

SUPERANNUATION ACT.

Act No. 28, 1916.

George V, An Act to provide a State provident fund for persons
No. 28. employed by the State or by certain other
bodies, and for the families of such persons ;
to provide a system of voluntary saving by
such persons ; to amend and repeal various
Acts ; and for purposes consequent thereon or
incidental thereto. [Assented to, 26th April,
1916.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows :—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. This Act may be cited as the "Superannuation Act, 1916," and shall, except where otherwise provided, come into operation on the first day of the financial half-year next after the expiration of a period of six months after the proclamation of peace between Great Britain and Germany and her allies.

Division of
Act.

2. This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY—ss. 1-3

PART II.—THE STATE PROVIDENT FUND—ss. 4-10.

PART III.—CONTRIBUTIONS—ss. 11-20.

PART

- PART IV.—PENSIONS AND BENEFITS—ss. 21-61. George V,
No. 28.
 DIVISION 1.—*Retirement on pension*—ss. 21-25.
 DIVISION 2.—*Grant of pensions and benefits*—
 ss. 26-47.
 DIVISION 3.—*Breakdown pensioners—Special
 provisions*—ss. 48-52.
 DIVISION 4.—*Rights under various Acts*—ss.
 53-59.
 DIVISION 5.—*Existing insurance policies*—ss.
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 PART V.—VOLUNTARY SAVING—ss. 62-69.
 PART VI.—THE BOARD OF MANAGEMENT—ss.
 70-84.
 PART VII.—GENERAL PROVISIONS—ss. 85-93.

3. In this Act, unless inconsistent with the context Interpreta-
tion. or subject-matter,—

“Board” means the State Provident Fund Management Board constituted by this Act.

“Civil Service Acts” include the Civil Service Act, 1884, the Public Service Act, 1902, the Public Service (Superannuation) Act, 1903, and the Public Service (Amendment) Act, 1912.

“Contributor” means employee who is contributing under this Act.

“Department” or “Department of the State” means any Department under the administration of a Minister of the Crown.

“Employee” means person employed by an “employer,” and who is by the terms of his employment required to give his whole time to the duties of his employment, but does not include a judge of the Supreme Court or of the Industrial Court, or a District Court judge, or a professor of the University of Sydney, or a person who is subject to the provisions of the Railway Superannuation Act, 1910, or Part III of the Police Regulation Act, 1899, or the Police Regulation (Superannuation) Act, 1906, or any Act amending the same.

“Employer”

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“Employer” means the Government of New South Wales and such other bodies as are mentioned in Schedule III to this Act, or as may be added to such Schedule in pursuance of this Act.

“Salary” means salary or wages and includes value of allowances such as rent, house allowed rent free, light, fuel, rations, and fees allowed regularly as emoluments of office, but does not include bonuses, overtime payments and allowances for forage, equipment, climatic disadvantages, or travelling expenses.

“Service” means service under or employment by one or more employers.

“The Fund” means the State Provident Fund established under this Act.

PART II.

THE STATE PROVIDENT FUND.

Income and
expenditure
of Fund.

4. (1) There shall be a “State Provident Fund” into which shall be paid the contributions of employers and of their employees under this Act; and from which shall be paid the benefits provided for in this Act.

Interest—
part of Fund.

(2) Interest derived from the investment of the Fund shall form part thereof.

Income not
subject to
taxation.

(3) The income of the fund shall not be subject to taxation.

Investment
of Fund.

5. The Fund shall as far as practicable be invested by the Board—

- (a) in securities of the Government of New South Wales;
- (b) in loans to the councils of shires or municipalities, or the municipal council of Sydney;
- (c) upon mortgage of land in the State of an estate of inheritance in fee simple or on mortgage of leasehold interests in such land; or
- (d) in any other manner for the time being allowed by Act of Parliament or by the rules of court for the investment of Trust Funds.

6.

6. Moneys held uninvested by the Board may be lodged either at call or on fixed deposit, or partly at call and partly on fixed deposit with the Colonial Treasurer or with any bank, and while in such bank shall be held to be moneys of the Crown. George V,
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Moneys uninvested to be lodged in bank.

7. Cheques drawn on any account in any bank shall be signed as prescribed by the regulations. How cheques signed.

8. The accounts relating to the Fund shall be audited by the Auditor-General. Audit.

9. The Board may borrow for, and the Colonial Treasurer may lend to, the Fund moneys not exceeding two-thirds of the amount, and on the security, of moneys of the Fund invested in Government securities. Borrowing.

Quinquennial valuation and revision of tables of contributions.

10. (1) An investigation as to the state and sufficiency of the Fund shall be made at the expiration of each period of five years after the commencement of this Act. Quinquennial investigation by two or more actuaries.

(2) Such investigation shall be made by not less than two actuaries appointed by the Board.

(3) Such actuaries shall report to the Board the result of their investigation and shall state whether any reduction or increase is necessary in the rates of contributions payable to the Fund. Actuaries to report.

PART III.

CONTRIBUTIONS.

Contributions by employees.

11. (1) Every employee shall (except as elsewhere in this Act provided) contribute to the Fund from such date as the Governor may notify in the Gazette, being within six months after the commencement of this Act, or from the date of the commencement of his employment, where such employment commences after the said When to commence.

George V, said date : Provided that the Governor may by proclamation in the Gazette exclude any class of persons casually employed for less than six months from the operation of the above provisions.

