Reprint
as at 12 November 2018

Social Security Act 1964

Public Act	1964 No 136
Date of assent	4 December 1964
Commencement	see section 1(2)

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Social Development.

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An Act to consolidate and amend the Social Security Act 1938 and its amendments

1 Short Title and commencement

(1) This Act may be cited as the Social Security Act 1964.

(2) This Act shall come into force on 1 April 1965.

Part 1
Purpose, principles, general definitions, examples, and transitional and savings provisions relating to amendments to this Act

Part 1 heading: replaced, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

1A Purpose

The purpose of this Act is—

(a) to enable the provision of financial and other support as appropriate—

(i) to help people to support themselves and their dependants while not in paid employment; and

(ii) to help people to find or retain paid employment; and

(iii) to help people for whom work may not currently be appropriate because of sickness, injury, disability, or caring responsibilities, to support themselves and their dependants:

(b) to enable in certain circumstances the provision of financial support to people to help alleviate hardship:

(c) to ensure that the financial support referred to in paragraphs (a) and (b) is provided to people taking into account—

(i) that where appropriate they should use the resources available to them before seeking financial support under this Act; and

(ii) any financial support that they are eligible for or already receive, otherwise than under this Act, from publicly funded sources:

(ca) to provide services to encourage and help young persons to move into or remain in education, training, and employment rather than to receiving financial support under this Act:

(d) to impose, on the following specified people or young persons, the following specified requirements or obligations:

(i) on people seeking or receiving financial support under this Act, administrative and, where appropriate, work-related requirements; and

(ii) on young persons who are seeking or receiving financial support under this Act, educational, budget management, and (where appropriate) parenting requirements; and

(iii) on people receiving certain financial support under this Act, social obligations relating to the education and primary health care of their dependent children.

Section 1A: inserted, on 24 September 2007, by section 23 of the Social Security Amendment Act 2007 (2007 No 20).

Section 1A(ca): inserted, on 20 August 2012, by section 4(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 1A(ca): amended, on 8 July 2016, by section 4 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 1A(d): replaced, on 15 July 2013, by section 5 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

1B Principles

Every person exercising or performing a function, duty or power under this Act must have regard to the following general principles:

(a) work in paid employment offers the best opportunity for people to achieve social and economic well-being:

(b) the priority for people of working age should be to find and retain work:

(c) people for whom work may not currently be an appropriate outcome should be assisted to prepare for work in the future and develop employment-focused skills:

(d) people for whom work is not appropriate should be supported in accordance with this Act.

Section 1B: inserted, on 24 September 2007, by section 23 of the Social Security Amendment Act 2007 (2007 No 20).

Section 1B(c): amended, on 15 October 2012, by section 32 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

2 Administration

[Repealed]

Section 2: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

3 Interpretation

(1) In this Act, unless the context otherwise requires,—

activity in the community means an activity associated with a community project under the supervision of a sponsor who is contracted by the chief executive to provide the activity

Appeal Authority or **Authority** means the Social Security Appeal Authority established under section 12A; and includes any Special Social Security Appeal Authority established under section 12D

applicant, in relation to any benefit, means a person by whom or on whose behalf an application is made for the benefit; and, where the context so requires, includes a beneficiary

application means an application for a benefit

Area 1, Area 2, Area 3, and Area 4—

(a) are defined in regulations made under section 61I for the purposes of Part 1K and Schedule 18 (accommodation supplement); but

(b) until the commencement of the first regulations made under that section, refer to the terms defined in clause 1 of Part 1 of Schedule 18

average wage means, at any time, the before tax average ordinary time weekly wage (all sectors, male and female combined) as specified in—

(a) the latest Quarterly Employment Survey published by Statistics New Zealand; or

(b) if the survey referred to in paragraph (a) ceases to be published, a survey certified by the Government Statistician as an equivalent survey to the survey referred to in that paragraph

beneficiary means a person who has been granted a benefit; and includes a person in respect of whom a benefit or part of a benefit has been granted

benefit—

(a) means a monetary benefit payable under any of Parts 1A to 1P or Part 2 (including, without limitation, any such benefit payable under this Act by virtue of an agreement or convention given effect in relation to New Zealand by an order under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990); and

(aa) *[Repealed]*

(b) includes—

(i) New Zealand superannuation payable under the New Zealand Superannuation and Retirement Income Act 2001 and veterans' pensions payable under Part 6 of the Veterans' Support Act 2014 (including, without limitation, any New Zealand superannuation, or veteran's pension, payable under that Act by virtue of an agreement or convention given effect in relation to New Zealand by an order under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990):

(ia) *[Repealed]*

(ii) *[Repealed]*

(iia) an incentive payment, a youth payment, and a young parent payment:

(iii) an accommodation supplement payable under section 61EA:

(iiia) a winter energy payment:

(iv) a child disability allowance under section 39A:

(iva) childcare assistance payable under section 61GA:

(ivb) temporary additional support payable under section 61G:

(v) a disability allowance payable under section 69C; but

(va) *[Repealed]*

(vi) *[Repealed]*

(vii) *[Repealed]*

(viii) *[Repealed]*

(c) does not include a lump sum payable under section 61DB or section 61DC or section 61DD

capacity for work means, in relation to any person, the person's capacity to engage in employment, as determined having regard to any sickness, injury, or disability the person may have

ceased, in relation to a person's employment, means—

(a) subject to paragraph (b), the date on which the person's employment terminates; or

(b) if in relation to the termination of employment the person receives—

(i) any payment in lieu of notice terminating the employment of the person; or

(ii) any holiday pay; or

(iii) any payment in lieu of accumulated leave; or

(iv) any payment contingent on the completion of a fixed-term engagement; or

(v) any retirement payment (as defined in section 80B),—

a date which is the number of days (excluding Saturdays and Sundays) after the date on which the person's employment terminated which is equal to the nearest whole number produced by dividing the aggregate amount of any such payments by the amount of the person's normal daily wage or salary before termination of his or her employment

chief executive means, subject to any enactment, the chief executive of the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

child means a single person under the age of 18 years, other than a person who is—

(a) aged 16 years or 17 years; and

(b) financially independent

Commonwealth country means a country that is a member of the Commonwealth of Nations; and includes every territory for whose international relations the Government of any such country is responsible

contract of insurance includes a contract or an arrangement that, in the opinion of the chief executive, is similar to or analogous with a contract of insurance

contracted service provider has the meaning given by section 125A(1)

date of first contact, in relation to a person's application for a benefit, means the date on which the department first received from the person (or some other person acting on the person's behalf) the oral or written request for financial assistance that led to the making of the application

debt insurance payment, in relation to a person, means a payment made, or the value of any credit provided, on the occurrence of a contingency—

(a) under a contract of insurance or by reason of the person's membership of any society, organisation, or body whether corporate or unincorporate; and

(b) to the person or to some other person on behalf of or for the benefit of the person; and

(c) for the sole purpose of, and used for, repaying or paying any amounts on account of any existing debt of the person

dentist means a health practitioner who is, or is deemed to be, registered with the Dental Council established by section 114(2) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of dentistry

department means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

dependent child, in relation to any person,—

(a) means a child—

(i) whose care is primarily the responsibility of the person; and

(ii) who is being maintained as a member of that person's family; and

(iii) who is financially dependent on that person:

(b) does not include a child in respect of whom payments are being made under section 363 of the Oranga Tamariki Act 1989:

(c) despite paragraph (b), includes a child or a young person (as defined in section 2(1) of the Oranga Tamariki Act 1989)—

(i) of whom the person is a parent within the meaning of that Act; and

(ii) to whom section 361 of that Act applies; and

(iii) who, under section 362 of that Act, is placed in the charge of the person:

(d) for the purposes only of Schedules 3, 3A, 6, 9, 16, 17, 18, and 26, does not include a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid:

(e) does not include a child in respect of whom a young parent payment is being paid except in relation to that child's parent or step-parent:

(f) for the purposes of clause 1(a) and (b) of Schedule 18A (rates of winter energy payment), has the meaning given to it by clause 2 of Schedule 18A

disability services has the same meaning as disability support services in section 6(1) of the New Zealand Public Health and Disability Act 2000

district health board means a district health board established by or under section 19 of the New Zealand Public Health and Disability Act 2000

document means a document in any form; and includes—

(a) any writing on any material:

(b) any information recorded or stored by means of any tape recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:

(c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:

(d) any book, map, plan, graph, or drawing:

(e) any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced

domestic epidemic management notice means a notice under section 8(1) of the Epidemic Preparedness Act 2006 stating that the application of this Act is modified in order to deal with the practical effects of the outbreak of the disease referred to in the notice

employment means paid employment

employment plan has the meaning specified in section 60O

employment required to satisfy the work test means,—

(a) for a part-time work-tested beneficiary, part-time work:

(b) for any other work-tested beneficiary, full-time employment

existing debt, in relation to a person, means a debt or liability of the person in existence on the date on which a contingency occurs that gives rise to a right or eligibility of the person to receive a payment under a contract of insurance or by reason of the person's membership of any society, organisation, or body whether corporate or unincorporate, whether or not the debt or liability is due for payment on that date; but does not include a liability in connection with the future supply of goods or services or transport or accommodation to the person or a member of his or her family

financially independent, in relation to a person, means—

(a) in full employment; or

(b) in receipt of a basic grant or an independent circumstances grant under the Student Allowances Regulations 1998 (SR 1998/277); or

(c) in receipt of payments under a Government-assisted scheme which the chief executive considers analogous to a main benefit under this Act; or

(d) in receipt of a main benefit under this Act

friendly society means any friendly society or branch thereof registered under the Friendly Societies and Credit Unions Act 1982

full employment or **full-time employment**, in relation to any person, means—

(a) employment under a contract of service or apprenticeship which requires the person to work, whether on time or piece rates, no less than an average of 30 hours each week; or

(b) self-employment of the person in any business, profession, trade, manufacture, or undertaking carried on for pecuniary profit for no less than an average of 30 hours each week; or

(c) employment of the person for any number of hours which is regarded as full-time employment for the purposes of any award, agreement, or contract relating to that employment

full-time student means a person enrolled in a full-time course within the meaning of the Student Allowances Regulations 1998, and includes a person who, during an academic year that has just ended or is about to end, was so enrolled and who intends to so enrol in the next academic year

funder has the same meaning as in section 20 of the Health and Disability Services Act 1993

Government occupational pension—

(a) means a benefit, pension, or periodical allowance paid by or on behalf of the Government of any country to a person by reason of—

(i) a period of employment, direct or indirect, by that Government of that person or that person's deceased spouse or partner or that person's deceased parent; or

(ii) a period of service to that Government (including, without limitation, service in the armed forces, service in the Police, and service as a judicial officer or other person acting judicially) by that person or that person's deceased spouse or partner or that person's deceased parent; but

(b) does not include any part of that benefit, pension, or periodical allowance that is paid by the Government of that country by reason of anything other than that period of employment or service; and

(c) does not include any part of that benefit, pension, or periodical allowance to which the Government of that country contributes by reason of anything other than that period of employment or service; but

(d) does not include a benefit, pension, or periodical allowance of the kind set out in paragraph (a) if the person would have been entitled to receive a similar benefit, pension, or periodical allowance paid by, or on behalf of, the Government of that country under a scheme or other arrangement in respect of persons who were not employees or in the service of that Government

health or disability insurance payment, in relation to a person, means a payment made, or the value of any credit or service provided, on the occurrence of a contingency—

(a) under a contract of insurance, or by reason of the person's membership of any society, organisation, or body whether corporate or unincorporate,

that provides for the payment or reimbursement of the costs of health or disability care for the person or a member of his or her family; and

(b) to the person or to some other person on behalf of or for the benefit of the person or a member of his or her family—

and used for paying or reimbursing those costs

health practitioner means a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession under the Health Practitioners Competence Assurance Act 2003

hospital means a hospital care institution as defined in section 58(4) of the Health and Disability Services (Safety) Act 2001

incentive payment means a payment referred to in any of clauses 7 to 9 of Schedule 26

income, in relation to any person,—

(a) means any money received or the value in money's worth of any interest acquired, before income tax, by the person which is not capital (except as hereinafter set out); and

(b) includes, whether capital or not and as calculated before the deduction (where applicable) of income tax, any periodical payments made, and the value of any credits or services provided periodically, from any source for income-related purposes and used by the person for income-related purposes; and

(c) except where section 71A(2) applies, includes, whether capital or not and as calculated before the deduction (where applicable) of income tax,—

(i) any periodical income-related insurance payments; and

(ii) any lump sum income-related insurance payment to the extent of the income lost by the person as a result of, and within a period of 10 weeks from, the occurrence of the contingency in respect of which the payment was made; and

(iii) any payment referred to in subparagraph (i) or subparagraph (ii) which the person would have been entitled to receive under an accident insurance contract within the meaning of section 13 of the Accident Insurance Act 1998 but for the existence of a risk sharing agreement referred to in section 185 of that Act (as it read immediately before its repeal by section 7 of the Accident Insurance Amendment Act 2000); and

(d) includes—

(i) any payment relating to a situation involving a seasonal layoff:

(ii) any payment contingent on the completion of either a fixed-term engagement or an engagement to complete work specified in a contract:

(iii) any payment in lieu of notice terminating employment:

(iv) any payment (including holiday pay) which, if it had not been made in relation to termination of employment, would, in the opinion of the chief executive, have been paid so as to constitute monetary remuneration of the employee:

(iva) any parental leave payments paid under Part 7A of the Parental Leave and Employment Protection Act 1987:

(v) any payment in relation to termination of employment made by a company pursuant to its constitution to any of its directors; and

(e) includes, as calculated before the deduction (where applicable) of income tax, the value of any goods, services, transport, or accommodation supplied on a regular basis to the person by any other person; but—

(f) does not include—

(i) any benefit, grant, allowance, or concession received under this Act or Part 6 of the Veterans' Support Act 2014 or the New Zealand Superannuation and Retirement Income Act 2001, including the value of any benefit under Part 2 of this Act:

(ii) any pension or allowance under the Veterans' Support Act 2014 received by any person by reason of his or her own disablement:

(iii) any pension received under the Veterans' Support Act 2014 by the surviving spouse or partner of a deceased member of the New Zealand or any other Commonwealth forces or of the Emergency Reserve Corps or of the New Zealand mercantile marine in respect of the death of that member:

(iv) any pension or other periodical allowance or any part thereof received by any person from the Government of any Commonwealth country (other than New Zealand) which the chief executive determines is analogous to a pension or allowance specified in subparagraph (ii) or subparagraph (iii):

(iva) the value of any assistance of a kind approved by the chief executive provided to a person with a sickness, injury, or disability to obtain or remain in employment:

(v) any money received by way of funeral benefit from any friendly society:

(va) a participation allowance:

(vi) any money paid in respect of any military decoration and received by the recipient of such decoration:

(vii) any money received by the Commissioner of Inland Revenue by way of child support which is not required to be paid to the person under the Child Support Act 1991:

(viii) any money received by the Commissioner of Inland Revenue by way of child support which is paid to the person under section 142 of the Child Support Act 1991:

(ix) any money received by way of an independence allowance under section 54 of the Accident Rehabilitation and Compensation Insurance Act 1992 or Part 13 or Part 4 of Schedule 1 of the Accident Insurance Act 1998, or any impairment lump sum received under Schedule 1 of the Accident Compensation Act 2001:

(x) any amount of output tax charged in respect of a supply of goods and services made by that person:

(xi) any amount of goods and services tax payable by the Commissioner of Inland Revenue to that person:

(xii) any debt insurance payment or any health or disability insurance payment:

(xiii) any money received under the Oranga Tamariki Act 1989 in respect of the care of a child or young person (as those terms are defined in that Act):

(xiv) any lump sum payment received by the person—

(A) under a contract of insurance on the life of the person's deceased spouse or partner; or

(B) where the person is a dependent child, under a contract of insurance on the life of his or her deceased parent or stepparent; or

(C) under any superannuation scheme, not being a payment which the chief executive considers, having regard to the matters specified in subsection (4), is for an income-related purpose:

(xv) any part of a lump sum income-related insurance payment received on the occurrence of a contingency by an applicant for a benefit that has been used or committed by the applicant—

(A) to repay or pay any amounts on account of existing debt of the applicant; or

(B) to pay any essential costs arising as a consequence of the applicant's health or disability (being costs arising from the contingency in respect of which the payment was made) to the extent that assistance towards those costs is not available under this Act or any other Act:

(xvi) any income-related rent within the meaning of the Housing Restructuring and Tenancy Matters Act 1992:

(xvii) any specified item or amount of income, or income from a specified source, that is declared not to be income for the purposes of this Act by regulations made under section 132:

(xviii) any tax credit or amount received under subparts MA to MG and MZ of the Income Tax Act 2007 or subpart KD of the Income Tax Act 2004 or subpart KD of the Income Tax Act 1994 or under Part 11A of the Income Tax Act 1976

income-related insurance payment, in relation to a person, means a payment, or the value of any credit or service, that, in the opinion of the chief executive, having regard to the matters specified in subsection (4), is—

(a) made or provided on the occurrence of a contingency under a contract of insurance or by reason of the person's membership of any society, organisation, or body whether corporate or unincorporate; and

(b) made or provided to the person or to some other person on behalf of or for the benefit of the person or a member of his or her family; and

(c) made or provided or used for an income-related purpose

income-related purpose, in relation to any person, means the purpose of—

(a) replacing lost or diminished income; or

(b) maintaining the person or a member of his or her family; or

(c) purchasing goods or services for the person or a member of his or her family, being goods or services of a kind that are commonly paid for from income; or

(d) enabling the person to make payments that he or she is liable to make and that are commonly made from income

income tax means income tax under the Income Tax Act 2007

Income Test 1 means that the applicable rate of benefit shall be reduced—

(a) by 30 cents for every $1 of the total income of the beneficiary and his or her spouse or partner which is more than $100 a week but not more than $200 a week; and

(b) by 70 cents for every $1 of that income which is more than $200 a week

Income Test 2 means that the applicable rate of benefit shall be reduced—

(a) by 15 cents for every $1 of the total income of the beneficiary and his or her spouse or partner which is more than $100 a week but not more than $200 a week; and

(b) by 35 cents for every $1 of that income which is more than $200 a week

Income Test 3 means that the applicable rate of benefit must be reduced by 70 cents for every $1 of total income of the beneficiary and his or her spouse or partner which is more than,—

(a) if the rate of benefit is a rate of New Zealand superannuation stated in clause 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001, $100 a week; or

(b) in any other case, $80 a week

Income Test 4 means that the applicable rate of benefit shall be reduced by 35 cents for every $1 of the total income of the beneficiary and his or her spouse or partner which is more than $80 a week

income-tested benefit means any of the following benefits:

(a) jobseeker support:

(aa) *[Repealed]*

(b) sole parent support:

(c) an emergency benefit:

(d) *[Repealed]*

(e) a supported living payment:

(f) New Zealand superannuation payable at the appropriate rate in clause 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001 or a veteran's pension payable under Part 6 of the Veterans' Support Act 2014 if the pension is subject to abatement under section 171 of that Act:

(g) an orphan's benefit:

(h) *[Repealed]*

(i) an unsupported child's benefit:

(j) *[Repealed]*

(k) a youth payment:

(l) a young parent payment

living with a parent, in relation to a person,—

(a) means living in the same home as a parent of the person; but

(b) does not include a situation in which a person lives in the same home as a parent of the person where—

(i) the parent is financially dependent on the person; or

(ii) the person, at his or her own expense, provides accommodation for the parent in the home; or

(iii) the person provides a substantial degree of care to the parent; or

(iv) the home is a hostel, boardinghouse, or similar lodging, and the person and the parent pay for accommodation in it

main benefit under this Act means a benefit that is—

(a) sole parent support; or

(b) a supported living payment on the ground of sickness, injury, disability, or total blindness, under section 40B; or

(c) a supported living payment on the ground of caring for a patient requiring care, under section 40D; or

(d) jobseeker support; or

(e) an emergency benefit; or

(f) a youth payment; or

(g) a young parent payment

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

midwife means a health practitioner who is, or is deemed to be, registered with the Midwifery Council established by section 114(3) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of midwifery

Minister, in relation to any provisions of this Act, means, subject to any enactment, the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of those provisions

NCEA level 2 means a level 2 National Certificate of Educational Achievement issued by the New Zealand Qualifications Authority established under Part 20 of the Education Act 1989

New Zealand superannuation means New Zealand superannuation payable under the New Zealand Superannuation and Retirement Income Act 2001

non-entitlement period, in relation to a person, means a period when the person is not entitled to a benefit because he or she—

(a) became voluntarily unemployed; or

(b) lost his or her employment, or position on a scheme, through misconduct; or

(c) *[Repealed]*

(d) failed to comply with the work test:

(e) failed to comply with an obligation under section 170 or 171

nurse means a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing whose scope of practice permits the performance of general nursing functions

occupational therapist means a health practitioner who is, or is deemed to be, registered with the Occupational Therapy Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of occupational therapy

open employment means employment other than sheltered employment

ordinarily resident in New Zealand, in relation to any person, does not include being unlawfully resident in New Zealand

overseas epidemic management notice means a notice under section 61CE

overseas pension—

(a) means a benefit, pension, or periodical allowance of a kind described in section 70(1); but

(b) does not include a benefit, pension, or periodical allowance of a kind referred to in the proviso to section 70(1); and

(c) does not include a Government occupational pension

overseas pensioner means a person to whom an overseas pension has been granted

parent, for the purposes of the definition of the term living with a parent, means a parent, or a guardian, or a person acting as a parent

part-time work means employment that is not full-time employment, but is employment—

(a) that is—

(i) under a contract of service, whether on time or piece rates; or

(ii) as a self-employed person in any business, profession, trade, manufacture, or undertaking; and

(b) that—

(i) averages not less than 15 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months,—

(A) in relation to a person granted jobseeker support on the ground of sickness, injury, or disability; or

(B) for the purposes of sections 11E(2), 88F, 88H(2)(b), and 88I(2)(b); or

(ii) averages not less than 20 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months, in any other case

part-time work-tested beneficiary means—

(a) a person with a youngest dependent child aged 3 or older, but under 14 years, who is—

(i) a work-tested spouse or partner; or

(ii) a work-tested sole parent support beneficiary; or

(iii) *[Repealed]*

(b) a person who is granted jobseeker support on the ground of sickness, injury, or disability and who, under section 88F(4), must comply with the work test

participation allowance means a participation allowance under regulations made under section 132F

partner, in the phrase "spouse or partner" and in related contexts, means a civil union partner or de facto partner

pay day means the day or date from time to time fixed by the chief executive as the date on which an instalment of a benefit falls due for payment

periodical means regular or intermittent

physiotherapist means a health practitioner who is, or is deemed to be, registered with the Physiotherapy Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of physiotherapy

principal caregiver, in relation to a dependent child, means the person who, in the opinion of the chief executive, has the primary responsibility for the day to day care of the child, other than on a temporary basis, but does not include—

(a) any body of persons (whether incorporated or unincorporated); or

(b) any person who is the proprietor of, or employed in,—

(i) a residence established under the Oranga Tamariki Act 1989; or

(ii) *[Repealed]*

(iii) any other institution in which the child is being cared for

psychologist means a health practitioner who is, or is deemed to be, registered with the Psychologists Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of psychology

regular, in relation to work, does not include—

(a) casual employment; or

(b) employment on call if there are no specified hours for such employment in the person's employment contract

resident, in relation to any person, does not include being unlawfully resident in New Zealand

residential care services means disability services supplied to a person with a disability in a residential disability care institution or rest home within the

meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001; and includes—

(a) supervision and support services; and

(b) hotel-type services (including the provision of sleeping facilities, meals, laundry, cleaning services and supplies, household furniture and furnishings, lighting, heating, hot water, and other household utilities); and

(c) services that support daily living (including financial management and gardening); and

(d) personal care services (including toileting, bathing, hair washing, teeth cleaning, nail care, feeding, and mobility); and

(e) services within that home intended to provide satisfying activity to the person (including the provision of educational, social, recreational, and other activities); and

(f) clinical support services, including personal health services (within the meaning of the New Zealand Public Health and Disability Act 2000), consultations with a medical practitioner, pharmaceuticals, incontinence aids, and other treatment costs

rest home means a rest home as defined in section 58(4) of the Health and Disability Services (Safety) Act 2001

salary or wages includes commission, and any other remuneration from employment

sheltered employment includes employment in a sheltered workshop within the meaning of the Disabled Persons Employment Promotion Act 1960

sickness includes pregnancy after the 26th week

single means not married or in a civil union or a de facto relationship

sole parent means a person who is the principal caregiver in respect of a dependent child and who—

(a) is—

(i) married or in a civil union, but living apart from his or her spouse or partner; or

(ii) not married or in a civil union; and

(b) is not in a de facto relationship

spouse means the husband or wife of an applicant or beneficiary, as the context may require

strike has the same meaning as in section 81 of the Employment Relations Act 2000

student allowance means an allowance established by regulations made under section 303 of the Education Act 1989

suitable employment in relation to a person, means employment that the chief executive is satisfied is suitable for the person to undertake for a number of hours a week determined by the chief executive having regard to the employment required to satisfy the work test for that person

temporary employment means full employment for a period of less than 26 weeks

union has the same meaning as in section 5 of the Employment Relations Act 2000

veteran's pension means a veteran's pension payable under Part 6 of the Veterans' Support Act 2014

winter energy payment means a winter energy payment payable under Part 1KA

work test, in relation to a person, means the person's obligations under section 102A(1); and **work test obligations** has a corresponding meaning

work-test couple rate—

(a) means, in relation to jobseeker support, a rate in Schedule 9 that is payable to a person who is married or in a civil union or in a de facto relationship, other than a rate payable if the person's spouse or partner is entitled to a benefit in his or her own right:

(b) means, in relation to a supported living payment,—

(i) a rate in Schedule 6 payable to a person who is married or in a civil union or in a de facto relationship, other than a rate payable if the person's spouse or partner is entitled to a benefit in his or her own right; and

(ii) includes the rate payable under section 40I(5) to the spouse or partner of a person receiving long-term residential care in a hospital or rest home:

(c) means, in relation to an emergency benefit,—

(i) a rate of the benefit payable to a person that includes a payment for the person's spouse or partner; and

(ii) includes an emergency benefit paid to the spouse or partner of a resident assessed as requiring care (as defined in section 136) under regulations made under section 155

work-tested beneficiary means a person—

(a) who is granted jobseeker support (other than jobseeker support on the ground of sickness, injury, or disability); or

(aa) who is granted jobseeker support on the ground of sickness, injury, or disability, and who, under section 88F(4), must comply with the work test; or

(b) who is—

(i) a work-tested spouse or partner; or

(ii) a work-tested sole parent support beneficiary; or

(iii) *[Repealed]*

(iv) *[Repealed]*

work-tested benefit—

(a) except in relation to a work-tested sole parent support beneficiary or a beneficiary receiving jobseeker support on the ground of sickness, injury, or disability who is not, under section 88F(4), required to comply with the work test, means jobseeker support; and

(b) in relation to a work-tested spouse or partner, includes an emergency benefit and a supported living payment; and

(c) in relation to a work-tested sole parent support beneficiary, means sole parent support under section 20D

(d) *[Repealed]*

(e) *[Repealed]*

work-tested sole parent support beneficiary means a person—

(a) who has been granted sole parent support under section 20D; and

(b) whose youngest dependent child is aged 3 years or older

work-tested spouse or partner means a person—

(a) who—

(i) has no dependent child under 3 years (or has no dependent child at all); and

(ii) is not subject to obligations under section 171; and

(iii) has not been granted an exemption from the work test; and

(b) who—

(i) is the spouse or partner of a person granted jobseeker support or a supported living payment, (being, in each case, a benefit granted at a work-test couple rate); or

(ii) both—

(A) is the spouse or partner of a person granted an emergency benefit at a work-test couple rate; and

(B) has under section 61A(1A) been required by the chief executive to comply with the work test; or

(iii) is—

(A) the spouse or partner of a person who is receiving long-term residential care in a hospital or rest home; and

(B) aged under 60 years; and

(C) in receipt of a supported living payment under section 40I(5) or an emergency benefit under regulations under section 155

working day means a day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and

(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year; and

(d) the day observed as the anniversary day of the appropriate province

young parent payment means a young parent payment payable under Part 5

young person,—

(a) in sections 1A(ca) and 123E,—

(i) means a person who is aged at least 15 years but is under the age of 18 years; and

(ii) includes a person aged 18 years or over who continues to receive services under section 123E(2); and

(b) in all other cases,—

(i) means a person who is aged at least 16 years but is under the age of 20 years; and

(ii) includes—

(A) a person aged 20 years or over in respect of whom a young parent payment continues under section 168; and

(B) a person aged 20 years or over to whom obligations in section 170(1) continue to apply under section 171(5)

youth payment means a youth payment payable under Part 5

youth support payment means a young parent payment or youth payment.

(2) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(2A) *[Repealed]*

(3) Except for the purposes of a means assessment under Part 4, and notwithstanding the definition of the term income in subsection (1), where it is necessary to determine, for the purposes of this Act or Part 6 of the Veterans' Support Act 2014 or the New Zealand Superannuation and Retirement Income Act 2001, the income of any person who—

(a) meets the residential qualification for New Zealand superannuation set out in the New Zealand Superannuation and Retirement Income Act 2001; and

(b) is aged 60 years or more and whose spouse or partner (if any), being a spouse or partner whose age is less than that of the person whose income is being determined, is aged 60 years or more; and

(c) is in receipt of a pension under a retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013) or of payments under an annuity paid in respect of a policy of life insurance—

(i) offered or entered into in New Zealand by a life insurer (as that term is defined in paragraph (a) of the definition of life insurer in section YA 1 of the Income Tax Act 2007); or

(ii) offered or entered into outside of New Zealand by a life insurer (as so defined) that is resident in New Zealand within the meaning of section YD 1 or YD 2 (excluding section YD 2(2)) of the Income Tax Act 2007; and

(d) commenced to receive payments of that pension or under that annuity—

(i) before 1 April 1992; and

(ii) when that person was aged not less than 55 years nor more than 59 years and when that person's spouse or partner (if any), being a spouse or partner whose age is less than that of the person whose income is being determined, was aged 55 years or more,—

50% of the amount received by that person under that pension or under that annuity shall not be included in the income of that person.

(4) In considering, in respect of a person, whether any payment or credit or service is an income-related insurance payment or is for an income-related purpose, as the case may be, the chief executive shall have regard to the following matters:

(a) the nature of the contingency in respect of which the payment or credit or service was made or provided or used:

(b) the nature of the payment or credit or service:

(c) the manner in which and the occasions on which the payment or credit or service is made or provided or used:

(d) the manner in which the right or eligibility to the payment or credit or service is expressed in any contract of insurance or in any other document:

(e) whether the payment or credit or service is required to be made or provided to any other person and, if so, the relationship between them:

(f) whether the person has assigned his or her right to receive the payment or credit or service:

(g) any other matters that the chief executive considers, in the circumstances of the particular case, to be relevant.

(5) For the avoidance of doubt, a dependent child of a person granted a benefit at a work-test couple rate is also a dependent child of that person's spouse or partner for the purposes of the definition of the term work-tested spouse or partner in subsection (1).

(6) The definition of income in subsection (1) is at any time subject to any rules then in force under section 132H.

Compare: 1938 No 7 s 10; 1945 No 11 s 3; 1951 No 54 s 15; 1955 No 9 s 16(1); 1958 No 46 s 24

Section 3(1): amended, on 1 July 1998, by section 2(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **activity in the community**: inserted, on 2 July 2007, by section 4(1) of the Social Security Amendment Act 2007 (2007 No 20).

Section 3(1) **Appeal Authority** or **Authority**: inserted, on 1 May 1974, by section 2(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 3(1) **application**: replaced, on 24 September 2007, by section 22(1) of the Social Security Amendment Act 2007 (2007 No 20).

Section 3(1) **Area 1, Area 2, Area 3, and Area 4**: inserted, on 1 April 2018, by section 76 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 3(1) **assessable income**: repealed, on 1 April 1992, by section 2 of the Social Security Amendment Act (No 4) 1991 (1991 No 124).

Section 3(1) **average wage**: inserted, on 1 April 1997, by section 2(1) of the Social Security Amendment Act 1996 (1996 No 20).

Section 3(1) **beneficiary** proviso: repealed, on 1 April 1991, by section 2(1) of the Social Security Amendment Act 1991 (1991 No 1).

Section 3(1) **benefit**: replaced, on 25 July 1990, by section 2(1) of the Social Security Amendment Act (No 2) 1990 (1990 No 74).

Section 3(1) **benefit** paragraph (a): amended, on 5 December 2013, by section 15(2) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 3(1) **benefit** paragraph (a): amended, on 15 July 2013, by section 137 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **benefit** paragraph (a): amended, on 1 July 2001, by section 13(1) of the Social Security Amendment Act 2001 (2001 No 1).

Section 3(1) **benefit** paragraph (aa): repealed, on 1 July 2001, by section 13(2) of the Social Security Amendment Act 2001 (2001 No 1).

Section 3(1) **benefit** paragraph (b)(i): replaced, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 3(1) **benefit** paragraph (b)(i): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 3(1) **benefit** paragraph (b)(i): amended, on 5 December 2013, by section 15(3) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 3(1) **benefit** paragraph (b)(i): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 3(1) **benefit** paragraph (b)(ia): repealed, on 15 April 2005, by section 3(1) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 3(1) **benefit** paragraph (b)(ii): repealed, on 2 September 2013, by section 16(1) of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

Section 3(1) **benefit** paragraph (b)(iia): inserted, on 20 August 2012, by section 5(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **benefit** paragraph (b)(iii): replaced, on 1 July 1993, by section 2(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 3(1) **benefit** paragraph (b)(iiia): inserted, on 1 July 2018, by section 60(1) of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 3(1) **benefit** paragraph (b)(iv): replaced, on 1 September 1998, by section 11(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **benefit** paragraph (b)(iva): inserted, on 4 October 2004, by section 11(2) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 3(1) **benefit** paragraph (b)(ivb): inserted, on 1 April 2006, by section 21 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 3(1) **benefit** paragraph (b)(v): replaced, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 3(1) **benefit** paragraph (b)(va): repealed, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 3(1) **benefit** paragraph (b)(vi): repealed, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 3(1) **benefit** paragraph (b)(vii): repealed, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 3(1) **benefit** paragraph (b)(viii): repealed, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 3(1) **benefit** paragraph (c): replaced, on 1 July 1993, by section 2(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 3(1) **capacity for work**: inserted, on 1 September 1998, by section 11(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **ceased**: replaced, on 30 November 1992, by section 2(1) of the Social Security Amendment Act (No 4) 1992 (1992 No 99).

Section 3(1) **ceased** paragraph (b)(iv): amended, on 1 January 1994, by section 2(1) of the Social Security Amendment Act 1993 (1993 No 14).

Section 3(1) **ceased** paragraph (b)(v): inserted, on 1 January 1994, by section 2(2) of the Social Security Amendment Act 1993 (1993 No 14).

Section 3(1) **chief executive**: replaced, on 1 October 1998, by section 11 of the Employment Services and Income Support Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **child**: replaced, on 1 April 1991, by section 2(2) of the Social Security Amendment Act 1991 (1991 No 1).

Section 3(1) **child**: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **Commission**: repealed, on 23 June 1987, by section 2(1)(a) of the Social Security Amendment Act 1987 (1987 No 106).

Section 3(1) **community task force project**: repealed, on 1 October 1998, by section 18(5) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **community wage**: repealed, on 1 July 2001, by section 13(9) of the Social Security Amendment Act 2001 (2001 No 1).

Section 3(1) **community wage earner**: repealed, on 1 July 2001, by section 13(9) of the Social Security Amendment Act 2001 (2001 No 1).

Section 3(1) **contracted service provider**: inserted, on 20 August 2012, by section 5(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **contract of insurance**: inserted, on 2 October 1994, by section 3(1) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **contract of insurance**: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **date of first contact**: inserted, on 24 September 2007, by section 22(1) of the Social Security Amendment Act 2007 (2007 No 20).

Section 3(1) **debt insurance payment**: inserted, on 2 October 1994, by section 3(1) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **dentist**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 3(1) **department**: replaced, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **dependent child**: replaced, on 24 August 2010, by section 4(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **dependent child** paragraph (b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 3(1) **dependent child** paragraph (c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 3(1) **dependent child** paragraph (d): amended, on 15 July 2013, by section 81(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **dependent child** paragraph (d): amended, on 20 August 2012, by section 5(3) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **dependent child** paragraph (e): inserted, on 20 August 2012, by section 5(4) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **dependent child** paragraph (f): inserted, on 1 July 2018, by section 60(2) of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 3(1) **Director-General**: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **disability services**: replaced, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 3(1) **district health board**: inserted, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 3(1) **document**: inserted, on 30 June 1993, by section 2(3) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 3(1) **domestic epidemic management notice**: inserted, on 19 December 2006, by section 4 of the Social Security Amendment Act 2006 (2006 No 90).

Section 3(1) **employment**: inserted, on 1 September 1998, by section 11(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **employment plan**: inserted, on 27 September 2010, by section 4(2) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **employment required to satisfy the work test**: replaced, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **existing debt**: inserted, on 2 October 1994, by section 3(1) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **family maintenance allowance**: repealed, on 20 October 1972, by section 2(1) of the Social Security Amendment Act 1972 (1972 No 133).

Section 3(1) **financially independent**: inserted, on 1 April 1991, by section 2(2) of the Social Security Amendment Act 1991 (1991 No 1).

Section 3(1) **financially independent** paragraph (b): amended, on 1 October 1998, pursuant to regulation 49 of the Student Allowance Regulations 1998 (SR 1998/277).

