

**Reprint
as at 26 November 2018**

Social Security Amendment Act (No 3) 1997

Public Act 1997 No 23
Date of assent 30 June 1997

Social Security Amendment Act (No 3) 1997: repealed, on 26 November 2018, pursuant to section 455(1) of the Social Security Act 2018 (2018 No 32).

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An Act to amend the Social Security Act 1964

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered by the Ministry of Social Development.

BE IT ENACTED by the Parliament of New Zealand as follows:**1 Short Title and commencement**

- (1) This Act may be cited as the Social Security Amendment Act (No 3) 1997, and is part of the Social Security Act 1964 (“the principal Act”).
- (2) This Act comes into force on 1 January 1998.

2 Sickness benefits

- (1) *[Repealed]*
- (2) The following enactments are hereby consequentially repealed:
 - (a) Section 14 of the Social Security Amendment Act 1972:
 - (b) Section 8 of the Social Security Amendment Act (No 2) 1991.
- (3) Notwithstanding the provisions of subsections (1) and (2), the Director-General must continue to pay a sickness benefit to any person aged 16 years or 17 years who was in receipt of a sickness benefit under section 54 of the principal Act immediately before the commencement of this section, while that person remains eligible for it under that section, as if those subsections had not been enacted.

Subsection (1) was repealed, as from 1 October 1998, by section 24(2)(c) Social Security Amendment Act 1998 (1998 No 19).

3 Unemployment benefits

- (1) This subsection amended s 58(1) of the principal Act.
- (2) This subsection inserted s 58(3) and (4) of the principal Act.
- (3) Section 14(1) of the Social Security Amendment Act (No 2) 1990 is consequentially repealed.
- (4) Notwithstanding the provisions of subsections (1) and (3), the Director-General must continue to pay an unemployment benefit to any person under the age of 25 years who was in receipt of an unemployment benefit under section 58 of the principal Act immediately before the commencement of this section, while that person remains eligible for it under that section, as if those subsections had not been enacted.

4 New sections inserted

This section inserted the heading “Young Job Seekers’ Allowances” preceding s 59B and inserted ss 59B to 59E of the principal Act.

5 Training benefits

[Repealed]

Section 5 was repealed, as from 1 January 1998, by section 11(4)(b) Social Security Amendment Act (No 4) 1997 (1997 No 63).

6 Rates of training benefit

This section repealed s 60B(3) and (4) (as inserted by section 33(1) of the Finance Act 1989) of the principal Act.

7 Abolition of job search allowance

- (1) This subsection repealed ss 60D and 60E (as inserted by section 17(1) of the Social Security Amendment Act (No 2) 1990) of the principal Act.
- (2) Notwithstanding the provisions of subsection (1), the Director-General must continue to pay a job search allowance to any person aged 16 years or 17 years who was in receipt of a job search allowance under section 60D of the principal Act immediately before the commencement of this section, while that person remains eligible for it under that section, as if that subsection had not been enacted.

8 Independent youth benefit

[Repealed]

Section 8 was repealed, as from 1 January 1998, by section 13(3)(c) Social Security Amendment Act (No 4) 1997 (1997 No 63).

9 Interpretation

- (1) This subsection amended s 61E (as substituted by section 10(1) of the Social Security Amendment Act (No 3) 1993) of the principal Act.
- (2) For the purposes of assessing entitlement to an accommodation supplement under sections 61E and 61EA of the principal Act, the term **beneficiary** includes any person aged 16 years or 17 years who is being paid a job search allowance pursuant to section 7(2).

10 Consequential amendments

- (1) The principal Act is amended in the manner specified in the Schedule.
- (2) The Social Security Amendment Act 1996 is amended—
 - (a) By repealing section 14:
 - (b) By omitting from section 33(1) the words “(as substituted by section 19(1) of the Social Security Amendment Act (No 2) 1991)”, and substituting the words “(as substituted by section 2(1) of the Social Security Amendment Act (No 2) 1996)”:
 - (c) By omitting from section 33(2) the words “(as so substituted) is hereby further amended by repealing subsection (3)”, and substituting the words “is amended by repealing subsection (3) (as so substituted)”.
- (3) The Social Security Amendment Act (No 2) 1996 is amended by repealing so much of section 2(1) as relates to section 77(3) of the principal Act.

Schedule

Consequential amendments to Social Security Act 1964

Section 10(1)

Provision Amended	Amendment
Section 3(1)	<p>By repealing paragraph (b)(v) of the definition of the term benefit (as substituted by section 2(1) of the Social Security Amendment Act (No 2) 1990), and substituting the following subparagraph:</p> <p>(v) A young job seeker's allowance payable under section 59B:</p> <p>By omitting from paragraph (a) of the definition of the term work-tested beneficiary (as inserted by section 2(6) of the Social Security Amendment Act 1996) the words "job search allowance", and substituting the words "young job seeker's allowance".</p> <p>By omitting from paragraph (a) of the definition of the term work-tested benefit (as so inserted) the words "job search allowance", and substituting the words "young job seeker's allowance".</p> <p>By inserting in the definition of work-tested spouse (as so inserted), after the words "unemployment benefit", the words "or a young job seeker's allowance".</p>
Section 3(5) (as added by section 2(7) of the Social Security Amendment Act 1996)	By inserting, after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60GA(b)(ii) (as inserted by section 16 of the Social Security Amendment Act 1996)	By inserting, after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60H(1) (as substituted by section 17 of the Social Security Amendment Act 1996)	By omitting from paragraph (b) of the definition of the term employment the words "job search allowance", and substituting the words "young job seeker's allowance".
Section 60H(2)(c) (as so substituted)	By inserting, after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60HA(1)(a)(ii)	By inserting, after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60HA (as so inserted)	By adding the following subsection:

