



Government Superannuation Fund Amendment Act 2009

Public Act 2009 No 2
Date of assent 24 February 2009
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Government Superannuation Fund Amendment Act 2009.
- 2 Commencement**
 - (1) Section 5 is deemed to have come into force on 1 April 1990.
 - (2) The rest of this Act comes into force on 1 April 2009.

3 Amendments to Government Superannuation Fund Amendment Act 1969

- (1) This section amends the Government Superannuation Fund Amendment Act 1969.
- (2) Section 5 is amended by repealing subsection (1) and substituting the following subsections:
- “(1) Subsection (1A) (which provides for 100% CPI adjustment) applies to the following 2 classes of persons:
- “(a) any person in respect of whom the initial adjustment under section 7 is required to be made on or after 1 April 2009:
- “(b) any person to whom clause 3 of Schedule 2 applies.
- “(1A) If this subsection applies, the aggregate percentage of increase to be applied to a basic allowance in accordance with section 6 for the purpose of determining the annual adjustment for any year must be the percentage (if any) calculated to 2 decimal places, as certified by the Government Statistician, by which the all groups index number of the New Zealand Consumers Price Index for the December quarter of the calendar year immediately preceding that which includes the date for the annual adjustment exceeds the basic index number.
- “(1B) Subsection (1C) applies to any person—
- “(a) in respect of whom the initial adjustment under section 7 is required to be made before 1 April 2009; and
- “(b) to whom clause 1 or 2 of Schedule 2 or section 2(8) applies.
- “(1C) If this subsection applies, the aggregate percentage of increase to be applied to a basic allowance in accordance with section 6 for the purpose of determining the annual adjustment each year must be calculated in accordance with the following formula:

$$\left\{ \left[\left(1 + \frac{P1}{100} \right) \times \left(1 + \frac{P2}{100} \right) \right] - 1 \right\} \times 100$$

where—

- P1 is the percentage (if any) calculated to 2 decimal places, as certified by the Government Statistician and proportionately adjusted (where appropriate) in accordance with clauses 1 and 2 of Schedule 2 or section 2(8) by which the all groups index number of the New Zealand

Consumers Price Index for the December 2007 quarter exceeds the basic index number; and

P2 is the percentage (if any) calculated to 2 decimal places, as certified by the Government Statistician, by which the all groups index number of the New Zealand Consumers Price Index for the December quarter of the calendar year immediately preceding that which includes the date for the annual adjustment exceeds the all groups index number of the New Zealand Consumers Price Index for the December 2007 quarter.

“(1D) In this section, unless the context otherwise requires,—

“**basic index number** means,—

“(a) in any case where the second proviso to section 7(2) applies, the basic index number for the December quarter of the calendar year immediately preceding the calendar year in which the first day of the beneficiary’s qualifying year (as determined under section 7(1)) falls:

“(b) in any other case where the date of qualification determined under Schedule 3 falls between 1 October and 31 March (both days inclusive), the basic index number for the June quarter of the calendar year in which the first day of the beneficiary’s qualifying year (as determined under section 7(1)) falls:

“(c) in any case where neither paragraph (a) nor (b) applies, the basic index number for the December quarter of the calendar year immediately preceding the calendar year in which the date of qualification (as determined under Schedule 3) falls:

“(d) in any case where the date of qualification is 31 March 1956, the annual all groups index number of the New Zealand Consumers Price Index for the calendar year 1955, despite anything to the contrary in paragraphs (a) to (c).

“(1E) Subsections (1) to (1D) are subject to subsections (2) to (5).”

(3) Section 5 is amended by adding the following subsection:

“(5) No person is entitled, because of the amendments made to this Act by section 3 of the Government Superannuation Fund Amendment Act 2009, to any increased payment for any retir-

ing allowance, annual allowance, or annuity that was paid or is payable for any period before 1 April 2009.”

4 Amendment to Government Superannuation Fund Amendment Act 1979

(1) This section amends the Government Superannuation Fund Amendment Act 1979.

(2) Section 7 is repealed and the following section substituted:

“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 inclusive), 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.”

5 Amendment to Government Superannuation Fund Act 1956

(1) This section amends the Government Superannuation Fund Act 1956.

- (2) Section 91A(2)(b) is amended by omitting “9” and substituting “10.8”.

Legislative history

2 September 2008	Introduction (Bill 291-1)
23 September 2008	First reading and referral to Finance and Expenditure Committee
11 February 2009	Reported from Finance and Expenditure Committee
18 February 2009	Second and third readings
24 February 2009	Royal assent

This Act is administered by the Treasury.
