

1969/220

**THE POST OFFICE EMPLOYEES' SICK BENEFIT FUND
REGULATIONS 1969**

—
ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 28th day of October
1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to Part XII of the Post Office Act 1959, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Post Office Employees' Sick Benefit Fund Regulations 1969.

(2) These regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires—

“Dependant” means—

(a) The wife of an employee:

(b) Any child of an employee, including a stepchild or an adopted child, who—

(i) Has not attained the age of 16 years; or

(ii) Has not attained the age of 19 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 employee who is totally dependent upon the earnings of the employee—

and includes any dependant of a deceased employee:

“Employee” means a person referred to in subsection (3) of section 182 of the Post Office Act 1959:

“The fund” means the fund referred to in the said section 182 and includes the accumulations thereof and all investments of the fund:

“Salary”, for purposes of computation of benefits from the fund, means the salary or wages payable to an employee 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 Office 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.

Appointment of Trustees

3. Fund to be administered by trustees—(1) The fund shall be administered by four trustees, of whom—

(a) Two shall be appointed by the Postmaster-General from the members of the staff of the Post Office:

(b) Two shall be appointed by the Postmaster-General on the nomination of the Post Office Association Incorporated.

(2) One of the persons appointed under paragraph (a) of subclause (1) of this regulation shall be appointed by the Postmaster-General as chairman of the trustees.

4. Terms of appointment of trustees—Each appointment shall be for such term, not exceeding 3 years from the date of appointment, as the Postmaster-General thinks fit.

5. Resignation and removal from office—Any trustee may by notice in writing to the Postmaster-General resign his office as trustee or may be removed from office by the Postmaster-General if the Postmaster-General thinks the removal expedient or necessary for the proper administration of the fund.

6. Filling of vacancies—(1) Where a vacancy caused by death, resignation, or removal occurs in the membership of the trustees the Postmaster-General 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.

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

7. Trustees eligible for reappointment—Upon the expiration of any term of appointment the person whose term has expired shall be eligible for reappointment.

Meetings of Trustees

8. Acting chairman—If at any meeting of the trustees the chairman is absent, the other member of the staff of the Post Office appointed by the Postmaster-General under paragraph (a) of subclause (1) of regulation 3 of these regulations shall be chairman.

9. Deputies of trustees—(1) In any case in which the Postmaster-General is satisfied that a trustee is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Postmaster-General 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.

(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.

10. Quorums at meetings—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.

11. Procedure at meetings—Subject to the provisions of regulations 8, 9, and 10 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

12. Vesting of fund—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.

13. Trustees to keep books of account—The trustees shall keep full and correct accounts of all their financial transactions, assets, and liabilities in respect of the fund, and shall as soon as practicable after the 31st day of March in each year submit to the Director-General an audited balance sheet in respect of the fund as at the said 31st day of March, together with an audited statement of income and expenditure for the period of 12 months ending with that date.

Application of Fund

14. Fund to be applied for benefit of employees and dependants—The fund shall be applied as provided by these regulations for the benefit of employees and their dependants.

15. Temporary and non-classified employees may become contributors—(1) Subject to the provisions of this regulation, any person employed temporarily or as a non-classified employee in the Post Office may, by written application to the trustees, apply to become a contributor to the fund.

(2) No person employed temporarily or as a non-classified employee in the Post Office may apply to become a contributor to the fund unless he has had a total of at least 5 years' service with the Post Office.

(3) Any person who becomes a contributor to the fund under this regulation shall do so on such terms and conditions as the trustees may determine, and any such person who has been accepted by the trustees as a contributor shall be deemed to be an employee to which section 182 of the Post Office Act 1959 applies.

16. Payments from fund during sick leave—Subject to the provisions of these regulations, every employee 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. Payment from fund may be recovered in certain cases—(1) Where—

- (a) Any employee is absent from duty for any period as a result of any injury or disease; and
- (b) He receives a payment under regulation 16 of these regulations in respect of the period of absence; and
- (c) He recovers any compensation under the Workers' Compensation Act 1956 or any damages at common law in respect of the injury or disease,—

the trustees may recover as a debt due to them the whole of the payment if the compensation or damages are equal to or greater than the amount

of the payment, or an amount equal to the amount of the compensation or damages if the amount of the payment exceeds the amount of the compensation or damages.