Section 3 **financially independent** paragraph (c): amended, on 15 July 2013, by section 61(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **financially independent** paragraph (c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3 **financially independent** paragraph (d): amended, on 15 July 2013, by section 61(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **financially independent** paragraph (d): amended, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 3(1) **friendly society**: amended, on 1 April 1983, pursuant to section 161(2) of the Friendly Societies and Credit Unions Act 1982 (1982 No 118).

Section 3(1) **full employment** or **full-time employment**: inserted, on 1 October 1986, by section 2(3) of the Social Security Amendment Act 1986 (1986 No 39).

Section 3(1) **full employment** or **full-time employment**: amended, on 1 October 1998, by section 18(6) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **full-time student**: inserted, on 1 October 1998, by section 18(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **full-time student**: amended, on 1 October 1998, pursuant to regulation 49 of the Student Allowances Regulations 1998 (SR 1998/277).

Section 3(1) **funder**: inserted, on 15 November 2000, by section 3(1) of the Social Security Amendment Act 2000 (2000 No 81).

Section 3(1) **Government occupational pension**: inserted, on 2 October 1996, by section 2 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 3(1) **Government occupational pension** paragraph (a)(i): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **Government occupational pension** paragraph (a)(ii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **Government occupational pension** paragraph (c): amended, on 27 April 2002, by section 10 of the Social Welfare (Transitional Provisions—Overseas Pensions) Amendment Act 2002 (2002 No 8).

Section 3(1) **Government occupational pension** paragraph (d): inserted, on 27 April 2002, by section 10 of the Social Welfare (Transitional Provisions—Overseas Pensions) Amendment Act 2002 (2002 No 8).

Section 3(1) **guaranteed retirement income**: repealed, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 3(1) **health or disability insurance payment**: inserted, on 2 October 1994, by section 3(1) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **health practitioner**: inserted, on 27 September 2010, by section 4(2) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **hospital**: inserted, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 3(1) **incentive payment**: inserted, on 20 August 2012, by section 5(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **income**: replaced, on 2 October 1994, by section 3(2) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **income** paragraph (c): replaced, on 17 September 1997, by section 2(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 3(1) **income** paragraph (c): amended, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 3(1) **income** paragraph (c)(iii): inserted, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 3(1) **income** paragraph (c)(iii): amended, on 1 April 2000, by section 9(1) of the Accident Insurance Amendment Act 2000 (2000 No 6).

Section 3(1) **income** paragraph (d)(iva): inserted, on 1 July 2002, by section 6 of the Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002 (2002 No 7).

Section 3(1) **income** paragraph (d)(iv): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **income** paragraph (d)(v): amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 3(1) **income** paragraph (f)(i): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 3(1) **income** paragraph (f)(i): amended, on 5 December 2013, by section 15(5)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 3(1) **income** paragraph (f)(i): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 3(1) **income** paragraph (f)(i): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 3(1) **income** paragraph (f)(i): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 3(1) **income** paragraph (f)(ii): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 3(1) **income** paragraph (f)(iii): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 3(1) **income** paragraph (f)(iii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **income** paragraph (f)(iv): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **income** paragraph (f)(iva): inserted, on 1 September 1998, by section 11(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **income** paragraph (f)(va): inserted, on 1 October 1998, by section 18(7) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **income** paragraph (f)(ix): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 3(1) **income** paragraph (f)(ix): amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 3(1) **income** paragraph (f)(ix): amended, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 3(1) **income** paragraph (f)(xiii): inserted, on 17 September 1997, by section 2(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 3(1) **income** paragraph (f)(xiii): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 3(1) **income** paragraph (f)(xiv): inserted, on 17 September 1997, by section 2(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 3(1) **income** paragraph (f)(xiv)(A): replaced, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **income** paragraph (f)(xiv)(A): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **income** paragraph (f)(xv): inserted, on 17 September 1997, by section 2(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 3(1) **income** paragraph (f)(xvi): inserted, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 3(1) **income** paragraph (f)(xvi): amended, on 14 April 2014, by section 25 of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97).

Section 3(1) **income** paragraph (f)(xvi): amended, on 1 July 2006, by section 5(2)(h) of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34).

Section 3(1) **income** paragraph (f)(xvii): inserted, on 26 September 2002, by section 4(1) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 3(1) **income** paragraph (f)(xviii): inserted, on 4 June 2004, by section 4 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 3(1) **income** paragraph (f)(xviii): amended, on 1 July 2018, by section 42 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 3(1) **income** paragraph (f)(xviii): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 3(1) **income-related insurance payment**: inserted, on 2 October 1994, by section 3(1) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **income-related insurance payment**: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **income-related purpose**: inserted, on 2 October 1994, by section 3(1) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **income tax**: inserted, on 1 April 1969, pursuant to section 3(3) of the Land and Income Tax Amendment Act (No 3) 1968 (1968 No 49).

Section 3(1) **income tax**: amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 3(1) **Income Test 1**: inserted, on 1 July 1996, by section 2(2) of the Social Security Amendment Act 1996 (1996 No 20).

Section 3(1) **Income Test 1** paragraph (a): amended, on 27 September 2010, by section 4(3)(a) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **Income Test 1** paragraph (a): amended, on 27 September 2010, by section 4(3)(b) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **Income Test 1** paragraph (a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **Income Test 1** paragraph (b): amended, on 27 September 2010, by section 4(3)(b) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **Income Test 2**: inserted, on 1 July 1996, by section 2(2) of the Social Security Amendment Act 1996 (1996 No 20).

Section 3(1) **Income Test 2** paragraph (a): amended, on 27 September 2010, by section 4(4)(a) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **Income Test 2** paragraph (a): amended, on 27 September 2010, by section 4(4)(b) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **Income Test 2** paragraph (a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **Income Test 2** paragraph (b): amended, on 27 September 2010, by section 4(4)(b) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **Income Test 3**: replaced, on 27 September 2010, by section 4(5) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **Income Test 4**: inserted, on 1 July 1996, by section 2(2) of the Social Security Amendment Act 1996 (1996 No 20).

Section 3(1) **Income Test 4**: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **Income Test 5**: repealed, on 27 September 2010, by section 4(6) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **income-tested benefit**: inserted, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 3(1) **income-tested benefit** paragraph (a): replaced, on 1 July 2001, by section 13(3) of the Social Security Amendment Act 2001 (2001 No 1).

Section 3(1) **income-tested benefit** paragraph (a): amended, on 15 July 2013, by section 128(1)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **income-tested benefit** paragraph (aa): repealed, on 15 July 2013, by section 99(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **income-tested benefit** paragraph (b): amended, on 15 July 2013, by section 85(1)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **income-tested benefit** paragraph (d): repealed, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **income-tested benefit** paragraph (e): amended, on 15 July 2013, by section 96(1)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **income-tested benefit** paragraph (f): replaced, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 3(1) **income-tested benefit** paragraph (h): repealed, on 15 April 2005, by section 3(2) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 3(1) **income-tested benefit** paragraph (j): repealed, on 15 July 2013, by section 70(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **income-tested benefit** paragraph (k): inserted, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **income-tested benefit** paragraph (l): inserted, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **job seeker contract**: repealed, on 1 July 2001, by section 13(9) of the Social Security Amendment Act 2001 (2001 No 1).

Section 3(1) **living with a parent**: inserted, on 1 July 1998, by section 2(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **main benefit under this Act**: inserted, on 15 July 2013, by section 6(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **married rate**: repealed, on 15 July 2013, by section 6(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **medical practitioner**: replaced, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 3(1) **midwife**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 3(1) **Minister**: inserted, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **national superannuation**: repealed, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 3(1) **NCEA level 2**: inserted, on 8 July 2016, by section 5(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 3(1) **net average wage**: repealed, on 1 April 1997, by section 2(3) of the Social Security Amendment Act 1996 (1996 No 20).

Section 3(1) **New Zealand superannuation**: replaced, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 3(1) **New Zealand superannuation**: amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 3(1) **non-entitlement period**: replaced, on 1 October 1998, by section 18(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **non-entitlement period** paragraph (c): repealed, on 24 September 2007, by section 32(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Section 3(1) **non-entitlement period** paragraph (e): inserted, on 24 September 2007, by section 42(6) of the Social Security Amendment Act 2007 (2007 No 20).

Section 3(1) **non-entitlement period** paragraph (e): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **nurse**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 3(1) **occupational therapist**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 3(1) **open employment**: inserted, on 1 September 1998, by section 11(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **ordinarily resident in New Zealand**: amended, on 15 July 2013, by section 6(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **organised activity**: repealed, on 1 July 2001, by section 13(9) of the Social Security Amendment Act 2001 (2001 No 1).

Section 3(1) **overseas epidemic management notice**: inserted, on 19 December 2006, by section 4 of the Social Security Amendment Act 2006 (2006 No 90).

Section 3(1) **overseas pension**: inserted, on 2 October 1996, by section 2 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 3(1) **overseas pensioner**: inserted, on 2 October 1996, by section 2 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 3(1) **parent**: inserted, on 1 July 1998, by section 2(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **participation allowance**: inserted, on 1 October 1998, by section 18(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **partner**: inserted, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **partner**: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **part-time work**: replaced, on 1 April 2016, by section 4(1) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 3(1) **part-time work-tested beneficiary**: replaced, on 2 May 2011, by section 4(15) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **part-time work-tested beneficiary** paragraph (a): replaced, on 15 October 2012, by section 33(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **part-time work-tested beneficiary** paragraph (a): amended, on 1 April 2016, by section 4(2) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 3(1) **part-time work-tested beneficiary** paragraph (a)(ii): amended, on 15 July 2013, by section 85(2)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **part-time work-tested beneficiary** paragraph (a)(iii): repealed, on 15 July 2013, by section 70(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **part-time work-tested beneficiary** paragraph (b): replaced, on 15 July 2013, by section 99(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **pay day**: replaced, on 1 April 1990, by section 37(1)(a) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 3(1) **pay day**: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **pay day**: amended, on 17 September 1997, by section 2(3) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 3(1) **pay period**: repealed, on 1 April 1990, by section 37(1)(b) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 3(1) **periodical**: inserted, on 2 October 1994, by section 3(1) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(1) **personal development and employment plan**: repealed, on 27 September 2010, by section 4(8) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **physiotherapist**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 3(1) **principal caregiver**: inserted, on 25 July 1990, by section 2(1) of the Social Security Amendment Act (No 2) 1990 (1990 No 74).

Section 3(1) **principal caregiver**: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **principal caregiver** paragraph (b)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 3(1) **principal caregiver** paragraph (b)(ii): repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 3(1) **psychologist**: replaced, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 3(1) **purchaser**: repealed, on 15 November 2000, by section 3(2) of the Social Security Amendment Act 2000 (2000 No 81).

Section 3(1) **redundancy payment**: repealed, on 30 November 1992, by section 2(3) of the Social Security Amendment Act (No 4) 1992 (1992 No 99).

Section 3(1) **regular**: inserted, on 1 October 1998, by section 18(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **resident**: inserted, on 1 March 1991, by section 2(3) of the Social Security Amendment Act 1991 (1991 No 1).

Section 3(1) **residential care disability services**: repealed, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 3(1) **residential care services**: inserted, on 17 September 1997, by section 2(4) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 3(1) **residential care services**: amended, on 1 October 2002, by section 58(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 3(1) **residential care services** paragraph (f): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 3(1) **rest home**: inserted, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 3(1) **salary or wages**: inserted, on 1 March 1991, by section 2(3) of the Social Security Amendment Act 1991 (1991 No 1).

Section 3(1) **sheltered employment**: inserted, on 1 September 1998, by section 11(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **sickness**: inserted, on 1 September 1998, by section 11(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(1) **single**: replaced, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **social security income tax**: repealed, on 1 April 1969, pursuant to section 3(3) of the Land and Income Tax Amendment Act (No 3) 1968 (1968 No 49).

Section 3(1) **sole parent**: replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **sole parent** paragraph (b): replaced, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **spouse**: inserted, on 11 October 1978, by section 2(2) of the Social Security Amendment Act 1978 (1978 No 58).

Section 3(1) **strike**: replaced, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Section 3(1) **student allowance**: inserted, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(1) **suitable employment**: replaced, on 15 October 2012, by section 33(3) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **temporary employment**: inserted, on 1 March 1991, by section 2(3) of the Social Security Amendment Act 1991 (1991 No 1).

Section 3(1) **temporary employment**: amended, on 9 December 1994, by section 2 of the Social Security Amendment Act (No 2) 1994 (1994 No 142).

Section 3(1) **transitional retirement benefit**: repealed, on 15 April 2005, by section 3(3) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 3(1) **union**: replaced, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Section 3(1) **veteran's pension**: replaced, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 3(1) **veteran's pension**: amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 3(1) **winter energy payment**: inserted, on 1 July 2018, by section 60(3) of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 3(1) **work preparation exercise**: repealed, on 15 July 2013, by section 98(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work test**: replaced, on 1 October 1998, by section 2(3) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 3(1) **work test**: amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 3(1) **work-test couple rate**: amended, on 15 July 2013, by section 6(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-test couple rate** paragraph (a): amended, on 15 July 2013, by section 113(1)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-test couple rate** paragraph (a): amended, on 15 July 2013, by section 128(1)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-test couple rate** paragraph (b): amended, on 15 July 2013, by section 96(1)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-test couple rate** paragraph (b)(ii): amended, on 15 July 2013, by section 87(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested beneficiary**: replaced, on 15 October 2012, by section 33(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **work-tested beneficiary** paragraph (a): replaced, on 15 July 2013, by section 99(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested beneficiary** paragraph (aa): inserted, on 15 July 2013, by section 99(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested beneficiary** paragraph (b)(ii): amended, on 15 July 2013, by section 85(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested beneficiary** paragraph (b)(iii): repealed, on 15 July 2013, by section 70(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested beneficiary** paragraph (b)(iv): repealed, on 15 July 2013, by section 99(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit**: replaced, on 15 October 2012, by section 33(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **work-tested benefit** paragraph (a): amended, on 15 July 2013, by section 70(4)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (a): amended, on 15 July 2013, by section 70(4)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (a): amended, on 15 July 2013, by section 99(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (a): amended, on 15 July 2013, by section 128(1)(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (b): amended, on 15 July 2013, by section 96(1)(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (b): amended, on 15 July 2013, by section 99(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (c): amended, on 15 July 2013, by section 70(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (c): amended, on 15 July 2013, by section 85(2)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (d): repealed, on 15 July 2013, by section 99(7) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested benefit** paragraph (e): repealed, on 15 July 2013, by section 70(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested domestic purposes beneficiary**: repealed, on 15 July 2013, by section 70(7) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested sickness beneficiary**: repealed, on 15 July 2013, by section 99(8) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested sole parent support beneficiary**: inserted, on 15 July 2013, by section 70(8) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested sole parent support beneficiary** paragraph (b): amended, on 1 April 2016, by section 4(3) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 3(1) **work-tested spouse**: repealed, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(1) **work-tested spouse or partner**: replaced, on 20 August 2012, by section 5(5) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **work-tested spouse or partner** paragraph (a)(i): amended, on 1 April 2016, by section 4(4) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 3(1) **work-tested spouse or partner** paragraph (b)(i): amended, on 15 July 2013, by section 64(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested spouse or partner** paragraph (b)(i): amended, on 15 July 2013, by section 96(1)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested spouse or partner** paragraph (b)(i): amended, on 15 July 2013, by section 99(9) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested spouse or partner** paragraph (b)(i): amended, on 15 July 2013, by section 128(1)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested spouse or partner** paragraph (b)(ii)(A): amended, on 15 July 2013, by section 64(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested spouse or partner** paragraph (b)(iii)(C): amended, on 15 July 2013, by section 87(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested spouse or partner** paragraph (b)(iii)(C): amended, on 15 July 2013, by section 96(1)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **work-tested widow's beneficiary**: repealed, on 15 July 2013, by section 70(9) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(1) **working day**: replaced, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 3(1) **young parent payment**: inserted, on 20 August 2012, by section 5(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **young person**: replaced, on 25 October 2016, by section 5(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 3(1) **youth payment**: inserted, on 20 August 2012, by section 5(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(1) **youth support payment**: inserted, on 20 August 2012, by section 5(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 3(2): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(2A): repealed, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(3): inserted, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 3(3): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 3(3): amended, on 5 December 2013, by section 15(5)(b) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 3(3): amended, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 3(3): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 3(3): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 3(3): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 3(3)(a): replaced, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 3(3)(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 3(3)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(3)(c): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 3(3)(c)(i): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 3(3)(c)(ii): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 3(3)(d)(ii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(4): inserted, on 2 October 1994, by section 3(3) of the Social Security Amendment Act 1994 (1994 No 86).

Section 3(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(4)(g): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 3(5): replaced, on 1 October 1998, by section 18(11) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(5): amended, on 15 July 2013, by section 64(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 3(5): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 3(5): amended, on 1 February 1999, by section 58(8) of the Social Security Amendment Act 1998 (1998 No 19).

Section 3(6): inserted, on 2 July 2007, by section 4(2) of the Social Security Amendment Act 2007 (2007 No 20).

3A Delegation of powers by Minister

[Repealed]

Section 3A: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

3B Status of examples

(1) An example used in an enactment in or made under this Act is only illustrative of the provisions to which it relates. It does not limit those provisions.

(2) If an example and a provision to which it relates are inconsistent, the provision prevails.

Section 3B: inserted, on 15 July 2013, by section 7 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

3C Transitional and savings provisions relating to amendments to this Act

(1) The transitional and savings provisions set out in Schedule 32, which relate to amendments to this Act that come into force on or after 1 July 2001, have effect for the purposes of this Act.

(2) The transitional and savings provisions relating to, or to the provisions of, the amendment Acts specified in the first column of the following table are set out in the Parts of Schedule 32 specified in the second column of that table:

Amendment Act or provisions of it	Schedule 32 Part
Social Security Amendment Act 2001	Part 1
Social Security (Benefit Categories and Work Focus) Amendment Act 2013	Part 2
Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014	Part 3
Social Security Amendment Act (No 2) 2015	Part 4
Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016	Part 5
Families Package (Income Tax and Benefits) Act 2017, Part 2, subpart 3	Part 6
Families Package (Income Tax and Benefits) Act 2017, Part 2, subpart 1	Part 7

Section 3C: replaced, on 7 July 2014, by section 14 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 3C(2) table: amended, on 8 July 2016, by section 6 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 3C(2) table: amended, on 1 April 2016, by section 5 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

4 Social Security Department

[Repealed]

Section 4: repealed, on 1 April 1972, by section 15(4) of the Department of Social Welfare Act 1971 (1971 No 60).

Part 1A
Administration: Ministerial directions, reviews, and appeals

Part 1A heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Ministerial directions

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

5 Chief executive to comply with directions

(1) In the exercise of powers, functions, and discretions conferred on the chief executive by this Act or the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 or the New Zealand Superannuation and Retirement Income Act 2001, the chief executive must comply with any general or special directions given to the chief executive in writing by the Minister.

(2) As soon as practicable after giving a direction under subsection (1), the Minister must publish in the *Gazette* and present to the House of Representatives a copy of the direction.

(3) A direction given under this section for the purposes of all or any of sections 60RAB(1)(b), 125AA(5), and 132AD(4)(c) (other than a direction of that kind that relates exclusively to an individual)—

(a) is not a legislative instrument for the purposes of the Legislation Act 2012; but

(b) is a disallowable instrument for the purposes of the Legislation Act 2012, and must be presented to the House of Representatives in accordance with section 41 of that Act.

Section 5: replaced, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 5(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 5(1): amended, on 5 December 2013, by section 15(4)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 5(1): amended, on 21 April 2005, pursuant to section 5(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 5(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 5(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 5(3): replaced, on 5 August 2013, by section 8(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

6 Social Security Commission

[Repealed]

Section 6: repealed, on 23 June 1987, by section 2(3)(e) of the Social Security Amendment Act 1987 (1987 No 106).

7 Acting Commissioners

[Repealed]

Section 7: repealed, on 23 June 1987, by section 2(3)(e) of the Social Security Amendment Act 1987 (1987 No 106).

8 Commissioners, Acting Commissioners, and other officers to be appointed under State Services Act 1962

[Repealed]

Section 8: repealed, on 1 April 1972, by section 17(2) of the Department of Social Welfare Act 1971 (1971 No 60).

9 Meetings of Commission

[Repealed]

Section 9: repealed, on 23 June 1987, by section 2(3)(e) of the Social Security Amendment Act 1987 (1987 No 106).

10 Delegation of Director-General's powers

[Repealed]

Section 10: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Reviews by benefits review committee

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

10A Review of decisions of chief executive made under delegation by other decision makers

(1) This section applies to a person and a decision both of which are specified in any 1 of the rows of the following table, but only if the decision is made by a decision maker in the exercise of any power, function, or discretion conferred on the decision maker by delegation:

Row	Person	Decision
1	An applicant or a beneficiary	A decision of the chief executive made in relation to the applicant or beneficiary under any enactment referred to in any of the paragraphs of section 12J(1) (other than a decision referred to in section 12J(2) or (3))
2	An applicant or beneficiary or other person	A decision of the chief executive made—

Row	Person	Decision
		(a) in relation to the applicant or beneficiary or other person; and (b) using a power under section 19D(1)(a) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (referred to in section 12J(7))
3	A beneficiary's spouse or partner	A decision of the chief executive made— (a) in relation to the beneficiary's spouse or partner; and (b) under section 86(3) (referred to in section 12J(8), and including the component decisions specified in section 12J(9))
4	The personal representative of a deceased beneficiary	A decision of the chief executive made— (a) in relation to the estate of the deceased beneficiary; and (b) under section 86(4) (referred to in section 12J(10))
5	The personal representative of a beneficiary's deceased spouse or partner	A decision of the chief executive made— (a) in relation to the estate of the beneficiary's deceased spouse or partner; and (b) under section 86(5) (referred to in section 12J(11), and including the decision specified in section 12J(12))
6	A beneficiary's spouse or partner	A decision of the chief executive made— (a) in relation to the beneficiary's spouse or partner; and (b) under section 86AA (referred to in section 12J(13), and including the decision specified in section 12J(14))

(1A) A person to whom this section applies may apply in writing for a review of the decision to the appropriate benefits review committee established under this section.

(1B) The application must be made—

(a) within 3 months after receiving notification of the decision; or

(b) if the committee considers there is good reason for the delay, within such further period as the committee may allow on application made either before or after the expiration of that period of 3 months.

(1C) *[Repealed]*

(2) The Minister shall establish at least 1 benefits review committee for every office of the department where decisions or recommendations in relation to the matters to which this Act applies are made or were made.

(3) Every benefits review committee shall consist of—

(a) a person resident in or closely connected with the office of the department where decisions or recommendations in relation to the matters to which this Act applies are made or were made appointed by the Minister to represent the interests of the community on the committee:

(b) *[Repealed]*

(c) 2 officers of the department appointed by the chief executive—

(i) from time to time; or

(ii) in respect of the particular review.

(4) The member of the benefits review committee appointed under subsection (3)(a)—

(a) shall hold office during the Minister's pleasure:

(b) may be paid out of the Department's Bank Account, from money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and that Act shall apply accordingly:

(c) shall not be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of his or her membership of the benefits review committee.

(5) All secretarial and administrative services required for the purposes of the review committee shall be supplied by the department.

(6) At any meeting of the review committee the quorum shall be the total membership, and the decision of any 2 members of the review committee shall be the decision of the committee.

(7) No officer of the department shall act as a member of the review committee if that officer was involved in the decision being reviewed.

(8) As soon as practicable after receiving an application for review the review committee shall review the decision and may, in accordance with this Act, confirm, vary, or revoke the decision.

(9) On reaching a decision on any review, the review committee shall give written notification of its decision to the applicant for review and shall include in the notification—

(a) the reasons for the review committee's decision; and

(b) advice that the applicant has a right of appeal against the decision to the Social Security Appeal Authority.

Section 10A: inserted, on 23 June 1987, by section 4 of the Social Security Amendment Act 1987 (1987 No 106).

Section 10A heading: amended, on 7 July 2014, by section 4(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 10A(1): replaced, on 7 July 2014, by section 4(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 10A(1) table: amended, on 8 July 2016, by section 7 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 10A(1A): inserted, on 23 November 2000, by section 8(1) of the Social Welfare (Transitional Provisions) Amendment Act 2000 (2000 No 88).

Section 10A(1A): amended, on 7 July 2010, by section 4 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 10A(1B): inserted, on 23 November 2000, by section 8(1) of the Social Welfare (Transitional Provisions) Amendment Act 2000 (2000 No 88).

Section 10A(1C): repealed, on 7 July 2014, by section 4(3) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 10A(2): replaced, on 1 August 1991, by section 3 of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 10A(2): amended, on 1 April 1992, pursuant to section 4(e)(i) of the Social Security Amendment Act 1992 (1992 No 15).

Section 10A(2): amended, on 1 April 1992, pursuant to section 4(g) of the Social Security Amendment Act 1992 (1992 No 15).

Section 10A(3): amended, on 1 April 1992, pursuant to section 4(g) of the Social Security Amendment Act 1992 (1992 No 15).

Section 10A(3)(a): replaced, on 1 April 1991, by section 3(1) of the Social Welfare (Transitional Provisions) Amendment Act 1991 (1991 No 4).

Section 10A(3)(a): amended, on 1 April 1992, pursuant to section 4(e)(i) of the Social Security Amendment Act 1992 (1992 No 15).

Section 10A(3)(b): repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 10A(3)(c): inserted, on 1 April 1997, by section 4 of the Social Security Amendment Act 1996 (1996 No 20).

Section 10A(3)(c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 10A(4): replaced, on 1 April 1991, by section 3(2) of the Social Welfare (Transitional Provisions) Amendment Act 1991 (1991 No 4).

Section 10A(4): amended, on 1 April 1992, pursuant to section 4(g) of the Social Security Amendment Act 1992 (1992 No 15).

Section 10A(4)(c): amended, on 1 April 1992, pursuant to section 4(g) of the Social Security Amendment Act 1992 (1992 No 15).

Appeals to medical board

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

10B Right of appeal on medical grounds

(1) Any applicant or beneficiary affected may appeal to the Board against a decision of the chief executive made in relation to the applicant or beneficiary that is—

(a) a decision that a claim for a child disability allowance is declined, or that any such allowance is cancelled, in either case on the ground that the

child is not a child with a serious disability (within the meaning of section 39A(1) and (2)); or

(b) a decision that a claim for a supported living payment on the ground of sickness, injury, disability, or total blindness is declined, or that any such benefit is cancelled, in either case on medical grounds; or

(c) a decision under section 60Q(1)(bb) that a person in receipt of a supported living payment on the ground of sickness, injury, disability, or total blindness has the capacity to comply with obligations under section 60Q(3); or

(d) a decision under section 60Q(1)(bc) that a person in receipt of a supported living payment on the ground of caring for a patient requiring care has the capacity to comply with obligations under section 60Q(3); or

(e) a decision that a claim for jobseeker support on the ground of sickness, injury, or disability is declined on medical grounds or on grounds relating to a person's capacity for work, or that a person's jobseeker support on the ground of sickness, injury, or disability is cancelled on medical grounds or on grounds relating to the person's capacity for work; or

(f) a determination under section 88F(2) that a jobseeker support beneficiary on the ground of sickness, injury, or disability has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work, and so is required to comply with the work test on and after a date specified in a notice under section 88F(4); or

(g) a confirmation, amendment, revocation, or replacement under section 88F(6) of a determination, and that results in a determination of the kind specified in paragraph (f) of this subsection; or

(h) a decision on medical grounds under section 88I(2) to decline an application under section 88H(2) by a beneficiary granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) for deferral of all or any of the beneficiary's work test obligations; or

(i) a decision on medical grounds under section 88I(7) to revoke a deferral granted under section 88I of all or any work test obligations of a beneficiary granted—

  (i) jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability); or

  (ii) jobseeker support granted on the ground of sickness, injury, or disability; or

(j) any of the following made in reliance on any work ability assessment by a health practitioner under section 100B:

  (i) a determination whether the person assessed is entitled to a benefit and, if so, what kind of benefit:

(ii) a determination whether the person assessed, being a person in receipt of jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability), is entitled on an application under section 88H, or under section 88I(4), to deferral of work test obligations under section 88I:

(iii) a determination whether the person assessed, being a person in receipt of jobseeker support on the ground of sickness, injury, or disability, has for the purposes of section 88F(2) the capacity to seek, undertake, and be available for part-time work:

(iv) a determination whether the person assessed, being a person who is subject to work test obligations or work preparation obligations under section 60Q, has the capacity to meet those obligations; or

(k) a decision under section 116C(2)(a) to the effect that a beneficiary does not have a good and sufficient reason, on the ground that the beneficiary is addicted to, or dependent on, controlled drugs, for either or both:

(i) not complying with a drug testing obligation under section 102B(1):

(ii) failing to apply for suitable employment that requires candidates to undertake drug tests; or

(l) a decision to decline a claim for a veteran's pension under section 164 of the Veterans' Support Act 2014, or to cancel any such pension, in either case on the ground of the applicant's or beneficiary's mental or physical infirmity.

(2) An appeal under this section must be made within—

(a) 3 months after the decision has been communicated to that person; or

(b) any further period the Board may (if it considers there is good reason for the delay) allow on application made before or after the end of that 3-month period.

(3) The chief executive is bound by the Board's decision on an appeal under this section.

(4) The Board is to comprise 3 members to be appointed by the chief executive for the particular purpose, being medical practitioners, rehabilitation professionals (as defined in subsection (5)), or other persons having appropriate expertise in the fields of vocational training or vocational support for persons with sickness, injury, or disability.

(5) **Rehabilitation professional**, in subsection (4), means a person who is—

(a) a person professionally engaged in the rehabilitation of persons from sickness or accident or with disabilities; or

(b) a nurse; or

(c) an occupational therapist; or

(d) a physiotherapist; or

(e) a psychologist.

Section 10B: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 10B(1): amended, on 8 July 2016, by section 8 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 10B(1)(l): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Information and information matching

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

11 Power to obtain information

(1) Subject to this section and to the code of conduct established under section 11B, the chief executive, for any purpose specified in subsection (2), may by notice in writing require any person (including any person who is an officer or employee in the service of the Crown in a government department or public body (other than as an officer of a court), in his or her official capacity)—

(a) to provide the department or a specified employee of the department with such information as the chief executive requires; or

(b) to produce to the department or to a specified employee of the department any document in the custody of or under the control of that person, and to allow copies of or extracts from any such document to be made or taken; or

(c) to furnish to the department or to a specified employee of the department any copies or extracts from any document or record in the custody or under the control of that person—

within a period (being not less than 5 working days after the notice is given) and in the manner specified in the notice, and without charge.

(2) The purposes specified in subsection (1) are—

(a) determining whether a person who is receiving, or has received, or made a claim for, a benefit or payment under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 or under a welfare programme approved by the Minister under section 124(1)(d) of this Act is or was entitled to receive that benefit or that payment; or

(b) determining the rate of benefit or payment that is or was applicable to that person; or

(c) determining whether a person who has been issued with, or has made a claim for, an entitlement card under regulations in force under section 132A, is or was entitled to be issued with that card; or

(d) conducting or reviewing a means assessment under Part 4 (relating to payment for contracted care services as defined in section 136), or determining whether any such means assessment is correct; or

(da) determining, pursuant to section 69FA, the amount that any person is required to pay towards the cost of the home-based disability support services supplied to that person, and whether a person who has been so assessed is entitled to that assessment; or

(e) ascertaining the financial circumstances or whereabouts of any person who is indebted to the Crown under—

(i) this Act; or

(ii) sections 27I to 27ZI (except section 27X) of, and Schedule 20 of, this Act (as preserved by section 256(1) of the Child Support Act 1991); or

(iii) section 61CA of this Act; or

(f) discharging the chief executive's functions under this Act or under any regulations in force under this Act or under the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 or under any welfare programme approved by the Minister under section 124(1)(d) of this Act.

(3) A person who—

(a) refuses or fails without reasonable excuse to comply with a notice under this section to the extent that the person is capable of complying with it; or

(b) in purported compliance with such a notice knowingly or recklessly furnishes information which is false or misleading in any material particular, or attempts to do so,—

commits an offence and is liable on conviction to a fine not exceeding $2,000.

(4) Nothing in subsection (1) requires any person to provide any information or produce any document that would be privileged in a court of law, except as provided in subsection (5).

(5) Nothing in subsection (1) shall require any person to provide any information or to produce any document that is legally professionally privileged:

provided that this subsection shall not apply to information or any document that consists wholly or partly of, or relates wholly or partly to,—

(a) the receipts, payments, income, expenditure, or financial transactions of a specified person (whether a law practitioner, his or her client, or any other person); or

(b) investment receipts (being receipts arising or accruing from any money lodged at any time with a law practitioner for investment) of any person or persons (whether the law practitioner, his or her clients, or any other person or persons)—

and is contained in, or comprises the whole or part of, any book, account, statement, or other record prepared by or kept in connection with a trust account of the law practitioner.

(6) Where any person refuses to disclose any information or document on the ground that it is privileged under subsection (4) or subsection (5), the chief executive or that person or any other person to whom the information or document relates may apply to a District Court Judge for an order determining whether or not the claim of privilege is valid; and, for the purposes of determining any such application, the Judge may require the information or document to be produced to the court.

(7) *[Repealed]*

(8) In this section—

law practitioner means a barrister or solicitor of the High Court, and includes a firm or an incorporated law firm (within the meaning of the Lawyers and Conveyancers Act 2006) in which the law practitioner is, or is held out to be, a partner, director, or shareholder

trust account, in relation to a law practitioner, has the same meaning as in section 6 of the Lawyers and Conveyancers Act 2006.

Section 11: replaced, on 30 June 1993, by section 3 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 11(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11(1): amended, on 17 September 1997, by section 4(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11(1)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11(2)(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 11(2)(a): amended, on 5 December 2013, by section 15(6)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 11(2)(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 11(2)(a): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 11(2)(a): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 11(2)(d): replaced, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 11(2)(da): inserted, on 17 September 1997, by section 4(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11(2)(e)(i): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 11(2)(f): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 11(2)(f): amended, on 5 December 2013, by section 15(4)(c) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 11(2)(f): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 11(2)(f): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 11(2)(f): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 11(2)(f): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 11(3): amended, on 17 September 1997, by section 4(3) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11(4): replaced, on 17 September 1997, by section 4(4) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11(6): amended, on 17 September 1997, by section 4(5)(a) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11(6): amended, on 17 September 1997, by section 4(5)(b) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11(7): repealed, on 17 September 1997, by section 4(6) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11(8): replaced, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

11A Power to obtain information for matching purposes

(1) Where the chief executive has reason to suspect that there is, or may have been, any person or persons in the employ of any employer—

(a) to whom benefits or payments under this Act have been paid; or

(b) to whom entitlement cards have been issued; or

(c) in respect of whom or whose spouse or partner, a means assessment under Part 4 has been conducted—

that should not have been, the chief executive may, subject to this section, issue a notice under section 11(1) requiring that employer to provide the following information within a specified period:

(d) the names and addresses of that employer's employees or a specified class of employees (including any former employees who were employed by that employer within a specified period); and

(e) the tax file numbers of those employees or former employees.

(2) The chief executive may issue a notice to an employer pursuant to subsection (1) whether or not the chief executive is able to identify any employees or former employees of that employer as being individuals who—

(a) are or have been receiving a benefit or payment under this Act; or

(b) are or have been issued with entitlement cards pursuant to regulations in force under this Act; or

(c) have had their financial circumstances, or the financial circumstances of their spouse or partner, assessed under this Act.

(3) The chief executive shall not issue a notice to any employer pursuant to subsection (1) more than once in any 12-month period.

(4) Where the chief executive obtains information pursuant to a notice issued under subsection (1), and that information, when used in an information matching programme, produces a discrepancy, the chief executive shall not take adverse action against any individual in relation to that discrepancy—

(a) unless the chief executive has given that individual written notice—

(i) specifying particulars of the discrepancy and of the adverse action the chief executive proposes to take; and

(ii) stating that the individual has 5 working days from the receipt of the notice in which to show cause why the action should not be taken; and

(b) until the expiration of those 5 working days.

(5) Nothing in subsection (4) prevents the chief executive from taking adverse action against an individual if compliance with the requirements of that subsection would prejudice any investigation into the commission of an offence or the possible commission of an offence.

(6) The provisions of sections 100 to 102 and 104 to 106 of the Privacy Act 1993, and of the information matching rules specified in Schedule 4 of that Act, shall apply, with all necessary modifications, to any information obtained by the chief executive pursuant to subsection (1) and to any information matching programme using that information; but, notwithstanding anything in rule 4 of those rules,—

(a) the chief executive shall not be required to prepare more than 1 technical standards report in respect of information received from any employer or employers pursuant to subsection (1) where the standards in that report are to apply to information so obtained from any employers generally; and

(b) the chief executive shall not be required to make that report available to any employer given notice pursuant to subsection (1), and nor shall any such employer be required to hold a copy of that report.

(7) Where the chief executive fails to comply, in relation to any individual, with subsection (4) or with any of the provisions of the sections or rules applied by subsection (6), the failure shall, for the purposes of Part 8 of the Privacy Act 1993, be deemed to constitute a failure to comply with the provisions of Part 10 of that Act.

(8) In this section, **information matching programme** means the comparison of information obtained pursuant to subsection (1) with other personal information held by the department for the purpose of producing or verifying information about an identifiable individual; and expressions otherwise defined in section 97 of the Privacy Act 1993 shall have the meanings so defined, with any necessary modifications.

(9) Nothing in this section shall limit or affect the provisions of section 103(1A) of the Privacy Act 1993.

