

1957/102

THE SUPERANNUATION REGULATIONS 1957

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 8th day of May 1957

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Superannuation Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Superannuation Regulations 1957.
2. In these regulations, unless the context otherwise requires,—
 - “The Act” means the Superannuation Act 1956:
 - “Secretary” means the Secretary of the Board:
 - Expressions defined in the Act have the meanings so defined.

GOVERNMENT SUPERANNUATION BOARD

3. Meetings of the Board shall be held quarterly in the months of May, August, November, and February in each financial year, and at such other times as the Board decides.

4. (1) The Secretary shall give each member of the Board reasonable notice of every meeting of the Board, specifying the business to be transacted thereat.

(2) Every member of the Board shall be allowed such special leave from his official duties (in addition to all leave to which he may be otherwise entitled) as may be necessary to enable him to attend meetings of the Board.

5. (1) A special meeting of the Board shall be held whenever the Board decides, and also whenever a written request for a special meeting, specifying the business to be transacted, is made to the Superintendent by not less than four members of the Board.

(2) Upon receiving any such request the Superintendent shall fix a date for the special meeting, being not later than ten days after the receipt of the request, and the Secretary shall forthwith give each member of the Board notice of the meeting in accordance with regulation 4 (1) hereof.

6. If a quorum is not present at any meeting of the Board within half an hour from the time fixed for the meeting, the members present may adjourn the meeting to such time and place as they may decide.

7. The Chairman at any meeting of the Board shall have a deliberative vote and, in case of an equality of votes, shall also have a casting vote.

8. The Board may from time to time appoint committees, consisting of two or more members of the Board, to consider in detail and report to the Board on any matters, whether as to claims or otherwise.

9. Every member of the Board travelling on the business of the Board shall be entitled to receive such travelling allowances and expenses as may from time to time be approved by the Minister of Finance.

INVESTMENT OF FUND

10. Any part of the money for the time being belonging to the Fund may be invested by the Board in Government securities or such other securities as may from time to time be approved by the Board, being securities that are for the time being authorised by law for the investment of trust funds.

11. The Board, instead of making all such investments itself, may at any time arrange for the Public Trustee or any other Government agency, on such terms and conditions as may be agreed upon, to make any such investments on behalf of the Board, and in any such case the Board may pay to the Public Trustee or other agency such fee, charges, or commission as may be mutually agreed upon.

CONTRIBUTIONS TO THE FUND

Service other than Education Service

12. Unless the Board in any case otherwise directs, every election or application to become a contributor to the Fund in respect of employment otherwise than in the Education service, and every election, application, or notice by any contributor shall be made or given in a form approved by or acceptable to the Board, and shall be forwarded to the Superintendent through the Permanent Head of the Department concerned.

13. The Permanent Head shall forthwith forward to the Superintendent every such election, application, or notice received by him, giving such information and certificates as may be required by the Board.

14. The Permanent Head shall cause to be made from the salary of every contributor the proper deduction of contributions provided for under the Act.

15. Unless the Board in any case otherwise directs, the Public Service Commission or, in the case of a Department not under the control of the Commission, the Permanent Head, shall forthwith notify the Superintendent of every alteration of the salary of any contributor and of every transfer of any contributor, giving particulars of the alteration or transfer and the date from which it takes effect, and shall furnish such further information as may be required by the Superintendent.

16. Unless the Board in any case otherwise directs, the Permanent Head shall forthwith notify the Superintendent whenever the salary of any contributor is for any period temporarily stopped on the ground of ill health or for any other reason, and whenever for any period any

contributor is on leave of absence without salary or at a reduced salary, or is not employed in the Government service but has not retired therefrom, and shall also forthwith notify the Superintendent when payment of salary or of full salary is resumed.

17. The Permanent Head shall forthwith notify the Superintendent of every retirement of any contributor, whether by reason of age, length of service, or infirmity, or otherwise, and shall obtain and forward to the Superintendent all such consents as may be required by the Board in accordance with the Act. He shall also forthwith notify the Superintendent of the death, resignation, or dismissal of any contributor. All such notices shall contain such information and certificates as may be required by the Board.

