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#### ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p><i>Government Superannuation Board</i></p> <p>2. New sections inserted.</p> <p style="padding-left: 20px;">6. Superintendent of the Fund.</p> <p style="padding-left: 40px;">6A. Deputy Superintendent of the Fund.</p> <p style="padding-left: 40px;">6B. Secretary and other officers.</p> <p style="padding-left: 40px;">6C. Board may delegate functions to Superintendent.</p> <p>3. Interpretation.</p> <p>4. Discretionary powers of Board.</p> <p style="text-align: center;"><i>Contributions</i></p> <p>5. Elections to contribute on sixty per cent basis.</p> <p style="text-align: center;"><i>Benefits of the Fund</i></p> <p>6. Increasing subsidy on retiring allowances.</p> <p>7. Increasing widows' annuities.</p> <p>8. Review of actuarial reductions made by Teachers' Superannuation Board.</p> <p>9. Power to review retiring allowance granted on ground of medical unfitness.</p> <p>10. Election in favour of widow in case of marriage after retirement.</p> | <p>11. Reduction or revocation of elections in favour of widows before 1 April 1956.</p> <p>12. Increasing allowance for contributor retiring in consequence of injuries.</p> <p>13. Election to surrender proportion of retiring allowance and receive cash payment.</p> <p style="text-align: center;"><i>Parliamentary Superannuation</i></p> <p>14. Increasing contributions.</p> <p>15. Increasing retiring allowances.</p> <p>16. Election to receive refunds of contributions.</p> <p style="text-align: center;"><i>Superannuation of Judges</i></p> <p>17. New Part inserted.</p> <p style="padding-left: 20px;">73A. Commencement of this Part.</p> <p style="padding-left: 40px;">73B. Interpretation.</p> <p style="padding-left: 40px;">73C. Retiring allowances of Judges.</p> <p style="padding-left: 40px;">73D. Election to contribute for widow's annuity.</p> <p style="padding-left: 40px;">73E. Contributions.</p> <p style="padding-left: 40px;">73F. Annuity to widow or refund of contributions on death of contributor.</p> <p style="padding-left: 40px;">73G. Refund of contributions where Judge unmarried after retirement.</p> <p style="padding-left: 40px;">73H. Appropriation of payments.</p> <p>18. Repeals and savings. Schedule.</p> |
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1955, No. 107

AN ACT to amend the Superannuation Act 1947. Title.  
 [28 October 1955

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 1955, and shall be read together with and deemed part of the Superannuation Act 1947 (hereinafter referred to as the principal Act). Short Title.  
1947, No. 57

*Government Superannuation Board*

2. The principal Act is hereby amended by repealing section six, and substituting the following sections: New sections inserted.

“6. There shall from time to time be appointed under the Public Service Act 1912 a Superintendent of the Fund. Superintendent of the Fund.  
See Reprint of Statutes, Vol. VII, p. 522

“6A. (1) There may from time to time be appointed under the Public Service Act 1912 a Deputy Superintendent of the Fund (hereinafter referred to as the Deputy Superintendent), who, subject to the control of the Superintendent, shall have and may exercise all the powers, duties, and functions of the Superintendent. Deputy Superintendent of the Fund.

“(2) On the occurrence from any cause of a vacancy in the office of Superintendent (whether by reason of death, resignation, or otherwise), and in case of the absence from duty of the Superintendent (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Superintendent shall have and may exercise all the powers, duties, and functions of the Superintendent.

“(3) The fact that the Deputy Superintendent exercises any power, duty, or function of the Superintendent shall be conclusive evidence of his authority to do so.

“6B. There may from time to time be appointed under the Public Service Act 1912 a Secretary of the Board and such other officers as may be required for the purposes of this Act. Secretary and other officers.

“6c. (1) The Board may from time to time, with the consent of the Minister of Finance, by resolution delegate to the Superintendent such of its powers as it thinks fit. Board may delegate functions to Superintendent.

“(2) Subject to any general or special directions given or conditions attached by the Board, the Superintendent may exercise any powers delegated to him under this section in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

“(3) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

“(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

“(5) Every delegation under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding that the Superintendent to whom it was made may have ceased to hold office, and in any such case every such delegation shall continue in force as if made to the person for the time being in office as Superintendent or authorized to exercise the powers of the Superintendent.”

Interpretation.

