

Government Superannuation Fund Amendment Act 1986

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An Act to amend the Government Superannuation Fund Act 1956

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

1 Short Title and commencement

- (1) This Act may be cited as the Government Superannuation Fund Amendment Act 1986, and shall be read together with and deemed part of the Government Superannuation Fund Act 1956 (hereinafter referred to as the principal Act).
- (2) Except as provided in sections 18(4) and 19(2) of this Act, this Act shall come into force on the day after the date on which it receives the Governor-General's assent.

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Section 5 was repealed, as from 1 October 1995, by section 31 Government Superannuation Fund Amendment Act 1995 (1995 No 28).

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15 New Part inserted

- (1) This subsection inserted a new Part 3A, comprising sections 71A to 71S, in the principal Act.
- (2) This subsection added subsection (6) to section 7 of the Government Superannuation Fund Amendment Act 1969.

16 Special provisions in respect of certain contributors who retire between 1 December 1984 and 5 December 1986

- (1) Any person to whom a retiring allowance first becomes payable under Part 3 of the principal Act on or after the 1st day of December 1984 and before the 5th day of December 1986 may elect, before the 1st day of July 1987 or such later date as the Board may allow, that this section shall apply in respect of that person.
- (2) Where any person to whom subsection (1) of this section applies dies before making the election that the person is entitled to make under that subsection, the spouse or partner of that person or, if there is no spouse or partner the personal representative of that person, may elect before the 1st day of July 1987 or such later date as the Board may allow that the provisions of this section shall apply in respect of the deceased person.
- (3) Where any election is made under subsection (1) or subsection (2) of this section—
 - (a) Extra contributions shall be payable by or in respect of the contributor at the rate of 0.3 percent of salary for the period beginning with the 1st day of December 1984 and ending with the date on which the retiring allowance first became payable to the contributor under Part 3 of the principal Act:
 - (b) Section 71M of the principal Act shall apply as if the contributor had been a contributor under Part 3A of the principal Act, and as if the contributor had attained the age of 50 years at the date of the contributor's retirement or death:
 - (c) Section 71G of the principal Act shall apply with respect to the calculation of the contributor's retiring allowance:
 - (d) Section 71L of the principal Act shall apply with respect to the calculation of any annuity payable in respect of the contributor.

Subsection (2) was amended, as from 26 April 2005, by section 4(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words "or partner" for the word "spouse".

- 17 Special provisions in respect of certain contributors who die between 1 December 1984 and 5 December 1986 and before retiring**
- (1) This section shall apply in respect of any person who died on or after the 1st day of December 1984 and before the 5th day of December 1986, and who was a contributor under Part 3 of the principal Act immediately before the contributor's death.
 - (2) The spouse or partner, or, if there is no spouse or partner, the personal representative of any person in respect of whom subsection (1) of this section applies, may elect before the 1st day of July 1987 or such later date as the Board may allow that the provisions of this section shall apply in respect of the deceased person.
 - (3) Where any election is made under subsection (2) of this section—
 - (a) Extra contributions shall be payable in respect of the contributor at the rate of 0.3 percent of salary for the period beginning with the 1st day of December 1984 and ending with the date of the contributor's death:
 - (b) Sections 71M and 91A of the principal Act shall apply as if the contributor had been a contributor under Part 3A of the principal Act, and as if the contributor had attained the age of 50 years at the date of the contributor's death:
 - (c) Section 71G of the principal Act shall apply with respect to the calculation of the contributor's retiring allowance:
 - (d) Section 71L of the principal Act shall apply with respect to the calculation of any annuity payable in respect of the contributor.

Subsection (2) was amended, as from 26 April 2005, by section 4(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “or partner” for the word “spouse”.

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Judicial superannuation

24 Special provision in respect of certain contributors who retire or die between 1 May 1985 and 10 December 1986 or die between 1 December 1984 and 10 December 1986

- (1) Every member of the Prisons Service to whom Part 2 of the Government Superannuation Fund Amendment Act 1962 applies who first became entitled to receive a retiring allowance on or after the 1st day of May 1985 may elect, before the 1st day of July 1987, or such later date as the Board may allow, that Part 6B of the principal Act shall apply in respect of that person.
- (2) Where any person to whom subsection (1) of this section applies dies before making the election that the person is entitled to make under that subsection, or any member of the Prisons Service to whom Part 2 of the Government Superannuation Fund Amendment Act 1962 applies dies on or after the 1st day of December 1984 and before the 11th day of December 1986, the spouse or partner of that person or, if there is no spouse or partner of that person, the personal representative of that person may elect, before the 1st day of July 1987 or such later date as the Board may allow, that Part 6B of the principal Act shall apply in respect of the deceased person.

Subsection (2) was amended, as from 26 April 2005, by section 4(1) Government Superannuation Fund Amendment Act 2005 (2005 No 10) by substituting the words “or partner” for the word “spouse”.

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26 Capitalisation of part of retiring allowance

- (1) This subsection substituted section 91(1) of the principal Act.
- (2) This subsection amended section 91(6) of the principal Act.
- (3) Section 16 of the Government Superannuation Fund Amendment Act 1985 and section 4 of the Government Superannuation Fund Amendment Act (No 2) 1985 are hereby consequentially repealed.
- (4) Section 91(1) of the principal Act (as substituted by subsection (1) of this section) shall apply in respect of contributors to the Fund under Part 4 or Part 5 of this Act as if it had come into force on the 1st day of December 1984.

27 Capitalisation of part of annuity

- (1) This subsection substituted section 91A(2) of the principal Act.
- (2) Section 17 of the Government Superannuation Fund Amendment Act 1985 and section 5 of the Government Superannuation Fund Amendment Act (No 2) 1985 are hereby consequentially repealed.
- (3) Section 91A(2) of the principal Act (as substituted by subsection (1) of this section) shall apply in respect of contributors to the Fund under Part 4 or Part 5 of this Act as if it had come into force on the 1st day of December 1984.

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**32 Amendment to Government Superannuation Fund
Amendment Act 1962**

This section inserted section 17B in the Government Superannuation Fund Amendment Act 1962.

**33 Amendments to Government Superannuation Fund
Amendment Act 1969 and repeals**

- (1) This subsection substituted subsections (8) and (9), and repealed subsection (10) of the Government Superannuation Fund Amendment Act 1969.
- (2) This subsection amended the definition of the term **date of qualification** in section 7 of the Government Superannuation Fund Amendment Act 1969.
- (3) This subsection substituted a new subsection (1B) for subsections (1B) and (1C) of section 5 of the Government Superannuation Fund Amendment Act 1969.
- (4) Section 7 of the Government Superannuation Fund Amendment Act 1969 is hereby amended by repealing subsection (4).
- (5) This subsection substituted Schedule 2 to the Government Superannuation Fund Amendment Act 1969.
- (6)
- (7)
- (8) The repeal of sections 5(1), 6(1), and 7(1) of the Government Superannuation Fund Amendment Act 1970 by subsection (7) of this section shall not affect any other provisions in those sections and those other provisions shall apply in respect of the new Schedule 2 to the Government Superannuation Fund Amendment Act 1969 as substituted by subsection (5) of this section.
- (9) The repeal of section 20(3) of the Government Superannuation Fund Amendment Act 1985 by subsection (7) of this section shall not affect the prohibition in that provision on the making of increased payments in respect of any period before the 4th day of April 1985.

Subsection (6) was repealed, as from 1 April 1986, by section 2(2)(d) of the Government Superannuation Fund Amendment Act 1988 (1988 No 19).