with the Account may at any time require any employee or any person in receipt of a pension under these regulations to furnish such information as the Commissioners may require.

Information to be supplied by pensioner.

(2) Any such employee or person in receipt of a pension under these regulations who, without reasonable excuse, fails, neglects, or refuses to furnish the information required of him, shall upon conviction be liable to a penalty of not more than Ten pounds.

49. Pensions or other benefits under these regulations shall not be in any way alienated, assigned or charged or passed by operation of law to any person other than the pensioner or beneficiary, and any moneys payable under these regulations on the death of an employee shall not be assets for the payment of his debts or liabilities.

Pensions &c. not assignable.

50. The Commissioners may recover contributions under these regulations in any court of competent jurisdiction.

Contributions recoverable.

51. The cost of administration of these regulations shall be paid out of the Harbor Trust Fund.

Cost of administration.

52. All disputes under these regulations shall be determined by the Commissioners, whose decision shall be final and conclusive.

Disputes.

#### FIRST SCHEDULE.

Table of Contribution to be Paid Fortnightly by Male Contributors, Based on a Retiring Age of 65.

Age Next Birthday at Entry	Contributions for first two units.	Contributions for each subsequent two units.	Age Next Birthday at Entry.	Contributions for first two units.	Contributions for each subsequent two units.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
16	0 2 3	0 2 0	41	0 7 6	0 6 10
17	0 2 4	0 2 1	42	0 7 10	0 7 3
18	0 2 6	0 2 2	43	0 8 4	0 7 9
19	0 2 7	0 2 4	44	0 8 9	0 8 2
20	0 2 9	0 2 5	45	0 9 3	0 8 9
21	0 2 11	0 2 7	46	0 9 10	0 9 4
22	0 3 1	0 2 8	47	0 10 6	0 10 0
23	0 3 3	0 2 10	48	0 11 2	0 10 8
24	0 3 6	0 3 0	49	0 12 0	0 11 6
25	0 3 7	0 3 2	50	0 12 11	0 12 7
26	0 3 9	0 3 4	51	0 13 11	0 13 8
27	0 3 11	0 3 5	52	0 15 2	0 14 11
28	0 4 1	0 3 7	53	0 16 7	0 16 4
29	0 4 3	0 3 9	54	0 18 4	0 18 1
30	0 4 6	0 3 11	55	1 0 4	1 0 2
31	0 4 8	0 4 2	56	1 2 10	1 2 8
32	0 4 11	0 4 4	57	1 6 1	1 5 11
33	0 5 1	0 4 6	58	1 10 2	1 10 0
34	0 5 4	0 4 9	59	1 15 7	1 15 6
35	0 5 7	0 5 0	60	2 3 2	2 3 1
36	0 5 10	0 5 3	61	2 14 1	2 14 0
37	0 6 2	0 5 6	62	3 12 4	3 12 3
38	0 6 5	0 5 10	63	5 8 11	5 8 10
39	0 6 9	0 6 2	64	10 18 8	10 18 7
40	0 7 1	0 6 6	65	10 19 8	10 19 7

## SECOND SCHEDULE.

*Table of Contribution to be Paid Fortnightly by Female Contributors,  
Based on a Retiring Age of 60.*

Age Next Birthday at Entry.	Contributions for each two units.	Age Next Birthday at Entry	Contributions for each two units.
	£ s. d.		£ s. d.
16	0. 1 9	39	0 6 10
17	0. 1 11	40	0 7 4
18	0 2 0	41	0 7 11
19	0 2 1	42	0 8 6
20	0 2 2	43	0 9 2
21	0 2 4	44	0 10 0
22	0 2 5	45	0 10 11
23	0 2 7	46	0 12 0
24	0 2 9	47	0 13 2
25	0 2 11	48	0 14 7
26	0 3 1	49	0 16 3
27	0 3 3	50	0 18 3
28	0 3 5	51	1 0 9
29	0 3 7	52	1 3 10
30	0 3 10	53	1 7 9
31	0 4 1	54	1 13 0
32	0 4 4	55	2 0 4
33	0 4 7	56	2 11 5
34	0 4 11	57	3 9 11
35	0 5 2	58	5 7 1
36	0 5 7	59	10 19 1
37	0 5 11	60	11 2 9
38	0 6 4		

### THIRD SCHEDULE.

To the Melbourne Harbor Trust Commissioners.

I, the undersigned  
being entitled to become an employee within meaning of the Melbourne  
Harbor Trust Superannuation Regulations, hereby give you notice that I  
desire to contribute for a pension of        units under the said regulations; and  
if admitted I undertake to comply with such regulations in all respects so  
far as the same shall be applicable to me as an employee.

Dated this                      day of                      19                      .

(Signature of Employee)

(Address)

(Occupation)

Witness—

Address—

THE MELBOURNE HARBOR TRUST COMMISSIONERS.

THE MELBOURNE HARBOR TRUST SUPERANNUATION  
REGULATIONS.

Dated at Melbourne, this tenth day of October, 1956.

The common seal of the Melbourne Harbor Trust Commissioners  
was hereunto affixed by order of the Commissioners in  
the presence of—

A. D. MACKENZIE, Chairman.

(SEAL)

CHAS. H. MCKAY, Commissioner.

A. C. COOK, Secretary.

Approved by the Governor in Council,

15th, January, 1957.

A. MAHLSTEDT,

Clerk of the Executive Council.