Education Service

18. Unless the Board in any case otherwise directs, every election or application to become a contributor to the Fund in respect of employment in the Education service, and any other election or application, and every notice by any contributor shall be made or given in duplicate in a form approved by or acceptable to the Board, and shall be forwarded through the Secretary of the Education Board or other employing body, who shall forward the same to the Director of Education, giving such information and certificates as may be required by the Board.

19. The Director of Education shall retain one copy of every election, application, or notice received by him under these regulations from the Secretary of the Education Board or other employing body, and shall forthwith forward the other copy to the Superintendent.

20. (1) The Secretary of the Education Board or other employing body shall cause to be made from the salary of every contributor the proper deduction of contributions provided for under the Act.

(2) The Director of Education shall not finally pass the pay list of any such Education Board or other employing body until he is satisfied that the proper deductions have been made.

21. (1) The Secretary of the Education Board or other employing body shall, within seven days after the end of each month, lodge to the credit of the Fund all amounts deducted from the salaries of contributors, and forward to the Director of Education a certified statement of those amounts.

(2) Every such statement shall either consist of a certified copy of the pay list for the month or be in the following form:

Government Superannuation Fund

RETURN OF CONTRIBUTIONS TO THE GOVERNMENT SUPERANNUATION FUND DEDUCTED FROM THE SALARIES OF CONTRIBUTORS FOR THE MONTH OF, 19...., BY [*Name of employing body*].

Name	Annual Salary for Superannuation Purposes	Salary for Period	Amount of Deduction	Remarks

22. The Secretary of the Education Board or other employing body shall, on each statement under regulation 21 hereof, give full particulars of all sums deducted in any month that are not the ordinary deductions for that month, and shall specify the amount of every such deduction and the period in respect of which it has been made.

23. The Secretary of the Education Board or other employing body shall forthwith notify the Director of Education of every alteration of the salary of any contributor and of every transfer of any contributor, giving particulars of the alteration or transfer and of the date from which it takes effect, and shall furnish such further information as may be required by the Director.

24. The Secretary of the Education Board or other employing body shall forthwith notify the Director of Education whenever the salary of any contributor is for any period temporarily stopped on the ground of ill-health or for any other reason, and whenever for any period any contributor is on leave of absence without salary or at a reduced salary, or is not employed in the Education service but has not retired therefrom, and shall also forthwith notify the Director of Education when payment of salary or full salary is resumed.

25. The Secretary of the Education Board or other employing authority shall forthwith notify the Director of Education of every retirement of any contributor, whether by reason of age, length of service, or infirmity, or otherwise, and shall obtain and forward to the Superintendent all such consents as may be required by the Board in accordance with the Act. He shall also forthwith notify the Director of Education of the death, resignation, or dismissal of any contributor. All such notices shall contain such information and certificates as may be required by the Board.

General Provisions

26. On the retirement of a contributor under circumstances entitling him to a retiring allowance, or on the death of a male contributor leaving a wife, the Superintendent shall forthwith notify the contributor or the widow, as the case may be, of the right of election under the Act to accept a refund of contributions instead of a retiring allowance or annuity, giving full particulars in every case.

27. Where the salary paid to any contributor to the Fund in respect of any period is computed at a daily or hourly rate, and does not include payment for the time during which he is not actually employed, his contribution to the Fund in respect of that period shall be computed as if he had been actually employed during the whole of that period, but so that no account is taken of any payments made in respect of overtime.

28. Contributions shall be deducted from every payment of salary made to a contributor up to and including the date of his retirement or the date of his death or the date of his ceasing to be a contributor by virtue of a notice under section 28 of the Act, whichever date first occurs.

29. Every contributor whose contributions to the Fund are at any time in arrear shall pay to the Fund the amount of the arrears, together with such interest thereon as the Board may require, within such time and in such manner as the Board may determine.

30. Where any contributor retires or dies while his contributions to the Fund are in arrear, the amount of the arrears, together with such interest thereon as the Board may require, may be deducted from any retiring allowance or other money payable out of the Fund to the contributor or to his personal representatives, and interest as aforesaid may be deducted from any refund of contributions payable out of the Fund.

