

## New Zealand



### ANALYSIS

- |   |   |
|---|---|
| <p style="text-align: center;">Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Reconstitution of Board</i></p> <p>2. Reconstitution of National Provident Fund Board. Repeal.</p> <p style="text-align: center;"><i>Local Authorities' Superannuation</i></p> <p>3. Definition of terms "contributing employee" and "local authority".</p> <p>4. Local authorities to furnish returns to Superintendent.</p> <p>5. Superannuation schemes for local authorities.</p> <p>6. Local authority to notify permanent employees of superannuation scheme.</p> <p>7. Election to become contributing employee.</p> <p>8. Local authorities deemed to be contributors.</p> <p>9. Limitation on right to be contributing employee.</p> <p>10. As to meaning of permanent employee.</p> <p>11. Saving of existing superannuation schemes.</p> <p>12. Recovery of contributions from local authority.</p> | <p>13. Deductions of contributions from wages or salary of employees.</p> <p>14. Board may vary terms or conditions of superannuation scheme.</p> <p>15. Board may assume liability under existing superannuation scheme.</p> <p style="text-align: center;"><i>Rights of Contributing Employees</i></p> <p>16. Contributing employees deemed to be contributors for certain purposes.</p> <p>17. Employee may withdraw from superannuation scheme.</p> <p>18. Rights of employee on ceasing to be in service of local authority.</p> <p style="text-align: center;"><i>Miscellaneous</i></p> <p>19. Additional rights of persons engaged in nursing and similar occupations.</p> <p>20. Actuary to make separate report to Board.</p> <p>21. Minister may become contributor in respect of persons in Education service.</p> <p>22. As to execution of documents on behalf of Board.</p> <p>23. Repeals and savings. Schedule.</p> |
|---|---|

## 1946, No. 35

AN ACT to amend the National Provident Fund Act, 1926. Title.  
[12th October, 1946

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

1. This Act may be cited as the National Provident Fund Amendment Act, 1946, and shall be read together with and deemed part of the National Provident Fund Act, 1926 (hereinafter referred to as the principal Act). Short Title.  
See Reprint  
of Statutes,  
Vol. VI, p. 32

*Reconstitution of Board*

2. (1) The Fund shall be administered by a Board called the National Provident Fund Board, consisting of the Minister of Finance, the Secretary to the Treasury, the Director-General of Health, the Valuer-General, the Superintendent of the Fund, and two other persons appointed by the Governor-General and holding office during his pleasure. Reconstitution  
of National  
Provident  
Fund Board.

(2) The Minister of Finance shall be Chairman of the Board.

(3) In the absence from any meeting of the Board of any member who is an officer of the Public Service, any officer of his Department having authority to act in his place during his absence may attend the meeting in his stead, and while so attending shall be deemed to be a member of the Board.

(4) This section is in substitution for section four of the principal Act, and that section is hereby accordingly repealed. Repeal.

*Local Authorities' Superannuation*

3. Section two of the principal Act is hereby amended as follows:— Definition of  
terms  
"contributing  
employee"  
and "local  
authority".

(a) By inserting, after the definition of the term "contributor", the following definition:—

“ ‘Contributing employee’ means a person in respect of whom a local authority is a contributor to the Fund: ”:

(b) By repealing the definition of the term "local authority", and substituting the following definition:—

“ ‘Local authority’ means a local authority within the meaning of the Local Government Loans Board Act, 1926 (whether by virtue of section two of that Act, or of any Order in Council thereunder, or by virtue of any other Act): ”.

See Reprint  
of Statutes,  
Vol. V, p. 415

Local  
authorities to  
furnish  
returns to  
Superintendent.

4. Every local authority that is not a contributor to the Fund on the date of the passing of this Act shall, within six months after that date or, in the case of a local authority that is constituted after the passing of this Act, within six months after the date of its constitution, furnish a return to the Superintendent containing the following particulars:—

- (a) The name of every person who is a permanent employee of the local authority:
- (b) The date of birth of that person:
- (c) The annual rate of salary or wages of that person:
- (d) Such other particulars as may be required by the Board.

Superannuation  
schemes for  
local  
authorities.

5. (1) On receipt of any return furnished under the last preceding section, the Board shall cause to be prepared a superannuation scheme containing the terms and conditions on which the local authority is to be a contributor to the Fund (including the rates of pensions to be payable to contributing employees) and shall notify the local authority of that superannuation scheme.

(2) The Board may impose different terms and conditions in different schemes according to the class of local authority concerned and, by agreement with the local authority, in the same superannuation scheme may impose different terms and conditions in respect of different classes of employees of the same local authority.

(3) In the exercise of the powers conferred by this section, the Board may vary any conditions imposed or benefits conferred by the principal Act.

6. On receipt of a notification under subsection one of the last preceding section, the local authority shall deliver to each of its permanent employees a notice in writing specifying—

Local authority to notify permanent employees of superannuation scheme.

(a) The name and age of that person:

(b) The terms and conditions contained in the superannuation scheme notified to the local authority under the last preceding section.

