

REPUBLIC OF NAURU

(NO. 1 of 1998)

AN ACT

To amend the Superannuation Act 1966-1995

(Certified: 21st January 1998)

Enacted at Nauru on 11th day of 1998

Enacted at Nauru on 11th day of 1998

Enacted at Nauru on 11th day of 1998

AN ACT

To amend the Superannuation Act 1966-1995

No. 1 of 1998

Enacted by the Parliament of Nauru as follows:

(Certified 11/01/1998)

SHORT TITLE AND CITATION

1. This Act may be cited as the Superannuation (Amendment) Act 1998.
2. The Superannuation Act 1966-1995 is in this Act referred to as the Principal Act.
3. The Principal Act as amended by this Act may be cited as the Superannuation Act 1966-1998.

AMENDMENT TO SECTION 4 OF THE PRINCIPAL ACT

2. (1) Section 4 of the Principal Act is amended by inserting the following definitions:
 - (a) before the definition "contributor" -
"Approved Employer" means an employer which has been approved by the Cabinet pursuant to section 26A"; and

(b) after the definition "contributor" –

"distribution date" means a date when, pursuant to regulations made by Cabinet, excess moneys in the Fund were, by way of additional benefits or otherwise, allocated or distributed to then existing contributors
 "Employer" includes the Republic and an Approved Employer";

- (2) Section 4 of the Principal Act is amended by deleting the definition of "officer" and replacing it with the following:

"officer" means an officer or employee of an Employer"

- (3) Section 4 of the Principal Act is amended by inserting the words "or employment by an Approved Employer" after the word "Nauru" in the definition of "service".

- (4) Section 4(2) of the Principal Act is amended by deleting the words "the age of sixty five years" and inserting "a specified age".

- (5) Section 4(3) of the Principal Act is amended by deleting the words "except in sections 50 and 51 or where the context specifically provides to the contrary".

INSERTION OF NEW SECTION 26A

3. The following new heading and section 26A is inserted in the Principal Act immediately following the expression "Division 4: Contributions by the Administration"

"APPROVED EMPLOYER"

26A. (1) Cabinet may at any time upon the recommendation of the Board admit to the Fund an employer (whether corporate or not) to be an Approved Employer.

(2) The terms and conditions under which an employer becomes an Approved Employer shall be such as the Cabinet approves following the recommendation of the Board and the advice of the actuary."

AMENDMENT OF SECTION 27

4. Section 27(3) by deleting the words "The Public moneys of the Territory are" and inserting in lieu thereof "The Treasury Fund is".

INSERTION OF NEW SECTION 30A

5. The following new heading and section 30A is inserted immediately following section 30;

“APPROVED EMPLOYERS— EMPLOYEE ENTITLEMENTS”

30A^f Where an employee of an Approved Employer becomes a contributor under this Act, the Board shall, after receiving advice from an appointed actuary, decide on or before the day on which the contributor first contributes to the Fund;

- (a) whether and to what extent any contributions made by the officer or the Approved Employer to any superannuation fund established by the Approved Employer for the benefit of the officer, must be transferred into the Fund in respect of that officer;
- (b) whether and to what extent the officer shall be entitled to receive any entitlements under this Act in relation to contributions made by the officer in relation to the period of service with the Approved Employer.”

AMENDMENT TO SECTION 31 OF THE PRINCIPAL ACT

6. Section 31 of the Principal Act is deleted and replaced with the following:

“31^f(1) Subject to sub-section (2), a contributor:

- (a) may retire on attaining the age of sixty years; and
 - (b) must retire on attaining the age of sixty five years
- (2) Where a contributor is a police officer governed by the Nauru Police Force Act 1972, the contributor must retire at the age specified from time to time in, or as permitted in accordance with, the Nauru Police Force Act 1972.
- (3) Every contributor is entitled to receive a lump sum amount or a pension on retirement.
- (4) A contributor referred to in sub-section (3) may, within three months or such longer period as the Board approves, after the date of the contributor's entitlement, elect to receive payment under sub-section (3) either in the form of a lump sum or a pension.
- (5)^g If the contributor does not make an election in accordance with the last preceding sub-section, the Board shall determine in which form payment shall be made.

