

[AS REPORTED FROM THE GOVERNMENT ADMINISTRATION
COMMITTEE]

House of Representatives, 23 June 1992.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Wyatt Creech

STATE SECTOR SUPERANNUATION

ANALYSIS

Title	11. Interpretation	
1. Short Title and commencement	12. Application of Part VA of principal Act after 30 June 1992	
PART I		
AMENDMENTS TO GOVERNMENT SUPERANNUATION FUND ACT 1956		
2. This Part to be read with Government Superannuation Fund Act 1956	13. Application	
3. Interpretation	14. Application	
4. New sections substituted	15. Special right of person who has not attained 50 years to elect to surrender proportion of retiring allowance and receive cash payment	
3. Government Superannuation Board	16. Repeal of provisions relating to re-election	
3A. Membership	17. Re-election as member after retiring	
3B. Nomination of appointed members	18. Application of Part VIA of principal Act after 30 June 1992	
3C. Term of office of appointed members	19. Application of Part VIB of principal Act after 30 June 1992	
4. Representation of absent members	20. Members of Prisons Service who may contribute to Fund under this Part	
5. Procedure of Board	21. Right to cease to contribute under this Part	
5. Audit of accounts	22. Sections to apply to contributors and contributions under Part VIB	
6. Refund of contributions on retiring before entitled to retiring allowance	23. Annual report and financial statements	
7. Computation of refunds for redundant employees of Niue Public Service	24. Transitional provisions	
8. Special provisions in relation to elections made after 30 June 1992	PART II	
9. Application of Part IIIA of principal Act after 30 June 1992	AMENDMENTS TO DEFENCE ACT 1990	
10. Benefits where contributor leaves regular forces and is not entitled to retiring allowance	25. This Part to be read with Defence Act 1990	
	26. New Part VA inserted	
	PART VA	
	SUPERANNUATION	
	73A. Interpretation	

- 73b. Chief of Defence Force may establish Superannuation schemes for members of Defence Force
- 73c. Requirements in respect of Superannuation schemes for members of Defence Force
- 73d. Chief of Defence Force to obtain confirmation from Government Actuary that scheme meets requirements of this Act
- 73e. Contributions to Superannuation schemes
- 73f. Chief of Defence Force may establish compulsory scheme for members of Armed Forces

PART III

AMENDMENTS TO POLICE ACT 1958

27. This Part to be read with Police Act 1958
28. Interpretation
29. State Services Superannuation schemes
30. Age of retirement
31. Retirement of medically unfit
32. Commissioner to prescribe standards of fitness
33. Application of sections 28c and 28d
34. Compulsory disengagement of unfit
35. Voluntary disengagement of unfit
36. Entitlement to allowances, etc.
37. Conditions of employment of sworn members of Police

PART IV

AMENDMENTS TO STATE SECTOR ACT 1988

38. This Part to be read with State Sector Act 1988
39. New sections substituted
- 84a. Power to establish superannuation schemes for officers and employees
- 84b. Requirements in respect of superannuation schemes
- 84c. Obligation to obtain confirmation from Government Actuary that scheme meets requirements
- 84d. Contributions to superannuation schemes

PART V

AMENDMENTS TO AREA HEALTH BOARDS ACT 1983

40. This Part to be read with Area Health Boards Act 1983
41. Power of area health boards to establish superannuation schemes for employees
42. Requirements in respect of superannuation schemes

PART VI

AMENDMENTS TO HIGHER SALARIES COMMISSION ACT 1977

43. This Part to be read with Higher Salaries Commission Act 1977
44. Functions of Commission
45. Functions of Commission in relation to judicial salaries and superannuation

A BILL INTITULED

An Act to amend the Government Superannuation Fund Act 1956 and various other Acts relating to superannuation

BE IT ENACTED by the Parliament of New Zealand as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the State Sector Superannuation Act 1992.

(2) Except as provided in section 11 (3) of this Act, this Act shall come into force on the 1st day of July 1992.

PART I

10

AMENDMENTS TO GOVERNMENT SUPERANNUATION FUND ACT 1956

2. This Part to be read with Government Superannuation Fund Act 1956—This Part of this Act shall be read together with and deemed part of the Government 15

Superannuation Fund Act 1956* (hereafter in this Part referred to as the principal Act).

5 **3. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, before the definition of the term “Board”, the following definition:

“‘Appointed member’ means a member of the Board appointed under paragraph (e) or paragraph (g) of section 3A(1) of this Act.”.

10 (2) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “financial year” (as substituted by section 2 (1) of the Government Superannuation Fund Amendment Act 1976), and substituting the following definition:

15 “‘Financial year’ means the period of 12 months ending with the 30th day of June.”.

(3) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “member of the Prisons Service” (as inserted by section 2 (1) of the Government Superannuation Fund Amendment Act 1986), and substituting the following definition:

20 “‘Member of the Prisons Service’ means an employee of the Department of Justice who occupies a position that carries custodial or supervisory responsibility over prison inmates.”.

25 (4) Section 2 (1) of the Government Superannuation Fund Amendment Act 1986 is hereby consequentially repealed.

30 (5) Notwithstanding the definition of the term “financial year” (as substituted by subsection (2) of this section) in section 2 (1) of the principal Act, the period of 15 months beginning on the 1st day of April 1992 and ending with the 30th day of June 1993 shall, for the purposes of the principal Act, be treated as one financial year.

35 **4. New sections substituted**—(1) The principal Act is hereby amended by repealing sections 3 to 5, and substituting the following sections:

“**3. Government Superannuation Board**—(1) For the purposes of this Act there shall be a Board, to be called the Government Superannuation Board.

40 “(2) The Board shall be and be deemed always to have been a body corporate with perpetual succession and a common seal,

*R.S. Vol. 21, p. 209

Amendments: 1987, No. 187; 1988, No. 19; 1989, No. 23; 1990, No. 30; 1990, No. 77; 1991, No. 7; 1991, No. 59

and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may do and suffer.