3. Section two of the principal Act is hereby amended by adding to subsection one the following definition:

“‘Superintendent’ means the Superintendent of the Fund; and includes any person for the time being authorized to exercise or perform any of the powers, duties, or functions of the Superintendent.”

Discretionary powers of Board.  
1951, No. 65

4. Section eight of the principal Act is hereby amended by omitting from subsection three (as added by subsection two of section three of the Superannuation Amendment Act 1951) the words “under Part II of this Act”.

#### *Contributions*

Elections to contribute on sixty per cent basis.

5. The principal Act is hereby amended by inserting, after section twenty-nine, the following section:

“29A. (1) Subject to subsection three of this section, any contributor may at any time elect to contribute to the Fund on a sixty per cent basis. Every such election shall take effect from the time when the contributor becomes a contributor if it is made at the time when he

elects to become a contributor, and in any other case shall take effect at the expiration of six months from the date of the receipt of the election.

“(2) Subject to subsection three of this section, any contributor who is contributing to the Fund on a sixty per cent basis may at any time elect to contribute to the Fund on a hundred per cent basis. Every such election shall take effect at the expiration of six months from the date of the receipt of the election.

“(3) Except with the consent of the Board, no contributor shall make more than three elections under this section after he has become a contributor to the Fund.

“(4) Where a contributor contributes to the Fund on a sixty per cent basis during any period of contributory service—

“(a) His contributions for that period shall be sixty per cent of the contributions prescribed by section twenty-six of this Act:

“(b) Every annuity or allowance payable to any person by reason of the contributor’s contributions to the Fund for that period shall be reduced to sixty per cent thereof, whether or not it is payable at a minimum rate prescribed by this Act.

“(5) Where a contributor who is contributing to the Fund on a sixty per cent basis elects to contribute on a hundred per cent basis from the time when the election takes effect, he may at the same time elect to contribute on a hundred per cent basis in respect of the whole or any part of the period of his contributions on a sixty per cent basis. In every such case—

“(a) From the expiration of six months from the date of the receipt of the election, the contributor shall be deemed to have contributed to the Fund on a hundred per cent basis during the period to which the election relates:

“(b) The contributor shall pay into the Fund, within such time and in such manner as the Board may allow in that behalf, the balance of his contributions on a hundred per cent basis for the period to which the election relates, together with compound interest thereon calculated at the rate of five per cent per annum with annual rests.”

*Benefits of the Fund*

Increasing  
subsidy on  
retiring  
allowances.  
1954, No. 45

6. (1) Section thirty-one of the principal Act is hereby amended by omitting from paragraph (b) of subsection one (as substituted by section three of the Superannuation Amendment Act 1954) the words "or be more than three hundred pounds".

(2) Section thirty-one of the principal Act is hereby further amended by adding to paragraph (b) of subsection one the following additional proviso:

"Provided also that where the annual amount added under this paragraph exceeds five hundred pounds the excess shall be reduced by one pound for every two pounds of the excess."

(3) This section shall come into force on the first day of December, nineteen hundred and fifty-five.

(4) The retiring allowance payable to any person who has retired before the commencement of this section shall from the commencement of this section be calculated in accordance with section thirty-one of the principal Act as amended by this section:

Provided that nothing in this section shall be construed to reduce the retiring allowance to which any such person may be entitled immediately before the commencement of this section.

Increasing  
widows'  
annuities.

7. (1) Section thirty-nine of the principal Act is hereby amended by repealing subparagraph (i) of paragraph (a) of subsection one, and substituting the following subparagraph:

"(i) An annuity during her widowhood at one-half of the rate of the retiring allowance to which the deceased contributor was entitled at the date of his retirement or, if he died before retirement, to which he would have been entitled if he had retired on the date of his death on the ground of being medically unfit for further duty, disregarding in either case the effect of any election made under section thirty-five or section forty-two of this Act, or at the rate of one hundred and thirty pounds a year, whichever is the greater; or"

(2) Section seventy-two of the principal Act is hereby amended by omitting from subparagraph (i) of paragraph (a) of subsection eight (as substituted by

section twenty of the Superannuation Amendment Act 1948, No. 79 (1948) the words "one hundred and four pounds a year and not exceeding in any case the rate of three hundred pounds a year", and substituting the words "one hundred and thirty pounds a year".

