

New Zealand.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretations amended. 3. Section 4 of principal Act amended. 4. Teachers in schools for the deaf may elect to become contributors. 5. Section 5 of principal Act amended. 6. Section 6 of principal Act amended. 7. Section 7 of principal Act amended. 8. Section 9 of principal Act amended. 9. Male contributors retiring at age fifty-five entitled to benefits of fund on certain conditions. | <ol style="list-style-type: none"> 10. Benefits of the medically unfit redefined. 11. Widows' benefits redefined. 12. Payment of moneys to children or where no administration of estate of deceased contributor. 13. Return to duty after receiving retiring-allowance. 14. Further provision as to return to duty. 15. Repeal. 16. Transfer to other services. Length of service in certain cases. 17. Unpaid contributions. |
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1906, No. 44.

Title.

AN ACT to amend "The Teachers' Superannuation Act, 1905."

[29th October, 1906.]

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 Amendment Act, 1906"; and it shall form part of and be read together with "The Teachers' Superannuation Act, 1905" (hereinafter referred to as "the principal Act").

Interpretations amended.

2. Section two of the principal Act is hereby amended as follows:—

(a.) By adding at the end of the definition of "salary" the words "notwithstanding, payments made to a contributor as bonus on certificates, or for instruction to pupil-teachers, or to the pupils of a district high school, or for the management or instruction of classes under Part V of "The Education Act, 1904," shall be deemed to be the salary or part of the salary of the contributor":

(b.) By repealing all words in the definition of "service" after the word "1877," and substituting in lieu thereof the words—

"(a.) Under an Education Board; or

"(b.) Under the governing body of a secondary school; or

“(c.) Under the managers of associated classes under Part V of ‘The Education Act, 1904’; or

“(d.) Under the Education Department in the case of Inspectors of Schools, of managers of industrial schools, or of teachers of any schools under the control of the Education Department.”

3. Section four of the principal Act is hereby amended as follows:—

Section 4 of principal Act amended.

(a.) By adding to subsection one thereof the following proviso:—

“Provided that, notwithstanding anything in ‘The Education Act, 1904,’ any person who has been continuously employed in the Education service for a period of five years shall be deemed to have been and to be permanently employed within the meaning of this Act.”

(b.) By inserting in subsection three, after the word “sum,” the words “computed in the manner prescribed by regulations,” and after the word “Board” the words “having due regard to the interests of the fund.”

4. (1.) Every person in the Education service who, on the coming into operation of this Act, is a teacher in a school for the deaf may at any time not later than the thirtieth day of June, one thousand nine hundred and seven, elect to become a contributor to the fund; and if he so elects shall, subject to the provisions of this Act, be entitled to all the benefits of the fund; and, further, if he was permanently employed in the Education service on the first day of January, one thousand nine hundred and six, he shall be deemed to be an original member.

Teachers in schools for the deaf may elect to become contributors.

(2.) 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, computed in the manner prescribed by regulations, and on such conditions, as the Board, having due regard to the interests of the fund, determines.

5. Section five of the principal Act is hereby amended by inserting after the words “public school” the words “or in any school under the Education Department”; also by adding the following subsection:—

Section 5 of principal Act amended.

“(2.) The words ‘first permanently employed’ include persons who, although having previous service, were not actually employed in the service on the coming into operation of this Act.”

6. Section six of the principal Act is hereby amended by inserting after the word “sum,” in paragraph (c), the words “computed in the manner prescribed by regulations,” and after the word “Board” the words “having due regard to the interests of the fund.”

Section 6 of principal Act amended.

7. Subsection four of section seven of the principal Act is hereby amended by inserting after the words “ill health” the words “or if a contributor is on leave of absence without pay, or is from unavoidable circumstances temporarily out of the service”; and by repealing the words “be permitted to.”

Section 7 of principal Act amended.

8. (1.) Subsection three of section nine of the principal Act is hereby amended by adding thereto the words “and in the absence

Section 9 of principal Act amended.

of any of the persons first named herein, the other persons named herein may attend in his stead—to wit, in the absence of the Solicitor-General, the first Assistant Law Officer; in the absence of the Public Trustee, the Deputy Public Trustee; in the absence of the Inspector-General of Schools, the Secretary for Education; and in the absence of the Secretary to the Treasury, the Assistant Secretary to the Treasury.”

(2.) Subsection four of the said section nine is hereby repealed.

