

Hon. Mr. Nash

SUPERANNUATION AMENDMENT

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A BILL INTITULED

Title. AN ACT to amend the Law relating to Superannuation.
BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title and commencement. 1. This Act may be cited as the Superannuation Amendment Act, 1945, and shall come into force on the first day of January, nineteen hundred and forty-six.

PART I

PUBLIC SERVICE SUPERANNUATION

This Part to be read with Part I of Public Service Superannuation Act, 1927.
See Reprint of Statutes, Vol. VII, p. 559

2. This Part of this Act shall be read together with and deemed part of Part I of the Public Service Superannuation Act, 1927 (in this Part referred to as the principal Act).

Future Retiring-allowances

Future retiring-allowances. 3. (1) Section twenty-six of the principal Act is hereby amended by repealing the paragraph in subsection one after the words "computed as follows", and substituting the following paragraphs:—

"(a) For every year of service the contributor shall receive one hundred-and-twentieth part of his or her annual salary, and for every

fraction of a year of service the contributor shall receive a proportionate part of one hundred-and-twentieth of his or her annual salary:

5 “(b) The annual amount of the retiring-allowance payable under paragraph (a) hereof shall be increased by an amount equal thereto, but in no case shall the annual amount added under this paragraph be less than
10 three pounds fifteen shillings for each year of service or more than three hundred pounds:”

(2) Section thirty of the principal Act is hereby repealed. Repeal.

15 4. (1) Section thirty-five of the principal Act is hereby amended by omitting the word “three” wherever it occurs (except in the proviso), and in each case substituting the word “five”. Retiring-allowances to be computed on average salary for last five years of service.

20 (2) The proviso to the said section thirty-five is hereby amended by omitting the words “three years next preceding such reduction or transfer”, and substituting the words “five years next preceding such reduction or transfer, or the five years next preceding the date of retirement, whichever of such average rates
25 is the greater”.

30 5. (1) Nothing in the foregoing provisions of this Part of this Act shall apply with respect to a retiring-allowance granted to any person on his retirement from the Public Service before the commencement of this Act: Saving of existing rights.

35 Provided that no such retiring-allowance granted to any person on his retirement before the commencement of this Act shall, in respect of any period after the commencement of this Act, be less than it would have been if section thirty of the principal Act had been repealed before the date of retirement.

40 (2) No person who is a contributor at the commencement of this Act shall on his retirement at any time thereafter be granted a retiring-allowance at a rate less than the rate that would have been granted if the foregoing provisions of this Part of this Act had not been passed.

Contribution to Fund to be Optional

Election to
become a
contributor.

6. (1) Every person who is first permanently employed in the Public Service after the commencement of this Act may at any time before the expiration of six months from his appointment or before he attains the age of twenty years (whichever is the later) elect to become a contributor to the Fund as from the time of his appointment or the time of his attaining that age (whichever is the later). 5

(2) Every such election shall be made in writing delivered to the Secretary of the Board. 10

(3) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines. 15

Repeal.

(4) Section seventeen of the principal Act is hereby repealed.

(5) Notwithstanding anything to the contrary in any Act, no person who is first permanently employed in the Public Service after the commencement of this Act, and is not for the time being a contributor to the Teachers' Superannuation Fund or the Government Railways Superannuation Fund, shall become a contributor to the Public Service Superannuation Fund except in accordance with this section. 20 25

Right to
cease to be a
contributor.

7. (1) Any person who at any time after the commencement of this Act is a contributor to the Fund may at any time deliver to the Secretary of the Board notice in writing of his intention to cease to be a contributor to the Fund on a date to be specified in the notice, being not less than six months after the date on which the notice is delivered. 30

(2) On the date specified in that behalf in any such notice, unless the notice is sooner withdrawn by the contributor, he shall cease to be a contributor to the Fund, and in any such case— 35

(a) He shall be entitled to receive from the Fund the total amount of his contributions to the Fund, without interest: 40

5 (b) He shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

Cook Islands and Samoan Public Services

8. (1) Sections *six* and *seven* of this Act shall not apply with respect to the Cook Islands Public Service or the Samoan Public Service.

Provisions as to permanent officers becoming contributors.

10 (2) Every person who at any time after the commencement of this Act is a permanent officer of the Cook Islands Public Service or the Samoan Public Service and has not attained the age of forty years at the commencement of this Act or the date of his permanent
15 appointment to the Service (whichever is the later) shall be a contributor to the Fund from the *first* day of *July*, nineteen hundred and forty-six, or the date of his permanent appointment or the date on which he has
20 attained the age of twenty years (whichever is the latest).

(3) Where the date of any such person's permanent appointment is earlier than the said *first* day of *July*, nineteen hundred and forty-six, he may at any time, by notice in writing to the Secretary of the Board, elect
25 to become a contributor to the Fund from the date of his permanent appointment to the Service or from the date on which he has attained the age of twenty years (whichever is the later).

(4) Every person who at any time after the commencement of this Act is a permanent officer of the Cook Islands Public Service or of the Samoan Public Service and has not attained the age of fifty years and is not a contributor to the Fund may at any time, by notice in writing to the Secretary of the Board, elect
35 to become a contributor to the Fund either from the date of his election or from the date of his permanent appointment to the Service, not being in either case a date before the day on which he attains the age of twenty years.

40 (5) If any person elects under this section to become a contributor to the Fund from a date before the date of his election he shall pay into the Fund

within such time and in such manner as the Board may allow in that behalf such sum as the Board may fix in respect of his past service.

(6) The percentage of his salary to be contributed to the Fund by any person who becomes a contributor under this section shall be fixed by reference to his age at the date from which he becomes a contributor to the Fund. 5

Repeal.