(3) The following enactments are hereby consequentially repealed:

(a) Subsections two and three of section ten of the Superannuation Amendment Act 1948:

(b) Section six of the Superannuation Amendment Act 1953, No. 61

(4) This section shall come into force on the first day of December, nineteen hundred and fifty-five.

(5) The annuity payable to the widow of any male contributor who has died before the commencement of this section shall from the commencement of this section be calculated in accordance with section thirty-nine of the principal Act as amended by this section, and as if section six of this Act had been in force when the contributor died:

Provided that nothing in this section shall be construed to reduce the annuity to which any such widow may be entitled immediately before the commencement of this section.

(6) The annuity payable under section seventy-two of the principal Act to the widow of any person who has died before the commencement of this section shall from the commencement of this section be calculated in accordance with the said section seventy-two as amended by this section.

8. Section thirty-one of the principal Act is hereby amended by adding the following subsection:

"(5) The Board may, in its discretion, review any determination made before the commencement of this Act by the Teachers' Superannuation Board in so far as it effected a reduction in the retiring allowance payable to a contributor to the Teachers' Superannuation Fund who retired after attaining the age of sixty years but before he had completed forty years' service."

Review of  
actuarial  
reductions  
made by  
Teachers'  
Superannuation  
Board.

Power to review retiring allowance granted on ground of medical unfitness.

9. (1) Section thirty-two of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:

“(2) In the case of any retiring allowance payable under this section, if the contributor—

“(a) Resumes employment; or

“(b) Having ceased to be medically unfit for further duty, fails to accept any employment considered by the Board to be suitable and reasonable for him; or

“(c) Fails at any time without sufficient justification to submit himself for medical examination when and as often as required by the Board,—

the Board may in its discretion suspend, reduce, or cancel the retiring allowance. The Board may from time to time, in its discretion, vary or revoke any decision made by it under this subsection.”

(2) Section thirty-two of the principal Act is hereby further amended as follows:

(a) By omitting from subsection one the words “for the rest of his life”:

(b) By omitting from subsection four the word “permanently”, and substituting the word “substantially”.

(3) Section sixty-eight of the principal Act is hereby amended as follows:

(a) By omitting from subsection one the words “for the rest of his life”:

(b) By omitting from subsection two the word “permanently”, and substituting the word “substantially”.

10. Section forty-two of the principal Act is hereby amended by adding to subsection eleven the following proviso:

“Provided that where the contributor has married while in receipt of a retiring allowance he may make an election under this section in favour of his widow at any time within three months after the date of his marriage or before the first day of April, nineteen hundred and fifty-six, whichever is the later.”

Election in favour of widow in case of marriage after retirement.

11. (1) Notwithstanding anything to the contrary in subsection thirteen of section forty-two of the principal Act, any person who has made an election under that section in favour of his wife before the passing of this Act may at any time before the first day of April, nineteen hundred and fifty-six, if his wife is then living, by notice in writing delivered to the Secretary of the Board, revoke the election or vary it by reducing the amount of the annuity to be provided for his widow by reason of the election.

Reduction or revocation of elections in favour of widows before 1 April 1956.

(2) In any such case, as from the date of the receipt of the notice, the election, if revoked, shall cease to have effect, or, if varied, shall have effect as varied.

12. (1) The principal Act is hereby amended by inserting, after section thirty-two, the following section:

Increasing allowance for contributor retiring in consequence of injuries.

“32A. (1) Where any contributor to the Fund retires from the Government service as medically unfit for further duty in consequence of injuries suffered by him in the execution of his duty, or where the death of a contributor is directly attributable to injuries suffered by him in the execution of his duty, if the Board is of opinion that the retiring allowance payable to the contributor or any annuity payable to the widow or any dependant of the contributor is not sufficient, the Board may increase the retiring allowance or annuity to such amount as the Board considers fair and equitable.

“(2) Any increase granted under this section may commence at the time of the contributor’s retirement or death or at any time thereafter, and may be granted for a specified period or otherwise as the Board thinks fit; and every such increase may be varied or cancelled by the Board at any time.

“(3) In considering any application for any increase under this section the Board shall take into consideration any amount paid by way of compensation, damages, pension, or compassionate allowance out of the Public Account or from any other source in respect of the death or disablement of the contributor.”

(2) Sections forty-six to forty-eight of the principal Act and the heading to those sections are hereby repealed.

