

Government Superannuation Fund Amendment Act 1970

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An Act to amend the Government Superannuation Fund Act 1956

1 Short Title

This Act may be cited as the Government Superannuation Fund Amendment Act 1970, and shall be read together with and deemed part of the Government Superannuation Fund Act 1956 (hereinafter referred to as the principal Act).

Part 1

Miscellaneous provisions

2

Section 2 was repealed, as from 1 January 1981, by section 6(4) Government Superannuation Fund Amendment Act 1980 (1980 No 163).

3

This section inserted s 92K in the principal Act.

4

This section added subs (6) to s 2 of the Government Superannuation Fund Amendment Act 1969.

5 Superannuation of District Court Judges, Maori Land Court Judges, and the Solicitor-General

(1)

(2)

(3) Notwithstanding anything in subsection (2) of this section, where any person has made an election under subsection (4) of section 9 of the Government Superannuation Fund Amendment Act 1964 that he shall not be affected by the provisions of subsections (1) to (3) of that section, the rate of contribution to be deducted from his salary is hereby increased by 1 percent.

(4) Any person to whom section 73 of the principal Act applied immediately before the commencement of this section or to

whom the said section 73 first applies at any time before the 1st day of January 1971 may, at any time before that date or before the expiration of 3 months after the date on which the said section 73 first applied to him, whichever is the later, by notice in writing to the Superintendent elect that he shall not be affected by the provisions of subsections (1) to (3) of this section, and, where any person so elects, any contributions payable by that person and any retiring allowance payable to that person and any annuity payable to the surviving spouse or partner of that person shall be computed and paid as if this section and the Government Superannuation Fund Amendment Act 1969 had not been enacted.

(5)

(6)

(7) This section shall be deemed to have come into force on the 15th day of June 1969.

In subsections (3) and (4), as from 1 November 1976, the references to the Government Superannuation Fund Amendment Act 1964 was substituted for references to the Superannuation Amendment Act 1964 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Subsection (4) was amended, as from 26 April 2005, by section 10(4) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “surviving spouse or partner” for the words “widow or dependent widower”.

Subsection (5) was repealed, as from 20 November 1979, by section 15(2) Government Superannuation Fund Amendment Act 1979 (1979 No 46).

Subsection (6) was repealed, as from 1 January 1981, by section 6(4) Government Superannuation Fund Amendment Act 1980 (1980 No 163).

Subsection (1) and (2) were repealed, as from 25 December 1986, by section 33(7) Government Superannuation Fund Amendment Act 1986 (1986 No 132). See section 33(8) of that Act.

6 Superannuation of Judges

(1)

(2) Notwithstanding anything in subsection (1) of this section,—

(a) No increased payment of any retiring allowance or annuity referred to in that subsection shall be made in respect of any period before the commencement of this section:

(b) For the purposes of proportionately adjusting the percentage to be applied to any retiring allowance or

annuity referred to in that subsection, Schedule 2 to the Government Superannuation Fund Amendment Act 1969 shall be read as if—

- (i) The words “1st day of April 1970” were substituted for the words “15th day of June 1969” wherever they occur; and
- (ii) The words “31st day of March 1970” were substituted for the words “14th day of June 1969”; and
- (iii) The words “the period of office as a Judge” were substituted for the words “the contributory service” wherever they occur; and
- (iv) The words “period of office as a Judge” were substituted for the words “period of contributory service” wherever they occur.

(3) This subsection amended s 78(1) of the principal Act.

(4)

(5)

(6)

(7)

(8)

(9) This section shall be deemed to have come into force on the 1st day of April 1970.

In section 6(2)(b), as from 1 November 1976, the reference to the “Government Superannuation Fund Amendment Act 1969” was substituted for a reference to the “Superannuation Amendment Act 1969” pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Subsection (7) was repealed, as from 1 November 1976, by section 30(2)(c) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Subsection (8) was repealed, as from 1 January 1981, by section 6(4) Government Superannuation Fund Amendment Act 1980 (1980 No 163).

Subsection (1) was repealed, as from 25 December 1986, by section 33(7) Government Superannuation Fund Amendment Act 1986 (1986 No 132). *See* section 33(8) of that Act.

Subsections (4) to (6) were repealed, as from 1 April 1988, by section 6 Government Superannuation Fund Amendment Act 1989 (1989 No 23).

