

New Zealand.

ANALYSIS

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1942, No. 16

AN ACT to amend the National Provident Fund Act, 1926. Title.
[26th October, 1942]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the National Provident Fund Amendment Act, 1942, and shall be read together with and deemed part of the National Provident Fund Act, 1926 (hereinafter referred to as the principal Act). Short Title.
- See Reprint of Statutes, Vol. VI, p. 32.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“Anniversary date”, in respect of any local authority, means the anniversary of the day from which the local authority first became a contributor to the Fund, or such other day in each year, being the first day of a calendar month, as the Board, with the consent of the local authority, may fix:

“Pension-scheme” includes all the terms and conditions subject to which a local authority has, whether before or after the passing of this Act, become a contributor to the Fund.

3. Notwithstanding anything to the contrary in section two of the National Provident Fund Amendment Act, 1931, or in this Act, if any increases in salary or wages, or any allowances, are granted by any local authority in respect of any increase in the cost of living, whether or not as a result of an application to the Court of Arbitration, those increases or allowances shall for the purposes of the principal Act be deemed not to be salary or wages unless the Board, on the application of the local authority, otherwise directs.

4. (1) Subject to the provisions of this Act and of subsection four of section two of the National Provident Fund Amendment Act, 1931, where by the terms and conditions of a pension-scheme provision is made for the payment of pensions at unspecified rates (the rate of pension payable to any person on his retirement from the service of a local authority being ascertained in any such case by reference to his length of service and the rate of his salary or wages at some point of time during his period of service), every increase or reduction by the local authority of the salary or wages of any person in its service, made at any time not later than three years before his retirement, shall for the purposes of section thirty-four of the principal Act be deemed to constitute an election by the local authority to increase or reduce its contributions, as the case may be, on and from the next succeeding anniversary date, or, if the increase or reduction takes

Cost-of-living allowances not salary or wages for pension purposes.

See Reprint of Statutes, Vol. VI, p. 73

Effective date of alterations of salary or wages for purposes of contributions.

effect on any anniversary date, on and from that date, so as to provide for an increased or reduced rate of pension for that person:

Provided that where the next succeeding anniversary date is less than three years before the retirement of any person, the increase or reduction in the salary or wages of that person shall be deemed to constitute an election by the local authority to increase or reduce its contributions, as the case may be, in respect of that person on and from the date when the increase or reduction takes effect.

(2) Except as provided in this section and in the next succeeding section, section thirty-four of the principal Act shall apply to cases where a pension-scheme provides for the payment of pensions at unspecified rates in the same manner as it applies to cases where the rates of pensions are specified in the pension-scheme.

(3) Section three of the National Provident Fund Amendment Act, 1931, is hereby amended by repealing subsections one and two thereof. Repeal.

5. (1) Notwithstanding anything to the contrary in subsection two of section thirty-four of the principal Act or in the pension-scheme, the Board, on the recommendation of the Actuary appointed under section seventy-three of that Act, may determine in respect of any local authority that on any alteration of salary or wages to which the last preceding section applies the local authority shall pay contributions determined by reference to the salary or wages of the person in respect of whom the alteration is made.

Adjustment of contributions on alterations of salaries or wages.

(2) The Board may in any such case, on the recommendation of the Actuary, fix the amounts that shall be paid as contributions by the local authority as being sums bearing fixed proportions to the salaries or wages from time to time paid to the persons in respect of whom the local authority is a contributor. The proportions may differ according to the ages of those persons or for different classes of persons, and, on the like recommendation, may from time to time be varied by the Board.

(3) The Actuary shall not recommend to the Board that any proportions be so fixed unless in his opinion they will be sufficient to produce the amount required to provide the benefits provided for in the pension-scheme.

(4) The proportions so fixed shall, so far as possible, be such that the total contributions of the local authority will not exceed the amounts which would have been likely to be payable if the contributions had been determined in accordance with subsection two of the said section thirty-four.

Variation by agreement of method of calculation of local authority's contributions.

6. Notwithstanding anything to the contrary in the principal Act, the Board and any local authority may agree to a variation in the contributions payable by the local authority in respect of any class of persons employed by the local authority so that the contributions payable by the local authority shall be sums bearing a fixed proportion to the salary or wages from time to time paid to each person in that class, having regard to his age, or so that the contributions shall cease to be payable in respect of each person when his service with the local authority ceases.

Section 13 of principal Act (as to payment of pensions) amended.

7. Section thirteen of the principal Act is hereby amended by adding to subsection two the words " or at such shorter intervals as the Board in any case directs "

Altering dates for actuarial examination of Fund.

1938, No. 13

8. (1) Section seventy-three of the principal Act, as amended by section thirty-one of the Finance Act, 1938, is hereby further amended as follows:—

(a) By repealing subsection one, and substituting the following subsection:—

"(1) For the period from the thirty-first day of December, nineteen hundred and thirty-seven, to the thirty-first day of December, nineteen hundred and forty-two, and for each successive period thereafter of such duration, not exceeding five years, as the Governor-General determines in each case, an examination of the Fund shall be made by an Actuary appointed for that purpose by the Governor-General."

(b) By omitting from subsection two the words "three years", and substituting the words "five years".

(2) Section thirty-one of the Finance Act, 1938, is hereby repealed. Repeal.

9. (1) The Board may from time to time, on the recommendation of the Actuary appointed under section seventy-three of the principal Act, vary the scale of contributions set forth in the First Schedule or in the Third Schedule to the principal Act. Power to alter scales of contributions in First and Third Schedules to principal Act.

(2) Any such scale when altered shall be published in the *Gazette* and thenceforth shall have the same effect as if it were included in the First Schedule or in the Third Schedule to the principal Act, as the case may require, but no alteration shall operate to affect the rate at which any contributions are payable in respect of any person in respect of whom contributions are being made to the Fund at the time the alteration is made.

10. (1) No stamp duty shall be payable on any statutory declaration or on any receipt, agreement, or other instrument given, made, or executed for the purposes of the principal Act. Exemptions from stamp duty.

(2) Section one hundred and sixty-six of the Stamp Duties Act, 1923, is hereby amended by repealing paragraph (h) thereof. See Reprint of Statutes, Vol. VII, p. 448

11. (1) The Board may from time to time—

(a) Employ such persons upon such terms as it thinks fit as canvassing agents for procuring applications from persons desiring to become contributors and for collecting contributions: Power to employ canvassing agents.

(b) Pay to any agent so employed such commission, allowance, or other remuneration as it thinks fit:

Provided that such payments shall not exceed the maximum commission, allowance, or other remuneration that may be approved by the Minister in that behalf, either generally for the employment of canvassing agents or specially with reference to the particular employment of any canvassing agent:

(c) Vary the terms of any agreement made by the Board for the employment of any canvassing agent, or terminate any such employment.

(2) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this section.

Public Service
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Service
Superannuation
Act not to
apply to
canvassing
agents.
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Statutes,
Vol. VII,
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12. The provisions of the Public Service Act, 1912, and of the Public Service Superannuation Act, 1927, shall not apply in respect of the employment of any person as a canvassing agent.

13. Any agreement heretofore made by or on behalf of the Board for the employment of any canvassing agent is hereby validated and declared to have been lawfully made.

Validating
employment of
canvassing
agents.