

1926-27-28.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 14th September, 1928.

*(Brought in by the Treasurer, the Honorable Earle Page.)***A BILL**

FOR

AN ACT

To provide for the Insurance of Employees, and the Wives, Children, Widows, and Orphans, of Employees, against certain contingencies, and for other purposes.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

- 5 1. This Act may be cited as the *National Insurance Act 1928*. Short title.
2. This Act shall commence on a date to be fixed by Proclamation; Commencement
3. This Act is divided into Parts as follows :— Parts.
- Part I.—Preliminary, ss. 1-4.
- 10 Part II.—Administration, ss. 5-20.
- Part III.—Benefits, ss. 21-40.
- Part IV.—Contributors, ss. 41-45.
- Part V.—Contributions, ss. 46-52.
- Part VI.—Approved Societies, ss. 53-65.
- Part VII.—Financial Provisions, ss. 66-79.
- 15 Part VIII.—Miscellaneous, ss. 80-96.

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Definitions.

4. In this Act, unless the contrary intention appears—

- “actuary” means a Fellow or Associate of the Institute of Actuaries of Great Britain and Ireland, or a Fellow or Associate of the Faculty of Actuaries in Scotland, or any other person of whose actuarial knowledge and experience the Governor-General approves ; 5.
- “approved society” means the General Approved Society established under this Act, or a society declared to be an approved society in pursuance of this Act, but in the case of a friendly society, life assurance society or company, or trade union, which establishes a separate section, the term has reference to that society, company, or union, in respect of the affairs of the separate section only ; 10
- “benefit” includes an allowance payable under this Act ;
- “child” includes an ex-nuptial child, a step-child and a legally adopted child ; 15
- “dependent” means wholly or mainly dependent ;
- “effective membership” means membership in respect of employed and voluntary contributors who are entitled to benefits under this Act ; 20
- “employed contributor” means a person who contributes for insurance in pursuance of section forty-one of this Act ;
- “exempt person” means an employed person who holds a certificate of exemption from insurance under this Act ;
- “insured” means insured under the provisions of this Act ; 25
- “member of an approved society” means an employed contributor or a voluntary contributor in respect of whom an approved society is entitled to be credited with contributions, and who is entitled to receive benefits through that society ;
- “national insurance” and “insurance” mean the system of insurance provided under this Act ; 30
- “orphan” means a child under the age of sixteen years who was dependent upon a deceased insured person at the time of the death of that person, and includes an ex-nuptial child, a step-child and a legally adopted child ; 35
- “reserve value” means the reserve value calculated in accordance with the provisions of section sixty-eight of this Act ;
- “superannuation age” means the age of sixty-five years in the case of a man, and the age of sixty years in the case of a woman ; 40
- “Territory” means a Territory within the Commonwealth ;
- “the Board” means the National Insurance Board appointed under this Act ;
- “the Contingencies Fund” means the Contingencies Fund established under this Act ; 45

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“the employer” means the employer under a contract of service or apprenticeship, and includes such other persons as are prescribed;

5 “the National Insurance Fund” means the National Insurance Fund established under this Act;

“transfer value” means the amount prescribed as the liability of an approved society in respect of any member of the society who transfers to another approved society or ceases to be insured;

10 “voluntary contributor” means a person who contributes for insurance in pursuance of the provisions of section forty-two of this Act;

“week” means the period of seven days commencing at midnight between Sunday and Monday.

15 PART II.—ADMINISTRATION.

5.—(1.) There shall be a National Insurance Board which shall, subject to the control of the Minister, be charged with the general administration of this Act. Constitution of Board.

(2.) The Board shall be appointed by the Governor-General, and shall consist of not less than three and not more than five members, two of whom shall be appointed in the prescribed manner from persons representative of employers and employees respectively.

(3.) The Governor-General shall appoint one of the members of the Board to be President of the Board.

25 (4.) One of the members of the Board shall be an Actuary.

6.—(1.) The members of the Board shall be appointed for such terms, not exceeding seven years, as the Governor-General determines, and shall be eligible for re-appointment. Term of office.

(2.) If an officer of the Public Service of the Commonwealth is appointed a member of the Board, the *Officers' Rights Declaration Act 1928* shall apply as if this Act and section had been specified in the Schedule to that Act.

(3.) If an officer of the Public Service of a State is appointed a member of the Board, he shall have the same rights as if he had been an officer of a Department transferred to the Commonwealth and had been retained in the service of the Commonwealth.