- “3A. **Membership**—(1) The Board shall consist of— 5
- “(a) The Minister of Finance (who shall be the Chairperson):
- “(b) The Secretary to the Treasury (who shall be the Deputy Chairperson):
- “(c) The State Services Commissioner:
- “(d) The chief executive officer of the New Zealand Railways Corporation: 10
- “(e) Two members to be appointed by the Governor-General on the recommendation of the Minister of Finance:
- “(f) The Commissioner of Police:
- “(g) Six members (being contributors to the Fund) to be appointed by the Governor-General, on the recommendation of the Minister of Finance, as staff representatives. 15
- “(2) The powers of the Board shall not be affected by any vacancy in its membership. 20
- “3B. **Nomination of appointed members**—(1) Of the two members appointed under **section 3A (1) (e)** of this Act—
- “(a) One shall be appointed on the nomination of the Minister of Education to represent employers of contributors employed in the Education service: 25
- “(b) One shall be appointed on the joint nomination of the chief executive of New Zealand Post Limited, the chief executive of Postbank Limited, and the chief executive of Telecom Corporation of New Zealand Limited, or, in default of a joint nomination, after consultation by the Minister of Finance with each of those chief executives. 30
- “(2) Of the staff representatives appointed under **section 3A (1) (g)** of this Act—
- “(a) One shall be appointed on the nomination of the New Zealand Public Service Association Incorporated: 35
- “(b) One shall be appointed on the joint nomination of those service organisations that in the opinion of the Minister of Finance represent persons employed by the New Zealand Railways Corporation and persons employed by any transferee company within the meaning of the New Zealand Railways Corporation Restructuring Act 1990 or, in default of a joint 40

nomination, after consultation by the Minister with each of those organisations:

5 “(c) One shall be appointed on the joint nomination of those service organisations that in the opinion of the Minister of Finance represent persons employed in the Education service or, in default of a joint nomination, after consultation by the Minister with each of those organisations:

10 “(d) One shall be appointed on the nomination of the Communication and Energy Workers Union (Incorporated):

15 “(e) One shall be appointed on the joint nomination of the New Zealand Police Association Incorporated, and of representatives of the commissioned officers of the Police or, in default of a joint nomination, after consultation by the Minister of Finance with that organisation and with those representatives:

20 “(f) One shall be appointed on the nomination of the Minister of Defence to represent permanent members of the regular forces.

25 “3c. **Term of office of appointed members**—(1) Except as provided in subsection (3) of this section, every appointed member shall be appointed for a term of 3 years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability affecting performance of duty, insolvency, neglect of duty, or misconduct, proved to the satisfaction of the Minister of Finance.

30 “(2) Any appointed member may at any time resign his or her office by giving written notice to that effect to the Minister of Finance.

35 “(3) If any appointed member dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his or her predecessor was appointed.

40 “(4) Every appointed member, unless he or she sooner vacates office as provided in subsection (3) of this section, shall continue in office until he or she is reappointed or his or her successor comes into office, notwithstanding that the term for which he or she was appointed may have expired.

“4. **Representation of absent members**—(1) In the absence from any meeting of the Board of any *ex officio*

member of the Board who is in the Government service, any officer of the Government service having authority to act in that member's place during that member's absence may attend the meeting in that member's stead.

"(2) Except as provided in the foregoing provisions of this section, the Minister of Finance may from time to time appoint any person to act for any member of the Board at any meeting in the event of that member's absence therefrom. 5

"(3) While any person is attending any meeting of the Board pursuant to this section, that person shall be deemed for all purposes to be a member of the Board, and the fact that any person so attends shall be sufficient evidence of that person's authority to do so. 10

"5. Procedure of Board—(1) At any meeting of the Board at which the Chairperson is not present and no person attends in the Chairperson's stead, the Deputy Chairperson, if he or she is present, shall preside, and, if the Deputy Chairperson is not present and no person attends in his or her stead, the Board shall appoint a Chairperson from the members present. 15

"(2) At all meetings of the Board 7 members shall form a quorum. 20

"(3) Subject to the provisions of this Act and of any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit."

(2) The following enactments are hereby consequentially repealed: 25

(a) So much of the Second Schedule to the Government Superannuation Fund Amendment Act 1976 as relates to section 3 (3) (d) of the principal Act:

(b) Section 4 of the Government Superannuation Fund Amendment Act 1986. 30

5. Audit of accounts—Section 19 of the principal Act is hereby repealed.

New

5A. Election of variable retiring allowance to secure a level income—Section 40 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsections: 35

"(7) An election under this section may be made—

New

- 5 “(a) At any time within the 3 months immediately preceding the retirement of the contributor, or at any time after retirement and before acceptance of the first instalment of the retiring allowance; or
- “ (b) With the consent of the Board, at any later date.
- 10 “(8) More than one election may be made by a contributor under this section, except that second or subsequent elections may be made only with the consent of the Board.
- “ (9) A contributor may, with the consent of the Board, cancel any election under this section by notice in writing delivered to the Superintendent.
- 15 “(10) Where an election is cancelled, future payments of the retiring allowance shall, subject to any further election under this section, be paid at the rate at which they would have been payable if the election had not been made, with an adjustment calculated on actuarial principles in respect of the variation in the amount of the retiring allowance while the election was in force.
- 20 “(11) The Board’s consent under subsection (7) (b) or subsection (8) or subsection (9) of this section may be subject to such terms and conditions as the Board may determine.”

25 **6. Refund of contributions on retiring before entitled to retiring allowance**—(1) Section 42 (4) of the principal Act (as amended by section 13 (1) of the Government Superannuation Fund Amendment Act 1959) is hereby amended by omitting the words “financial year has been so paid on the 31st day of March”, and substituting the words “financial year has been so paid on the 30th day of June”.

30 (2) Section 13 (1) of the Government Superannuation Fund Amendment Act 1959 is hereby consequentially repealed.

7. Computation of refunds for redundant employees of Niue Public Service—The principal Act is hereby amended by inserting, after section 51, the following section:

35 “51A. Where the cessation of service at any time after the 1st day of June 1991 of any contributor from the Niue Public Service is compulsory for any reason other than misconduct, section 42 of this Act shall apply and be read as if it entitled the contributor to receive a refund of an amount which is the sum

40 of—

- “(a) The total amount of the contributor’s contributions to the Fund (less any sums already received by the contributor from the Fund); and
- “(b) The total amount paid to the Fund in respect of that contributor by the Niue Government under section 95 (2) of this Act; and 5
- “(c) A sum by way of interest on both of the total amounts referred to in paragraphs (a) and (b) of this subsection, computed in the same manner as provided for in section 42 (3) of this Act.” 10

8. Special provisions in relation to elections made after 30 June 1992—(1) The principal Act is hereby amended by inserting, after section 61A (as inserted by section 13 of the Government Superannuation Fund Amendment Act 1985 and amended by section 2 (1) of the Government Superannuation Fund Amendment Act (No. 2) 1991), the following section: 15

“61AA. (1) Nothing in section 61A (1A) of this Act limits the provisions of section 61E (4) of this Act.