(7) Subsection three of section forty-seven of the principal Act is hereby repealed. 10

Overseas Representatives and their Officers

Computation
of contributions
and retiring-
allowances.
1943, No. 5

9. Section eleven of the External Affairs Act, 1943, is hereby amended by repealing subsection three, and substituting the following subsection:—

“(3) Where any overseas representative or any officer appointed under section eight of this Act is a contributor to the Public Service Superannuation Fund, his salary for the purposes of Part I of the Public Service Superannuation Act, 1927, in respect of any period (whether before or after the commencement of this Act) shall be deemed to be such part of his total remuneration (including any allowances and the value of any benefits mentioned in section one hundred and fifteen of the Public Service Superannuation Act, 1927) as is determined from time to time by a committee consisting of the Secretary to the Treasury, the Public Service Commissioner, and the Secretary of External Affairs.” 15 20 25

Temporary Employees

Contributions
to be fixed by
reference to
age at time
from which
contributions
payable.

See Reprint
of Statutes,
Vol. VII, p. 614

10. (1) Section thirty of the Finance Act, 1928, is hereby amended by omitting from subsection four the words “on which his election to become a contributor takes effect”, and substituting the words “from which he becomes a contributor to the Fund”. 30

(2) Any reduction in the percentage of contributions provided for in this section shall apply in respect of all periods after the commencement of this Act. 35

PART II

TEACHERS' SUPERANNUATION

11. This Part of this Act shall be read together with and deemed part of Part IV of the Public Service Superannuation Act, 1927 (in this Part referred to as the principal Act).

This Part to be read with Part IV of Public Service Superannuation Act, 1927. See Reprint of Statutes, Vol. VII, p. 587

Future Retiring-allowances

12. (1) Section seventy-five of the principal Act is hereby amended by repealing the paragraph in subsection one after the words "computed as follows", and substituting the following paragraphs:—

Future retiring-allowances.

15 "(a) For every year of service the contributor shall receive one hundred-and-twentieth part of his or her annual salary, and for every fraction of a year the contributor shall receive a proportionate part of one hundred-and-twentieth of his or her annual salary:

20 "(b) The annual amount of the retiring-allowance payable under paragraph (a) hereof shall be increased by an amount equal thereto, but in no case shall the annual amount added under this paragraph be less than three pounds fifteen shillings for each year of service or more than three hundred pounds: "

25 (2) Section seventy-six of the principal Act is hereby repealed.

Repeal.

13. (1) Section eighty of the principal Act is hereby amended by omitting the word "three" wherever it occurs (except in the proviso to subsection one), and in each case substituting the word "five".

Retiring-allowances to be computed on average salary for last five years of service.

30 (2) The proviso to subsection one of the said section eighty is hereby amended by omitting the words "three years preceding such reduction or transfer", and substituting the words "five years next preceding such reduction or transfer, or the five years next preceding the date of retirement, whichever of such average rates is the greater",

Saving of
existing rights.

14. (1) Nothing in the foregoing provisions of this Part of this Act shall apply with respect to a retiring-allowance granted to any person on his retirement from the Education service before the commencement of this Act:

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Provided that no such retiring-allowance granted to any person on his retirement before the commencement of this Act shall, in respect of any period after the commencement of this Act, be less than it would have been if section seventy-six of the principal Act had been repealed before the date of retirement. 10

(2) No person who is a contributor at the commencement of this Act shall on his retirement at any time thereafter be granted a retiring-allowance at a rate less than the rate that would have been granted if the foregoing provisions of this Part of this Act had not been passed. 15

Contribution to Fund to be Optional

Election to
become a
contributor.

15. (1) Every person who is first permanently employed in the Education service after the commencement of this Act may at any time before the expiration of six months from his appointment or before he attains the age of twenty years (whichever is the later) elect to become a contributor to the Fund as from the time of his appointment or the time of his attaining that age (whichever is the later). 20 25

(2) Every such election shall be made in writing delivered to the Secretary of the Board.

(3) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines. 30

Repeals.

(4) Sections eighty-eight, eighty-nine, and ninety of the principal Act are hereby repealed. 35

(5) Notwithstanding anything to the contrary in any Act, no person who is first permanently employed in the Education service after the commencement of this Act, and is not for the time being a contributor 40

to the Public Service Superannuation Fund or the Government Railways Superannuation Fund, shall become a contributor to the Teachers' Superannuation Fund except in accordance with this section.

5 16. (1) Any person who at any time after the commencement of this Act is a contributor to the Fund may at any time deliver to the Secretary of the Board notice in writing of his intention to cease to be a contributor to the Fund on a date to be specified in the
10 notice, being not less than six months after the date on which the notice is delivered.

Right to cease to be a contributor.

(2) On the date specified in that behalf in any such notice, unless the notice is sooner withdrawn by the contributor, he shall cease to be a contributor to the
15 Fund, and in any such case—

(a) He shall be entitled to receive from the Fund the total amount of his contributions to the Fund, without interest:

(b) He shall not at any future time, whether in
20 respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

Salary

25 17. Section sixty-five of the Public Service Superannuation Act, 1927, is hereby amended by omitting from the definition of the term "salary" the words "save that payments made to a contributor by way of bonus on certificates, or for instruction to pupil-
30 teachers or probationers, or for the management or instruction of classes under Part VIII of the Education Act, 1914, or the corresponding provisions of any former Act, shall be deemed to be the salary or a part of the salary of the contributor".

Salary not to include payments for overtime.

PART III

GOVERNMENT RAILWAYS SUPERANNUATION

35 18. This Part of this Act shall be read together with and deemed part of Part III of the Government Railways Act, 1926 (in those sections referred to as the
40 principal Act).