7. Where a member of the Board dies or otherwise vacates his office, the Governor-General may appoint a person to fill the vacancy. Such appointment shall be for the remainder of the term of the vacant office, or for such shorter period as the Governor-General determines, and shall be from persons representative of employers or employees, as the case may be, if the previous holder of the vacant office was so appointed. Extraordinary vacancies.

8. In the case of illness, suspension, or absence of the President or any member of the Board, the Governor-General may appoint a deputy to act for the President or member during his illness, suspension, Temporary appointments.

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or absence, and every deputy so appointed shall, while so acting, have all the powers and authority of the President or member, as the case may be.

Suspension of member or acting member of the Board.

9.—(1.) The Minister may suspend any member of the Board, or any acting member of the Board, from office for inability, inefficiency, misbehaviour, or neglect or failure to carry out any of the provisions of this Act or the Regulations. 5

(2.) The Minister shall, within seven days after the suspension, if the Parliament is then sitting, or if the Parliament is not then sitting, within seven days after the next meeting of the Parliament, cause to be laid before both Houses of the Parliament a full statement of the grounds of suspension, and if within twenty-one days thereafter an address is presented to the Governor-General by the Senate and the House of Representatives praying for the restoration of the member or acting member, as the case may be, to office he shall be restored accordingly; but if no such address is so presented the Governor-General may confirm the suspension and declare the office of the member or acting member, as the case may be, to be vacant, and the office shall thereupon be and become vacant. 10 15

Vacation of office.

10. A member of the Board shall be deemed to have vacated his office if he— 20

- (a) becomes bankrupt or insolvent, or applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his salary or remuneration for their benefit; 25
- (b) being the President absents himself from duty for a period of fourteen consecutive days, or for twenty-eight days in any twelve months, without leave granted by the Governor-General, or being a member other than the President, absents himself, without leave granted by the Governor-General, from three consecutive meetings of which reasonable notice has been given to him personally or in the ordinary course of the post; 30
- (c) becomes permanently incapable of performing his duties; or
- (d) resigns his office by writing under his hand addressed to the Governor-General. 35

President of the Board.

11.—(1.) The President shall be the permanent administrative officer of the Board, shall preside at its meetings, and shall have a deliberative and a casting vote.

(2.) The President shall devote the whole of his time to the duties of his office. 40

Remuneration.

12. The President and other members of the Board shall be paid such remuneration respectively as the Governor-General from time to time determines.

Meetings of Board.

13.—(1.) The Board shall meet at least once a month, at such times as the President, by notice in writing to all the members, directs. 45

(2.) At meetings of the Board two members shall form a quorum.

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(3.) All questions arising at any meeting of the Board shall be decided by a majority of the votes of the members present.

14.—(1.) The Board shall be a body corporate with perpetual succession and a common seal, and may acquire hold and dispose of 5 real and personal property, and shall be capable of suing and being sued. Incorporation.

(2.) The seal of the Board shall not be attached to any document except on resolution of the Board, and shall be authenticated by the signature of a member of the Board and of the person for the time 10 being acting as Secretary of the Board.

15.—(1.) The Board may, by writing under its seal, with the approval of the Minister, delegate any of its powers and functions under this Act in relation to any matters or class of matters, or to any particular State or Territory, so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters specified, or the State or Territory defined, in the instrument of delegation. Delegation by Board.

(2.) Every delegation by the Board shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by 20 the Board.

16.—(1.) The Governor-General may, subject to the *Commonwealth Public Service Act* 1922–1924, appoint officers for the performance of any duties required in the execution of this Act : Staff.

25 Provided that if, in the opinion of the Governor-General, it is necessary that the person appointed to any office under this Act should possess professional or technical qualifications, the Governor-General may declare that the provisions of the *Commonwealth Public Service Act* 1922–1924 shall not apply to that office, and thereupon the Governor-General may appoint a person to the 30 office upon such terms and conditions as are prescribed.

(2.) For the purposes of this section the President of the Board shall have all the powers of a Permanent Head under the *Commonwealth Public Service Act* 1922–1924.

17.—(1.) There shall be for each State and Territory a Commissioner who shall be part of the staff of the Board and shall exercise and perform such powers and functions as are prescribed. Commissioners.

(2.) The Commissioner for each State shall, *ex officio*, be Chairman of the Advisory Committee appointed in that State in pursuance of the next succeeding section.

40 18.—(1.) The Governor-General may appoint in each State an advisory committee of not more than four persons, exclusive of the State Commissioner, one of whom shall be a legally qualified medical practitioner, and the others shall be selected in the prescribed manner from persons representative of the approved societies engaged 45 in the administration of this Act. State Advisory Committee.

(2.) A State