(2) Such contributions shall cease to be paid when the contributor ceases to be employed by the employer, or reaches the age of sixty years, whichever first happens :

Provided that—

- (a) where a woman contributor elects to contribute at the rate prescribed for retirement at age fifty-five, she shall cease to contribute when she reaches that age, or retires, whichever first happens ;
- (b) where a woman contributor does not elect to contribute at the rate prescribed for retirement at age fifty-five, the contributions payable by her shall be continued until she retires or reaches the age of sixty years, whichever first happens ;
- (c) where a contributor ceases to be employed by one employer and subsequently enters the employment of any other employer, he may resume the payment of his contributions as if there were no break in his employment on paying into the fund—
 - (a) all moneys received by him from the fund ;
 - (b) the contributions which would have been payable by him and by his employer into the fund if he had continued in his employment ; and
 - (c) interest on such moneys or on the amount of such contributions at the rate of three and a half per centum per annum, compounded annually.

If he does not forthwith make such payments and resume such contributions as aforesaid he shall contribute according to his age at the time of the commencement of his employment by such other employer.

Scale

Scale of units.

12. Such contributions shall be in respect of units of pension as defined in section twenty-six; and the number of such units shall vary in relation to salary in accordance with the following scale:—

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Scale of units
of pension.

Where the salary of the employee is equivalent to the annual rate of—		The employee shall contribute the amount necessary to provide units of pension as under.	
£	£		£
From 1	to 130 inclusive...	Two units, or	52
„ 131	to 156 „ ...	Two and a half units, or	65
„ 157	to 208 „ ...	Three units, or	78
„ 209	to 260 „ ...	Four units, or	104
„ 261	to 312 „ ...	Five units, or	130
„ 313	to 364 „ ...	Six units, or	156
„ 365	to 416 „ ...	Seven units, or	182
„ 417	to 468 „ ...	Eight units, or	208
„ 469	to 520 „ ...	Nine units, or	234
„ 521	to 572 „ ...	Ten units, or	260
„ 573	to 624 „ ...	Eleven units, or	286
„ 625	and over ..	Twelve units, or	312

Provided that—

- (a) if the employee enters the service of his employer after the commencement of this Act, and at the time of so entering such service is of or over the age of forty years, the board may, on his application, reduce the number of units in respect of which he shall contribute.
- (b) if an employee's salary be increased after he has reached the age of forty years, it shall not be compulsory for him, but he may elect to contribute for additional units in respect of such increase.

(c)

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Option for employees over thirty years of age when commencing to contribute.

- (c) any employee who at the commencement of this Act is of or over the age of thirty years may, within twelve months after such commencement, elect to take the benefit of this proviso, and thereupon the following provisions shall apply to him:—
- (i) He shall not in any case be compelled to contribute for more than two units.
 - (ii) He may contribute for two and a half or three or four units (according to his salary as set out in this section) at the rates prescribed for the age of thirty.
 - (iii) He may, if under the age of fifty-five years, elect to contribute for additional units in accordance with the prescribed table according to salary at rate for age, but not in any case exceeding a total of six units.
- (d) Any employee who can satisfy the Board that adequate provision has been made for himself and family may be exempted from contributing for more than two units of pension.
- (e) Any employee who has not exercised his power of election under proviso (c) (iii) hereof may elect to contribute for such number of units of pension as is prescribed for the salary-group next higher than that to which, according to the table prescribed in this section, he belongs; and in such case the employer shall contribute in respect of the like number of units.

Exemption from contributing for more than £52 per annum where other adequate provision made for self and family.

Employee may elect to contribute for pension of next higher salary-group.

Employee reduced in salary.

13. Where the salary of a contributor is reduced, the number of units for which he is compelled to contribute shall be reduced accordingly; and any contributions in respect of units in excess of such reduced number previously paid by and in respect of such contributor shall be credited as a single payment for an additional pension to be actuarially calculated.

Scale of contributions.

Contributions according to scale graduated by age at commencement.

14. The amount of contribution to be paid by each employee shall, except where otherwise in this Act provided, be based upon the number of units of pension for which such contributor contributes, upon sex,

sex, upon the age at which such contributor commences to contribute for each unit, and, in the case of a woman contributor, upon whether she contributes for a pension payable at age fifty-five or age sixty, and shall be in accordance with the tables of contributions hereinafter prescribed.

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15. (1) During the five years next following the commencement of this Act, and until other tables of contributions are prescribed as hereinafter provided, the tables of contributions for men and women according to ages set out in Schedule I shall be in force, and shall apply to both employers and employees.

Tables of
contributions
in Schedule I.

(2) As soon as practicable after the end of each period of five years from the commencement of this Act, the Governor may, if the Board so recommend, prescribe tables of contributions, which shall, subject to the approval of Parliament, take effect from a date to be proclaimed, and shall be in force until other tables are prescribed.

Quinquennial
adjustment of
rates.

Contributions by employers.

16. (1) Each employer shall contribute to the Fund regular payments at prescribed periods in respect of each contributor employed by him, based (except where otherwise in this Act provided) upon the number of units of pension for which such contributor contributes, upon sex, upon the age at which such contributor commences to contribute for each unit, and, in the case of a woman contributor, upon whether she contributes for a pension payable at age fifty-five or age sixty; and such payments shall be in accordance with the tables of contributions prescribed.

Particulars
and table of
contributions
of employers.

(2) Such contributions shall be paid as from the date notified as hereinbefore provided from which employees are to contribute to the fund, or from the date of commencement of an employee's service, where service commences after the said date, and shall cease when the contributor ceases to contribute to the fund.

When to
commence

(3) In the case of an employee over fifty-nine years of age at the commencement of this Act, twenty-four contributions in accordance with this Act shall be paid by the employer and the employee prior to the employee's attaining the age of sixty years.

17.

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Cost of
increasing
pension to
the minimum.

17. (1) Where a pension calculated in accordance with this Act is less than the minimum prescribed, and where this Act provides that such prescribed minimum is to be paid, the cost of increasing such pension to the minimum shall be paid to the Fund by the employer by payments at prescribed periods on the requisition of the Board.