This Part to be read with Government Railways Act, 1926.

See Reprint of Statutes, Vol. VII, p. 859

Future Retiring-allowances

Future
retiring-
allowances.

19. (1) Section one hundred and two of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1) Every male contributor whose length of service in the Department is not less than forty years or whose age is not less than sixty years, and every female contributor whose length of service is not less than thirty years or whose age is not less than fifty-five years, may at any time retire from the service of the Department at the expiration of three months’ notice of his or her intention to do so, and shall thereupon be entitled to receive from the Fund an annual retiring-allowance for the rest of his or her life computed as follows:—

“(a) For every year of service the contributor shall receive one hundred-and-twentieth part of his or her annual rate of pay, and for every fraction of a year the contributor shall receive a proportionate part of one hundred-and-twentieth of his or her annual rate of pay:

“(b) The annual amount of the retiring-allowance payable under paragraph (a) hereof shall be increased by an amount equal thereto, but in no case shall the amount added under this paragraph be less than three pounds fifteen shillings for each year of service or more than three hundred pounds:

“Provided that the Board may, with the consent of the Minister, extend the provisions of this section to any case in which the length of service of a male contributor is not less than thirty-five years, or to any case in which the age of a female contributor is not less than fifty years.”

Repeal.

(2) Section one hundred and three of the principal Act is hereby repealed.

Retiring-
allowances to
be computed
on average
rate of pay
for last five
years of
service.

20. (1) For the purpose of computing the retiring-allowance to be granted to a contributor his annual rate of pay shall be deemed to be the average rate of pay received by him during the five years next preceding

his retirement, or if his service has not continued for five years, then during the period of his service:

5 Provided that where by reason of the age or infirmity of the contributor his pay has been reduced, or he has been transferred to a position inferior to that which he previously occupied, his retiring-allowance shall be computed on the average rate of pay received by him during the five years next preceding such reduction or transfer, or the five years next preceding the
10 date of retirement, whichever of such average rates is the higher.

(2) Section one hundred and sixteen of the principal Act is hereby repealed. Repeal.

15 **21.** (1) Nothing in the foregoing provisions of this Part of this Act shall apply with respect to a retiring-allowance granted to any person on his retirement from the Department before the commencement of this Act: Saving of existing rights.

20 Provided that no such retiring-allowance granted to any person on his retirement before the commencement of this Act shall, in respect of any period after the commencement of this Act, be less than it would have been if section one hundred and three of the principal Act had been repealed before the date of retirement.

25 (2) No person who is a contributor at the commencement of this Act shall on his retirement at any time thereafter be granted a retiring-allowance at a rate less than the rate that would have been granted if the foregoing provisions of this Part of this Act had not been passed.

30 *Contribution to Fund to be Optional*

35 **22.** (1) Every person who is first permanently employed in the Department after the commencement of this Act may at any time before the expiration of six months from his appointment or before he attains the age of twenty years (whichever is the later) elect to become a contributor to the Fund as from the time of his appointment or the time of his attaining that age (whichever is the later). Election to become a contributor.

40 (2) Every such election shall be made in writing delivered to the Secretary of the Board.

(3) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid he shall not at any future time, whether in respect of

the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

Repeal.

(4) Section ninety-five of the principal Act is hereby repealed. 5

(5) Notwithstanding anything to the contrary in any Act, no person who is first permanently employed in the Department after the commencement of this Act, and is not for the time being a contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund, shall become a contributor to the Government Railways Superannuation Fund except in accordance with this section. 10

Right to
cease to be a
contributor.

23. (1) Any person who at any time after the commencement of this Act is a contributor to the Fund may at any time deliver to the Secretary of the Board notice in writing of his intention to cease to be a contributor to the Fund on a date to be specified in the notice, being not less than six months after the date on which the notice is delivered. 15 20

(2) On the date specified in that behalf in any such notice, unless the notice is sooner withdrawn by the contributor, he shall cease to be a contributor to the Fund, and in any such case— 25

(a) He shall be entitled to receive from the Fund the total amount of his contributions to the Fund, without interest:

(b) He shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines. 30

Female
contributors.

24. (1) Any female person who for the time being is temporarily employed in the Department may, with the concurrence of the General Manager, elect by notice in writing given to the Board to become a contributor to the Fund, either from the date of her election or from the date on which her precedent period of continuous service commenced. 35 40

(2) The percentage of her salary to be contributed to the Fund by any person who becomes a contributor under this section shall be fixed by reference to her age at the date from which she becomes a contributor to the Fund. 45

(3) Every person who becomes a contributor to the Fund pursuant to this section shall be entitled to the same superannuation benefits as if her temporary employment in respect of which she has contributed were permanent employment in the Department.

25. When any female contributor dies, whether before or after becoming entitled to a retiring-allowance, the following provisions shall, subject to the provisions of section one hundred and fourteen of the principal Act, apply:—

Death of female contributor.

(a) If she leaves a child or children under the age of sixteen years, there shall be paid out of the Fund to or on behalf of each such child the sum of five shillings a week until such child attains the age of sixteen years:

(b) The amount of the contributions of any such deceased contributor, less any sums which she has received out of the Fund in her lifetime, and less any sums which have been paid or may become payable in the future to or on behalf of any child under the age of sixteen years under the foregoing provisions of this section, shall be paid to her personal representatives in trust for the persons entitled thereto under her will, or, in the case of her intestacy, for the next-of-kin or other persons entitled to her estate under the Administration Act, 1908.