(10) In this section, **tax file number** has the same meaning as in section YA 1 of the Income Tax Act 2007.

Section 11A: replaced, on 30 June 1993, by section 3 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 11A(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(1)(c): amended, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 11A(1)(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 11A(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(2)(c): replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 11A(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(4)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(4)(a)(i): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(6)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(6)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11A(10): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

11B Code of conduct applying to obtaining information under section 11

(1) The chief executive, in consultation with the Privacy Commissioner appointed under the Privacy Act 1993, must, within 3 months after the commencement of this section, issue a code of conduct that applies in respect of requirements to supply information or documents under section 11(1), and the chief executive, and every officer of the department acting under the delegation of the chief executive must comply with that code of conduct in relation to making any such requirement.

(2) The code of conduct—

(a) must include the matters specified in section 11C; and

(b) may include restrictions on obtaining—

(i) specified classes of information or documents; and

(ii) information or documents from specified classes of persons or from persons in specified relationships—

pursuant to a requirement under section 11(1); and

(c) must specify procedures applying to the obtaining of information or documents under section 11.

(3) The chief executive may from time to time, in consultation with the Privacy Commissioner, amend the code of conduct, or revoke the code of conduct and issue a new code of conduct.

(4) Nothing in the code of conduct may derogate from any code of practice issued by the Privacy Commissioner under Part 6 of the Privacy Act 1993 that applies to the information required under section 11, and the chief executive, in consultation with the Privacy Commissioner, must amend the code of conduct to conform with any such code of practice. This subsection is affected by subsection (5).

(5) Without limiting the general power to make regulations conferred by section 132, the Governor-General may, on the advice of the Minister given after consultation with the Privacy Commissioner, by Order in Council, make regulations under that section authorising the chief executive to obtain—

(a) any specified class of information or document; or

(b) information or documents from any specified class of persons; or

(c) information or documents in any specified manner—

pursuant to a requirement under section 11(1), despite the fact that the making of that requirement would otherwise be in breach of any code of practice issued by the Privacy Commissioner under Part 6 of the Privacy Act 1993.

(6) Any person who is—

(a) required to produce any information or document pursuant to a requirement under section 11(1); or

(b) the subject of any such information or document—

may make a complaint to the Privacy Commissioner that the requirement breaches the code of conduct issued pursuant to this section.

(7) Part 8 of the Privacy Act 1993 applies to any such complaint as if the code of conduct were a code of practice issued under Part 6 of the Privacy Act 1993.

(8) As soon as practicable after issuing any code of conduct and any amendment to it under this section, the chief executive must cause it to be published in a form accessible to the public.

Section 11B: inserted, on 17 September 1997, by section 5 of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11B(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11B(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11B(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11B(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 11B(8): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

11C Matters to be included in code of conduct

(1) The code of conduct established under section 11B must contain the following matters:

(a) provisions—

(i) requiring any information or document to be first sought from a beneficiary; and

(ii) allowing the beneficiary a reasonable time to provide it—

before a requirement under section 11(1) is issued to a person other than the beneficiary, except where compliance with such provision would prejudice the maintenance of the law:

(b) a provision prohibiting a requirement under section 11(1) being made in respect of a beneficiary to any person (not being the beneficiary, an employer or former employer of the beneficiary, a financial institution, or a law practitioner) unless there is reasonable cause to make a requirement under that section:

(c) a provision prohibiting a requirement under section 11(1) being made to an employer in respect of any information or document that relates solely to the marital or relationship status of an employee or former employee of that employer:

(d) provisions otherwise restricting requirements under section 11(1) made to employers to specified information relating to that employment and the address of the employee or former employee.

(2) In subsection (1)(b), **reasonable cause** includes—

(a) cause to suspect that the beneficiary has committed an offence under this Act or has obtained by fraud any payment or credit or advance under this Act:

(b) the fact that the beneficiary or a spouse or partner of that beneficiary has failed within a reasonable time, or refused, to provide any information or produce any document in accordance with a request or requirement made to that person in accordance with subsection (1)(a).

Section 11C: inserted, on 17 September 1997, by section 5 of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 11C(1)(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 11C(2)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Application process, pre-benefit activities, and investigation of claims for and grants of benefits

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

11D Application process for benefits

(1) A benefit must not be granted to an applicant unless the requirement stated in subsection (2) has been complied with.

(2) The requirement referred to in subsection (1) is that the department has received—

(a) an application form (provided by the chief executive for the purpose) completed by or on behalf of the applicant and his or her spouse or partner (if any) to the chief executive's satisfaction; and

(b) any supporting evidence (for example, a medical certificate) reasonably required by the chief executive.

(3) The form referred to in subsection (2)(a) does not have to refer to a benefit of any particular kind.

(3A) If the chief executive considers that the appropriate benefit for an applicant is a youth support payment, he or she may require as supporting evidence under subsection (2)(b) evidence of the applicant's accommodation costs and service costs (within the meaning of section 157), debts, and other liabilities.

(3B) Subsection (3A) does not limit the generality of subsection (2)(b).

(4) The receipt by the department of a completed application form relating to a benefit of one kind is sufficient compliance with subsection (2)(a) to enable the granting of a benefit of another kind.

(5) The chief executive—

(a) may waive all or part of a requirement to provide information under this section if satisfied that the department—

(i) already holds the information concerned; or

(ii) already holds enough other information to determine the matter for which the information concerned is needed; and

(b) may waive the requirement to complete an application form if satisfied that the department already holds a form relating to an application that has lapsed under subsection (8).

(6) Subsection (1) is subject to subsection (5) and to section 81(3) and (4).

(7) If the requirement stated in subsection (2) has been complied with, an application for a benefit must for the purposes of sections 80 and 80BA be treated as having been received on the date of first contact.

(8) An application for a benefit lapses at the close of the period of 20 working days after the date of first contact (as from time to time extended under subsection (10)) unless, within the period, the requirement stated in subsection (2) has been complied with.

(9) Subsection (8) does not apply to an application for a benefit made by a person ordinarily resident in an overseas country to the competent authority of that country pursuant to an agreement or convention given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990.

(9A) Subsection (8) does not apply to an application for—

(a) New Zealand superannuation, if section 31(4) of the New Zealand Superannuation and Retirement Income Act 2001 applies; or

(b) a veteran's pension, if section 191(4) of the Veterans' Support Act 2014 applies.

(10) Before or after the expiration of the period referred to in subsection (8), the chief executive may extend that period, if in any particular case he or she thinks that there is a good and sufficient reason for non-compliance with the requirement stated in subsection (2) within that period.

(11) The combined effect of subsections (1) and (8) is that an applicant whose application for a benefit has lapsed cannot become entitled to the benefit without applying for it again and establishing his or her eligibility to receive it.

(12) This section is subject to sections 11E, 11G, and 11H.

Section 11D: inserted, on 24 September 2007, by section 24 of the Social Security Amendment Act 2007 (2007 No 20).

Section 11D(3A): inserted, on 20 August 2012, by section 6 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 11D(3B): inserted, on 20 August 2012, by section 6 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 11D(6): amended, on 15 July 2013, by section 130 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 11D(9): amended, on 5 December 2013, by section 15(4)(d) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 11D(9): amended, on 15 July 2013, by section 9 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 11D(9A): inserted, on 1 July 2015, by section 12 of the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61).

Section 11D(12): amended, on 15 July 2013, by section 67 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

11E Pre-benefit activities: requirements

(1) This section applies to a person if the person is—

(a) a person who contacts the department on or after 15 July 2013 requesting financial assistance under this Act, if the chief executive considers that the appropriate financial assistance would be a benefit that is—

(i) jobseeker support; or

(ii) sole parent support; or

(iii) an emergency benefit; or

(b) the spouse or partner (if, and only if, he or she is a spouse or partner who is not receiving or applying for a main benefit under this Act (as defined in section 3(1)), New Zealand superannuation, or a veteran's pension, in his or her own right) of a person who contacts the department on or after 15 July 2013 requesting financial assistance under this Act, if the chief executive considers that the appropriate financial assistance would be a benefit that is—

(i) jobseeker support; or

(ii) a supported living payment on the ground of sickness, injury, disability, or total blindness; or

(iii) an emergency benefit.

(2) The chief executive may (for the purpose stated in section 1A(a)(ii)) require a person to whom this section applies (unless the chief executive has determined that the person has not the capacity to seek, undertake, and be available for part-time work) to do any or all of the following:

(a) undertake 1 or more stated pre-benefit activities:

(b) at any time before the benefit to which subsection (1)(a) or (b) applies commences, attend and participate in any interview for an opportunity of

suitable employment to which the person is referred by the chief executive:

(c) at any time before the benefit to which subsection (1)(a) or (b) applies commences, accept any offer of suitable employment (whether or not the offer results from an interview of the kind described in paragraph (b)).

(3) **Pre-benefit activity**, in this section and sections 11F to 11H, means an activity that is not an activity in the community (as defined in section 3(1)), but is all or any of the following:

(a) attending and participating in an employment related seminar provided by the department or by any other person approved by the chief executive for the purpose:

(b) attending and participating in employment related training approved by the chief executive for the purpose:

(c) attending and participating in any interview with an officer of the department:

(d) completing any self-assessment or planning required by the chief executive:

(e) any other activity stated in regulations under section 132J.

(4) **Suitable employment**, for the purposes of subsection (2),—

(a) in relation to a person who has a dependent child aged under 14 years, and to whom this section applies by virtue of subsection (1)(a)(ii) or (b), means employment that would be suitable employment within the meaning of section 3(1) if he or she were a part-time work-tested beneficiary:

(b) in relation to a person for whom the chief executive considers that the appropriate financial assistance under this Act would be jobseeker support on the ground of sickness, injury, or disability, means employment that would be suitable employment within the meaning of section 3(1) if he or she were a part-time work-tested beneficiary:

(c) in relation to any other person, means employment that would be suitable employment within the meaning of section 3(1) if he or she were a work-tested beneficiary.

(5) A requirement under subsection (2) may be oral or written and, in the case only of a requirement under subsection (2)(a), may be revoked orally or in writing in accordance with subsection (7).

(6) A pre-benefit activity stated under subsection (2)(a) must be available for the person to undertake not later than 10 working days after the date of first contact.

(7) The chief executive may revoke a requirement that the person undertake a pre-benefit activity under subsection (2)(a) if, and only if, the chief executive considers the requirement is no longer reasonable.

Section 11E: inserted, on 15 July 2013, by section 10 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

11F Pre-benefit activities: department must explain requirements

The chief executive must take reasonable and appropriate steps to make every person on whom any requirements are placed under section 11E(2) aware of the following:

(a) the person's obligations in relation to the requirements; and

(b) the consequences of failure to comply with the requirements; and

(c) when a requirement is to be, or has been, revoked, and when the revocation takes, or took, effect.

Section 11F: inserted, on 15 July 2013, by section 10 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

11G Pre-benefit activities: consequences of non-compliance by applicant

(1) In this section,—

applicant means a person to whom section 11E(1)(a) applies

specified benefit means the benefit to which section 11E(1)(a) applies.

(2) The chief executive is not required to investigate under section 12 a claim for the specified benefit made by the applicant unless satisfied that the applicant has undertaken any required pre-benefit activities.

(3) Subsection (2) applies whether or not the applicant has completed the form of application for the specified benefit.

(4) If the applicant fails to undertake any required pre-benefit activities within 20 working days after the date of first contact, any application for the specified benefit the applicant has made lapses.

(5) Subsection (4) overrides section 11D(7).

(6) This subsection applies to an applicant if the chief executive considers that the applicant has, without a good and sufficient reason, failed to comply with a requirement under section 11E(2)(b) or (c).

(7) If subsection (6) applies to an applicant, the chief executive must, as the case requires,—

(a) refuse to grant the applicant the specified benefit; or

(b) terminate any grant of the specified benefit already made to the applicant.

Section 11G: inserted, on 15 July 2013, by section 10 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

11H Pre-benefit activities: consequences of non-compliance by applicant's spouse or partner

(1) In this section,—

applicant means a person who contacts the department in accordance with section 11E(1)(b)

applicant's spouse or partner means an applicant's spouse or partner to whom section 11E(1)(b) applies

specified benefit means the benefit to which section 11E(1)(b) applies.

(2) This subsection applies to an applicant's spouse or partner if the chief executive considers that the applicant's spouse or partner—

(a) has failed to undertake a required pre-benefit activity within 20 working days after the date of the applicant's first contact; or

(b) has failed without a good and sufficient reason to comply with a requirement under section 11E(2)(b) or (c).

(3) If subsection (2) applies to an applicant's spouse or partner, the applicant receives the following (if all or any of them is granted) at the following rate or rates only:

(a) the specified benefit—half of the rate of that benefit payable to a beneficiary who is married or in a civil union or in a de facto relationship whose spouse or partner is not granted a benefit in his or her own right:

(b) the accommodation supplement, temporary additional support, or both (if any), to which the applicant and the applicant's spouse or partner would apart from this subsection be entitled—half of the otherwise applicable rate or rates.

(4) Subsection (3) overrides other provisions of this Act but does not preclude a review under section 81.

Section 11H: inserted, on 15 July 2013, by section 10 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

12 Investigation of claims and grant of benefits

(1) Every claim for a benefit shall be investigated by the chief executive or by an officer of the department acting with the authority of the chief executive, and all benefits shall (subject to any delegation of the chief executive's powers under this Act) be granted by the chief executive.

(1AA) If he or she thinks an investigation into an application for a benefit of kind A is unlikely to be completed quickly (for example, because of the need to obtain further medical evidence), the chief executive may grant the applicant a benefit of kind B to which the applicant is entitled, on the basis that a benefit of kind A will be granted retroactively if it becomes apparent that the applicant is entitled to a benefit of kind A; and in that case, if (when the investigation has been completed) it becomes apparent that the applicant is in fact entitled to a benefit of kind A, the chief executive may—

(a) grant the applicant a benefit of kind A commencing on the date on which it would have commenced if the investigation had been completed before the benefit of kind B was granted; and

(b) terminate the benefit of kind B on that date.

(1A) The chief executive or any officer of the department acting with the authority of the chief executive may investigate the circumstances of any person who has been in receipt of a benefit as those circumstances existed immediately before the benefit was granted or during the period that the benefit was paid.

(2) It shall be the duty of every person (including the applicant) to answer all questions put to him by the chief executive or by any officer of the department concerning any applicant for a benefit or any person who is or has been in receipt of a benefit or concerning any statements contained in any application for a benefit, or concerning the means, earning capacity, and economic circumstances of any person, for the purposes of section 46 or section 91 of the Family Proceedings Act 1980, or of any person who is or may be liable to maintain any applicant for a benefit or any beneficiary, or any dependant of such an applicant or of a beneficiary.

(3) Every person commits an offence who demands or accepts from any applicant or from any other person any fee or other consideration for procuring or endeavouring to procure the grant of a benefit.

Compare: 1938 No 7 s 59

Section 12(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12(1AA): inserted, on 24 September 2007, by section 25 of the Social Security Amendment Act 2007 (2007 No 20).

Section 12(1A): inserted, on 24 August 1979, by section 3(1) of the Social Security Amendment Act 1979 (1979 No 14).

Section 12(1A): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12(2): amended, on 1 July 1992, by section 4(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Section 12(2): amended, on 1 October 1981, by section 189(1) of the Family Proceedings Act 1980 (1980 No 94).

Section 12(2): amended, on 24 August 1979, by section 3(2)(a) of the Social Security Amendment Act 1979 (1979 No 14).

Section 12(2): amended, on 24 August 1979, by section 3(2)(b) of the Social Security Amendment Act 1979 (1979 No 14).

Section 12(2): amended, on 11 October 1978, by section 3 of the Social Security Amendment Act 1978 (1978 No 58).

Section 12(2): amended, on 20 October 1972, by section 3 of the Social Security Amendment Act 1972 (1972 No 133).

Section 12(2): amended, on 1 January 1970, by section 3(1) of the Social Security Amendment Act 1969 (1969 No 46).

Appeal Authority

Heading: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

12A Social Security Appeal Authority

(1) There is hereby established an Authority to be known as the Social Security Appeal Authority.

(2) The Authority shall consist of 3 persons appointed by the Governor-General on the recommendation of the Minister given after consultation with the Minister of Justice.

(3) One of the members shall be appointed as Chairman of the Authority.

Section 12A: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

12B Term of office of members

(1) Except as otherwise provided by this Act, every member of the Appeal Authority shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time.

(2) Notwithstanding anything to the contrary in this Act, every member of the Appeal Authority shall, unless he sooner vacates his office under section 12C, continue in office until his successor comes into office.

Section 12B: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

12C Extraordinary vacancies

(1) Any member of the Appeal Authority may at any time be removed from office by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice to the Minister.

(2) When the office of any member becomes vacant by death, resignation, or removal from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made.

(3) Every person appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

(4) The powers of the Appeal Authority shall not be affected by any vacancy in its membership.

Section 12C: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12C(1): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

12D Special Appeal Authorities

(1) In addition to the Appeal Authority established by section 12A, there may from time to time be established in accordance with this section 1 or more Special Authorities each of which shall be known as a Special Social Security Appeal Authority.

(2) Every Special Social Security Appeal Authority shall consist of 3 persons appointed by the Governor-General on the recommendation of the Minister given after consultation with the Minister of Justice, and those members shall hold office during the pleasure of the Governor-General.

(3) One of the members shall be appointed as Chairman of the Authority.

(4) Any member of a Special Social Security Appeal Authority may from time to time be reappointed, or may at any time resign his office by written notice to the Minister.

Section 12D: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

12E Deputies of members

(1) In the event of the incapacity of any member of the Appeal Authority by reason of illness or absence or any other cause, the Governor-General may, on the recommendation of the Minister given after consultation with the Minister of Justice, appoint some other person qualified for appointment to act in the place of the Chairman or member, as the case may require. Every person so appointed as deputy shall, while the incapacity continues, be deemed for all purposes to be the Chairman or a member of the Authority, as the case may be.

(2) No appointment of a deputy, and no acts done by a deputy acting as Chairman or by the Authority, while the deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

(3) Notwithstanding the provisions of subsections (1) and (2), the Governor-General may, on the recommendation of the Minister given after consultation with the Minister of Justice, appoint some other person qualified for appointment to be Deputy Chairman, to act as Chairman from time to time as required.

Section 12E: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12E(3): inserted, on 21 January 1981, by section 2 of the Social Security Amendment Act (No 2) 1980 (1980 No 158).

12F Remuneration and travelling allowances

(1) The Appeal Authority is hereby declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid, out of money appropriated by Parliament for the purpose, to the members of the Appeal Authority remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with the

Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Section 12F: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

12G Services for Appeal Authority

The chief executive of the Ministry of Justice shall designate an officer of the Ministry of Justice to be secretary to the Appeal Authority, and shall provide such secretarial, recording, and clerical services as may be necessary to enable the Appeal Authority to discharge its functions.

Section 12G: replaced, on 1 July 1995, by section 10(1) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 12G: amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

Section 12G: amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

12H Authority to have seal

The Authority shall have a seal, which shall be judicially noticed by all courts for all purposes.

Section 12H: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

12I Functions of Appeal Authority

(1) The functions of the Appeal Authority shall be to sit as a judicial authority for the determination of appeals in accordance with section 12J of this Act.

(2) In hearing and determining any appeal, the Appeal Authority shall have all the powers, duties, functions, and discretions that the chief executive had in respect of the same matter.

Section 12I: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12I(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 12I(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Appeals to Appeal Authority

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

12J Rights of appeal

Decisions or determinations under specified social assistance enactments

(1) An applicant or beneficiary may appeal to the Appeal Authority against any decision or determination of the chief executive made in relation to the applicant or beneficiary under—

(a) any of the provisions of Parts 1A to 1P, Part 2, Part 4, or Part 5; or

(b) a welfare programme approved by the Minister under section 124(1)(d); or

(c) *[Repealed]*

(cb) Part 6 of the Veterans' Support Act 2014, subject to section 175(2) of that Act; or

(d) Part 1 of the New Zealand Superannuation and Retirement Income Act 2001; or

(e) the Family Benefits (Home Ownership) Act 1964; or

(f) any regulations in force under section 132A or 155 of this Act.

(2) No appeal lies under subsection (1)(a) against a decision under section 88I(2) or (7) against which an appeal lies under section 10B(1)(h) or (i) to the medical board.

(3) No appeal lies under subsection (1)(a) against a decision under section 116C(2)(a) against which an appeal lies under section 10B(1)(k) to the medical board.

(4) Subsection (1) applies to a person in respect of whom a decision or determination is made under Part 4 or under regulations made under section 155 as if the person were a beneficiary.

(5) For the purposes of subsection (1), a decision or determination is not made in relation to an applicant or a beneficiary by reason only that the decision or determination has an economic or other effect on the applicant or beneficiary.

(6) A beneficiary's spouse or partner—

(a) may appeal to the Appeal Authority against a decision by the chief executive that section 83AA applies to the beneficiary in respect of a benefit apportioned under section 83(1) or (2) or against any component decision that some or all of the benefit paid to the spouse or partner—

(i) is an amount in excess of the amount to which the spouse or partner is by law entitled or is an amount to which the spouse or partner has no entitlement; or

(ii) is an amount obtained by fraud by the spouse or partner; but

(b) may not appeal against a decision or determination of the chief executive that relates only to the temporary deferral, rate, or method or methods of debt recovery from the beneficiary.

Decisions under mutual assistance provisions in reciprocity agreements

(7) An applicant or beneficiary or other person may appeal to the Appeal Authority against a decision that was made in relation to that person by the chief executive under the power conferred by section 19D(1)(a) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990.

Decisions under section 86(3) to recover excess amount from spouse or partner

(8) A beneficiary's spouse or partner may appeal to the Appeal Authority against a decision that was made by the chief executive under section 86(3) to recover from that spouse or partner (under sections 85A and 86(1)) an amount in excess of the amount to which the beneficiary was by law entitled.

(9) A decision referred to in subsection (8), and made by the chief executive under section 86(3), includes, without limitation, the following component decisions:

(a) the decision that, in the chief executive's opinion, the beneficiary's spouse or partner has made a false statement to or otherwise misled any officer engaged in the administration of this Act, in relation to any matter:

(b) the decision that, as a result of the beneficiary's spouse or partner making a false statement to or otherwise misleading any officer engaged in the administration of this Act, the benefit or an instalment of benefit was paid in excess of the amount to which the beneficiary was by law entitled.

Decisions under section 86(4) to recover excess amount from deceased beneficiary's estate

(10) The personal representative of a deceased beneficiary may appeal to the Appeal Authority against a decision that was made by the chief executive under section 86(4) to recover from the beneficiary's estate (under sections 85A and 86(1)) an amount in excess of the amount to which the beneficiary was by law entitled.

Decisions under section 86(5) to recover excess amount from deceased spouse's or partner's estate

(11) The personal representative of a beneficiary's deceased spouse or partner may appeal to the Appeal Authority against a decision that was made by the chief executive under section 86(5) to recover from that spouse's or partner's estate (under sections 85A and 86(1)) an amount in excess of the amount to which the beneficiary was by law entitled.

(12) Subsection (11) gives the personal representative of a beneficiary's deceased spouse or partner, without limitation, a right to appeal against the decision that the beneficiary was paid an amount in excess of the amount to which he or she was by law entitled.

Decisions under section 86AA to recover excess amount from spouse or partner

(13) A beneficiary's spouse or partner may appeal to the Appeal Authority against a decision that was made by the chief executive under section 86AA to recover from that spouse or partner (under sections 85A and 86(1)) an unapportioned amount in excess of the amount to which the beneficiary was by law entitled or to which the beneficiary has no entitlement.

(14) Subsection (13) gives the beneficiary's spouse or partner, without limitation, a right to appeal against the decision that the beneficiary obtained by fraud an amount in excess of the amount to which the beneficiary was by law entitled or to which the beneficiary has no entitlement.

Debt recovery decisions include related decisions on deferral, rate, and methods

(15) A reference in this section to a decision to recover an amount from a person or estate includes, without limitation, all related decisions on all or any of the temporary deferral, rate, or method or methods, of debt recovery from the person or estate.

General restriction on appeals under this section

(16) A decision cannot be appealed against under any other provision of this section unless the decision—

(a) has been confirmed or varied by a benefits review committee under section 10A; or

(b) was made by the chief executive other than pursuant to a delegation.

Authority is not authorised to hear and determine certain appeals on medical or capacity grounds

(17) The Appeal Authority does not have the authority to hear and determine any appeal on medical grounds, grounds relating to incapacity, or grounds relating to capacity for work, against any decision or determination of the chief executive in respect of—

(a) a supported living payment on the ground of sickness, injury, disability, or total blindness; or

(b) a child disability allowance under section 39A; or

(c) a veteran's pension under section 70 of the War Pensions Act 1954; or

(d) jobseeker support on the ground of sickness, injury, or disability.

Section 12J: replaced, on 7 July 2014, by section 5 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 12J(1): amended, on 8 July 2016, by section 9(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 12J(1)(c): repealed, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 12J(1)(cb): inserted, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 12J(5): replaced, on 8 July 2016, by section 9(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 12J(6): replaced, on 8 July 2016, by section 9(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

12K Procedure on appeal

(1) An appeal under section 12J is begun by a written notice of appeal.

(1A) If the appeal is against a decision or determination of the chief executive confirmed or varied by a benefits review committee, the notice of appeal must be lodged with the Secretary of the Appeal Authority within—

(a) 3 months after the applicant is notified of the confirmation or variation under section 10A(9); or

(b) an additional time allowed by the Appeal Authority, on an application made to it before or after the end of that period of 3 months.

(1B) If the appeal is against a decision or determination of the chief executive made other than pursuant to a delegation, the notice of appeal must be lodged with the Secretary of the Appeal Authority within—

(a) 3 months after the applicant is notified of the decision or determination; or

(b) an additional time allowed by the Appeal Authority, on an application made to it before or after the end of that period of 3 months.

(1C) The parties to an appeal are—

(a) the person to whom section 12J gives the right to appeal against the decision or determination; and

(b) the chief executive.

(2) The notice of appeal shall state with particularity the grounds of appeal and the relief sought.

(3) Either before or immediately after the lodging of the notice of appeal, a copy of it shall be left with or sent to the chief executive.

(4) As soon as possible after the receipt of the copy of the notice of appeal by the chief executive, the chief executive shall send to the Secretary of the Appeal Authority—

(a) any application, documents, written submissions, statements, reports, and other papers lodged with, received by, or prepared for, the chief executive and relating to the decision or determination appealed against;

(b) a copy of any notes made by or by direction of the chief executive of the evidence given at the hearing (if any) before the chief executive;

(c) any exhibits in the custody of the chief executive;

(d) a copy of the decision or determination appealed against; and

(e) a report setting out the considerations to which regard was had in making the decision or determination.

(5) The Authority may direct that a further report be lodged by the chief executive, in addition to the report sent to the Authority under paragraph (e) of subsection (4).

(6) A copy of every report lodged pursuant to paragraph (e) of subsection (4), or subsection (5), shall be given or sent forthwith to every party to the appeal, and

any such party shall be entitled to be heard and to tender evidence on any matter referred to in the report.

(7) As soon as conveniently may be after the receipt of any appeal, the Appeal Authority shall, unless it considers that the appeal can be properly determined without a hearing, fix a time and place for the hearing of the appeal, and shall give not less than 10 clear days' notice thereof to the appellant and to the chief executive.

(8) At the hearing of any appeal the chief executive may be represented by counsel or by an officer of the department and any other party may appear and act personally or by counsel or any duly authorised representative.

(9) Proceedings before the Authority shall not be held bad for want of form.

(10) Except as provided by this Act or by any regulations for the time being in force under this Act, the procedure of the Authority shall be such as the Authority may determine.

(11) Where notice of any decision or determination in respect of which an appeal lies to the Authority has been given by post addressed to the appellant at his last known or usual address, then, for the purposes of subsections (1A) and (1B), the appellant shall be deemed to have been notified of the decision or determination at the time when the letter would have been delivered in the ordinary course of post.

Section 12K: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12K(1): replaced, on 17 September 1997, by section 7(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 12K(1A): inserted, on 17 September 1997, by section 7(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 12K(1A): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(1B): inserted, on 17 September 1997, by section 7(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 12K(1B): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(1C): inserted, on 17 September 1997, by section 7(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 12K(1C)(a): replaced, on 7 July 2014, by section 15 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 12K(1C)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(4)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(4)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(4)(c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(8): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12K(11): amended, on 17 September 1997, by section 7(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

12L Expenses payable to appellants

If the Appeal Authority requests an appellant to appear before it and the appellant does so, the chief executive shall, out of money appropriated by Parliament for the purpose, pay the actual and reasonable travelling and accommodation expenses (if any) incurred by the appellant.

Section 12L: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12L: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

12M Hearing and determination of appeal

(1) Subject to subsection (7) of section 12K, every appeal against a decision of the chief executive shall be by way of rehearing; but where any question of fact is involved in any appeal, the evidence taken before or received by the chief executive bearing on the subject shall, subject to any special order, be brought before the Authority as follows:

(a) as to any evidence given orally, by the production of a copy of the notes of the chief executive or of such other material as the Authority thinks expedient:

(b) as to any evidence taken by affidavit and as to any exhibits, by the production of the affidavits and such of the exhibits as may have been forwarded to the Authority by the chief executive, and by the production by the parties to the appeal of such exhibits as are in their custody.

(2) Notwithstanding anything in subsection (1), on any appeal against a decision or determination of the chief executive, the Authority may rehear the whole or any part of the evidence, and shall rehear the evidence of any witness if the Authority has reason to believe that any note of the evidence of that witness made by the chief executive is or may be incomplete in any material particular.

(3) The Authority shall have full discretionary power to hear and receive evidence or further evidence on questions of fact, either by oral evidence or by affidavit.

(4) The Authority shall also have regard to any report lodged by the chief executive under section 12K and to any matters referred to therein and to any evidence tendered thereon, whether or not such matters would be otherwise admissible in evidence.

(5) In the exercise of its powers under this section the Authority may receive as evidence any statement, document, information, or matter which in the opinion of the Authority may assist it to deal with the matters before it, whether or not the same would be admissible in a court of law.

(6) The Authority shall, within the scope of its jurisdiction, be deemed to be a commission of inquiry under the Commissions of Inquiry Act 1908, and subject to the provisions of this Act, all the provisions of the Act, except sections 2, 10, 11, and 12, shall apply accordingly.

(7) Subject to subsection (2) of section 12I, in the determination of any appeal the Authority may confirm, modify, or reverse the decision or determination appealed against.

(8) Notwithstanding the provisions of subsection (7), the Authority may refer to the chief executive for further consideration, the whole or any part of the matter to which an appeal relates, and where any matter is so referred the Authority shall advise the chief executive of its reasons for so doing and shall give such directions as it thinks just as to the rehearing or reconsideration or otherwise of the whole or any part of the matter that is so referred.

Section 12M: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12M(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12M(1)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12M(1)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12M(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12M(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12M(8): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

12N Sittings of Appeal Authority

(1) The presence of the chairman and 1 other member shall be necessary to constitute a sitting of the Authority.

(2) The decision of a majority of the members present at a sitting of the Authority shall be the decision of the Authority. If the said members are equally divided in opinion, the decision of the chairman shall be the decision of the Authority.

(3) Every sitting of the Authority shall be held in private and in such place as it considers convenient having regard to the nature of the matters to be decided:

provided that the Authority may, in any case if it considers that the interests of the parties to the appeal and of all other persons concerned will not be adversely affected, order that the sitting or any part of it shall be held in public.

(4) It shall not be lawful to publish any part of the proceedings before the Appeal Authority unless in any case the Authority orders otherwise.

(5) Every person who acts in contravention of subsection (4) commits an offence and shall be liable on conviction to a fine not exceeding $100.

Section 12N: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12N(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

12O Costs

(1) Where an appeal is allowed in whole or in part, or the whole or any part of the matter is referred back to the chief executive, the Authority may allow the appellant the costs of bringing the appeal or any part thereof.

(2) Where any appeal is not allowed, no award of costs shall be made against the appellant unless in the opinion of the Authority the appeal was frivolous or vexatious or one that ought not to have been brought.

(3) The amount of costs awarded shall be stated in the order.

(4) Where under this section an award of costs is made and any sum remains unpaid, the person in whose favour the award or order was made may obtain from the Secretary of the Authority a certificate under seal of the sum awarded. When any such certificate is filed in the District Court it may be enforced as to the amount specified therein that is still owing as if it were a judgment of that court.

Section 12O: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12O(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 12O(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

12OA Costs incurred by Authority

Where an appeal is allowed in whole or in part the Authority, if it considers it appropriate, may require the department to pay a sum fixed by the Authority to cover all or part of the costs incurred by the Authority in hearing and determining the appeal.

Section 12OA: inserted, on 23 March 1989, by section 28 of the Finance Act 1989 (1989 No 13).

12P Notice of decision

On the determination of any appeal, the Secretary shall send to the chief executive and to the appellant a memorandum of the Authority's decision and the

reasons for the decision, and the chief executive shall forthwith take all necessary steps to carry into effect the decision of the Authority.

Section 12P: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12P: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Appeals to courts

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

12Q Appeals to High Court on questions of law only

(1) Where any party to any proceedings before the Authority is dissatisfied with any determination of the Authority as being erroneous in point of law, he may appeal to the High Court by way of case stated for the opinion of the court on a question of law only.

(2) *[Repealed]*

(3) Within 14 days after the date of the determination the appellant shall lodge a notice of appeal with the Secretary of the Authority. The appellant shall forthwith deliver or post a copy of the notice to every other party to the proceedings.

(4) Within 14 days after the lodging of the notice of appeal, or within such further time as the Chairman of the Authority may in his discretion allow, the appellant shall state in writing and lodge with the Secretary of the Authority a case setting out the facts and the grounds of the determination and specifying the question of law on which the appeal is made. The appellant shall forthwith deliver or post a copy of the case to every other party to the proceedings.

(5) As soon as practicable after the lodging of the case, the Secretary of the Authority shall submit it to the Chairman of the Authority.

(6) The Chairman shall, as soon as practicable, and after hearing the parties if he considers it necessary to do so, settle the case, sign it, send it to the Registrar of the High Court at Wellington, and make a copy available to each party.

(7) The settling and signing of the case by the Chairman shall be deemed to be the statement of the case by the Authority.

(8) If within 14 days after the lodging of the notice of appeal, or within such time as may be allowed, the appellant does not lodge a case pursuant to subsection (4), the Chairman of the Authority may certify that the appeal has not been prosecuted.

(9) The court or a Judge thereof may in its or his discretion, on the application of the appellant or intending appellant extend any time prescribed or allowed under this section for the lodging of a notice of appeal or the stating of any case.

(10) Subject to the provisions of this section, the case shall be dealt with in accordance with rules of court.

Section 12Q: inserted, on 1 May 1974, by section 4(1) of the Social Security Amendment Act 1973 (1973 No 34).

Section 12Q heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 12Q(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 12Q(2): repealed, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 12Q(6): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

12R Appeals to Court of Appeal

Subpart 8 of Part 6 of the Criminal Procedure Act 2011 applies as far as applicable with the necessary modifications to a determination of the High Court on an appeal under section 12Q as if the determination had been made under section 300 of that Act.

Section 12R: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

12S Appeals to Supreme Court

(1) Any party to a proceeding under section 12Q or 12R in which a determination of the High Court or the Court of Appeal has been made may apply, in accordance with the Senior Courts Act 2016, to the Supreme Court for leave to appeal against the determination.

(2) Subsection (1) is by way of explanation only.

Section 12S: inserted, on 7 July 2010, by section 5 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 12S(1): replaced, on 8 July 2016, by section 10 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 12S(1): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

13 National superannuation

[Repealed]

Section 13: repealed, on 1 April 1990, by section 14(18) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

14 Residential qualification for national superannuation

[Repealed]

Section 14: repealed, on 1 April 1990, by section 14(18) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

15 Rates of national superannuation

[Repealed]

Section 15: repealed, on 1 April 1990, by section 14(18) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

16 Special provisions in respect of married couples where one spouse not entitled to national superannuation

[Repealed]

Section 16: repealed, on 1 April 1989, by section 29(1) of the Finance Act 1989 (1989 No 13).

17 Commencement and payment of national superannuation

[Repealed]

Section 17: repealed, on 1 April 1990, by section 14(18) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

18 Termination of national superannuation on death of recipient

[Repealed]

Section 18: repealed, on 28 September 1982, by section 4(1) of the Social Security Amendment Act 1982 (1982 No 16).

19 Special allowance for South African War veterans

[Repealed]

Section 19: repealed, on 1 April 1990, by section 14(18) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

20 Additional benefit for South African War veterans

[Repealed]

Section 20: repealed, on 9 February 1977, by section 4(1) of the Social Security Amendment Act 1976 (1976 No 40).

Part 1B
Sole parent support

Part 1B heading: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

20A Sole parent support: meaning of applicant

Applicant, in this section and sections 20B to 20H and Schedule 3A, means a person who is any of the following:

(a) a person who is the mother or father of 1 or more dependent children and who is living apart from, and has lost the support of or is being inadequately maintained by, the person's spouse or partner:

(b) a single person who is the mother or father of 1 or more dependent children:

(c) a person whose marriage or civil union has been dissolved, and who is the mother or father of 1 or more dependent children:

(d) a person who is the mother or father of 1 or more dependent children and who has lost the regular support of the person's spouse or partner because that spouse or partner is subject to a sentence of imprisonment and is—

(i) serving the sentence in a prison (as defined in section 3(1) of the Corrections Act 2004); or

(ii) subject to release conditions (as defined in section 4(1) of the Parole Act 2002) that prevent him or her undertaking employment:

(e) a person who is the mother or father of 1 or more dependent children and who has lost the regular support of the person's spouse or partner because that spouse or partner is subject to a sentence of supervision, intensive supervision, or home detention and is subject to conditions (including post-detention conditions of a sentence of home detention) that prevent that spouse or partner from undertaking employment:

(f) a person who is the mother or father of 1 or more dependent children and whose spouse or partner has died.

