



ANNO UNDECIMO

GEORGII VI REGIS.

A.D. 1947.

No. 49 of 1947.

An Act to amend the Industrial Code, 1920-1943.

[Assented to 11th December, 1947.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Industrial Code Amendment Act, 1947". Short titles.
- (2) The Industrial Code, 1920-1943, as amended by this Act, may be cited as the "Industrial Code, 1920-1947".
- (3) The Industrial Code, 1920-1943, is hereinafter called "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 11 of the principal Act is amended by repealing subsection (2) thereof. Amendment of s. 11 of the principal Act—
Appointment of President.
4. Section 12 of the principal Act is amended by repealing subsections (4) and (5) thereof. Amendment of s. 12 of the principal Act—
Appointment of Deputy President.
5. The following sections are enacted and inserted in the principal Act after section 12 thereof :— Enactment of ss. 12a-12i of the principal Act—
 - 12a. The President or a Deputy President shall not be removed from office before reaching the retiring age except upon the address of both Houses of Parliament. Tenure of office of President and Deputy President.

**Retirement of
President and
Deputy
President.**

12b. (1) Every President and Deputy President shall unless lawfully removed be entitled to hold office until reaching the age of sixty-five years but shall cease to hold office on reaching that age: Provided that a President or Deputy President may, after reaching the age of sixty-five years, complete the hearing and determination of any proceedings part heard by him before reaching that age, and for the purpose of completing any such hearing and determination shall be deemed to continue to be a President or Deputy President, as the case may be.

(2) The President or a Deputy President may retire at any time.

Pensions.

12c. (1) The President or a Deputy President may by notice in writing given to the Treasurer elect to contribute for a pension under this Act.

(2) Any such notice given by the President in office at the time of the passing of the Industrial Code Amendment Act, 1947, shall be given within three months after that time; and any such notice given by a President or Deputy President appointed after that time, shall be given within three months after his appointment.

(3) The Treasurer may accept a notice of election given after the time prescribed by the preceding subsection. If he does so, the contributions shall be payable as if the notice had been received on the last day on which it could have been given under the preceding subsection, and the contributions for the period prior to the acceptance of the notice of election shall be payable to the Treasurer forthwith after that acceptance, or in such instalments as the Treasurer approves.

**Contributions
for pension.**

12d. (1) A President or Deputy President who elects to contribute for a pension shall pay a contribution to the Treasurer in aid of the general revenue of the State at the rate of four per centum per annum of his salary.

(2) The contributions for each year shall be paid in twenty-six equal instalments, and shall be deducted from the salary of the President or Deputy President.

(3) Contributions shall be payable in respect of the period commencing on the first day of the month in which the election is made and ending on the last day of the month preceding the month in which the President or Deputy President reaches the age of sixty-five years.

12e. A President or Deputy President who has elected to contribute for a pension, or his personal representatives, shall be entitled to the following benefits :—

Benefits to contributors.

- (a) Where the President or Deputy President, being disabled by permanent invalidity or infirmity from the performance of the duties of his office, or having reached the age of sixty-five years, retires after fifteen complete years service, he shall be entitled to an annual pension for life at the rate of one-half of his salary ;
- (b) Where the President or Deputy President, being disabled by permanent invalidity or infirmity from the performance of the duties of his office, or having reached the age of sixty-five years, retires with less than fifteen but not less than five complete years' service, he shall be entitled to an annual pension for life at the rate of three-tenths of his salary with an additional one-fiftieth of his salary for each complete year of service in excess of five ;
- (c) Where the President or Deputy President retires in any circumstances other than those mentioned in paragraphs (a) and (b) of this section, he shall be entitled to a refund of the contributions paid by him :
- (d) Where the President or Deputy President dies before retirement, his personal representatives shall be entitled to a refund of the contributions paid by him.

12f. (1) Pensions and other sums payable under section 12e of this Act shall be paid by the Treasurer out of the general revenue of the State on the warrant of the Governor, which warrant the Governor is hereby authorized and required to issue from time to time.

Payment of pensions out of the general revenue.

(2) Pensions shall accrue due from day to day and be paid fortnightly.

12g. In computing the service of a President or Deputy President for the purpose of pension, his service whether before and after the passing of the Industrial Code Amendment Act, 1947, as an acting President, acting Deputy President or in any other judicial office of the State shall be taken into account.

Service to be taken into account.

Basis of
amount of
pension.

12h. For the purpose of sections 12c to 12g (inclusive) of this Act the salary of the President shall be deemed at all times to be one thousand five hundred pounds a year, and the salary of a Deputy President shall be deemed at all times to be one thousand two hundred pounds a year.

Application of
sections 12a
to 12h

12i. Sections 12a to 12h of this Act shall apply to the President in office at the time of the passing of the Industrial Code Amendment Act, 1947, as well as to any President or Deputy President appointed after that time.

Amendment of
s. 13 of
principal
Act—
Salaries of
President and
Deputy
President.

6. Section 13 of the Principal Act is amended—

- (a) by striking out the words “one thousand five hundred” in the first and second lines and inserting in lieu thereof “two thousand”:
- (b) by striking out the word “two” in the fourth line and inserting in lieu thereof “four”.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.