See Reprint of Statutes, Vol. III, p. 128

26. (1) Except as expressly provided in section eighteen of the Finance Act, 1932 (No. 2), or in any other Act, in no case shall any retiring-allowance or other moneys granted or payable out of the Government Railways Superannuation Fund to any person be in any way assigned or charged or pass to any other person by operation of law; nor shall any moneys payable out of the Fund on the death of a contributor be assets for the payment of his debts or liabilities.

Retiring-allowances not alienable. 1932, No. 30

(2) This section is in substitution for section one hundred and twenty-two of the Government Railways Act, 1926, and that section is hereby accordingly repealed.

See Reprint of Statutes, Vol. VII, p. 872

PART IV

GENERAL PROVISIONS

Magistrates

Increasing maximum retiring-allowance to Magistrates.

27. Section sixty-three of the Public Service Superannuation Act, 1927, is hereby amended by omitting from subsection one the words "twenty-five fortieths", and substituting the word "two-thirds". 5

Widows' and Children's Allowances

Increasing allowances to widows of deceased contributors. See Reprint of Statutes, Vol. VII, pp. 608, 868

28. (1) Section one hundred and fourteen of the Public Service Superannuation Act, 1927, is hereby amended by omitting from paragraph (a) of subsection two the words "thirty-one pounds", and substituting the words "fifty-two pounds". 10

(2) Section one hundred and fourteen of the Government Railways Act, 1926, is hereby amended by omitting from paragraph (a) of subsection one the words "thirty-one pounds", and substituting the words "fifty-two pounds". 15

Extending allowances for children.

29. (1) The following enactments are hereby amended by omitting the words "fourteen years" wherever they occur, and substituting in each case the words "sixteen years", namely:— 20

Ibid., p. 576

(a) Paragraphs (c) and (d) of section forty-two of the Public Service Superannuation Act, 1927:

Ibid., p. 577

(b) Paragraphs (a) and (b) of section forty-three of the Public Service Superannuation Act, 1927: 25

Ibid., p. 596

(c) Paragraphs (c) and (d) of section eighty-five of the Public Service Superannuation Act, 1927: 30

(d) Paragraphs (a) and (b) of section eighty-six of the Public Service Superannuation Act, 1927:

1940, No. 19

(e) Paragraphs (c) and (d) of subsection one of section fourteen of the Finance Act (No. 2), 1940. 35

(2) Where any child of a deceased contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund or the Government Railways Superannuation Fund has attained the age of sixteen years and an allowance would be payable out 40

of the Fund to or for the benefit of the child if he were under that age, the Board may, in its discretion, as if the child had not attained that age, grant or continue an allowance in respect of the child—

- 5 (a) For the purpose of assisting in the further education of the child, for such period as the Board thinks fit, expiring not later than two years after the child has attained the age of sixteen years:
- 10 (b) If by reason of any physical or mental defect the child is totally incapacitated from earning a living, for such period as the Board thinks fit.

Service for Superannuation Purposes

15 **30.** For the purposes of Part I or Part IV of the Public Service Superannuation Act, 1927, or of Part III of the Government Railways Act, 1926, the service of any contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund
 20 or the Government Railways Superannuation Fund shall be deemed to include only—

Defining service to be counted for superannuation purposes. See Reprint of Statutes, Vol. VII, pp. 559, 587, 859

- (a) His service during any period in respect of which he has contributed or is deemed by virtue of any enactment to have contributed
 25 to the Fund:
- (b) His service during any other period which is required or authorized by or by virtue of any enactment to be counted for superannuation purposes.

Persons compulsorily retired

30 **31.** (1) Section fourteen of the Finance Act, 1931, as amended by section twenty-seven of the Statutes Amendment Act, 1936, is hereby further amended by omitting from subsection two all words after the words
 35 "entitled to receive from the appropriate superannuation fund an annual retiring-allowance", and substituting the words "computed as if his retirement had been on the ground of being medically unfit for further duty".

Increasing retiring-allowances under section 14 of Finance Act, 1931. Ibid., p. 92 1936, No. 58

40 (2) Any increase in the rate of retiring-allowances provided for in this section shall apply in respect of all periods after the commencement of this Act.

(3) Section twenty-seven of the Statutes Amendment Act, 1936, is hereby repealed.

Repeal.

Surplus Contributions

Payment of
surplus
contributions
held under
National
Expenditure
Adjustment
Act, 1932.
1932, No. 8

32. (1) The amount held by the Board for the credit of any contributor as provided in subsection two of section nine of the National Expenditure Adjustment Act, 1932, shall be payable to him as soon as practicable after the commencement of this Act. 5

(2) The said subsection two of section nine of the National Expenditure Adjustment Act, 1932, is hereby consequentially amended by omitting the words "on his retirement in addition to his retiring-allowance (if any)", and substituting the words "as soon as practicable after the first day of January, nineteen hundred and forty-six,". 10

Regulations.

33. The Governor-General may from time to time, by Order in Council, make such regulations as he thinks necessary in order to give full effect to the provisions of this Part of this Act. 15

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

6th December, 1945.