Section 20A: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

20B Sole parent support: when dependent child may be regarded as applicant's child

The chief executive may, in his or her discretion, regard a dependent child as being a child of an applicant, and the applicant as being the mother or father of the child, for the purposes of sections 20A and 20C to 20H and Schedule 3A, if—

(a) the child—

(i) is being maintained by the applicant; and

(ii) was at any time maintained by the applicant's spouse or partner; or

(b) neither an orphan's benefit nor an unsupported child's benefit is payable in respect of the child, but—

(i) section 28(a) is complied with for each of the child's natural or adoptive parents; or

(ii) section 29(b) is complied with for care for the child and full provision for the child's support; or

(c) the child's parents are unwilling to support the child because of circumstances the chief executive considers exceptional.

Section 20B: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

20C Sole parent support: split custody

(1) This section applies to the parents of 2 or more dependent children if—

(a) the parents are living apart; and

(b) each parent is the principal caregiver of 1 or more of the children; and

(c) but for this section, both parents would be entitled to sole parent support.

(2) Only 1 of the 2 parents is entitled to sole parent support, and the parent who is entitled to sole parent support must be—

(a) the parent already receiving sole parent support in respect of any of the children; or

(b) the parent who the chief executive considers was the principal caregiver in respect of the children immediately before the parents began living apart, if no parent is already receiving sole parent support in respect of any of the children; or

(c) the parent who is the principal caregiver in respect of the youngest child, if neither parent was the principal caregiver in respect of the children before they began living apart, or the chief executive is unable to ascertain which parent was the principal caregiver in respect of the children immediately before they began living apart.

(3) This section does not apply if each parent has become the principal caregiver in respect of at least 1 child under 1 or more orders—

(a) made by a court of competent jurisdiction; and

(b) about the role of providing day-to-day care for children.

(4) **Child**, in this section, means a dependent child of the parents—

(a) born of their relationship; or

(b) adopted by the parents or by one of the parents during their marriage or civil union or de facto relationship.

Section 20C: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

20D Sole parent support: standard eligibility requirements

(1) An applicant is entitled to sole parent support if the chief executive is satisfied that the applicant—

(a) meets the residential requirements in section 74AA; and

(b) is aged 20 years or over; and

(c) is caring for a dependent child who is, or dependent children 1 or more of whom is or are, aged under 14 years; and

(d) is either—

(i) a person in section 20A(a), (b), (c), or (f) who is not living together with his or her spouse or partner (if any), or the other parent (if any) of that dependent child or of all or any of those dependent children; or

(ii) a person in section 20A(d) or (e).

(2) Subsection (1) is subject to the other provisions of this Act.

Section 20D: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 20D(1)(b): amended, on 25 October 2016, by section 11 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

20E Sole parent support: obligations on beneficiaries

A person who has been granted and receives sole parent support under section 20D must—

(a) comply with any obligation arising under section 60Q; and

(b) if he or she is a person to whom section 60RA applies, comply with the person's social obligations under section 60RA(3); and

(c) if he or she is a work-tested sole parent support beneficiary, comply with the work test.

Section 20E: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

20F Sole parent support: payment

(1) Sole parent support commences in accordance with section 80.

(2) Sole parent support must be paid in weekly instalments, in accordance with section 82.

(3) Payment of sole parent support may be suspended or cancelled in accordance with sections 80 to 82.

(4) Subsection (3) does not limit any other provision in this Act.

Section 20F: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

20G Sole parent support: rate

(1) Sole parent support must be paid to a person granted that benefit at the rate in Schedule 3A.

(2) Subsection (1) is subject to the other provisions of this Act.

Section 20G: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

20H Sole parent support: expiry, and replacement with jobseeker support, when youngest dependent child 14

(1) An applicant's sole parent support under section 20D expires on the date that the applicant's youngest dependent child turns 14 years old.

(2) But the applicant's sole parent support is replaced with jobseeker support under section 88B that—

(a) commences on that date; and

(b) is deemed to be granted to him or her under section 88B as if he or she had applied for it.

(3) However, if the chief executive believes on reasonable grounds that the applicant would not be eligible for jobseeker support on the date that the applicant's youngest dependent child turns 14 years old,—

(a) the applicant is not transferred by subsection (2) to jobseeker support; and

(b) the chief executive must instead invite the applicant to apply for jobseeker support in accordance with section 11D.

(4) Obligations or exemptions that immediately before the expiry under this section of the applicant's sole parent support under section 20D apply to the applicant continue after that expiry in respect of jobseeker support to which the applicant is transferred by subsection (2), but only if those obligations or exemptions are all or any of the following:

(a) obligations under sections 60GAG, 60RA, 60Q(2), 100B, 102, and 102A:

(b) exemptions under section 105 (other than any exemption that, under regulations made under section 123D(a), is not available to a person receiving jobseeker support).

(5) This section does not preclude a review under section 81 of whether the applicant satisfies the conditions of entitlement for jobseeker support under section 88B.

Section 20H: inserted, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Widows' benefits

[Repealed]

Heading: repealed, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

21 Widows' benefits

[Repealed]

Section 21: repealed, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

21A Widows' benefits: pre-benefit activities

[Repealed]

Section 21A: repealed, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

22 Benefits to wives of mental patients

[Repealed]

Section 22: repealed, on 14 November 1973, by section 5(1) of the Social Security Amendment Act 1973 (1973 No 34).

23 Benefits to deserted wives

[Repealed]

Section 23: repealed, on 14 November 1973, by section 5(1) of the Social Security Amendment Act 1973 (1973 No 34).

24 Rates of widows' benefits

[Repealed]

Section 24: repealed, on 15 July 2013, by section 12 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

25 Special provisions as to benefits to deserted wives

[Repealed]

Section 25: repealed, on 14 November 1973, by section 5(1) of the Social Security Amendment Act 1973 (1973 No 34).

26 Continuation of benefit to deserted wife after divorce

[Repealed]

Section 26: repealed, on 14 November 1973, by section 5(1) of the Social Security Amendment Act 1973 (1973 No 34).

27 Continuation of widow's benefit when benefit ceases to be payable in respect of children

[Repealed]

Section 27: repealed, on 1 April 1990, by section 37(2) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Domestic purposes benefits

[Repealed]

Heading: repealed, on 15 July 2013, by section 13 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27A Interpretation

[Repealed]

Section 27A: repealed, on 15 July 2013, by section 13 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27B Domestic purposes benefits for solo parents

[Repealed]

Section 27B: repealed, on 15 July 2013, by section 13 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27BA Split custody

[Repealed]

Section 27BA: repealed, on 15 July 2013, by section 13 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27C Domestic purposes benefits for women alone

[Repealed]

Section 27C: repealed, on 15 July 2013, by section 13 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27CA Domestic purposes benefits under section 27B or 27C: pre-benefit activities

[Repealed]

Section 27CA: repealed, on 15 July 2013, by section 13 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27D Applicants for domestic purposes benefits for women alone to meet residential qualifications in section 74AA

[Repealed]

Section 27D: repealed, on 15 July 2013, by section 13 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27E Continuation of benefit when benefit ceases to be payable in respect of children

[Repealed]

Section 27E: repealed, on 1 April 1990, by section 37(2) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

27F Special provisions as to maintenance

[Repealed]

Section 27F: repealed, on 1 July 1992, by section 6(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27G Domestic purposes benefits for care at home of the sick or infirm

[Repealed]

Section 27G: repealed, on 15 July 2013, by section 14 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

27H Rates of domestic purposes benefits

[Repealed]

Section 27H: repealed, on 15 July 2013, by section 14 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Contribution towards cost of domestic purposes benefits for solo parents [Repealed]

Heading: repealed, on 1 July 1992, pursuant to section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27I Interpretation

[Repealed]

Section 27I: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27J Maintenance order or agreement suspended while benefit is paid

[Repealed]

Section 27J: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27K Liable parent to contribute towards cost of benefit and child supplement

[Repealed]

Section 27K: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27L Director-General to give liable parent notice of grant of benefit

[Repealed]

Section 27L: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27M Liable parent to notify Director General of total income, etc

[Repealed]

Section 27M: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27N Director-General to assess contribution and notify liable parent

[Repealed]

Section 27N: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27O Notice of objection

[Repealed]

Section 27O: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27P Grounds on which objection may be made

[Repealed]

Section 27P: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27Q Procedure to be followed where objection received

[Repealed]

Section 27Q: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27R Hearing of objection by court

[Repealed]

Section 27R: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27S Findings of court

[Repealed]

Section 27S: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27T Appeal from decisions of courts

[Repealed]

Section 27T: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27U Proceedings not open to public

[Repealed]

Section 27U: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27V Restriction of publication of reports

[Repealed]

Section 27V: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27W Costs

[Repealed]

Section 27W: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27X Recovery of unpaid contributions

[Repealed]

Section 27X: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27Y Deduction notices

[Repealed]

Section 27Y: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27Z Effect of deduction notices

[Repealed]

Section 27Z: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZA Liability of employer

[Repealed]

Section 27ZA: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZB Protected earnings

[Repealed]

Section 27ZB: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZC Variation or discharge of deduction notice

[Repealed]

Section 27ZC: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZD Transaction fee

[Repealed]

Section 27ZD: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZE Wrongful treatment of employee

[Repealed]

Section 27ZE: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZF Extent to which deduction notices bind the Crown

[Repealed]

Section 27ZF: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZG Relief in cases of serious hardship

[Repealed]

Section 27ZG: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZH Review of contributions

[Repealed]

Section 27ZH: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

27ZI Service of notices, etc, by Director-General

[Repealed]

Section 27ZI: repealed, on 1 July 1992, by section 7(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Part 1C
Orphans' benefits, and unsupported child's benefit

Part 1C heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

28 Orphans' benefits

A person who is a principal caregiver in respect of a dependent child shall be entitled to receive an orphan's benefit in respect of that child if—

(a) each of the child's natural or adoptive parents is dead, or cannot be found, or suffers a serious long-term disablement which renders him or her unable to care for the child; and

(b) the applicant is likely to be the principal caregiver in respect of the child for at least 1 year from the date of application for the benefit; and

(c) the applicant is aged 18 years or over; and

(d) either—

(i) the child is both resident and present in New Zealand; or

(ii) the applicant has been both resident and present in New Zealand for a continuous period of 12 months at any time.

Section 28: replaced, on 1 April 1991, by section 5 of the Social Security Amendment Act 1991 (1991 No 1).

29 Unsupported child's benefit

A person who is a principal caregiver in respect of a dependent child shall be entitled to receive an unsupported child's benefit in respect of the child if—

(a) that person is not the natural parent, adoptive parent, or step-parent of the child; and

(b) because of a breakdown in the child's family, no natural parent, adoptive parent, or step-parent of the child is able to care for the child or to provide fully for the child's support; and

(c) the applicant is likely to be the principal caregiver in respect of the child for at least 1 year from the date of application for the benefit; and

(d) the applicant is aged 18 years or over; and

(e) either—

(i) the child is both resident and present in New Zealand; or

(ii) the applicant has been both resident and present in New Zealand for a continuous period of 12 months at any time.

Section 29: replaced, on 1 April 1991, by section 6 of the Social Security Amendment Act 1991 (1991 No 1).

29A Rates of orphan's benefit and unsupported child's benefit

The rate of the orphan's benefit and the rate of the unsupported child's benefit payable in respect of any orphan or unsupported child shall in each case be fixed by the chief executive, but shall not in any case exceed the appropriate rate specified in Schedule 4.

Section 29A: inserted, on 1 October 1990, by section 11(1) of the Social Security Amendment Act (No 2) 1990 (1990 No 74).

Section 29A: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

29B Clothing allowance for orphans and unsupported children

(1) This section applies if, under section 363 of the Oranga Tamariki Act 1989, the rates of payment to persons or organisations in whose charge a child or young person is placed under section 362 of that Act include a clothing allowance.

(2) A person who receives an orphan's or unsupported child's benefit in respect of a child is entitled to receive a clothing allowance for that child in the same amount or at the same rate as the clothing allowance referred to in subsection (1).

Section 29B: inserted, on 1 July 2018, by section 4 of the Social Security (Clothing Allowances for Orphans and Unsupported Children) Amendment Act 2015 (2015 No 58).

30 Period for which orphan's benefit payable

[Repealed]

Section 30: repealed, on 1 April 1990, by section 37(2) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

31 Orphan's benefit and unsupported child's benefit to be used for benefit of child

Every orphan's benefit and every unsupported child's benefit shall, as the chief executive determines, be paid to the person having the care and control of the child, or to some other reputable person, and shall be applied towards the maintenance or education of the child or otherwise for his benefit.

Compare: 1938 No 7 s 26(5)

Section 31 heading: amended, on 1 October 1990, by section 12 of the Social Security Amendment Act (No 2) 1990 (1990 No 74).

Section 31: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 31: amended, on 1 October 1990, by section 12(1) of the Social Security Amendment Act (No 2) 1990 (1990 No 74).

Family benefits

[Repealed]

Heading: repealed, on 1 April 1991, pursuant to section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

32 Family benefits

[Repealed]

Section 32: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

33 Residential qualifications for family benefit

[Repealed]

Section 33: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

34 Rate of family benefits

[Repealed]

Section 34: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

35 Period for which family benefit payable

[Repealed]

Section 35: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

36 Advance payment of family benefit

[Repealed]

Section 36: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

37 Person to whom family benefit payable

[Repealed]

Section 37: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

38 Family benefit to be expended for maintenance of children

[Repealed]

Section 38: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

39 Payment of family benefit not to restrict right to maintenance, compensation, or damages

[Repealed]

Section 39: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

Part 1D
Child disability allowance

Part 1D heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

39A Child disability allowance

(1) For the purposes of this section and of sections 39B to 39E, **child with a serious disability** means a dependent child who—

(a) has a physical or mental disability;

(b) because of that disability needs constant care and attention; and

(c) is likely to need such care and attention permanently or for a period exceeding 12 months.

(2) In determining for the purposes of subsection (1)(b) whether a child with a serious disability needs constant care and attention the chief executive shall consider whether the child requires—

(a) from another person, frequent attention in connection with his bodily functions; or

(b) attention and supervision substantially in excess of that normally required by a child of the same age and sex; or

(c) regular supervision from another person in order to avoid substantial danger to himself or others.

(3) Subject to the provisions of this section and of sections 39B to 39E, the chief executive may grant a child disability allowance in respect of a child with a serious disability being cared for—

(a) in a private home that is the residence of the person caring for that child; or

(b) in a home or hostel operated by an approved voluntary organisation if the child's parent or guardian is required to contribute to the cost of maintaining him in that home or hostel and the child is cared for by his parent or guardian during school holidays or weekends.

Section 39A: inserted, on 18 October 1978, by section 9(1) of the Social Security Amendment Act 1978 (1978 No 58).

Section 39A heading: amended, on 1 September 1998, by section 12 of the Social Security Amendment Act 1998 (1998 No 19).

Section 39A(1): amended, on 15 July 2013, by section 88 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 39A(1): amended, on 1 September 1998, by section 12(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39A(1): amended, on 1 April 1991, by section 8 of the Social Security Amendment Act 1991 (1991 No 1).

Section 39A(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 39A(2): amended, on 1 September 1998, by section 12(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39A(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 39A(3): amended, on 1 September 1998, by section 12(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39A(3): amended, on 1 September 1998, by section 12(2) of the Social Security Amendment Act 1998 (1998 No 19).

39B Rate of child disability allowance

The rate of a child disability allowance granted under section 39A shall be the rate specified in Schedule 19.

Section 39B: inserted, on 18 October 1978, by section 9(1) of the Social Security Amendment Act 1978 (1978 No 58).

Section 39B heading: amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39B: amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

39C Medical examination may be required

(1) The chief executive may determine that an application for a child disability allowance be supported by the certificate of a medical practitioner certifying whether or not, in the opinion of the medical practitioner, the child in respect of whom the application is made is a child with a serious disability within the meaning of subsections (1) and (2) of section 39A.

(2) Before an application for a child disability allowance is granted, the chief executive may require the child in respect of whom the application is made to be examined by a medical practitioner nominated by the chief executive for the purpose.

Section 39C: inserted, on 18 October 1978, by section 9(1) of the Social Security Amendment Act 1978 (1978 No 58).

Section 39C(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 39C(1): amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39C(1): amended, on 1 September 1998, by section 12(4)(b) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39C(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 39C(2): amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

39D Child disability allowance not payable with other benefit or pension

A child disability allowance shall not be payable under this Act in addition to—

(a) any benefit which is granted to the child under this Act, apart from an unsupported child's benefit or an orphan's benefit or a disability allowance:

(b) any pension or allowance which is granted to the child under the Veterans' Support Act 2014, apart from a children's pension:

(c) weekly compensation within the meaning of section 6 of the Accident Compensation Act 2001 that is payable to the child.

Section 39D: inserted, on 18 October 1978, by section 9(1) of the Social Security Amendment Act 1978 (1978 No 58).

Section 39D heading: amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39D: amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39D: amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39D(a): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39D(a): amended, on 1 April 1991, by section 9 of the Social Security Amendment Act 1991 (1991 No 1).

Section 39D(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 39D(c): replaced, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 39D(c): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

39E Person to whom child disability allowance payable

The chief executive may, in his or her discretion, pay a child disability allowance granted under section 39A to the person who is the principal caregiver in respect of the child or, if there is no such person, to the person for the time being having the care and control of the child.

Section 39E: replaced, on 1 April 1991, by section 10 of the Social Security Amendment Act 1991 (1991 No 1).

Section 39E heading: amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

Section 39E: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 39E: amended, on 1 September 1998, by section 12(4)(a) of the Social Security Amendment Act 1998 (1998 No 19).

Part 1E
Supported living payment

Part 1E heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40A Supported living payment: purpose

(1) The purpose of the supported living payment is to provide income support to people because they are people who fall within any one of the following 3 categories:

(a) people who have, and are likely to have in the future, a severely restricted capacity to support themselves through open employment because of sickness, injury, or disability:

(b) people who are totally blind:

(c) people who are required to give full-time care and attention at home to some other person (other than their spouse or partner) who is a patient requiring care.

(2) The purpose in subsection (1) is to be considered in the context of—

(a) the expectation that people of working age support themselves directly or indirectly through employment; and

(b) the fact that other measures are available for people who are temporarily unable to support themselves.

Section 40A: inserted, as section 39F, on 1 September 1998, by section 13 of the Social Security Amendment Act 1998 (1998 No 19).

Section 40A section number: replaced, on 15 July 2013, by section 15(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40A heading: replaced, on 15 July 2013, by section 15(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40A(1): amended, on 15 July 2013, by section 15(3)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40A(1): amended, on 15 July 2013, by section 15(3)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40A(1)(a): amended, on 15 July 2013, by section 15(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40A(1)(b): amended, on 15 July 2013, by section 15(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40A(1)(c): inserted, on 15 July 2013, by section 15(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40A(2): replaced, on 15 July 2013, by section 15(7) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40B Supported living payment: on ground of sickness, injury, disability, or total blindness: eligibility and ineligibility

(1) A person is entitled to the supported living payment under this section if he or she satisfies the criteria in subsections (1A) and (1B), and—

(aa) *[Repealed]*

(a) the person is totally blind; or

(b) the person is permanently and severely restricted in his or her capacity for work because of sickness, or because of injury or disability arising (in either case) from accident or existing from birth.

(1A) An applicant for the supported living payment under this section must be aged at least 16 years.

(1B) An applicant for the supported living payment under this section must meet the residential requirements in section 74AA.

(2) A person is permanently restricted in his or her capacity for work if the chief executive is satisfied that—

(a) the restricting sickness, injury, or disability is expected to continue for at least the period set out in regulations made under this Act for the purposes of this section; or

(b) the person is not expected to live for the period set out in those regulations, because the person's sickness, injury, or disability is terminal.

(3) A person is severely restricted in his or her capacity for work if the chief executive is satisfied that the person is incapable of regularly working 15 or more hours a week in open employment.

(3A) Subsection (3) is subject to section 40K.

(4) A person who is not both permanently and severely restricted in his or her capacity for work must not be granted a supported living payment under this section, unless he or she is totally blind.

(5) A person must not be granted a supported living payment under this section if the chief executive is satisfied that the person's restricted capacity for work, or total blindness, was self-inflicted and brought about by the person with a view to qualifying for a benefit.

(6) *[Repealed]*

Section 40B: replaced, as section 40, on 1 September 1998, by section 13 of the Social Security Amendment Act 1998 (1998 No 19).

Section 40B section number: replaced, on 15 July 2013, by section 16(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B heading: replaced, on 15 July 2013, by section 16(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(1): amended, on 15 July 2013, by section 16(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(1)(aa): repealed, on 15 July 2013, by section 16(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(1)(b): amended, on 15 July 2013, by section 16(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(1)(b): amended, on 15 July 2013, by section 16(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(1A): inserted, on 15 July 2013, by section 16(7) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(1B): inserted, on 15 July 2013, by section 16(7) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(3A): inserted, on 1 July 2004, by section 5(2) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 40B(3A): amended, on 15 July 2013, by section 16(8) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(4): amended, on 15 July 2013, by section 16(9) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(5): amended, on 15 July 2013, by section 16(9) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40B(6): repealed, on 15 July 2013, by section 16(10) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40C Supported living payment: on ground of sickness, injury, disability, or total blindness: medical examination

(1) This section applies to a person who is an applicant for, or a person in receipt of, a supported living payment on the ground of sickness, injury, disability, or total blindness.

(2) The chief executive may require the applicant or beneficiary to submit himself or herself for examination by a medical practitioner or a psychologist. The medical practitioner or psychologist must be agreed for the purpose between the applicant or beneficiary and the chief executive, or, failing agreement, must be nominated by the chief executive.

(3) The medical practitioner or psychologist must certify whether, in the medical practitioner's or psychologist's opinion, the applicant or beneficiary is, or is not, or whether there is doubt about whether the applicant or beneficiary is or is not,—

(a) permanently and severely restricted in his or her capacity for work; or (as the case may be)

(b) totally blind.

(4) A certificate given under this section must state the grounds upon which the opinion is founded.

(5) A certificate given under this section must, in the case of doubt referred to in subsection (3), and may, in any other case, indicate a date for review of the permanency, severity, or both, of the applicant's or beneficiary's sickness, injury, or disability.

Section 40C: inserted, on 15 July 2013, by section 17 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40D Supported living payment: on ground of caring for patient requiring care: eligibility

(1) A person is entitled to a supported living payment under this section if he or she satisfies the criteria in subsections (2) and (3), and the chief executive is satisfied that the person is required to give full-time care and attention at home to some other person (other than the person's spouse or partner) (in this section and sections 40E, 40H, and 40HA called the **patient**) who would otherwise have to receive care that is, or is equivalent to,—

(a) hospital care, rest home care, or residential disability care, within the meaning of the Health and Disability Services (Safety) Act 2001; or

(b) care of the kind referred to in section 141 of the Oranga Tamariki Act 1989 (which is a section relating to care of severely disabled children and young persons).

(2) An applicant must not be granted a supported living payment under this section unless,—

(a) in the case of an applicant without a dependent child, he or she is aged at least 18 years:

(b) in any other case, he or she is aged at least 20 years.

(3) An applicant for a supported living payment under this section must meet the residential requirements in section 74AA.

(4) A benefit granted under this section may, in the chief executive's discretion, be continued for a period not exceeding 28 days even though the patient was not during that period in the full-time care of the beneficiary.

Section 40D: inserted, on 15 July 2013, by section 17 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40D(1)(b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 40D(2)(b): amended, on 25 October 2016, by section 12 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

40E Supported living payment: on ground of caring for patient requiring care: medical examination

(1) Every application for a supported living payment on the ground of care at home for a patient requiring care must be supported by the certificate of a medical practitioner certifying—

(a) that the patient requires the applicant's full-time care and attention; and

(b) that, but for that care and attention, the patient would have to receive care that is, or that is equivalent to, care of a kind specified in section 40D(1)(a) or (b).

(2) The chief executive may, in the chief executive's discretion, require that the patient be examined by a medical practitioner to be nominated for the purpose by the chief executive.

(3) A medical practitioner nominated under subsection (2) must determine whether the patient would, but for the applicant's full-time care and attention, have to receive care that is, or is equivalent to, care of a kind specified in section 40D(1)(a) or (b).

Section 40E: inserted, on 15 July 2013, by section 17 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40F Supported living payment: on ground of sickness, injury, disability, or total blindness: beneficiary's obligations

A person who is granted a supported living payment on the ground of sickness, injury, disability, or total blindness, must,—

(a) if section 60Q(1)(bb) applies to the person, comply with any requirements under section 60Q(3); and

(b) if he or she is a person to whom section 60RA applies, comply with the person's social obligations under section 60RA(3).

Section 40F: inserted, on 15 July 2013, by section 17 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40G Supported living payment: on ground of sickness, injury, disability, or total blindness: spouse's or partner's obligations

(1) This section applies to the spouse or partner of a person granted a supported living payment on the ground of sickness, injury, disability, or total blindness.

(2) A person to whom this section applies—

(a) must comply with all obligations arising under section 60Q; and

(b) if he or she is a person to whom section 60RA applies, must comply with the person's social obligations under section 60RA(3); and

(c) if he or she is a work-tested spouse or partner, must comply with the work test.

Section 40G: inserted, on 15 July 2013, by section 17 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40H Supported living payment: on ground of caring for patient requiring care: beneficiary's obligations

A person who is granted a supported living payment on the ground of care at home for a patient requiring care, must,—

(a) if section 60Q(1)(bc) applies to the person, comply with any requirements under section 60Q(3); and

(b) if he or she is a person to whom section 60RA applies, comply with the person's social obligations under section 60RA(3).

Section 40H: inserted, on 15 July 2013, by section 17 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40HA Supported living payment: on ground of caring for patient requiring care: spouse's or partner's obligations

A person must comply with the person's social obligations under section 60RA(3) if the person—

(a) is a person with 1 or more dependent children; and

(b) is the spouse or partner of (whether or not receiving all or any of the benefit instead of, or as well as) the person who is granted a benefit that is a supported living payment on the ground of care at home for a patient requiring care; and

(c) is not a young person on whom obligations are placed under section 171(1) or (2).

Section 40HA: inserted, on 15 July 2013, by section 17 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40I Supported living payment: rates

(1) A supported living payment must be paid to a person granted that benefit at the appropriate rate in Schedule 6.

(2) Subsection (1) is subject to the provisions of this Act.

(3) This subsection applies to a person who is married or in a civil union or in a de facto relationship and—

(a) has a psychiatric, intellectual, physical, or sensory disability; and

(b) is receiving long-term residential care in a hospital or rest home because he or she has that disability; but

(c) has not been means assessed under Part 4.

(4) A supported living payment payable to a person to whom subsection (3) applies is not apportioned under section 83 and must be paid, despite subsection (1), at half of the appropriate rate in Schedule 6.

(5) A supported living payment payable to the spouse or partner of a person to whom subsection (3) applies (being a spouse or partner who is not receiving long-term residential care in a hospital or rest home) is not apportioned under section 83 and must be paid, despite subsection (1), at the rate in Schedule 6 that would be appropriate if he or she were entitled to a supported living payment in his or her own right and were single.

Section 40I: inserted, on 15 July 2013, by section 18 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

40J Supported living payment: subsidy on totally blind beneficiaries' earnings

In addition to the benefit computed as provided in section 40I, there shall be payable to every person who for the time being is in receipt of a supported living payment in respect of his total blindness and who is employed in any occupation an additional allowance equal to 25% of his average earnings for the year:

provided that an allowance shall not be granted under this section of such an amount that the total amount from all sources, including any benefit and the value of any benefits in kind, received by the beneficiary for his own use in any year shall exceed the appropriate amount specified in clause 2 of Schedule 6.

Compare: 1938 No 7 s 35; 1964 No 37 s 12(1)

Section 40J (former section 43) section number: replaced, on 15 July 2013, by section 19(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40J heading: replaced, on 15 July 2013, by section 19(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40J: amended, on 15 July 2013, by section 89 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40J: amended, on 15 July 2013, by section 96(1)(e) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 40J proviso: amended, on 1 April 1991, by section 11(1) of the Social Security Amendment Act 1991 (1991 No 1).

40K Supported living payment: on ground of sickness, injury, or disability: encouraging open employment

(1) The purpose of this section is to encourage specified recipients of a supported living payment to undertake open employment in order to establish whether they can sustain that employment and cease receiving that benefit.

(2) This section applies to a person who—

(a) is receiving a supported living payment granted on the ground of permanent and severe restriction of capacity for work; but

(b) is with the chief executive's agreement undertaking open employment for a period agreed with the chief executive in order to establish whether the person can sustain open employment.

(3) The period of open employment agreed with the chief executive under subsection (2)(b) must not exceed 26 weeks (even if that employment is, or is expected to be, for a period that is longer than the agreed period).

(4) A person to whom subsection (2) applies does not lose his or her entitlement to a supported living payment by reason only of working 15 or more hours a week in open employment during the agreed period.

Section 40K: inserted, on 15 July 2013, by section 20 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

41 Residential qualifications for invalids' benefits

[Repealed]

Section 41: repealed, on 2 July 2007, by section 10(2) of the Social Security Amendment Act 2007 (2007 No 20).

42 Rates of invalids' benefits

[Repealed]

Section 42: repealed, on 15 July 2013, by section 18 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

42A Obligations on spouse or partner of invalid's beneficiary

[Repealed]

Section 42A: repealed, on 15 July 2013, by section 18 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

44 Medical examination of invalids

[Repealed]

Section 44: repealed, on 15 July 2013, by section 20 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

44A Beneficiary receiving invalid's benefit may establish whether open employment is sustainable

[Repealed]

Section 44A: repealed, on 15 July 2013, by section 20 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

45 Invalids' beneficiaries may be required to undertake activities

[Repealed]

Section 45: repealed, on 24 September 2007, by section 30(4) of the Social Security Amendment Act 2007 (2007 No 20).

46 Refusal to undertake vocational training

[Repealed]

Section 46: repealed, on 1 September 1998, by section 14 of the Social Security Amendment Act 1998 (1998 No 19).

Work capacity assessment

[Repealed]

Heading: repealed, on 8 March 2001, by section 4(1) of the Social Security Amendment Act 2001 (2001 No 1).

47 Procedure for assessment of capacity for work

[Repealed]

Section 47: repealed, on 8 March 2001, by section 4(1) of the Social Security Amendment Act 2001 (2001 No 1).

48 Assessment of capacity for work

[Repealed]

Section 48: repealed, on 8 March 2001, by section 4(1) of the Social Security Amendment Act 2001 (2001 No 1).

49 Content of assessment

[Repealed]

Section 49: repealed, on 8 March 2001, by section 4(1) of the Social Security Amendment Act 2001 (2001 No 1).

50 Effect of assessment

[Repealed]

Section 50: repealed, on 8 March 2001, by section 4(1) of the Social Security Amendment Act 2001 (2001 No 1).

51 Reassessment

[Repealed]

Section 51: repealed, on 8 March 2001, by section 4(1) of the Social Security Amendment Act 2001 (2001 No 1).

52 Funeral grant on death of miner

[Repealed]

Section 52: repealed, on 30 June 1993, by section 5(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

53 Miners' widows' benefits

[Repealed]

Section 53: repealed, on 30 June 1993, by section 5(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Appeals

[Repealed]

Heading: repealed, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

53A Right of appeal on medical grounds

[Repealed]

Sections 53A: repealed, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Sickness benefits

[Repealed]

Heading: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

54 Sickness benefit: standard eligibility requirements

[Repealed]

Section 54: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

54A Sickness benefit: grounds of hardship

[Repealed]

Section 54A: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

54B Sickness benefit: medical examinations

[Repealed]

Section 54B: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

54C Sickness benefit: payment

[Repealed]

Section 54C: repealed, on 2 July 2007, by section 13(2) of the Social Security Amendment Act 2007 (2007 No 20).

54D Rates of sickness benefit

[Repealed]

Section 54D: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

54DA Sickness beneficiary may be required to comply with work test

[Repealed]

Section 54DA: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

54E Obligations of spouse or partner of sickness beneficiary

[Repealed]

Section 54E: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

54F Transfer from community wage to sickness benefit on 1 July 2001

[Repealed]

Section 54F: repealed, on 15 July 2013, by section 21 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

55 Rates of sickness benefits

[Repealed]

Section 55: repealed, on 1 October 1998, by section 24(1) of the Social Security Amendment Act 1998 (1998 No 19).

56 Medical examination of applicants for sickness benefits

[Repealed]

Section 56: repealed, on 1 October 1998, by section 24(1) of the Social Security Amendment Act 1998 (1998 No 19).

57 Period for which sickness benefit payable

[Repealed]

Section 57: repealed, on 1 March 1991, by section 12(1) of the Social Security Amendment Act 1991 (1991 No 1).

58 Unemployment benefits

[Repealed]

Section 58: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

59 Rates of unemployment benefits

[Repealed]

Section 59: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

59A Mandatory interview or work test for spouse

[Repealed]

Section 59A: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

59B Young job seekers' allowances

[Repealed]

Section 59B: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

59C Rates of young job seekers' allowances

[Repealed]

Section 59C: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

59D Spouse of young job seeker's allowance recipient

[Repealed]

Section 59D: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

59E Period for which young job seeker's allowance payable

[Repealed]

Section 59E: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

60 Commencement of unemployment benefit, etc

[Repealed]

Section 60: repealed, on 1 April 1997, by section 12(1) of the Social Security Amendment Act 1996 (1996 No 20).

Training benefits

[Repealed]

Heading: repealed, on 20 August 2012, pursuant to section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60A Training benefits: purpose

[Repealed]

Section 60A: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

60AA Training benefits: qualifications

[Repealed]

Section 60AA: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

60B Rates of training benefits

[Repealed]

Section 60B: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

60C Period for which training benefit payable

[Repealed]

Section 60C: repealed, on 1 October 1998, by section 25(1) of the Social Security Amendment Act 1998 (1998 No 19).

60D Job search allowance

[Repealed]

Section 60D: repealed, on 1 January 1998, by section 7(1) of the Social Security Amendment Act (No 3) 1997 (1997 No 23).

60E Rates of job search allowance

[Repealed]

Section 60E: repealed, on 1 January 1998, by section 7(1) of the Social Security Amendment Act (No 3) 1997 (1997 No 23).

60F Independent youth benefits: basic qualifications

[Repealed]

Section 60F: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60FA Independent youth benefits: single persons

[Repealed]

Section 60FA: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60FB Independent youth benefits: persons who are married, in civil union, or de facto relationship

[Repealed]

Section 60FB: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60FC Independent youth benefits: persons enrolled in full-time course of secondary instruction

[Repealed]

Section 60FC: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60FD Independent youth benefits: sickness, injury, or disability

[Repealed]

Section 60FD: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60G Rates of independent youth benefit

[Repealed]

Section 60G: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60GAA Period for which independent youth benefit payable

[Repealed]

Section 60GAA: repealed, on 2 July 2007, by section 13(2) of the Social Security Amendment Act 2007 (2007 No 20).

60GAB Independent youth benefits: obligations

[Repealed]

Section 60GAB: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60GAC Department to explain obligations to beneficiaries

[Repealed]

Section 60GAC: repealed, on 20 August 2012, by section 13 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Part 1F
Administration: further conditions of benefits, and obligations on beneficiaries

Part 1F heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60GAD Purpose of sections 60GAE and 60GAF

The purpose of sections 60GAE and 60GAF is to improve the financial and social outcomes for families that include people to whom those sections apply by providing earlier access to employment services and expectations, while recognising the care and development needs of children.

Section 60GAD: inserted, on 15 October 2012, by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60GAE Beneficiaries having additional dependent child: general

(1) This section applies to a person (the **beneficiary parent**) who (whether or not by having given birth) becomes a caregiver, or the principal caregiver, of a dependent child (an **additional dependent child**) while the person—

(a) is receiving sole parent support, a supported living payment, jobseeker support, or an emergency benefit (whether in his or her own right, or as the spouse or partner of the person granted the benefit); and

(b) is already a caregiver, or the principal caregiver, of a dependent child or children.

(1A) Subsection (1) does not apply to a person at a time when—

(a) there is in force under section 19(1) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 an order declaring that the provisions contained in an agreement or convention with the government of another country set out in a schedule to the order have force and effect so far as they relate to New Zealand; and

(b) he or she is ordinarily resident in that country.

(2) An additional dependent child aged 1 or over must not be included in the determination for the purposes of the definitions of **part-time work-tested beneficiary**, **work-tested sole parent support beneficiary**, and **work-tested spouse or partner** in section 3(1) and section 60Q(1) or for the purposes of section 20D(1)(c) (which relates to eligibility for sole parent support) of—

(a) the age of the youngest dependent child of the beneficiary parent concerned; and

(b) whether the beneficiary parent concerned has a dependent child or children under 3 or 14 (and if so, how many).

(3) Subsection (2) may apply to 2 or more additional dependent children of the same beneficiary parent.

(3A) In applying subsection (2) to a beneficiary of a kind specified in one of the following paragraphs for the purposes only of section 20D(1)(c) (which relates to eligibility for sole parent support), "An additional dependent child aged 1 or over" must be read as "An additional dependent child at all times after that child is born":

(a) a beneficiary transferred to jobseeker support by clause 2(11) of Schedule 32:

(b) a beneficiary whose sole parent support under section 20D expired on the date that the beneficiary's youngest dependent child turned 14 years old, and has been replaced with jobseeker support, under section 20H.