7 Parliamentary superannuation

(1)

- (2) Notwithstanding anything in subsection (1) of this section,—
- (a) No increased payment of any retiring allowance or annuity referred to in that subsection shall be made in respect of any period before the commencement of this section:
 - (b) For the purposes of proportionately adjusting the percentage to be applied to any retiring allowance or annuity referred to in that subsection, Schedule 2 to the Government Superannuation Fund Amendment Act 1969 shall be read as if—
 - (i) The words “1st day of April 1970” were substituted for the words “15th day of June 1969” wherever they occur; and
 - (ii) The words “31st day of March 1970” were substituted for the words “14th day of June 1969”; and
 - (iii) The words “service as a member” were substituted for the words “contributory service” wherever they occur.
- (3) *This subsection amended s 83(1) of the principal Act.*
- (4) *This subsection amended s 83A of the principal Act.*
- (5) Any member to whom Part 6 of the principal Act applied immediately before the commencement of this section or to whom that Part first applies before the 1st day of January 1971 may, at any time before that date, by notice in writing delivered to the Superintendent elect that he shall not be affected by the provisions of subsections (1) to (3) of this section, and, where any member so elects, any contributions payable by that member and any retiring allowance payable to that member and any annuity payable to the surviving spouse or partner of that member shall be computed and paid as if this section had not been enacted.
- (6) This section shall be deemed to have come into force on the 1st day of April 1970.

In section 7(2)(b), as from 1 November 1976, the reference to the Government Superannuation Fund Amendment Act 1969 was substituted for a reference to the Superannuation Amendment Act 1969 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Subsection (1) was repealed, as from 25 December 1986, by section 33(7) Government Superannuation Fund Amendment Act 1986 (1986 No 132). *See* section 33(8) of that Act.

Subsection (5) was amended, as from 26 April 2005, by section 10(4) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “surviving spouse or partner” for the words “widow or dependent widower”.

8

Section 8 was repealed, as from 1 November 1976, by section 15(2) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

9

Section 9 was repealed, as from 25 December 1986, by section 33(7) Government Superannuation Fund Amendment Act 1986 (1986 No 132).

Part 2

Superannuation of members of calibration flight of Ministry of Transport

10 Commencement

This Part of this Act shall be deemed to have come into force on the 11th day of September 1969.

11 Contributors who are members of Calibration Flight

Every person (other than a person designated as a Flight Engineer (Maintenance)) who is a member of the Aviation Calibration Occupational Class of the Ministry of Transport (in this Part referred to as the said Occupational Class) at any time after the commencement of this Part of this Act and is a contributor to the Fund shall be a contributor to the Fund subject to this Part of this Act, and shall remain a contributor subject to this Part during such time as he remains a contributor to the Fund as a member of the said Occupational Class:

Provided that any member of the said Occupational Class who immediately before the commencement of this Part of this Act was a contributor to the Fund may, at any time before the 1st day of January 1971, by notice in writing to the Superintendent, elect that he shall not be subject to the provisions of this Part of this Act. Where any person so elects, then, as from the commencement of this Part of this Act any contributions payable by him and any retiring allowance payable to him and any amount payable to him pursuant to an

election under section 91 of the principal Act shall be computed as if this Part of this Act had not been enacted.

In section 11 the words in square brackets were inserted, as from 21 November 1973, by section 3(1) Government Superannuation Fund Amendment Act 1973 (1973 No 94).

12 Retiring allowances of members of Calibration Flight

- (1) The provisions of section 35 of the principal Act shall apply to any contributor who is subject to this Part of this Act, being—
- (a) A contributor whose age is not less than 50 years; or
 - (b) A contributor who ceases to be a member of the said Occupational Class by the cancellation on medical grounds of his licence under regulations made pursuant to the Civil Aviation Act 1964.
- (2) In any case to which paragraph (b) of subsection (1) of this section applies, any retiring allowance as computed under subsection (1) of section 35 of the principal Act shall be reduced by the proportion shown in the following table as appropriate to the contributor's age at his nearest birthday at the time of his retirement:

Age at Nearest Birthday	Proportion Reduced
25 years or less.....	44 percent
30 years.....	40 percent
35 years.....	35 percent
40 years.....	28 percent
45 years.....	20 percent
50 years or over	No reduction

Provided that percentages for ages intermediate between any of the ages specified in the foregoing table shall be graduated progressively in accordance with the percentages set out in that table.

13 Contributions by members of Calibration Flight

Notwithstanding anything to the contrary in section 29 of the principal Act, the contribution to be made by a contributor who is subject to this Part of this Act shall as from the commencement of this Part be the following percentage of his salary as the salary becomes payable from time to time, that is to say:

- (a) Nine percent if his age does not exceed 45 years at the commencement of his contributory service:
- (b) Nine and one-quarter percent if his age then exceeds 45 years:

Provided that where the contributor has made an election under subsection (4) of section 2 of the Government Superannuation Fund Amendment Act 1969, the contribution to be made shall as from the commencement of this Part of this Act be the following percentage of his salary as the salary becomes payable from time to time, that is to say:

- (c) Eight percent if his age does not exceed 45 years at the commencement of his contributory service:
- (d) Eight and one-quarter percent if his age then exceeds 45 years.

In section 13(b), as from 1 November 1976, the reference to the Government Superannuation Fund Amendment Act 1969 was substituted for a reference to the Superannuation Amendment Act 1969 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

14 Election to surrender portion of retiring allowance and receive cash payment

Where any contributor who is subject to this Part of this Act elects under section 91 of the principal Act to surrender his right to a proportion of his retiring allowance, he shall receive instead thereof payment out of the Fund of a sum equal to 15 times the amount by which his annual retiring allowance is reduced pursuant to the surrender.

