

Version
as at 28 October 2021

Government Superannuation Fund Amendment Act 1988

Public Act 1988 No 19
Date of assent 28 March 1988

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An Act to amend the Government Superannuation Fund Act 1956

BE IT ENACTED by the Parliament of New Zealand as follows:

Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

This Act is administered by The Treasury.

1 Short Title and commencement

- (1) This Act may be cited as the Government Superannuation Fund Amendment Act 1988, and shall be read together with and deemed part of the Government Superannuation Fund Act 1956 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of April 1988.

Part 1 Adjustments

2 Beneficiary's date of qualification for adjustments

- (1) *This subsection substituted Schedule 3 of the Government Superannuation Fund Amendment Act 1969.*
- (2) The following enactments are hereby consequentially repealed:
 - (a) Section 5(1A) and (1B), the proviso to the definition of **date of qualification** in section 7(1), the third proviso to section 7(2), and section 7(5) and (6) of the Government Superannuation Fund Amendment Act 1969;
 - (b) Section 5 of the Government Superannuation Fund Amendment Act 1972;
 - (c) Section 13(3) of the Government Superannuation Fund Amendment Act 1976;
 - (d) Section 15(2) and section 33(3) and (6) of the Government Superannuation Fund Amendment Act 1986;
 - (e) Section 7 of the Government Superannuation Fund Amendment Act 1987.
- (3) No person shall be entitled, by reason of the enactment of this section, to any increased payment in respect of any retiring allowance that was paid or is payable in respect of any period before the 28th day of April 1988.

3 Limit on increased retiring allowance payable

- (1) Except as provided in subsection (2) of this section, this section applies to any person—
 - (a) To whom a retiring allowance is payable under Part 2 or Part 3 of the principal Act; and
 - (b) Whose retiring allowance becomes or became payable at any time before the date on which that person attains or attained the age of 60 years.
- (2) This section does not apply to any person to whom a retiring allowance is payable under section 36 or section 69 of the principal Act.
- (3) The annual rate of the retiring allowance payable to any person to whom this section applies shall not, by reason of the enactment of section 2 of this Act,

exceed by more than one thousand dollars the annual rate of the retiring allowance that would have been paid if section 2 of this Act had not been enacted.

- (4) The Governor-General may, from time to time by Order in Council, increase the amount specified in subsection (3) of this section with effect from any date specified in the Order.
- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Subsection (3) was amended, as from 1 July 2004, by clause 2(1) Government Superannuation Fund (Increased Amount in Respect of Adjustments) Order 2004 (SR 2004/115) by substituting the words “one thousand dollars” for the words “five hundred dollars”. *See* clause 2(2) of that Order as to no person being entitled, by reason of that Order, to any increased payment in respect of any retiring allowance that was paid or is payable in respect of any period before 28 April 1988.

Section 3(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

4 Special provision in relation to annuities

- (1) For the purpose of calculating any annuity payable under section 45(2) or (3) of the principal Act, the rate of the retiring allowance to which the contributor was entitled at the date of the contributor’s death shall be deemed to include any adjustments that would have been payable if section 2 of this Act had been enacted before the date of the contributor’s death and if (except in the case of a contributor entitled to a retiring allowance under section 36 or section 69 of the principal Act) section 3 of this Act had applied to that contributor.
- (2) No person shall be entitled, by reason of the enactment of this section, to any increased payment in respect of any annuity that was paid or is payable in respect of any period before the 28th day of April 1988.

Part 2

Miscellaneous amendments

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Consolidation notes

1 General

This is a consolidation of the Government Superannuation Fund Amendment Act 1988 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 About this consolidation

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 Amendments incorporated in this consolidation

Secondary Legislation Act 2021 (2021 No 7): section 3