(4) The chief executive may apply this section in relation to any dependent child or children of whom a person who already has any dependent child or children becomes a caregiver, or the principal caregiver, if satisfied that—

(a) the person's situation is analogous to that of a person to whom subsection (1) applies; or

(b) to do so would best achieve the purpose stated in section 60GAD.

(5) An example of a situation that is analogous to that of a person to whom section 60GAE(1) applies is that of a woman who gives birth during a period when she has temporarily ceased receiving a benefit (whether in her own right, or as the spouse or partner of the person granted the benefit).

(6) Subsection (5) does not limit the generality of subsection (4).

Section 60GAE: inserted, on 15 October 2012, by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 60GAE(1)(a): amended, on 15 July 2013, by section 71(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(1)(a): amended, on 15 July 2013, by section 85(1)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(1)(a): amended, on 15 July 2013, by section 96(1)(f) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(1)(a): amended, on 15 July 2013, by section 113(2)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(1)(a): amended, on 15 July 2013, by section 128(1)(e) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(1A): inserted, on 15 July 2013, by section 22(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(1A)(a): amended, on 5 December 2013, by section 15(4)(f) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 60GAE(2): amended, on 15 July 2013, by section 22(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(2): amended, on 15 July 2013, by section 71(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(2): amended, on 15 July 2013, by section 71(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60GAE(2)(b): amended, on 1 April 2016, by section 6 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 60GAE(3A): inserted, on 15 July 2013, by section 22(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60GAF Chief executive may refrain from applying section 60GAE

The chief executive may refrain (for any period he or she thinks fit) from applying section 60GAE in relation to any additional dependent child or children (within the meaning of that section) if satisfied in any particular case that—

(a) to do so would best achieve the purpose stated in section 60GAD; or

(b) there are circumstances beyond the control of the beneficiary parent concerned making it inappropriate or unreasonable to apply that section.

Section 60GAF: inserted, on 15 October 2012, by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60GAG Obligations to work with contracted service providers

(1) A person who is receiving in his or her own right, or as the spouse or partner of the person granted the benefit concerned, an emergency benefit, sole parent support, supported living payment, or jobseeker support, is subject to the following obligations:

(a) when required by the chief executive, to attend and participate in any interview with a contracted service provider specified by the chief executive:

(b) when required by the chief executive, to attend and participate in any assessment of the person undertaken on behalf of the chief executive by a contracted service provider specified by the chief executive:

(c) when required by the chief executive, to co-operate with a contracted service provider specified by the chief executive in facilitating the provision of the services that the provider has been contracted to provide in relation to the person's obligations under all or any of the following:

(i) section 60Q (work preparation obligations):

(ii) section 60RA(3) (social obligations):

(iii) conditions (subject to which an emergency benefit is granted or continued) that the chief executive thinks fit to impose, or determines, under section 61(1) or (3):

(iv) section 102A (work test obligations):

(d) when required by the chief executive, to report to a contracted service provider specified by the chief executive on the person's compliance with the person's obligations under this Act as often as, and in the manner that, the provider reasonably requires.

(2) The chief executive must take reasonable and appropriate steps to make every person on whom obligations are imposed under subsection (1) aware of—

(a) those obligations; and

(b) the consequences of failure to comply with those obligations.

(3) A person who fails without a good and sufficient reason to comply with an obligation imposed on the person under subsection (1) is subject to the sanctions under section 117.

Section 60GAG: inserted, on 15 July 2013, by section 23 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60GA Purposes of sections 60H to 60M

[Repealed]

Section 60GA: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60H Voluntary unemployment or loss of employment through misconduct, etc

(1) In this section, unless the context otherwise requires,—

benefit means a work-tested benefit

employment means,—

(a) in the case of an applicant for a work-tested benefit,—

(i) full-time employment; or

(ii) part-time employment if the chief executive is satisfied that, for a period of not less than 13 weeks preceding the termination of the employment, the income from that employment was sufficient to maintain the person; or

(b) in the case of a part-time work-tested beneficiary, regular part-time work; and

(c) in the case of any other work-tested beneficiary, full-time employment

scheme means a Government-assisted scheme that the chief executive considers analogous to a benefit

unemployed means resigning from or otherwise leaving employment, other than by dismissal.

(2) This section applies to a person who is—

(a) a person who is an applicant for a benefit if, on the grant of the benefit, he or she would be a work-tested beneficiary; or

(ab) a person who is an applicant for jobseeker support on the ground of sickness, injury, or disability if, on the grant of that benefit, the chief executive would be able to determine, under section 88F(2), that the person has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work (as defined in section 3(1)); or

(b) a person who is the spouse or partner of an applicant for a couple rate of benefit, if, on the grant of the benefit, he or she would be a work-tested spouse or partner; or

(c) a work-tested beneficiary.

(3) This section applies if the chief executive is satisfied that a person referred to in subsection (2)—

(a) has voluntarily become unemployed without good and sufficient reason; or

(b) has been in receipt of payments under a scheme and has voluntarily ceased to be part of that scheme without good and sufficient reason; or

(c) has lost his or her employment because of misconduct as an employee; or

(d) has ceased to be part of a scheme by reason of any misconduct.

(4) If this section applies, the chief executive must cancel the benefit (if granted), and the person is not entitled to the cancelled benefit or a work-tested benefit during the period of 13 weeks commencing on—

(a) the date the person's employment ceased; or

(b) the date the person's participation in the scheme ceased.

(5) Subsection (4) is subject to subsection (6) and to sections 120, 121, 123, 123A, and 123B.

(6) If this section applies because of misconduct—

(a) the chief executive may, in his or her discretion, decide not to apply subsection (4) to the person; or

(b) the chief executive may pay the benefit, or the benefit without the reduction, on the condition that the person will repay the amount to which he or she would not be entitled but for this paragraph, if—

(i) a court, person, or body authorised by law to determine the matter determines the misconduct to be proved; and

(ii) the chief executive, in his or her discretion, so directs.

(7) Any amount that the chief executive directs to be repayable under subsection (6)(b) is a debt due to the Crown under section 85A(b), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the person.

Section 60H: replaced, on 1 April 1997, by section 17 of the Social Security Amendment Act 1996 (1996 No 20).

Section 60H(1) **employment**: replaced, on 1 October 1998, by section 29(1)(a) of the Social Security Amendment Act 1998 (1998 No 19).

Section 60H(1) **employment** paragraph (c): replaced, on 1 July 2001, by section 15(6) of the Social Security Amendment Act 2001 (2001 No 1).

Section 60H(1) **rate of the benefit**: repealed, on 1 October 1998, by section 4(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 60H(1) **regular**: repealed, on 1 October 1998, by section 29(1)(b) of the Social Security Amendment Act 1998 (1998 No 19).

Section 60H(1) **scheme**: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 60H(2): replaced, on 1 October 1998, by section 29(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 60H(2)(ab): replaced, on 15 July 2013, by section 101 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60H(2)(b): amended, on 15 July 2013, by section 64(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60H(2)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 60H(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 60H(4): replaced, on 1 October 1998, by section 4(2) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 60H(5): replaced, on 1 October 1998, by section 4(2) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 60H(5): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 60H(6)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 60H(6)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 60H(6)(b)(ii): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 60H(7): amended, on 7 July 2014, by section 16 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 60H(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

60HA Work preparation exercise

[Repealed]

Section 60HA: repealed, on 15 July 2013, by section 24 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60HB Effect of failure to attend or participate in mandatory interview

[Repealed]

Section 60HB: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60HC Beneficiaries to be work-tested

[Repealed]

Section 60HC: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60HCA General duty of Director-General to ensure that work-tested beneficiaries aware of obligations

[Repealed]

Section 60HCA: repealed, on 1 October 1998, by section 33(1) of the Social Security Amendment Act 1998 (1998 No 19).

60HD Power of Director-General to grant exemption from mandatory interview or work test

[Repealed]

Section 60HD: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60HE Persons exempted from mandatory interview or work test to notify change of circumstances

[Repealed]

Section 60HE: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60HF Delay of work test obligation for existing beneficiaries

[Repealed]

Section 60HF: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60I Effect of redundancy payments, etc, on entitlement to benefits

[Repealed]

Section 60I: repealed, on 1 April 1997, by section 19 of the Social Security Amendment Act 1996 (1996 No 20).

60J Failure to comply with work test

[Repealed]

Section 60J: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60JA Penalty for failure to attend or participate in mandatory interview or comply with work test

[Repealed]

Section 60JA: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60JB Effect of recompliance with mandatory interview or work test

[Repealed]

Section 60JB: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60JC Reduction of benefit or non-entitlement period to end if person ceases to be subject to mandatory interview or work-testing

[Repealed]

Section 60JC: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60K Effect of undertaking employment

[Repealed]

Section 60K: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60KA Effect of participation in approved activities

[Repealed]

Section 60KA: repealed, on 1 October 1998, by section 8(1) of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

60L Effect of sections 60H to 60J and section 60N on entitlement to supplementary benefits and on spouses

[Repealed]

Section 60L: repealed, on 1 October 1998, by section 39 of the Social Security Amendment Act 1998 (1998 No 19).

60M Community task force scheme

[Repealed]

Section 60M: repealed, on 1 October 1998, by section 40(1) of the Social Security Amendment Act 1998 (1998 No 19).

60N Effect of failure to participate in community task force project

[Repealed]

Section 60N: repealed, on 1 April 1997, by section 28 of the Social Security Amendment Act 1996 (1996 No 20).

60O Interpretation

[Repealed]

Section 60O: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60P Purposes of section 60Q

The purposes of section 60Q are—

(a) to facilitate the movement into ongoing employment (as their parenting responsibilities and individual circumstances allow) of beneficiaries to whom that section applies; and

(b) to provide opportunities for them to improve their capabilities and preparation for employment; and

(c) to improve social and economic outcomes for them and their dependent children.

Section 60P: replaced, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60Q Certain obligations may be placed on beneficiaries and their spouses and partners

(1) This section applies to every person (other than a person who is a work-tested beneficiary or is for the time being exempted under section 105) who—

(a) is the recipient of a benefit under section 20D (sole parent support) and has a youngest dependent child under the age of 3 years; or

(b) *[Repealed]*

(ba) is a sole parent with a dependent child under the age of 1 year, and is a recipient of a benefit under section 88B (jobseeker support) instead of a benefit under section 20D (sole parent support) solely because that child is an additional dependent child (within the meaning of section 60GAE(1)); or

(bb) is the recipient of a benefit under section 40B (supported living payment on the ground of sickness, injury, disability, or total blindness) if the chief executive is satisfied that the person has the capacity to comply with obligations under subsection (3); or

(bc) is the recipient of a benefit under section 40D (supported living payment on the ground of caring for patient requiring care) if the chief executive is satisfied that the person has the capacity to comply with requirements under subsection (3); or

(c) is the spouse or partner of a person who—

(i) is the recipient of an emergency benefit, a supported living payment, or jobseeker support; and

(ii) has a youngest dependent child aged under 3 years.

(1A) This section also applies (despite subsection (1)) to a person who—

(a) is a work-tested beneficiary (other than one to whom subsection (1)(ba) applies); and

(b) has been granted under section 88I a deferral of the person's work test obligations.

(1B) The chief executive may require a recipient of a benefit under section 40B or 40D to attend and participate in an interview with an officer of the department, or other person on behalf of the chief executive, for the purpose of helping the chief executive to determine under subsection (1)(bb) or (bc) whether the recipient has the capacity to comply with obligations under subsection (3).

(2) A person to whom this section applies (other than a person to whom subsection (1)(bb) or (bc) applies) has a general obligation to take all steps that are reason-

ably practicable in his or her particular circumstances to prepare for employment and (in particular) an obligation to comply with any requirement under subsection (3).

(3) The chief executive may, from time to time, require a person to whom this section applies (including, without limitation, a person to whom subsection (1)(bb) or (bc) applies)—

(a) to undertake planning for employment:

(aa) to attend and participate in an interview (other than one for the purpose specified in subsection (1B)) with an officer of the department or other person on behalf of the chief executive:

(ab) to report to the department or to any other person acting on behalf of the chief executive on the person's compliance with the person's obligations under this section as often as, and in the manner that, the chief executive reasonably requires:

(b) to participate in or undertake (as the case requires) any of the following activities specified by the chief executive that the chief executive considers suitable to improve his or her work-readiness or prospects for employment:

(i) a work assessment:

(ii) a programme or seminar to increase particular skills or enhance motivation:

(iii) a work-experience or work-exploration activity:

(iv) employment-related training:

(v) an education programme:

(vi) any other activity (including rehabilitation) other than medical treatment, voluntary work, or activity in the community.

Section 60Q: replaced, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 60Q(1)(a): amended, on 1 April 2016, by section 7(1) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 60Q(1)(a): amended, on 15 July 2013, by section 72(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(b): repealed, on 15 July 2013, by section 72(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(ba): inserted, on 15 July 2013, by section 25(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(bb): inserted, on 15 July 2013, by section 25(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(bc): inserted, on 15 July 2013, by section 25(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(c)(i): amended, on 15 July 2013, by section 96(1)(g) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(c)(i): amended, on 15 July 2013, by section 113(2)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(c)(i): amended, on 15 July 2013, by section 128(1)(f) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1)(c)(ii): amended, on 1 April 2016, by section 7(2) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 60Q(1A): inserted, on 15 July 2013, by section 25(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(1B): inserted, on 15 July 2013, by section 25(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(2): amended, on 15 July 2013, by section 25(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(3): amended, on 15 July 2013, by section 25(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(3)(aa): inserted, on 15 July 2013, by section 25(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 60Q(3)(ab): inserted, on 15 July 2013, by section 25(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60R Department to explain obligations to beneficiaries

The chief executive must take reasonable and appropriate steps to make every person who is subject to obligations under section 60Q aware of—

(a) those obligations; and

(b) the consequences of failure to comply with them and (in particular) the sanctions that may be imposed under this Act for failing to comply with them.

Section 60R: replaced, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60RA Social obligations of certain beneficiaries with dependent children

(1) This section applies to a person if the person—

(a) is a person with 1 or more dependent children; and

(b) is the person granted a benefit that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit, or is the spouse or partner of (whether or not receiving all or any of the benefit instead of, or as well as) that person; and

(c) is not a young person on whom obligations are placed under section 171(1) or (2).

(2) A dependent child (as defined in section 3(1)) of a person granted a benefit described in subsection (1)(b) is (despite section 3) for the purposes of this section and of all related provisions in this Act (for example, for the purposes of section 60RC) also a dependent child of that person's spouse or partner (if any).

(3) A person to whom this section applies has the following social obligations:

(a) to take all reasonable steps to ensure that every dependent child aged 3 years or more but less than 5 years and who is not enrolled at and regularly attending a registered school (as defined in section 2(1) of the Education Act 1989) is—

(i) enrolled in a recognised early childhood education programme (as defined in section 60RAB(1)); and

(ii) attending that programme to the minimum extent prescribed, or otherwise in the manner prescribed, for the purposes of this subparagraph by regulations made under section 132; and

(b) to take all reasonable steps to ensure that every dependent child aged 5 years or more but less than 6 years, and who is not a dependent child in respect of whom the person would qualify for an exemption from some or all of the person's work test obligations on the active teaching out of school grounds in section 60RAB(2), is—

(i) enrolled in a recognised early childhood education programme (as defined in section 60RAB(1)) and attending that programme to the minimum extent prescribed, or otherwise in the manner prescribed, for the purposes of this subparagraph by regulations made under section 132; or

(ii) enrolled at a registered school (as defined in section 2(1) of the Education Act 1989) and regularly attending that registered school; and

(c) to take all reasonable steps to ensure that every dependent child aged 6 years or more but less than 16 years is (except insofar as the child is excepted or exempted from the requirements of sections 20 and 25 of the Education Act 1989)—

(i) enrolled at a registered school (as defined in section 2(1) of that Act); and

(ii) regularly attending that registered school; and

(d) to take all reasonable steps to ensure that every dependent child is enrolled with a primary health care provider (for example, a primary health organisation, or a medical practitioner whose scope of practice is or includes general practice); and

(e) to take all reasonable steps to ensure that every dependent child under the age of 5 years is up to date with core checks (as defined in section 60RAB(4)) under—

(i) the programme that immediately before 15 July 2013 was known as Well Child; or

(ii) any similar programme established in its place; and

(f) when required by the chief executive, to attend and participate in any interview with an officer of the department or other person on behalf of the chief executive; and

(g) when required by the chief executive, to report to the department or to any other person acting on behalf of the chief executive on the person's compliance with the person's social obligations as often as, and in the manner that, the chief executive reasonably requires.

Section 60RA: inserted, on 15 July 2013, by section 26 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60RAB Social obligations: definitions, work test obligations exemption grounds, and regulations

(1) **Recognised early childhood education programme**, in section 60RA and this section, means—

(a) an approved early childhood education programme (as defined for the purposes of section 60RA(3) in regulations made under section 132AC); or

(b) an early childhood education programme approved by the chief executive having regard to all relevant approval criteria (if any) prescribed for the purposes of this paragraph in any general or special directions given to the chief executive in writing by the Minister under section 5; or

(c) a programme of early childhood education provided by a school that is currently designated under section 152(1) of the Education Act 1989 as a correspondence school.

(2) The active teaching out of school grounds mentioned in section 60RA(3)(b) on which a person to whom section 60RA applies would qualify for an exemption from some or all of the person's work test obligations in respect of a dependent child (aged 5 years or more but less than 6 years) of the person, are the grounds specified in—

(a) regulation 6(2)(c) of the Social Security (Exemptions under Section 105) Regulations 1998; or

(b) an enactment that, with or without modification, replaces, or that corresponds to, that enactment.

(3) Regulations made under section 132 that prescribe, for the purposes of section 60RA(3)(a)(ii) and (b)(i), the minimum extent of, or other required manner of, attending a recognised early childhood education programme may, without limitation,—

(a) prescribe, for all or any recognised early childhood programmes, target numbers of hours of attendance:

(b) prescribe different minimum numbers of hours of attendance for all or any different recognised early childhood programmes.

(4) **Core check**, for a child and a programme to which section 60RA(3)(e) applies, means a check—

(a) of the child's health and well-being; and

(b) done under, and identified in contract or funding arrangements as an essential part of, the programme; and

(c) funded, directly or indirectly, through Vote Health.

Section 60RAB: inserted, on 15 July 2013, by section 26 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60RB Social obligations: department must explain requirements

The chief executive must take reasonable and appropriate steps to make every beneficiary who has social obligations under section 60RA(3) aware of—

(a) the beneficiary's social obligations under section 60RA(3); and

(b) the consequences of failure to comply with them.

Section 60RB: inserted, on 15 July 2013, by section 26 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60RC Social obligations: sanctions for failures to comply

(1) A beneficiary who fails without good and sufficient reason to comply with a social obligation is, except as provided in subsections (2) and (3), subject to the sanctions in section 117.

(2) A beneficiary's failure to comply with the social obligation in section 60RA(3)(c) (which relates to specified dependent children being enrolled at and regularly attending a registered school) cannot be the subject of sanctions under section 117 if that failure is the subject of a prosecution commenced against the beneficiary, and not withdrawn before it is finally determined, for an offence against—

(a) section 24(1) of the Education Act 1989 (failure to enrol); or (as the case requires)

(b) section 29(1) of the Education Act 1989 (irregular attendance).

(3) Before giving the beneficiary a notice under section 113, and imposing a sanction under section 117, for a beneficiary's failure to comply with a social obligation under section 60RA(3), the chief executive must first be satisfied that, on at least 3 previous occasions, the department has had communication (of any kind, and in any manner) with the beneficiary in respect of the beneficiary's compliance with, or an actual or potential failure of the beneficiary to comply with, any social obligation of the beneficiary.

(4) This subsection applies to a beneficiary on whom sanctions in section 117 have been imposed in respect of a failure by the beneficiary without good and sufficient reason to comply with a social obligation.

(5) The chief executive may give a beneficiary to whom subsection (4) applies a notice (to be delivered in accordance with section 86J) to the effect that the

department is to intensify its case management support in respect of the beneficiary.

(6) A beneficiary to whom a notice under subsection (5) has been delivered in accordance with section 86J must, when required by the chief executive, attend and participate in any interview with an officer of the department.

Section 60RC: inserted, on 15 July 2013, by section 26 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

60S Beneficiary must demonstrate commitment to employment plan at review

[Repealed]

Section 60S: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60T Department must explain rights and obligations in relation to employment plans

[Repealed]

Section 60T: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60U Failure to comply with employment plan obligations

[Repealed]

Section 60U: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60V Procedure for determining whether failure is without good and sufficient reason

[Repealed]

Section 60V: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60W Failure without good and sufficient reasons

[Repealed]

Section 60W: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60X Procedure for imposing sanctions

Section 60X: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60Y Sanctions for failure to comply with obligations in relation to employment plan

[Repealed]

Section 60Y: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

60Z Effect of compliance or agreement to comply

[Repealed]

Section 60Z: repealed, on 15 October 2012, by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Part 1G
Emergency benefits

Part 1G heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61 Chief executive may grant emergency benefit in cases of hardship

(1) The chief executive may, in the chief executive's discretion and subject to such conditions as the chief executive thinks fit to impose, grant an emergency benefit under this Act on account of hardship to any person who satisfies the following conditions, namely:

(a) that by reason of age, or of physical or mental disability, or of domestic circumstances, or for any other reason, he is unable to earn a sufficient livelihood for himself and his dependants (if any); and

(b) that he is not qualified to be granted a main benefit under this Act, New Zealand superannuation, or a veteran's pension:

provided that the chief executive may at any time, in the chief executive's discretion, grant an emergency benefit instead of or in substitution for a supported living payment, sole parent support, or jobseeker support:

provided also that, where the chief executive is of the opinion that a person applying for or in receipt of a supported living payment, sole parent support, or jobseeker support should undergo a course of training in any occupation, or should submit himself for examination at any medical or psychological clinic, or should receive any medical or other treatment, or should undergo any course of training for the improvement of his physical or mental capacities, or should do any work required of him, or should take more adequate steps to secure suitable employment, the chief executive may, in the chief executive's discretion, grant an emergency benefit instead of or in substitution for a supported living payment, sole parent support, or jobseeker support; and in any such case the grant or continuance of the emergency benefit may be made subject to the condition that he shall comply with the requirements of the chief executive in respect of any such matters.

(1A) Where the chief executive is considering granting an emergency benefit on the grounds of hardship under subsection (1), the chief executive must first consider whether to grant jobseeker support under section 88C or a youth payment under section 161 or a young parent payment under section 167.

(1B) *[Repealed]*

(1C) *[Repealed]*

(1D) *[Repealed]*

(2) The rate of the emergency benefit shall, in each case, be in the discretion of the chief executive, but, except in any case where the beneficiary is receiving medical or other treatment, shall not exceed the rate to which the beneficiary would be entitled if he were qualified to receive such other benefit as in the opinion of the chief executive is analogous to the emergency benefit.

(3) Every emergency benefit shall commence on such date and shall be continued for such period and subject to such conditions as the chief executive in each case determines.

Compare: 1938 No 7 s 58; 1948 No 78 s 21

Section 61 heading: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61(1): amended, on 1 July 2001, by section 15(3)(a) of the Social Security Amendment Act 2001 (2001 No 1).

Section 61(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 61(1): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 61(1): amended, on 6 September 1971, by section 2(1) of the Social Security Amendment Act 1971 (1971 No 8).

Section 61(1)(b): amended, on 15 July 2013, by section 61(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1)(b): amended, on 1 March 1991, by section 17(a) of the Social Security Amendment Act 1991 (1991 No 1).

Section 61(1) first proviso: amended, on 15 July 2013, by section 73 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) first proviso: amended, on 15 July 2013, by section 96(1)(h) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) first proviso: amended, on 15 July 2013, by section 113(1)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) first proviso: amended, on 15 July 2013, by section 128(1)(g) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) first proviso: amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 61(1) first proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61(1) first proviso: amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 61(1) second proviso: amended, on 15 July 2013, by section 73 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) second proviso: amended, on 15 July 2013, by section 96(1)(h) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) second proviso: amended, on 15 July 2013, by section 113(1)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) second proviso: amended, on 15 July 2013, by section 128(1)(g) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1) second proviso: amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 61(1) second proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61(1) second proviso: amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 61(1A): inserted, on 1 October 1998, by section 41(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 61(1A): amended, on 15 July 2013, by section 102 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1A): amended, on 15 July 2013, by section 121 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1A): amended, on 15 July 2013, by section 128(1)(h) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1A): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 61(1B): repealed, on 15 July 2013, by section 27(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1C): repealed, on 15 July 2013, by section 27(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(1D): repealed, on 15 July 2013, by section 27(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61(3): amended, on 6 September 1971, by section 2(2) of the Social Security Amendment Act 1971 (1971 No 8).

61AA Social obligations of person granted emergency benefit

A person must comply with the person's social obligations under section 60RA(3) if the person—

(a) is a person with 1 or more dependent children; and

(b) is a person granted a benefit that is an emergency benefit; and

(c) is not a young person on whom obligations are placed under section 171(1) or (2).

Section 61AA: inserted, on 15 July 2013, by section 28 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61A Obligations of spouse or partner of person granted emergency benefit

(1) This section applies to—

(a) the spouse or partner of a person granted an emergency benefit at a work-test couple rate; or

(b) a person (being a person who is under the age of 60) granted an emergency benefit under regulations made under section 155.

(1A) The chief executive may, by notice in writing, require the spouse or partner of a person granted an emergency benefit at a work-test couple rate to comply with the work test if the chief executive is satisfied that it is appropriate and reasonable to require that spouse or partner to seek, undertake, and be available for—

(a) part-time work, in the case of a spouse or partner whose youngest dependent child is aged 3 or older but under 14 years; or

(b) full-time employment, in any other case.

(2) A person to whom this section applies—

(a) must comply with—

(i) a requirement under section 60Q; and

(ii) any other obligation arising under any of sections 60Q to 60S; or

(b) if he or she is a work-tested spouse or partner, must comply with the work test.

(3) A person must comply with the person's social obligations under section 60RA(3) if the person—

(a) is a person with 1 or more dependent children; and

(b) is the spouse or partner of (whether or not receiving all or any of the benefit instead of, or as well as) a person granted a benefit that is an emergency benefit; and

(c) is not a young person on whom obligations are placed under section 171(1) or (2).

Section 61A: inserted, on 1 February 1999, by section 73 of the Social Security Amendment Act 1998 (1998 No 19).

Section 61A heading: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61A(1)(a): amended, on 15 July 2013, by section 64(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61A(1)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61A(1)(b): amended, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 61A(1A): inserted, on 27 September 2010, by section 13 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 61A(1A): amended, on 15 July 2013, by section 64(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61A(1A)(a): amended, on 1 April 2016, by section 8 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 61A(2): replaced, on 24 September 2007, by section 34 of the Social Security Amendment Act 2007 (2007 No 20).

Section 61A(3): inserted, on 15 July 2013, by section 29(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61B Special provisions in respect of child supplements

[Repealed]

Section 61B: repealed, on 1 October 1986, by section 14(1)(b) of the Social Security Amendment Act 1986 (1986 No 39).

Part 1H
Administration: maintenance proceedings, and maintenance payable to the Crown

Part 1H heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61C Special powers of chief executive in respect of maintenance

In respect of any period in which a benefit is payable, any officer of the department, without special appointment, may, as if he or she were the beneficiary, institute or appear personally or by agent in any proceedings under the Family Proceedings Act 1980 or the Child Support Act 1991 for or relating to—

(a) the maintenance of the beneficiary; or

(b) the payment of child support for any child of that beneficiary; or

(c) the establishment of the paternity of any child of the beneficiary.

Section 61C: replaced, on 1 July 1992, by section 8 of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Section 61C heading: amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

61CA Maintenance payable to Crown

(1) In this section,—

beneficiary means a person who was granted the benefit in respect of which a maintenance debt was incurred

maintenance has the same meaning as in section 2 of the Family Proceedings Act 1980

maintenance debt means any money payable under a maintenance order that was payable to the Consolidated Revenue Account or Crown Bank Account under section 27F (as it existed immediately before its repeal by section 6(1) of the Social Security Amendment Act (No 5) 1991), and unpaid as at the close of 30 June 1992, declared to continue to be payable to the Crown Bank Account as a debt due to the Crown by section 9(2) of the Social Security Amendment Act (No 3) 1993

maintenance order has the same meaning as it had in section 2 of the Family Proceedings Act 1980 immediately before the amendment of that definition by the Family Proceedings Amendment Act 1991.

(2) In respect of any maintenance debt—

(a) the chief executive shall, for the purposes of the Family Proceedings Act 1980 or any other enactment, be deemed to be the person to whom and for whose benefit the money is payable pursuant to the maintenance order, and may take any proceedings accordingly:

(b) all money received under the maintenance order shall, without any further authority, be paid into the Crown Bank Account:

(c) either the beneficiary or the chief executive or any officer of the department, acting for and on behalf of the beneficiary, may institute and prosecute proceedings under Part 7 of the Family Proceedings Act 1980 (as preserved by section 259(1) of the Child Support Act 1991) for the enforcement of the maintenance order.

(3) While any maintenance debt remains payable, the chief executive shall be served with all proceedings instituted under the Family Proceedings Act 1980 in relation to the maintenance order, by the delivery of a true copy of all documents filed in the proceedings to the relevant office of the department nearest to the court in which the proceedings are filed. The chief executive or any officer of the department shall, without special appointment, be entitled to appear and be heard in those proceedings.

Section 61CA: inserted, on 30 June 1993, by section 9(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 61CA(2)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61CA(2)(c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61CA(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Part 1I
Epidemics

Part 1I heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61CB Payment of benefits during epidemic in New Zealand

(1) This subsection applies to any period comprising—

(a) the period when a domestic epidemic management notice is in force; and

(b) a period after the notice expires that the Minister thinks reasonable in the circumstances.

(2) During a period to which subsection (1) applies, the chief executive may, with the written approval of the Minister and within any limits stated in the approval, do any or all of the following:

(a) cause benefits to be paid to people who would not otherwise be entitled to be paid benefits because—

(i) their benefits are subject to a stand down period; or

(ii) their benefits, or payments of their benefits, are suspended:

(b) reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people whose benefits—

(i) were cancelled or terminated within the 8 weeks before the commencement of the domestic epidemic management notice concerned; or

(ii) are cancelled or terminated while the notice is in force:

(c) as the case requires, grant benefits to or reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people who—

(i) were subject to a non-entitlement period on the commencement of the domestic epidemic management notice concerned; or

(ii) become subject to a non-entitlement period while the notice is in force:

(d) cause payments under benefits to be made to people at a rate—

(i) higher than a lower rate to which they would otherwise be entitled (being a lower rate resulting from 1 or more of the following:

(A) a reduction or variation of a rate of benefit:

(B) a suspension of a benefit or payments under a benefit:

(C) a direct deduction from payments under a benefit:

(D) a sanction, penalty, or non-entitlement period, imposed on a spouse or partner); but

(ii) not higher than the maximum rate to which they would otherwise be entitled:

(e) refrain from exercising a power to cancel, suspend, vary, or terminate benefits or payments under benefits, in circumstances where the holders satisfy the normal criteria for cancellation, suspension, variation, or termination of benefits or payments:

(f) refrain from cancelling, suspending, or terminating benefits in circumstances where this Act requires them to be cancelled, suspended, or terminated.

(3) A benefit granted or reinstated under paragraph (b) or paragraph (c) of subsection (2) must be treated as having ended when the period concerned expires, unless its holder has or has again become entitled to be granted it.

(4) Subsection (2) overrides every provision of this Act to the contrary.

Section 61CB: inserted, on 19 December 2006, by section 5 of the Social Security Amendment Act 2006 (2006 No 90).

61CC Granting of emergency benefits during epidemic in New Zealand

(1) While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, the chief executive may, with the written approval of the Minister, cause emergency benefits to be granted to people who would not otherwise be entitled to be granted emergency benefits.

(2) Payments made under a benefit granted under subsection (1) are provisional only; and if the chief executive believes on reasonable grounds that its granting was not appropriate (or that too much was paid under it),—

(a) the person granted it is liable to repay the amount paid (or what the chief executive considers to be the amount of the excess); and

(b) section 85A(b) applies accordingly.

(3) Subsection (1) overrides every other provision of this Act.

Section 61CC: inserted, on 19 December 2006, by section 5 of the Social Security Amendment Act 2006 (2006 No 90).

61CD During epidemic benefits may be granted without normal investigations

While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, a benefit may be granted to a person even if the claim for it has not been investigated, or has not been fully investigated, as required by section 12(1).

Section 61CD: inserted, on 19 December 2006, by section 5 of the Social Security Amendment Act 2006 (2006 No 90).

61CE Overseas epidemics affecting visitors to New Zealand

(1) The Minister may, by notice in the *Gazette*, declare that the effects of an outbreak outside New Zealand of a stated quarantinable disease are likely to cause hardship to people temporarily in New Zealand by preventing or hindering their prompt return to stated places.

(2) The notice comes into force on its commencement, and expires on the earliest of the following:

(a) the day 3 months after its commencement:

(b) a day stated in the notice:

(c) if the notice does not provide for its expiry, a day stated by the Minister by further notice in the *Gazette*.

(3) Before or after the notice expires, the Minister can give a new notice in respect of the same disease.

(4) The Minister must not give the notice except on, and after considering, the written recommendation of the chief executive of the Ministry of Health.

(5) In subsection (1), **quarantinable disease** has the meaning given to it by section 2(1) of the Health Act 1956.

Section 61CE: inserted, on 19 December 2006, by section 5 of the Social Security Amendment Act 2006 (2006 No 90).

61CF Special assistance for visitors affected by overseas epidemics

(1) The Minister may, in respect of any period for which an overseas epidemic management notice is in force, by notice in the *Gazette* establish programmes of special assistance for visitors to New Zealand prevented or hindered from returning promptly to places stated in the notice by the outbreak outside New Zealand of the disease stated in the notice.

(2) The notice must state—

(a) the criteria by which it is to be determined which people are given assistance; and

(b) any maximum amounts of assistance to be given; and

(c) if different amounts of assistance may be given to different people, the criteria by which it is to be determined how much assistance people are to be given; and

(d) for how long assistance may be given; and

(e) any conditions subject to which assistance is to be given.

(3) The programme, and the matters stated in the notice establishing it, override every other provision of this Act.

Section 61CF: inserted, on 19 December 2006, by section 5 of the Social Security Amendment Act 2006 (2006 No 90).

Part 1J
Funeral grants

Part 1J heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61D Interpretation

(1) In sections 61DB, 61DC, and 61DD, unless the context otherwise requires,—

assessable estate means the estate of a deceased person, including a deceased child; but does not include—

(a) any asset which the chief executive considers is impracticable to realise; or

(b) any administration expenses; or

(c) any non-assessable assets, if section 61DB or section 61DD applies

child includes a still-born child as defined in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995

non-assessable assets, in relation to a deceased person, a spouse or partner, or the parents or any other person who was liable in law to maintain a deceased child on the date of death, are—

(a) that person's estate or interest, on the date of death of the deceased, in his or her own principal place of residence, including any estate or interest in the land on which it is erected, and any other buildings or improvements on that land which are used principally for the purposes of that person's household; and

(b) chattels which the person owned or which were in his or her possession pursuant to a hire purchase agreement or conditional sale agreement or an agreement for lease or hire, on the date of death of the deceased, and which are—

(i) furniture, appliances, tools, ornaments, or other articles used principally for the purposes of the deceased's household; or

(ii) motor vehicles, caravans, trailers, or boats used principally for family purposes; and

(c) any undivided beneficial interest in common in Maori land.

(2) In sections 61DB and 61DD, the annual income of any person shall be that person's estimated income for the 52-week period commencing on the day following the date of death of the deceased in respect of whom the application is made.

Section 61D: replaced, on 1 August 1991, by section 16(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 61D(1) **assessable estate** paragraph (a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61D(1) **child**: amended, on 24 January 2009, by section 47 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 61D(1) **non-assessable assets**: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

61DA Restrictions on payment of funeral grants

Funeral grants shall not be payable under section 61DB or section 61DC or section 61DD if—

(a) clause 64 of Schedule 1 of the Accident Compensation Act 2001 or subpart 8 of Part 5 of the Veterans' Support Act 2014 applies in respect of the deceased; or

(b) a payment under section 174 of the Veterans' Support Act 2014 is payable in respect of the deceased; or

(c) a payment under Part 5 of the Veterans' Support Act 2014 is payable in respect of the deceased; or

(d) the deceased person, including a deceased child, was not ordinarily resident in New Zealand on the date of death.

Section 61DA: replaced, on 1 August 1991, by section 16(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 61DA(a): replaced, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 61DA(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 61DA(a): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 61DA(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 61DA(c): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

61DB Payment of funeral grants where there is a surviving spouse or partner or children

If a person, other than a child, dies and the deceased person is survived by—

(a) a spouse or partner; or

(b) a child or children whom he or she is liable in law to maintain; or

(c) any other dependent child or dependent children (whether dependent on the deceased or any other person) aged 16 years or 17 years of whom the deceased person was the parent—

the chief executive may, in the chief executive's discretion, pay a funeral grant not exceeding $2,058.52 to meet the deceased person's reasonable funeral expenses if—

(d) those funeral expenses cannot be paid from the aggregate of—

  (i) the deceased's assessable estate before the payment of any other debts; and

  (ii) the assets of any spouse or partner who survives the deceased, other than non-assessable assets, in excess of the amount in clause 2 of Part 1 of Schedule 31; and

(e) the annual income of any spouse or partner who survives the deceased is less than 52 times the appropriate amount in Part 2 of Schedule 31.