“(2) Nothing in section 61A (1A) of this Act prevents any person who is employed in the Government service on or after the 1st day of July 1992 from again electing to become a contributor to the Fund under this Part of this Act if— 20

“(a) That person was a contributor to the Fund under this Part of this Act in respect of a period of Government service that took place before the 1st day of July 1992; and 25

“(b) That person’s contributions under this Part of this Act in respect of his or her previous period of Government service have remained, as a result of an election made by that person under section 61R (1) (c) of this Act, in the Fund throughout the period between the date on which that person’s election under section 61R (1) (c) of this Act took effect and the date on which that person again elects to become a contributor to the Fund under Part IIA of the principal Act. 30 35

“(3) Nothing in section 61A (1A) of this Act prevents any person who resumes employment in the Government service on or after the 1st day of July 1992 from again electing to become a contributor to the Fund under this Part of this Act if— 40

“(a) That person was a contributor to the Fund under this Part of this Act in respect of a period of Government

service that took place before the 1st day of July 1992; and

5 “(b) That person’s contributions under this Part of this Act in respect of his or her previous period of Government service have remained, as a result of an election made by that person under section 61s (1) (b) of this Act, in the Fund throughout the period between that person’s two periods of Government service.”

10 **9. Application of Part IIIA of principal Act after 30 June 1992**—Section 71B of the principal Act (as inserted by section 15 (1) of the Government Superannuation Fund Amendment Act 1986) is hereby amended by adding, as subsections (2) and (3), the following subsections:

15 “(2) Nothing in this Part of this Act shall apply in respect of—
“(a) Any person who first becomes a member of the regular forces after the **30th day of June 1992**; or

20 “(b) Any period of service as a member of the regular forces after the **30th day of June 1992** by any person who rejoins the regular forces after that date (other than a person whose contributions in respect of his or her previous period of service remain, as a result of an election made by that person under this Part of this Act, in the Fund throughout the period between that person’s two periods of service as a member of the regular forces).

25 “(3) Nothing in subsection (2) of this section prevents any person who returns to service in the regular forces on or after the **1st day of July 1992** from again electing to become a contributor to the Fund under this Part of this Act if—

30 “(a) That person was, as at the close of the **30th day of June 1992**, a contributor to the Fund under this Part of this Act who was on leave of absence, without salary, from the regular forces; and

35 “(b) That person has, throughout the period beginning with the date on which he or she began his or her period of leave of absence, without salary, from the regular forces and ending with the date on which he or she returned to service with the regular forces, either—

40 “(i) Continued to contribute to the Fund in accordance with section 32 of this Act (as applied by section 71s (2) of this Act); or

“(ii) As a result of an election made by that person under section 71p (1) of this Act allowed his or her contributions to remain in the Fund.”

10. Benefits where contributor leaves regular forces and is not entitled to retiring allowance—Section 71K(1)(b) of the principal Act (as inserted by section 15(1) of the Government Superannuation Fund Amendment Act 1986) is hereby amended by omitting the expression “31st day of March”, and substituting the expression “30th day of June”. 5

11. Interpretation—(1) Section 81A of the principal Act (as inserted by section 4 of the Government Superannuation Fund Amendment Act 1989) is hereby amended by repealing paragraph (b) of the definition of the term “Judge”, and substituting the following paragraph: 10

“(b) A Judge of the Employment Court appointed under section 113 of the Employment Contracts Act 1991 or deemed to have been appointed under that Act by subsection (1) or subsection (2) of section 188 of that Act.” 15

(2) Section 81A of the principal Act (as so inserted) is hereby amended by repealing paragraph (b) of the definition of the term “temporary Judge”, and substituting the following definition: 20

“(b) A Judge of the Employment Court appointed under section 116 of the Employment Contracts Act 1991.”

(3) This section shall be deemed to have come into force on the 19th day of August 1991. 25

12. Application of Part VA of principal Act after 30 June 1992—Section 81B of the principal Act (as inserted by section 4 of the Government Superannuation Fund Amendment Act 1989) is hereby amended by adding the following subsections: 30

“(2) Nothing in this Part of this Act shall apply in respect of—

“(a) Any person who is first appointed as a Judge or as Solicitor-General after the **30th day of June 1992**; or

“(b) Any period of judicial service after the **30th day of June 1992** by any person who resumes judicial service after that date (other than a person whose contributions in respect of his or her previous period of judicial service remained, as a result of an election made by that person under this Part of this Act, in the Judges Superannuation Account throughout the period between that person’s two periods of judicial service).” 35 40

“(3) Nothing in subsection (2) of this section prevents any person who, as at the close of the 30th day of June 1992, is a temporary Judge and who is appointed as a Judge immediately after ceasing to be a temporary Judge, from—

5 “(a) Contributing in accordance with section 81G (3) of this Act in respect of his or her service as a temporary Judge; and

“(b) Contributing under this Part of this Act in respect of that immediately following period of service as a Judge.

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New

15 “(3A) Nothing in subsection (2) of this section prevents any person who, as at the close of the 30th day of June 1992, is a Master to whom this Part of this Act applies, and who takes office as a Judge immediately after ceasing to be a Master, from contributing under this Part of this Act in respect of his or her period of service as a Judge.

20 “(4) Notwithstanding subsection (2) of this section, this Part of this Act shall continue to apply to any person who, as at the close of the 30th day of June 1992, holds the office of Solicitor-General.”

13. Application—The principal Act is hereby amended by inserting, after section 81X (as inserted by section 4 of the Government Superannuation Fund Amendment Act 1989), the following section:

25 “81XA. Nothing in this Part of this Act shall apply in respect of—

“(a) Any person who is first appointed as a Master after the 30th day of June 1992; or

30 “(b) Any period of service as a Master after the 30th day of June 1992 by any person who resumes service as a Master after that date (other than a person whose contributions in respect of his or her previous period of service as a Master remained, as a result of an election made by that person under Part VA of this Act (as applied by section 81Y (4) or section 81Z (3) of this Act), in the Judges Superannuation Account throughout the period between the person’s two periods of service as a Master).”