7. (1) Every person to whom a notice is delivered under the last preceding section and every person who after the passing of this Act becomes permanently employed by a local authority that is a contributor to the Fund may at any time before the expiration of one month from the delivery of the notice or from his appointment, as the case may be, elect to become a contributing employee as from the date of the commencement of the superannuation scheme or the date of his appointment, as the case may be.

Election to become contributing employee.

(2) Every such election shall be made in writing addressed to the Superintendent or to an officer of the employing local authority nominated in that behalf by the Superintendent.

(3) If any person so entitled to elect to become a contributing employee does not so elect within the time aforesaid, he shall not at any future time, whether in respect of the same or any other appointment, elect to become a contributing employee except with the consent of the Board and on such conditions as the Board determines.

8. Every local authority to which section four hereof relates shall be deemed to be a contributor to the Fund, as from a date to be fixed in that behalf by the Board, being not earlier than the date of the passing of this Act or, in the case of a local authority that is constituted after the passing of this Act, not earlier than the date of its constitution, on behalf of those of the permanent employees who have elected, in accordance with section seven hereof, to become contributing employees and as from that date the Board and the local authority shall be deemed to be bound by the superannuation scheme notified to the local authority under section five hereof.

Local authorities deemed to be contributors.

Limitation  
on right to  
be contributing  
employee.

9. No person may become a contributing employee until he has reached the age of twenty years, but any permanent employee of a local authority may elect, in accordance with section seven hereof, to become a contributing employee as from the time of his attaining that age.

As to meaning  
of permanent  
employee.

10. If any question arises as to whether or not a person is a permanent employee for the purposes of this Act, that question shall be referred to the Board, whose decision on the question shall be final and conclusive.

Saving of  
existing  
superannuation  
schemes.

11. Every local authority that is a contributor to the Fund on the passing of this Act shall be deemed to be a contributor under this Act, and the provisions of this Act shall, with the necessary modifications, apply to each such local authority and its employees accordingly:

Provided that nothing in section nine hereof shall be deemed to affect any person on behalf of whom a local authority is a contributor on the passing of this Act.

Recovery of  
contributions  
from local  
authority.

12. (1) All contributions or other moneys from time to time due to the Fund from a local authority shall be deemed to be a debt due by that local authority to the Board, and may be recovered accordingly on behalf of the Board by any person authorized by it in that behalf.

(2) All moneys so due and payable may be paid by the local authority out of its ordinary revenues.

(3) Contributions payable by a local authority out of its funds on behalf of any person in respect of whom it is a contributor shall not be deemed to form part of the salary or wages of that person.

(4) The contributions payable by a local authority shall be payable monthly, and shall be due on the last day of the month for which they are payable. Interest at a rate not exceeding five per centum per annum may be charged as from the due date on any amounts unpaid after the expiration of fourteen days from that date.

(5) If any local authority fails to make any contribution to the Fund for which it is liable, or fails to deduct from the salary or wages of any person on whose behalf it is a contributor any contribution for which that person is personally liable, the total amount of those contributions may, at the request of the Board, be deducted by the Minister from any subsidy that

may be payable to the local authority, and all amounts so deducted may, without further appropriation than this section, be paid into the Fund.

13. The local authority shall from time to time deduct from the wages or salary of each person in respect of whom it is a contributor to the Fund, as such wages or salary becomes due or payable, such proportion thereof as may be specified by the Board in the terms and conditions notified to the local authority under section five hereof.

Deductions of contributions from wages or salary of employees.

14. (1) The Board may from time to time, by notice to the local authority, vary any of the terms or conditions under which a local authority is a contributor to the Fund, whether or not the local authority was a contributor to the Fund on the passing of this Act.

Board may vary terms or conditions of superannuation scheme.

(2) Any such notice shall set out the details of the variation and shall fix the date from which the variation is to take effect.

(3) The local authority shall forthwith on receipt of any notice under subsection one hereof notify the same to each of its contributing employees, any of whom may, within three months after the date on which the variation is to take effect, elect to remain subject to the same terms and conditions as applied to him before the variation took place.

(4) Every such election shall be made in writing addressed to the Superintendent or to an officer of the employing local authority nominated in that behalf by the Superintendent.

15. If, on the passing of this Act, any local authority is a party to any superannuation scheme to which the principal Act does not apply, the Board may, on such terms and conditions as may be agreed upon with the local authority, arrange for the payment of any benefits to which any person may be entitled under the scheme.

Board may assume liability under existing superannuation scheme.

#### *Rights of Contributing Employees*

16. For the purposes of sections fourteen to nineteen, sixty-one, and sixty-six of the principal Act, every contributing employee shall himself be deemed to be a contributor to the Fund and shall, except so far as is otherwise specified by the Board, be entitled to the benefits conferred by those sections.

Contributing employees deemed to be contributors for certain purposes.

Employee may withdraw from superannuation scheme.

17. (1) Any person who at any time after the passing of this Act is a contributing employee may at any time deliver to the Superintendent or to an officer of the employing local authority nominated in that behalf by the Superintendent a notice in writing of his intention to cease to be a contributing employee on a date to be specified in the notice, being not less than six months after the notice is delivered.

