

New Zealand.

ANALYSIS.

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1909, No. 32.

Title.

AN ACT to amend the Public Service Classification and Superannuation Act, 1908.
[24th December, 1909.]

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

1. (1.) This Act may be cited as the Public Service Classification and Superannuation Amendment Act, 1909, and it shall be read together with and deemed to be part of the Public Service Classification and Superannuation Act, 1908 (hereinafter referred to as the principal Act). Short Title.

(2.) This Act shall commence on the first day of April, nineteen hundred and ten.

PART I.

PUBLIC SERVICE SUPERANNUATION.

2. (1.) If before a contributor becomes entitled to a retiring-allowance under the principal Act, but after his length of service exceeds twenty years, he compulsorily retires from the Public Service for any reason other than misconduct, he shall be entitled, in addition to the refund of contributions provided for by section forty-six of the Public Service Classification and Superannuation Amendment Act, 1908, to receive a further sum by way of interest computed in the same manner as if the contributions from time to time paid by him (after deducting all sums from time to time received by him from the fund) had been invested at interest at the rate of three and a half per centum per annum. Payment to contributors retiring compulsorily before becoming entitled to a retiring-allowance.

(2.) All such interest shall be computed as if all moneys paid into or out of the fund during any year had been so paid on the said thirty-first day of December in that year; but interest shall be allowed at the rate aforesaid for the broken period of the year in which the contributor retires.

(3.) Subject to the provisions of sections forty-nine and fifty of the Public Service Classification and Superannuation Amendment Act, 1908, relating to broken service, the term "length of service" as used in this section has the same meaning as in section thirty-five of the principal Act.

3. No retirement of a contributor from the Public Service shall be deemed compulsory within the meaning of this Act merely because that contributor is deprived of the place or office held by him in that service, if at any time within three months before such deprivation he has been offered, and has failed or refused to accept, some other suitable place or office in the Public Service at a salary not less than that of the place or office so held by him. Retirement not deemed compulsory in certain cases.

4. If any question, whether of law or of fact, arises as to whether the retirement of a contributor is compulsory within the meaning of this Act, or as to whether his retirement is due to misconduct, the question shall be determined by the Board and not otherwise, and the decision of the Board shall be final and conclusive. Decision of Board to be final in all cases.

5. The provisions of the three last preceding sections shall extend and apply to persons who are contributors at the commencement of this Act, and to all contributions paid by them whether before or after the commencement of this Act. Application of preceding sections.

6. Notwithstanding anything in subsection two of section twenty-six of the principal Act, no person shall be entitled to elect, after the thirty-first day of March, nineteen hundred and ten to Election under section 26 (2) of principal Act to be made not later than 31st March, 1910.

become a contributor to the fund under the provisions of the said subsection.

Section 35 of the principal Act amended.

7. Section thirty-five of the principal Act is hereby amended by adding to the proviso in subsection one thereof the words "or to any case in which the age of a male contributor is not less than fifty-five years if his length of service is not less than thirty years, or to any case in which the length of service of a contributor is not less than thirty-five years; and in any of those cases the Minister may impose upon the retiring contributor such terms and conditions as to payments into the fund or otherwise as the Minister thinks fit."

Maximum retiring-allowance to be £300 per annum.

8. (1.) Notwithstanding anything in section thirty-five of the principal Act, no person who becomes a contributor to the Public Service Superannuation Fund after the passing of this Act shall be entitled on his retirement from the Public Service to a retiring-allowance exceeding three hundred pounds per annum.

(2.) This section shall not apply to any person who becomes a contributor to the Public Service Superannuation Fund by way of transfer under the provisions of section forty-eight of the Public Service Classification and Superannuation Amendment Act, 1908, and who at the passing of this Act was a contributor to any other superannuation fund within the meaning of that section.

(3.) This section shall come into operation on the passing of this Act.

Section 37 of the principal Act amended.

9. Section thirty-seven of the principal Act is hereby amended by omitting from subsection two thereof all the words after "shall be paid," and substituting therefor the words "in respect of any month than is equivalent, when added to the remuneration so received by him in that month, to one-twelfth of his annual salary at the date of his retirement."

Extension of time for making payments on account of broken service.

10. Section fifty of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended, as from the date of the passing of that Act, by omitting from subsection two thereof the words "twelve months," and substituting therefor the words "two years."

PART II.

TEACHERS' SUPERANNUATION.

Section 12 of the Public Service Classification and Superannuation Amendment Act, 1908, amended.

11. Section twelve of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended by adding at the end thereof the words "or to any case in which the age of a male contributor is not less than fifty-five years if his length of service is not less than thirty years, or to any case in which the length of service of a contributor is not less than thirty-five years; and in any of those cases the Board may, with the like approval, impose upon the retiring contributor such terms and conditions as to payments into the fund or otherwise as the Board thinks fit."