Section 61DB: replaced, on 1 August 1991, by section 16(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 61DB heading: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61DB: amended, on 1 April 2018 (applying in respect of persons who die on or after that date), by clause 4(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Section 61DB: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61DB(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61DB(d)(ii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61DB(d)(ii): amended, on 1 April 2005, by section 6(a) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 61DB(e): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61DB(e): amended, on 1 April 2005, by section 6(b) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

61DC Payment of funeral grants where there is no surviving spouse or partner or children

If a person, other than a child, dies and section 61DB does not apply, the chief executive may, in the chief executive's discretion, pay a funeral grant not exceeding $2,058.52 to meet the deceased person's reasonable funeral expenses if those funeral expenses cannot be paid from the deceased's assessable estate before the payment of any other debts.

Section 61DC: replaced, on 1 August 1991, by section 16(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 61DC heading: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61DC: amended, on 1 April 2018 (applying in respect of persons who die on or after that date), by clause 4(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Section 61DC: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

61DD Children's funeral grants

If a child dies the chief executive may, in the chief executive's discretion, pay a funeral grant not exceeding $2,058.52 to meet the deceased child's reasonable funeral expenses if—

(a) those funeral expenses cannot be paid from the aggregate of—

  (i) the deceased child's assessable estate before the payment of any other debts; and

  (ii) the combined assets of the parents, or any other person or persons, who were liable in law to maintain the deceased child on the date of death, other than non-assessable assets, in excess of the amount in clause 2 of Part 1 of Schedule 31; and

(b) the combined annual income of the parents, or any other person or persons, who were liable in law to maintain the deceased child on the date of death is less than 52 times the appropriate amount in Part 2 of Schedule 31.

Section 61DD: replaced, on 1 August 1991, by section 16(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 61DD: amended, on 1 April 2018 (applying in respect of persons who die on or after that date), by clause 4(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Section 61DD: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61DD(a)(ii): amended, on 1 April 2005, by section 7(a) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 61DD(b): amended, on 1 April 2005, by section 7(b) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

61DE Method of making payments

(1) Any payment under section 61DB or section 61DC or section 61DD shall be made, in the chief executive's discretion,—

(a) to the spouse or partner or any child of the deceased; or

(b) to the estate of the deceased; or

(c) to any person who has paid the deceased's funeral expenses; or

(d) to the appropriate funeral director; or

(e) in the case of a deceased child, to the parent or any other person or persons who were liable in law to maintain that child immediately before the date of death.

(2) If the quantum of the assets of a deceased person's estate, or the income derived or to be derived by any person whose income is to be tested under section 61DB or section 61DD, has not been finally determined, and there is a doubt as to whether any funeral grant is payable under section 61DB or section 61DC or section 61DD, the chief executive, in the chief executive's discretion, may advance any amount payable under those sections on the condition that the whole or any part of it will be repaid if it is subsequently established that there was no entitlement to all or any part of that payment.

Section 61DE: replaced, on 1 August 1991, by section 16(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 61DE(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61DE(1)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61DE(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

61DF Method of making payments

[Repealed]

Section 61DF: repealed, on 1 August 1991, by section 16(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

61DG Applications for lump sum payments after death

[Repealed]

Section 61DG: repealed, on 12 December 1985, by section 12 of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Part 1K
Accommodation supplement

Part 1K heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61DH Purpose of accommodation supplement

The purpose of sections 61E to 61EC and Schedule 18 is to provide targeted financial assistance to help certain people with high accommodation costs to meet those costs.

Section 61DH: inserted, on 4 June 2004, by section 8 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

61E Interpretation

(1) In this section and sections 61EA, 61EB, and 61EC, and in Schedule 18, unless the context otherwise requires,—

accommodation costs, in relation to any person for any given period, means,—

(a) in relation to premises rented by the person, the amount payable by the person for rent of the premises, excluding any service costs included in that rent and any arrears:

(aa) *[Repealed]*

(b) in relation to premises that are owned by the person, the total amount of all payments (including essential repairs and maintenance, local authority rates, and house insurance premiums, but excluding any service costs and any arrears) that—

(i) subject to section 68A, are required to be made under any mortgage security for money advanced under that security to acquire the premises, or to repay advances similarly secured; or

(ii) the chief executive is satisfied are reasonably required to be made:

(c) in relation to a person who is a boarder or lodger in any premises, 62% of the amount paid for board or lodging (excluding any arrears):

provided that, where a person is a joint tenant or owner in common of any premises with another person or other persons living in the premises, that applicant's accommodation costs shall be the share of the total accommodation costs of the premises that the chief executive is satisfied the person is paying

beneficiary means any person who is being paid—

(a) jobseeker support, sole parent support, a supported living payment, a youth payment, a young parent payment, or an emergency benefit; or

(b) New Zealand superannuation or a veteran's pension

cash assets—

(a) means—

(i) money saved with a bank or other institution, money invested with a bank or other institution, or money banked with a bank or other institution:

(ii) money invested in securities, bonds, or debentures, or advanced on mortgage:

(iia) money withdrawn from a KiwiSaver scheme registered under subpart 2 of Part 4 of the Financial Markets Conduct Act 2013:

(iii) money invested in shares in a partnership or limited liability company or other incorporated or unincorporated body; but

(ab) does not include any contributions to, or any member's interest in, any KiwiSaver scheme that is registered under subpart 2 of Part 4 of the Financial Markets Conduct Act 2013; and

(b) does not include any specified item or amount of cash assets, or cash assets of a specified kind, that is declared not to be cash assets for the purposes of this Act by regulations made under section 132

deferred payment disposition means a contract under which a person sells or agrees to sell property or provides or agrees to provide services (whether or not possession of the property is given, or the services are provided, before all money payable under the contract has been paid) in consideration of a promise by another person to pay, or to procure the payment of, in the future and in respect of the sale or provision, a sum or sums of money exceeding in aggregate the cash price of the property or services

mortgage security includes—

(a) a deferred payment disposition; and, in any such case, the balance of the purchase price required to be paid to the vendor of the premises under any such disposition shall, for the purposes of paragraph (b) of the definition of the term accommodation costs, be treated as money advanced under a mortgage security:

(b) money secured over the person's share or shares in any flat owning company within the meaning of Part 7A of the Land Transfer Act 1952:

(c) money payable under and secured by a deferred payment licence under the Land Act 1948

non-beneficiary means a person who is not a beneficiary

owner includes a person legally entitled to occupy the premises under—

(a) a deferred payment disposition; or

(b) a lease, where the occupier is also the lessor as owner or one of the lessors as one of the owners; or

(ba) a licence to occupy, where the premises are a residential unit in a retirement village (as those terms are defined in the Retirement Villages Act 2003); or

(c) a licence to occupy under subpart 6 of Part 3 of the Land Transfer Act 2017; or

(d) a deferred payment licence under the Land Act 1948—

and **owned** has a corresponding meaning

premises, in relation to any person, means the place that he or she occupies as a home; and includes, in relation to a person who is a boarder or lodger, any room or other accommodation occupied as a home by that person

service costs, in relation to any premises,—

(a) means the cost as reasonably determined by the chief executive of any services (for example, electricity supply, gas supply, telephone network connection, or broadband Internet connection) provided to or in connection with the premises for consumption or use by the occupants of the premises; but

(b) does not include the cost of water supplied to the premises

tenant, in relation to any rented premises, includes a person who pays rent, whether or not he or she is a party to the tenancy agreement or lease of the premises

weekly accommodation costs means the greater of—

(a) the total amount of a person's accommodation costs for a 12-month period divided by 52; or

(b) the amount which, at the time of application or any subsequent review, the person is required to pay weekly for accommodation costs or may reasonably be required to set aside weekly to pay accommodation costs.

(2) While a person is not entitled to an accommodation supplement under section 80C, the accommodation costs of that person shall be considered to be the accommodation costs of that person's spouse or partner for the purposes of—

(a) this section; and

(b) sections 61EA and 61EC; and

(c) Schedule 18.

(3) Subsection (2) is subject to section 61EB (which relates to joint tenants who are married or in a civil union or in a de facto relationship) and to section

80C(1A) (which relates to continuing accommodation supplement for certain benefit applicants).

Section 61E: replaced, on 1 July 1993, by section 10(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 61E(1): amended, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 61E(1) **accommodation costs** paragraph (a): replaced, on 24 August 2010, by section 14(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 61E(1) **accommodation costs** paragraph (aa): repealed, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 61E(1) **accommodation costs** paragraph (b): amended, on 24 August 2010, by section 14(2) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 61E(1) **accommodation costs** paragraph (b)(i): amended, on 2 October 1994, by section 4 of the Social Security Amendment Act 1994 (1994 No 86).

Section 61E(1) **accommodation costs** paragraph (b)(ii): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61E(1) **accommodation costs** paragraph (c): amended, on 1 July 1997, by section 2 of the Social Security Amendment Act 1997 (1997 No 21).

Section 61E(1) **accommodation costs** paragraph (c) proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61E(1) **beneficiary** paragraph (a): replaced, on 1 October 1998, by section 42 of the Social Security Amendment Act 1998 (1998 No 19).

Section 61E(1) **beneficiary** paragraph (a): amended, on 15 July 2013, by section 85(4)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61E(1) **beneficiary** paragraph (a): amended, on 15 July 2013, by section 96(1)(i) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61E(1) **beneficiary** paragraph (a): amended, on 15 July 2013, by section 113(1)(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61E(1) **beneficiary** paragraph (a): amended, on 15 July 2013, by section 128(1)(i) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61E(1) **beneficiary** paragraph (a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 61E(1) **beneficiary** paragraph (a): amended, on 1 July 2001, by section 15(3)(b) of the Social Security Amendment Act 2001 (2001 No 1).

Section 61E(1) **beneficiary** paragraph (b): replaced, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 61E(1) **beneficiary** paragraph (b): amended, on 15 April 2005, by section 4(1) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 61E(1) **cash assets**: replaced, on 26 September 2002, by section 12 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 61E(1) **cash assets** paragraph (a)(i): replaced, on 15 April 2005, by section 4(2) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 61E(1) **cash assets** paragraph (a)(iia): inserted, on 1 December 2006, by section 231 of the KiwiSaver Act 2006 (2006 No 40).

Section 61E(1) **cash assets** paragraph (a)(iia): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 61E(1) **cash assets** paragraph (ab): inserted, on 1 December 2006, by section 231 of the KiwiSaver Act 2006 (2006 No 40).

Section 61E(1) **cash assets** paragraph (ab): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 61E(1) **deferred payment disposition**: replaced, on 1 April 2005, by section 139 of the Credit Contracts and Consumer Finance Act 2003 (2003 No 52).

Section 61E(1) **mortgage security** paragraph (b): amended, on 1 July 1994, pursuant to section 3 of the Land Transfer Amendment Act 1993 (1993 No 124).

Section 61E(1) **owner** paragraph (ba): inserted, on 1 July 2005, by section 4(3) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 61E(1) **owner** paragraph (c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 61E(1) **service costs**: inserted, on 24 August 2010, by section 14(3) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 61E(1) **weekly accommodation costs** paragraph (b): amended, on 7 July 2010, by section 6 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 61E(2): inserted (with effect on 1 October 1995), on 1 April 1997, by section 29(1) of the Social Security Amendment Act 1996 (1996 No 20).

Section 61E(2): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61E(3): inserted (with effect on 1 October 1995), on 1 April 1997, by section 29(1) of the Social Security Amendment Act 1996 (1996 No 20).

Section 61E(3): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61E(3): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

61EA Accommodation supplement

(1) Subject to the provisions of this Act, the chief executive may grant to an applicant, from such date and for such period as the chief executive determines, an accommodation supplement to assist in meeting the applicant's accommodation costs.

(2) No person is eligible for an accommodation supplement whose accommodation costs include—

(a) payments, required to be made under a mortgage security to the Housing Corporation of New Zealand or the Crown in right of the Ministry of Maori Development, that in the chief executive's opinion are required to be made at a concessionary rate; or

(b) rent paid in respect of premises (whether owned by the Crown, the company, or any other person) let by or on behalf of the company for occupation by any person as a place of residence; or

(c) if the person has been assessed by the agency as being eligible to be allocated social housing, rent paid in respect of premises owned by a regis-

tered community housing provider or let by or on behalf of the provider for occupation by any person as a place of residence.

(2A) In subsection (2), **agency**, **company**, and **registered community housing provider** have the meanings given to them by section 2 of the Housing Restructuring and Tenancy Matters Act 1992.

(3) Notwithstanding anything to the contrary in this Act, a beneficiary being paid New Zealand superannuation or a veteran's pension shall not be entitled to be paid an accommodation supplement under this section unless the income of that beneficiary or the combined income of that beneficiary and his or her spouse or partner, as the case may be, is less than the appropriate amount in Part 2 of Schedule 31.

(4) No person shall be granted an accommodation supplement if that person—

(a) is receiving a basic grant or an independent circumstances grant under the Student Allowances Regulations 1998; or

(ab) would be eligible to receive a basic grant or an independent circumstances grant under the Student Allowances Regulations 1998, if he or she were to apply for the grant; or

(b) would be eligible to receive a basic grant or an independent circumstances grant under the Student Allowances Regulations 1998, but for the level of that person's income or the level of the income of that person's parent or parents or spouse or partner, were the person to apply for the grant; or

(c) is a resident assessed as requiring care (as defined in section 136) in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in that section) under section 141 or section 142; or

(d) is the spouse or partner of a person who is already receiving an accommodation supplement under this section, except as provided in section 61EB; or

(e) has a psychiatric, intellectual, physical, or sensory disability, and—

(i) his or her accommodation costs are wholly or partly funded under the New Zealand Public Health and Disability Act 2000; or

(ii) his or her care (other than care in his or her own home) is funded wholly or partly under the New Zealand Public Health and Disability Act 2000.

Section 61EA: inserted, on 1 July 1993, by section 10(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 61EA(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61EA(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 61EA(2): replaced, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 61EA(2)(c): inserted, on 14 April 2014, by section 25 of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97).

Section 61EA(2A): replaced, on 14 April 2014, by section 25 of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97).

Section 61EA(3): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EA(3): amended, on 15 April 2005, by section 5 of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 61EA(3): amended, on 1 April 2005, by section 9(a) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 61EA(3): amended, on 1 April 2005, by section 9(b) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 61EA(3): amended, on 1 April 1994, pursuant to section 2(1) of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 61EA(4)(a): amended, on 1 October 1998, pursuant to regulation 49 of the Student Allowances Regulations 1998 (SR 1998/277).

Section 61EA(4)(ab): inserted, on 10 April 2015, by section 4(1) of the Social Security Amendment Act 2015 (2015 No 41).

Section 61EA(4)(b): amended, on 10 April 2015, by section 4(2) of the Social Security Amendment Act 2015 (2015 No 41).

Section 61EA(4)(b): amended, on 1 October 1998, pursuant to regulation 49 of the Student Allowances Regulations 1998 (SR 1998/277).

Section 61EA(4)(c): replaced, on 1 July 2005, by section 4(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 61EA(4)(d): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EA(4)(d): amended (with effect on 1 July 1995), on 17 September 1997, by section 14(1)(a) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 61EA(4)(e): inserted (with effect on 1 July 1995), on 17 September 1997, by section 14(1)(b) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 61EA(4)(e)(i): replaced, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 61EA(4)(e)(ii): replaced, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

61EB Special rules for joint tenants who are married, in civil union, or de facto relationship

(1) The rules in subsection (3) apply if—

(a) premises are occupied by 2 or more joint tenants; and

(b) the joint tenants include 1 or more couples who are married or in a civil union or in a de facto relationship.

(2) The rules in subsection (3) do not apply to the application of the proviso to the definition of accommodation costs in section 61E.

(3) The rules are—

(a) each couple that is married or in a civil union or in a de facto relationship is treated as 1 joint tenant; and

(b) the accommodation costs of that 1 joint tenant are the total of the accommodation costs of each of the parties to the marriage or civil union or de facto relationship; and

(c) the cash assets and income of that 1 joint tenant are the total of the cash assets and income respectively of each of the parties to the marriage or civil union or de facto relationship.

Section 61EB: replaced, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

61EC Rates of accommodation supplement

(1) The rate of accommodation supplement granted under section 61EA shall, in each case, be paid at the appropriate rate specified in Schedule 18.

(2) For the purposes of Schedule 18,—

(a) every $100 of cash assets over $5,400 held by—

(i) a person who is married or in a civil union or in a de facto relationship; or

(ii) a single person who has a dependent child or children; and

(b) every $100 of cash assets over $2,700 held by any other person—

shall be deemed to be $1 a week of income.

(3) Notwithstanding anything to the contrary in this Act, an accommodation supplement shall not be paid to any person who has cash assets exceeding—

(a) $16,200 in the case of—

(i) a person who is married or in a civil union or in a de facto relationship; or

(ii) a single person who has a dependent child or children:

(b) $8,100 in any other case.

(3A) If, on or after the date this subsection comes into force, a person receives an impairment lump sum under Schedule 1 of the Accident Compensation Act 2001 or a lump sum payment of an independence allowance under Part 13 or Part 4 of Schedule 1 of the Accident Insurance Act 1998, then, for the period of 12 months following the receipt of that lump sum payment, the applicable amount in subsection (3) is considered to be increased by the amount of that payment.

(4) Notwithstanding the provisions of this section or of section 61EA, the chief executive may, if he or she is satisfied that the applicant or the applicant's spouse or partner has not realised any assets available for the applicant's personal use,—

(a) refuse to grant an accommodation supplement; or

(b) reduce the rate of any accommodation supplement already granted; or

(c) terminate any accommodation supplement already granted.

(4A) For the period of 12 months referred to in subsection (3A), subsection (4) does not apply to any lump sum payment referred to in subsection (3A) received by the applicant or the applicant's spouse or partner.

(5) For the purposes of this section and Schedule 18, the income and assets of a person who is married or in a civil union or in a de facto relationship include the income and assets of that person's spouse or partner, except in the circumstances specified in section 61EA(4)(c).

Section 61EC: inserted, on 1 July 1993, by section 10(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 61EC(2)(a): replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EC(2)(a)(i): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EC(3)(a): replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EC(3)(a)(i): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EC(3A): inserted, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 61EC(3A): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 61EC(4): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EC(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 61EC(4A): inserted, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 61EC(4A): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EC(5): replaced, on 3 June 1998, by section 4 of the Social Security Amendment Act (No 2) 1998 (1998 No 60).

Section 61EC(5): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 61EC(5): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

61F Rates of accommodation benefit

[Repealed]

Section 61F: repealed, on 1 July 1993, by section 10(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

61FA Rent rebate entitlement

[Repealed]

Section 61FA: repealed, on 17 November 2000, by section 7(2) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

61FB Rate of rebate

[Repealed]

Section 61FB: repealed, on 17 November 2000, by section 7(2) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

61FC Tenure protection allowance

[Repealed]

Section 61FC: repealed, on 17 November 2000, by section 7(2) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

61FD Rate of tenure protection allowance

[Repealed]

Section 61FD: repealed, on 17 November 2000, by section 7(2) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Part 1KA
Winter energy payment

Part 1KA: inserted, on 1 July 2018, by section 61 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

61FE Winter energy payment: purpose

The purpose of the winter energy payment is to provide targeted financial assistance to help certain people meet their household heating costs during the winter period.

Section 61FE: inserted, on 1 July 2018, by section 61 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

61FF Winter energy payment: interpretation

In this Part and Schedule 18A, unless the context otherwise requires,—

qualifying benefit means—

(a) a main benefit under this Act; or

(b) New Zealand superannuation; or

(c) veteran's pension

relevant payment date, for a person who is receiving a qualifying benefit (or a portion of it), either as the person granted that benefit or as the spouse or partner of that person, for 1 or more days during the winter period, means the date on which the person is paid a weekly or fortnightly instalment of the person's qualifying benefit (or a portion of it) for those days

winter period, for a calendar year, means the 22-week period starting on 1 May.

Section 61FF: inserted, on 1 July 2018, by section 61 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

61FG Winter energy payment: eligibility requirements

(1) A person is entitled to a winter energy payment for 1 or more days during the winter period if, for those days,—

(a) the person is receiving a qualifying benefit (or a portion of it), either as the person granted that benefit or as the spouse or partner of that person; and

(b) the qualifying benefit (or a portion of it) is payable to the person; and

(c) the person is not disqualified under subsection (2).

(2) However, the person is not entitled to a winter energy payment for 1 or more days during the winter period if, for those days,—

(a) the qualifying benefit is payable at a rate prescribed in respect of a person who is married or in a civil union or in a de facto relationship, and the chief executive has determined under subsection (3) that the person's spouse or partner is entitled to a winter energy payment; or

(b) the rate of the person's qualifying benefit is required by section 75(3) to be reduced to the rate payable to long-term hospital patients, and the payment has been reviewed under section 81(1) and terminated under section 81(5); or

(c) the person is receiving long-term residential care in a hospital or rest home, and that care is funded, in whole or in part, under the New Zealand Public Health and Disability Act 2000; or

(d) the person is receiving residential care services, and those services are funded, in whole or in part, under the New Zealand Public Health and Disability Act 2000; or

(e) the person has made, and not revoked, an election not to receive the payment (*see* section 61FH).

(3) If the qualifying benefit is payable at a rate prescribed in respect of a person who is married or in a civil union or in a de facto relationship, the chief executive must determine which 1 of the spouses or partners is (as only 1 of them can be) entitled to a winter energy payment.

Section 61FG: inserted, on 1 July 2018, by section 61 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

61FH Winter energy payment: election not to receive

(1) A person entitled to a winter energy payment may make an election not to receive the payment.

(2) If the payment would be payable at a rate prescribed in respect of a person who is married or in a civil union or in a de facto relationship, the chief executive must be satisfied that the election has been made by both spouses or partners.

(3) The election must be made, and may be revoked, in a form and manner approved by the chief executive.

(4) Unless it is revoked, the election stops the person from being entitled to the payment for any days after the election is made.

Section 61FH: inserted, on 1 July 2018, by section 61 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

61FI Winter energy payment: instalments, rates, and payment

(1) A winter energy payment is payable,—

(a) if the person's qualifying benefit is a main benefit under this Act, in 22 weekly instalments; or

(b) if the person's qualifying benefit is New Zealand superannuation or a veteran's pension, in 11 fortnightly instalments.

(2) The amount of an instalment is ascertained by dividing the appropriate rate per winter period set out in Schedule 18A,—

(a) for recipients of a main benefit under this Act, by 22; or

(b) for recipients of New Zealand superannuation or a veteran's pension, by 11.

(3) However, the amount ascertained under subsection (2) must be rounded up to the nearest whole cent, and then reduced to reflect any 1 or more days of the week or fortnight covered by the instalment that are days for which—

(a) the person is not entitled to the payment; or

(b) the payment is not payable (for example, under section 61FJ).

(4) An instalment must be paid on the relevant payment date.

(5) The winter energy payment must not be paid in advance.

(6) This section overrides sections 11D, 80, and 82(1), (2), and (6).

Section 61FI: inserted, on 1 July 2018, by section 61 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

61FJ Winter energy payment: effect of absence of beneficiary from New Zealand

(1) The winter energy payment is not payable for 1 or more days while a beneficiary is absent from New Zealand unless it is so payable under subsection (2).

(2) The winter energy payment is payable to a beneficiary for 1 or more days during any 1 or more absences of the beneficiary from New Zealand so long as each such absence is equal to or shorter than 4 weeks during the winter period and—

(a) the payment would, but for those 1 or more absences, be payable to the beneficiary; and

(b) the chief executive is satisfied that the 1 or more absences do not affect the beneficiary's eligibility for the payment under section 61FG.

(3) Section 77 does not apply to the winter energy payment.

Section 61FJ: inserted, on 1 July 2018, by section 61 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Part 1L
Temporary additional support

Part 1L heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61G Temporary additional support

(1) The purpose of temporary additional support is to provide temporary financial assistance within the prescribed limits as a last resort to alleviate the financial hardship of people whose essential costs cannot be met from their chargeable income and other resources, while ensuring that people seeking or granted that assistance take reasonable steps to reduce their costs or increase their chargeable incomes.

(2) An applicant is eligible for temporary additional support if—

(a) his or her chargeable income is less than his or her essential costs; and

(b) he or she has cash assets of not more than the prescribed amount; and

(c) he or she meets any prescribed criteria and any other requirements set out in regulations made under section 132AB.

(3) Temporary additional support granted to an applicant in accordance with this section and regulations made under section 132AB must be granted—

(a) in the prescribed amount; and

(b) for the prescribed period.

(4) Despite subsection (2), temporary additional support must not be granted in respect of the costs of residential care services supplied to a person who has a psychiatric, intellectual, physical, or sensory disability if—

(a) the person's accommodation costs (as that term is defined in section 61E(1)) are wholly or partly funded under the New Zealand Public Health and Disability Act 2000; or

(b) the person's care (other than care in his or her own home) is wholly or partly funded under the New Zealand Public Health and Disability Act 2000.

(5) Subsection (6) applies in respect of an applicant for temporary additional support if the chief executive is satisfied, at any time after that applicant has

applied for temporary additional support or while he or she is receiving that support, that—

(a) the applicant or the applicant's spouse has arranged, or rearranged, his or her financial affairs in order to qualify for temporary additional support; or

(b) the applicant or the applicant's spouse has failed to take reasonable steps to reduce his or her costs or increase his or her chargeable income; or

(c) the applicant or the applicant's spouse has failed to take all necessary steps to obtain any assistance towards his or her essential costs from any other source from which he or she may be entitled to assistance.

(6) If this subsection applies, the chief executive may—

(a) refuse to grant temporary additional support; or

(b) grant temporary additional support at a reduced rate; or

(c) reduce the rate of temporary additional support already granted; or

(d) terminate any temporary additional support already granted.

(7) In this section and section 132AB—

allowable costs has the meaning prescribed in regulations made under section 132AB; but does not include standard costs

applicant includes a recipient of temporary additional support

cash assets has the meaning prescribed in regulations made under section 132AB

chargeable income has the meaning prescribed in regulations made under section 132AB

essential costs means the sum of a person's allowable costs and standard costs

standard costs has the same meaning as in section 132AB(1)(b)

tax credit means a credit of tax or amount received under subparts MA to MG and MZ of the Income Tax Act 2007 or subpart KD of the Income Tax Act 2004 or subpart KD of the Income Tax Act 1994.

Section 61G: replaced, on 1 April 2006, by section 10 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 61G(7) **tax credit**: amended, on 1 July 2018, by section 43 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 61G(7) **tax credit**: amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Part 1M
Childcare assistance

Part 1M heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

61GA Childcare assistance

(1) The purpose of childcare assistance is to provide targeted financial assistance to help certain people meet the costs of childcare.

(2) The principal caregiver of a dependent child is eligible for financial assistance (**childcare assistance**) if he or she satisfies any prescribed criteria and any other requirements set out in regulations made under section 132AC.

(3) Childcare assistance granted to an applicant, in accordance with this section and regulations made under section 132AC, must be granted—

(a) in the prescribed amount; and

(b) for the prescribed period.

Section 61GA: inserted, on 4 October 2004, by section 11(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Part 1N
Administration: rates of benefits, and other provisions on monetary benefits

Part 1N heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Alteration of rates of benefits

Heading: inserted, on 16 December 1983, by section 10 of the Social Security Amendment Act 1983 (1983 No 138).

61H Rates of benefits, etc, may be increased by Order in Council

(1) The Governor-General may from time to time, by Order in Council,—

(a) amend sections 61DB, 61DC, 61DD, 61EC, and 125; and

(aa) amend section 69C(1)(c); and

(b) amend the definitions, in section 3(1), of the terms Income Test 1, Income Test 2, Income Test 3, and Income Test 4; and

(c) *[Repealed]*

(ca) amend Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001; and

(d) amend Schedules 3, 3A, 16, and 31, and Schedules 4, 6, 9, 18, 18A, 19, 22, 23, 26, 27, and 28—

by increasing the amount of any benefit, allowance, lump sum payment, subsidy rate, maximum amount of any component, maximum amount of supple-

ments, asset limit, income limit, income exemption, maximum amount of advance, cash assets test, benefit stand down income test, or annual or weekly income test (but not the rate of diminution of any benefit or allowance) set out in those sections and those schedules, and by decreasing the amount of any average regional rental.

(1A) An Order in Council made under subsection (1) may not increase the period of a benefit stand down for a given income.

(2) Every Order in Council made under subsection (1) shall state the date from which it is to have effect (which may be a date before the date on which it was made) and shall apply to benefits, allowances, lump sum payments, subsidy rates, maximum amounts of supplements, asset limits, income exemptions, advances, cash assets tests, benefit stand down income test, and annual and weekly income tests payable or applicable in respect of the period commencing on the date from which it is to have effect and ending with the day before the date of its revocation by a subsequent Order in Council. In respect of lump sum payments on death, the Order in Council shall state that it applies in respect of persons who die on or after such date as may be specified in the Order in Council. Nothing in this subsection shall authorise any payment to be made before the order is made.

(3) *[Repealed]*

(4) *[Repealed]*

(5) Every Order in Council made under this section shall have the force of law as if it was enacted by this Act.

(6) *[Repealed]*

(7) In this section, **subsidy rate** means the first percentage figure set out in any particular clause of Part 2 of Schedule 18.

Section 61H: replaced, on 19 March 1990, by section 3(1) of the Social Security Amendment Act 1990 (1990 No 5).

Section 61H(1): replaced, on 1 April 1997, by section 30(1) of the Social Security Amendment Act 1996 (1996 No 20).

Section 61H(1): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 61H(1): amended, on 4 June 2004, by section 12(b) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 61H(1): amended, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 61H(1): amended, on 1 July 1997, by section 3(1) of the Social Security Amendment Act 1997 (1997 No 21).

Section 61H(1)(aa): inserted, on 1 April 2001, by section 11 of the Social Security Amendment Act 2001 (2001 No 1).

Section 61H(1)(b): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 61H(1)(c): repealed, on 5 December 2013, by section 15(8) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 61H(1)(ca): inserted, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 61H(1)(ca): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 61H(1)(d): replaced, on 1 February 1999, by section 74 of the Social Security Amendment Act 1998 (1998 No 19).

Section 61H(1)(d): amended, on 1 July 2018, by section 62 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 61H(1)(d): amended, on 15 July 2013, by section 81(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61H(1)(d): amended, on 15 July 2013, by section 95(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61H(1)(d): amended, on 4 June 2004, by section 12(a) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 61H(1A): inserted, on 1 April 1997, by section 30(1) of the Social Security Amendment Act 1996 (1996 No 20).

Section 61H(2): amended, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 61H(2): amended, on 1 July 1997, by section 3(2) of the Social Security Amendment Act 1997 (1997 No 21).

Section 61H(2): amended, on 1 April 1997, by section 30(2) of the Social Security Amendment Act 1996 (1996 No 20).

Section 61H(2): amended, on 1 July 1993, by section 12(4) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 61H(3): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 61H(4): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 61H(6): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 61H(7): inserted, on 1 July 1997, by section 3(3) of the Social Security Amendment Act 1997 (1997 No 21).

61HA Annual CPI adjustment of rates of certain benefits

(1) In this section, **CPI** means the consumers price index-all groups published by Statistics New Zealand.

(2) The rates of benefits set out in Schedules 3, 3A, 4, 6, 9, 16, and 26 (other than any rate of incentive payment), and in clause 1 of Schedule 22 must be adjusted, by Order in Council, as at 1 April each year so that in each case the new rate is the rate at that date adjusted by any percentage movement upwards in the CPI between the CPI for the quarter ended with 31 December 1 year before the immediately preceding 31 December and the CPI for the quarter ended with the immediately preceding 31 December.

(2A) *[Repealed]*

(3) The adjustments (by any percentage movement upwards in the CPI) required under subsection (2) as at 1 April in any year from 2011 to 2021 (inclusive) must, despite subsections (1) and (2), be calculated,—

(a) if, and insofar as, they relate to movements during quarters that end before 29 April 2010, using index numbers for those quarters of the consumers price index-all groups published by Statistics New Zealand; and

(b) if, and insofar as, they relate to movements during quarters that end after 28 April 2010, using index numbers for those quarters of the consumers price index-all groups excluding cigarettes and other tobacco products published by Statistics New Zealand.

(4) An adjustment under subsection (2) must not reduce the weekly amounts of benefits payable under those schedules.

(5) Every Order in Council made under subsection (2) comes into force or is considered to come into force on 1 April of the calendar year in which it is made, and applies to benefits payable on and after that date.

(6) Section 61H(2) and (5) applies to every Order in Council made under subsection (2) as if that order were made under that section.

(7) *[Repealed]*

Section 61HA: inserted, on 27 September 2010, by section 15 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 61HA(2): amended, on 15 July 2013, by section 81(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61HA(2): amended, on 15 July 2013, by section 95(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 61HA(2): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 61HA(2A): repealed, on 30 April 2016, by section 61HA(7).

Section 61HA(3): amended, on 31 May 2016, by section 10 of the Customs and Excise (Tobacco Products—Budget Measures) Amendment Act 2016 (2016 No 25).

Section 61HA(3): amended, on 24 October 2012, by section 3 of the Social Security (Indexation—Budget Measures) Amendment Act 2012 (2012 No 82).

Section 61HA(6): amended, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 61HA(7): repealed, on 30 April 2016, by section 61HA(7).

61I Regulations defining accommodation supplement areas

(1) The Governor-General may, by Order in Council, make regulations that, for the purposes of Part 1K and Schedule 18, define Area 1, Area 2, Area 3, and Area 4 (*see* the definitions of those terms in section 3(1), and section 61IA).

(2) Section 61H(2) and (5) applies, with any necessary modifications, to any Order in Council made under subsection (1) as if that order had been made under section 61H(1).

Section 61I: replaced, on 1 April 2018, by section 77 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

61IA Orders are confirmable instruments

(1) This section applies to an Order in Council made under section 61H, 61HA(2), or 61I(1) (including section 61H or 61HA(2) apart from, or with, clause 3(6) of Schedule 32).

(2) The explanatory note of the Order in Council must indicate that—

(a) it is a confirmable instrument, and an annual confirmable instrument, under section 47B of the Legislation Act 2012; and

(b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note, unless earlier confirmed by an Act of Parliament; and

(c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Section 61IA: inserted, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Miscellaneous provisions as to monetary benefits

62 Grant of benefit after death of applicant

Where any applicant for a benefit dies before the completion of the investigation of his application, the chief executive may, in the chief executive's discretion, grant the benefit as if the applicant had not died, and in such a case the provisions of sections 61D and 61DA to 61DF shall apply as if the applicant had been in receipt of the benefit at the time of his death.

Compare: 1940 No 5 s 7

Section 62 heading: amended, on 7 July 2010, by section 7(1) of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 62: amended, on 7 July 2010, by section 7(2) of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 62: amended, on 7 July 2010, by section 7(3) of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 62: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 62: amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 62: amended, on 12 December 1985, by section 14 of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

63 Conjugal status for benefit purposes

For the purposes of determining any application for any benefit, or of reviewing any benefit already granted, or of determining the rate of any benefit, or of the granting of any payment of a funeral grant under section 61DB or of any welfare programme approved by the Minister under section 124(1)(d), or of assessing the financial means of any person under section 69FA or Part 4 (and

with every determination under this section also applying for every debt-recovery or offence provision in or under this Act), but subject to section 151, the chief executive may in the chief executive's discretion—

(a) regard as single any applicant or beneficiary who is married or in a civil union but is living apart from his or her spouse or partner:

(b) regard as married any 2 people who, not being legally married or in a civil union, have entered into a relationship in the nature of marriage—

and may determine a date on which they shall be regarded as having commenced to live apart or a date on which they shall be regarded as having entered into such a relationship, as the case may be, and may then in the chief executive's discretion grant a benefit, refuse to grant a benefit, or terminate, reduce, or increase any benefit already granted, from that date accordingly.

Section 63: replaced, on 11 October 1978, by section 17(1) of the Social Security Amendment Act 1978 (1978 No 58).

Section 63: amended, on 7 July 2014, by section 6 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 63: amended, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 63: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 63: amended, on 17 September 1997, by section 16 of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 63: amended, on 1 August 1991, by section 17 of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 63: amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 63(a): replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 63(b): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

Section 63(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

63A Provisions relating to children who continue education

Where a child aged 18 years or over is not financially independent and is attending school or a tertiary educational establishment, the chief executive may, in his or her discretion, as if the child had not attained the age of 18 years, grant or continue to pay an orphan's benefit or an unsupported child's benefit in respect of the child, or pay any other benefit at the appropriate rate that includes that child as a dependent child of the beneficiary, for such period or periods as the chief executive determines, expiring not later than the pay day immediately after 31 December in the year in which the child attains the age of 18 years.

Section 63A: inserted, on 1 April 1991, by section 23 of the Social Security Amendment Act 1991 (1991 No 1).

Section 63A: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

64 Mode of ascertaining income for benefit purposes

(1) Where in relation to the rate of any benefit reference is made in this Act or in any schedule of this Act or in Part 6 of the Veterans' Support Act 2014 or in the New Zealand Superannuation and Retirement Income Act 2001 to the annual income of the beneficiary or of any other person, that reference shall, unless the context otherwise requires, be deemed to be a reference to the estimated income of the person concerned for the period of 52 weeks commencing on the date on which the benefit, if granted or renewed, as the case may be, will commence.

(2) Except as provided in subsection (3), the estimated annual income for the period of 52 weeks specified in subsection (1) shall be deemed to be an amount equal to the income received by the person concerned for a period of 52 weeks ending on such day preceding the date on which the benefit, if granted or renewed, will commence as the chief executive determines.

