

Reprint
as at 1 April 2009

**Government Superannuation Fund
Amendment Act 1979**

Public Act 1979 No 46
Date of assent 20 November 1979

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This act is administered in the Treasury.

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**An Act to amend the Government Superannuation Fund Act
1956**

**BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same, as
follows:**

1 Short Title and commencement

- (1) This Act may be cited as the Government Superannuation Fund Amendment Act 1979, and shall be read together with and deemed part of the Government Superannuation Fund Act 1956 (hereinafter referred to as the principal Act).

- (2) Except as provided by sections 2, 12(3), 13(3), 18(2), and 19(2) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

Part 1
Annual adjustments to allowances
payable to contributors under the age of
60 years

2 Commencement

This Part of this Act shall be deemed to have come into force on the 12th day of April 1979.

3 Interpretation

For the purposes of this Part of this Act—

Aggregate percentage of increase, in relation to any basic allowance, means the aggregate percentage of increase determined pursuant to section 7 of this Act

Basic allowance means the annual amount of the retiring allowance, annual allowance, or annuity as initially payable under the principal Act, after the effect of any election made under section 48 or section 91 or section 91A of that Act, or under the corresponding provisions of any former Act, but disregarding the effect of any election made under section 40 of that Act or under the corresponding provisions of any former Act

Date of qualification, in relation to any contributor, means,—

- (a) In the case of any contributor to whom section 4(a) or section 4(b) or section 4(c) of this Act applies, the 31st day of March 1979:
- (b) In the case of any contributor to whom section 4(d) or section 4(g) of this Act applies, the date upon which he would have completed 40 years of Government service if he had not retired:
- (c) In the case of any contributor to whom section 4(e) or section 4(f) of this Act applies, the date upon which he retires from the Government service:

Government service means—

- (a) Government service as defined in section 2(1) of the principal Act; and
- (b) Includes **contributory service** as so defined; but
- (c) Does not include any service that is subject to any Act that excludes such service from the provisions of the principal Act or any corresponding former Act.

4 Application of this Part

This Part of this Act shall apply to every contributor under Part 2 of the principal Act who is less than 60 years of age, being—

- (a) A contributor who, after having completed 40 years or more of contributory service, retired from Government service before the 1st day of April 1979; or
- (b) A contributor who, without having completed 40 years or more of contributory service but after having completed 40 years or more of Government service, retired from Government service before the 1st day of April 1979 and qualified for a retiring allowance pursuant to section 35(3)(g) of the principal Act; or
- (c) A contributor who, without having completed 40 years or more of contributory service or 40 years or more of Government service, retired from the Government service before the 1st day of April 1979 and survived for such period that he would have completed 40 years of Government service before the 1st day of April 1979 if he had not retired from the Government service; or
- (d) A contributor who, without having completed 40 years or more of contributory service or 40 years or more of Government service, retired from the Government service before the 1st day of April 1979, but survives for such period that he would have completed 40 years of Government service after the 31st day of March 1979 if he had not retired from the Government service; or
- (e) A contributor who, after having completed 40 years or more of contributory service, retires from the Government service after the 31st day of March 1979; or
- (f) A contributor who, without having completed 40 years or more of contributory service but after having com-

- pleted 40 years or more of Government service, retires from the Government service after the 31st day of March 1979, and who qualifies for a retiring allowance pursuant to section 35(3)(g) of the principal Act; or
- (g) A contributor who, without having completed 40 years or more of contributory service or 40 years or more of Government service, retires from the Government service after the 31st day of March 1979, but who survives for such period that he would have completed 40 years of Government service had he not retired from the Government service.

5 Provision for annual adjustment

Subject to section 6 of this Act, every retiring allowance payable pursuant to Part 2 of the principal Act to a contributor to whom this Part of this Act applies shall be adjusted annually with effect on and after the first 4-weekly payment of the retiring allowance under section 89 of the principal Act in each financial year.

6 Initial adjustments

- (1) Subject to subsection (2) of this section, the initial adjustment to be made to any retiring allowance shall be made with effect on and after the first annual adjustment date in the financial year commencing after the contributor's date of qualification.
- (2) Where the date of qualification of a contributor is before the 1st day of April 1979, the initial adjustment shall be made with effect on and after the 12th day of April 1979.

7 Percentage of annual adjustment

- (1) The aggregate percentage of increase to be applied to a basic allowance in accordance with section 5 for the purpose of determining the annual adjustment for any year must be the percentage that is calculated under section 5(1A) or (1C) of the Government Superannuation Fund Amendment Act 1969, as the case may be, calculated as if—
- (a) **basic index number** were,—
- (i) in any case where the date of qualification falls between 1 October and 31 March (both days in-

- clusive), the basic index number for the preceding June quarter; and
- (ii) in any case where the date of qualification falls between 1 April and 30 September (both days inclusive), the basic index number for the preceding December quarter; and
- (b) **initial adjustment under section 7** were an initial adjustment under section 6 of this Act.
- (2) No person is entitled, because of the amendments made to this Act by section 4 of the Government Superannuation Fund Amendment Act 2009, to any increased payment for any retiring allowance, annual allowance, or annuity that was paid or is payable for any period before 1 April 2009.

Section 7: substituted, on 1 April 2009, by section 4(2) of the Government Superannuation Fund Amendment Act 2009 (2009 No 2).