Election to  
surrender  
proportion of  
retiring  
allowance and  
receive cash  
payment.  
1953, No. 61

13. (1) The principal Act is hereby amended by inserting, after section eighty-two B (as inserted by section ten of the Superannuation Amendment Act 1953), the following section:

“82c. (1) Where any contributor becomes entitled to a retiring allowance under this Act, he may elect to surrender his right to a proportion of the retiring allowance and to receive instead thereof payment out of the Fund of a sum equal to nine times the amount by which his annual retiring allowance is reduced pursuant to the surrender.

“(2) Any election under this section shall be made in writing delivered to the Secretary of the Board before the contributor has received any instalment of his retiring allowance.

“(3) The proportion of his retiring allowance which any contributor elects to surrender under this section shall not exceed one-fourth and, on the making of any such election, the annual retiring allowance payable to him shall be reduced by the same proportion as that which he elects to surrender as aforesaid and his rights in respect of the proportion so surrendered shall be deemed to be determined.”

(2) Section eighty-six of the principal Act is hereby amended by adding the following subsection:

“(4) For the purposes of this section the term ‘retiring allowance’ shall be deemed to include any payment made out of the Fund under section eighty-two c of this Act.”

#### *Parliamentary Superannuation*

Increasing  
contributions.

14. (1) Section seventy-six of the principal Act is hereby amended as from the thirteenth day of November, nineteen hundred and fifty-four, by omitting from subsection one the words “fifty pounds”, and substituting the words “eighty-five pounds”.

(2) Section seventy-six of the principal Act is hereby further amended by omitting from subsection two the words “two hundred and fifty pounds”, and substituting the words “four hundred and twenty-five pounds in respect of the last five years of his service as a member”.

15. Section seventy-seven of the principal Act is hereby amended as follows:

(a) By inserting, after the words “not less than nine years”, the words “or (where he has served

Increasing  
retiring  
allowances.

throughout the duration of not less than three Houses of Representatives) for not less than eight years”:

- (b) By omitting from paragraph (a) the words “nine years”, and substituting the words “eight years”:
- (c) By omitting from paragraph (a) the words “two hundred and fifty pounds”, and substituting the words “three hundred and fifty pounds”:
- (d) By omitting from paragraph (b) the words “nine years”, and substituting the words “eight years”:
- (e) By omitting from paragraph (b) the words “twenty-five pounds”, and substituting the words “fifty pounds”:
- (f) By omitting from paragraph (b) the words “four hundred pounds”, and substituting the words “seven hundred pounds”.

16. Section seventy-eight of the principal Act is hereby amended by omitting from subsection one and also from subsection two the words “nine years”, and substituting in each case the words “eight years”.

Election to receive refunds of contributions.

### *Superannuation of Judges*

17. The principal Act is hereby amended by inserting, after Part IV, the following new Part:

New Part inserted.

## “PART IV A

### “SUPERANNUATION OF JUDGES

“73A. This Part of this Act shall come into force on the first day of December, nineteen hundred and fifty-five.

Commencement of this Part.

“73B. In this Part of this Act, unless the context otherwise requires,—

Interpretation.

“‘Judge’ means—

“(a) A Judge of the Supreme Court appointed to hold office during good behaviour:

“(b) A Judge of the Court of Arbitration appointed to hold office during good behaviour and the additional Judge of the Court of Arbitration in office at the commencement of this Part of this Act:

“(c) A Judge of the Land Valuation Court appointed to hold office during good behaviour:

“(d) A Judge of the Compensation Court appointed to hold office during good behaviour:

“‘Contributor’ means a Judge who has elected to become a contributor for the purpose of providing an annuity for his widow.

Retiring  
allowances of  
Judges.

“73c. (1) Every Judge who has held office for not less than ten years and who—

“(a) Retires on attaining the age of seventy-two years; or

“(b) Resigns his office after having attained the age of sixty years; or

“(c) Satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office,—

shall be entitled to a retiring allowance in proportion to the amount of his annual salary at the time of retiring or resigning, computed at the rate of an annual allowance of six twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of ten years, but not exceeding in any case an allowance of sixteen twenty-fourths of that salary.