31. Every certificate given by a medical practitioner for the purposes of the Act shall be in a form to be approved by the Board.

32. On being satisfied that any application for an allowance or annuity or refund of contributions or other payment out of the Fund is in order, the Superintendent shall authorise payment.

33. Where application for an allowance or annuity or refund of contributions or other payment out of the Fund is made in respect of any contributor or deceased contributor, the identity of the contributor or deceased contributor and of the applicant shall, if the Board or the Superintendent so requires, be supported by a statutory declaration in such form as may be applicable to the circumstances, and made by some person other than the claimant, and by such other proofs of identity as the Board or the Superintendent may in any particular case require.

34. The Board or the Superintendent may require any contributor to prove his age by the production of a birth certificate.

35. Application for allowances or annuities on the death of a contributor shall be supported by the death certificate of the contributor and, in the case of an annuity or allowance for his widow or any child, by the marriage certificate of the contributor and the birth certificate of the child or such of those certificates as the case may require.

36. Application for a refund of contributions on the death of a contributor shall be supported by the death certificate of the contributor.

37. The Board or the Superintendent may in its or his discretion waive the production of any of the certificates mentioned in regulations 34 to 36 hereof and accept instead such other evidence as it or he considers to be satisfactory.

38. Satisfactory evidence of the identity and survival of any person to whom any amount is payable out of the Fund shall be supplied from time to time as required by the Board, and payment of any such amount may be withheld pending the production of that evidence.

39. The receipt of any person to whom any amount is paid under the Act shall be an absolute discharge to the Fund of all liability in respect of the amount so paid.

40. (1) In computing the amount of contributions from time to time payable to the Fund, a fraction of a penny equal to or greater than a halfpenny shall be counted as a penny, and a fraction less than a halfpenny shall not be counted.

(2) In computing the annual amount of any retiring allowance, annuity, or other allowance under the Act, a fraction of a shilling equal to or greater than sixpence shall be counted as a shilling, and a fraction less than sixpence shall not be counted.

41. (1) Any document required to be signed by or on behalf of the Board shall be sufficiently authenticated if it is signed by any two members of the Board and countersigned by the Superintendent or by or on behalf of the Secretary.

(2) For the purposes of this regulation the Chairman or the Deputy Chairman of the Board may from time to time authorise any officer of the Board to countersign documents on behalf of the Secretary.

(3) Every document purporting to be signed by any two members of the Board and countersigned by the Superintendent or by or on behalf of the Secretary shall, in the absence of proof to the contrary, be deemed to have been duly signed by and on behalf of the Board.

42. (1) All statistical information required by the Government Actuary for the purposes of the periodical examination of the Fund shall be kept by the Superintendent in respect of each contributor, and for this purpose the Public Service Commission, the Permanent Head of every Department, and the Secretary of every Education Board or other body employing contributors shall obtain from each contributor such statistical information, whether relating to the contributor or his family or otherwise, as may from time to time be required by the Board, and shall from time to time furnish to the Superintendent all such information possessed by the Commission, Department, Education Board, or other employing body.

(2) The Superintendent shall also obtain all statistical information required by the Board in respect of contributors in receipt of retiring allowances.

43. (1) The Superannuation Regulations 1948* are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

T. J. SHERRARD,
Clerk of the Executive Council.

*S.R. 1948/54

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations re-enact the Superannuation Regulations 1948 with the necessary modifications to adapt them to the new Superannuation Act 1956, and with the further alterations referred to in this note.

The Superintendent of the Superannuation Fund is given the functions which were given to the Secretary of the Board in the old regulations, except those functions that are purely secretarial.

Regulation 11 empowers the Government Superannuation Board to arrange for investments of its funds to be made on its behalf by other Government agencies, as well as by the Public Trustee.

Regulation 28 requires contributions to be deducted from every payment of a contributor's salary up to the date of his death or retirement or voluntarily ceasing to be a contributor.

Regulations 33 to 37 provide for evidence in support of claims on the Fund.

Regulation 38 provides for satisfactory evidence of identity and survival to be given from time to time before payments are made out of the Fund.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 May 1957.

These regulations are administered in the Treasury.