

SUPERANNUATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Superannuation Act 1947.

Clause 2 provides that, with the Government Superannuation Board's consent (which may be granted on such conditions as the Board thinks fit), the following may be treated as Government service for superannuation purposes:—

- (a) Training as the holder of a scholarship or bursary approved by a controlling authority;
- (b) Training at a library school;
- (c) Any other service or training undertaken before or after commencing Government service but after reaching the age of twenty years.

Clause 3 extends the discretionary powers of the Government Superannuation Board so as to make it clear that when the Board's consent is required to enable any person to contribute to the Fund, the Board may fix the period to be allowed and the contributions and other payments to be made. The Board is also authorized to allow contributions to be made for any period not otherwise allowable under the Act.

Clause 4 enables the Board, in its discretion, to allow part only of an interval to be included as contributory service under section 24 (b) of the principal Act, and to charge more than the normal contribution in any such case.

Clause 5 enables the Board to accept late elections to contribute on a higher salary in the case of a reduction.

Clause 6 provides that the controlling authority for the purposes of the principal Act, in the case of any Department not under the Public Service Commission, is to be the Permanent Head instead of the Minister.

Clause 7 makes the principal Act apply to the service of a permanent member of the regular Forces during continuous periods following the period of his engagement, so that he will continue to be a contributor when he is retained after the completion of his engagement.

Clause 8 provides that where a permanent member has retired on a retiring allowance under section 62 or section 68 based on less than forty years' service, and is subsequently re-employed for full-time service in the New Zealand Forces, he will again become a contributor at such rate of contribution as the Board determines, and his retiring allowance will cease until he again retires, when his retiring allowance will be computed separately in respect of each period of service.

Clause 9 amends the wording of the definition of the term " salary " in section 60 of the principal Act so as to widen its scope in accordance with the Act and to conform to new armed forces regulations.

Clause 10 amends section 61 (2) of the principal Act by omitting an incorrect reference.

Clause 11 enables the Board to accept late elections, subject to such conditions as the Board may impose under section 8 of the principal Act.

Clause 12 enables an election to be made under section 64 to contribute in respect of part only of any previous military service, as well as for the whole period.

Clause 13 enables a contributor to elect to contribute in respect of previous military or civilian service up to the maximum of ten years, notwithstanding the period of his engagement as a permanent member.

Clause 14 applies Part IV of the principal Act to the Solicitor-General so that his superannuation rights will be the same as those of Magistrates and Maori Land Court Judges.

Clause 15 requires the Board's annual accounts to be prepared as soon as practicable after the end of every financial year, as the present period of three months has been found to be too short.

Hon. Mr. Fortune

SUPERANNUATION AMENDMENT

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A BILL INTITULED

AN ACT to amend the Superannuation Act 1947. Title.

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

1. (1) This Act may be cited as the Superannuation Amendment Act 1951, and shall be read together with and deemed part of the Superannuation Act 1947 (hereinafter referred to as the principal Act). Short Title. 1947, No. 57

(2) Except as otherwise expressly provided, this Act shall be deemed to have come into force at the commencement of the principal Act.

Government Service

Power to extend definition of "Government service".

2. (1) Section two of the principal Act is hereby amended by adding the following subsection as subsection two thereof:— 5

"(2) Subject to the consent of the Board in each case or class of cases, the term 'Government service' shall be deemed to include — 10

"(a) Any training as the holder of a scholarship or bursary approved for the purposes of this paragraph by a controlling authority:

"(b) Any training as a student at a library school:

"(c) Any service or training performed or undergone by a contributor before or after he became a contributor but after he attained the age of twenty years." 15

(2) Section two of the principal Act is hereby further amended by inserting in the definition of the term "salary", after the words "training college", the words "or a library school". 20

(3) This section shall not apply with respect to any contributor who has retired from the Government service before the passing of this Act. 25

Discretionary powers of Board.

3. (1) Section eight of the principal Act is hereby amended by adding to subsection two the words "including conditions fixing or limiting the period or periods in respect of which a contributor is to be permitted to contribute to the Fund, fixing the contributions payable in respect of any period for which no salary is payable, and fixing the payments (if any) to be made to the Fund by a contributor in addition to his contributions". 30

(2) Section eight of the principal Act is hereby further amended by adding the following subsection:— 35

"(3) Notwithstanding anything to the contrary in this Act, but subject to the consent of the Board in each case, any contributor may contribute to the Fund under

Part II of this Act in respect of the whole or any part of any period which could not otherwise be computed as part of his contributory service."

5 (3) This section shall not apply with respect to any contributor who has retired from the Government service before the passing of this Act.

4. Section twenty-four of the principal Act is hereby amended by adding to paragraph (b) the following proviso:—

Conditions of Board's consent to continuity of service.

10 " Provided that the conditions imposed by the Board in granting its consent in any case under this paragraph may include a condition that only a specified part of the interval be regarded as contributory service, and a condition that the employee pay into the Fund, within
15 such time as the Board may allow in that behalf, such sum as the Board may fix in respect of the interval or the specified part thereof, as the case may be."