Hon. Mr. Nash

SUPERANNUATION AMENDMENT

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<p><i>Future Retiring-allowances</i></p> <p>19. Future retiring-allowances. Repeal.</p> <p>20. Retiring-allowances to be computed on average rate of pay for last five years of service. Repeal.</p> <p>21. Saving of existing rights.</p> <p><i>Contribution to Fund to be Optional</i></p> <p>22. Election to become a contributor. Repeal.</p> <p>23. Right to cease to be a contributor.</p> <p>24. Female contributors.</p> <p>25. Death of female contributor.</p> <p>26. Retiring-allowances not alienable.</p> <p style="text-align: center;">PART IV</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p style="text-align: center;"><i>Magistrates</i></p> <p>27. Increasing maximum retiring-allowance to Magistrates.</p>	<p><i>Widows' and Children's Allowances</i></p> <p>28. Increasing allowances to widows of deceased contributors.</p> <p>29. Extending allowances for children.</p> <p><i>Service for Superannuation Purposes</i></p> <p>30. Defining service to be counted for superannuation purposes.</p> <p><i>Persons compulsorily retired</i></p> <p>31. Increasing retiring-allowances under section 14 of Finance Act, 1931. Repeal.</p> <p><i>Surplus Contributions</i></p> <p>32. Payment of surplus contributions held under National Expenditure Adjustment Act, 1932.</p> <p>33. Regulations.</p>
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A BILL INTITULED

Title. AN ACT to amend the Law relating to Superannuation.
BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title and commencement. **1.** This Act may be cited as the Superannuation Amendment Act, 1945, and shall come into force on the first day of January, nineteen hundred and forty-six.

PART I

PUBLIC SERVICE SUPERANNUATION

This Part to be read with Part I of Public Service Superannuation Act, 1927.
See Reprint of Statutes, Vol. VII, p. 559

2. This Part of this Act shall be read together with and deemed part of Part I of the Public Service Superannuation Act, 1927 (in this Part referred to as the principal Act).

Future Retiring-allowances

Future retiring-allowances. **3.** (1) Section twenty-six of the principal Act is hereby amended by repealing the paragraph in subsection one after the words "computed as follows", and substituting the following paragraphs:—

"(a) For every year of service the contributor shall receive one hundred-and-twentieth part of his or her annual salary, and for every

fraction of a year of service the contributor shall receive a proportionate part of one hundred-and-twentieth of his or her annual salary:

- 5 “(b) The annual amount of the retiring-allowance payable under paragraph (a) hereof shall be increased by an amount equal thereto, but in no case shall the annual amount added under this paragraph be less than
10 three pounds fifteen shillings for each year of service or more than three hundred pounds:”

(2) Section thirty of the principal Act is hereby repealed. Repeal.

- 15 4. (1) Section thirty-five of the principal Act is hereby amended by omitting the word “three” wherever it occurs (except in the proviso), and in each case substituting the word “five”. Retiring-allowances to be computed on average salary for last five years of service.

- 20 (2) The proviso to the said section thirty-five is hereby amended by omitting the words “three years next preceding such reduction or transfer”, and substituting the words “five years next preceding such reduction or transfer, or the five years next preceding the date of retirement, whichever of such average rates
25 is the greater”.

5. (1) Nothing in the foregoing provisions of this Part of this Act shall apply with respect to a retiring-allowance granted to any person on his retirement from the Public Service before the commencement of this
30 Act: Saving of existing rights.

- Provided that where any such retiring-allowance has been reduced to three hundred pounds by the operation of section thirty of the principal Act, it shall not, in respect of any period after the commencement of this
35 Act, be less than it would have been if the foregoing provisions of this Part of this Act had been in force at the date of retirement.

- (2) No person who is a contributor at the commencement of this Act shall on his retirement at any
40 time thereafter be granted a retiring-allowance at a rate less than the rate that would have been granted if the foregoing provisions of this Part of this Act had not been passed.

Contribution to Fund to be Optional

Election to
become a
contributor.

6. (1) Every person who is first permanently employed in the Public Service after the commencement of this Act may at any time before the expiration of six months from his appointment or before he attains the age of twenty years (whichever is the later) elect to become a contributor to the Fund as from the time of his appointment or the time of his attaining that age (whichever is the later). 5

(2) Every such election shall be made in writing delivered to the Secretary of the Board. 10

(3) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines. 15

Repeal.

(4) Section seventeen of the principal Act is hereby repealed.

(5) Notwithstanding anything to the contrary in any Act, no person who is first permanently employed in the Public Service after the commencement of this Act, and is not for the time being a contributor to the Teachers' Superannuation Fund or the Government Railways Superannuation Fund, shall become a contributor to the Public Service Superannuation Fund except in accordance with this section. 20 25

Right to
cease to be a
contributor.

7. (1) Any person who at any time after the commencement of this Act is a contributor to the Fund may at any time deliver to the Secretary of the Board notice in writing of his intention to cease to be a contributor to the Fund on a date to be specified in the notice, being not less than six months after the date on which the notice is delivered. 30

(2) On the date specified in that behalf in any such notice, unless the notice is sooner withdrawn by the contributor, he shall cease to be a contributor to the Fund, and in any such case— 35

(a) He shall be entitled to receive from the Fund the total amount of his contributions to the Fund, without interest: 40

- 5 (b) He shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

Cook Islands and Samoan Public Services

8. (1) Sections *six* and *seven* of this Act shall not apply with respect to the Cook Islands Public Service or the Samoan Public Service. Provisions as to permanent officers becoming contributors.
- 10 (2) Every person who at any time after the commencement of this Act is a permanent officer of the Cook Islands Public Service or the Samoan Public Service and has not attained the age of forty years at the commencement of this Act or the date of his permanent
- 15 appointment to the Service (whichever is the later) shall be a contributor to the Fund from the *first* day of *July*, nineteen hundred and forty-six, or the date of his permanent appointment or the date on which he has
- 20 latest).
- (3) Where the date of any such person's permanent appointment is earlier than the said *first* day of *July*, nineteen hundred and forty-six, he may at any time, by notice in writing to the Secretary of the Board, elect
- 25 to become a contributor to the Fund from the date of his permanent appointment to the Service or from the date on which he has attained the age of twenty years (whichever is the later).
- (4) Every person who at any time after the com-
- 30 mencement of this Act is a permanent officer of the Cook Islands Public Service or of the Samoan Public Service and has not attained the age of fifty years and is not a contributor to the Fund may at any time, by notice in writing to the Secretary of the Board, elect
- 35 to become a contributor to the Fund either from the date of his election or from the date of his permanent appointment to the Service, not being in either case a date before the day on which he attains the age of twenty years.
- 40 (5) If any person elects under this section to become a contributor to the Fund from a date before the date of his election he shall pay into the Fund

within such time and in such manner as the Board may allow in that behalf such sum as the Board may fix in respect of his past service.

