ANALYSIS

Title
1. Short Title and commencement
2. Superannuation
3. Implementation of determinations of Commission
4. Consequential amendments
5. Saving
Schedule

1992, No. 130

An Act to amend the Higher Salaries Commission Act 1977 [*18 December 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 Higher Salaries Commission Amendment Act (No. 2) 1992, and shall be read together with and deemed part of the Higher Salaries Commission Act 1977 (hereinafter referred to as the principal Act).

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

2. Superannuation—The principal Act is hereby amended by inserting, after section 12A (as inserted by section 3 of the Higher Salaries Commission Act 1982), the following section:

"12AA. (1) Notwithstanding anything in this Act or any other Act, where the Commission has jurisdiction to determine the salary or remuneration of any person or group of persons pursuant to any subparagraph of section 12 (1) (a) of this Act (other than subparagraph (i)), the Commission may determine, but shall not be obliged to determine, in relation to any such person or to any member of any such group of persons,—

"(a) The maximum amount that in any year may be paid by way of superannuation subsidy in respect of any such person or member who chooses to contribute to any registered superannuation scheme; and

"(b) The contribution that any such person or member must make to a registered superannuation scheme in order to be entitled to any of the subsidy referred to in paragraph (a) of this subsection, expressed as a ratio of the subsidy to the person's or member's contribution.

"(2) Any maximum amount determined under subsection (1) (a) of this section may be expressed as either a specified monetary amount or a percentage of salary, either of which may vary according to any category of person or member.

"(3) Any determination made under subsection (1) (a) of this section, and any provision of any such determination, may be made so as to come into force on a date to be specified in that behalf in the determination, being the date of the making of the determination or any other date, whether before or after the date of the making of the determination or the date of the commencement of this section.

"(4) Every such determination, and every provision of any such determination, in respect of which no date is specified shall come into force on the date of the making of the determination.

"(5) Where the salary of any person to whom a determination made under subsection (1) (a) of this section relates is payable out of public money, any superannuation subsidy required or allowed for by the determination may in accordance with, and within any limits prescribed by, the determination be paid out of public money without further appropriation than this section.

"(6) For the avoidance of doubt, it is hereby declared—

"(a) That any determination made under subsection (1) (a) of this section may specify conditions that, in addition to the condition specified in subsection (1) (b) of this section, must be complied with before a superannuation subsidy or a superannuation subsidy of a specific amount or a specified maximum amount is payable:

"(b) That any determination made under subsection (1) (a) of this section may, directly or by defining a category of persons or by reference to specified circumstances, specify persons or classes of persons to whom or circumstances in which the determination is not to apply:

"(c) That where any employer or other person is, in accordance with a determination under subsection (1) (a) of this section, liable to pay a subsidy to a registered superannuation scheme, the liability imposed on that employer or other person by that determination shall not, in relation to that scheme, exceed the amount of that subsidy.

"(7) In this section 'registered superannuation scheme' means any superannuation scheme that is registered under the Superannuation Schemes Act 1989."

3. Implementation of determinations of Commission—The principal Act is hereby amended by repealing section 14, and substituting the following section:

"14. Every determination of the Commission shall have effect according to its tenor and, notwithstanding anything in any other enactment, where any such determination fixes the rates of any salaries or allowances, an Order in Council shall not be required to fix the rate of any such salary or allowance."

4. Consequential amendments—The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

5. Saving—Nothing in sections 2 to 4 of this Act affects the provisions of the Government Superannuation Fund Act 1956.

Section 4

SCHEDULE

ENACTMENTS AMENDED

Enactment	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By repealing section 12, and substituting the following section: "12. **Superannuation or retiring allowances of Ombudsmen and staff**—For the purpose of providing superannuation or retiring allowances for any Ombudsman and any officer or employee appointed under this Act, there may from time to time be paid sums by way of contributions or subsidies to any scheme that is registered under the Superannuation Schemes Act 1989."
1985, No. 151—The Law Commission Act 1985	By omitting from clause 1 (1) of the First Schedule the words "by way of fees, salary, wages, or allowances". By repealing subclause (1) of clause 5 of the First Schedule, and substituting the following subclause: "(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees of the Commission or for any full-time members of the Commission, sums by way of subsidy may from time to time be paid into any superannuation scheme that is registered under the Superannuation Schemes Act 1989."
1987, No. 176—The Maori Language Act 1987	By omitting from clause 9 (1) of the Second Schedule the words "by way of fees, salary, wages, or allowances". By repealing subclause (1) of clause 10 of the Second Schedule, and substituting the following subclause: "(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees of the Commission or for the Chairman of the Commission, sums by way of subsidy may from time to time be paid into any superannuation scheme that is registered under the Superannuation Schemes Act 1989."
1988, No. 2—The Police Complaints Authority Act 1988	By omitting from section 9 (1) (a) the words "A salary at such rate", and substituting the words "Such remuneration".

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1988, No. 2—The Police Complaints Authority Act 1988—*continued*	By repealing section 11, and substituting the following section: "11. **Superannuation or retiring allowances**—For the purpose of providing a superannuation fund or retiring allowance for the Authority, the Deputy Authority, and any officer or employee of the Authority, sums by way of subsidy may from time to time be paid into any superannuation scheme that is registered under the Superannuation Schemes Act 1989."

This Act is administered in the Department of Labour.