

New Zealand



ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I</p> <p style="text-align: center;">PUBLIC SERVICE SUPERANNUATION</p> <p>2. This Part to be read with Part I of Public Service Superannuation Act, 1927.</p> <p>3. Government subsidy in retiring-allowances payable for parts of a year.</p> <p>4. Increasing retiring-allowances under section 39 of Finance Act, 1930 (No. 2).</p> <p>5. Removing £300 limit from retiring-allowances in certain cases.</p> <p>6. Contributions where previous temporary service is included to be fixed by reference to age at commencement of temporary service.</p> <p>7. Section 44 of principal Act (as to payments for children) amended.</p> <p style="text-align: center;">PART II</p> <p style="text-align: center;">TEACHERS' SUPERANNUATION</p> <p>8. This Part to be read with Part IV of Public Service Superannuation Act, 1927.</p> <p>9. Government subsidy in retiring-allowances payable for parts of a year.</p> <p>10. Election by certain persons appointed before 1st January, 1946, to become contributors to Teachers' Superannuation Fund.</p> <p>11. Contributions where previous temporary service is included to be fixed by reference to age at commencement of temporary service.</p> | <p>12. Section 87 of principal Act (as to payments for children) amended.</p> <p style="text-align: center;">PART III</p> <p style="text-align: center;">GOVERNMENT RAILWAYS SUPERANNUATION</p> <p>13. This Part to be read with Government Railways Act, 1926.</p> <p>14. Government subsidy in retiring-allowances payable for parts of a year.</p> <p>15. Election to contribute to Fund in respect of service preceding date of permanent appointment. Repeal.</p> <p style="text-align: center;">PART IV</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p>16. Defining service to be counted for superannuation purposes. Repeal.</p> <p>17. Removing £300 limit from retiring-allowances of employees of Government service organizations.</p> <p>18. Retiring-allowances of employees of Government service organizations to be computed on average pay for last five years of service.</p> <p>19. Existing retiring-allowances not to be less than if computed on basis of Superannuation Amendment Act, 1945. Repeals.</p> <p>20. Retiring-allowances not to exceed salary.</p> <p>21. Amending provisions as to refund of contributions on death of contributor who has made an election in favour of widow or approved dependant.</p> |
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1946, No. 36

AN ACT to amend the Law relating to Superannuation. Title.
 [12th October, 1946

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 Superannuation Amendment Act, 1946. Short Title.

PART I

PUBLIC SERVICE SUPERANNUATION

2. This Part of this Act shall be read together with and deemed part of Part I of the Public Service Superannuation Act, 1927 (in this Part referred to as the principal Act).

This Part to be read with Part I of Public Service Superannuation Act, 1927.

See Reprint of Statutes, Vol. VII, p. 559

3. (1) Section twenty-six of the principal Act is hereby amended by inserting in paragraph (b) of subsection one (as set out in section three of the Superannuation Amendment Act, 1945), after the words “three pounds fifteen shillings for each year of service”, the words “(with a proportionate part of that sum for any part of a year)”.

Government subsidy in retiring-allowances payable for parts of a year. 1945, No. 47

(2) This section shall be deemed to have come into force on the first day of January, nineteen hundred and forty-six (being the date of the commencement of the Superannuation Amendment Act, 1945).

4. (1) Section thirty-nine of the Finance Act, 1930 (No. 2), is hereby amended by repealing subsection two, and substituting the following subsection:—

Increasing retiring allowances under section 39 of Finance Act, 1930 (No. 2).

“(2) Every person to whom this section applies shall be entitled to receive from the Public Service Superannuation Fund an annual retiring-allowance computed as if his retirement had been on the ground of being medically unfit for further duty.”

See Reprint of Statutes, Vol. VII, p. 616

(2) Any increase in the rate of retiring-allowances provided for in this section shall apply in respect of all periods after the thirty-first day of December, nineteen hundred and forty-five.

5. (1) Notwithstanding the provisions of subsection three of section twenty-eight of the Finance Act, 1921–22, any retiring-allowance granted by virtue of that section before it was repealed may exceed an annual rate of three hundred pounds.

Removing £300 limit from retiring allowances in certain cases. 1921–22, No. 72

(2) Any increase in the rate of retiring-allowances provided for in this section shall apply in respect of all periods after the thirty-first day of December, nineteen hundred and forty-five.

Contributions where previous temporary service is included to be fixed by reference to age at commencement of temporary service.

1941, No. 26

1942, No. 14

6. (1) Section sixty-eight of the Statutes Amendment Act, 1941, is hereby amended as follows:—

(a) By omitting from subsection six the words “ any member ”, and substituting the words “ any such member ”:

(b) By omitting from subsection six the words “ permanent appointment ”, and substituting the words “ appointment as a temporary member of the Force ”.