5. Section twenty-nine of the principal Act is hereby amended by inserting, after the words "(whichever is
20 the later)", the words " or within such further time as the Board may in any case allow ".

Late elections to contribute on higher salary in case of reduction.

6. (1) The definition of the term "controlling authority" in section two of the principal Act is hereby amended as follows:—

Controlling authority.

25 (a) By omitting the words " Minister of Education ", and substituting the words " Director of Education ":

(b) By omitting the words " Minister in charge ", and substituting the words " Permanent
30 Head ".

(2) This section shall come into force on the passing of this Act.

Armed Forces

7. (1) Section sixty of the principal Act is hereby
35 amended by adding to the definition of the term " permanent member of the regular Forces " in sub-section one the words " or for any subsequent period or periods continuous with any such specified period ".

Contributory service after completion of term of engagement.

(2) This section shall not apply with respect to any person who has received a refund of his contributions to the Fund or has retired on a retiring allowance before the passing of this Act unless, within such period as the Board may allow, he elects to contribute to the Fund in respect of the whole or any part of any such subsequent period. 5.

Re-employment
of contributor
after retiring
on allowance.

8. (1) Section sixty-seven of the principal Act is hereby amended by adding the following subsection:—

“(5) Where any permanent member who has retired from the regular Forces on a retiring allowance under section sixty-two or section sixty-eight of this Act, and whose length of contributory service is less than forty years, is re-employed for full-time service as a member of the New Zealand Forces, he shall again be a contributor to the Fund from the date of his re-employment at such rate of contribution as the Board determines. In any such case the retiring allowance shall not be payable while he continues to be a contributor; and upon his subsequently ceasing to be a contributor his retiring allowance shall be computed separately in respect of each of his periods of service and of the rate of salary on the basis of which he contributed to the Fund during each of those periods: 10.
15.
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“Provided that where his retirement was on the ground of being medically unfit for further duty he may with the consent of the Board elect to have his retiring allowance computed in respect of the total length of his periods of contributory service as if they were continuous.” 25.
30.

(2) This section shall come into force on the passing of this Act.

Amending
definition of
“ salary ”.

9. (1) The definition of the term “ salary ” in subsection one of section sixty of the principal Act is hereby amended as follows:— 35.

(a) By omitting the words “ permanent member ”, and substituting the words “ member of the New Zealand Forces ”:

(b) By omitting the words “ quarters and rations or out-of-camp allowance ”, and substituting the words “ rations or ration allowance ”. 40.

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-one.

10. Section sixty-one of the principal Act is hereby amended by omitting from subsection two the words "paragraphs (c), (d), and (e)", and substituting the words "paragraphs (c) and (d)".

Section 61 amended.

5 11. The principal Act (as amended by sections sixteen and seventeen of the Superannuation Amendment Act 1948) is hereby further amended as follows:—

Power of Board to consent to late elections.

1948, No. 79

10 (a) By adding to the proviso to subsection one of section sixty-three the words "or, with the consent of the Board, at any time thereafter":

15 (b) By inserting in subsection two of section sixty-three and in subsection two of section sixty-four and in subsection two of section sixty-six, after the words "first day of April, nineteen hundred and forty-nine", the words "or, with the consent of the Board, at any time thereafter".

20 12. Section sixty-four of the principal Act is hereby amended by inserting, in subsection one, after the words "contribute to the Fund in respect of", the words "the whole or any part of".

Power to contribute in respect of whole or part of previous service in His Majesty's Forces.

25 13. (1) Section sixty-four of the principal Act is hereby amended by repealing paragraph (e) of subsection three.

Removing restriction on contribution in respect of previous service up to ten years.

(2) Section sixty-six of the principal Act is hereby amended as follows:—

30 (a) By omitting from subsection one the words "so much"; and substituting the words "the whole or any part":

35 (b) By omitting from subsection one the words "as is necessary to entitle him to a retiring allowance under section sixty-two of this Act at the earliest date at which he may be compulsorily retired".

(3) The said section sixty-four is hereby consequentially amended as follows:—

- (a) By omitting from the proviso to subsection three the words “ paragraphs (c), (d), and (e)”, and substituting the words “ paragraph (d) ”: 5
- (b) By omitting from subsection five the words “ and paragraph (e) of subsection three of this section shall not apply ”.

Solicitor-General

Part IV of principal Act to apply to Solicitor-General.

14. (1) Section seventy-one of the principal Act is hereby amended by adding the following subsections as subsections two and three thereof:— 10

“(2) Except as hereinafter expressly provided, Part II of this Act shall not apply to the Solicitor-General. 15

“(3) The following provisions of this Part of this Act shall apply to the Solicitor-General, and accordingly shall be construed for the purposes of this subsection as if every reference therein to a Magistrate or to a Judge of the Maori Land Court were a reference to the Solicitor-General.” 20

(2) The heading to Part IV of the principal Act is hereby consequentially amended by adding the words “ and Solicitor-General ”.

Annual Accounts

Time for preparation of accounts.

15. Section eighty-four of the principal Act is hereby amended by omitting from subsection one the words “ Within three months ”, and substituting the words “ As soon as practicable ”. 25