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40 **14. Application**—The principal Act is hereby amended by inserting, after section 82 (as substituted by section 2 of the

Government Superannuation Fund Amendment Act 1987), the following section:

“82A. (1) Nothing in this Part of this Act shall apply in respect of any person who, not being a member on the 30th day of June 1992, is elected as a member after that date. 5

“(2) Where any person who is a member on the 30th day of June 1992—

“(a) Is not re-elected as a member at any general election that takes place after that date; or

“(b) Ceases to be a member after that date by reason of his or her seat having become vacant under section 32 of the Electoral Act 1956,— 10

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nothing in this Part of this Act shall, if that person again becomes a member, apply in respect of any period of service as a member that, in the case of that person, takes place after that person again becomes a member.” 15

New

nothing in this Part of this Act shall apply in respect of any subsequent period of service as a member.” 20

15. Special right of person who has not attained 50 years to elect to surrender proportion of retiring allowance and receive cash payment—Section 84AA (3) (a) of the principal Act (as enacted by section 2 of the Government Superannuation Fund Amendment Act 1987) is hereby amended by omitting the expression “Section 84 (3)”, and substituting the expression “subsections (3) and (4) of section 84”. 25

16. Repeal of provisions relating to re-election—The principal Act is hereby amended by repealing sections 85B, 85C, and 85D (as enacted by section 2 of the Government Superannuation Fund Amendment Act 1987). 30

17. Re-election as member after retiring—The principal Act is hereby amended by repealing section 86 (as substituted

by section 2 of the Government Superannuation Fund Amendment Act 1987), and substituting the following section:

5 “86. Where any person who is in receipt of, or who would otherwise become entitled to, an annual retiring allowance under this Part of this Act (including a person who has ceased to be a member before the **1st day of July 1992**) again becomes a member, that annual retiring allowance shall not be payable while that person continues to be a member; and, upon
10 subsequently ceasing to be a member, the annual retiring allowance shall be payable to that person at the rate at which it would have been payable in accordance with this Part of this Act if that person had not again become a member.”

18. Application of Part VIA of principal Act after 30 June 1992—Section 88A of the principal Act (as inserted by
15 section 2 of the Government Superannuation Fund Amendment Act (No. 2) 1985) is hereby amended by inserting, after subsection (1), the following subsections:

“**(1A)** Nothing in this Part of this Act shall apply in respect of—

20 “(a) Any person who first becomes a member of the Police after the **30th day of June 1992**; or

“**(b)** Any period of service as a member of the Police after the
25 **30th day of June 1992** by any person who rejoins the Police after that date (other than a person whose contributions in respect of his or her previous period of service as a member of the Police remained, as a result of an election made by that person under section 61s (1) (b) of this Act (as applied by section 88H (1) of this Act), in the Fund throughout the
30 period between that person’s two periods of service as a member of the Police).

“**(1B)** Nothing in **subsection (1A)** of this section prevents any person who returns to service as a member of the Police on or after the **1st day of July 1992** from again electing to become a
35 contributor to the Fund under this Part of this Act if—

“**(a)** That person was, as at the close of the **30th day of June 1992**, a contributor to the Fund under this Part of this Act who was on leave of absence, without salary, from the Police; and

40 “**(b)** That person has, throughout the period beginning with the date on which he or she began his or her period of leave of absence, without salary, from the Police and ending with the date on which he or she returned to service with the Police, either—

“(i) Continued to contribute to the Fund in accordance with section 32 of this Act (as applied by section 88M (2) of this Act); or

“(ii) As a result of an election made by that person under section 88J (1) of this Act allowed his or her contributions to remain in the Fund.” 5

19. Application of Part VIb of principal Act after 30 June 1992—(1) Section 88N (1) of the principal Act (as inserted by section 23 of the Government Superannuation Fund Amendment Act 1986) is hereby amended by omitting the words “required to contribute”, and substituting the words “and who contributes”. 10

(2) Section 88N of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (1), the following subsections: 15

“(1A) Nothing in this Part of this Act shall apply in respect of—

“(a) Any person who first becomes a member of the Prisons Service after the **30th day of June 1992**; or

“(b) Any period of service as a member of the Prisons Service after the **30th day of June 1992** by any person who rejoins the Prisons Service after that date (other than a person whose contributions in respect of his or her previous period of service as a member of the Prisons Service remained, as a result of an election made by that person under section 61s (1) (b) of this Act (as applied by section 88U (1) of this Act), in the Fund throughout the period between that person’s two periods of service as a member of the Prisons Service). 20 25 30

“(1B) Nothing in subsection (1A) of this section prevents any person who returns to service in the Prisons Service on or after the **1st day of July 1992** from again electing to become a contributor to the Fund under this Part of this Act if—

“(a) That person was, as at the close of the **30th day of June 1992**, a contributor to the Fund under this Part of this Act who was on leave of absence, without salary, from the Prisons Service; and 35

“(b) That person has, throughout the period beginning with the date on which he or she began his or her period of leave of absence, without salary, from the Prisons Service and ending with the date on which he or she returned to service with the Prisons Service, either— 40

“(i) Continued to contribute to the Fund in accordance with section 32 of this Act (as applied by section 88z (2) of this Act); or

5 “(ii) As a result of an election made by that person under section 61R (1)(c) of this Act (as applied by section 88U (2) of this Act) allowed his or her contributions to remain in the Fund.”

20. Members of Prisons Service who may contribute to Fund under this Part—(1) The principal Act is hereby
10 amended by repealing section 88o (as inserted by section 23 of the Government Superannuation Fund Amendment Act 1986), and substituting the following section:

“88o. (1) Every person who, on the commencement of the **1st day of July 1992**, is a member of the Prisons Service and is
15 contributing to the Fund in that capacity may continue to contribute to the Fund under this Part of this Act in respect of any period during which the person remains a member of the Prisons Service.

“**(2)** Every person who returns to service in the Prisons
20 Service on or after the **1st day of July 1992** may again elect to contribute to the Fund under this Part of this Act if—

“**(a)** That person was, as at the close of the **30th day of June 1992**, a contributor to the Fund under this Part of
25 this Act who was on leave of absence, without salary, from the Prisons Service; and

“**(b)** That person has, throughout the period beginning with the date on which he or she began his or her period of leave of absence, without salary, from the Prisons Service and ending with the date on which he or she
30 returned to service with the Prisons Service, either—

“**(i)** Continued to contribute to the Fund in accordance with section 32 of this Act (as applied by section 88z (2) of this Act); or

35 “**(ii)** As a result of an election made by that person under section 61R (1)(c) of this Act (as applied by section 88U (2) of this Act) allowed his or her contributions to remain in the Fund.”