(2) Section twenty-six of the Finance Act (No. 2), 1942, is hereby amended by omitting from subsection five the words “ date of his permanent appointment ”, and substituting the words “ commencement of the period of temporary service in respect of which he elects to contribute ”.

(3) Any reduction in the percentage of contributions provided for in this section shall apply in respect of all periods after the thirty-first day of December, nineteen hundred and forty-five.

Section 44 of principal Act (as to payments for children) amended.

7. Section forty-four of the principal Act is hereby amended by omitting from subsection one the word “ fourteen ”, and substituting the word “ sixteen ”.

PART II

TEACHERS' SUPERANNUATION

This Part to be read with Part IV of Public Service Superannuation Act, 1927.

See Reprint of Statutes, Vol. VII, p. 587

8. This Part of this Act shall be read together with and deemed part of Part IV of the Public Service Superannuation Act, 1927 (in this Part referred to as the principal Act).

Government subsidy in retiring-allowances payable for parts of a year.

1945, No. 47

9. (1) Section seventy-five of the principal Act is hereby amended by inserting in paragraph (b) (as set out in section twelve of the Superannuation Amendment Act, 1945), after the words “ three pounds fifteen shillings for each year of service ”, the words “ (with a proportionate part of that sum for any part of a year) ”.

(2) This section shall be deemed to have come into force on the first day of January, nineteen hundred and forty-six (being the date of the commencement of the Superannuation Amendment Act, 1945).

10. (1) Every person who was first permanently employed in the Education service not more than six months before the first day of January, nineteen hundred and forty-six (being the date of the commencement of the Superannuation Amendment Act, 1945), and who was not included within the provisions of section eighty-eight of the principal Act, may at any time within six months after the passing of this Act elect to become a contributor to the Teachers' Superannuation Fund as from the time of his appointment.

Election by certain persons appointed before 1st January, 1946, to become contributors to Teachers' Superannuation Fund.

1945, No. 47
See Reprint of Statutes, Vol. VII, p. 597

(2) Every such election shall be made in writing delivered to the Secretary of the Teachers' Superannuation Board.

(3) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

(4) If any other person who was entitled to elect under section eighty-nine of the principal Act to become a contributor to the Fund did not so elect within the time prescribed by that section, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

11. (1) Where any person has (whether before or after the passing of this Act), elected under section twenty-three of the Finance Act (No. 2), 1943, to contribute to the Fund in respect of any period of temporary service, the percentage of his salary to be contributed to the Fund in respect of his permanent employment shall be fixed by reference to his age at the commencement of that period of temporary service.

Contributions where previous temporary service is included to be fixed by reference to age at commencement of temporary service.

1943, No. 9

(2) Any reduction in the percentage of contributions provided for in this section shall apply in respect of all periods after the thirty-first day of December, nineteen hundred and forty-five.

Section 87 of principal Act (as to payments for children) amended.

12. Section eighty-seven of the principal Act is hereby amended by omitting from subsection one the word "fourteen", and substituting the word "sixteen".

PART III

GOVERNMENT RAILWAYS SUPERANNUATION

This Part to be read with Government Railways Act, 1926.

See Reprint of Statutes, Vol. VII, p. 859

13. This Part of this Act shall be read together with and deemed part of Part III of the Government Railways Act, 1926 (in this Part referred to as the principal Act).

Government subsidy in retiring-allowances payable for parts of a year. 1945, No. 47

14. (1) Section one hundred and two of the principal Act is hereby amended by inserting in paragraph (b) of subsection one (as set out in section nineteen of the Superannuation Amendment Act, 1945), after the words "three pounds fifteen shillings for each year of service", the words "(with a proportionate part of that sum for any part of a year)".

(2) This section shall be deemed to have come into force on the first day of January, nineteen hundred and forty-six (being the date of the commencement of the Superannuation Amendment Act, 1945).

Election to contribute to Fund in respect of service preceding date of permanent appointment. 1945, No. 47

15. (1) Notwithstanding anything to the contrary in section twenty-two of the Superannuation Amendment Act, 1945, where any person who elects under that section to become a contributor to the Fund has had any period of continuous service in the Department (whether as an apprentice or otherwise) immediately preceding the date of his permanent appointment he may at the same time elect to contribute to the Fund in respect of that period of previous service:

Provided that where the period of previous service of any such person has commenced after the thirty-first day of December, nineteen hundred and forty-five, he shall not be entitled so to elect to contribute in respect of any part of that period that is prior to the time of his attaining the age of twenty years.

(2) Where any such person has made an election under the said section twenty-two before the passing of this Act, he may make an election under this section at any time within six months after the passing of this Act.