“(2) Every Judge who has held office for a period of less than ten years but not less than five years and who—

“(a) Retires on attaining the age of seventy-two years; or

“(b) Satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office,—

shall be entitled to a retiring allowance in proportion to the amount of his annual salary at the time of retiring or resigning, computed at the rate of an annual allowance of three twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of five years, but not exceeding in any case an allowance of six twenty-fourths of that salary:

“Provided that, if the Governor-General, by Order in Council, so directs in the case of any Judge, his allowance shall be increased from the commencement thereof, or from such later date as may be specified in the order (being before or after the date of the order), to such amount as may be so specified, not exceeding six twenty-fourths of that salary.

“73D. (1) Subject to the provisions of this section, any Judge may, by notice in writing addressed to the Minister of Justice, elect to become a contributor for the purpose of providing an annuity for his widow. Election to contribute for widow's annuity.

“(2) Every such election shall be made within three months after the date on which the Judge assumes office as a Judge, and shall take effect on and from that date:

“Provided that an election by a Judge holding office at the commencement of this Part of this Act may be made at any time before the first day of April, nineteen hundred and fifty-six, and shall take effect from the commencement of this Part of this Act.

“(3) A Judge who has made an election under this section shall be a contributor so long as he holds office as a Judge.

“73E. (1) From the salary payable to any Judge in respect of any period while he is a contributor, a contribution at the rate of five per cent shall be deducted as the salary becomes payable from time to time. Contributions.

“(2) It is hereby declared that all such contributions shall be deemed to be contributions to a superannuation fund for the purposes of subsection two of section eighty-five of the Land and Income Tax Act 1954. 1954, No. 67

“73F. (1) Where any Judge who is a contributor dies, the following provisions shall apply: Annuity to widow or refund of contributions on death of contributor.

“(a) If the contributor dies before retiring or resigning his office or after having become entitled to a retiring allowance, and leaves a wife (not being a wife whom he married after retiring or resigning his office), there shall be paid to the widow, at her election, either—

“(i) An annuity during her widowhood at the rate of fifteen per cent of the salary of the contributor at the time of his death or retirement or resignation; or

“(ii) The amount of the contributions of the deceased Judge under this Part of this Act:

“(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 under this Part of this Act is accepted by her:

“(c) If paragraph (a) of this subsection does not apply, the amount of the deceased Judge’s contributions under this Part of this Act shall be paid to his personal representatives in trust for the persons entitled thereto under his will or under Part III of the Administration Act 1952, as the case may be.

1952, No. 56

“(2) The value of any annuity payable to the widow of any person under this section shall not be deemed to form part of that person’s dutiable estate for the purposes of the Estate and Gift Duties Act 1955.

1955, No. 105

Refund of contributions where Judge unmarried after retirement.

“73G. Where any contributor has retired or resigned his office, and his wife has died or he is unmarried, the amount of his contributions under this Part of this Act shall be refunded to him.

Appropriation of payments.

“73H. All retiring allowances, annuities, and refunds of contributions payable under this Part of this Act shall be paid out of the Consolidated Fund without further appropriation than this section:

“Provided that, with the prior approval of the Minister of Finance and subject to the terms of any such approval, any such money may be paid out of the Government Superannuation Fund, and recouped to that Fund out of the Consolidated Fund without further appropriation than this section.”

Repeals and savings.

18. (1) The enactments specified in the Schedule to this Act are hereby repealed.

See Reprint of Statutes, Vol. VIII, p. 568

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act, and as if that provision had been in force when the document was made or the thing was done.

## SCHEDULE

Schedule.

## ENACTMENTS REPEALED

Section 18

1908, No. 89—

The Judicature Act 1908: Sections 12, 13 (2), 14, and 15, and the following words in section 13 (1): “and on such retirement shall, if he has held office for any term as mentioned in section twelve hereof, be entitled to the superannuation allowance provided by that section”. (Reprint of Statutes, Vol. II, pp. 63, 64.)

1913, No. 41—

The Judicature Amendment Act 1913: Section 4. (Reprint of Statutes, Vol. II, p. 93.)

1920, No. 4—

The Judicature Amendment Act 1920. (Reprint of Statutes, Vol. II, p. 95.)

1947, No. 60—

The Statutes Amendment Act 1947: Section 29.

1948, No. 50—

The Land Valuation Court Act 1948: Section 6 (3) to (5).

1950, No. 93—

The Finance Act 1950: Section 43.

1952, No. 17—

The Workers' Compensation Amendment Act 1952: Section 5 (3) to (5).

1954, No. 72—

The Industrial Conciliation and Arbitration Act 1954: Section 19 (3) to (5).