

Serial Number 1951/226

**THE POST AND TELEGRAPH OFFICERS' SICK-BENEFIT FUND
REGULATIONS 1951**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of
October 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 26 of the Finance Act (No. 2) 1935, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PRELIMINARY

1. These regulations may be cited as the Post and Telegraph Officers' Sick-benefit Fund Regulations 1951.
2. In these regulations, unless the context otherwise requires,—
 - “The said section” means section 26 of the Finance Act (No. 2) 1935 :
 - “Minister” means the Postmaster-General :
 - “The fund” means the fund established by the said section, and includes the accumulations thereof and all investments of the fund :
 - “Officer” means a person employed permanently in the service of His Majesty in the Post and Telegraph Department ; but does not include any such person serving on probation :
 - “Dependant” means—
 - (a) The wife of an officer :
 - (b) Any child of an officer, including a stepchild or an adopted child, who—
 - (i) Has not attained the age of sixteen years ; or
 - (ii) Has not attained the age of nineteen years and is a full time student at a school ; or
 - (iii) Is, irrespective of age, totally incapacitated from earning a living by reason of some physical or mental defect :
 - (c) Any other relative of an officer who is totally dependent upon the earnings of the officer.
 - “Salary”, for purposes of computation of benefits from the fund, means the salary or wages payable to an officer at the rate appropriate to that officer at the time in respect of which any benefit payable to him under these regulations

is to be computed: and includes such allowances payable to him at that time under the provisions of the Post and Telegraph Staff Regulations 1951* as the trustees from time to time determine shall be deemed to be salary for the purposes of these regulations:

“Trustees” means the trustees appointed under these regulations for the time being in office.

3. The date to be prescribed in accordance with subsection (1) of the said section shall be the 8th day of January 1936.

APPOINTMENT OF TRUSTEES

4. (1) The fund shall be administered by four trustees, of whom—
(a) Two shall be appointed by the Minister from the members of the staff of the Post and Telegraph Department:

(b) Two shall be appointed by the Minister on the nomination of the New Zealand Post and Telegraph Association, Incorporated.

(2) One of the persons appointed under paragraph (a) of sub-clause (1) of this regulation shall be appointed by the Minister as Chairman of the trustees.

5. Each appointment shall be for such term, not exceeding three years from the date of appointment, as the Minister thinks fit.

6. Any trustee may by notice in writing to the Minister resign his office as trustee or may be removed from office by the Minister if the Minister thinks the removal expedient or necessary for the proper administration of the fund.

7. (1) Where a vacancy caused by death, resignation, or removal occurs in the membership of the trustees the Minister shall appoint a person to fill the vacancy.

(2) Every such appointment shall be made in the same manner as the appointment of the vacating trustee.

8. (1) Upon the expiration of any term of appointment the person whose term has expired shall be eligible for reappointment.

(2) The powers of the trustees shall not be affected by any vacancy in their membership.

MEETINGS OF TRUSTEES

9. If at any meeting of the trustees the Chairman is absent, the other member of the staff of the Post and Telegraph Department appointed by the Minister under paragraph (a) of subclause (1) of regulation 4 hereof shall be Chairman.

10. (1) In any case in which the Minister is satisfied that a trustee is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for the trustee during his incapacity.

(2) Any deputy appointed under this regulation shall be appointed in the same manner as the trustee for whom he is deputy and shall, while he acts as deputy, be deemed to be a trustee.

* Statutory Regulations 1951, Serial number 1951/158, page 504.

(3) No appointment of a deputy and no acts done by him as such, and no act done by the trustees while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

(4) No trustee for whom a deputy has been appointed under this section shall exercise any of the offices of a trustee while his deputy remains in office.

11. At any meeting of the trustees the Chairman and two other trustees shall form a quorum, and on all occasions the Chairman and two other trustees shall be capable of exercising all the powers of the trustees.

12. Subject to the foregoing provisions of these regulations, the trustees shall regulate their own procedure and may adopt and from time to time amend or revoke standing orders for that purpose.

VESTING AND INVESTMENT OF FUND

13. The fund shall be vested in the trustees, and the trustees shall be the agents of any previous trustee for the purpose of executing in his name all documents necessary so as to vest at any time the fund and any investments thereof.

14. The trustees shall keep such books and accounts as may be directed by the Director-General of the Post and Telegraph Department, and shall as soon as may be after the 31st day of March in each year submit to the Director-General a statement of the accounts of the fund for the last preceding year.

APPLICATION OF FUND

15. The fund shall be applied as provided by these regulations for the benefit of officers and their dependants.

16. Subject to the provisions of these regulations every officer shall receive payment from the fund during the period of his absence from duty on approved sick leave without salary or on reduced salary, at such rate as the trustees from time to time determine.

17. The trustees may make from the fund payments to the New Zealand Government Superannuation Fund to meet contributions which would normally be payable by any officer who is on approved sick leave without salary or on reduced salary.

18. In no circumstances shall the total of the amounts paid to an officer or his dependants under regulation 16 or regulation 17 hereof in respect of any period of sick leave and the amount (if any) of salary paid to the officer during that period exceed the amount of salary normally payable to the officer for that period.

19. The fund shall be administered by the trustees in such a manner as to ensure that reasonably adequate provision is made for the payment of any claims that may be made under regulation 16 hereof before provision is made for the payment of any other benefits under these regulations.

20. (1) The trustees may provide for the payment from the fund of sums for the benefit of the health of officers or their dependants in accordance with any scheme of a kind from time to time approved by the Minister in that behalf.

(2) Any approval given under this regulation may be general in its application or may apply in any particular case and may from time to time be varied or revoked.

(3) The amounts of any payments made under this regulation shall be fixed by the trustees and shall be paid in accordance with the approved scheme.

21. Instead of making to an officer any payment authorized by these regulations the trustees may make any such payment or any portion thereof to a dependant of the officer.

22. Notwithstanding anything to the contrary in these regulations the trustees may in their discretion decline to make a payment to any officer or his dependants.

23. In no case shall any payment to an officer be made from the fund in respect of any period of absence from duty prior to the 1st day of December 1935.

24. No trustee shall be personally liable for any act done or omitted to be done by the trustees or any individual trustee in good faith in pursuance or in intended pursuance of the powers and authority of the trustees.

REVOCATION

25. The Post and Telegraph Officers' Sick Benefit Regulations* made on the 8th day of January 1936 are hereby revoked.

T. J. SHERRARD,
Clerk of the Executive Council.

* *Gazette*, 16 January 1936, Vol. I, page 74

EXPLANATORY NOTE

[*This note is not part of the regulations but is intended to indicate their general effect.*]

These regulations provide for the appointment of four trustees to administer the Post and Telegraph Officers' Sick-benefit Fund.

The fund is to be used primarily for the benefit of officers who lose salary on account of ill health. If the amount in the fund is sufficient, the benefits may be extended.

The regulations replace previous regulations and differ from these by providing for four trustees instead of three, by providing for benefits other than payment for loss of salary, and by omitting details as to the investment of the fund which are now set out in the section of the Act under which the regulations are made.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4th day of October 1951.

These regulations are administered in the Post and Telegraph Department..