

New Zealand.



ANALYSIS.

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1905, No. 54.

- Title.** AN ACT to establish a Superannuation Fund for Teachers and Others in the Service of Education Boards and other Educational Bodies. [31st October, 1905.]
- BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
- Short Title.** 1. The Short Title of this Act is “The Teachers’ Superannuation Act, 1905”; and it shall come into operation on the first day of January, one thousand nine hundred and six.
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
- “Board” means the Teachers’ Superannuation Board under this Act:
- “Contributor” or “member” means a person who contributes to the fund:
- “Education Board” means an Education Board under “The Education Act, 1904”:
- “Fund” means the Teachers’ Superannuation Fund:

- “ Medically unfit for further duty ” means that, on the certificate of at least two medical practitioners approved by the Board, it is established to the satisfaction of the Board that, by reason of mental or bodily infirmity not caused by irregular or intemperate habits, the contributor has become permanently unable to perform his duties :
- “ Minister ” means the Minister of Education :
- “ Original member ” means a person who at the coming into operation of this Act is permanently employed in the Education service :
- “ Public school ” means a public school as defined by “ The Education Act, 1904 ” :
- “ Salary ” of a contributor means the actual sum paid to him as salary in respect of his service, but does not include allowances or payment for overtime :
- “ Secondary school ” means a secondary school as defined by “ The Education Act, 1904 ” :
- “ Service ” and “ Education service ” mean service subsequent to the coming into operation of “ The Education Act, 1877,” under an Education Board, or the governing body of a secondary school, or the managers of associated classes under Part V. of “ The Education Act, 1904 ” ; or, in the case of Inspectors of Schools, teachers of Native schools, and managers and teachers of industrial schools, under the Education Department :
- “ Length of service ” means the number of years completed in the service of one or more of such bodies, whether such service be continuous or not :
- “ Teacher ” means a certificated teacher or a teacher holding a degree granted by any British university.

The Fund.

3. (1.) There is hereby established a fund to be called “ the Superannuation Fund. Teachers' Superannuation Fund.”

(2.) The fund shall consist of—

- (a.) The contributions of persons in the Education service, as hereinafter provided :
- (b.) Moneys at any time paid into the fund under sections twenty-three and twenty-four hereof :
- (c.) Interest from time to time accruing from investment of the moneys of the fund, as hereinafter provided.

4. (1.) Every person who at the commencement of this Act is permanently employed in any capacity for not less than twenty hours in a week in the Education service may at any time within six months after the commencement of this Act elect to become a contributor to the fund. Persons employed at commencement of Act may elect to contribute.

(2.) If he so elects, he shall be entitled to all the benefits of the fund, subject to the provisions of this Act.

(3.) If he does not so elect, he shall not at any future time become a contributor to the fund, or participate in its benefit, except on the payment of such sum and on such conditions as the Board determines.

Teachers employed after commencement of Act to contribute.

Other persons so employed may elect to contribute.

Rates of contribution.

Contributions to cease after a time.

Contributions while pay stopped for ill health.

Investment of fund.

Board.

5. With respect to teachers who are first permanently employed in any public school after the commencement of this Act, it shall be a condition of their employment that they shall contribute to the fund, and be entitled to its benefits, as hereinafter provided.

6. With respect to all other persons who are first permanently employed in the Education service after the commencement of this Act, the following provisions shall apply :—

(a.) Every such person may at any time within six months after the date of his appointment elect to contribute to the fund.

(b.) If he so elects, he shall, subject to the provisions of this Act, be entitled to all the benefits of the fund.

(c.) If he does not so elect, he shall not at any future time become a contributor to the fund, or participate in its benefits, except on payment of such sum and on such conditions as the Board determines.

7. (1.) The contribution from members shall in each case be at the following percentage of the pay of each member respectively, and shall be deducted at the period of each monthly payment of salaries, that is to say,—

(a.) Five per centum if his age is not more than thirty years at the time when the first contribution becomes payable :

(b.) Six per centum if his age then exceeds thirty years but does not exceed thirty-five years :

(c.) Seven per centum if his age then exceeds thirty-five years but does not exceed forty years :

(d.) Eight per centum if his age then exceeds forty years but does not exceed forty-five years :

(e.) Nine per centum if his age then exceeds forty-five years but does not exceed fifty years :

(f.) Ten per centum if his age then exceeds fifty years.