AMENDMENT TO SECTION 33 OF THE PRINCIPAL ACT

7. Section 33 of the Principal Act is amended as follows -

(a) in subsection (1), by deleting the words "for the reason his service or position is not necessary" and inserting in lieu thereof the words "who, at any time after 1 December 1976, has been required to resign in order to avoid the application of Article 18(3), any law made pursuant to Article 31(e), or any other law or convention, affecting the right of a member of Cabinet, a member of parliament or the Speaker, to remain an officer, or whose service is terminated for the reason his service or position is not necessary"; and

(b) by inserting the following new subsection (3);

"(3) A person seeking a benefit under sub-section (1) on the basis of his having had to so resign must apply in person to the Board and the decision of the Board shall be final."

AMENDMENT TO SECTION 37 OF THE PRINCIPAL ACT

8. Section 37 of the Principal Act is deleted and replaced with the following:

"37. Subject to this Act, a contributor is entitled to receive a payment under section 31(3) of this Act, which, if a pension, is to be calculated according to the number of units in respect of which the contributor has paid contributions, and if a lump sum, is to be an amount equal to the contributions which have been paid or deemed to have been paid under this Act by the contributor plus an amount equal to the amount of the contributions in respect of the contributor paid or deemed to have been paid to the Fund by the Employer under Section 27 and the amount, if any, transferred into the Fund in respect of the contributor pursuant to section 30A."

AMENDMENT TO SECTION 41

9. Section 41 of the Principal Act is amended by inserting the following new subsection (3) -

"(3) On and after 1 January 1998, there shall be paid to a contributor who resigns, but not one who is discharged or dismissed, an amount in addition to that paid pursuant to sub-section (1) and determined according to regulations made by Cabinet after consultation with the Board and the actuary."

AMENDMENT TO SECTION 45 OF THE PRINCIPAL ACT

10. Section 45 of the Principal Act is amended by inserting the following words after the word "Fund" in the last line:

"plus an amount equal to the amount of the contributions paid or deemed to have been paid to the Fund by the Employer under Section 27 and the amount, if any, transferred into the Fund pursuant to section 30A, in respect of the contributor."

AMENDMENT TO SECTION 60 OF THE PRINCIPAL ACT

11. Sub-section (2) of Section 60 of the Principal Act is amended by deleting paragraph (b).

INSERTION OF NEW SECTION 60A

12. The following new heading and section 60A is inserted immediately following section 60 -

"BENEFITS TO PERSONS WHO HAVE RESIGNED

60A(1) A person who was a contributor and resigned from the Public Service on or after 1 July 1984 having served not less than 5 years continuous service, may make application to the Board for payment to him or her of an amount which is to be determined as provided herein.

(2) An application as aforesaid must -

(a) be made and signed by the applicant in person;

(b) be accompanied by sufficient detail concerning the applicant's employment to establish his or her entitlement, if any; and

(c) be made in a form approved by the Minister for the purpose.

(3) An applicant whom the Board is satisfied had at the time of resignation been continuously employed in the Public Service for 5 years or more and who has not previously received any benefit from the distribution made in respect of the applicable distribution date, shall be entitled to a payment calculated from the date of the applicant's resignation to the distribution date next following and in accordance with regulations made by Cabinet after consultation with the Board and the actuary, which regulations must seek to place persons entitled to make application under this section in as close as reasonably possible a financial position which is no better and no worse than they would have been had they resigned on the day following the applicable distribution date, but without regard to the time elapsed after the applicable distribution date.

(4) The regulations made according to the previous sub-section shall differentiate between persons employed for more than 5 years but less than 10 years, those employed for more than 10 years but less than 15 years, and those employed for 15 years or more."

AMENDMENTS TO EXPRESSIONS IN THE PRINCIPAL ACT

13. In the Principal Act the words in column 1 of the schedule are replaced by the words opposite them in the second column and are deemed to have been so changed since 31 January 1968.

REPEAL

14. The following provisions of the principal Act are repealed – in section 4, the definition "the Commissioner"; section 40; section 50(2); and section 51(2).

THE SCHEDULE

Column 1	Column 2
Administrator	Cabinet
Ordinance	Act
Commissioner	Chief Secretary
Administration	Republic