8 Amount of annual adjustment

- (1) Subject to subsection (2) of this section, the annual amount of the retiring allowance to be paid on and after the date of any annual adjustment until the next adjustment shall be determined by adding to the basic allowance an amount calculated by applying the aggregate percentage of increase to the basic allowance.
- (2) The annual amount of any retiring allowance as so determined, to be paid on and after the date of any annual adjustment, shall be increased or reduced, as the case may be, in accordance with any election by the contributor under section 40 of the principal Act or under the corresponding provisions of any former Act.

9 Rights of surviving spouses or partners

If a surviving spouse or partner elects pursuant to section 45 of the principal Act to receive an annuity, then the retiring allowance of the deceased contributor shall be deemed to include any adjustments made pursuant to this Part of this Act before the date of death of the contributor.

This section was amended, as from 29 March 1985, by section 22(2) Government Superannuation Fund Amendment Act 1985 (1985 No 62) by substituting the words “section 45” for the words “section 45(1)(a)(i) or section 46(1)(a)(i)”.

The heading was amended, as from 26 April 2005, by section 4(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “or partners” for the word “spouses”.

Section 9 was amended, as from 26 April 2005, by section 4(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “or partner” for the word “spouse”.

10 Cessation of adjustments

Notwithstanding any of the foregoing provisions of this Part of this Act, no adjustments to any retiring allowance pursuant to this Part of this Act shall be made with respect to any period on or after the annual adjustment date next following the 60th anniversary of the contributor’s birth.

11 Application of Government Superannuation Fund Amendment Act 1969 to retiring allowances of contributors and annuities of surviving spouses or partners

- (1) Subject to subsection (2) of this section, the provisions of the Government Superannuation Fund Amendment Act 1969 shall apply to:
 - (a) Any retiring allowance of any contributor to whom this Part of this Act applies if that contributor attains the age of 60 years; and
 - (b) Any annuity payable to a surviving spouse or partner of any contributor to whom this Part of this Act applies.
- (2) No adjustments pursuant to section 4 of the Government Superannuation Fund Amendment Act 1969 shall be made to any retiring allowance, or to any annuity payable to a surviving spouse or partner, until such time as the retiring allowance or annuity so adjusted pursuant to that Act would exceed the retiring allowance or annuity as adjusted pursuant to this Part of this Act.
- (3) For the purpose of determining—
 - (a) When any annuity payable to a surviving spouse or partner pursuant to section 4 of the Government Superannuation Fund Amendment Act 1969 would exceed any annuity as adjusted pursuant to this Part of this Act; and

- (b) The amount of the annuity that forms the basic allowance for the purposes of section 6 of the Government Superannuation Fund Amendment Act 1969,—
the annuity of any surviving spouse or partner shall not include any amount by which it was increased pursuant to section 9 of this Act, and shall be reduced by any amount surrendered pursuant to section 91A of the principal Act.

The heading was amended, as from 26 April 2005, by section 4(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “or partners” for the word “spouses”.

Section 11 was amended, as from 26 April 2005, by section 4(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “or partner” for the word “spouse”.

Part 2

Miscellaneous amendments of principal Act

12

Section 12 and 13 were repealed, as from 29 March 1985, by section 22(3) Government Superannuation Fund Amendment Act 1985 (1985 No 63).

13

Section 12 and 13 were repealed, as from 29 March 1985, by section 22(3) Government Superannuation Fund Amendment Act 1985 (1985 No 63).

14 Dependency requirement for minimum annuity to widowers removed

(1)

- (2) *This subsection substituted a new proviso for the first proviso to s 87(1)(a)(i) of the principal Act.*

Subsection (1) was repealed, as from 29 March 1985, by section 22(3) Government Superannuation Fund Amendment Act 1985 (1985 No 63).

15

Section 15 was repealed, as from 1 January 1981, by section 6(4) Government Superannuation Fund Amendment Act 1980 (1980 No 163).

16 Restriction on amount of spouse’s annuity removed

This section amended the second proviso to s 79(1)(a) of the principal Act.

17 Restriction on eligibility of certain surviving spouses to receive annuity or refund of contributions on death of contributor

- (1) *This subsection added para (d) to s 79(1) of the principal Act.*
- (2) *This subsection inserted para (ba) in s 87(1) of the principal Act.*

18 Election by Judge or surviving spouse to surrender proportion of retiring allowance or annuity and receive cash payment

- (1) *This subsection inserted s 79A in the principal Act.*
- (2) This section shall be deemed to have come into force on the 1st day of April 1979.

19 Election to surrender proportion of annuity and receive cash payment

- (1) *This subsection inserted s 91A in the principal Act.*
- (2) This section shall be deemed to have come into force on the 12th day of April 1979.

20 Annual subsidies from Government

- (1) *This subsection substituted a new paragraph for para (a) of s 95(1) of the principal Act.*
- (2)

Subsection (2) was repealed, as from 29 March 1985, by section 22(3) of the Government Superannuation Fund Amendment Act 1985 (1985 No 63).

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Notes**1 General**

This is an eprint of the Government Superannuation Fund Amendment Act 1979. It incorporates all the amendments to the Act as at 1 April 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

**3 List of amendments incorporated in this eprint
(most recent first)**

Government Superannuation Fund Amendment Act 2009 (2009 No 2): section 4(2)