(2A) Where, in relation to the rate of any benefit or additional benefit, reference is made in this Act or in any schedule of this Act or in Part 6 of the Veterans' Support Act 2014 or in the New Zealand Superannuation and Retirement Income Act 2001 to the weekly income of a person, such income shall, unless the context otherwise requires, be determined by dividing the person's total income over the appropriate number of weeks specified in regulations made under this Act (not exceeding 52 weeks) by the number of weeks in that period.

(2B) For the purposes of determining a person's weekly income under subsection (2A), the chief executive may determine the period or periods to which any income relates, having regard to—

(a) the extent to which it was earned in that period or those periods; or

(b) the extent to which any other entitlement to it arose in, or in respect of, that period or those periods; or

(c) the period or periods for which it was otherwise received, acquired, paid, provided, or supplied.

(3) From the income computed in accordance with subsection (2) or subsection (2A) there may be deducted any items by which the chief executive is satisfied the income is likely to be reduced, and there may be added to the income so computed any items by which the chief executive is satisfied the income is likely to be increased, and the amount so ascertained shall be deemed to be the estimated income for the period in respect of which the computation is made.

Compare: 1938 No 7 s 61; 1958 No 46 s 26(1); 1960 No 13 s 16(1)

Section 64 heading: amended, on 26 September 2002, by section 13(1) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 64(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 64(1): amended, on 5 December 2013, by section 15(6)(b) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 64(1): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 64(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 64(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 64(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 64(1): amended, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 64(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 64(2): amended, on 11 October 1978, by section 18(1) of the Social Security Amendment Act 1978 (1978 No 58).

Section 64(2A): inserted, on 11 October 1978, by section 18(2) of the Social Security Amendment Act 1978 (1978 No 58).

Section 64(2A): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 64(2A): amended, on 5 December 2013, by section 15(6)(b) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 64(2A): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 64(2A): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 64(2A): amended, on 26 September 2002, by section 13(2)(a) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 64(2A): amended, on 26 September 2002, by section 13(2)(b) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 64(2A): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 64(2A): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 64(2A): amended, on 1 July 1996, by section 31(1) of the Social Security Amendment Act 1996 (1996 No 20).

Section 64(2A): amended, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 64(2B): inserted, on 26 October 2002, by section 13(3) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 64(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 64(3): amended, on 11 October 1978, by section 18(3) of the Social Security Amendment Act 1978 (1978 No 58).

65 Adjustment of anomalies due to receipt of income subject to income tax

[Repealed]

Section 65: repealed, on 9 June 1971, by section 3(1) of the Social Security Amendment Act 1971 (1971 No 8).

66 Exemption of income from friendly or like society

(1) Notwithstanding anything to the contrary in this Act, where an applicant for New Zealand superannuation, sole parent support, a supported living payment, or jobseeker support on the ground of sickness, injury, or disability, or the husband or the wife or the partner of any such applicant, is in receipt of a sick benefit from a friendly society or a like benefit from any other source, the chief executive, in computing pursuant to this Act the rate of any such benefit, shall take no account of any income up to, in the aggregate, the amount specified in Schedule 10 received by way of sick benefit from a friendly society or by way of like benefit from any other source.

(2) If any question arises as to whether any income received or receivable is of a like nature to a sick benefit payable by a friendly society, it shall be determined by the chief executive.

Compare: 1961 No 6 s 6(1), (2)

Section 66(1): amended, on 15 July 2013, by section 85(4)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 66(1): amended, on 15 July 2013, by section 96(1)(j) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 66(1): amended, on 15 July 2013, by section 103 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 66(1): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 66(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 66(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 66(1): amended, on 1 October 1998, by section 43 of the Social Security Amendment Act 1998 (1998 No 19).

Section 66(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 66(1): amended, on 1 April 1994, pursuant to section 2(1) of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 66(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

66A Special exemption for severe disablement

For the purposes of computing any benefit payable, the chief executive may in the chief executive's discretion, as an incentive to personal effort, disregard all or part of the income of any severely disabled person derived from such effort.

Section 66A: inserted, on 20 October 1972, by section 22 of the Social Security Amendment Act 1972 (1972 No 133).

Section 66A: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 66A: amended, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 66A: amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

66B Redundancy and retirement payments not to be taken into account in determining rates of benefits

In computing the income of any person for the purpose of determining the rate of any benefit, no account shall be taken of any redundancy payment or retirement payment (as those terms are defined in section 80B(3)) received by that person, except to the extent that the payment may constitute cash assets that are required to be taken into account in determining the rate of an accommodation supplement or a rent rebate under section 61F(1A) or section 61FB.

Section 66B: replaced, on 1 January 1994, by section 3(1) of the Social Security Amendment Act 1993 (1993 No 14).

Section 66B: amended, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

67 Exemption of income from domestic or nursing service

[Repealed]

Section 67: repealed (with effect on 14 May 1969), on 29 September 1969, by section 5(1) of the Social Security Amendment Act 1969 (1969 No 46).

68 Exemption of income from former home property

Notwithstanding anything to the contrary in this Act, where any person has let his home or sold it on terms providing for the payment of the purchase money or any part thereof by instalments or by which the purchase money or any part thereof is secured by mortgage thereon, the chief executive may, in the chief executive's discretion, in computing the income of that person, set off against the rent or interest derived or received by him in respect of that letting or sale the whole or any part of—

(a) any rent payable by him in respect of the tenancy of another home:

(b) any interest payable by him or unpaid purchase money owing by him in respect of the purchase of another home:

(c) any interest payable by him on money advanced to him for the purchase of another home:

(d) any money payable by him in respect of his board, lodging, or maintenance, whether in a private home or in any public or private institution.

Compare: 1961 No 6 s 7

Section 68: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 68: amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 68: amended, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 68: amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

68A Special provisions applying to insurance payments

(1) Where a debt insurance payment in relation to a mortgage security is made to a person or to some other person on his or her behalf or for his or her benefit, for the purposes of section 61E (which relates to accommodation costs), the payments required to be made by that person under that mortgage security shall be deemed to be reduced by the amount of the debt insurance payment.

(2) Where a debt insurance payment or a health or disability insurance payment is made to a person or to some other person on behalf of or for the benefit of the person or a member of his or her family, for the purposes of section 61G (which relates to temporary additional support) or a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004, the commitments of the person shall be deemed to be reduced to such an extent, if any, as the chief executive considers appropriate having regard to the nature of the payment and those commitments.

(3) Where a health or disability insurance payment is made to a person or to some other person on behalf of or for the benefit of the person or a member of his or her family, for the purposes of section 69C (which relates to disability allowances), any additional expenses of the person arising from his or her disability, or expenses arising from the hospitalisation of his or her spouse or partner, as the case may be, shall be deemed to be reduced to such an extent, if any, as the chief executive considers appropriate having regard to the nature of the payment and those additional expenses or expenses.

(4) Where a debt insurance payment or a health or disability insurance payment is made to a person or to some other person on behalf of or for the benefit of the person or a member of his or her family, for the purposes of any welfare programme approved by the Minister under and for the purposes of section 124(1)(d), the costs, expenses, and commitments of the person shall be deemed to be reduced to such an extent, if any, as the chief executive considers appropriate having regard to the nature of the payment and those costs, expenses, and commitments.

(5) Where an applicant for—

(a) a benefit is, or may be, entitled or eligible to receive, or receive the benefit of, an income-related insurance payment; or

(b) a benefit of a kind referred to in any of sections 61EA, 61G, 69C, and 124(1)(d), is, or may be, entitled or eligible to receive, or receive the

benefit of, a debt insurance payment or a health or disability insurance payment,—

the chief executive may grant a benefit or a rate of benefit subject to the condition that the whole or such part of the benefit as the chief executive may require shall be repaid to the chief executive in the event that the payment is made to the applicant or to some other person on behalf of or for the benefit of the applicant or a member of his or her family; and, in any such case, the amount of the benefit or the part thereof shall constitute a charge on the amount payable to the applicant or person and is a debt due to the Crown under section 85A(b) and (e), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the applicant or person or the person liable to make the payment.

(6) Where a person has been granted—

(a) a benefit, or granted a benefit at a rate, that does not take into account any income-related insurance payment; or

(b) a benefit of a kind referred to in any of sections 61EA, 61G, 69C, and 124(1)(d) or a special benefit that continues under section 23 of the Social Security (Working for Families) Amendment Act 2004, or granted such a benefit at a rate, that does not take into account any debt insurance payment or health or disability insurance payment,—

being a payment made to the person or to some other person on behalf of or for the benefit of the person or a member of his or her family and that relates to a contingency that occurred before or during the period in which the benefit is payable, the chief executive may suspend, terminate, or vary the rate of the benefit from such date as the chief executive determines.

(7) For the purposes of this Act, the amount of any income-related insurance payment or any debt insurance payment or any health or disability insurance payment shall, to the extent the chief executive so determines, be reduced by the amount of any costs incurred by an applicant for a benefit or a beneficiary in obtaining receipt of that payment.

(8) For the purposes of this section,—

benefit includes the granting of special assistance under any welfare programme approved under section 124(1)(d)

debt insurance payment, in relation to any person, includes any payment made or provided on the occurrence of a contingency under a contract of insurance or by reason of the person's membership of any society, organisation, or body whether corporate or unincorporate—

(a) for the purpose of enabling the person to make payments that he or she is liable to make on account of any debt or liability; and

(b) that is not for any reason treated as being the income of the person under this Act.

Section 68A: inserted, on 2 October 1994, by section 6 of the Social Security Amendment Act 1994 (1994 No 86).

Section 68A(2): amended, on 1 April 2006, by section 21 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 68A(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 68A(3): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 68A(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 68A(3): amended, on 17 September 1997, by section 17(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 68A(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 68A(5): amended, on 7 July 2014, by section 17 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 68A(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 68A(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 68A(6)(b): amended, on 1 April 2006, by section 21 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 68A(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 68A(8): replaced, on 17 September 1997, by section 17(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

69 Power to increase rates of benefits payable to parents of deceased members of the forces or mercantile marine

(1) Notwithstanding anything to the contrary in this Act, the chief executive may, in the chief executive's discretion, increase by an amount not exceeding the amount specified in Schedule 12 the rate of any benefit payable to any beneficiary where the chief executive is satisfied that he or she was one of the parents of—

(a) a deceased member of any of Her Majesty's forces established in New Zealand whose death was attributable to his service as a member of any such force:

(b) a deceased member of the New Zealand mercantile marine whose death was directly attributable to the Second World War:

(c) a deceased member of any forces established in any Commonwealth country (other than New Zealand) who was domiciled in New Zealand at the commencement of any war in which Her Majesty's forces established in New Zealand were engaged and whose death was attributable to his service as a member of those first-mentioned forces:

(d) a deceased member of the mercantile marine of any Commonwealth country (other than New Zealand) who was domiciled in New Zealand at the commencement of the Second World War and whose death was directly attributable to that war.

(2) For the purposes of this section, a beneficiary shall be deemed to have been one of the parents of any such deceased member if he was at the death of the member a parent or step-parent or adoptive parent of the member, or if in any other case the member was maintained by the beneficiary or by the spouse or partner of the beneficiary and the chief executive is satisfied that the beneficiary should be regarded as being a parent of that member.

Compare: 1949 No 38 s 21

Section 69(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69(1): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 69(2): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

69A Telephone-service-rental allowance

[Repealed]

Section 69A: repealed, on 1 April 1991, by section 24(1) of the Social Security Amendment Act 1991 (1991 No 1).

69B Television-licence-fee concessions

[Repealed]

Section 69B: repealed, on 1 October 1982, by section 10(1) of the Social Security Amendment Act 1982 (1982 No 16).

Part 1O
Disability provisions

Part 1O heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

69C Disability allowance

(1) The chief executive may, in the chief executive's discretion, grant a disability allowance at a rate not exceeding the amount specified in Schedule 19, to or on account of—

(a) any person who is in receipt of a supported living payment, sole parent support, jobseeker support, a youth payment, or a young parent payment, or a related emergency benefit payable under section 61; or

(b) *[Repealed]*

(c) any person whose income, including the income of the person's spouse or partner and any New Zealand superannuation or veteran's pension payable to the person or the person's spouse or partner, is less than the appropriate amount in Part 3 of Schedule 31; or

(d) the dependent spouse or partner or dependent child of any person referred to in paragraphs (a) to (c).

(1A) Subsection (1) is subject to subsections (2) to (4) and (7A) to (7E) of this section, and to regulations under section 132AD.

(2) A disability allowance is not payable to or on account of any such person unless the chief executive is satisfied that the disability of the person—

(a) is likely to continue for not less than 6 months; and

(b) has resulted in a reduction of the person's independent function to the extent that the person requires—

(i) ongoing support to undertake the normal functions of life; or

(ii) ongoing supervision or treatment by a health practitioner.

(2A) A disability allowance is not payable to or on account of any person except to the extent that—

(a) the person has additional expenses of an ongoing kind arising from the person's disability (subject to section 68A); and

(b) the assistance towards those expenses available under this Act or any other enactment is insufficient to meet them.

(2B) A disability allowance is not payable under this section in respect of—

(a) expenses arising from the disability of a person who is a resident assessed as requiring care (as defined in section 136) in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in that section) under section 141 or section 142; or

(b) expenses arising from the disability of a person that are costs of residential care services supplied to the person if—

(i) the person has a psychiatric, intellectual, physical, or sensory disability; and

(ii) the person's accommodation costs (as defined in section 61E) or care (other than care in his or her own home) is wholly or partly funded under the New Zealand Public Health and Disability Act 2000.

(2C) For the avoidance of doubt, nothing in paragraph (b) of subsection (2B) prevents the payment of a disability allowance to a person to whom that paragraph applies for expenses that are not costs of residential care services supplied to that person.

(3) Before a disability allowance is granted under this section, the chief executive may require the applicant, or the spouse or partner or child of the applicant, as the case may require, to be examined by a medical practitioner nominated by the chief executive for the purpose.

(4) Despite anything to the contrary in this section, the chief executive may, in the chief executive's discretion, refuse to grant a disability allowance or may terminate a disability allowance already granted or may grant a disability allowance at a reduced rate, if the applicant is in receipt of a disablement pension under Part 3, or an entitlement under Part 4, of the Veterans' Support Act 2014, or an entitlement under the Accident Compensation Act 2001, or an overseas pension or periodical allowance which the chief executive deems to be analogous to such war disablement pension or entitlement, in respect of a disability which gives rise to an application for a disability allowance under this section.

(5) Notwithstanding anything in this section but subject to section 68A, if—

(a) a person who is married or in a civil union or in a de facto relationship (the **recipient**) is in receipt of New Zealand superannuation or a veteran's pension, or of a supported living payment on the ground of sickness, injury, disability, or total blindness, or jobseeker support, or a related emergency benefit; and

(b) the recipient's spouse or partner is either—

(i) a patient in a hospital (as defined in section 75(1)) who is in receipt of a reduced benefit under section 75(3) or (4); or

(ii) a resident assessed as requiring care (as defined in section 136), and in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in that section) under section 141 or 142,—

(c) *[Repealed]*

the chief executive shall grant a special disability allowance at the rate specified in Schedule 19 to the recipient for the purpose of defraying expenses arising from the hospitalisation of the spouse or partner.

(6) Despite subsection (2)(a), the chief executive may grant a disability allowance under this section to any person who would otherwise qualify for it and—

(a) whose life expectancy is less than 6 months; or

(b) it is not possible to determine whether the disability is likely to continue for not less than 6 months but that is a reasonably possible prognosis.

(7) Where any person, whose application for a disability allowance has been declined only on the grounds that the disability is likely to last less than 6 months, subsequently shows to the satisfaction of the chief executive that the disability in respect of which that application was made—

(a) is likely to last for 6 months or more; or

(b) has continued for 6 months or more,—

and that the person would otherwise have been entitled to receive a disability allowance since the date of the original application, the chief executive must grant a disability allowance to that person commencing on the date of the original application.

(7A) This subsection applies to a person if—

(a) any additional expenses arising from a disability relate to the supply of any goods or services to the person or a member of the person's family; and

(b) all or a specified part of a disability allowance is granted in respect of the supply of the goods or services; and

(c) those goods or services are of a class, description, or kind supplied by a preferred supplier (being a preferred supplier to, or in respect of, the area in which the person resides) under a contract entered into with the chief executive under section 125AA.

(7B) If subsection (7A) applies to a person,—

(a) the person must, for every supply of the goods or services after a nomination given to the person by the chief executive has come into force and while it remains in force, purchase the goods or services from a preferred supplier specified in that nomination and at the price determined by the contract under section 125AA with that supplier; and

(b) the chief executive must, despite subsections (1) to (7), pay all, or the specified part, of the disability allowance that is granted in respect of the supply of the goods or services to that supplier in consideration of the supply of the goods or services to the person or the person's family member.

(7BA) A nomination under subsection (7B)(a)—

(a) may be given orally or in writing (but, if given orally, must as soon as practicable be confirmed in writing); and

(b) may from time to time be amended, revoked, or revoked and replaced by the chief executive, to recognise changes in preferred suppliers or preferred supply contracts ending without also being replaced.

(7BB) However, if the person's net total benefit payments due to be paid on a pay day (after deducting any redirection under section 82(3) or reduction or deduction required to be made from the person's benefit payments for another purpose (for example, under an attachment order or a deduction notice)) are less than the amount required to pay the preferred supplier on that pay day, the chief executive—

(a) is not required by subsection (7B)(b) to pay to the preferred supplier on that pay day all, or the specified part, of the person's disability allowance due on that pay day; but

(b) may pay the amount due to the preferred supplier on 1 or more later pay days from amounts of disability allowance or other benefit payments due to the person on those 1 or more later pay days.

(7BC) Non-payment, or deferred payment, under subsection (7BB) does not reduce any amounts due to the preferred supplier from the person under, or make the chief executive or the Crown liable for breaching, the person's contract of purchase.

(7C) However, if the disability allowance granted to the person to whom subsection (7A) applies is granted at the maximum appropriate rate specified in Schedule 19, the chief executive may, in the chief executive's discretion, determine in writing that, despite subsection (7B),—

(a) all, or the specified part, of the disability allowance that is granted in respect of the supply of the goods or services must be paid to the person for use only to purchase any 1 or more of the goods or services that the person chooses and that are goods or services in respect of the supply of which the disability allowance is granted; and

(b) if the goods or services that the person chooses and purchases under paragraph (a) are goods or services supplied by the nominated preferred supplier under the contract entered into with the chief executive under section 125AA, then the person must purchase them from that supplier at the price determined by that contract.

(7D) No appeal under this Act lies against any chief executive's decision under subsections (7B) to (7C).

(7E) Subsections (7A) to (7D) are subject to (preferred supplier transitional provisions) directions under section 125AA(5).

(8) In this section,—

disability has the meaning ascribed to it by section 21(1)(h) of the Human Rights Act 1993

health practitioner—

(a) has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003; and

(b) includes—

(i) a former health practitioner within the meaning of that section; and

(ii) a person who is receiving training or gaining experience under the supervision of a health practitioner.

Section 69C: inserted, on 10 October 1975, by section 12(1) of the Social Security Amendment Act 1975 (1975 No 123).

Section 69C(1): replaced (with effect on 6 November 1985), on 12 December 1985, by section 15(1) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Section 69C(1): amended, on 17 April 2013, by section 30(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69C(1): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 69C(1)(a): amended, on 15 July 2013, by section 85(4)(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(1)(a): amended, on 15 July 2013, by section 96(1)(k) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(1)(a): amended, on 15 July 2013, by section 113(1)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(1)(a): amended, on 15 July 2013, by section 128(1)(j) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(1)(a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 69C(1)(a): amended, on 15 April 2005, by section 6(1) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 69C(1)(a): amended, on 1 July 2001, by section 15(3)(c) of the Social Security Amendment Act 2001 (2001 No 1).

Section 69C(1)(a): amended, on 1 October 1998, by section 44(1) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69C(1)(b): repealed, on 1 April 1990, by section 14(9) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 69C(1)(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69C(1)(c): amended, on 1 April 2005, by section 14 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 69C(1)(c): amended (with effect on 1 July 1995), on 17 September 1997, by section 18(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 69C(1)(d): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69C(1A): inserted, on 17 April 2013, by section 30(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(2): replaced (with effect on 1 July 1995), on 17 September 1997, by section 18(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 69C(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69C(2)(b)(ii): replaced, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 69C(2A): inserted (with effect on 1 July 1995), on 17 September 1997, by section 18(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 69C(2B): replaced, on 22 November 2006, by section 4(1) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 69C(2C): inserted, on 22 November 2006, by section 4(1) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 69C(3): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69C(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69C(4): replaced, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 69C(4): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69C(4): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 69C(4): amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 69C(5): inserted, on 28 September 1982, by section 11(2) of the Social Security Amendment Act 1982 (1982 No 16).

Section 69C(5): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69C(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69C(5): amended, on 2 October 1994, by section 7(2) of the Social Security Amendment Act 1994 (1994 No 86).

Section 69C(5): amended (with effect on 6 November 1985), on 12 December 1985, by section 15(2) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Section 69C(5)(a): replaced, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 69C(5)(a): amended, on 15 July 2013, by section 96(2)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(5)(a): amended, on 15 July 2013, by section 113(1)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(5)(a): amended, on 15 July 2013, by section 128(1)(j) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(5)(a): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69C(5)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69C(5)(a): amended, on 15 April 2005, by section 6(2) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 69C(5)(a): amended, on 1 July 2001, by section 15(3)(c) of the Social Security Amendment Act 2001 (2001 No 1).

Section 69C(5)(a): amended, on 1 October 1998, by section 44(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69C(5)(b): replaced, on 7 July 2010, by section 8 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 69C(5)(c): repealed, on 7 July 2010, by section 8 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 69C(6): inserted (with effect on 1 July 1995), on 17 September 1997, by section 18(3) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 69C(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69C(7): inserted (with effect on 1 July 1995), on 17 September 1997, by section 18(3) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 69C(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69C(7A): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(7B): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(7BA): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(7BB): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(7BC): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(7C): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(7D): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(7E): inserted, on 17 April 2013, by section 30(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 69C(8): inserted (with effect on 1 July 1995), on 17 September 1997, by section 18(3) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 69C(8) **health practitioner**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 69C(8) **registered health professional**: repealed, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

69D Transition to work allowance

[Repealed]

Section 69D: repealed, on 1 July 1996, by section 32(1) of the Social Security Amendment Act 1996 (1996 No 20).

69E Interpretation

[Repealed]

Section 69E: repealed, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

69F Financial means assessments

[Repealed]

Section 69F: repealed, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

69FA Financial means assessments for home-based disability support services

(1) In this section and in Schedule 30,—

cash assets has the same meaning as in section 61E; but does not include any assets or any amount of cash assets excluded by regulations made under section 132D

health practitioner—

(a) has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003; and

(b) includes—

(i) a former health practitioner within the meaning of that section; and

(ii) a person who is receiving training or gaining experience under the supervision of a health practitioner

home-based disability support services means disability services supplied to a person, being services in relation to the person's domestic affairs (other than medical services, personal care services, attendant care services, and relief care services) that support and allow the person to remain in his or her home and are of a kind that are funded under the New Zealand Public Health and Disability Act 2000

income has the same meaning as in section 3(1); but includes—

(a) any benefit or allowance received under or pursuant to—

(i) this Act or the New Zealand Superannuation and Retirement Income Act 2001; or

(ii) the Veterans' Support Act 2014 (other than a disablement pension under Part 3 of that Act); and

(b) the gross amount of any payment received in consideration of providing board and lodgings to any person in excess of 2—

but does not include any amount specified in regulations made under section 132D

medical services means services supplied to a person by a health practitioner relating to the treatment or relief of the person's disability condition or the rehabilitation of the person from that condition.

(2) This section applies to any person who has been assessed by a district health board as requiring home-based disability support services and who—

(a) is not a child; and

(b) is not entitled to be the holder of a community services card issued pursuant to the Health Entitlement Cards Regulations 1993 (SR 1993/169).

(3) The chief executive may, from time to time, on application by or on behalf of any person to whom this section applies, assess in accordance with Schedule 30 the weekly amount that person is required to pay toward the cost of the home-based disability support services supplied to that person, and that person is required to pay the amount so assessed in accordance with the assessment.

(4) For the purposes of Schedule 30,—

(a) the following is to be treated as $1 per week of income:

(i) every $100 of cash assets over $5,400 held by a person who is married or in a civil union or in a de facto relationship:

(ii) every $100 of cash assets over $5,400 held by a single person who has a dependent child or children:

(iii) every $100 of cash assets over $2,700 held by any other person; and

(b) the income of a person who is married or in a civil union or in a de facto relationship includes the income of his or her spouse or partner.

(5) In any case where the chief executive is satisfied that a person to whom this section applies, or that person's spouse or partner, has not realised any assets available for that person's personal use, the chief executive may treat any such assets as being cash assets for the purposes of subsection (4).

(6) Every assessment made by the chief executive under subsection (3) must state—

(a) the date of the assessment; and

(b) the amount that the person has been assessed as being required to pay toward the cost of the home-based disability support services supplied to that person—

and the chief executive must supply a copy of that assessment to that person, and may supply the details specified in paragraphs (a) and (b) to the applicable district health board.

(7) The chief executive must from time to time review any assessment under this section, and may revise that assessment if—

(a) the chief executive is satisfied the assessment is in error; or

(b) the person to whom the assessment relates or his or her spouse or partner fails to provide any relevant information requested or to answer any relevant question; or

(c) after reviewing the assessment, the chief executive is satisfied that, owing to a change in circumstances of that person or his or her spouse or partner, the assessment is no longer an accurate reflection of that person's ability to pay for his or her home-based disability support services, to take effect from such date as the chief executive determines, being a date on or after the date on which the change may reasonably be held to have occurred.

(8) In any case where the chief executive is satisfied that any person—

(a) who has applied for an assessment under this section; or

(b) whose ability to pay for home-based disability support services has been assessed under this section—

or that person's spouse or partner has directly or indirectly deprived himself or herself of any income or assets, the chief executive, in the chief executive's

discretion, may assess or, as the case may be, revise the assessment of the person's ability to pay for that person's home-based disability support services as if that deprivation had not occurred.

(9) Every person whose ability to pay for home-based disability support services has been assessed under this section must forthwith advise the department of any change in the circumstances of that person or his or her spouse or partner that affects that person's ability to pay for his or her home-based disability support services.

Section 69FA: inserted, on 17 September 1997, by section 19 of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 69FA(1) **health practitioner**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 69FA(1) **home-based disability support services**: amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 69FA(1) **income** paragraph (a)(i): amended, on 5 December 2013, by section 15(5)(c) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69FA(1) **income** paragraph (a)(i): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69FA(1) **income** paragraph (a)(i): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69FA **income** paragraph (a)(ii): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69FA(1) **medical services**: replaced, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 69FA(2): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 69FA(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69FA(4): replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69FA(4)(a)(i): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69FA(4)(b): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69FA(5): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69FA(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69FA(6): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 69FA(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69FA(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69FA(7)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69FA(7)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69FA(7)(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69FA(7)(c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69FA(8): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69FA(8): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69FA(9): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Part 1P
Administration: overseas pensions, other conditions of benefits, reviews, and payments, debts, and deductions

Part 1P heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Overseas pensions

Heading: inserted, on 2 October 1996, by section 3 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

69G Reasonable steps to be taken to obtain overseas pension

(1) Every applicant for a benefit under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 shall provide to the chief executive information establishing, to the satisfaction of the chief executive,—

(a) that the applicant and the spouse or partner of the applicant have taken all reasonable steps to obtain any overseas pension to which either or both of them may be entitled or that may be granted to either or both of them; and

(b) that the applicant has taken all reasonable steps to obtain any overseas pension to which any dependant of the applicant may be entitled or that may be granted to any dependant of the applicant.

(2) The chief executive may give to—

(a) an applicant for a benefit under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001; or

(b) a beneficiary under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001; or

(c) the spouse or partner of an applicant for a benefit under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001; or

(d) the spouse or partner of a beneficiary under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001—

a written notice requiring that person to take all reasonable steps, within a period specified by the chief executive, to obtain any overseas pension to which that person may be entitled or that may be granted to that person.

(3) The chief executive may give to—

(a) an applicant for a benefit under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001; or

(b) a beneficiary under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001—

a written notice requiring that person to take all reasonable steps, within a period specified by the chief executive, to obtain any overseas pension to which any dependant of that person may be entitled or that may be granted to any dependant of that person.

(4) Where a person does not comply with a notice given by the chief executive under subsection (2) or subsection (3), the chief executive may—

(a) refuse to grant the benefit applied for by the applicant:

(b) suspend, from such date as the chief executive determines, the benefit granted to the beneficiary until either—

(i) the beneficiary provides information establishing, to the satisfaction of the chief executive, that the beneficiary and the spouse or partner of the beneficiary have taken all reasonable steps to obtain any overseas pension to which either or both of them may be entitled or that may be granted to either or both of them or, as the case requires, that the beneficiary has taken all reasonable steps to obtain any overseas pension to which any dependant of the beneficiary may be entitled or that may be granted to any dependant of the beneficiary; or

(ii) the benefit is terminated under subsection (5),—

whichever occurs first.

(5) Where a benefit has been suspended under subsection (4), the chief executive may, not less than 40 working days after the suspension, terminate the benefit from such date as the chief executive determines.

Section 69G: inserted, on 2 October 1996, by section 3 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 69G(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69G(1): amended, on 5 December 2013, by section 15(9)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69G(1): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69G(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69G(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69G(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69G(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69G(1)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69G(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69G(2)(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69G(2)(a): amended, on 5 December 2013, by section 15(9)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69G(2)(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69G(2)(a): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69G(2)(a): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69G(2)(a): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69G(2)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69G(2)(b): amended, on 5 December 2013, by section 15(9)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69G(2)(b): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69G(2)(b): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69G(2)(b): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69G(2)(b): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69G(2)(c): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69G(2)(c): amended, on 5 December 2013, by section 15(9)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69G(2)(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69G(2)(c): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69G(2)(c): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69G(2)(c): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69G(2)(c): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69G(2)(d): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69G(2)(d): amended, on 5 December 2013, by section 15(9)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69G(2)(d): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69G(2)(d): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69G(2)(d): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69G(2)(d): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69G(2)(d): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69G(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69G(3)(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69G(3)(a): amended, on 5 December 2013, by section 15(9)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69G(3)(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69G(3)(a): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69G(3)(a): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69G(3)(a): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69G(3)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69G(3)(b): amended, on 5 December 2013, by section 15(9)(a) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69G(3)(b): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69G(3)(b): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69G(3)(b): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69G(3)(b): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69G(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69G(4)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69G(4)(b)(i): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69G(4)(b)(i): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69G(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

69H Information on rate of overseas pension to be provided

(1) Every applicant for a benefit under this Act or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 shall provide to the chief executive information establishing, to the satisfaction of the chief executive, the rate of any overseas pension granted to any of the following persons:

(a) the applicant:

(b) the applicant's spouse or partner:

(c) any dependant of the applicant.

(2) Where an applicant does not comply with subsection (1) within 10 working days after applying for the benefit, the chief executive may refuse to grant the benefit applied for.

(3) Every beneficiary under this Act or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 shall provide to the chief executive, as requested from time to time in a written notice given to that person by the chief executive, information establishing, to the satisfaction of the chief executive, the rate of any overseas pension granted to any of the following persons:

(a) the beneficiary:

(b) the beneficiary's spouse or partner:

(c) any dependant of the beneficiary.

(4) Where a beneficiary does not comply with subsection (3) within 10 working days after the notice has been given, the chief executive may suspend, from such date as the chief executive determines, the benefit granted to the beneficiary until either—

(a) the beneficiary provides information establishing, to the satisfaction of the chief executive, the rate of any overseas pension granted to the beneficiary or the beneficiary's spouse or partner or any dependant of the beneficiary; or

(b) the benefit is terminated under subsection (5),—

whichever occurs first.

(5) Where a benefit has been suspended under subsection (4), the chief executive may, not less than 40 working days after the suspension, terminate the benefit from such date as the chief executive determines.

(6) In this section, the term **rate**, in relation to an overseas pension, means the rate of that pension in the currency of the country paying that pension.

Section 69H: inserted, on 2 October 1996, by section 3 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 69H(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69H(1): amended, on 5 December 2013, by section 15(9)(b) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69H(1): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69H(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69H(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69H(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69H(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69H(1)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69H(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69H(3): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 69H(3): amended, on 5 December 2013, by section 15(9)(b) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 69H(3): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 69H(3): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 69H(3): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 69H(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69H(3): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 69H(3)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69H(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69H(4)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 69H(4)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69H(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

69I Duty of chief executive to assist

It is the duty of the chief executive to take all reasonable steps to assist any person to comply with any obligation imposed on that person by or under section 69G(1) to (3) or section 69H(1) or (3).

Section 69I: inserted, on 2 October 1996, by section 3 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 69I heading: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 69I: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

70 Rate of benefits if overseas pension payable

(1) For the purposes of this Act, if—

(a) any person qualified to receive a benefit under this Act or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 is entitled to receive or receives, in respect of that person or of that person's spouse or partner or of that person's dependants, or if that person's spouse or partner or any of that person's dependants is entitled to receive or receives, a benefit, pension, or periodical allowance granted elsewhere than in New Zealand; and

(b) the benefit, pension, or periodical allowance, or any part of it, is in the nature of a payment which, in the opinion of the chief executive, forms part of a programme providing benefits, pensions, or periodical allowances for any of the contingencies for which benefits, pensions, or allowances may be paid under this Act or under the New Zealand Superannuation and Retirement Income Act 2001 or under the Veterans' Support Act 2014 which is administered by or on behalf of the Government of the country from which the benefit, pension, or periodical allowance is received—

the rate of the benefit or benefits that would otherwise be payable under this Act or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 shall, subject to subsection (3), be reduced by the amount of such overseas benefit, pension, or periodical allowance, or part thereof, as the case may be, being an amount determined by the chief executive in accordance with regulations made under this Act:

provided that if the chief executive determines that the overseas benefit, pension, or periodical allowance, or any part of it, is in the nature of, and is paid for similar purposes as,—

(a) compensation for injury or death for which payment could be made under the Accident Compensation Act 2001 if the injury or death had occurred in New Zealand after the commencement of that Act; or

(b) a war pension or allowance granted under the Veterans' Support Act 2014 of a type which would not affect any recipient's entitlement to a benefit in accordance with section 72 unless the pension or allowance is a pension or payment granted under Part 6 of the Veterans' Support Act 2014; or

(c) a disability allowance granted under this Act—

such overseas benefit, pension, or periodical allowance, or part of it, as the case may be, shall be treated as if it were in fact such compensation, war pension or allowance, or disability allowance.

(1A) Subsection (1) does not apply to New Zealand superannuation payable overseas under section 26 of the New Zealand Superannuation and Retirement Income Act 2001.

(1B) Subsection (1) does not apply to a veteran's pension payable overseas under section 182 of the Veterans' Support Act 2014.

(2) Nothing in subsection (1) shall preclude the chief executive from deciding the date on which the chief executive's determination under paragraph (b) of, or the proviso to, the said subsection (1) shall take effect, which date may be a date before, on, or after the date of such determination.

(3) In any case where paragraph (a) and paragraph (b) of subsection (1) apply and the proviso to subsection (1) does not apply, the chief executive may—

(a) make an arrangement with an overseas pensioner, in accordance with any regulations made under section 132C, to pay to the overseas pensioner the rate of the benefit or benefits that is payable under this Act or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001 and to receive from the overseas pensioner an amount equivalent to the amount of the overseas pension that the overseas pensioner receives, if—

(i) the overseas pensioner agrees to make such an arrangement; and

(ii) the overseas pensioner has not previously made such an arrangement and voluntarily terminated it; and

(iii) the chief executive has not previously ceased to make payments under paragraph (b) because of the overseas pensioner's failure to comply with such an arrangement; and

(b) pay to the overseas pensioner, in accordance with an arrangement made under paragraph (a), the rate of the benefit or benefits that is payable under this Act or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001, if the chief executive receives from the overseas pensioner, in accordance with

the arrangement, an amount equivalent to the amount of the overseas pension that the overseas pensioner receives.

(3A) The chief executive may from time to time, on behalf of the Crown, enter into contracts with 1 or more registered banks for the purpose of implementing arrangements under subsection (3)(a).

(3B) No money in a bank account maintained, in accordance with regulations made under section 132C, to implement an arrangement under subsection (3)(a) can—

(a) be attached or taken in execution under any order or process of any court:

(b) be made the subject of any set-off, charge, or assignment:

(c) be claimed or deducted under any notice or other instrument issued under any enactment (other than under regulations made under section 132C).

(3C) If the benefit referred to in an arrangement made under subsection (3)(a) is New Zealand superannuation, the chief executive must pay any amount received from the overseas pensioner under the arrangement into the New Zealand Superannuation Fund established under the New Zealand Superannuation and Retirement Income Act 2001, in accordance with arrangements made from time to time by the chief executive with the Guardians of New Zealand Superannuation.

(4) For the purposes of this Act, a payment under subsection (3)(b) shall, in respect of the period to which the payment relates, be deemed to be payment of—

(a) the benefit or benefits that are payable to that overseas pensioner in that period under this Act or Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001, at the rate at which that benefit or those benefits are so payable but reduced in accordance with subsection (1); and

(b) the amount of the overseas pension that that overseas pensioner is entitled to receive or has received in that period.

(5) Subsections (3) and (4) shall come into force on a date to be appointed by the Governor-General by Order in Council.

Section 70: replaced, on 10 October 1975, by section 13(1) of the Social Security Amendment Act 1975 (1975 No 123).

