

**Reprint
as at 1 May 2011**



Government Superannuation Fund Regulations 1995

(SR 1995/173)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 28th day of August 1995

Present:

The Right Hon D C McKinnon presiding in Council

Pursuant to section 97 of the Government Superannuation Fund Act 1956, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Treasury.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Government Superannuation Fund Regulations 1995.
- (2) These regulations shall come into force on 1 October 1995.

2 Evidential requirements in respect of age and identity

- (1) The Government Superannuation Fund Authority may require,—
 - (a) a contributor to produce a birth certificate to prove his or her age;
 - (b) any person who applies for a benefit in respect of a contributor or deceased contributor to verify his or her own identity and to verify the identity of the contributor or the deceased contributor by providing—
 - (i) a statutory declaration made by a person other than the person applying for the benefit; and
 - (ii) any other proof of identity that the Authority may in its discretion require;
 - (c) a beneficiary to verify its identity and survival from time to time by providing such evidence as the Authority may in its discretion require.
- (2) The Authority may withhold any payment to a beneficiary who is required to provide evidence under subclause (1)(c), until the Authority has received evidence satisfactory to the Authority in all respects.

Regulation 2(1): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 2(1)(b)(ii): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 2(c): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 2(2): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

3 Additional evidential requirements when contributors die

Where any person applies for a benefit on the death of a contributor, that person shall provide the Government Superannuation Fund Authority with—

- (a) the death certificate of the contributor; and
- (b) if the application is in respect of the spouse or civil union partner of the deceased contributor, a marriage certificate or civil union certificate; and
- (c) if the application is in respect of a de facto partner of the deceased contributor, such evidence as the Government Superannuation Fund Authority may in its discretion require to establish that the person is a de facto partner of the deceased contributor; and
- (d) if the application is in respect of a contributor who does not leave a spouse or partner,—
 - (i) a copy of the probate or letters of administration where such probate or letters of administration have been granted under the Administration Act 1969; or
 - (ii) where probate or letters of administration have not been granted under the Administration Act 1969, such evidence as the Authority may require under section 65 of the Administration Act 1969; and
- (e) if the application is in respect of a child of the deceased contributor, the child's birth certificate.

Regulation 3: amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 3(b): substituted, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 3(c): substituted, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 3(d): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 3(d)(ii): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

4 Discretion of Authority in respect of certificates

The Government Superannuation Fund Authority may in its discretion, waive the production of any certificate mentioned in regulation 2 or regulation 3 and accept instead—

- (a) a copy of the certificate certified as a true copy by a barrister or solicitor of the High Court; or
- (b) such other evidence as the Authority may require.

Regulation 4 heading: amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 4: amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 4(b): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

5 Form of medical certificates

If a medical practitioner gives a certificate for the purposes of the Act, the certificate shall be in a form approved by the Government Superannuation Fund Authority.

Regulation 5: amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

6 Form and manner of election, application, or notice

- (1) Every election, application, or notice required to be given under the Act shall be in a form approved by or acceptable to the Government Superannuation Fund Authority.
- (2) Subject to subclause (3), if an election, application, or notice is given by a contributor then—
 - (a) that contributor shall deliver the election, application, or notice to his or her controlling authority; and
 - (b) that controlling authority shall as soon as practicable deliver that election, application, or notice to the Authority.
- (3) A person giving an election, application, or notice shall deliver that election, application, or notice to the Authority if—
 - (a) the Act states that the election, application, or notice shall be delivered to the Authority; or
 - (b) the person giving the election, application, or notice—
 - (i) is not a contributor; or
 - (ii) is a contributor but does not have a controlling authority; or
 - (c) the Authority requires that the election, application, or notice be delivered to the Authority.

Regulation 6(1): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 6(2)(b): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 6(3): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 6(3)(a): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 6(3)(c): amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

7 Controlling authority to deduct contributions

- (1) In accordance with the Act, the controlling authority of a contributor, or any other person who arranges for the payment of a contributor's salary, shall deduct the contributions of that contributor from his or her salary.
- (2) Such contributions shall be deducted up to and including—

- (a) the date of the contributor's retirement; or
- (b) the date of the contributor's death; or
- (c) the date on which the person ceases to be a contributor to the Fund—
whichever occurs first.

8 Manner of computation of contributions and benefits

- (1) When computing any contributions, a fraction of a cent equal to or greater than half a cent shall be counted as a cent, and a fraction less than half a cent shall not be counted.
- (2) When computing the annual amount of any allowance or annuity, a fraction of a cent shall be counted as a cent, provided that, where any instalment of a cost of living bonus is paid together with any such instalment of a benefit, a fraction of a cent in the total amount of the 2 instalments shall be counted as a cent.
- (3) When computing the amount of any instalment of any allowance or annuity, and that instalment is payable for a period of 28 days, the instalment shall be taken to be twenty-eight three hundred and sixty-fifths parts of the annual amount of the allowance or annuity as computed under subclause (2).
- (4) This regulation does not apply to any children's allowance that is payable pursuant to section 47(1) of the Act.

9 Certain amount payable for instalment of children's allowance

- (1) For any 28-day period, \$6 shall be the amount of any instalment payable under section 47(1) of the Act.
- (2) Subclause (1) does not apply where an allowance is reduced under section 30(5) or section 51(3) of the Act.

10 Computation of contributions if salary computed at daily or hourly rate

Where a contributor's salary in respect of any period—

- (a) is computed at an hourly or daily rate; and
- (b) does not include payment for the time during which he or she is not actually employed,—

then the contributions of that contributor in respect of that period shall be computed as if the contributor 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.

11 Authority to keep statistical information

All statistical information required by the Authority for the purposes of the periodical examination of the Fund shall be kept by the Government Superannuation Fund Authority in respect of each contributor and each beneficiary.

Regulation 11 heading: amended, on 1 May 2011, by section 82 of the Financial Markets Authority 2011 (2011 No 5).

Regulation 11 heading: amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Regulation 11: amended, on 1 May 2011, by section 82 of the Financial Markets Authority 2011 (2011 No 5).

Regulation 11: amended, on 2 October 2001, pursuant to section 21 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

12 Fee

The fee that shall accompany every notification of a charge under section 92A of the Act shall be \$10.

13 Revocation

The following regulations are hereby consequentially revoked:

- (a) the Superannuation Regulations 1957 (SR 1957/102):
- (b) the Superannuation Regulations 1957, Amendment No 2 (SR 1967/238):
- (c) the Superannuation Regulations 1957, Amendment No 3 (SR 1985/173).

Diane Wilderspin,
Acting for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 31 August 1995.

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Notes

1 General

This is a reprint of the Government Superannuation Fund Regulations 1995. The reprint incorporates all the amendments to the regulations as at 1 May 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Financial Markets Authority Act 2011 (2011 No 5): section 82

Relationships (Statutory References) Act 2005 (2005 No 3): section 12

Government Superannuation Fund Amendment Act 2001 (2001 No 47): section 21