

THE TERRITORY OF NAURU

NO. 9 of 1966

AN ORDINANCE

to amend the Provident Fund Ordinance 1938-1955

(RESERVED 27/6/66)

(ASSENTED TO 18/8/66)

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the Nauru Act 1965, as follows:-

Short title
and cita-
tion

1.--(1) This Ordinance may be cited as the Provident Fund Ordinance 1966.

(2) The Provident Fund Ordinance 1938-1955 is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the Provident Fund Ordinance 1938-1966.

2. The title to the Principal Ordinance is amended by adding at the end thereof the words "and a Provident (Employees) Fund for persons employed by the Administration otherwise than as employees in the Public Service of Nauru".

Commencement

3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.

Definitions

4. Section 2 of the Principal Ordinance is amended -
(a) by omitting the definition of "Officer" and inserting in its stead the following definition:
"Officer" means a person appointed under Division 3 of Part II of the Public Service Ordinance 1961-1966;" and
(b) by omitting the definitions of "Salary" and "Service" and inserting in their stead the following definitions:

"Salary", in relation to a member, means the member's salary or wages, and includes -

- (a) any variation in his salary or wages made under sub-section (2) of section twenty-seven of the Public Service Ordinance 1961-1966; and
- (b) any allowance payable to the member by way of salary or wages, other than -
 - (i) an allowance in respect of duties that he is called upon to perform temporarily;
 - (ii) a fee allowed as an emolument of office; and
 - (iii) a bonus or overtime payment;

"Service" means continuous service with the Administration;"

Establishment
of Fund

5. Section 3 of the Principal Ordinance is amended by omitting from sub-section (1) the words "for officers".

6. Section 4 of the Principal Ordinance is repealed and the following section inserted in its stead:-

Membership
of Fund.

"4.-(1) A person -

- (a) who is appointed an officer on or after the commencement of the Provident Fund Ordinance 1966 and is not a contributor to the superannuation fund established under the Superannuation Ordinance 1966;
- (b) who is an employee in the Public Service and has had, either before or after the commencement of the Provident Fund Ordinance 1966, not less than six years' service; or
- (c) who is an employee in the Public Service and holds a certificate in

writing that he is likely to be employed in the Public Service for a period that, when added to the period of his service either before or after the commencement of the Provident Fund Ordinance 1966

will be not less than six years, may become a member by applying in writing to the Administrator to become a member.

"(2) Where a person makes application for membership, his membership shall commence from the first day of the month following the date of the receipt of his application by the Administrator."

"(3) A person who is on the date of commencement of the "Provident Fund Ordinance 1966 a member of the Fund continues to be a member of the Fund."

Repeal

7. Section 7 of the Principal Ordinance is repealed.

Payment of monies

8. Section 11 of the Principal Ordinance is amended -

(a) by omitting from sub-section (1) the words "A member" and inserting in their stead the words "Subject to this Section, a member"; and

(b) by omitting from sub-section (2) the words "If, prior to completing six years' service, a member" and inserting in their stead the words "Where a member becomes a contributor to the superannuation fund established under the Superannuation Ordinance 1966 or a member, before completing six years' service,"; and

(c) by adding at the end thereof the following sub-section:-

"(6) For the purposes of this section -

(a) an officer shall be deemed to have retired from the Public Service if he ceases to be an officer otherwise than as a result of dismissal under Part VI of the Public Service Ordinance 1961-1966; and

(b) an employee shall be deemed to have retired from the Public Service if he ceases to be an employee otherwise than as a result of dismissal under sub-section (6) of section twenty-six of that Ordinance."

Payments to
be made on
death of
member

9. Section 12 of the Principal Ordinance is amended by omitting from sub-section (2) the words "or to five hundred pounds, whichever ~~sum is~~ the lesser,".

Repeal

10. Section 19 of the Principal Ordinance is repealed and the following sections are inserted in its stead -

"19(1) There shall be a Provident
(Employees) Fund.

(2) A person who is employed by the Administration otherwise than as an employee in the Public Service of Nauru is eligible to become a contributor to the Provident (Employees) Fund by making application to become a contributor to the Fund and undertaking to be bound by the rules made for the purposes of this section.

- (3) Contributions are payable by a contributor to the Provident (Employees) Fund at such rate as specified in the rules made for the purposes of this Section and shall be deducted from each payment of salary made to the contributors.
- (4) The Administrator shall on each occasion that a contribution is paid by a contributor to the Provident (Employees) Fund pay to the Fund an amount equal to the amount of contribution paid by the contributor.
- (5) The Administrator may make rules providing for
 - (a) the management and control of the Provident (Employees) Fund, including the investment of moneys forming part of the Fund and the crediting of interest earned by the investment of those moneys to the accounts of contributors, and,
 - (b) the payment of benefits to, and in respect of, contributors to the Provident (Employees) Fund".

Appropriation
of Public
Moneys

"20 The Public moneys of the Territory are appropriated to the extent necessary for the purposes of payment of amount authorized to be paid by the Administration by or under this Ordinance.