Maximum retiring-allowance to be £300 per annum.

12. (1.) Notwithstanding anything in section twelve of the Public Service Classification and Superannuation Amendment Act, 1908, or in section two hundred and thirty-three of the Education Act, 1908, no person who becomes a contributor to the Teachers'

Superannuation Fund after the passing of this Act shall be entitled on his retirement from the Education service to a retiring-allowance exceeding three hundred pounds per annum.

(2.) This section shall not apply to any person who becomes a contributor to the Teachers' Superannuation Fund by way of transfer under the provisions of section forty-eight of the Public Service Classification and Superannuation Amendment Act, 1908, and who at the passing of this Act was a contributor to any other superannuation fund within the meaning of that section.

(3.) This section shall come into operation on the passing of this Act.

13. Section fourteen of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended by omitting from subsection two thereof all the words after "shall be paid," and substituting therefor the words "in respect of any month than is equivalent, when added to the remuneration so received by him in that month, to one-twelfth of his annual salary at the date of his retirement."

Section 14 of the Public Service Classification and Superannuation Amendment Act, 1908, amended.

14. Section twenty-four of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended, as from the passing of that Act, by omitting the words "within six months after the passing of this Act" wherever those words occur in subsections one and five, and substituting therefor the words "before the first day of July, nineteen hundred and ten."

Further time allowed for election to remain subject to Part IX of the Education Act, 1908.

15. (1.) Any contributor who before the commencement of this Act has elected, under section twenty-four of the Public Service Classification and Superannuation Amendment Act, 1908, to remain subject to Part IX of the Education Act, 1908, may at any time before the first day of July, nineteen hundred and ten, so long as he remains a contributor to the Teachers' Superannuation Fund, revoke the election so made by him.

Contributors who have elected to remain subject to Part IX of the Education Act, 1908, may revoke their election.

(2.) Every such revocation shall be made in writing under the hand of the contributor, and delivered to the Secretary of the Board or the Minister of Education.

(3.) Every such revocation shall take effect retrospectively as from the date of the election so revoked, and the contributor shall for all purposes be deemed never to have elected to remain subject to Part IX of the Education Act, 1908.

16. Section twenty-five of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended by adding at the end thereof the following words: "and all the powers, rights, and duties conferred or imposed by Part IX of the Education Act, 1908, upon the Teachers' Superannuation Board thereby established are hereby transferred (in respect of all such contributors) to the Board established by this Part of this Act."

Section 25 of the Public Service Classification and Superannuation Amendment Act, 1908, amended.

PART III.

GOVERNMENT RAILWAYS SUPERANNUATION.

17. (1.) Notwithstanding anything in section eighty of the Government Railways Act, 1908, no person who becomes a contri-

Maximum retiring allowance to be £300 per annum.

butor to the Government Railways Superannuation Fund after the passing of this Act shall be entitled on his retirement from the service of the Government Railways Department to an annual allowance exceeding three hundred pounds.

(2.) This section shall not apply to any person who becomes a contributor to the Government Railways Superannuation Fund by way of transfer under the provisions of section forty-eight of the Public Service Classification and Superannuation Amendment Act, 1908, and who at the passing of this Act was a contributor to any other superannuation fund within the meaning of that section.

(3.) This section shall come into operation on the passing of this Act.

Extension of time for making payments on account of broken service.

18. Section fifty-six of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended as from the date of the passing of that Act by omitting from subsection two thereof the words "twelve months," and substituting therefor the words "two years."

Annual subsidy of £25,000 to be paid into the Government Railways Superannuation Fund.

19. In the month of April in every year after the passing of this Act the Minister of Finance shall, without further authority than this Act, pay the sum of twenty-five thousand pounds out of the Consolidated Fund into the Government Railways Superannuation Fund established by Part III of the Government Railways Act, 1908, and all sums so paid into that fund shall for all purposes form part of that fund and be dealt with accordingly.

PART IV.

POLICE SUPERANNUATION.

Future members of the Police Force to become contributors to the Public Service Superannuation Fund.

20. Every person who, after the commencement of this Act, becomes a member of the Police Force shall be a contributor to the Public Service Superannuation Fund, and shall be subject to the provisions of Part II of the principal Act accordingly.

Miscellaneous amendments of principal Act.

