



## ANALYSIS

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1948, No. 79

AN ACT to Amend the Superannuation Act, 1947.

Title.

[3rd December, 1948

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 Superannuation Amendment Act, 1948, and shall be read together with and deemed part of the Superannuation Act, 1947 (hereinafter referred to as the principal Act).

Short Title and commencement.

1947, No. 57

(2) Except as otherwise expressly provided, this Act shall be deemed to have come into force at the commencement of the principal Act.

#### *Education Service*

2. (1) Section two of the principal Act is hereby amended by inserting in the definition of the term “Education service”, after paragraph (e), the following paragraphs:—

Extending definition of “Education service”.

“(f) Under the Department of Education in the case of Inspectors of Schools, or of teachers of any schools under the control of that Department:

“(g) Under the governing body of any kindergarten recognized for the purposes of this Act by the Minister of Education—”.

(2) Section two of the principal Act is hereby further amended by adding to the definition of the term “Education service” the words “and also includes training for the purpose of qualifying as a manual, commercial, kindergarten, or other teacher at an institution recognized for the purposes of this Act by the Minister of Education:”.

#### *Government Service*

3. (1) Section two of the principal Act is hereby amended by adding to the definition of the term “Government service” the words “and also includes service under the State Advances Corporation of New Zealand before as well as after the fifteenth day of June, nineteen hundred and thirty-six (being the date of the commencement of the State Advances Corporation Act, 1936)”.

Officers of State Advances Corporation.

1936, No. 12

(2) Section fourteen of the State Advances Corporation Act, 1936, is hereby amended by omitting from paragraph (b) of subsection three the words “ and his service with the Corporation before the commencement of this Act shall not be taken into account for the purpose of computing any retiring-allowance to which he may hereafter become entitled ”.

Part II not to apply to Judge of Land Valuation Court.

4. (1) Section seventeen of the principal Act is hereby amended by adding to paragraph (b) the words “ or of the Land Valuation Court ”.

(2) This section shall come into force on the first day of January, nineteen hundred and forty-nine.

Contributor may elect to contribute in respect of any prior part of continuous service.

5. Section twenty of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1) Subject to the provisions of this Part of this Act, where any person is for the time being a contributor to the Fund and any period of his continuous service in the Government service is not included in his contributory service, he may at any time elect to contribute to the Fund in respect of the whole or any part of that period:

“ Provided that, where any contributor who was entitled at any time before the commencement of this Act to elect within a prescribed time to contribute to the Public Service Superannuation Fund or the Teachers’ Superannuation Fund or the Government Railways Superannuation Fund in respect of any period of his continuous service did not so elect within the time prescribed in that behalf, he shall not be entitled to make an election under this section in respect of that period or any part thereof except with the consent of the Board.”

Election to contribute in respect of continuous service prior to previous contributory service.

6. Section twenty-one of the principal Act is hereby amended by inserting, after the words “ not before the commencement of his previous period of service ”, the words “ in the Government service (whether his previous period of contributory service commenced at that time or later).”

Joining periods of contributory service.

7. (1) Section twenty-three of the principal Act is hereby amended by inserting in subsection three, after the words “ contributory service ”, the words “ unless it commenced before that period ”.

(2) The said section twenty-three is hereby further amended by adding to subsection three the following proviso:—

“ Provided that that period shall be deemed to be a continuous period immediately preceding the contributor’s current period of contributory service, unless his contributory service commenced before that period.”

8. (1) Section twenty-four of the principal Act is hereby amended by inserting, after the words “ contributory service ”, the words “ or the continuous service in the Government service ”. Continuity of service.

(2) The said section twenty-four is hereby further amended by inserting, after paragraph (a), the following paragraph:—

“(aa) With the consent of the Board, in any case where the interval does not exceed one year:”

9. Section thirty-eight of the principal Act is hereby amended by adding the following proviso:— Re-employment of contributor after retiring on allowance on ground of medical unfitness.

“ Provided that where his retirement was on the ground of being medically unfit for further duty he may with the consent of the Board elect to have his retiring-allowance computed in respect of the total length of his periods of contributory service as if they were continuous.”

10. (1) Section thirty-nine of the principal Act is hereby amended by adding the following subsections as subsections two and three thereof:— Widows’ annuities.

“(2) The annuity payable to the widow of any male contributor who has died before the commencement of this Act shall from the commencement of this Act be computed in accordance with subparagraph (i) of paragraph (a) of subsection one of this section.

“(3) In the case of any male contributor who dies after the commencement of this Act, the value of any annuity payable to his widow under this section shall not be deemed to form part of his estate for the purposes of the Death Duties Act, 1921.”

(2) Section thirty-nine of the principal Act is hereby further amended by inserting in paragraph (a) of subsection one, after the words “ whichever is the greater ”, the words “ but not exceeding in any case the rate of three hundred pounds a year ”.

See Reprint of Statutes, Vol. VII, p. 354

(3) Subsection two of this section shall come into force on the first day of January, nineteen hundred and forty-nine.

(4) Section thirty-nine of the principal Act is hereby further amended by adding to paragraph (a) of subsection one the following proviso:—

“Provided that if the marriage took place after the contributor became entitled to a retiring-allowance or after the thirty-first day of December, nineteen hundred and forty-eight, whichever is the later, there shall be paid out of the Fund to the widow the amount of the deceased contributor’s contributions to the Fund, less any sums received by him from the Fund in his lifetime:”.

