



Government Superannuation Fund Amendment Act 2003

Public Act 2003 No 2
Date of assent 10 March 2003
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Government Superannuation Fund Amendment Act 2003.
- (2) In this Act, the Government Superannuation Fund Act 1956 is called "the principal Act".

Part 1 **Preliminary provisions**

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose

The purposes of this Act are to—

- (a) entitle the spouse of a contributor under Part 2 or Part 5 or Part 6 of the principal Act to be paid an annuity after remarriage;
- (b) restore annuities currently suspended after remarriage:

- (c) align cost of living adjustments to children's allowances paid under Part 2 or Part 5 or Part 6 of the principal Act with those paid under Part 2A.

Part 2

Spouses' annuities and children's allowances

4 Benefits where contributor under this Part dies and leaves spouse

Section 45 of the principal Act is amended by repealing subsections (5) and (6), and substituting the following subsections:

- “(5) The entitlement of any spouse to any lump sum or annuity under this section is not affected by any change in the marital status of that spouse.
- “(6) On or after 1 July 2002, any person living at that date to whom the remarriage rule applies—
 - “(a) is entitled to an annuity under Part 2 or Part 5 or Part 6 of the principal Act, as the case may be, as if the remarriage rule had not applied; but
 - “(b) is not entitled to an annuity for any period before 1 July 2002 during which the remarriage rule applied to that person.
- “(6A) In subsection (6), the **remarriage rule** means the rules contained in—
 - “(a) section 45(5) and (6) of the principal Act (before they were repealed by section 4 of the Government Superannuation Fund Amendment Act 2003):
 - “(b) the first proviso to section 79(1)(a) of the principal Act (before it was repealed by section 3 of the Government Superannuation Fund Amendment Act 1989) providing that, if the spouse marries or remarries after becoming entitled to an annuity, the annuity is not payable while the spouse is married:
 - “(c) the proviso appearing at the end of section 87(1)(a) of the principal Act (before it was repealed by section 2 of the Government Superannuation Fund Amendment Act 1987) providing that, if the spouse marries or remarries after becoming entitled to an annuity, the annuity is not payable while the spouse is married.”

5 Children's allowance

Section 47 of the principal Act is amended by repealing subsection (1), and substituting the following subsections:

- “(1) On or after 1 July 2002, where any contributor under this Part dies, whether before or after becoming entitled to a retiring allowance, and leaves a child or children under the age of 16 years, there must be paid out of the Fund to, or on behalf of, each child an allowance calculated under section 61Q(7).
- “(1A) Without limiting its application, subsection (1)—
- “(a) applies to any child to whom section 47(1) (before it was amended by section 5 of the Government Superannuation Fund Amendment Act 2003) or section 47(2) applied immediately before 1 July 2002:
- “(b) applies to any child to whom section 79(3) (before it was repealed by section 3 of the Government Superannuation Fund Amendment Act 1989) or section 87(1)(d) (before it was repealed by section 2 of the Government Superannuation Fund Amendment Act 1987) applied immediately before 1 July 2002:
- “(c) does not affect the entitlement of any child to be paid a children's allowance before 1 July 2002.”

Legislative history

29 May 2002	Introduction
18 September 2002	First reading and referral to Government Administration Committee
4 December 2002	Reported from Government Administration Committee (Bill 223-2)
25 February 2003	Second reading
26 February 2003	Committee of the whole House
27 February 2003	Third reading
10 March 2003	Royal assent

This Act is administered in the Treasury.