“**(3)** Every person who rejoins the Prisons Service on or after the **1st day of July 1992** may contribute to the Fund under this
40 Part of this Act in respect of any period during which that person, after rejoining, remains a member of the Prisons Service only if that person’s contributions under this Part of this Act in respect of his or her previous period of service as a

member of the Prisons Service remained, as a result of an election made by that person under section 61s (1) (b) of this Act (as applied by section 88U (1) of this Act), in the Fund throughout the period between that person's two periods of service as a member of the Prisons Service." 5

"(4) Where, on or after the **1st day of July 1992**, any person who is a contributor to the Fund under this Part of this Act—

"(a) Ceases to be a member of the Prisons Service; but

"(b) Becomes an employee of the Department of Justice with responsibilities relating to the administration of the criminal justice system; and 10

"(c) Obtains the approval of the Chief Executive of the Department of Justice to that person remaining a contributor under this Part of this Act,—

this Part of this Act shall apply to that person as if his or her service as an employee of the Department of Justice with responsibilities relating to the administration of the criminal justice system were service as a member of the Prisons Service." 15

(2) The repeal by **subsection (1)** of this section of section 88o of the principal Act (as inserted by section 23 of the Government Superannuation Fund Amendment Act 1986) shall not affect any election made, before the **1st day of July 1992**, under subsection (3) of section 88o of the principal Act (as so inserted). 20

21. Right to cease to contribute under this Part—The principal Act is hereby amended by inserting, after section 88P (as inserted by section 23 of the Government Superannuation Fund Amendment Act 1986), the following section: 25

"88PA. Section 61R of this Act shall apply to contributors under this Part of this Act as if the reference in subsection (5) of that section to Government Service were a reference to service in the Prisons Service. 30

22. Sections to apply to contributors and contributions under Part VIB—Section 88z (3) of this Act (as inserted by section 23 of the Government Superannuation Fund Amendment Act 1986) is hereby amended by inserting, after the expression "sections 88P," the expression "88PA,". 35

23. Annual report and financial statements—The principal Act is hereby amended by repealing section 93, and substituting the following section: 40

"93. (1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister of Finance a

report on matters affecting the Fund during that year, which report shall include a statement of contributors and of retiring and other allowances at the end of that year.

5 “(2) The Board shall include in every annual report of the Board the financial statements prepared by the Board in accordance with Part V of the Public Finance Act 1989, in respect of the financial year to which the report relates, together with the audit report and management statement relating to those financial statements.

10 “(3) A copy of every annual report of the Board shall be tabled in the House of Representatives in accordance with section 44 of the Public Finance Act 1989.”

24. Transitional provisions—(1) Notwithstanding the provisions of the principal Act or of this Act, every member of
15 the Board in office immediately before the commencement of this Act under section 3 (1) (h) of the principal Act (as repealed by section 4 of this Act) shall be deemed to have been appointed under section 3A (1) (g) of the principal Act (as substituted by section 4 of this Act).

20 (2) The term of office of every person deemed by subsection (1) of this section to have been appointed to the Board shall expire on the date on which, but for the passing of this Act, his or her term would have expired under the provisions of the principal Act.

25

PART II

AMENDMENTS TO DEFENCE ACT 1990

25. This Part to be read with Defence Act 1990—This Part of this Act shall be read together with and deemed part of the Defence Act 1990* (hereafter in this Part referred to as the
30 principal Act).

*1990, No. 28

26. New Part VA inserted—The principal Act is hereby amended by inserting, after Part V, the following Part:

“PART VA

“SUPERANNUATION

35 “73A. **Interpretation**—For the purposes of sections 73B to 73D of this Act,—

“ ‘Superannuation scheme’ or ‘scheme’ has the same meaning as in the Superannuation Schemes Act 1989.

“73B. Chief of Defence Force may establish superannuation schemes for members of Defence Force—The Chief of Defence Force may—

- “(a) Arrange for any superannuation scheme or schemes to be established for members of the Defence Force: 5
- “(b) Join with any other employer (whether or not in the State services) in arranging for any superannuation scheme or trust arrangement which is part of a superannuation scheme to be established for the purpose of (facilitating the provision of) providing, or facilitating the provision of, superannuation for members of the Defence Force: 10
- “(c) Arrange for members of the Defence Force to become members of any established superannuation scheme: 15
- “(d) Provide arrangements in respect of the superannuation of any individual member of the Defence Force.

“73c. Requirements in respect of superannuation schemes for members of Defence Force—Before contributing to any superannuation scheme established or arranged in respect of one or more of the members of the Defence Force pursuant to **section 73b** of this Act, the Chief of Defence Force shall ensure— 20

- “(a) That the scheme is registered under the Superannuation Schemes Act 1989; and 25
- “(b) That the scheme provides that the sum of all benefits (including any lump sum payments, annuities, and other benefits) payable from the scheme in respect of any member of the scheme will not exceed the sum of— 30
- “(i) Contributions paid by or on behalf of a member and investment earnings thereon; and
- “(ii) Any allocations to the member from surplus funds held within the scheme; and
- “(iii) The amount paid in respect of that member from any insurance policy effected for the benefit of members of the scheme; and 35
- “(c) That the trust deed of the scheme defines the rates or amounts (if any) of contributions of the Chief of Defence Force or other employers and members of the Defence Force, or the basis on which such contributions are to be made; and 40
- “(d) That the trust deed of the scheme entitles the Chief of Defence Force to cease contributing to the scheme

on behalf of a person if that person ceases to be a member of the Defence Force; and

“(e) That the benefits provided by the scheme are fully funded as they accrue; and

5 “(f) That, if the scheme enables members to withdraw from the scheme, the scheme enables withdrawing members to transfer to other superannuation schemes the value (as determined in accordance with the terms of the scheme) of the benefits attributable to that person’s membership of the scheme up to the date of withdrawal; and

10 “(g) That the scheme enables any person who becomes a member of the Defence Force, if the Chief of Defence Force agrees to contribute to the scheme on that person’s behalf, to become a member of the scheme and to transfer to the scheme the value of the benefits attributable to that person’s membership of other superannuation schemes; and

15 “(h) That the trust deed of the scheme does not permit amendments to be made to the scheme which would result in any provision of paragraphs (a) to (g) of this section ceasing to apply to the scheme.

20 “73D. **Chief of Defence Force to obtain confirmation from Government Actuary that scheme meets requirements of this Act**—(1) The Chief of Defence Force shall, before contributing to a superannuation scheme on behalf of members of the Defence Force, apply to the Government Actuary for confirmation that the superannuation scheme complies with the requirements of section 73c of this Act.

30 “(2) If confirmation is so obtained, the scheme shall be deemed, for the purpose of this Act, to comply with the requirements of that section.

35 “(3) The Government Actuary may charge reasonable fees for considering any application made under this section.

40 “73E. **Contributions to superannuation schemes**—The Chief of Defence Force may, for the purpose of providing retirement benefits to members of the Defence Force, contribute to any superannuation scheme that complies with the requirements of section 73c of this Act.

“73F. **Chief of Defence Force may establish compulsory scheme for members of Armed Forces**—The Chief of Defence Force may require that all members of the Armed Forces who are not required to contribute under Part IIIA of the

Government Superannuation Fund Act 1956, or any class of such members, contribute to any superannuation scheme established or arranged in respect of one or more members of the Armed Forces pursuant to **section 73B** of this Act”.

