

Government Superannuation Fund Amendment Act 2005

Public Act 2005 No 10
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Amendments to principal Act	

he Parliament of New Zealand enacts as follows:**1 Title**

- (1) This Act is the Government Superannuation Fund Amendment Act 2005.
- (2) In this Act, the Government Superannuation Fund Act 1956 is called “the principal Act”.

2 Commencement

This Act comes into force on 26 April 2005.

3 Interpretation

Section 2(1) of the principal Act is amended by inserting, after the definition of **Minister**, the following definition:

“**partner**, in the phrase ‘spouse or partner’ and in related contexts, means a civil union partner or a de facto partner; and includes any person whom the Authority, in its discretion, regards as being the civil union partner or de facto partner of a deceased person immediately before that person’s death”.

4 Certain amendments to principal Act in Schedule

- (1) The provisions of the principal Act specified in Part 1 of the Schedule are amended by inserting, after the word “spouse” wherever it appears, the words “or partner”.
- (2) The provisions of the principal Act specified in Part 2 of the Schedule are amended by inserting, after the word “spouses” wherever it appears, the words “or partners”.
- (3) The provisions of the principal Act specified in Part 3 of the Schedule are amended by omitting the words “marital status” wherever they appear, and substituting in each case the words “relationship status”.

5 Increasing allowance for contributor retiring in consequence of injuries

Section 37(1) of the principal Act is amended by omitting the words “the widow or any dependent widower or other”, and substituting the words “a spouse or partner or”.

6 Benefits where contributor under this Part dies and leaves spouse

- (1) Section 45(1)(a)(ii) of the principal Act is amended by omitting the words “Where the spouse is the widow or widower of the deceased contributor,”.
- (2) Section 45 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:
“(2) Where any contributor under this Part dies, after becoming entitled to a retiring allowance and while still entitled to a retiring allowance, and leaves a spouse or partner who last became the spouse or partner of the contributor before the contributor became entitled to receive a retiring allowance, there is to be paid out of the Fund to the spouse or partner, at the election of the spouse or partner,—
 - “(a) an annuity at the greater of the following rates:
 - “(i) one-half of the rate of the retiring allowance to which the contributor was entitled at the date of the contributor’s death, disregarding the effect of any election made under section 40 or section 48:
 - “(ii) the rate of \$390 a year; or
 - “(b) the amount of the contributor’s contributions to the Fund, less any amounts received by the contributor from the Fund during the contributor’s lifetime.”

7 Annual allowances to widows or approved dependants in consideration of election to accept reduced retiring allowances

- (1) The heading to section 48 of the principal Act is amended by omitting the word “widows”, and substituting the words “surviving spouses, partners,”.
- (2) Section 48(1) of the principal Act is amended by repealing the definition of **widow**, and substituting the following definitions:
“**partner**, in relation to a contributor, means the person who was the contributor’s civil union partner or de facto partner on the date of an election made by the contributor under this section
“**spouse**, in relation to a contributor, means the person who was the contributor’s spouse on the date of an election made by the contributor under this section.”

- (3) Section 48(2) of the principal Act is repealed.
- (4) Section 48(3) of the principal Act is amended by omitting the word “widow” wherever it appears, and substituting in each case the words “spouse, partner”.
- (5) Section 48(4) of the principal Act is amended by omitting the word “widow” in both places where it appears, and substituting in each case the words “spouse, partner”.
- (6) Section 48(7), (8), (9), and (13) of the principal Act is amended by omitting the word “widow” wherever it appears, and substituting in each case the words “spouse or partner”.
- (7) Section 48 of the principal Act is amended by repealing the proviso to subsection (11).
- (8) Section 48 of the principal Act is amended by inserting, after subsection (11), the following subsection:
“(11A) Despite subsection (11), if the contributor marries or enters into a civil union or a de facto relationship while in receipt of a retiring allowance, he or she may make an election under this section in favour of his or her spouse or partner at any time within 3 months after the date on which he or she marries or enters into the civil union or the de facto relationship.”

8 Contributions to Fund may be applied in restitution of public money misappropriated by contributor

Section 60(1) of the principal Act is amended by omitting the word “wife”, and substituting the words “spouse or partner”.