(2) Where—

- (a) Any employee is absent from duty for any period as a result of any injury or disease; and
- (b) He would but for this regulation be entitled to receive a payment under the said regulation 16 in respect of the period of absence; and
- (c) He recovers any compensation under the Workers' Compensation Act 1956 or any damages at common law in respect of the injury or disease,—

then if the amount of compensation or damages is equal to or exceeds the amount which would have been payable under the said regulation 16 he shall not be entitled to any payment under that regulation, but if the amount of compensation or damages is less than the amount that would have been so payable the amount payable shall be reduced by deducting an amount equal to the amount of compensation or damages.

(3) Where an employee has received a payment under the said regulation 16 in respect of any period of absence from duty as a result of an injury or disease and is entitled to claim compensation under the Workers' Compensation Act 1956 or damages at common law in respect of the injury or disease, the trustees may, if the employee fails within three months of the payment to commence proceedings for compensation or damages or, having commenced proceedings, fails to prosecute his claim with due diligence or abandons his claim before trial without settlement, commence or continue proceedings in his name and on his behalf. If the trustees recover compensation or damages under this subclause they shall be entitled to retain the sum recovered if it does not exceed the amount paid by them to the employee under the said regulation, together with the costs actually incurred by them in pursuing the claim, but if the sum recovered exceeds the said amount and costs the trustees shall pay the excess to the employee.

(4) The fact that any employee is paid or is entitled to be paid any payment under the said regulation 16 shall not be taken into account in assessing any damages to be awarded to the employee in respect of any injury or disease suffered by him.

(5) For the purposes of this regulation, the terms "compensation" and "damages" include any *ex gratia* payment made in settlement of or on account of a claim for compensation or damages, as the case may be.

18. Trustees may pay into Government Superannuation Fund—The trustees may make from the fund payments to the Government Superannuation Fund to meet contributions which would normally be payable by any employee who is on approved sick leave without salary or on reduced salary.

19. Maximum amount payable to employee—In no circumstances shall the total of the amounts paid to an employee or his dependants under regulation 16 or regulation 18 of these regulations in respect

of any period of sick leave and the amount (if any) of salary paid to the employee during that period exceed the amount of salary normally payable to the employee for that period.

20. Claims under regulation 16 to be met first—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 of these regulations before provision is made for the payment of any other benefits under these regulations.

21. Other benefits payable from fund—(1) The trustees may provide for the payment from the fund of sums for the benefit of the health of employees or their dependants in accordance with any scheme of a kind from time to time approved by the Postmaster-General 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.

22. Payments to dependants of employees—Instead of making to an employee a payment authorised by these regulations, the trustees may make the payment or any portion of it to a dependant of the employee.

23. Payments to be at discretion of trustees—Notwithstanding anything to the contrary in these regulations, the trustees may in their discretion decline to make a payment to any employee or his dependants.

Miscellaneous Provisions

24. Limitation period—In no case shall any payment to an employee be made from the fund in respect of any period of absence from duty before the 1st day of December 1935.

25. Trustees not to be liable for act, etc., done in good faith—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.

26. Revocation—The regulations specified in the Schedule to these regulations are hereby revoked.

SCHEDULE

REVOGATIONS

Reg. 26

Title of Regulations	Statutory Regulations Serial Number
The Post and Telegraph Officers' Sick Benefit Fund Regulations 1951	S.R. 1951/226
The Post and Telegraph Officers' Sick Benefit Fund Regulations 1951, Amendment No. 1	S.R. 1953/177
The Post and Telegraph Officers' Sick Benefit Fund Regulations 1951, Amendment No. 2	S.R. 1958/10

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations consolidate and amend the Post and Telegraph Officers' Sick Benefit Regulations 1951. The only significant change from the previous regulations is that under the new regulations the Post Office Sick Benefit Fund trustees will be able to recover any benefit or, in the appropriate case, part of a benefit from an employee paid to him in respect of any period of absence in respect of which he recovers compensation or damages as a result of injury or disease. If the benefit has not been paid before the recovery of compensation or damages the amount of the benefit will be reduced by an appropriate amount.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 October 1969.

These regulations are administered in the Post Office.