

Examined and Certified *Atalame*  
Clerk of the Legislative Assembly

The Head of State Assents this *22<sup>nd</sup>* day of

GOVERNMENT SUPERANNUATION AMENDMENT ACT

*July 19 93.*

WESTERN SAMOA

*Malietoa Tanumafili II.*  
HEAD OF STATE

Arrangement of Provisions

Title	
1. Short title and commencement	6. Payment of benefits
2. Interpretation	7. Dissolution of separate funds
3. Closure to new contributors	8. Transfer of members
4. Cessation of contributions	9. Loan balances
5. Contributor's transfer balance	10. Repeal Schedule

1993/1994, No. 6

AN ACT to amend the Government Superannuation Act 1972.

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:-

1. **Short title and commencement** - (1) This Act may be cited as the Government Superannuation Amendment Act 1993/1994 and shall be read together with and deemed part of the Government Superannuation Act 1972.

(2) This Act shall be deemed to have come into force on the 30th day of June 1993.

2. **Interpretation** - In this Act unless the context otherwise requires, -

"principal Act" means the National Provident Fund Act 1972.

"Superannuation Act" means the Government Superannuation Act 1972.

**3. Closure to new contributors** - The Superannuation Act is amended by inserting immediately after section 15 the following new section:-

"**16. Closure to new contributors** - With effect from the 1st day of July 1993 the Board shall not admit any new contributor as a member under the provisions of this Act."

**4. Cessation of contributions** - The Superannuation Act is further amended by inserting immediately after section 16 (as inserted by this Act) the following new section:-

"**17. Cessation of contributions** - With effect from the 1st day of July 1993 all contributions payable by or on behalf of an employee under the provisions of section 5 of this Act shall cease."

**5. Contributor's transfer balance** - The Superannuation Act is further amended by inserting immediately after section 17 (as inserted by this Act) the following new section:-

"**18. Contributor's transfer balance** - (1) In respect of each contributor to whom this Act applies as at the 30th day of June 1993 the Board shall determine an amount calculated in accordance with the provisions of the Schedule to this Act and representing the value of the benefits accrued in respect of such contributor up to the 30th day of June 1993 under the provisions of this Act and, subject to subsection (2) of this section, the amount so determined shall be credited to an account in the name of the contributor in the National Provident Fund as at the 30th day of

June 1993.

(2) With effect from the 1st day of July 1993 the liability of the Government Superannuation Fund in respect of such contributor shall cease."

**6. Payment of benefits** - The Superannuation Act is further amended by inserting immediately after section 18 (as inserted by this Act) the following new section:-

"19. **Payment of benefits** - With effect from the 1st day of July 1993.

(a) Any pension payable as at the 30th day of June 1993 under the provisions of this Act shall from the 1st day of July 1993 be payable from the Pension Reserve Account of the National Provident Fund under the provisions of section 27 of the principal Act and the liability of the Government Superannuation Fund in respect of such pension shall cease."

**7. Dissolution of separate funds** - The Superannuation Act is further amended by inserting immediately after section 19 (as inserted by this Act) the following new section:-

"20. **Dissolution of separate funds** - (1) The separate funds held within the National Provident Fund under the provisions of section 7 of the principal Act in respect of the Government Superannuation Fund shall be dissolved from the 1st day of July 1993.

(2) The sum of the amounts determined under the

provisions of subsection (1) of section 18 of this Act in respect of all contributors shall with effect from the 30th day of June 1993 form part of the general funds of the National Provident Fund.

(3) An amount being the difference between -

(a) the sum of the Government Superannuation Fund Contribution Account and the Government Superannuation Fund Reserve Account determined as at the 30th day of June 1993; and

(b) the sum of the contributors' transfer balances determined in accordance with the provisions of subsection (2) of this section -

shall form part of the Pension Reserve Account of the National Provident Fund as provided for in subsection (1) of section 27 of the principal Act."

**8. Transfer of members** - The Superannuation Act is further amended by inserting immediately after section 20 (as inserted by this Act) the following new section:-

"**21. Transfer of members** - With effect from the 1st day of July 1993 all contributors for whom an amount has been determined under this provisions of section 18 of this Act shall cease to be members of the Government Superannuation Fund and shall become subject to the full provisions of the principal Act."

**9. Loan balances** - The Superannuation Act is further amended by inserting immediately after section 21 (as inserted

by this Act) the following new section:-

"22. **Loan balances** - Any amount outstanding under a loan granted under the provisions of section 21 of this Act as at the 30th day of June 1993 in respect of a contributor shall from the 1st day of July 1993 be repayable on such terms and conditions as the Board may determine for this purpose under the provisions of subsection (2) of section 38 of the principal Act."