PART III

5

AMENDMENTS TO POLICE ACT 1958

27. This Part to be read with Police Act 1958—This Part of this Act shall be read together with and deemed part of the Police Act 1958* (hereafter in this Part referred to as the principal Act).

10

*R.S. Vol. 26, p. 669
Amendment: 1991, No. 29

28. Interpretation—Section 2 of the principal Act (as substituted by section 2 of the Police Amendment Act 1989) is hereby amended by inserting, after the definition of the term “service organisation”, the following definition:

“‘State services superannuation scheme’ means any superannuation scheme to which members of the Police may belong or are required to belong, being a superannuation scheme—

15

“(a) Established under section 84A (a) of the State Sector Act 1988 by the Commissioner; or

20

“(b) Arranged under section 84A (b) or section 84A (c) of the State Sector Act 1988 by the Commissioner.”.

29. State Services superannuation schemes—The principal Act is hereby amended by inserting, before section 27, the following section:

25

“26A. (1) The Commissioner may exercise in respect of members of the Police the powers conferred by section 84A of the State Sector Act 1988 (which relates to the establishment of superannuation schemes for employees) on any employer in the State services, and that section and sections 84B to 84D of that Act shall apply accordingly with all necessary modifications.

30

“(2) This section shall have effect notwithstanding anything in section 96 of this Act.”

35

30. Age of retirement—Section 27 (8) of the principal Act (as substituted by section 2 of the Police Amendment Act 1985) is hereby amended by inserting, after paragraph (a), the following paragraph:

5 “(aa) Retiring at any age earlier than that provided for in any of the foregoing provisions of this section in circumstances provided for in any State services superannuation scheme, and receiving benefits in accordance with the provisions of that scheme; or”.

31. Retirement of medically unfit—(1) Section 28 of the principal Act is hereby amended by omitting from subsection (1) (as amended by section 3 (1) of the Police Amendment Act 1964), and also from subsection (5) (as amended by section 3 (2) of the Police Amendment Act 1964), the words “and approved by the Government Superannuation Board”, and substituting in each case the words “and approved under **subsection (5A)** of this section”.

15 (2) Section 28 of the principal Act is hereby amended by inserting, after subsection (5), the following subsection:

“(5A) Every medical practitioner nominated under **subsection (1)** of this section or appointed by the Commissioner under **subsection (5)** of this section shall,—

20 “(a) Where the member of the Police whose fitness is under consideration is a member of the Government Superannuation Fund Police Sub-Scheme, be a medical practitioner approved by the Government Superannuation Fund Board; and

25 “(b) Where the member of the Police whose fitness is under consideration is a member of a State services superannuation scheme, be a medical practitioner approved by the trustees of that scheme.”

30 (3) Section 28 of the principal Act is hereby further amended by repealing subsection (7) (as substituted by section 3 (1) of the Police Amendment Act 1985), and substituting the following subsections:

35 “(7) Where any member of the Police who is a member of the Government Superannuation Fund Police Sub-Scheme retires from the Police under this section, that member of the Police shall, subject to section 88F of the Government Superannuation Fund Act 1956, be entitled to a retiring allowance calculated in accordance with that section.

40 “(8) Where any member of the Police who is a member of a State services superannuation scheme retires from the Police under this section, that member of the Police shall, subject to the provisions of that scheme, be entitled to the benefits provided for in the event of retirement from the Police.”

(4) Section 3 ((2)) of the Police Amendment Act 1964 and section 3 of the Police Amendment Act 1985 are hereby consequentially repealed.

32. Commissioner to prescribe standards of fitness— Section 28A (1) of the principal Act (as inserted by section 4 of the Police Amendment Act 1985) is hereby amended by inserting, after the words “Government Superannuation Board”, the words “and with the trustees of each State services superannuation scheme”.

33. Application of sections 28c and 28D—Section 28B of the principal Act (as substituted by section 5 of the Police Amendment Act 1989) is hereby amended by adding the words “or who is a member of a State services superannuation scheme”.

34. Compulsory disengagement of unfit—(1) Section 28c (1) of the principal Act (as inserted by section 4 of the Police Amendment Act 1985) is hereby amended by omitting the words “by the Government Superannuation Board” wherever they appear, and substituting in each case the words “under subsection (1A) of this section”.

(2) Section 28c of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) Every medical practitioner or psychologist nominated under subsection (1) of this section by the Commissioner shall,—

“(a) Where the member of the Police whose fitness is under consideration is a member of the Government Superannuation Fund Police Sub-Scheme, be a medical practitioner or psychologist approved by the Government Superannuation Board; and

“(b) Where the member of the Police whose fitness is under consideration is a member of a State services superannuation scheme, be a medical practitioner or psychologist approved by the trustees of that scheme.”

35. Voluntary disengagement of unfit—(1) Section 28D (1) of the principal Act (as inserted by section 4 of the Police Amendment Act 1985) is hereby amended by omitting the words “by the Government Superannuation Board” wherever they appear, and substituting in each case the words “under subsection (1A) of this section”.

(2) Section 28D of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (1), the following subsection:

5 “(1A) Every medical practitioner or psychologist nominated under subsection (1) of this section by the Commissioner shall,—

“(a) Where the member of the Police whose fitness is under consideration is a member of the Government Superannuation Fund Police Sub-Scheme, be a medical practitioner or psychologist approved by the Government Superannuation Board; and

10 “(b) Where the member of the Police whose fitness is under consideration is a member of a State services superannuation scheme, be a medical practitioner or psychologist approved by the trustees of that scheme.”

15 **36. Entitlement to allowances, etc.**—Section 28F of the principal Act (as inserted by section 4 of the Police Amendment Act 1985) is hereby amended by adding the words “or the State services superannuation scheme to which that person belongs, as the case may require”.

37. Conditions of employment of sworn members of Police—Section 67 of the principal Act (as substituted by section 14 of the Police Amendment Act 1989) is hereby amended by adding the following subsection:

25 *Struck Out*

“~~(7) Notwithstanding anything in any conditions of employment fixed in accordance with this section or section 67A of this Act, the Commissioner may, in the case of any sworn member of the Police who is not a member of the Government Superannuation Fund Police Sub-Scheme (as defined in section 27 (9) of this Act, make it a condition of the employment of that sworn member of the Police that that member join, and maintain membership of, a State services Superannuation scheme.~~”

35 *New*

“~~(7) Notwithstanding anything in this section or section 67A of this Act, the Commissioner may make it a condition of~~”

New

employment of all sworn members of the Police who are not members of the Government Superannuation Fund Police Sub-Scheme (as defined in section 27 (9) of this Act), or of any class of such persons, that those persons contribute to a State services superannuation scheme.” 5

PART IV

AMENDMENTS TO STATE SECTOR ACT 1988

38. This Part to be read with State Sector Act 1988—
This Part of this Act shall be read together with and deemed 10
part of the State Sector Act 1988* (hereafter in this Part
referred to as the principal Act).