(2.) The amount so deducted shall forthwith be paid by the Board or other governing body charged with the duty of paying teachers' salaries to the Public Trustee, to the credit of an account in the name of the fund.

(3.) Male members who have contributed to the fund during a period of forty years, and female members who have contributed during a period of thirty-five years, shall be entitled to all the benefits of the fund without further contribution.

(4.) If at any time the pay of a contributor is temporarily stopped on the ground of ill health, he shall be permitted to continue to contribute to the fund in such manner and to such extent as may be prescribed by regulations.

8. (1.) The Public Trustee shall from time to time invest the moneys of the fund, or any part thereof, in such lawful securities prescribed by regulations as will return the highest rate of interest.

(2.) The interest on the moneys of the fund paid into the fund by the Public Trustee shall be at a rate not less than four per centum per annum.

9. (1.) The fund shall be administered by a Board called "the Teachers' Superannuation Board," and consisting of ten members, namely,—

The Minister ;
 The Solicitor-General ;
 The Public Trustee ;
 The Inspector-General of Schools ;
 The Secretary to the Treasury ;
 The President of the New Zealand Educational Institute ;
 Two persons to be elected from among their number by the contributors resident in the North Island ; and
 Two persons to be elected from among their number by the contributors resident in the South Island.

(2.) At all meetings of the Board three shall form a quorum.

(3.) In the absence of the Minister any other responsible Minister of the Crown may attend in his stead.

(4.) In the absence of the Public Trustee, the Deputy Public Trustee may attend in his stead.

(5.) The Minister shall be chairman at all meetings of the Board at which he is present, and at any meeting at which he is not present the Board shall appoint a chairman from the members present.

(6.) Subject to this Act and the regulations thereunder, the Board may prescribe its own procedure.

10. (1.) The elective members shall be elected by ballot in the manner prescribed by regulations.

Election of members of the Board.

(2.) A separate ballot of the contributors resident in the North and South Islands respectively shall be taken on the first Monday in March, one thousand nine hundred and six, and thereafter on the same Monday in every third year.

(3.) Any question arising as to the regularity or validity of any ballot, or the voting thereat, shall be determined by the Minister in such manner as he thinks fit, and his decision shall be final.

(4.) If an elective member of the Board dies, or by notice in writing addressed to the Minister resigns his office, or ceases to be in the Education service, then in any such case his seat becomes vacant, and a successor shall be elected, who shall hold office only for the remainder of his predecessor's term of office :

Provided that where the vacancy occurs within three months of the ordinary election a ballot shall not be taken, but in lieu thereof the Governor may appoint to the vacancy.

(5.) Notice of the election or appointment of any member shall be gazetted.

Benefits of the Fund.

11. The fund shall be held and applied for the benefit of the contributors in the manner and subject to the conditions hereinafter set forth :

Application of fund.

Provided that no payment shall be made out of the fund before the first day of April, one thousand nine hundred and six.

12. (1.) Every male contributor who has attained or hereafter attains the age of sixty-five years shall retire from the Education service; and every such contributor who has attained or hereafter attains the age of sixty years may, at any time after the expiration of three months' notice of his intention so to do, retire from such service.

Retirement at pension age.

(2.) Every female contributor who has attained or hereafter attains the age of sixty years shall retire from the Education service ;

and every such contributor who has attained or hereafter attains the age of fifty years may, at any time after the expiration of three months' notice of her intention so to do, retire from such service.

Amount of pension.

(3.) On his retirement as aforesaid every contributor shall be entitled to receive from the fund an annual allowance for the rest of his life, computed as follows, namely,—

One-sixtieth part of the total salary paid during all the years of his contribution to the fund :

Provided that an original member shall be entitled to receive from the fund an additional annual allowance computed as follows, namely,—

One one-hundred-and-twentieth part of the total salary received by him during all the years of his service before the commencement of this Act :

Provided further that the total annual allowance payable to an original member shall in no case be less than the sum of fifty-two pounds.

Retiring medically unfit.

13. (1.) Every contributor whose length of service does not exceed fifteen years who retires from the service on the ground of being medically unfit for further duty shall be entitled to receive from the fund the whole amount of his contributions without interest :

Provided that an original member whose length of service exceeds five years but does not exceed fifteen years shall be entitled to such additional amount, in one or more sums, as the Board, having regard to the circumstances of each case, determines, but not exceeding in the whole one-twelfth part of the total salary received by him during all the years of his service before the commencement of this Act.