Cost of
reducing
contribution
of employee
below rate
for age.

(2) Where any employee is allowed to contribute as though he were younger than his real age, the difference between the employee's contribution and the rate for his real age according to the prescribed table shall be paid by his employer in addition to the contribution prescribed by the last preceding section, by payments at prescribed periods on the requisition of the Board.

From what
Fund employer
shall pay
contributions.

18. (1) Where the employer is the Crown or a Minister of the Crown, the employer's contribution shall be paid from Consolidated Revenue.

(2) In the case of any other employer his contribution shall be paid from such fund of such employer as the Governor may from time to time by regulation prescribe, or, if no such regulation is made, from such fund as the employer thinks fit.

General provisions as to contributions.

Employees on
leave of
absence.

19. In respect of any contributor who is on leave of absence, whether on pay or not, his contributions shall be paid during or in respect of such period of leave as for a period of service, without reduction, and the Board may recover the amount of any such contributions in any court of competent jurisdiction.

Manner of
payment—
Deduction
from wages or
salaries.

20. The contributions of contributors shall be deducted by employers from the salaries of such contributors at each payment of such salaries, and shall, together with the employers' contributions, be paid without deduction for postage, forwarding, or exchange, to the Board.

PART IV.

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PENSIONS AND BENEFITS.

DIVISION 1.—*Retirement on pension.**Age retirement.*

21. (1) Every man contributor who has served for at least ten years with any one or more employers shall be entitled to elect to retire on pension from the service of his employer upon or after reaching the age of sixty years; and every woman contributor who has so served shall be entitled to so retire upon or after reaching the age of fifty-five years.

Age of
optional
retirement.

(2) Every contributor who has served for at least ten years with any one or more employers may be compulsorily retired on pension by his employer upon or after reaching the age of sixty years.

Age of
compulsory
retirement.*Breakdown retirement.*

22. (1) Any contributor who has served for at least ten years with any one or more employers may be retired on pension from the service of his employer on the ground of invalidity or physical or mental incapacity to perform his duties.

Breakdown
retirement.

(2) The question whether such employee is an invalid, or is physically or mentally incapable of performing his duties, and whether such invalidity or incapacity is or is not due to the fault of such contributor, shall be referred to the Chief Medical Officer of the Government, and shall be determined by the Board in accordance with that officer's report.

How
breakdown
determined.*Retrenchment and discharge.*

23. Compulsory termination by an employer of the service of a contributor expressed to be on the ground that the employment of such contributor is not necessary or that his position is not to be refilled, or on the ground that the work for which such contributor was engaged

Retrench-
ment and
discharge.

is

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George V, is finished, or on the ground that the quantity of work
No. 28. has diminished and has rendered necessary a reduction
 in the number of employees—

- (a) shall be deemed to be “retrenchment” if the contributor has served such employer for at least ten years, and if the Board be satisfied as to the bona-fides of such ground of termination of service ; and
- (b) shall be deemed to be “discharge” if the contributor has not so served, or if the Board be not so satisfied.

Dismissal.

Dismissal. **24.** Compulsory termination by an employer of the service of a contributor, however expressed, other than a compulsory retirement on pension as in this Act provided, or retrenchment, or discharge, shall be deemed to be dismissal.

Resignation.

Resignation. **25.** Voluntary termination of service (however expressed) by a contributor who is not entitled to retire on pension shall be deemed to be resignation.

*DIVISION 2.—Grant of pensions and benefits.**Pension unit and minimum.*

Pension unit. **26.** (1) The sum of twenty-six pounds per annum shall be the unit of pension.

Minimum pension. (2) The minimum amount of any pension to a contributor (except where this Act provides that pensions shall be actuarially determined) shall be two units, and to the widow of a contributor or pensioner one unit.

Normal pension of contributor.

Amount of pension on retirement. **27.** On the retirement of a contributor he shall (except where otherwise specially provided) be entitled to receive a pension according to the number of units for which
 which

which he contributed at the time of his retirement; **George V,**
 that is to say, the pension shall be in accordance with **No. 28.**
 the following scale:—

Where the contributor at retirement was contrib- uting for—	His pension shall be at the annual rate of—
	£
Two units	52
Two and a half units...	65
Three units	78
Four units	104
Five units	130
Six units	156
Seven units	182
Eight units	208
Nine units	234
Ten units	260
Eleven units	286
Twelve units	312

28. (1) On the retirement at or after the age of fifty-five years of a woman who has contributed for a pension payable on reaching the said age, the full pension for which she has so contributed shall be payable.

Pension of woman retiring before 60.

(2) On the retirement before the age of sixty years of a woman who has contributed for a pension payable on reaching that age, she shall be entitled to a pension which shall be the actuarial equivalent of the contributions paid by and in respect of her up to the time of her retirement.

Breakdown pensions.

29. (1) If a contributor who has served for at least ten years with any one or more employers be retired on the ground of invalidity or physical or mental incapacity to perform his duties, then—

Retirement through invalidity not his own fault—full pension.

- (a) If such invalidity or incapacity is not due to his own fault he shall be entitled to the full pension for which he has been contributing at the time of such retirement; but
- (b)

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Invalidity, his
own fault —
actuarially
reduced pension.
See South
Australian Act,
s. 21.

Pension for
one year only
at a time.

(b) If such invalidity or incapacity is due to his own fault he shall be entitled to a pension which shall be the actuarial equivalent of the contributions made by and in respect of him up to the time of his retirement.

(2) A contributor retired as aforesaid shall be granted payment of pension for one year only at a time, and a fresh application shall be necessary before any further payment is made.

Widows' and children's pensions.