(2) On the date specified in that behalf in any such notice, unless the notice is sooner withdrawn by the contributing employee, he shall cease to be a contributing employee, and in any such case—

(a) He shall be entitled to receive from the Fund a refund of all moneys deducted by the local authority under section thirteen hereof less any benefits he may have received from the Fund while in the service of the local authority:

(b) He shall not at any future time, whether in respect of the same or any other appointment, become a contributing employee except with the consent of the Board and on such conditions as the Board determines.

Rights of employee on ceasing to be in service of local authority.

18. (1) If any contributing employee ceases to be in the service of a local authority before he becomes entitled to a pension under the principal Act, he shall thereupon be entitled to receive from the Fund a refund of all moneys deducted by the local authority from his salary or wages under section thirteen hereof, less any benefits he may have received from the Fund while in the service of the local authority:

Provided that the Board may, in its discretion, on the application of any such person and subject to such terms and conditions as it thinks fit, accept him as a contributor to the Fund as from a date to be fixed in that behalf by the Board.

(2) If within eighteen months, or such further period as the Board may allow or determine, after the termination of the contract of service between a local authority and a contributing employee the employee enters the service of the same or another local authority and has not in the meantime obtained a refund under subsection one hereof, the employee shall, on payment

to the Fund of the total amount that would have been contributed to the Fund if he had not left the service of the first-mentioned local authority or such lesser amount as may be determined by the Board, be entitled to the same benefits and on the same terms as if he had not left that service.

### *Miscellaneous*

**19.** (1) Any person registered under the Nurses and Midwives Act, 1945, who for the time being is the holder of an annual practising certificate under that Act and is not an officer of the Public Service or employed by a local authority may become a contributor to the Fund on such terms and conditions as the Board thinks fit.

Additional  
rights of  
persons  
engaged  
in nursing and  
similar  
occupations.  
1945, No. 7

(2) In the exercise of the powers conferred by the last preceding subsection the Board may vary any conditions imposed or benefits conferred by the principal Act.

(3) If any person ceases to hold an annual practising certificate as aforesaid the provisions of subsection one of section eighteen of this Act shall, with the necessary modifications, apply as if that person were an employee ceasing to be in the service of a local authority.

(4) The provisions of this section shall, with the necessary modifications, apply to any class of persons who are normally employed in hospitals and who are required, under the provisions of any Act, to be registered.

**20.** (1) The Actuary appointed under section seventy-three of the principal Act shall, whenever he reports under that section, make a separate report to the Board as to the adequacy of contributions being received by the Board from local authorities.

Actuary to  
make separate  
report to  
Board.

(2) On receipt of any such separate report the Board may increase or reduce contributions payable by any local authority or may reduce the rate of pensions or other benefits payable in respect of future employees of the local authority.

(3) A copy of the Actuary's separate report together with a statement of any action taken by the Board under the last preceding subsection shall be included



in the next succeeding annual report forwarded by the Board to the Minister under subsection two of section seventy-two of the principal Act.

(4) Nothing in this section shall be deemed to affect the right of the Board to vary the terms and conditions of any superannuation scheme under section fourteen of this Act.

**21.** Section thirty of the Finance Act, 1938, is hereby amended by inserting in subsection seven, after the word "Department", the words "or in the Education service within the meaning of Part IV of the Public Service Superannuation Act, 1927."

Minister may become contributor in respect of persons in Education service.

1938, No. 13

See Reprint of Statutes, Vol. VII, p. 587

As to execution of documents on behalf of Board.

**22.** Any contract, agreement, consent, or notification may, when made or given by the Board, be executed by the Superintendent or Deputy Superintendent on behalf of the Board.

Repeals and savings.

**23.** (1) The foregoing provisions of this Act are in substitution for sections twenty-two to thirty-six of the principal Act, and those sections are hereby accordingly repealed.

(2) The enactments specified in the Schedule hereto are hereby repealed to the extent indicated therein.

(3) All offices, appointments, Orders in Council, regulations, decisions, resolutions, agreements, determinations, contributions, pensions, allowances, records, instruments, and generally all acts of authority which originated under any of the enactments repealed by this section and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated.

(4) All matters, appeals, and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

**SCHEDULE****Schedule.****ENACTMENTS REPEALED**

Title of Enactment.	Extent of Repeal.
1926, No. 16— The National Provident Fund Act, 1926 (Reprint of Statutes, Vol. VI, p. 32)	The definitions of the terms “Hospital Board” and “Permanent staff” in section 2, and sections 54, 55, 56, 57, 58, 59, and 60.
1931, No. 18— The National Provident Fund Amendment Act, 1931 (Reprint of Statutes, Vol. VI, p. 73)	Section 2.
1932, No. 8— The National Expenditure Adjustment Act, 1932	Section 24.
1935, No. 41— The Finance Act (No. 2), 1935	Section 23.
1938, No. 13— The Finance Act, 1938 ..	Section 30 (2).
1939, No. 38— The Finance Act (No. 2), 1939	Sections 22, 27, 28, 29, and 30.
1942, No. 16— The National Provident Fund Amendment Act, 1942	Sections 4, 5, and 6.
1944, No. 7— The Finance Act (No. 2), 1944	Section 16 (4).