(6) The percentage of his salary to be contributed to the Fund by any person who becomes a contributor under this section shall be fixed by reference to his age at the date from which he becomes a contributor to the Fund. 5

Repeal.

(7) Subsection three of section forty-seven of the principal Act is hereby repealed. 10

Overseas Representatives and their Officers

Computation
of contributions
and retiring-
allowances.
1943, No. 5

9. Section eleven of the External Affairs Act, 1943, is hereby amended by repealing subsection three, and substituting the following subsection:—

“(3) Where any overseas representative or any officer appointed under section eight of this Act is a contributor to the Public Service Superannuation Fund, his salary for the purposes of Part I of the Public Service Superannuation Act, 1927, in respect of any period (whether before or after the commencement of this Act) shall be deemed to be such part of his total remuneration (including any allowances and the value of any benefits mentioned in section one hundred and fifteen of the Public Service Superannuation Act, 1927) as is determined from time to time by a committee consisting of the Secretary to the Treasury, the Public Service Commissioner, and the Secretary of External Affairs.” 15 20 25

Temporary Employees

Contributions
to be fixed by
reference to
age at time
from which
contributions
payable.

See Reprint
of Statutes,
Vol. VII, p. 614

10. (1) Section thirty of the Finance Act, 1928, is hereby amended by omitting from subsection four the words “on which his election to become a contributor takes effect”, and substituting the words “from which he becomes a contributor to the Fund”. 30

(2) Any reduction in the percentage of contributions provided for in this section shall apply in respect of all periods after the commencement of this Act. 35

PART II

TEACHERS' SUPERANNUATION

11. This Part of this Act shall be read together with and deemed part of Part IV of the Public Service Superannuation Act, 1927 (in this Part referred to as the principal Act).

This Part to be read with Part IV of Public Service Superannuation Act, 1927. See Reprint of Statutes, Vol. VII, p. 587

Future Retiring-allowances

12. (1) Section seventy-five of the principal Act is hereby amended by repealing the paragraph in subsection one after the words "computed as follows", and substituting the following paragraphs:—

Future retiring-allowances.

“(a) For every year of service the contributor shall receive one hundred-and-twentieth part of his or her annual salary, and for every fraction of a year the contributor shall receive a proportionate part of one hundred-and-twentieth of his or her annual salary:

“(b) The annual amount of the retiring-allowance payable under paragraph (a) hereof shall be increased by an amount equal thereto, but in no case shall the annual amount added under this paragraph be less than three pounds fifteen shillings for each year of service or more than three hundred pounds:”

(2) Section seventy-six of the principal Act is hereby repealed.

Repeal.

13. (1) Section eighty of the principal Act is hereby amended by omitting the word "three" wherever it occurs (except in the proviso to subsection one), and in each case substituting the word "five".

Retiring-allowances to be computed on average salary for last five years of service.

(2) The proviso to subsection one of the said section eighty is hereby amended by omitting the words "three years preceding such reduction or transfer", and substituting the words "five years next preceding such reduction or transfer, or the five years next preceding the date of retirement, whichever of such average rates is the greater",

Saving of existing rights.

14. (1) Nothing in the foregoing provisions of this Part of this Act shall apply with respect to a retiring-allowance granted to any person on his retirement from the Education service before the commencement of this Act:

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Provided that where any such retiring-allowance has been reduced to three hundred pounds by the operation of section seventy-six of the principal Act, it shall not, in respect of any period after the commencement of this Act, be less than it would have been if the foregoing provisions of this Part of this Act had been in force at the date of retirement.

(2) No person who is a contributor at the commencement of this Act shall on his retirement at any time thereafter be granted a retiring-allowance at a rate less than the rate that would have been granted if the foregoing provisions of this Part of this Act had not been passed.

Contribution to Fund to be Optional

Election to become a contributor.

15. (1) Every person who is first permanently employed in the Education service after the commencement of this Act may at any time before the expiration of six months from his appointment or before he attains the age of twenty years (whichever is the later) elect to become a contributor to the Fund as from the time of his appointment or the time of his attaining that age (whichever is the later).

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(2) Every such election shall be made in writing delivered to the Secretary of the Board.

(3) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

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Repeals.

(4) Sections eighty-eight, eighty-nine, and ninety of the principal Act are hereby repealed.

(5) Notwithstanding anything to the contrary in any Act, no person who is first permanently employed in the Education service after the commencement of this Act, and is not for the time being a contributor

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to the Public Service Superannuation Fund or the Government Railways Superannuation Fund, shall become a contributor to the Teachers' Superannuation Fund except in accordance with this section.

5 16. (1) Any person who at any time after the commencement of this Act is a contributor to the Fund may at any time deliver to the Secretary of the Board notice in writing of his intention to cease to be a contributor to the Fund on a date to be specified in the
10 notice, being not less than six months after the date on which the notice is delivered.

Right to cease to be a contributor.