Male contributors retiring at age fifty-five entitled to benefits of fund on certain conditions.

9. Where any male contributor whose age is not less than fifty-five years, and whose length of service is not less than twenty-five years, retires from the Education service, he shall continue to be entitled to all the benefits of the fund if at the time of his retirement he pays into the fund a sum equal to the total amount of the contributions that would be payable by him until he reached the age of sixty years and three months, computed on the basis of the highest annual rate of salary received by him during the two years preceding his retirement:

Provided that he shall not be entitled to receive any retiring-allowance under section twelve of the principal Act until he reaches the age of sixty years and three months.

Benefits of the medically unfit redefined.

10. (1.) Section thirteen of the principal Act is hereby amended by repealing all words after the word “fund,” in subsection two, and substituting in lieu thereof the words “such allowance as the Board, having regard to the circumstances of each case, determines, either—

“(a.) An annual allowance for the rest of his life, not exceeding the total annual allowance to which he would have been entitled if he had retired under section twelve hereof:

“Provided that in the case of an original member such annual allowance shall not be less than the sum of fifty-two pounds: or

“(b.) Such sum or sums as the Board determines; but the present value, at the time of the contributor’s retirement, of such sum or sums, at the rate of four per centum per annum, shall not exceed the present value of the total annual allowance computed in accordance with regulations.”

(2.) The said section thirteen is also amended by adding the following subsection:—

“(3.) Every contributor who in accordance with the last preceding subsection retires medically unfit shall, on reaching the age of sixty-five in the case of a male contributor, or sixty years in the case of a female contributor, if he has received an annual allowance under paragraph (a) thereof, be entitled to receive thereafter a total annual allowance computed in the manner and subject to the provisions prescribed in section twelve hereof; or, if he has received the sum or sums named in paragraph (b), he shall be entitled to receive the balance of his contributions without interest.”

Widows' benefits redefined.

11. (1.) Subsection one of section fifteen of the principal Act is hereby amended by repealing the words “the amount (if any) of retiring-allowance received by him,” and substituting in lieu thereof the words “any amounts received by him under this Act.”

(2.) Subsection two of the said section fifteen is hereby amended by repealing all words from and including the words "such sum" to the words "per annum" inclusive, and substituting in lieu thereof the words "eighteen pounds per annum together with either—

"(a.) The amount of his contributions, or the balance thereof as aforesaid; or

"(b.) The annuity which may be yielded in the fund by such contributions or balance, as the Board in each case determines."

12. Where under the principal Act or this Act money is to be paid from the fund—

(a.) To the legal representative of a deceased contributor of whose estate administration has not been obtained; or

(b.) To or for the benefit of a child of a deceased contributor,—such money may be paid to the Public Trustee, who shall apply it in terms of the said Acts, on such evidence as he deems sufficient; and his decision shall be final.

13. Where a contributor returns to duty while in receipt of a retiring-allowance, or receives payment for services rendered by him while in receipt of a retiring-allowance to or for any of the bodies named in the definition of "service," then no more of such retiring-allowance shall be paid to him than what with the salary or other emolument paid to him is equal to that received by him on his retirement.

14. The last preceding section hereof shall apply only where the retiring-allowance is granted under section twelve of the principal Act; and section eighteen of the principal Act shall apply only where the retiring-allowance is granted under section thirteen of that Act.

15. Paragraphs (c) and (d) of section twenty-one of the principal Act are hereby repealed.

16. Section twenty-two of the principal Act is hereby amended by adding thereto the following subsections:—

"(2.) Where a contributor leaves the service and becomes a professor or a lecturer in the service of a university college or of an agricultural college, or where a teacher who is a contributor leaves the Education service and becomes a teacher in a separate endowed school, he may elect to continue as a contributor, and if he so elects shall be entitled to receive the benefits accruing under this Act in the same manner as if he had remained in the Education service.

"(3.) Where a contributor before becoming a contributor has been employed as a teacher in a separate endowed school, the years of his service under such separate endowed school shall be counted in his length of service in the same way, *mutatis mutandis*, as if he had been employed in the Education service."

17. In the case of each contributor all unpaid contributions shall be a first charge on the benefits of the principal Act and be deducted accordingly.

Payment of moneys to children or where no administration of estate of deceased contributor.

Return to duty after receiving retiring-allowance.

Further provision as to return to duty.

Repeal.

Transfer to other services.

Length of service in certain cases.

Unpaid contributions.