10. **Repeal** - The following sections of the Superannuation Act are hereby repealed: sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

#### SCHEDULE

Section 18 (1)

#### CALCULATION OF TRANSFER BALANCES

The basis for the calculation of contributors' transfer balances for the purpose of subsection (1) of section 18 of this Act is as follows:-

1. **Contributors under age 55 on 30th June 1993**

In respect of each contributor, the transfer balance will be the greater of:

(i) The amount calculated in accordance with the formula:

$$P \times PV \times \$10.31 \times YCM/YPM$$

where

- \$10.31 = the pension conversion factor, being the expected capitalised value of a pension of \$1.00 per annum payable from age 55;
- PV = the discount factor for the period from 30th June 1993 to the contributor's 55th birthday allowing for interest at 8% per annum;
- P = the projected annual pension at age 55, being calculated in accordance with the formula
- (a)  $2/105 \times \text{FAS} \times \text{YPM}$   
less if, (a) is greater than \$2,000 per annum
- (b)  $0.25 \times (a) - \$500$ ;
- FAS = the projected final average annual salary at age 55 projecting future salary increases at the rate of 6% per annum; and
- YCM = the years of membership that would have been completed at 30th June 1993, with parts of a year counting proportionately.
- YPM = the potential years of membership that would have been com-

pleted on the contributor's 55th birthday, with parts of a year counting proportionately.

(ii) Twice the contributor's own contributions to the Fund.

2. **Contributors aged 55 or more on 30th June 1993**

In respect of each contributor, the transfer balance with be calculated in accordance with the formula:

$$P \times \$10.31$$

where

P = the annual pension the contributor would have received if retirement took place on 30th June 1993; and

\$10.31 = the pension conversion factor as given in paragraph 1 of this Schedule.

**TEUTEUGA O LE TULAFONO O LE SUPEANEUETA  
A LE MALO**

**SAMOA I SISIFO**

Faatulagaina o Aiaiga

- |    |                            |     |                           |
|----|----------------------------|-----|---------------------------|
| 1. | Igoa                       | 6.  | Totogiina o Faamanuiaga   |
| 2. | Igoa puupuu ma le amataga  | 7.  | Faamaapeina o faaputuga-  |
| 3. | Faamatalaina o uiga o Upu  |     | tupe e ese mai ai         |
| 4. | Tapunia o le Faaputuga-    | 8.  | Faaliliuina o sui         |
| 5. | tupe mo aufai-saofaga fou  | 9.  | Tupe Paleni o Nogatupe    |
|    | Faamutaina o saofaga       | 10. | Mea ua soloia Faamatalaga |
|    | Faaliliuina atu o paleni o |     |                           |
|    | tupe a le aufai-saofaga    |     |                           |

1993/1994, Nu. 6

**O SE TULAFONO e teuteu ai le Tulafono o le Supeaneueta  
a le Malo 1972.**

**UA FAIA e le Fono Aoao Faitulafono o Samoa i Sisifo i  
totonu o le Palemene ua potopoto e faapea:-**

1. Igoa puupuu ma le amataga - (1) E mafai ona taua  
lenei Tulafono o Teuteuga o le Tulafono o le Supeaneueta  
a le Malo 1993/1994 ma e tatau ona faitauina faatasi ma  
avea ai o se vaega o le Tulafono o le Supeaneueta a le Malo  
1972.

(2) O lenei Tulafono o le a tatau ona amata faamamalu-  
ina i le aso 30 o Iuni 1993.

2. Faamatalaina o uiga o Upu- I totonu o lenei Tula-  
fono ae vagana ai ua manaomia e le mataupu se i si uiga e  
ese mai ai - "o le Tulafono autu" o lona uiga o le Tulafono  
o le Faaputuga-tupe mo le Lumanai Manuia o Tagata 1972.

"Tulafono o le Supeaneueta a le Malo" o lona uiga o le



Tulafono o le Supeaneueta a le Malo 1972.

3. Tapunia o le Faaputuga-tupe mo le aufai-saofaga fou- O le Tulafono o le Supeaneueta a le Malo ua teuteuina i le faaofiina ina ua tuanai le fuaiupu 15 ia le fuaiupu fou e faapea:

"16. Tapunia o le Faaputuga-tupe mo le aufai-saofaga fou- E amata mai le aso 1 o Iulai 1993 o le a le toe faauluina e le Komiti Faatino so o se fai-saofaga fou e avea o se sui i lalo o aiaiga o lenei Tulafono."

4. Faamutaina o saofaga- O le Tulafono o le Supeaneueta a le Malo ua toe teuteuina i le faaofiina ina ua tuanai le fuaiupu 16 (e pei ona faaofiina e le Tulafono) le fuaiupu fou e faapea:

"17. Faamutaina o saofaga- E amata mai le aso 1 o Iulai 1993 o saofaga uma e totogiina e po o e avea ai o se sui o se tagata faigaluega e tusa ai ma aiaiga o le fuaiupu 5 o lenei tulafono o le a faamutaina."