(2) On the date specified in that behalf in any such notice, unless the notice is sooner withdrawn by the contributor, he shall cease to be a contributor to the
15 Fund, and in any such case—

(a) He shall be entitled to receive from the Fund the total amount of his contributions to the Fund, without interest:

(b) He shall not at any future time, whether in
20 respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

Salary

25 17. Section sixty-five of the Public Service Superannuation Act, 1927, is hereby amended by omitting from the definition of the term "salary" the words "save that payments made to a contributor by way of bonus on certificates, or for instruction to pupil-
30 teachers or probationers, or for the management or instruction of classes under Part VIII of the Education Act, 1914, or the corresponding provisions of any former Act, shall be deemed to be the salary or a part of the salary of the contributor".

Salary not to include payments for overtime.

35 PART III

GOVERNMENT RAILWAYS SUPERANNUATION

18. This Part of this Act shall be read together with and deemed part of Part III of the Government Railways Act, 1926 (in those sections referred to as the
40 principal Act).

This Part to be read with Government Railways Act, 1926. See Reprint of Statutes, Vol. VII, p. 859

Future Retiring-allowances

Future
retiring-
allowances.

19. (1) Section one hundred and two of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1) Every male contributor whose length of service in the Department is not less than forty years or whose age is not less than sixty years, and every female contributor whose length of service is not less than thirty years or whose age is not less than fifty-five years, may at any time retire from the service of the Department at the expiration of three months’ notice of his or her intention to do so, and shall thereupon be entitled to receive from the Fund an annual retiring-allowance for the rest of his or her life computed as follows:—

“(a) For every year of service the contributor shall receive one hundred-and-twentieth part of his or her annual rate of pay, and for every fraction of a year the contributor shall receive a proportionate part of one hundred-and-twentieth of his or her annual rate of pay:

“(b) The annual amount of the retiring-allowance payable under paragraph (a) hereof shall be increased by an amount equal thereto, but in no case shall the amount added under this paragraph be less than three pounds fifteen shillings for each year of service or more than three hundred pounds:

“Provided that the Board may, with the consent of the Minister, extend the provisions of this section to any case in which the length of service of a male contributor is not less than thirty-five years, or to any case in which the age of a female contributor is not less than fifty years.”

Repeal.

(2) Section one hundred and three of the principal Act is hereby repealed.

Retiring-
allowances to
be computed
on average
rate of pay
for last five
years of
service.

20. (1) For the purpose of computing the retiring-allowance to be granted to a contributor his annual rate of pay shall be deemed to be the average rate of pay received by him during the five years next preceding

his retirement, or if his service has not continued for five years, then during the period of his service:

5 Provided that where by reason of the age or infirmity of the contributor his pay has been reduced, or he has been transferred to a position inferior to that which he previously occupied, his retiring-allowance shall be computed on the average rate of pay received by him during the five years next preceding such reduction or transfer, or the five years next preceding the date of retirement, whichever of such average rates is the higher.

10 (2) Section one hundred and sixteen of the principal Act is hereby repealed. Repeal.

15 **21.** (1) Nothing in the foregoing provisions of this Part of this Act shall apply with respect to a retiring-allowance granted to any person on his retirement from the Department before the commencement of this Act: Saving of existing rights.

20 Provided that where any such retiring-allowance has been reduced to three hundred pounds by the operation of section one hundred and three of the principal Act, it shall not, in respect of any period after the commencement of this Act, be less than it would have been if the foregoing provisions of this Part of this Act had been in force at the date of retirement.

25 (2) No person who is a contributor at the commencement of this Act shall on his retirement at any time thereafter be granted a retiring-allowance at a rate less than the rate that would have been granted if the foregoing provisions of this Part of this Act had not been passed.

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Contribution to Fund to be Optional

35 **22.** (1) Every person who is first permanently employed in the Department after the commencement of this Act may at any time before the expiration of six months from his appointment or before he attains the age of twenty years (whichever is the later) elect to become a contributor to the Fund as from the time of his appointment or the time of his attaining that age (whichever is the later). Election to become a contributor.

40 (2) Every such election shall be made in writing delivered to the Secretary of the Board.

(3) If any person so entitled to elect to become a contributor does not so elect within the time aforesaid he shall not at any future time, whether in respect of

the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines.

Repeal.

(4) Section ninety-five of the principal Act is hereby repealed. 5

(5) Notwithstanding anything to the contrary in any Act, no person who is first permanently employed in the Department after the commencement of this Act, and is not for the time being a contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund, shall become a contributor to the Government Railways Superannuation Fund except in accordance with this section. 10

Right to
cease to be a
contributor.

23. (1) Any person who at any time after the commencement of this Act is a contributor to the Fund may at any time deliver to the Secretary of the Board notice in writing of his intention to cease to be a contributor to the Fund on a date to be specified in the notice, being not less than six months after the date on which the notice is delivered. 15 20

(2) On the date specified in that behalf in any such notice, unless the notice is sooner withdrawn by the contributor, he shall cease to be a contributor to the Fund, and in any such case— 25

(a) He shall be entitled to receive from the Fund the total amount of his contributions to the Fund, without interest:

(b) He shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board and on such conditions as the Board determines. 30

Female
contributors.

24. (1) Any female person who for the time being is temporarily employed in the Department may, with the concurrence of the General Manager, elect by notice in writing given to the Board to become a contributor to the Fund, either from the date of her election or from the date on which her precedent period of continuous service commenced. 35 40

(2) The percentage of her salary to be contributed to the Fund by any person who becomes a contributor under this section shall be fixed by reference to her age at the date from which she becomes a contributor to the Fund. 45

(3) Every person who becomes a contributor to the Fund pursuant to this section shall be entitled to the same superannuation benefits as if her temporary employment in respect of which she has contributed 5 were permanent employment in the Department.

25. When any female contributor dies, whether before or after becoming entitled to a retiring-allowance, the following provisions shall, subject to the provisions of section one hundred and fourteen of the principal 10 Act, apply:—

Death of female contributor.