Pension to
widow and
orphans on
death of
employee in
Service

30. On the death of a contributor before retirement, pension shall be paid to his widow as follows:—

- (a) During her own life, one half of the pension for which her husband was contributing at the time of his death; provided that if she remarry her rights under this paragraph shall thereupon cease and determine; and,
- (b) In respect of each of her or such contributor's children (except children of such remarriage) who are under sixteen years of age, a pension at the rate of thirteen pounds per annum.

Pension to
widow and
orphans on
death of
pensioner
after
retirement.

31. On the death of a pensioner pension shall be paid to his widow as follows:—

- (a) During her own life, one-half of the pension payable to her husband at the time of his death, or at the rate of twenty-six pounds per annum whichever is the greater: Provided that if she remarry, her rights under this paragraph shall thereupon cease and determine; and
- (b) In respect of each of her or such pensioner's children (except children of such remarriage) who are under sixteen years of age, a pension at the rate of thirteen pounds per annum.

Women contributors' death benefits.

On death
before
retirement,
refund of
contributions.

32. On the death of a woman contributor before her retirement there shall be paid to her personal representatives, or, failing them, to such persons as the Board may determine, a sum equal to the total of the contributions paid by her to the fund.

Orphans'

Orphans' pensions.

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33. (1) On the death of a man contributor or of a man pensioner, if his wife be dead or divorced, and if he leave children of himself or of his wife under the age of sixteen years who were 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 thirteen pounds per annum in respect of each child.

Pension to orphans on death of employee or pensioner.

(2) Where pensions in respect of children are payable under this Act to a widow and such widow dies, such pensions shall be payable to the guardians of such children.

34. (1) An employee who—

- (a) has served for at least ten years, and
- (b) is of, or over the age of sixty years at or after the passing of this Act,

Retirement and pension of employee who at passing of Act is over 60 years of age.

may be retired at any time after the passing of this Act at a pension in accordance with salary as set out in section twelve, but not exceeding four units, or one hundred and four pounds per annum, without paying any contribution to the fund.

(2) Any such pension shall be payable from the date of retirement, and shall carry widows' and children's benefits as elsewhere in this Act provided.

(3) Such pension shall in regard to employees of the Government be paid from the Consolidated Revenue Fund, and in regard to employees other than those of the Government from the funds of the employers, until the fund is established under this Act, and thereafter shall be paid from the fund so established; such payments shall be repaid to the said fund by the employer by monthly payments.

(4) This section shall come into operation when this Act receives the Royal Assent.

35. (1) An employee who after the first day of January, one thousand nine hundred and fourteen, and on or before the passing of this Act, has been retired, and who at the time of such retirement—

Employee of age of 60 years who has been retired after 1st January, 1914.

- (a) had served for at least ten years, and
- (b) was of or over the age of sixty years,

E

shall

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No. 28. shall be entitled to a pension under this Act in accordance with salary as set out in section twelve, but not exceeding four units, or one hundred and four pounds per annum, without paying any contribution to the fund.

(2) Such pension shall carry widows' and children's benefits as elsewhere in this Act provided, but shall be computed and payable only from the passing of this Act.

Such pension shall in regard to employees of the Government be paid from the Consolidated Revenue Fund, and in regard to employees other than those of the Government from the funds of the employer, until the fund is established under this Act, and thereafter shall be paid from the fund so established; such payments shall be repaid to the said fund by the employer by monthly payments.

This section shall come into operation when this Act receives the Royal Assent.

Not to apply
to certain
employees.

36. The provisions of sections thirty-four and thirty-five shall not apply to employees of the Commissioners of the Government Savings Bank of New South Wales whose services were or are dispensed with, and who received or receive compensation in terms of section nine, subsection three, of the Savings Banks Amalgamation Act, 1914.

Retrenchment benefits.

Contributor
retrenched
has choice of
benefits.

37. (1) In case of the retrenchment of any contributor, such contributor shall be entitled within one month after such retrenchment to choose either—

- (a) a lump sum payment equal to twice the amount of the contributions paid by him under this Act (but without interest), in determination of all rights given by this Act to himself and his family; or
- (b) a pension which shall be the actuarial equivalent of the contributions paid by and in respect of him.

(2) In default of such choice the Board shall determine the matter.

(3)

(3) Where any employee who has been re-trenched and is in receipt of a pension thereafter enters the service of an employer the following provisions shall apply:—

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No. 23.**
Retrenched
employee
re-entering
service.

- (a) The pension shall not cease to be payable.
- (b) He shall contribute as provided in Part III of this Act.

(4) Where any employee who has been retrenched and has received a lump sum payment as aforesaid, thereafter enters the service of an employer, he shall not be entitled to claim any further benefit in respect of his previous service.

Resignation, dismissal, or discharge.

38. (1) Where a contributor resigns or is dismissed or discharged from the service of an employer, there shall be paid to such contributor a lump sum equal to the contributions paid by him under this Act (but without interest), irrespective of the cause of such resignation, dismissal, or discharge.

Refund of
contribu-
tions.

(2) Where any employee who has been discharged or dismissed, or who has resigned, and has received a refund of the amount of his contributions, thereafter enters the service of an employer, he shall not be entitled to claim any further benefit in respect of his previous service.

Ex-employee
(resigned,
reduced, dis-
charged or
retrenched)
re-entering
service.

Desertion, imprisonment, or insanity.

39. (1) Where any pensioner deserts his wife, such wife may from time to time apply to any police or stipendiary magistrate, and on proof of such desertion such magistrate may order the payment during such period as he thinks desirable of pension under section thirty-one of this Act as if the said pensioner were dead. The Board shall comply with any such order; and may thereupon suspend payment of pension to the pensioner during the period mentioned in the order.

Desertion of
wife or child.