(2.) Every contributor whose length of service exceeds fifteen years who retires medically unfit shall be entitled to receive from the fund such amount, in one or more sums, as the Board, having regard to the circumstances of each case, determines, but not exceeding in the whole the present value of an allowance computed as mentioned in the last preceding section, and not being less than the whole amount of his contributions without interest.

Voluntary retirement or dismissal.

14. Every contributor who retires from the service voluntarily before attaining the age at which he is entitled to retire under section twelve hereof, or who is dismissed from the service, shall be entitled to receive from the fund the whole amount of his contributions without interest.

Death of contributor not leaving a widow.

15. (1.) On the death of any contributor, whether before or after he becomes entitled to a retiring-allowance, and not leaving a widow, there shall be paid from the fund to his legal personal representatives the whole amount of his contributions without interest, less the amount (if any) of retiring-allowance received by him.

Leaving a widow.

(2.) If he dies leaving a widow, there shall be paid from the fund to the widow such sum or sums as the Board in accordance with regulations in each case determines, being not less in the whole than the amount of his contributions or the balance thereof as aforesaid, and not less in any one year than the annuity which may be yielded in the fund by such contributions or balance, together with eighteen pounds per annum :

Provided that any allowance to the widow in excess of such contributions or balance shall cease on her remarriage or death.

(3.) If he dies leaving children, there shall be paid from the fund to or for the benefit of each child the additional sum of five shillings per week until such child attains the age of fourteen years. Leaving children.

16. The retiring-allowance shall be paid by equal monthly instalments, the first instalment being payable one month after the date of the grantee's retirement. Retiring-allowance to be paid monthly.

17. The grantee may, on his retirement, or at any time before receiving his first instalment, elect to accept a sum equal to the whole amount of his contributions to the fund in lieu of his retiring-allowance, in which case he shall be entitled to receive such sum accordingly, but no further sum shall be payable under section fifteen hereof in the event of his death. Grantee may elect to receive refund of contributions

18. (1.) In the case of a retiring-allowance being granted to a male contributor before he has attained the age of sixty years, on the ground of his being medically unfit for further duty, his retiring-allowance, or any one or more instalments thereof, may be forfeited by the Board if he fails to submit himself for further medical examination when required by the Board, or if, being reported medically fit to return to duty, and having in the opinion of the Board reasonable opportunity of so doing, he fails to do so; and in like manner in the case of a retiring-allowance granted to a female contributor before she has attained the age of fifty years. Retiring-allowance or instalment may be forfeited.

(2.) Where a contributor returns to duty while in receipt of a retiring-allowance his allowance shall cease, and all his rights and liabilities under this Act as a contributor shall revive. Return to duty after being medically unfit.

19. In no case shall any retiring-allowance or other money granted under this Act be in any way assigned, transferred, or be capable of being alienated from the grantee, either by his own act or by operation of law. Retiring-allowance not alienable.

20. (1.) Where any person who has had or is liable to have any part of his salary deducted under "The Civil Service Reform Act, 1886," becomes a contributor, such deduction shall thereupon cease, and the moneys already deducted and remaining in the hands of the Public Trustee to his credit shall be invested independently of this fund for the benefit of the contributor, and shall on his retirement be paid to him in addition to the benefits to which he is entitled under this Act. Where contributor has had deductions from his salary under the Civil Service Reform Act.

(2.) Where any person who has effected a policy on his life under "The Civil Service Insurance Act, 1893," becomes a contributor he shall be entitled at his option to either— Or under the Civil Service Insurance Act.

(a.) Keep the policy alive independently of this Act; or

(b.) Have the surrender value of the policy paid to the Public Trustee to his credit to be invested independently of this fund for his benefit; or

(c.) Receive a paid-up policy for an amount according to scale fixed by regulation, but subject to the same terms and conditions as the first-mentioned policy.

21. In the case of every contributor who is a member of the Civil Service the following special provisions shall apply:— Rights of contributor who is in Civil Service.

(a.) His rights, whether absolute or contingent, under "The

Civil Service Act, 1866," or its amendments, as regards claims for compensation or allowance for loss of office, or otherwise in respect thereof, shall be and the same are hereby preserved up to the date of the coming into operation of this Act, from which date such rights shall cease to further accrue; and his compensation or allowance (if any) shall be calculated only on the basis of his employment in the Civil Service up to the date of the coming into operation of this Act.

