

THE PARLIAMENTARY SUPERANNUATION DETERMINATION 1981

PURSUANT to sections 12 (1) (b) and 17 of the Higher Salaries Commission Act 1977, the Higher Salaries Commission, after consulting the Government Actuary and the Superintendent of the Government Superannuation Fund, hereby makes the following determination.

DETERMINATION

1. Title and commencement—(1) This determination may be cited as the Parliamentary Superannuation Determination 1981.

(2) This determination shall come into force on the 1st day of November 1981.

2. Retiring allowance of members—(1) Section 84 of the Government Superannuation Fund Act 1956 is hereby modified by omitting from subsection (3) (as added by section 9 (2) of the Government Superannuation Fund Amendment Act 1961) the words “when he last ceased to be a member”, and substituting the words “on which the retiring allowance first becomes payable”.

(2) Section 84 of the Government Superannuation Fund Act 1956 is hereby further modified by omitting from subsection (3A) (as inserted by clause 4 of the Parliamentary Superannuation Determination 1978) the words “when that person last ceased to be a member”, and substituting the words “on which the retiring allowance first becomes payable”.

(3) Nothing in this clause shall apply to the retiring allowance payable under section 84 of the Government Superannuation Fund Act 1956 to any person to whom that retiring allowance first became payable before the 1st day of November 1981, and in relation to any such retiring allowance that section shall be read as if it has not been modified by this clause.

3. Annuity payable to surviving spouse—Section 87 of the Government Superannuation Fund Act 1956 (as substituted by section 32 (1) of the Government Superannuation Fund Amendment Act 1976) is hereby modified by adding, as subsection (2), the following subsection:

“(2) If a surviving spouse elects pursuant to subsection (1) of this section to receive an annuity, the retiring allowance of the deceased person shall, for the purposes of that subsection, be deemed to include any adjustments made pursuant to section 87A of this Act before the date of death of the deceased person.”

4. Annual adjustments—The Government Superannuation Fund Act 1956 is hereby modified by inserting, after section 87, the following section:

“87A. (1) Notwithstanding anything in section 7 of or the Third Schedule to the Government Superannuation Fund Amendment Act 1969, the date of qualification of any person who is entitled to receive a retiring allowance under section 84 of this Act and who has not attained the age of 60 years shall, for the purposes of section 7 (2) of the Government Superannuation Fund Amendment Act 1969, be the latest of—

“(a) The date on which the person attains the age of 55 years; or

“(b) The day immediately preceding the date on which the first instalment of the retiring allowance is payable; or

“(c) The 1st day of November 1981.

“(2) Where any person is, by virtue of this section, entitled to an adjustment to his retiring allowance under section 6 or section 7 of the Government Superannuation Fund Amendment Act 1969, the adjustment to which he is so entitled shall be reduced by one-half.

“(3) Nothing in this section shall apply to—

“(a) Any period before the 1st day of November 1981; or

“(b) Any period after the first annual adjustment date that occurs after the date on which any person entitled to receive a retiring allowance under section 84 of this Act attains the age of 60 years.”

Dated at Wellington this 7th day of October 1981.

E. A. MISSEN, Deputy Chairman.

W. L. BIRNIE, Member.

EXPLANATORY NOTE

This note is not part of the determination, but is intended to indicate its general effect.

This determination, which comes into force on 1 November 1981, modifies certain of the provisions of the Government Superannuation Fund Act 1956 relating to Parliamentary Superannuation.

Clause 2 provides that a retiring allowance is to be calculated on the ordinary salary of a member as at the date when the allowance becomes payable. The previous situation was that the retiring allowance was calculated on the ordinary salary of a member as at the date of retirement of the member. This change applies only to retiring allowances that first become payable after 1 November 1981.

Clause 3 makes it clear that where a retiring allowance has been adjusted as provided for by clause 4 of the determination and the person to whom it is payable dies leaving a surviving spouse who elects to receive an annuity, the retiring allowance is deemed to include all such adjustments.

Clause 4 provides for cost of living adjustments to retiring allowances payable under section 84 of the Government Superannuation Fund Act 1956 once the beneficiary has attained the age of 55 years and is in receipt of the retiring allowance. The adjustments are on the same basis as the adjustments that are payable after a beneficiary attains the age of 60 years, except that the adjustment is halved until the beneficiary becomes eligible for the adjustment payable after he has attained the age of 60 years.

This provision does not apply to any period before 1 November 1981.

Issued under the authority of the Regulations Act 1936 and section 16 (2) of the Higher Salaries Commission Act 1977.

Date of notification in *Gazette*: 15 October 1981.