(2) Where any pensioner deserts any of his children who are dependent on him, if the pensioner's wife be dead or divorced, the guardian of such children,

or

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George V, No. 28. or the Board, may apply to any police or stipendiary magistrate, and on proof of such desertion such magistrate may order the payment of pension under section thirty-three of this Act as if the said pensioner were dead. The Board shall comply with any such order; and may thereupon suspend payment of pension to the pensioner.

Pensioner sentenced to imprisonment.

40. Where any pensioner is sentenced to imprisonment for any period in excess of one month, his pension rights under this Act shall not operate during the period of such imprisonment; and

- (a) if his wife be alive, she shall during such period be entitled under section thirty-one of this Act to pension for herself and for children who were dependent upon the pensioner as if the pensioner were dead;
- (b) if his wife be dead or divorced, pensions for children dependent upon the pensioner shall, during such period, be payable under section thirty-three of this Act as if the pensioner were dead.

Pensioner in hospital for insane.

41. Where any pensioner is detained as a patient in a Government hospital for the insane, the board may cause his pension, or any part thereof, to be paid during the period of such detention to his wife if alive, or if his wife is dead or divorced, to some person for the use of such of the children of himself or of his late wife as are under the age of sixteen years, in such proportion as the board thinks fit.

Woman pensioner sentenced to imprisonment.

42. Where any woman pensioner is sentenced to imprisonment for any period in excess of one month, her pension rights under this Act shall not operate during the period of such imprisonment. But any pension payable to her in respect of children shall be payable under section thirty-three as if she were dead.

General provisions as to pensions.

Payments to children.

43. Notwithstanding anything elsewhere contained in this Act, any money payable out of the Fund under this Act in respect of a child under the age of sixteen years

years may, at the discretion of the Board, be paid to the child's guardian or expended by the Board for the benefit of the child. George V,
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44. (1) Except where otherwise specifically provided, a pension shall be payable during the life of the person entitled thereto. Pensions payable for a life.

(2) Pensions in respect of children shall be payable until they reach the age of sixteen years or die under that age.

45. Pensions shall be payable by equal monthly instalments. Pensions payable monthly.

46. Except where otherwise specifically provided, in any case where in this Act provision is made for the pension of any person to be actuarially determined, any pension under this Act to his widow in respect of her own life shall be one half of the amount so actuarially determined, but not less than one unit. Actuarial reduction of pension of widow.

47. Where a pensioner marries after retirement from service, his widow shall not be entitled to pension for herself. No pension for widow if pensioner marry.

DIVISION 3.—*Breakdown pensioners—Special provisions re.*

48. Any pensioner who is in receipt of a "breakdown" pension, shall for the purposes of this Act be held to be on leave of absence without pay, but shall not be required to contribute in respect of the period of such leave. Notwithstanding the fact that he is held to be on leave of absence, his office or position shall be held to be vacant, and may be filled by the appointment thereto of some other person. Breakdown pensioner held to be on leave.

49. The period of such leave without pay in the case of a "breakdown" pensioner shall not count as service; but neither shall it, in the event of his re-employment under any employer, be held to constitute a break in the continuity of his service. Continuity of service.

50. Any such pensioner shall submit himself for medical examination as and when required by the Board, and if he make default in complying with such requirement, pension shall cease to be payable to him during such default. Employee retired through infirmity may be called up for medical examination.

51.

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Employee
restored to
health may
be recalled to
service.

51. (1) If, in the opinion of the Board, the health of any pensioner retired as aforesaid has become so restored as to enable him to perform his duties, the Board may communicate with the employer from whose service he was retired, or any other employer under this Act, and, if suitable employment be found for such pensioner, at a salary not less than two-thirds of his salary at the time of his retirement, or at such salary as may be agreed upon between him and his employer, may cancel the pension; thereupon the pension shall cease to be payable.

(2) In the event of the recurrence of his infirmity, any contributor who has thus been recalled to the Service shall be entitled to pension as provided in this Act, but not less than the amount of the pension at which he was first retired.

Governor
may prescribe
different
provisions.

52. The Governor may, on the recommendation of the Board, at any time, by regulation, prescribe, in respect of contributors suffering from invalidity or physical or mental incapacity to perform their duties, any or all of the following:—

- (a) Conditions of retirement.
- (b) Pensions or other benefits.
- (c) Provisions for cancellation of pensions or other benefits.
- (d) Conditions of compulsory re-employment.

DIVISION 4.—Rights under various Acts.

Civil Service Acts.

Rights under
Civil Service
Super-
annuation
Account not
prejudiced.

53. This Act shall not (except as herein specifically provided) apply to employees who have the right vested or contingent to either a pension or a gratuity under the Civil Service Acts.

Employee under
60 years who has
such right
commutable in
part may elect
to come under
this Act for the
difference.

54. (1) Any such employee who—

- (a) is under the age of sixty years when this Act comes into operation, and
- (b) has a right vested or contingent as aforesaid which is commutable as hereinafter provided for new rights in respect of a less number of units

units than would (if he were not entitled to rights under the Civil Service Acts) be applicable under this Act

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may within the prescribed time elect to come under this Act for the purpose of the difference.

(2) For the purpose of determining such less number (including where necessary a fraction of a unit) the new rights shall be the actuarial equivalent of the rights under the Civil Service Acts, and in calculating such actuarial equivalent all the rights which would be available under this Act shall be taken into account.

(3) If an employee elects as aforesaid to come under this Act for the purpose of the difference, this Act shall, for the purpose of such difference, apply as if he were an employee not having any rights under the Civil Service Acts, subject to the following qualifications:—

- (a) The contributions shall not be in respect of more than the difference.
- (b) For the purpose of the adjustment to the difference, the contributions shall, where necessary, be in respect of a fraction of a unit.
- (c) Where the contributions are in respect of a fraction of a unit, the contributions and any pension or benefit in respect thereof shall be proportionate thereto.