*1988, No. 20

Amendments: 1989, No. 67; 1989, No. 136; 1990, No. 78; 1991, No. 31

39. New sections substituted—The principal Act is hereby
amended by repealing sections 84A to 84D (as enacted by 15
section 2 of the State Sector Amendment Act 1990), and
substituting the following sections:

“84A. Power to establish superannuation schemes for officers and employees—(1) Any employer in the State services and any other person or organisation whose officers or employees were, immediately before the 1st day of July 1992, 20
entitled to elect or who were required to become contributors to the Government Superannuation Fund established under the Government Superannuation Fund Act 1956 may—

“(a) Arrange for any superannuation scheme or schemes to be established for its officers or employees or both: 25

“(b) Join with any other employer (whether or not in the State services) in arranging for any superannuation scheme, or any trust arrangement that is part of a superannuation scheme, to be established for the purpose of providing, or facilitating the provision of, 30
superannuation for its officers or employees or both:

New

“(c) Arrange for its officers or employees to become members of any established superannuation scheme: 35

New

“(d) Provide arrangements in respect of the superannuation of any individual officer or employee.

5 “(2) This section and sections 84B to 84D of this Act do not apply to any service organisation to which section 55 of the Government Superannuation Fund Act 1956 applies.

10 “84B. **Requirements in respect of superannuation schemes**—Before contributing to any superannuation scheme established or arranged in respect of one or more of its officers or employees pursuant to section 84A of this Act, the employer or person or organisation shall ensure—

“(a) That the scheme is registered under the Superannuation Schemes Act 1989; and

15 “(b) That the scheme provides that the sum of all benefits (including any lump sum payments, annuities, and other benefits) payable from the scheme in respect of any member of the scheme will not exceed the sum of—

20 “(i) Contributions paid by or on behalf of a member and investment earnings thereon; and

“(ii) Any allocations to the member from surplus funds held within the scheme; and

25 “(iii) The amount paid in respect of that member from any insurance policy effected for the benefit of members of the scheme; and

“(c) That the trust deed of the scheme defines the rates or amounts (if any) of contributions of the employer or person or organisation or officers or employees, or the basis on which such contributions are to be made; and

30 “(d) That the trust deed of the scheme entitles the employer or person or organisation to cease contributing to the scheme on behalf of a person if that person ceases to be an officer or employee of the employer or person or organisation; and

35 “(e) That the benefits provided by the scheme are fully funded as they accrue; and

40 “(f) That, if the scheme enables members to withdraw from the scheme, the scheme enables withdrawing members to transfer to other superannuation schemes the value (as determined in accordance

with the terms of the scheme) of the benefits attributable to that person's membership of the scheme up to the date of withdrawal; and

- “(g) That the scheme enables any person who becomes an officer or employee of that employer, person, or organisation, if the employer, person, or organisation agrees to contribute to the scheme on that person's behalf, to become a member of the scheme and to transfer to the scheme the value of the benefits attributable to that person's membership of other superannuation schemes; and
- “(h) That the trust deed of the scheme does not permit amendments to be made to the scheme which would result in any provision of paragraphs (a) to (g) of this section ceasing to apply to the scheme.”

“84c. Obligation to obtain confirmation from Government Actuary that scheme meets requirements—

(1) Every employer, person, or organisation that intends, under section 84A of this Act, to begin contributing to a superannuation scheme on behalf of its officers or employees or both shall apply to the Government Actuary for confirmation that the superannuation scheme complies with the requirements of section 84B of this Act.

“(2) If confirmation is so obtained, the scheme shall be deemed, for the purposes of this Act, to comply with the requirements of that section.

“(3) The Government Actuary may charge reasonable fees for considering any application made under this section.

“84d. Contributions to superannuation schemes—Any employer, person, or organisation to which section 84A of this Act applies may, for the purpose of providing retirement benefits to its officers or employees or both, contribute to any superannuation scheme that complies with the requirements of section 84B of this Act.”

PART V

AMENDMENTS TO AREA HEALTH BOARDS ACT 1983

40. This Part to be read with Area Health Boards Act 1983—This Part of this Act shall be read together with and deemed part of the Area Health Boards Act 1983* (hereafter in this Part referred to as the principal Act).

*1983, No. 134

Amendments: 1986, No. 16; 1988, No. 21; 1988, No. 50; 1988, No. 100; 1989, No. 32; 1989, No. 42; 1990, No. 79; 1991, No. 24; 1991, No. 82

41. Power of area health boards to establish superannuation schemes for employees—Section 39ZHA of the principal Act (as substituted by section 2 of the Area Health Boards Amendment Act 1990) is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:

- 5 “(a) Arrange for any superannuation scheme or schemes to be established for its employees:
- 10 “(b) Join with any other employer (whether or not another area health board or an employer in the State services or another person) in arranging for any superannuation scheme or trust arrangement which is part of a superannuation scheme to be established for the purpose of (facilitating the provision of providing, or facilitating the provision of,
- 15 superannuation for employees:”.

42. Requirements in respect of superannuation schemes—(1) Section 39ZHB of the principal Act (as substituted by section 2 of the Area Health Boards Amendment Act 1990) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

- 20 “(b) That the scheme provides that the sum of all benefits (including any lump sum payments, annuities, and other benefits) payable from the scheme in respect of any member of the scheme will not exceed the sum of—
- 25 “(i) Contributions paid by or on behalf of a member and investment earnings thereon; and
- 30 “(ii) Any allocations to the member from surplus funds held within the scheme; and
- “(iii) The amount paid in respect of that member from any insurance policy effected for the benefit of members of the scheme; and”.

35 (2) Section 39ZHB of the principal Act (as so substituted) is hereby further amended by repealing paragraph (f).

40 (3) Section 39ZHB of the principal Act (as so substituted) is hereby further amended by omitting from paragraph (g) the words “That the scheme enables persons withdrawing from the scheme”, and substituting the words “That, if the scheme enables members to withdraw from the scheme, the scheme enables withdrawing members”.