Revocation of elections in favour of widows made before 1st April, 1948. 1940, No. 19 1940, No. 30

**11.** (1) Notwithstanding anything to the contrary in subsection thirteen of section forty-two of the principal Act, any person who made an election before the commencement of the principal Act under section thirteen of the Finance Act (No. 2), 1940, or under section sixteen of the Finance Act (No. 4), 1940, may at any time before the first day of April, nineteen hundred and forty-nine, by notice in writing to the Secretary of the Board, revoke the election.

(2) In any such case the revoked election shall cease to have effect as from the date of the receipt of the notice of revocation, whether or not the nominated annuitant has died before that date.

Refunds of contributions on allowances to certain retired contributors.

**12.** Section fifty-four of the principal Act is hereby amended by adding the following subsection:—

“(3) For the purposes of this section the term ‘contributor’ shall be deemed to include any person who, being a contributor to any Superannuation Fund abolished by this Act, retired from the Government service at any time between the thirty-first day of December, nineteen hundred and forty-five, and the commencement of this Act.”

House allowances, &c.

**13.** Section fifty-five of the principal Act is hereby amended by repealing paragraph (b) of subsection three, and substituting the following paragraphs:—

“(b) In respect of all periods of his contributory service in the Education service on or after the first day of October, nineteen hundred

and twenty-five (being the date of the passing of the Finance Act, 1925), as if section five of the Education Amendment Act, 1938, had not been passed:

“(c) In respect of all periods of his contributory service in any other branch of the Government service on or after the said first day of October, nineteen hundred and twenty-five.”

#### *Armed Forces*

**14.** Section sixty-one of the principal Act is hereby amended by omitting from subsection two the word “twenty-eight”.

Applying section 28 to Armed Forces.

**15.** Section sixty-one of the principal Act is hereby amended by adding to paragraph (c) of subsection three the words “but in the case of every such reversion at any time after the third day of September, nineteen hundred and thirty-nine, the contributor shall receive a refund, without interest, of the amount of his contributions to the Fund in respect of the excess of his salary over the salary for the rank to which he reverts, (except in respect of any period before the said date), and the amount of that excess shall not be deemed to form part of his salary for the purposes of this Act”.

Refund of excess contributions on reversion in rank.

**16.** Section sixty-three of the principal Act is hereby amended by adding to subsection one the following proviso:—

Exempting older members of regular Forces from compulsory contribution to Fund.

“Provided that any such person whose age at the time of his becoming a permanent member of the regular Forces is not less than thirty-five years may, with the consent of the Service Board, elect not to become a contributor to the Fund. Every such election shall be made within six months after the person concerned has become a permanent member of the regular Forces, or before the first day of April, nineteen hundred and forty-nine, whichever is the later.”

**17.** The principal Act is hereby amended by omitting from subsection two of section sixty-three, and from subsection two of section sixty-four, and from subsection two of section sixty-six the word “forty-eight”, and substituting in each case the word “forty-nine”.

Extending time for elections.

Removing restriction as to date of previous service in His Majesty's Forces.

**18.** Section sixty-four of the principal Act is hereby amended by repealing paragraph (c) of subsection three.

Previous contributory service otherwise than in His Majesty's Forces.

**19.** Section sixty-six of the principal Act is hereby amended by adding to subsection one the following proviso:—

“ Provided that, where the contributing member was a contributor to the Fund as a permanent member of the regular Forces immediately before that previous period of contributory service in the Government service, he may, with the consent of the Board, elect to count for the purposes of a retiring-allowance under section sixty-two of this Act the whole of his contributory service from the commencement of his first period of service as a permanent member of the regular Forces.”

*Magistrates and Maori Land Court Judges*

Provisions applicable on death of Magistrate or Maori Land Court Judge.

**20.** Section seventy-two of the principal Act is hereby amended by repealing subsection eight, and substituting the following subsection:—

“(8) Where any Magistrate or Judge of the Maori Land Court dies, whether before or after becoming entitled to a retiring-allowance, the following provisions shall apply:—

“(a) If he leaves a wife, there shall be paid out of the Fund to the widow, at her election, either—

“(i) An annuity during her widowhood at one-half of the rate of the retiring-allowance to which the deceased Magistrate or Judge was entitled at the time of his death, or to which he would have been entitled if he had then retired on the ground of being incapable of performing the duties of his office by reason of any permanent infirmity, but not being less in any case than the rate of one hundred and four pounds a year and not exceeding in any case the rate of three hundred pounds a year; or

“(ii) The amount of the contributions of the deceased Magistrate or Judge to the Fund, less any sums received by him from the Fund in his lifetime:

“(b) Any such election shall be made by the widow in writing delivered to the Secretary of the Board, and shall be deemed to be final when the first payment from the Fund is accepted by her:

“(c) The value of any annuity payable to the widow under this section shall not be deemed to form part of the estate of the deceased Magistrate or Judge for the purposes of the Death Duties Act, 1921:

“(d) If the deceased Magistrate or Judge leaves no widow, the amount of his contributions to the Fund, less any sums received by him from the Fund in his lifetime, shall be paid to his personal representatives 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.”

See Reprint  
of Statutes,  
Vol. VII, p. 354

### General

21. Section ninety-one of the principal Act is hereby amended by adding the following subsection:—

“(8) Where any contributor was immediately before the commencement of this Act entitled by virtue of subsection three of section eighteen of the Public Service Superannuation Act, 1927, or any other enactment to count any period as part of his length of service for the purposes of that Act, that period shall be deemed for the purposes of this Act to form part of his contributory service.”

Saving right of  
certain  
contributors to  
count periods as  
part of their  
contributory  
service.  
Ibid., p. 566