- (b.) He shall not be required to effect a policy on his life under "The Civil Service Insurance Act, 1893," nor shall any deduction from his salary be made under that Act.
- (c.) He may on his retirement, or at any time before receiving his first instalment, elect to accept a sum equal to the total amount of his contributions to the fund, together with the compensation (if any) to which he is entitled under section twelve of "The Civil Service Act, 1866," or section sixteen of "The Civil Service Insurance Act, 1893," or the amount (if any) standing to his credit under the last preceding section, as the case may be, in lieu of his retiring-allowance under this Act, in which case he shall be entitled to receive such sum in lieu of such retiring-allowance.
- (d.) If, not having so elected, he dies before the total amount paid to him in respect of retiring-allowance is equal to the total amount of his contributions to the fund together with the compensation (if any) to which he is entitled under section twelve of "The Civil Service Act, 1866," or section sixteen of "The Civil Service Insurance Act, 1893," or the amount (if any) standing to his credit under the last preceding section, as the case may be, the Board shall apply for the benefit of his widow and children or legal representatives the difference between the aforesaid amounts.

Transfer of contributor to Government service.

22. Where any contributor is transferred to any branch of the Government service he shall continue as a contributor under this Act, and shall be entitled to receive the benefits accruing hereunder in the same manner as if he had continued in the Education service.

State contribution to the fund.

23. The Colonial Treasurer shall, on or before the thirty-first day of March, one thousand nine hundred and six, without further appropriation than this Act, pay into the fund the sum of five thousand pounds.

Government guarantee of any deficiency in fund.

24. In the event of the fund at any time being unable to meet the charges upon it, and as often as such occurs, the following special provisions shall apply:—

- (a.) The Board shall forthwith report the fact to the Colonial Treasurer, setting forth the amount of deficiency and the causes thereof.
- (b.) The Colonial Treasurer, upon being satisfied that the deficiency exists, and that provision is necessary therefor, shall, without further appropriation than this Act, pay into the fund out of the Consolidated Fund a sum sufficient to meet the deficiency.

(c.) The Board's report, together with a statement by the Colonial Treasurer of his action thereon, shall be laid before Parliament within ten days after the receipt of the report if Parliament is then sitting, or, if not, then within ten days after the commencement of the next ensuing session thereof.

25. (1.) The Board shall keep full and correct accounts of all moneys received and expended, and of all credits and liabilities, and shall within twenty-eight days after the thirty-first day of March in every year cause to be prepared a balance-sheet for the year, together with a statement of receipts and expenditure for the year. Accounts and balance-sheet.

(2.) Such balance-sheet and statement of accounts, after being audited by the Audit Office, shall, within ten days after the completion of the audit, be laid by the Minister before Parliament, if sitting, or, if not, then within ten days after the commencement of the next ensuing session, and a copy thereof shall be sent to each contributor.

26. (1.) For the period ending the thirty-first day of March, one thousand nine hundred and eleven, and for each quinquennial period thereafter, an actuarial examination of the fund shall be made by an actuary appointed by the Governor. Actuarial examination of fund.

(2.) The actuary shall set forth the result of such examination in a report, which shall be so prepared as to show the state of the fund at the close of the period, and its expectant state at the close of the next ensuing quinquennial period, having regard to the prospective receipts and charges during such period.

(3.) The Board shall cause such report to be printed, and a copy thereof to be supplied to each contributor.

(4.) A copy of such report shall, within ten days after it is received, be laid before Parliament if then sitting, or, if not, then within ten days after the commencement of the next ensuing session.

27. The rights and benefits provided for by this Act shall be subject to all such modifications as may be provided by any Act hereafter passed in amendment or repeal of this Act: Scheme may be modified.

Provided that nothing in this section shall affect any payments actually made to, or any rights acquired by, any contributor or other person under this Act prior to the passing of such amending or repealing Act; and the basis of the settlement of the claims of any contributor under this section shall be the total amount of the contributions of such contributor, together with interest at the rate of three per centum per annum.

28. The Governor may from time to time, by Order in Council gazetted, make such regulations as he thinks necessary for any of the following purposes:— Regulations.

- (a.) Prescribing the manner of election and the powers, functions, and procedure of the Board; and
- (b.) Generally prescribing whatever else he thinks necessary in order to give full effect to this Act.