55. (1) Any such employee who—

- (a) is under the age of sixty years at the time when this Act comes into operation, and
- (b) has a right vested, or contingent as aforesaid, which is commutable as hereinafter provided for new rights in respect of a less number of units than would be applicable as aforesaid, and
- (c) does not elect to come under this Act for the purpose of the difference—

Where employee does not so elect, he may come under Act for limited purposes.

may within the prescribed time elect to come under this Act for the limited purpose of—

- (a) a pension for his widow; or
- (b)

Superannuation Act.

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- (b) a pension after his death for his children under age sixteen until attainment of that age, or death if previous; or
- (c) pension rights for both widow and children as in paragraphs (a) and (b) above.

(2) If such employee elects as aforesaid to come under this Act for the limited purpose, this Act shall apply for such limited purpose as if he were an employee not having any rights under the Civil Service Acts, subject to the following qualifications:—

- (a) The contributions shall be in respect of one, or one and a half, or two units in the case of a pension for the widow, and in respect of a half unit in the case of a pension for a child, and shall be in accordance with such rates as the Governor may prescribe; and
- (b) there shall not be any right except to a pension for the widow or for children, or for both widow and children, as the case may be.

Employee of
or over
60 years.

56. (1) Any such employee who—

- (a) is of or over the age of sixty years at or after the passing of this Act, and
- (b) has served for at least ten years with any one or more employers, and
- (c) has a right vested or contingent as aforesaid which is commutable as hereinafter provided for new rights in respect of a less number of units than four,

shall come under this Act for the purpose of the difference without contribution.

(2) For the purpose of determining such less number (including where necessary a fraction of a unit) the new rights under paragraph (c) of the last preceding subsection shall be the actuarial equivalent of the rights under the Civil Service Acts, and in calculating such actuarial equivalent all the rights which would be available under this Act shall be taken into account.

(3) For the purposes of this section this Act shall apply, notwithstanding section fifty-three, but subject to the following qualifications:—

- (a) The employee shall not be entitled to a pension under this section of more than the difference;
- (b)

- (b) for the purpose of adjustment to the difference the pension may be a pension of or including a fraction of a unit. George V,
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(4) This section shall come into operation when this Act receives the Royal Assent.

57. Any such employee who, after the first day of January, one thousand nine hundred and fourteen, and before the passing of this Act, had been retired, and who at the time of such retirement— Employee of
age of 60 who
has been
retired after
1st January,
1914.

- (a) was of or over the age of sixty years, and
- (b) had served for at least ten years, and
- (c) had on such retirement a right vested as aforesaid, which if this Act had been in force, would have been commutable as hereinafter provided for new rights in respect of a less number of units than four—

shall come under this Act for the purpose of the difference without paying any contribution to the fund.

Subsections two and three of the last-preceding section, and subsection two of section thirty-five shall apply to any pension payable under this section.

58. Any employee who has a right vested or contingent to a pension under the said Acts may, at any time within twelve months after the commencement of this Act, make application to the Board to transfer to the Board such right, and to receive in return therefor a grant by the Board of such new rights of pension for any or all of himself, his widow, and children, as may be agreed upon between himself and the Board, subject to the Board's actuary certifying that such new rights are the actuarial equivalent of his said right under the said Acts. Where any such agreement is made, the employee shall continue to contribute as provided in the said Acts. When any benefit becomes payable under any such agreement it shall be paid by the Board from the Fund; and the Fund shall be recouped as prescribed from the Consolidated Revenue Fund for all such payments. Old-style contributor may exchange his rights for any equivalent under this Act.

59. Any employee who under the aforesaid Acts has a right vested or contingent to a refund of contributions with or without interest, or a gratuity, or both refund and gratuity, may at any time within twelve months Ex-contributor or contributor may exchange his rights under 1884 Act for any equivalent under this Act.

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DIVISION 5.—*Existing insurance policies.*

Insurance policies may be continued or discontinued at option of contributor.

60. Notwithstanding anything to the contrary in any Act, it shall not be necessary for any contributor under this Act to insure his life, or to continue in force any policy of insurance on his life already taken out at the commencement of this Act.

Surrender of policies.

61. Any employee whose life is insured at the commencement of this Act may surrender his policy of insurance, and may pay the surrender value to the Board under the provisions of Part V of this Act relating to voluntary saving, or he may, after the expiration of two years from the commencement of this Act, transfer such policy to a person named by the board, and request the board to continue the payment of the premiums under the said policy. The board shall thereupon cause such premiums to be duly paid, and on the maturity of the policy shall hand over to the employee or to his personal representatives to be administered as part of his estate any sums received on the policy, less the amount of the premiums, with compound interest thereon at the rate of three and a half per centum per annum from the respective dates of payment.

PART V.

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VOLUNTARY SAVING.

62. (1) Any employee may authorise his employer to deduct from his salary and pay to the Fund any sum in excess of the compulsory contribution elsewhere in this Act provided, and may at any time cancel such authorisation. Additional payments to Fund by deduction from salary.

(2) Any employee may pay directly to the Fund any sum of money. By direct payment.

63. Any moneys paid to the Fund by, or by authorisation of, any employee under this Part shall form part of the Fund. Moneys part of Fund.

64. Such moneys shall be credited to such employee, and shall accumulate at such rate of interest, compounded annually, as may from time to time be determined by the Governor on the recommendation of the Board as the result of the quinquennial investigation; and, until such determination has been made, at the rate of three and one-half per centum interest, compounded annually. Rate of interest allowed.

65. Any employee may, at any time after the expiration of three months' notice, withdraw from the Fund the whole amount lying at his credit therein under this Part (both principal and interest) or any portion thereof. Money withdrawable at any time.