PART VI

AMENDMENTS TO HIGHER SALARIES COMMISSION ACT 1977

43. This Part to be read with Higher Salaries Commission Act 1977—This Part of this Act shall be read together with and deemed part of the Higher Salaries Commission Act 1977* (hereafter in this Part referred to as the principal Act). 5

*R.S. Vol. 19, p. 623
Amendments: 1988, No. 24; 1989, No. 35

Struck Out

44. Functions of Commission—Section 12 (1) of the principal Act (as substituted by section 4 of the Higher Salaries Commission Amendment Act 1988) is hereby amended by repealing paragraph (b), and substituting the following paragraph: 10

“(b) To consider and make determinations and recommendations with respect to the superannuation rights of members of the House of Representatives, including rights fixed by Part VI and other provisions of the Government Superannuation Fund Act 1956.” 15

45. Functions of Commission in relation to judicial salaries and superannuation—Section 12B of the principal Act (as inserted by section 4 of the Higher Salaries Commission Amendment Act (No. 2) 1985) is hereby amended by repealing subsection (2), and substituting the following subsection: 20

“(2) The Commission shall have the function of making recommendations to the Minister of Justice, the Minister of Labour, the Minister of Maori Affairs, and the Minister of Finance with respect to the superannuation rights of the judicial officers specified in subsection (1) of this section, including the rights of any of those officers under any of the provisions of the Government Superannuation Fund Act 1956.” 25 30

New

44. Functions of Commission—(1) Section 12 (1) of the principal Act (as substituted by section 4 of the Higher Salaries Commission Amendment Act 1988) is hereby amended by 35

New

repealing paragraph (b), and substituting the following paragraph:

5 “(b) To consider and make determinations with respect to the superannuation rights and obligations of members of the House of Representatives, including the rights and obligations of any of those members under any of the provisions of the Government Superannuation Fund Act 1956.”

10 (2) Section 12 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) The Commission may, in carrying out its functions under this section,—

15 “(a) Determine superannuation rights and obligations that differ in accordance with the office that the member of the House of Representatives holds (whether or not that office is specified in section 16 (1) of the Civil List Act 1979); and

20 “(b) Distinguish between members of the House of Representatives who have rights and obligations under Part VI of the Government Superannuation Fund Act 1956 and those who do not.”

45. Functions of Commission in relation to judicial salaries and superannuation—(1) The principal Act is hereby amended by repealing section 12B (as inserted by section 4 of the Higher Salaries Commission Amendment Act (No. 2) 1985), and substituting the following section:

25 “12B. (1) The Commission shall have the function of considering and determining the salaries and principal allowances of—

30 “(a) The Chief Justice, the President of the Court of Appeal, the Judges of the Court of Appeal, and the Judges of the High Court; and

35 “(b) The Chief District Court Judge, the Principal Family Court Judge, the Principal Youth Court Judge, the Principal Planning Judge, and the other District Court Judges; and

“(c) The Chief Judge of the Employment Court and the other Judges of the Employment Court; and

New

- “(d) The Chief Judge and the Deputy Chief Judge of the Maori Land Court and the other Judges of the Maori Land Court; and
- “(e) The Masters of the High Court. 5
- “(2) The Commission shall have the function of considering and making determinations with respect to the superannuation rights and obligations of the judicial officers specified in subsection (1) of this section, including the rights and obligations of any of those officers under any of the provisions of the Government Superannuation Fund Act 1956. 10
- “(3) The Commission may, in carrying out its functions under this section,—
- “(a) Determine salaries, principal allowances, and superannuation rights and obligations that differ in accordance with the office that the judicial officer holds; and 15
- “(b) Distinguish between judicial officers who have rights and obligations under the Government Superannuation Fund Act 1956 and those who do not. 20
- “(4) Every determination to which subsection (1) or subsection (2) of this section applies shall be deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.” 25
- (2) The following enactments are hereby consequentially repealed:
- (a) Subsections (1) and (2) of section 8 of the Judicature Amendment Act 1986:
- (b) So much of the Second Schedule to the Children, Young Persons, and Their Families Act 1989 as relates to the Higher Salaries Commission Act 1977: 30
- (c) Section 159 of the Employment Contracts Act 1991.
- 46. Publication of determinations fixing Parliamentary pay and allowances**—Section 16 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 35
- “(2) Every determination to which subsection (1) of this section applies shall be deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but 40

New

not for the purposes of the Regulations (Disallowance) Act 1989.”

5 **47. Provisions relating to Parliamentary and judicial
superannuation**—The principal Act is hereby amended by
repealing section 17, and substituting the following section:

10 “17. (1) Any determination under **section 12 (1) (b)** or **section
12b (2)** of this Act may contain provisions which modify, or are
to apply instead of, provisions of the Government
Superannuation Fund Act 1956.

15 “(2) Before making a determination under **section 12 (1) (b)** or
section 12b (2) of this Act in respect of rights under the
Government Superannuation Fund Act 1956, the Commission
shall consult with the Superintendent of the Government
Superannuation Fund concerning the substance and form of
the Commission’s proposed determination.

20 “(3) Before making a determination under **section 12 (1) (b)** or
section 12b (2) of this Act, the Commission shall consult with the
Government Actuary concerning the substance and form of the
Commission’s proposed determination.

25 “(4) Any determination made under **section 12 (1) (b)** or **section
12b (2)** of this Act, and any provision of any such determination,
may be made so as to come into force on a date to be specified
in that behalf in the determination, being the date of the
making of the determination or any other date, whether before
or after the date of the making of the determination or the date
of the commencement of this section.

30 “(5) Every such determination, and every provision of any
such determination, in respect of which no date is specified
shall come into force on the date of the making of the
determination.

35 “(6) Where a determination made under **section 12 (1) (b)** or
section 12b (2) of this Act requires or allows for, in relation to any
person, the payment out of public money of contributions in
respect of that person’s membership of a superannuation
scheme that is registered under the Superannuation Schemes
Act 1989, those contributions may in accordance with, and
within any limits prescribed by, any such determination be paid
out of public money without further appropriation than this
40 section in any case where any such person belongs to any such
superannuation scheme.

New

“(7) Every determination under **section 12 (1) (b)** of this Act shall be made known in accordance with section 16 of this Act as if it were a determination in respect of the salaries and allowances of members of the House of Representatives.

5

“(8) Except to the extent that a determination under **section 12 (1) (b)** or **section 12b (2)** of this Act modifies, or is expressed to be in substitution for, any provision of the Government Superannuation Fund Act 1956, nothing in any such determination shall affect the provisions of that Act.

10

“(9) Nothing in this section limits the provisions of sections 74M, 81W, and 88 of the Government Superannuation Fund Act 1956.”

48. Frequency of adjustments—Section 19 of the principal Act (as substituted by section 8 of the Higher Salaries Commission Amendment Act 1988) is hereby amended by inserting, before subsection (1), the following subsection:

15

“(1A) This section applies to determinations other than those under **section 12 (1) (b)** or **section 12b (2)** of this Act.”