15 Computing length of contributory service

For the purposes of computing the length of contributory service of any contributor who is subject to this Part of this Act, every complete year of contributory service before the commencement of this Part of this Act or before he became a mem-

ber of the said Occupational Class, whichever is the later, shall be deemed to be five-eighths of a year, and every fraction of a year of such service shall be deemed to be reduced proportionately in accordance with this section:

Provided that this section shall not apply in respect of any period during which in the opinion of the Superintendent the contributor was engaged on aircrew duties and there has been paid into the Fund within such time and in such manner as the Superintendent may allow in that behalf such sum as the Superintendent may fix in respect of that period.

Section 15 was amended, as from 1 October 1995, by section 30 Government Superannuation Fund Amendment Act 1995 (1995 No 28) by substituting the word "Superintendent" for the word "Board".

16 Contributor transferring from Calibration Flight to another branch of Government service

Where any contributor who is subject to this Part of this Act transfers from the said Occupational Class to another branch of the Government service before becoming entitled to a retiring allowance under section 35 of the principal Act (as modified by this Part of this Act), the rate of his contribution to the Fund shall be the appropriate rate payable under the principal Act, having regard to his age at the date of the commencement of his contributory service. In every such case, any reduction of the length of his contributory service under section 15 of this Act shall be disregarded, and he shall be entitled to a refund, without interest, of an amount equal to the difference between his actual contributions and the contributions he would have paid if he had been employed in that branch during his service in the said Occupational Class.

17 Contributor entitled to retiring allowance continuing in Government employment

- (1) Where any contributor who is subject to this Part of this Act becomes entitled to a retiring allowance under section 35 of the principal Act (as modified by this Part of this Act) and within 6 months thereafter becomes employed in the Government service other than as a member of the said Occupational Class, he may elect to either—

- (a) Receive that retiring allowance; or
 - (b) Continue as a contributor to the Fund and reserve his right to that retiring allowance.
- (2) Where any contributor elects under paragraph (b) of subsection (1) of this section to continue as a contributor to the Fund, the following provisions shall apply:
- (a) His rate of contribution to the Fund in respect of his service after ceasing to be a member of the said Occupational Class shall be determined as provided by section 29 of the principal Act:
 - (b) He may elect to contribute to the Fund during such period as his salary for the time being is less than the rate of his final salary as a member of the said Occupational Class as if he were still in receipt of salary at the rate of that final salary:
 - (c) If he retires from the Government service and is not entitled to receive a retiring allowance under the provisions of the principal Act, he shall be entitled to receive a refund, without interest, of the amount of his contributions to the Fund in respect of his service after ceasing to be a member of the said Occupational Class, and the retiring allowance to which he has reserved his right pursuant to an election under paragraph (b) of subsection (1) of this section shall thereupon become payable:
 - (d) If he retires from the Government service and is entitled to receive a retiring allowance under the principal Act, he may elect to have his retiring allowance either—
 - (i) Computed separately in respect of his period of contributory service preceding the date on which he ceased to be a member of the said Occupational Class and in respect of his period of contributory service subsequent thereto; or
 - (ii) Computed in respect of his total period of contributory service, whether preceding the date when he ceased to be a member of the said Occupational Class or subsequent thereto, in which case his contributory service before he ceased to be a member of the said Occupational Class

shall be deemed to be continuous with his employment in the Government service thereafter:

Provided that for the purposes of any election under the provisions of section 91 of the principal Act, the provisions of section 14 of this Act shall apply only with respect to that portion of the retiring allowance that he is entitled to receive in respect of the period of his contributory service prior to his ceasing to be a member of the said Occupational Class:

- (e) If on his ceasing to be a member of the said Occupational Class his retiring allowance would have been proportionately reduced in accordance with the provisions of subsection (2) of section 12 of this Act, that proportionate reduction shall be adjusted in accordance with his age at the time of his retirement from the Government service instead of his age when he ceased to be a member of the said Occupational Class.
- (3) Every election under subsection (1) or subsection (2) of this section shall be made in writing delivered to the Superintendent, and shall be made within 6 months after the contributor has ceased to be a member of the said Occupational Class.
- (4) Subject to such conditions as the Superintendent may impose, whether as to money to be repaid to the Fund or otherwise, an election may be made under this section, notwithstanding that the contributor may have previously received a refund of his contributions or may have previously commenced to receive a retiring allowance.

Subsection (4) was amended, as from 1 October 1995, by section 30 Government Superannuation Fund Amendment Act 1995 (1995 No 28) by substituting the word "Superintendent" for the word "Board".

18 Application of principal Act

Except as otherwise provided in this Part of this Act, all the provisions of the principal Act, as far as they are applicable and with any necessary modifications, shall apply to contributors who are subject to this Part of this Act as they apply to other persons in the Government service.