66. Any employee may at any time apply any moneys lying at his credit under this Part in purchasing from the Board an annuity on his life, or on the life of his wife, son, or daughter. Purchase of additional pensions, or of annuities.

67. Any annuity sold by the Board under this Part shall be in accordance with the table of contributions for annuities prescribed in Schedule II of this Act, or with such table as the Governor may from time to time, on the recommendation of the Board, prescribe in lieu thereof. Scale of payments for annuities.

68. Any employee who has lodged moneys in the Fund under this Part may, on his retirement, allow such moneys to remain in the Fund and may add thereto as though he had not retired; or may exercise the rights conferred by the three next preceding sections. Retired employee may continue in Fund.

69.

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No. 28.
Purchase of
homes.

69. Any employee may, if the Board approve, borrow from the Fund for the purpose of acquiring a residence for himself and family, or for any purpose approved by the Board. The Board may charge such rate of interest and arrange the loan on such terms as they may determine.

PART VI.

BOARD OF MANAGEMENT.

70. The Governor shall from time to time appoint a State Provident Fund Management Board, which shall consist of a president and two members, one of whom shall be an actuary.

71. Such Board shall be appointed for a term of seven years, and any member shall be eligible for reappointment.

72. Where an appointment is made to fill an extraordinary vacancy, such appointment shall be for the remainder of the term of the vacant office.

73. In the case of the illness, suspension, or absence of the president or any member of the Board, the Governor may appoint a deputy to act for such president or member during his illness, suspension, or absence, and every such deputy shall during the time he acts as deputy have all the powers and authority of such president or member as the case may be.

74. (1) A member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension, if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting.

(2) A member of the board suspended under this section shall be restored to office unless each House of Parliament, within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said member ought to be removed from office, and if each House of Parliament within the said time so declare, the said member shall be removed by the Governor accordingly.

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

- (a) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or remuneration for their benefit;
- (b) being president, absents himself from duty for a period of fourteen consecutive days except on leave granted by the Governor; or, being a member other than the president, absents himself from three consecutive meetings of which reasonable notice has been given to him personally or in the ordinary course of post, except on leave granted by the Governor;
- (c) becomes incapable of performing his duties;
- (d) resigns his office by writing under his hand addressed to the Governor.

76. The president shall be the permanent administrative officer of the Board, shall preside at its meetings, and shall have a deliberative vote. He shall devote the whole of his time to the duties of his office, and shall be paid such salary as the Governor may determine.

77. The members of the Board other than the president shall each be paid such remuneration as the Governor may from time to time determine.

78. Two members of the Board shall constitute a quorum of the Board at any meeting of which reasonable notice has been given personally or by post to all the members; and any business transacted at a meeting at which a quorum is present shall be valid.

79. Where the voting on any business is equal, such business shall be postponed till the next meeting of the Board, and notice of such business, and of the fact that the voting was equal, shall be given on the notice calling such

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Vacation of
office.

President's
salary.

Remunera-
tion of other
members.

Quorum.

Where voting
equal.

Superannuation Act.

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No. 28. such next meeting. If the voting at such next meeting be again equal, the president may, in his discretion, further postpone such business, or may then or at any postponed consideration thereof, if the voting be again equal, give a casting vote and so decide the question at issue.

Corporate
body.

80. The Board shall be a corporate body, having perpetual succession and a common seal. Such seal shall not be attached to any document except on resolution of the Board, and shall be authenticated by the signatures of two members of the Board and of the Secretary.

Delegation of
power to
president.

81. The Board may authorise the president to determine such matters as it may specify by resolution under seal, and may at any time in like manner revoke such authority.

Staff.

82. The staff of the Board shall be appointed under and be subject to the provisions of the Public Service Act, 1902, and any Acts amending that Act, and shall include a secretary and an actuary.

Cost of
management.

83. The cost of management shall be provided on the Estimates of the Colonial Treasurer, and shall be paid from the Consolidated Revenue. The moneys received and paid under this section, and the accounts in connection therewith, shall be kept, as part of the Public Accounts, separately from the moneys and accounts of the Fund.

Annual
report to
Parliament.

84. The Board shall each year submit a report to Parliament, giving information as to its work, and as to any general decisions or principles adopted by it in the course thereof.

PART VII.

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GENERAL PROVISIONS.

85. Any dispute under this Act may be determined in the first place by the Board: Provided that any person aggrieved by a decision of the Board may appeal to the Minister, who shall thereupon refer the matter for opinion to a judge of the Supreme Court, and shall decide the point in accordance with such opinion. Such decision shall be final and conclusive and not subject to appeal. Settlement of disputes.

86. The Governor may, on the recommendation of the Board, make regulations providing for matters expressed by this Act to be prescribed, and for the better carrying out of the provisions of the Act, and in such regulations may provide penalties for the breach thereof. Regulations.

87. The Board may at any time require any employer to furnish such returns with respect to his employees as the Board may decide, and may at any time require any employee to furnish such information as the Board may decide is necessary for the purpose of any investigation in connection with the Fund. If any such employer or employee neglect to furnish such information within a reasonable time, he shall be liable to a penalty not exceeding ten pounds. Returns.

88. Pensions and other benefits under this Act shall not be in any way assigned or charged or passed by operation of law to any person other than the pensioner or beneficiary, and any moneys payable out of the Fund on the death of an employee or beneficiary shall not be assets for the payment of his debts or liabilities. Assignment of pensions.

89. The Board may recover contributions under the Act in any court of competent jurisdiction. Power to recover.

Equation of payments.

90. The board may enter into an agreement with any employer for the payment of such employer's contributions in respect of such of his employees as at the commencement of this Act were over thirty years of age by equated payments over a series of years, and in such agreements may provide for the readjustment of such equated payments after each quinquennial investigation of the fund. Equation of payments.

