Government Superannuation Fund Amendment Act 1961

Public Act 1961 No 111
Date of assent 1 December 1961

Contents

		Page
	Title	1
1	Short Title and Commencement	1
	Western Samoan Public Service	
4	Contributors with service in Western Samoa	2
	Parliamentary superannuation	
12	Saving of existing rights	4

An Act to amend the Government Superannuation Fund Act 1956

1 Short Title and Commencement

(1) This Act may be cited as the Government Superannuation Fund Amendment Act 1961, and shall be read together with and deemed part of the Government Superannuation Fund Act 1956 (hereinafter referred to as the principal Act).

(2) Sections 3 to 5 of this Act shall come into force on the termination on the 1st day of January 1962 of the Trusteeship Agreement for the Territory of Western Samoa.

(3) The remaining provisions of this Act shall come into force on its passing.

2

Section 2 was repealed, as from 25 December 1986, by section 5(2) Government Superannuation Fund Amendment Act 1986 (1986 No 132).

Western Samoan Public Service

3

This section amended the definition of the term **Government service** in section 2(1) of the principal Act.

4 Contributors with service in Western Samoa

(1) All persons who, at the termination on the 1st day of January 1962 of the Trusteeship Agreement for the Territory of Western Samoa, are contributors in respect of their service in the Western Samoan Public Service or the Western Samoa Trust Estates Corporation shall thereupon cease to be contributors to the Fund:

Provided that, where the service of any person is then deemed under subsection (2) of this section to be Government service, that person shall not thereupon cease to be a contributor to the Fund; and, where the service of any person is thereafter deemed under subsection (2) of this section to be Government service, that person shall be deemed not to have ceased to be a contributor to the Fund at the termination of the said Trusteeship Agreement.

(2) With the consent of the Board in each case, the service in any capacity of the Government of Western Samoa or of the Western Samoa Trust Estates Corporation by any contributor who, at the termination on the 1st day of January 1962 of the Trusteeship Agreement for the Territory of Western Samoa, is or has been employed in the New Zealand Government Service, or by any other contributor approved by the Board in any special case, shall be deemed by the Board for the purposes of the principal Act to be Government service.

(3) Where after the termination on the 1st day of January 1962 of the said Agreement any person who is for the time being employed in the Government service and is a contributor to the Fund enters the service of the Government of Western Samoa

or of the Western Samoa Trust Estates Corporation, that person may, if the Board in its absolute discretion so approves, continue to be a contributor to the Fund.

(4) Subject to the completion of an agreement between the Government of Western Samoa and the National Provident Fund Board pursuant to section 60 of the National Provident Fund Act 1950, there shall be paid into the National Provident Fund:

(a) Out of the Government Superannuation Fund the amount certified by the Government Actuary as being the portion of the Fund held in respect of those persons who cease under subsection (1) of this section to be contributors to the Fund:

(b) Out of the Consolidated Account, without further appropriation than this section, the amount certified by the Government Actuary as being the present value of the amounts which would have become payable from time to time under subsection (1) of section 95 of the principal Act in respect of service before the termination, on the 1st day of January 1962, of the Trusteeship Agreement for the Territory of Western Samoa of those persons who cease under subsection (1) of this section to be contributors to the Fund.

Subsection (4)(b) was amended, as from 1 April 1978, by substituting a reference to the "Consolidated Account" for a reference to the "Consolidated Revenue Account" (as substituted for a reference to the "Consolidated Fund" by section 4(4) Public Revenues Amendment Act 1963) by section 114(6) Public Finance Act 1977 (1977 No 65).

Parliamentary superannuation

Section 11 was repealed, as from 1 November 1976, by section 32(2)(a) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

12 Saving of existing rights

Notwithstanding anything to the contrary in the principal Act as amended by this Act, in any case where—

(a) The rate of the annual retiring allowance that is or becomes payable under section 84 of the principal Act to any person who is or has been a member at the passing of this Act; or

(b) The rate of the annuity that is or becomes payable under section 87 of the principal Act to any person who at or after the passing of this Act is or becomes the surviving spouse or partner of a person who at the passing of this Act is or has been a member—

is less than would be payable if this Act had not been passed, the annual retiring allowance or annuity, as the case may be, shall be paid at the rate that would have been payable if this Act had not been passed.

Section 12 was amended, as from 26 April 2005, by section 10(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words "surviving spouse or partner" for the word "widow".