Provision Amended	Amendment
	<p>(4) For the purposes of subsection (3), where, under section 58(3), an unemployment benefit is granted to a person in receipt of a young job seeker's allowance,—</p> <p>(a) That unemployment benefit and that young job seeker's allowance are to be considered to be the same benefit; and</p> <p>(b) The grant of that benefit is to be considered as having occurred on the date the young job seeker's allowance was granted.</p>
Section 60HD(1)(b) (as so inserted)	By inserting, after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60HF (as so inserted)	By inserting, after the words "unemployment benefit", wherever they occur, the words "or a young job seeker's allowance".
Section 60JA(4) (as inserted by section 20 of the Social Security Amendment Act 1996)	By inserting, after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60JA(5) (as so inserted)	By inserting in paragraph (b), after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60JA(10) (as so inserted)	By inserting in the definition of the term benefit , after the words "unemployment benefit", the words "or a young job seeker's allowance".
Section 60L (as substituted by section 24(1) of the Social Security Amendment Act 1996)	By inserting, after the words "unemployment benefit" where they first occur, the words "or a young job seeker's allowance".
	<p>By omitting paragraph (b), and substituting the following paragraph:</p> <p>(b) Has a spouse who is unemployed but is not entitled to a benefit because of section 60H, or because he or she is unemployed because of a strike of the type referred to in—</p> <p>(i) Paragraph (b) of the proviso referred to in section 58(1); or</p> <p>(ii) Section 59B(1)(c)—</p>
Section 60M(1)(a)(i) (as substituted by section 26 of	By inserting, after the words "rate of unemployment benefit", the words "or a young job seeker's allowance".
	By inserting, after the words "unemployment benefit", the words "or a young job seeker's allowance".

Provision Amended	Amendment
the Social Security Amendment Act 1996)	
Section 61(1) (as amended by section 17(b) of the Social Security Amendment Act 1991)	By omitting from the first and second provisos the words “job search allowance” wherever they occur, and substituting in each case the words “young job seeker’s allowance”.
Section 69C(1)(a) (as substituted by section 15(1) of the Social Security Amendment Act (No 2) 1985)	By inserting, after the words “unemployment benefit,” the words “or a young job seeker’s allowance, or an independent youth benefit on the ground specified in section 60F(6),”.
Section 69C(5)(a) (as substituted by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993)	By inserting, after the words “unemployment benefit”, the words “, or a young job seeker’s allowance,”.
Section 70A(1)(b) (as substituted by section 9(1) of the Social Security Amendment Act (No 5) 1991)	By inserting in subparagraph (v), after the word “Act”, the words “or payable pursuant to section 58(3)”. By inserting, after subparagraph (v), the following subparagraph:
	(va) A young job seeker’s allowance granted under section 59B on an application made on or after 1 January 1998:
Section 71A (as inserted by section 21(1) of the Social Security Amendment Act 1976)	By inserting in subsection (1)(a), after the words “this Act,”, the words “or an independent youth benefit on the ground specified in section 60F(6),”. By inserting in subsection (2), after the word “sickness”, the words “independent youth,”.
Section 72(b)	By inserting, after the words “sickness benefit”, the words “, or an independent youth benefit on the ground specified in section 60F(6),”.
Section 77(2) (as substituted by section 2(1) of the Social Security Amendment Act (No 2) 1996)	By omitting the words “job search allowance”, and substituting the words “young job seeker’s allowance”.
Section 77(3) (as substituted by section 33(2) of the Social Security Amendment Act 1996)	By omitting the words “job search allowance”, and substituting the words “young job seeker’s allowance”.

Provision Amended	Amendment
Section 80B (as substituted by section 35 of the Social Security Amendment Act 1996)	By omitting paragraph (a)(vii) of the definition of the term income , and substituting the following subparagraph: (vii) A job search allowance or a young job seeker's allowance;
Section 80BD(3) (as inserted by section 35 of the Social Security Amendment Act 1996)	By inserting, after the words "unemployment benefit," the words "or a young job seeker's allowance,".
Schedule 8 (as substituted by section 39(1) of the Social Security Amendment Act 1996)	By repealing clause 1(a).
Schedule 9 (as so substituted)	By omitting from the heading the words "JOB SEARCH ALLOWANCES", and substituting the words "YOUNG JOB SEEKERS' ALLOWANCES". By repealing clause 4. By inserting in clause 5, after the words "unemployment benefit," the words "or young job seeker's allowance,".
Schedule 18 (as substituted by section 34(1) of the Social Security Amendment Act (No 3) 1993 and amended by section YB 1 of the Income Tax Act 1994)	By omitting from each of paragraphs (b), (d), (e), and (g) of the definition of base rate in clause 1 of Part 1 the words "a first dependent child", and substituting the words "an eldest" dependent child who is under 16.

The item relating to section 69C(1)(a) was amended, as from 1 January 1998, by section 30(1)(a) Social Security Amendment Act (No 4) 1997 (1997 No 63) by substituting the expression "section 60F(6)" for the expression "section 60F(1)(c)(i)".

The item relating to section 71A was amended, as from 1 January 1998, by section 30(1)(b) Social Security Amendment Act (No 4) 1997 (1997 No 63) by substituting the expression "section 60F(6)" for the expression "section 60F(1)(c)(i)".

The item relating to section 72(b) was amended, as from 1 January 1998, by section 30(1)(c) Social Security Amendment Act (No 4) 1997 (1997 No 63) by substituting the expression "section 60F(6)" for the expression "section 60F(1)(c)(i)".

Eprint notes**1 *General***

This is an eprint of the Social Security Amendment Act (No 3) 1997 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Social Security Act 2018 (2018 No 32): section 455(1)