9 Effect of loss of pay through punishment

Section 71(4) of the principal Act is amended by omitting the words “widow or widower”, and substituting the words “spouse or partner”.

10 Amendments to Acts amending principal Act

- (1) Section 12 of the Government Superannuation Fund Amendment Act 1961 is amended by omitting the word “widow”, and substituting the words “surviving spouse or partner”.
- (2) Section 4(2) of the Government Superannuation Fund Amendment Act 1964 is amended by omitting the words “widow or

- dependent widower”, and substituting the words “surviving spouse or partner”.
- (3) Section 2(5) of the Government Superannuation Fund Amendment Act 1969 is amended by omitting the words “widow or dependent widower”, and substituting the words “surviving spouse or partner”.
- (4) Sections 5(4) and 7(5) of the Government Superannuation Fund Amendment Act 1970 are amended by omitting the words “widow or dependent widower”, and substituting in both places the words “surviving spouse or partner”.
- (5) Section 6 of the Government Superannuation Fund Amendment Act 1972 is amended by—
- (a) omitting from the heading the words “widows’ and dependent widowers’ annuities”, and substituting the words “annuities payable to surviving spouses and partners” ; and
 - (b) omitting from subsections (4) and (7) the words “widow or dependent widower”, and substituting in each case the words “surviving spouse or partner”.

11 Past decisions

- (1) All decisions made on or after 2 October 2001 by the Government Superannuation Appeals Board or the Government Superannuation Fund Authority in favour of an individual contributor, beneficiary, or potential beneficiary have effect, in so far as they relate to that individual, as if the decision were one that the Appeals Board or the Authority was entitled to make.
- (2) The decision binds the Authority in any dealings after the commencement of this Act with the contributor, beneficiary, or potential beneficiary in whose favour the decision was made, unless that person supplied misleading or incorrect information or otherwise acted in bad faith.
- (3) However, the decision does not have any precedent effect in favour of any contributor, beneficiary, or potential beneficiary other than the person in whose favour the decision was made.

Compare: 2001 No 47 s 35

Schedule
Amendments to principal Act

s 4

1**Insertion of “or partner” after “spouse”**

Section 45(1), (3), (4), (5), and the heading to section 45.

Sections 46, 61M, 61N, and 61O, and the headings to those sections.

Sections 61R(8), 61S(4), 63A(1), 71J(1) and (3), 71K(9) and (10), 71M(8), 71P(2), and 74J(2).

Sections 81K, 81L, 81M, and 81N, and the headings to those sections.

Sections 81Q, 83B(6), 84A(5), 84AA(3), and 85A(2).

Sections 86A, 86B, 86C, and 86D, and the headings to those sections.

Sections 86F, 88J(2), 88W(2), 90A, 91(8), 91A, and 92D.

Clause 20(d) of Schedule 4.

Sections 7(2), 9, and 11 of the Government Superannuation Fund Amendment Act 1969.

Sections 9 and 11 of the Government Superannuation Fund Amendment Act 1979.

Section 14(2) of the Government Superannuation Fund Amendment Act 1985.

Section 3(2) of the Government Superannuation Fund Amendment Act (No 2) 1985.

Sections 16(2), 17(2), and 24(2) of the Government Superannuation Fund Amendment Act 1986.

Section 8, and the heading to section 8, and sections 10(1), 32(1), and 33(1) of the Government Superannuation Fund Amendment Act 1990.

2**Insertion of “or partners” after “spouses”**

The heading above section 74J.

The heading to section 74L.

Section 90A, and the heading to section 90A.

The headings to sections 9 and 11 of the Government Superannuation Fund Amendment Act 1979.

3

Replacement of “marital status” with
“relationship status”

Sections 45(5), 61M(3), 61N(4), 61R(8), 61S(4), 71K(9), and
71P(2).

Sections 81L(4), 81M(4), 81Q, 86A(3), 86B(5), 86C(4), 88J(2), and
88W(2).

Legislative history

10 March 2005

Divided from Relationships (Statutory References)
Bill (Bill 151-2) as Bill 151-3G

15 March 2005

Third reading