5. Faaliliuina atu o paleni o tupe a le aufai-saofaga- O le Tulafono o le Supeaneueta a le Malo ua toe teuteuina i le faaofiina ina ua tuanai le fuaiupu 17 (e pei ona faaofiina e lenei Tulafono) ia le fuaiupu fou e faapea:

"18. Faaliliuina atu o paleni o tupe a le aufai-saofaga-(1) E tusa ai ma fai-saofaga taitoatasi o i latou ia o lo o faaoga i ai lenei Tulafono i le aso 30 o Iuni 1993 o le Komiti Faatino o le a ia fuafuaina se aofaiga-tupe ua faatatauina e tusa ai ma aiaiga o le Faamatalaga i lenei Tulafono ma o lo o aofia ai le aofai o faamanuiaga faaputupu e tusa ai ma ia saofaga e oo

mai i le aso 30 o Iuni 1993 e tusa ai ma aiaiga o lenei Tulafono ma, i le noatia ma le fai fuafua i le faafuaiupu (2) o lenei fuaiupu, o le aofaiga-tupe e pei ona ua fuafuaina o le a tuuina i lalo mo le lelei o sea teuga-tupe i le igoa o le fai-saofaga i totonu o le Faaputuga-tupe mo le Lumanai Manuia o Tagata i le aso 30 o Iuni 1993.

(2) E amata mai i le aso 1 o Iulai 1993 o noataga a le Faaputuga-tupe o le Supeaneueta a le Malo e tusa ai ma sea tagata fai-saofaga o le a faamutaina."

6. Totogiina o Faamanuiaga- O le Tulafono o le Supeaneueta a le Malo ua toe teuteuina i le faaofiina ina ua tuana'i le fuaiupu 18 (e pei ona faaofiina e lenei Tulafono) ia le fuaiupu fou e faapea:

"19. Totogiina o Faamanuiaga- E amata mai i le aso 1 o Iulai 1993.

(a) So o se penisione e totogiina i le aso 30 o Iuni 1993 e tusa ai ma aiaiga o lenei Tulafono e tatau ona totogiina amata mai le aso 1 o Iulai 1993 mai le Faaputuga-tupe Faaagaaga o Penisione a le Faaputuga-tupe mo le Lumanai Manuia o Tagata e tusa ai ma aiaiga o le fuaiupu 27 o le Tulafono autu ma o noataga a le Faaputuga-tupe o le Supeaneueta a le Malo e tusa ai ma ia penisione o le a faamutaina."

7. Faamaapeina o faaputuga-tupe e ese mai ai- O le Tulafono o le Supeaneueta ua toe teuteuina i le faaofiina ina ua tuana'i le fuaiupu 19 (e pei ona faaofiina e lenei

Tulafono) le fuaiupu fou e faapea:

"20. Faamaapeina o faaputuga-tupe e ese mai ai-(1) O faaputuga-tupe e ese mai ai o lo o umia i totonu o le Faaputuga-tupe mo le Lumanai Manuia o Tagata e tusa ai ma aiaiga o le fuaiupu 7 o le Tulafono autu e tusa ai ma le Faaputuga-tupe o le Supeaneueta a le Malo o le a faamaapeina mai le aso 1 o Iulai 1993.

(2) O le vaega-tupe o aofaiga o tupe ua fuafuaina e tusa ai ma aiaiga o le faafuaiupu (1) o le fuaiupu 18 o lenei Tulafono e tusa ai ma le aufai-saofaga uma e tatau ona amata mai i le aso 30 o Iuni 1993 ona avea ma vaega o faaputuga-tupe aoao a le Faaputuga-tupe mo le Lumanai Manuia o Tagata.

(3) O se aofaiga-tupe o se eseesega lea i le va o -

(a) o le aofai o Teuga-tupe o Saofaga a le Faaputuga-tupe mo le Lumanai Manuia o Tagata ma le Teuga-tupe Faaagaaga a le Faaputuga-tupe a le Supeaneueta a le Malo e pei ona fuafuaina i le aso 30 o Iuni 1993; ma

(b) le aofai o tupe paleni a le aufai-saofaga ua

faaliliuina mai e pei ona fuafuaina e tusa ai ma aiaiga o le faafuaiupu (2) o lenei fuaiupu - o le a avea ma vaega o le Teuga-tupe Faaagaaga o Penisione a le Faaputuga-tupe mo le Lumanai Manuia o Tagata e pei ona aiaia i totonu o le faafuaiupu (1) o le fuaiupu 27 o le Tulafono autu." "

8. Faaliliuina o Sui- O le Tulafono o le Supeaneueta ua toe teuteuina i le faaofiina ina ua tuanai le fuaiupu 20 (e

pei ona faaofiina e lenei Tulafono) le fuaiupu fou e faapea:

"21. Faaliliuina o Sui- E amata mai le aso 1 o Iulai 1993 o le aufai-saofaga uma o i latou ia ua fuafuaina i ai le aofaiga-tupe e tusa ai ma aiaiga o le fuaiupu 18 o lenei Tulafono o le a faamutaina ona avea ma sui o le Faaputuga-tupe o le Supeaneueta a le Malo ma o le a noatia i aiaiga uma o le Tulafono autu."