(3) Any person who elects under this section to contribute to the Fund in respect of any period of previous service shall pay into the Fund within such time and in such manner as the Board may allow in that behalf such sum as the Board may fix in respect of that period, and shall be entitled to count that period for superannuation purposes, notwithstanding anything to the contrary in the principal Act or in any other enactment.

(4) The percentage of his pay to be contributed to the Fund by any such person in respect of his permanent employment shall be fixed by reference to his age at the commencement of the previous service in respect of which he elects to contribute.

(5) Section one hundred and seventeen of the principal Act is hereby repealed. Repeal.

PART IV

GENERAL PROVISIONS

16. (1) For the purposes of Part I or Part IV of the Public Service Superannuation Act, 1927, or of Part III of the Government Railways Act, 1926, the service of any contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund or the Government Railways Superannuation Fund means his continuous service during any period in respect of which he has been or is deemed by virtue of any enactment to have been a contributor to the Fund, not being a period in respect of which his contributions have been refunded to him and not repaid to the Fund; and the expression "length of service" shall have a corresponding meaning.

Defining service to be counted for superannuation purposes.
See Reprint of Statutes, Vol. VII, pp. 559, 587, 859

(2) Nothing in the last preceding subsection shall be construed to affect any enactment defining the length of service of any contributor or contributors, or providing for the computation thereof.

(3) Section twenty-six of the Public Service Superannuation Act, 1927, is hereby amended by repealing subsections two, three, and four.

(4) Section sixty-five of the Public Service Superannuation Act, 1927, is hereby amended by repealing the definition of the expression "length of service".

(5) Section thirty of the Superannuation Amendment Act, 1945, is hereby repealed.

Repeal.
1945, No. 47

Removing £300 limit from retiring-allowances of employees of Government service organizations. 1940, No. 19

17. (1) Section fifteen of the Finance Act (No. 2), 1940, is hereby amended by repealing the proviso to subsection seven.

(2) Any increase in the rate of retiring-allowances provided for in this section shall apply in respect of all periods after the thirty-first day of December, nineteen hundred and forty-five.

Retiring-allowances of employees of Government service organizations to be computed on average pay for last five years of service. 1940, No. 19

18. (1) Section fifteen of the Finance Act (No. 2), 1940, is hereby amended by omitting from subsection seven the words "three years", and substituting the words "five years".

(2) This section shall be deemed to have come into force on the first day of January, nineteen hundred and forty-six.

Existing retiring-allowances not to be less than if computed on basis of Superannuation Amendment Act, 1945. 1945, No. 47

19. (1) No retiring-allowance granted to any person on his retirement from the Public Service or the Education Service or the Government Railways Department before the first day of January, nineteen hundred and forty-six, shall in respect of any period after that date be less than it would have been if the Superannuation Amendment Act, 1945, as amended by this Act, and subsection one of section seventeen hereof and subsection one of section eighteen hereof had been in force at the date of retirement.

Repeals.

1945, No. 47

(2) Subsection one of section five, subsection one of section fourteen, and subsection one of section twenty-one of the Superannuation Amendment Act, 1945, are hereby repealed.

(3) This section shall not apply with respect to any retiring-allowance that has ceased to be payable before the passing of this Act.

Retiring-allowances not to exceed salary.

20. Notwithstanding anything to the contrary in this Act or in any other enactment, no person shall on his retirement at any time after the passing of this Act be granted a retiring-allowance from the Public Service Superannuation Fund or the Teachers' Superannuation Fund or the Government Railways Superannuation Fund at a rate exceeding the rate of the annual salary on the basis of which he was contributing to the Fund at the date of his retirement.

21. Section thirteen of the Finance Act (No. 2), 1940, is hereby amended, as from the passing of that Act, by repealing subsection eight, and substituting the following subsection:—

“(8) On the death of a contributor who has made an election under this section, the following provisions shall apply:—

“(a) The right of his widow to receive a refund in respect of his contributions to the Fund shall be deemed to have ceased and determined:

“(b) The right of his personal representatives to receive a refund in respect of his contributions to the Fund shall be deemed to have ceased and determined, except as otherwise provided in paragraph (c) of this subsection:

“(c) On the death of the contributor or on the death of the nominated annuitant, whichever is the later, the amount of the contributions of the contributor to the Fund, less any sums which the contributor has received out of the Fund in his lifetime, and less the amount of any annuity paid to the nominated annuitant under this section, and less any sums which have been paid or may become payable in the future out of the Fund to or on behalf of any child or children of the contributor, shall be paid to the personal representatives of the deceased contributor in trust for the persons entitled thereto under his will or under the statutes relating to the distribution of intestates' estates, as the case may be.”

Amending provisions as to refund of contributions on death of contributor who has made an election in favour of widow or approved dependant.
1940, No. 19