21. The principal Act is hereby amended in manner following:—

(a.) As to section eighteen thereof, by omitting the words
" (b) So much of the Police Department as is included in Part II of the Police Force Act, 1908 " :

(b.) As to section twenty-two thereof, by omitting the word "ten" and substituting the word "eleven"; and by inserting, after the words "Governor in Council," the words "One person to be elected by and from the contributors who belong to the Police Department" :

(c.) As to section twenty-three thereof, by inserting, after the words "Telegraph Department," the words "a separate ballot of the members of the Police Department" :

(d.) As to section fifty thereof, by omitting the words "the Police Provident Fund or."

Repeal.

22. Part II of the Police Force Act, 1908, is hereby repealed.

Merger of Police Provident Fund in Public Service Superannuation Fund.

23. (1.) The Police Provident Fund established by Part II of the Police Force Act, 1908, is hereby merged in the Public Service Superannuation Fund, and all moneys belonging to the first-mentioned fund on the commencement of this Act shall be transferred

to the Public Service Superannuation Fund and shall form part thereof.

(2.) All sums of money payable at the commencement of this Act or thereafter becoming payable out of the Police Provident Fund under the provisions of Part II of the Police Force Act, 1908, shall be and become payable out of the Public Service Superannuation Fund.

24. The Police Provident Fund Board established under the Police Force Act, 1908, is hereby abolished, and all its powers, functions, and duties are hereby transferred to or imposed upon the Public Service Superannuation Board.

Abolition of Police Provident Fund Board, and transfer of powers.

25. (1.) Every person who is at the commencement of this Act a contributor to the Police Provident Fund shall thereupon become and be a contributor to the Public Service Superannuation Fund, and subject accordingly to all the provisions of the principal Act.

Contributors to Police Provident Fund to become contributors to Public Service Superannuation Fund.

(2.) As to every person who becomes a contributor to the Public Service Superannuation Fund by virtue of this section the following provisions shall apply :—

(a.) He shall be deemed to be an original contributor to the said fund within the meaning and for the purposes of section thirty-five of the principal Act :

(b.) All contributions made by him to the Police Provident Fund before the commencement of this Act shall be deemed to have been made by him to the Public Service Superannuation Fund on the respective dates on which they were made to the Police Provident Fund :

(c.) He shall contribute to the Public Service Superannuation Fund at the rate prescribed by the principal Act for the age to which he had attained at the date when his first contribution became payable to the Police Provident Fund on his becoming a contributor thereto.

(d.) He shall not be subject to the provisions of section eight of this Act unless he became a contributor to the Police Provident Fund after the passing of this Act.

26. A person who at the commencement of this Act is a member of the Police Force but is not a contributor to the Police Provident Fund shall not at any time hereafter be bound to become a contributor to the Public Service Superannuation Fund, whether he remains in the Police Force or is transferred to any other branch of the Public Service.

Members of Police Force not being contributors to Police Provident Fund not bound to become members of Public Service Superannuation Fund.

27. Any person who before the commencement of this Act has retired from the Police Force on a retiring-allowance as medically unfit for further duty shall be subject to the provisions of section thirty-seven of the principal Act in the same manner as if he had retired from the Public Service on a retiring-allowance under the principal Act.

Provisions where member of the Police Force who has been retired as medically unfit returns to duty after passing of this Act.

28. (1.) The first election of a member of the Public Service Superannuation Board by members of the Police Department shall take place on a day to be fixed by the Minister of Justice (not being later than three months after the commencement of this Act), and all the provisions of section twenty-three of the principal Act shall, so far as applicable, apply to that election.

Election by Police Department of representative on Superannuation Board.

(2.) Until the election of a member of the Public Service Superannuation Board by the contributors belonging to the Police Department, the members appointed or elected to the Board in accordance with the principal Act may exercise all the powers of the Board in the same manner as if it were fully constituted.

Board may increase retiring-allowance payable to member of Police Force injured in the execution of his duties.

29. In the case of any officer or constable of the Police Force who is a contributor to the Public Service Superannuation Fund, and who in consequence of injuries suffered by him in the execution of his duty retires from the Public Service as medically unfit for further duty under such circumstances that he is entitled to a retiring-allowance in accordance with section thirty-six of the principal Act, it shall be lawful for the Public Service Superannuation Board (notwithstanding anything in the principal Act or in this Act to the contrary), if it is of opinion that the said retiring-allowance is not sufficient, to increase the same at the time of his retirement, or at any time thereafter, to such annual amount as in the special circumstances of the case the Board thinks just, not exceeding three-fifths of his annual salary as computed in accordance with Part II of the principal Act.

Increase of Government contribution to fund.

30. The sum of twenty thousand pounds payable into the Public Service Superannuation Fund out of the Consolidated Fund in each year under section forty-nine of the principal Act is hereby increased to the sum of twenty-three thousand pounds, and that section is hereby amended accordingly by substituting the words "twenty-three" for the word "twenty."