Additional

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Additional
regulations.

Additional regulations.

91. Where under this Act an employee may make any election or choice, regulations may be made under this Act prescribing the time within which such election or choice must be made, unless such time is stated in this Act.

Extension of Act to shire and municipal councils.

Extension of
Act.

92. The council of a shire or municipality or any person, corporation, or board may apply as prescribed that the provisions of this Act be extended to it or him.

The Minister may in his discretion lay such application before Parliament, and if both Houses of Parliament approve, the Governor shall notify such approval in the Gazette, and thereupon such council, person, corporation, or board shall be an employer within the meaning of this Act, and the date of such notification shall be the date of the commencement of this Act, so far as it affects such council, person, corporation, or board, and its or his employees. In any such case sections thirty-four and thirty-five shall not apply to such council, person, corporation, or board, or its or his employees.

The Governor shall amend Schedule III to this Act by inserting therein the name of any council, person, corporation, or board, to which or to whom the provisions of this Act have been extended in pursuance of this section.

Certain
provisions not
to apply.
Sch. Three.

93. Nothing in subsection two of section twenty-one or in section thirty-four of this Act shall be taken to refer to any member of any of the bodies mentioned in Schedule Three.

SCHEDULES.

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SCHEDULE I.

TABLE A.

MEN.

Retirement at Sixty.

Contributions—Half Cost, payable twice each month.			Contributions—Half Cost, payable twice each month.				
Age next Birthday.	First £52 pension to man, £26 pension to widow, £13 for each child to age 16.	Subsequent increments, £52 pension to man, £26 pension to widow.	Age next Birthday.	Age next Birthday.	First £52 pension to man, £26 pension to widow, £13 for each child to age 16.	Subsequent increments, £52 pension to man, £26 pension to widow.	Age next Birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 2 6	0 2 2	16	40	0 9 11	0 9 2	40
17	0 2 8	0 2 4	17	41	0 10 6	0 9 9	41
18	0 2 10	0 2 6	18	42	0 11 3	0 10 6	42
19	0 3 0	0 2 8	19	43	0 12 0	0 11 3	43
				44	0 12 11	0 12 2	44
20	0 3 2	0 2 10	20				
21	0 3 5	0 3 0	21				
22	0 3 8	0 3 3	22	45	0 13 11	0 13 2	45
23	0 3 11	0 3 6	23	46	0 15 1	0 14 4	46
24	0 4 2	0 3 8	24	47	0 16 5	0 15 8	47
				48	0 18 0	0 17 2	48
25	0 4 5	0 3 11	25	49	0 19 11	0 19 1	49
26	0 4 8	0 4 2	26				
27	0 4 11	0 4 5	27				
28	0 5 2	0 4 7	28	50	1 2 1	1 1 3	50
29	0 5 6	0 4 11	29	51	1 4 11	1 4 0	51
				52	1 8 3	1 7 4	52
30	0 5 9	0 5 2	30	53	1 12 6	1 11 7	53
31	0 6 1	0 5 6	31	54	1 18 2	1 17 2	54
32	0 6 4	0 5 9	32				
33	0 6 9	0 6 1	33				
34	0 7 1	0 6 5	34	55	2 5 11	2 4 10	55
				56	2 16 5	2 15 2	56
35	0 7 6	0 6 10	35	57	3 15 1	3 13 7	57
36	0 7 10	0 7 2	36	58	5 12 3	5 10 1	58
37	0 8 4	0 7 8	37	59	11 2 11	10 18 11	59
38	0 8 10	0 8 2	38	60	11 3 11	10 19 11	60
39	0 9 4	0 8 7	39				

Where an increment of pension is less than £52 to contributor with £26 to widow, the increment of contribution shall be proportionately reduced.

TABLE

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TABLE B.

WOMEN.

Half-cost for each £52 per annum—contributions payable twice a month.

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

Where an increment of pension is less than £52 to contributor the increment of contribution shall be proportionately reduced.

SCHEDULE II.

ANNUITIES.

Amount of Annuity per month that £100 will purchase.

Age last birthday.	Men.	Women.	Age last birthday.
	£ s. d.	£ s. d.	
50	0 11 3	0 10 5	50
51	0 11 6	0 10 8	51
52	0 11 9	0 10 10	52
53	0 12 1	0 11 1	53
54	0 12 4	0 11 4	54
55	0 12 8	0 11 7	55
56	0 13 0	0 11 10	56
57	0 13 5	0 12 1	57
58	0 13 10	0 12 5	58
59	0 14 3	0 12 9	59
60	0 14 8	0 13 2	60
61	0 15 2	0 13 7	61
62	0 15 8	0 14 0	62
63	0 16 2	0 14 5	63
64	0 16 9	0 14 11	64
65	0 17 4	0 15 5	65
66	0 18 0	0 16 0	66
67	0 18 9	0 16 8	67
68	0 19 6	0 17 4	68
69	1 0 3	0 18 0	69
70	1 1 1	0 18 10	70
71	1 2 0	0 19 8	71
72	1 3 0	1 0 6	72
73	1 4 0	1 1 6	73
74	1 5 1	1 2 6	74
75	1 6 3	1 3 7	75

SCHEDULE III.

- The Commissioners of the Government Savings Bank of New South Wales.
- The Sydney Harbour Trust Commissioners.
- The Commissioner for Water Conservation and Irrigation.
- The Board of Water Supply and Sewerage.
- The Hunter District Water Supply and Sewerage Board.
- The Board of Fire Commissioners of New South Wales.
- The Commissioners of the Western Land Board of New South Wales.
- The University of Sydney—in respect of employees appointed after the commencement of this Act.
- The Trustees of the Sydney Grammar School—in respect of employees appointed after the commencement of this Act.