(a) If she leaves a child or children under the age of sixteen years, there shall be paid out of the Fund to or on behalf of each such child the sum of five shillings a week until such 15 child attains the age of sixteen years:

(b) The amount of the contributions of any such deceased contributor, less any sums which she has received out of the Fund in her lifetime, and less any sums which have been paid or 20 may become payable in the future to or on behalf of any child under the age of sixteen years under the foregoing provisions of this section, shall be paid to her personal representatives in trust for the persons entitled thereto under her will, or, in the case of her 25 intestacy, for the next-of-kin or other persons entitled to her estate under the Administration Act, 1908.

See Reprint of Statutes, Vol. III, p. 128

26. (1) Except as expressly provided in section 30 eighteen of the Finance Act, 1932 (No. 2), or in any other Act, in no case shall any retiring-allowance or other moneys granted or payable out of the Government Railways Superannuation Fund to any person be in any way assigned or charged or pass to any other 35 person by operation of law; nor shall any moneys payable out of the Fund on the death of a contributor be assets for the payment of his debts or liabilities.

Retiring-allowances not alienable. 1932, No. 30

(2) This section is in substitution for section one hundred and twenty-two of the Government Railways 40 Act, 1926, and that section is hereby accordingly repealed.

See Reprint of Statutes, Vol. VII, p. 872

PART IV

GENERAL PROVISIONS

Magistrates

Increasing maximum retiring-allowance to Magistrates.

27. Section sixty-three of the Public Service Superannuation Act, 1927, is hereby amended by omitting 5
from subsection one the words "twenty-five fortieths",
and substituting the word "two-thirds".

Widows' and Children's Allowances

Increasing allowances to widows of deceased contributors. See Reprint of Statutes, Vol. VII, pp. 608, 868

28. (1) Section one hundred and fourteen of the Public Service Superannuation Act, 1927, is hereby 10
amended by omitting from paragraph (a) of subsection two the words "thirty-one pounds", and substituting the words "fifty-two pounds".

(2) Section one hundred and fourteen of the Government Railways Act, 1926, is hereby amended by omitting 15
from paragraph (a) of subsection one the words "thirty-one pounds", and substituting the words "fifty-two pounds".

Extending allowances for children.

29. (1) The following enactments are hereby amended by omitting the words "fourteen years" 20
wherever they occur, and substituting in each case the words "sixteen years", namely:—

Ibid., p. 576

(a) Paragraphs (c) and (d) of section forty-two of the Public Service Superannuation Act, 1927:

Ibid., p. 577

(b) Paragraphs (a) and (b) of section forty-three 25
of the Public Service Superannuation Act, 1927:

Ibid., p. 596

(c) Paragraphs (c) and (d) of section eighty-five of the Public Service Superannuation Act, 1927: 30

(d) Paragraphs (a) and (b) of section eighty-six of the Public Service Superannuation Act, 1927:

1940, No. 19

(e) Paragraphs (c) and (d) of subsection one of section fourteen of the Finance Act (No. 2), 1940. 35

(2) Where any child of a deceased contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund or the Government Railways Superannuation Fund has attained the age of sixteen years and an allowance would be payable out 40

of the Fund to or for the benefit of the child if he were under that age, the Board may, in its discretion, as if the child had not attained that age, grant or continue an allowance in respect of the child—

- 5 (a) For the purpose of assisting in the further education of the child, for such period as the Board thinks fit, expiring not later than two years after the child has attained the age of sixteen years:
- 10 (b) If by reason of any physical or mental defect the child is totally incapacitated from earning a living, for such period as the Board thinks fit.

Service for Superannuation Purposes

15 **30.** For the purposes of Part I or Part IV of the Public Service Superannuation Act, 1927, or of Part III of the Government Railways Act, 1926, the service of any contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund

20 or the Government Railways Superannuation Fund shall be deemed to include only—

Defining service to be counted for superannuation purposes. See Reprint of Statutes, Vol. VII, pp. 559, 587, 859

- (a) His service during any period in respect of which he has contributed or is deemed by virtue of any enactment to have contributed
- 25 to the Fund:
- (b) His service during any other period which is required or authorized by or by virtue of any enactment to be counted for superannuation purposes.

30 *Persons compulsorily retired*

31. (1) Section fourteen of the Finance Act, 1931, as amended by section twenty-seven of the Statutes Amendment Act, 1936, is hereby further amended by omitting from subsection two all words after the words

35 "entitled to receive from the appropriate superannuation fund an annual retiring-allowance", and substituting the words "computed as if his retirement had been on the ground of being medically unfit for further duty".

Increasing retiring-allowances under section 14 of Finance Act, 1931. Ibid., p. 92 1936, No. 58

40 (2) Any increase in the rate of retiring-allowances provided for in this section shall apply in respect of all periods after the commencement of this Act.

(3) Section twenty-seven of the Statutes Amendment Act, 1936, is hereby repealed. Repeal.

Surplus Contributions

Payment of
surplus
contributions
held under
National
Expenditure
Adjustment
Act, 1932.
1932, No. 8

32. (1) The amount held by the Board for the credit of any contributor as provided in subsection two of section nine of the National Expenditure Adjustment Act, 1932, shall be payable to him as soon as practicable after the commencement of this Act. 5

(2) The said subsection two of section nine of the National Expenditure Adjustment Act, 1932, is hereby consequentially amended by omitting the words "on his retirement in addition to his retiring-allowance (if any)", and substituting the words "as soon as practicable after the first day of January, nineteen hundred and forty-six,". 10

Regulations.

33. The Governor-General may from time to time, by Order in Council, make such regulations as he thinks necessary in order to give full effect to the provisions of this Part of this Act. 15