9. Tupe Paleni o Nogatupe- O le Tulafono o le Supeaneueta a le Malo ua toe teuteuina i le faaofiina ina ua tuana'i le fuaiupu 21 (e pei ona faaofiina e lenei Tulafono) le fuaiupu fou e faapea:

"22. Tupe Paleni o Nogatupe- So o se aofaiga tupe e le i totogiina e tusa ai ma se nogatupe na faamatuu atu i lalo o aiaiga o le fuaiupu 21 o lenei Tulafono i le aso 30 o Iuni 1993 e tusa ai ma se faisaofaga e tatau mai le aso 1 o Iulai 1993 ona toe totogiina i luga o ni tuutuuga ma aiaiga e pei ona o le a fuafuaina e le Komiti Faatino mo lenei faamoemoe e tusa ai ma aiaiga o le faafuaiupu (2) o le fuaiupu 38 o le Tulafono autu."

10. Mea ua soloia- O fuaiupu ua taua o le Tulafono o le Supeaneueta a le Malo ua soloia: fuaiupu 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

#### FAAMATALAGA

Fuaiupu 18(1)

Fuafuaina o Paleni o Tupe Faaliliuina mai  
O le faavae mo le fuafuaina o tupe paleni a le aufai-

saofaga faaliliuina mai mo le faamoemoe o le faafuaiupu

(1) o le fuaiupu 18 o lenei Tulafono e faapea:

1. Aufai-saofaga e i lalo ifo o le 55 o latou tausaga i le aso 30 o Iuni 1993.

E tusa ai ma le tagata fai-saofaga e toatasi, o le paleni o tupe faaliliuina mai o se aofaiga lea e sili atu i le:

- (i) Aofaiga o tupe ua fuafuaina e tusa ai ma le fomula:

$$P \times PV \times \$10.31 \times YCM/YPM$$

e faapea o le

\$10.31 = o le fuainumera autu e faaliliuina ai penisione, ma o lea fuainumera ua faamoemoe o le aoga lea o le tupe faavae o se penisione e \$1.00 i le tausaga e totogiina atu mai le 55 tausaga;

PV = o le tupe autu faameaalofa lea mo le vaitaimi mai le aso 30 o Iuni 1993 i le asofanau o le tagata fai-saofaga i le aso e atoa ai lona 55 tausaga ma e faaagaaga mo tupe tului i le 8% i le tausaga;

P = o le penisione fuafuaina mo le tausaga i le 55 tausaga, ua fuafuaina e tusa ai ma le

fomula

(a)  $2/105 \times \text{FAS} \times \text{YPM}$

toese ai pe a fai, o le

(a) e sili atu na i lo le

\$2,000 i le tausaga

(b)  $0.25 \times (a) - \$500$ ;

FAS = o le fua faaogatonu o le totogi mulimuli ua fuafuaina mo le tausaga i le 55 tausaga ma ua fuafuaina mo siitaga o totogi i le lumanai i le fua faatatau e 6% i le tausaga; ma

YCM = o tausaga o le avea ma sui auai e faapea e ono faaumaina i le aso 30 o Iuni 1993, faatasi ai ma vaega o le tausaga e tatau ona aofia ai.

YPM = tausaga o le avea ma sui auai e faapea e ono faaumaina i le aso e atoa ai le 55 tausaga o le fai-saofaga, faatasi ai ma vaega o se tausaga e tatau ona aofia ai.

(ii) Faaluaina o saofaga a le fai-saofaga i le Faaputuga-tupe.

2. Aufai-saofaga ua 55 tausaga po o le sili atu foi i le aso 30 o Iuni 1993.

E tusa ai ma le tagata fai-saofaga taitoatasi, o le

faaliliuina mai o paleni o le a fuafuaina e tusa ai  
ma le fomula e faapea -

$$P \times \$10.31$$

e faapea o le

P = o le penisione faale-tausaga a le faisaofaga e ono maua pe a fai e litaea i  
le aso 30 o Iuni 1993; ma

\$10.31 = o le fuainumera autu e faaliliuina ai  
le penisione e pei ona faamatalaina i  
le parakalafa 1 o le Faamatalaga ua  
taua i luga.