



ANALYSIS

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1992, No. 62

An Act to amend the Defence Act 1990

[30 June 1992

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Defence Amendment Act 1992, and shall be read together with and deemed part of the Defence Act 1990 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1992.

2. New Part VA inserted—The principal Act is hereby amended by inserting, after Part V, the following Part:

“PART VA

“SUPERANNUATION

“73A. **Interpretation**—For the purposes of sections 73B to 73D of this Act,—

“‘Superannuation scheme’ or ‘scheme’ has the same meaning as in the Superannuation Schemes Act 1989.

“73B. Chief of Defence Force may establish superannuation schemes for members of Defence Force—The Chief of Defence Force may—

- “(a) Arrange for any superannuation scheme or schemes to be established for members of the Defence Force:
- “(b) Join with any other employer (whether or not in the State services) in arranging for any superannuation scheme or trust arrangement which is part of a superannuation scheme to be established for the purpose of providing, or facilitating the provision of, superannuation for members of the Defence Force:
- “(c) Arrange for members of the Defence Force to become members of any established superannuation scheme:
- “(d) Provide arrangements in respect of the superannuation of any individual member of the Defence Force.

“73c. Requirements in respect of superannuation schemes for members of Defence Force—Before contributing to any superannuation scheme established or arranged in respect of one or more of the members of the Defence Force pursuant to section 73B of this Act, the Chief of Defence Force shall ensure—

- “(a) That the scheme is registered under the Superannuation Schemes Act 1989; and
- “(b) That the scheme provides that the sum of all benefits (including any lump sum payments, annuities, and other benefits) payable from the scheme in respect of any member of the scheme will not exceed the sum of—
 - “(i) Contributions paid by or on behalf of a member and investment earnings thereon; and
 - “(ii) Any allocations to the member from surplus funds held within the scheme; and
 - “(iii) The amount paid in respect of that member from any insurance policy effected for the benefit of members of the scheme; and
- “(c) That the trust deed of the scheme defines the rates or amounts (if any) of contributions of the Chief of Defence Force or other employers and members of the Defence Force, or the basis on which such contributions are to be made; and
- “(d) That the trust deed of the scheme entitles the Chief of Defence Force to cease contributing to the scheme

on behalf of a person if that person ceases to be a member of the Defence Force; and

- “(e) That the benefits provided by the scheme are fully funded as they accrue; and
- “(f) That, if the scheme enables members to withdraw from the scheme, the scheme enables withdrawing members to transfer to other superannuation schemes the value (as determined in accordance with the terms of the scheme) of the benefits attributable to that person’s membership of the scheme up to the date of withdrawal; and
- “(g) That the scheme enables any person who becomes a member of the Defence Force, if the Chief of Defence Force agrees to contribute to the scheme on that person’s behalf, to become a member of the scheme and to transfer to the scheme the value of the benefits attributable to that person’s membership of other superannuation schemes; and
- “(h) That the trust deed of the scheme does not permit amendments to be made to the scheme which would result in any provision of paragraphs (a) to (g) of this section ceasing to apply to the scheme.

“73D. Chief of Defence Force to obtain confirmation from Government Actuary that scheme meets requirements of this Act—(1) The Chief of Defence Force shall, before contributing to a superannuation scheme on behalf of members of the Defence Force, apply to the Government Actuary for confirmation that the superannuation scheme complies with the requirements of section 73c of this Act.

“(2) If confirmation is so obtained, the scheme shall be deemed, for the purpose of this Act, to comply with the requirements of that section.

“(3) The Government Actuary may charge reasonable fees for considering any application made under this section.

“73E. Contributions to superannuation schemes—The Chief of Defence Force may, for the purpose of providing retirement benefits to members of the Defence Force, contribute to any superannuation scheme that complies with the requirements of section 73c of this Act.

“73F. Chief of Defence Force may establish compulsory scheme for members of Armed Forces—The Chief of Defence Force may require that all members of the Armed Forces who are not required to contribute under Part IIIA of the

Government Superannuation Fund Act 1956, or any class of such members, contribute to any superannuation scheme established or arranged in respect of one or more members of the Armed Forces pursuant to section 73B of this Act”.

This Act is administered in the Ministry of Defence.