Section 70(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(1): amended, on 5 December 2013, by section 15(9)(c) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 70(1): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 70(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 70(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 70(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 70(1): amended, on 2 October 1996, by section 4(1) of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 70(1)(a): replaced, on 12 December 1985, by section 16(1) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Section 70(1)(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(1)(a): amended, on 5 December 2013, by section 15(9)(c) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 70(1)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 70(1)(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 70(1)(a): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 70(1)(a): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 70(1)(a): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 70(1)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(1)(b): amended, on 5 December 2013, by section 15(9)(c) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 70(1)(b): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 70(1)(b): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 70(1)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(1)(b): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 70(1) proviso: replaced, on 12 December 1985, by section 16(2) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Section 70(1) proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(1) proviso paragraph (a): replaced, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 70(1) proviso paragraph (a): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 70(1) proviso paragraph (a): amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 70(1) proviso paragraph (b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(1) proviso paragraph (b): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 70(1) proviso paragraph (c): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 70(1A): inserted, on 5 January 2010, by section 9 of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

Section 70(1B): inserted, on 5 January 2010, by section 8 of the War Pensions Amendment Act 2009 (2009 No 41).

Section 70(1B): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(3): inserted, on 2 October 1996, by section 4(2) of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 70(3): brought into force, on 7 November 1996, by the Social Security (Alternative Arrangement for Overseas Pensions) Commencement Order 1996 (SR 1996/316).

Section 70(3)(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(3)(a): amended, on 5 December 2013, by section 15(5)(d) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 70(3)(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 70(3)(a): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 70(3)(a): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 70(3)(a): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 70(3)(a)(iii): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(3)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(3)(b): amended, on 5 December 2013, by section 15(5)(d) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 70(3)(b): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 70(3)(b): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 70(3)(b): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 70(3)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(3)(b): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 70(3A): inserted, on 7 November 1996, by section 2(1) of the Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10).

Section 70(3A): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70(3B): inserted, on 28 March 1998, by section 2(2) of the Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10).

Section 70(3C): inserted, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 70(3C): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 70(4): inserted, on 2 October 1996, by section 4(2) of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 70(4): brought into force, on 7 November 1996, by the Social Security (Alternative Arrangement for Overseas Pensions) Commencement Order 1996 (SR 1996/316).

Section 70(4)(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 70(4): amended, on 17 July 2013, by section 161 of the Taxation (Livestock Valuation, Assets Expenditure, and Remedial Matters) Act 2013 (2013 No 52).

Section 70(4)(a): amended, on 5 December 2013, by section 15(5)(d) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 70(4)(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 70(4)(a): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 70(4)(a): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 70(4)(a): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 70(5): inserted, on 2 October 1996, by section 4(2) of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Other conditions of benefits

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

70A Rates of benefits for sole parents may be reduced

(1) This section applies to any beneficiary—

(a) who is a sole parent; and

(b) who is in receipt of one of the following benefits:

(i) sole parent support under section 20D; or

(ii) *[Repealed]*

(iii) a supported living payment on the ground of sickness, injury, disability, or total blindness, under section 40B; or

(iiia) *[Repealed]*

(iv) *[Repealed]*

(v) jobseeker support, except where granted under section 88C(2) or (3); or

(va) a young parent payment; or

(vi) an emergency benefit granted, on an application made after 31 July 1991, under section 61; and

(c) who, in respect of any dependent child in the care of the beneficiary, fails or refuses—

(i) to identify who is in law the other parent of that child; or

(ii) to make an application for formula assessment of child support, when required to do so by section 9 of the Child Support Act 1991; or

(iii) to attend and give in evidence all information that is required of the beneficiary during a hearing of a proceeding under the Child Support Act 1991, as required under section 122 of that Act.

(2) The rate of benefit payable to any beneficiary to whom this section applies shall be reduced in respect of each dependent child in the care of the beneficiary—

(a) whose other parent has not been identified in law; or

(b) whose other parent has not been named in an application for formula assessment of child support under the Child Support Act 1991 as a liable parent from whom child support is sought; or

(c) whose other parent the beneficiary has failed or refused to testify against as required under section 122 of the Child Support Act 1991,—

by an amount equal to $22.

(3) Subsection (2) shall not apply if the chief executive is satisfied that—

(a) there is insufficient evidence available to establish who is in law the other parent; or

(b) the beneficiary is taking active steps to identify who is in law the other parent; or

(ba) the beneficiary or any of the beneficiary's children would be at risk of violence if the beneficiary carried out or took steps to carry out any of the actions referred to in subparagraphs (i) to (iii) of subsection (1)(c); or

(bb) there is a compelling circumstance, other than a circumstance mentioned elsewhere in this subsection, for the beneficiary's failure or refusal to carry out any of the actions set out in subparagraphs (i) to (iii) of subsection (1)(c), and, even if the beneficiary carried out the action, there is no real likelihood of child support being collected in the foreseeable future from the other parent, or, as the case may be, the other parent's estate; or

(c) the child was conceived as a result of incest or sexual violation.

(4) A reduction of the rate of benefit under subsection (2) in respect of a dependent child in the care of the beneficiary ceases to apply to a beneficiary who subsequently carries out the action referred to in subparagraph (i), (ii), or (iii) of sub-

section (1)(c) that the beneficiary failed or refused to carry out in respect of that child.

(5) If a beneficiary's rate of benefit has been reduced under subsection (2), it must be reduced by a further $6 if the circumstances in subsection (6) exist.

(6) The circumstances are that—

(a) a period of not less than 13 weeks has elapsed after the date on which the beneficiary's rate of benefit was reduced under subsection (2); and

(b) during the period referred to in paragraph (a), the chief executive has given the beneficiary a reasonable opportunity to reconsider his or her decision not to carry out the action referred to in subparagraphs (i) to (iii) of subsection (1)(c) that led to that reduction.

(7) A further reduction made under subsection (5) to a beneficiary's rate of benefit must not exceed $6, regardless of the number of the beneficiary's dependent children to whom subsection (1)(c) applies.

(8) A reduction of the rate of benefit under subsection (5) ceases to apply where the rate of benefit has ceased to be reduced under subsection (2).

(9) For the purposes of this section—

violence has the same meaning as in section 3 of the Domestic Violence Act 1995.

Section 70A: replaced, on 1 July 1992, by section 9(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Section 70A(1)(b)(i): replaced, on 15 July 2013, by section 74 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 70A(1)(b)(ii): repealed, on 15 July 2013, by section 74 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 70A(1)(b)(iii): replaced, on 15 July 2013, by section 90 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 70A(1)(b)(iiia): repealed, on 15 April 2005, by section 7(1) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(1)(b)(iv): repealed, on 15 July 2013, by section 104 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 70A(1)(b)(v): replaced, on 1 March 2016, by section 70 of the Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1).

Section 70A(1)(b)(va): replaced, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 70A(1)(c): replaced, on 15 April 2005, by section 7(2) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(2): amended, on 1 October 1993, by section 92(5) of the Income Tax Amendment Act (No 3) 1993 (1993 No 130).

Section 70A(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70A(3)(ba): inserted, on 1 July 2005, by section 7(3) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(3)(bb): inserted, on 1 July 2005, by section 7(3) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(4): replaced, on 15 April 2005, by section 7(4) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(5): inserted, on 15 April 2005, by section 7(4) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(6): inserted, on 15 April 2005, by section 7(4) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(7): inserted, on 15 April 2005, by section 7(4) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(8): inserted, on 15 April 2005, by section 7(4) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 70A(9): inserted, on 15 April 2005, by section 7(4) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

70B Entitlement to benefits in cases of shared custody

(1) If the parents of a dependent child—

(a) are living apart; and

(b) are both beneficiaries; and

(c) each has the primary responsibility for the care of that child for at least 40% of the time—

only the parent whom the chief executive is satisfied has the greater responsibility for the child shall be entitled to have that child taken into account by the chief executive in assessing that parent's entitlement to a benefit and the rate of benefit payable at any one time.

(2) In deciding which parent has the greater responsibility for the child, the chief executive shall have regard primarily to the periods the child is in the care of each parent and then to the following factors:

(a) how the responsibility for decisions about the daily activities of the child is shared; and

(b) who is responsible for taking the child to and from school and supervising that child's leisure activities; and

(c) how decisions about the education or health care of the child are made; and

(d) the financial arrangements for the child's material support; and

(e) which parent pays for which expenses of the child.

(3) If the chief executive is unable to ascertain that one parent has the greater responsibility for the child than the other, only the parent whom the chief executive ascertains was the principal caregiver in respect of the child immediately before the parents began living apart shall be entitled to have that child taken into account by the chief executive in assessing that parent's entitlement to a benefit and the rate of benefit payable.

(4) If the chief executive is unable to ascertain which of the parents has the greater responsibility for the child or which of them was the principal caregiver before the parents began living apart, the parents shall agree between themselves as to which of them shall be entitled to have that child taken into account by the chief executive in assessing entitlement to a benefit and the rate of benefit payable; and until the parents reach agreement the child shall not be taken into account in assessing the entitlement to a benefit of, or the rate of benefit payable to, either parent.

Section 70B: inserted, on 1 October 1991, by section 18(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 70B(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70B(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70B(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 70B(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

71 Special provisions where compensation or damages recoverable by applicant

(1) Notwithstanding anything to the contrary in this Act or Part 6 of the Veterans' Support Act 2014 or the New Zealand Superannuation and Retirement Income Act 2001, where any person who has recovered or is entitled to recover compensation or damages from any other person in respect of any disability caused by accident or disease or in respect of wrongful or unjustifiable dismissal claims any benefit, the following provisions shall apply:

(a) where any compensation or damages have been recovered, the chief executive may refuse to grant a benefit or may grant a reduced benefit for the period of disability or loss of expectation of employment in respect of which the compensation or damages have been paid or are deemed by the chief executive to have been paid; and

(b) where any applicant for a benefit has a claim against any person to recover any compensation or damages, the chief executive may grant a benefit subject to the condition that the whole or such part of the benefit as the chief executive may require shall be repaid to the chief executive out of any compensation or damages that may thereafter be recovered, and in any such case the amount of the benefit or that part thereof, as the case may be, shall constitute a charge on the compensation or damages and is a debt due to the Crown under section 85A(b) and (e), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the beneficiary or from any person liable for the payment of the compensation or damages.

(2) For the purposes of this section the expression **compensation or damages** includes any *ex gratia* payment made in settlement of or on account of a claim for compensation or damages; but does not include any impairment lump sum received under Schedule 1 of the Accident Compensation Act 2001.

Compare: 1938 No 7 s 74; 1949 No 38 s 19

Section 71(1): amended, on 5 December 2013, by section 15(5)(e) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 71(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 71(1): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 71(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 71(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 71(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 71(1): amended, on 30 June 1993, by section 16(a) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 71(1): amended, on 1 March 1991, by section 25 of the Social Security Amendment Act 1991 (1991 No 1).

Section 71(1)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 71(1)(a): amended, on 30 June 1993, by section 16(b) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 71(1)(b): amended, on 7 July 2014, by section 18 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 71(1)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 71(2): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 71(2): amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

71A Deduction of weekly compensation from income-tested benefits

(1) Subject to subsection (4), this section applies to a person who is qualified to receive an income-tested benefit (other than New Zealand superannuation or a veteran's pension unless the veteran's pension would be subject to abatement under section 171 of the Veterans' Support Act 2014) where—

(a) the person is entitled to receive or receives weekly compensation in respect of the person or his or her spouse or partner or a dependent child; or

(b) the person's spouse or partner receives weekly compensation.

(2) Where this section applies, the rate of the benefit payable to the person must be reduced by the amount of weekly compensation payable to the person.

(3) In this section, **weekly compensation** means weekly compensation for loss of earnings or loss of potential earning capacity payable to the person under the Accident Compensation Act 2001 (whether payable by or on behalf of the Accident Compensation Corporation or by or on behalf of an accredited employer within the meaning of section 181 of that Act).

(4) Subsection (2) does not apply where the person—

(a) was receiving the income-tested benefit immediately before 1 July 1999 and continues to receive that benefit; and

(b) was receiving compensation for loss of earnings or loss of potential earning capacity under the Accident Rehabilitation Compensation and Insurance Act 1992 immediately before that date; and

(c) under section 71A(2) (as it was before it was repealed and substituted by the Accident Insurance Act 1998) required the compensation payments to be brought to charge as income in the assessment of the person's benefit.

Section 71A: replaced, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 71A(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 71A(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 71A(1)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 71A(1)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 71A(3): replaced, on 10 April 2015, by section 5 of the Social Security Amendment Act 2015 (2015 No 41).

72 Limitation where applicant receiving another benefit or pension

Notwithstanding anything to the contrary in this Act,—

(a) no person is entitled to receive more than 1 benefit in his or her own right, except as provided in sections 39D, 61EA, 61FG, 61G, 61GA, and 69C, and section 23 of the Social Security (Working for Families) Amendment Act 2004:

(b) no person who is granted a pension or allowance under the Veterans' Support Act 2014 or in respect of whom such a pension or allowance is payable, other than—

(i) a pension or allowance granted to that person by reason of his own disablement; or

(ia) a pension or payment granted under Part 6 of that Act; or

(ii) a surviving spouse or partner pension under Part 3 of the Veterans' Support Act 2014; or

(iii) an allowance in respect of services rendered as an attendant on a disabled member of the New Zealand or any other Commonwealth forces or of the Emergency Reserve Corps or of the New Zealand mercantile marine,—

shall be granted any benefit:

provided that any person may receive a supported living payment on the ground of sickness, injury, disability, or total blindness, or jobseeker support on the ground of sickness, injury, or disability, or a youth payment or young parent payment granted pursuant to section 158(2)(c)(ii) or 164(2)(c)(ii) to a person who qualifies for an exemption under section 105 from the obligation to undertake education or training or work-based learning in section 170(1)(a) on the ground of his or her sickness, injury, or disability or a child disability allowance, in addition to a children's pension under section 72 of the Veterans' Support Act 2014:

(c) where any part of a benefit is payable in respect of the spouse or partner of an applicant, that part shall not be paid for any period when a personal benefit is payable in respect of the spouse or partner.

Compare: 1938 No 7 ss 60, 62(b), (c), 63; 1945 No 11 ss 12, 29(c), (d); 1951 No 54 s 17

Section 72 heading: amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 72: amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 72(a): replaced, on 3 June 1998, by section 7 of the Social Security Amendment Act (No 2) 1998 (1998 No 60).

Section 72(a): amended, on 1 July 2018, by section 63 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 72(a): amended, on 7 July 2010, by section 9 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 72(a): amended, on 17 November 2000, by section 7(1) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 72(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 72(b)(i): amended, on 1 April 1990, by section 14(11)(a) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 72(b)(ia): inserted, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 72(b)(ia): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 72(b)(ii): replaced, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 72(b)(iii): amended, on 7 June 1967, by section 2(a) of the Social Security Amendment Act 1967 (1967 No 4).

Section 72(b) first proviso: repealed, on 1 April 1990, by section 14(11)(b) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 72(b) second proviso: repealed, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 72(b) third proviso: inserted, on 20 October 1972, by section 24(3) of the Social Security Amendment Act 1972 (1972 No 133).

Section 72(b) third proviso: amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 72(b) third proviso: amended, on 1 July 2001, by section 15(1)(d) of the Social Security Amendment Act 2001 (2001 No 1).

Section 72(b) third proviso: amended, on 1 October 1998, by section 47 of the Social Security Amendment Act 1998 (1998 No 19).

Section 72(b) third proviso: amended, on 1 September 1998, by section 12(4)(c) of the Social Security Amendment Act 1998 (1998 No 19).

Section 72(b) third proviso: amended, on 1 January 1998, by section 10(1) of the Social Security Amendment Act (No 3) 1997 (1997 No 23).

Section 72(b) third proviso: amended, on 11 October 1978, by section 21(2) of the Social Security Amendment Act 1978 (1978 No 58).

Section 72(c): replaced, on 1 April 1990, by section 14(11)(c) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 72(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

73 Limitation where applicant entitled to claim under Family Protection Act 1955

(1) Notwithstanding anything to the contrary in this Act, the chief executive may, in the chief executive's discretion, refuse to grant any benefit (other than New Zealand superannuation, or a veteran's pension not subject to an income test) or may grant any such benefit at a reduced rate or may cancel any such benefit already granted, in any case where any person, being a relative of the applicant, has died without, in the opinion of the chief executive, making adequate provision under his will for the proper maintenance and support of the applicant, and the applicant has, in the opinion of the chief executive, failed without good and sufficient reason to institute proceedings under the Family Protection Act 1955 for a share in or further provision out of the estate of the relative, and to prosecute with all due diligence any proceedings so instituted by him or any such proceedings on an application under the Family Protection Act 1955 made or deemed to have been made on his behalf.

(2) In any such proceedings the chief executive shall be entitled to appear and show cause why provision or further provision, as the case may be, should be made for the applicant out of the relative's estate.

(3) In this section the term **relative** means a person out of whose estate the applicant is entitled to make a claim for provision under the Family Protection Act 1955.

Compare: 1950 No 49 s 18

Section 73 heading: amended, on 7 July 2010, by section 10(1) of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 73(1): amended, on 7 July 2010, by section 10(2) of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 73(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 73(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 73(1): amended, on 1 April 1994, pursuant to section 2(1) of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 73(1): amended, on 30 June 1993, by section 5(3)(e) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 73(1): amended, on 1 April 1990, by section 14(13) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 73(1): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 73(1): amended, on 9 February 1977, by section 23 of the Social Security Amendment Act 1976 (1976 No 40).

Section 73(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 73(3): amended, on 7 July 2010, by section 10(3) of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

74 Limitation in certain other cases

(1) Notwithstanding anything to the contrary in this Act or Part 6 of the Veterans' Support Act 2014 or the New Zealand Superannuation and Retirement Income Act 2001, the chief executive may, in the chief executive's discretion, refuse to grant any benefit or may terminate or reduce any benefit already granted or may grant a benefit at a reduced rate in any case where the chief executive is satisfied—

(a) that the applicant, or the spouse or partner of the applicant or any person in respect of whom the benefit or any part of the benefit is or would be payable, is not ordinarily resident in New Zealand; or

(b) *[Repealed]*

(c) *[Repealed]*

(d) that the applicant has directly or indirectly deprived himself of any income or property which results in his qualifying for that or any other benefit or an increased rate of benefit; or

(e) that the applicant has failed to take reasonable steps to obtain any maintenance or has foregone her rights to any maintenance to which she may be entitled in respect of herself under the Family Proceedings Act 1980 or any other Act.

(1A) Subsection (1)(d) is subject to any rules prescribed by rules under section 132I.

(2) In this section,—

income does not include any amount that a person might be considered to derive from any impairment lump sum under Schedule 1 of the Accident Compensation Act 2001, or from any lump sum payment of an independence allowance under Part 13 or Part 4 of Schedule 1 of the Accident Insurance Act 1998,

received by the person on or after the date on which this subsection comes into force for the period of 12 months following the receipt of that payment

property does not include any such impairment lump sum or lump sum payment of an independence allowance received by a person for the period of 12 months following the receipt of that payment.

Compare: 1938 No 7 ss 15(1)(e), 22(7), 33(2)(d), 40(d), 62(d), 62A; 1963 No 47 s 54

Section 74(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 74(1): amended, on 5 December 2013, by section 15(5)(f) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 74(1): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 74(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 74(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 74(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 74(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 74(1): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 74(1): amended, on 23 December 1977, by section 15 of the Social Security Amendment Act (No 2) 1977 (1977 No 133).

Section 74(1)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74(1)(a): amended, on 1 April 1991, by section 28 of the Social Security Amendment Act 1991 (1991 No 1).

Section 74(1)(b): repealed, on 20 October 1972, by section 25 of the Social Security Amendment Act 1972 (1972 No 133).

Section 74(1)(c): repealed, on 20 October 1972, by section 25 of the Social Security Amendment Act 1972 (1972 No 133).

Section 74(1)(e): inserted, on 14 November 1973, by section 12 of the Social Security Amendment Act 1973 (1973 No 34).

Section 74(1)(e): amended, on 1 July 1992, by section 10 of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Section 74(1)(e): amended, on 1 October 1981, pursuant to section 189(2)(a) of the Family Proceedings Act 1980 (1980 No 94).

Section 74(1)(e): amended, on 31 August 1974, by section 8 of the Social Security Amendment Act 1974 (1974 No 46).

Section 74(1A): inserted, on 2 July 2007, by section 9 of the Social Security Amendment Act 2007 (2007 No 20).

Section 74(2): inserted, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 74(2) **income**: amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

74AA Residential requirements for certain benefits

(1) A person who applies for a benefit of a kind stated in subsection (2) after 27 May 2007 is not eligible for it unless he or she—

(a) is a New Zealand citizen, or is a person who holds a residence class visa under the Immigration Act 2009; and

(b) is ordinarily resident in New Zealand when he or she first applies for the benefit; and

(c) except in the case of a person who is recognised as a refugee or a protected person in New Zealand under the Immigration Act 2009, has resided continuously in New Zealand for a period of at least 2 years at any one time,—

(i) if subsection (1A) applies to the person,—

(A) before he or she applies for the benefit; or

(B) before a decision on his or her claim for the benefit is made under section 12; and

(ii) in any other case, after the day on which paragraph (a) first applied to him or her.

(1A) Subsection (1)(a) and (b) do not apply to a person at a time when—

(a) there is in force under section 19(1) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 an order declaring that the provisions contained in an agreement or convention with the government of another country set out in a schedule to the order have force and effect so far as they relate to New Zealand; and

(b) he or she is ordinarily resident in that country.

(2) The benefits referred to in subsection (1) are a youth payment, a young parent payment, a supported living payment, jobseeker support, and sole parent support.

Section 74AA: inserted, on 2 July 2007, by section 10(1) of the Social Security Amendment Act 2007 (2007 No 20).

Section 74AA(1): replaced, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 74AA(1)(c): replaced, on 15 July 2013, by section 31(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 74AA(1A): inserted, on 7 July 2010, by section 11 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 74AA(1A): amended, on 15 July 2013, by section 31(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 74AA(1A)(a): amended, on 5 December 2013, by section 15(4)(g) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 74AA(2): amended, on 15 July 2013, by section 75(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 74AA(2): amended, on 15 July 2013, by section 75(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 74AA(2): amended, on 15 July 2013, by section 96(1)(l) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 74AA(2): amended, on 15 July 2013, by section 113(2)(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 74AA(2): amended, on 15 July 2013, by section 128(1)(l) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 74AA(2): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

74A Persons unlawfully resident or present in New Zealand

(1) A person is not entitled to receive a benefit who is—

(a) unlawfully resident or present in New Zealand; or

(b) lawfully resident or present in New Zealand but only by virtue of holding a temporary entry class visa.

(1A) Despite subsection (1), the chief executive may take either or both of the actions specified in subsection (1B) if the chief executive is satisfied that the person is—

(a) a person lawfully present in New Zealand who is awaiting the outcome of his or her claim for recognition as a refugee or a protected person; or

(b) a person who is recognised as a refugee or a protected person; or

(c) a person applying for a residence class visa under the Immigration Act 2009 who is compelled to remain in New Zealand because of unforeseen circumstances.

(1B) The actions referred to in subsection (1A) are—

(a) grant the person an emergency benefit under section 61:

(b) grant the person temporary additional support under section 61G or, as the case requires, continue, under section 23 of the Social Security (Working for Families) Amendment Act 2004, a special benefit already granted to the person.

(2) If subsection (3) applies to a person,—

(a) the rate of benefit payable to the person is the appropriate rate for a single person (and not the rate for a person who is married or in a civil union or in a de facto relationship); and

(b) the income and assets of both the person and the person's spouse or partner must be taken into account as the person's income and assets in determining the rate of benefit payable to the person.

(3) Subsection (2) applies to—

(a) a person who applies for a benefit before the commencement of this subsection, and who is married to, or in a civil union or in a de facto rela-

tionship with, a person who is unlawfully resident or present in New Zealand; and

(b) a person, other than a person who is already in receipt of a benefit applied for before the commencement of this subsection that is being paid at the rate for a person who is married or in a civil union or in a de facto relationship, who applies for a benefit on or after that date, and who is married to, or in a civil union or in a de facto relationship with, a person who is—

(i) unlawfully resident or present in New Zealand; or

(ii) lawfully resident or present in New Zealand, but only by virtue of holding a temporary entry class visa.

(4) Despite subsection (3)(b)(ii), subsection (2) does not apply to a person described in subsection (1A).

(5) Subsection (2) applies despite anything in this Act or the New Zealand Superannuation and Retirement Income Act 2001 or Part 6 of the Veterans' Support Act 2014.

Section 74A: inserted, on 1 March 1991, by section 29 of the Social Security Amendment Act 1991 (1991 No 1).

Section 74A(1): replaced, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 74A(1A): replaced, on 25 February 2012, by section 4 of the Social Security Amendment Act 2012 (2012 No 18).

Section 74A(1B): inserted, on 25 February 2012, by section 4 of the Social Security Amendment Act 2012 (2012 No 18).

Section 74A(2): replaced, on 8 August 2001, by section 3 of the Social Security Amendment Act (No 2) 2001 (2001 No 44).

Section 74A(2)(a): replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74A(2)(a): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74A(2)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74A(3): inserted, on 8 August 2001, by section 3 of the Social Security Amendment Act (No 2) 2001 (2001 No 44).

Section 74A(3)(a): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74A(3)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74A(3)(b): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74A(3)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 74A(3)(b)(ii): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 74A(4): inserted, on 8 August 2001, by section 3 of the Social Security Amendment Act (No 2) 2001 (2001 No 44).

Section 74A(4): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 74A(5): inserted, on 8 August 2001, by section 3 of the Social Security Amendment Act (No 2) 2001 (2001 No 44).

Section 74A(5): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 74A(5): amended, on 5 December 2013, by section 15(5)(g) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 74A(5): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 74A(5): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

75 Beneficiaries in hospital

(1) For the purposes of this section, **hospital** means a hospital operated by a district health board within the meaning of the New Zealand Public Health and Disability Act 2000.

(2) If a person who is married or in a civil union or in a de facto relationship and who has no dependent children, or a single person, who is in receipt of a main benefit under this Act), or who becomes entitled to receive such a benefit, is a patient in a hospital for a period of 13 weeks or less, the rate of the benefit is, despite anything to the contrary in this Act, unaffected.

(3) If a person to whom subsection (2) applies is a patient in a hospital for more than 13 weeks, the rate of benefit payable on and after the commencement of the 14th week of hospitalisation, subject to subsection (4), shall be the rate specified in Schedule 22.

(4) Notwithstanding the provisions of subsection (3), the chief executive may in the chief executive's discretion—

(a) pay to any patient to whom that subsection applies a higher rate than the rate specified in Schedule 22 after having regard to the patient's personal financial circumstances.

(b) *[Repealed]*

(5) If, after 13 weeks' hospitalisation, the benefit of a person who is married or in a civil union or in a de facto relationship is reduced under subsection (3) or subsection (4), and that person's spouse or partner either is not in hospital or has been in hospital for less than 13 weeks, a main benefit under this Act payable to or in respect of the spouse or partner must be increased, on the same date as the effective date of that reduction, by an amount equal to the difference between—

(a) the maximum rate of benefit payable to a single person; and

(b) the maximum rate of benefit payable in respect of a person who is married or in a civil union or in a de facto relationship and whose spouse or partner is receiving a benefit.

(6) In any case where the rate of a benefit has been reduced in accordance with this section and the beneficiary in hospital is absent from the hospital for not more than 28 days, the rate of benefit payable on return to hospital shall be determined as if that absence has not occurred.

(7) Nothing in this section shall be construed to entitle a single person or a couple who are married or in a civil union or in a de facto relationship to receive a greater amount of benefit, as a result of hospitalisation, than would otherwise have been payable.

(8) *[Repealed]*

Section 75: replaced, on 28 September 1982, by section 12(1) of the Social Security Amendment Act 1982 (1982 No 16).

Section 75(1): replaced, on 1 October 2002, by section 58(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 75(1): amended, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 75(2): amended, on 15 July 2013, by section 61(4)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 75(2): amended, on 15 July 2013, by section 61(4)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 75(2): amended, on 15 July 2013, by section 61(4)(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 75(2): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 75(2): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 75(3): replaced, on 6 November 1985, by section 17(1) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Section 75(3): amended, on 15 July 2013, by section 61(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 75(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 75(4): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 75(4)(a): amended, on 10 September 2008, by section 18(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 75(4)(a): amended, on 6 November 1985, by section 17(2)(a) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Section 75(4)(b): repealed, on 10 September 2008, by section 18(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 75(5): replaced, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 75(5): amended, on 15 July 2013, by section 61(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 75(5): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 75(5)(b): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 75(7): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 75(7): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 75(8): repealed, on 15 July 2013, by section 61(7) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

75A Beneficiaries in treatment centres under Substance Addiction (Compulsory Assessment and Treatment) Act 2017

Despite anything to the contrary in this Act, where a beneficiary, or any other person in respect of whom a benefit is payable, is a resident in a treatment centre under the Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (not being a psychiatric security institution within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992) or of any institution that is fulfilling a similar purpose to a treatment centre under that Act, the rate of any benefit payable in respect of the period of detention in that treatment centre or institution must be determined by the chief executive after taking into account all of the beneficiary's financial circumstances and commitments.

Section 75A: replaced, on 21 February 2018, by section 122(1) of the Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (2017 No 4).

75B Effect on benefit of warrant to arrest beneficiary

(1) This section applies to a beneficiary who is not an excluded beneficiary (as defined in subsection (2)) if the chief executive is satisfied (based on information available to the chief executive) that—

(a) criminal proceedings have been commenced against the beneficiary in a New Zealand court for an offence (other than an offence of a class, description, or kind excluded from the operation of this paragraph by regulations made under section 132L); and

(b) a New Zealand court has (or 1 or more of the court's Judges or Registrars has or have) in, or in connection with, those criminal proceedings, issued a warrant for the beneficiary's arrest; and

(c) at least 28 days have elapsed since the date on which the warrant was issued.

(2) **Excluded beneficiary**, in subsection (1), means,—

(a) for the purposes of subsections (3) to (6), a beneficiary who is—

(i) a young person (as defined in section 2(1) of the Oranga Tamariki Act 1989); or

(ii) a beneficiary who is not receiving a main benefit under this Act, New Zealand superannuation, or a veteran's pension; or

(iii) a beneficiary (for example, one who is receiving a main benefit under this Act, New Zealand superannuation, or a veteran's pension, but) who falls within a class, description, or kind of beneficiary excluded from the operation of all of the provisions of this section by regulations made under section 132L; and

(b) for the purposes of subsections (7) and (8), a beneficiary who is—

(i) a young person (as defined in section 2(1) of the Oranga Tamariki Act 1989); or

(ii) a beneficiary who falls within a class, description, or kind of beneficiary excluded from the operation of all of the provisions of this section by regulations made under section 132L.

(3) The chief executive must as soon as practicable give the beneficiary a notice (to be delivered in accordance with section 86J) that—

(a) allows a period of 10 working days within which the beneficiary may dispute that he or she is the person to whom the warrant to arrest applies or take steps to resolve the warrant; and

(b) specifies the steps that the beneficiary may take to dispute that he or she is the person to whom the warrant to arrest applies or to resolve the warrant; and

(c) specifies the consequences of the beneficiary's not resolving the warrant within that 10-working-day period.

(4) A notice under subsection (3) involving information supplied by the Ministry of Justice under section 126AC may be combined with a notice of adverse action given under section 103(1) of the Privacy Act 1993.

(5) This subsection applies to the beneficiary unless, at the end of the 10-working-day period specified in the notice, the chief executive is satisfied (based on evidence provided by the beneficiary, or other information available to the chief executive, or both) of 1 of the following:

(a) that the beneficiary is not the person to whom the warrant applies; or

(b) that the beneficiary has taken all reasonable steps to resolve the warrant, but the warrant has for reasons beyond the beneficiary's control not been resolved; or

(c) that the warrant has been resolved.

(6) The benefit of a beneficiary to whom subsection (5) applies is not payable until the chief executive is satisfied (based on information provided by the beneficiary, otherwise available to the chief executive, or both) of 1 of the following:

(a) that the beneficiary is not the person to whom the warrant applies; or

(b) that the warrant has been resolved.

(7) Despite subsections (1)(c) and (3) to (6), the chief executive may suspend immediately the benefit of a beneficiary to whom subsection (1)(a) and (b) apply if satisfied that—

(a) the department has received from the New Zealand Police a written request to suspend the beneficiary's benefit on the ground that the Commissioner of Police on reasonable grounds considers the beneficiary to be a risk to public safety; and

(b) that request is signed by the Commissioner of Police or a constable who is of or above the level of position of inspector.

(8) As soon as is reasonably practicable after a suspension under subsection (7) of the benefit of a beneficiary, the chief executive must give the beneficiary a notice (to be delivered in accordance with section 86J) that—

(a) communicates the fact of, and reason for, the suspension; and

(b) specifies the steps that the beneficiary may take to dispute that he or she is the person to whom the warrant applies or to resolve the warrant.

(9) The following apply to a benefit that is not payable under subsection (6), or that is suspended under subsection (7), as if the benefit had been suspended under section 117:

(a) section 80C (effect of work test on entitlement to supplementary benefits and on spouses or partners):

(b) section 120 (modified effect in some cases of sanctions on rate of benefit for people married or in civil union or de facto relationship):

(c) section 121 (effect of sanctions on benefit of sole parent).

(10) However, section 120(1) (which protects a spouse or partner), but no other provision of section 120, ceases to apply under subsection (9)(b) to the benefit at the close of the 28th day after the date on which it becomes not payable under subsection (6) or, as the case requires, is suspended under subsection (7).

Section 75B: inserted, on 15 July 2013, by section 32 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 75B(2)(a)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 75B(2)(b)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

76 Forfeiture of benefit during detention in a prison

(1) Except as provided in subsection (2) or subsection (3), a benefit shall not be payable in respect of any period during which the beneficiary is imprisoned or detained in, or is an escapee from, a prison, pursuant to a sentence of imprisonment, preventive detention, or corrective training.

(2) If a person in receipt of New Zealand superannuation or a veteran's pension is so imprisoned or detained, the chief executive may, in the chief executive's dis-

cretion, continue payment of New Zealand superannuation or a veteran's pension for 2 pay days after the date of imprisonment or detention.

(3) The chief executive may, in the chief executive's discretion, pay all or any part of the benefit to the spouse or partner of a beneficiary who has been so imprisoned or detained, or who has escaped from such imprisonment or detention, or to any responsible person for the benefit of the spouse or partner or of any dependent child or children of such a beneficiary.

(4) If a beneficiary is remanded in custody by a court pending a further appearance before a court, his benefit shall not be payable in respect of any period during which he is so in custody, but the chief executive may in the chief executive's discretion pay all or any part of the benefit in respect of that period after having regard to the beneficiary's financial circumstances and commitments.

(5) For the purposes of this section, the chief executive may in the chief executive's discretion regard as a period of imprisonment or detention in a prison, or a period of remand in custody, any period during which a person is a patient in a hospital within the meaning of section 75(1) while serving a sentence of imprisonment, preventive detention, or corrective training, or while remanded in custody.

(6) For the purposes of this section, a person shall still be considered to be imprisoned or detained if he or she has been released from a prison, for any purpose authorised by the Corrections Act 2004, for a period not exceeding 24 hours.

Section 76: replaced, on 28 September 1982, by section 13(1) of the Social Security Amendment Act 1982 (1982 No 16).

Section 76 heading: amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 76(1): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 76(1): amended, on 30 June 1993, by section 19(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 76(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 76(2): amended, on 1 April 1994, pursuant to section 2(1) of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 76(2): amended, on 1 April 1990, by section 14(15) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 76(2): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 76(3): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 76(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 76(3): amended, on 30 June 1993, by section 19(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 76(3): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 76(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 76(4): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 76(5): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 76(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 76(5): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 76(6): inserted, on 30 June 1993, by section 19(3) of the Social Security Amendment Act 1993 (1993 No 57).

Section 76(6): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Second section 76(6): repealed, on 30 June 2002, by section 125 of the Parole Act 2002 (2002 No 10).

77 Effect of absence of beneficiary from New Zealand: provisions

(1) A benefit is not payable while a beneficiary is absent from New Zealand unless the benefit is so payable under—

(a) the other provisions of this section; or

(b) any agreement or convention adopted under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990; or

(c) sections 21 to 35 of the New Zealand Superannuation and Retirement Income Act 2001; or

(d) sections 176 to 196 of the Veterans' Support Act 2014.

(2) A benefit is payable to a beneficiary in respect of any 1 or more absences of the beneficiary from New Zealand equal to or shorter than 4 weeks in total in any 52-week period if—

(a) the benefit is not a benefit of a kind specified in subsection (2A); and

(b) the benefit would, but for those 1 or more absences, be payable to the beneficiary; and

(c) the chief executive is satisfied that the 1 or more absences do not affect the beneficiary's eligibility for the benefit.

(2A) The kinds of benefits referred to in subsections (2)(a) and (3)(a) are—

(a) sole parent support for a work-tested beneficiary:

(ab) supported living payment on the ground of sickness, injury, disability, or total blindness, under section 40B, for a work-tested spouse or partner:

(b) jobseeker support (other than jobseeker support for a spouse or partner who is not a work-tested spouse or partner):

(c) an emergency benefit:

(d) any benefit that, but for the 1 or more absences referred to in subsection (2) or (3), would be payable to a beneficiary who is subject to 1 or more requirements made under section 60Q(3):

(e) a youth payment or young parent payment.

(3) The chief executive may, in the chief executive's discretion, pay a benefit to a beneficiary in respect of any 1 or more absences of the beneficiary from New Zealand equal to or shorter than 4 weeks in total in any 52-week period if—

(a) the benefit is a benefit of a kind specified in subsection (2A); and

(b) the benefit would, but for those 1 or more absences, be payable to the beneficiary; and

(c) the chief executive is satisfied that the payment of the benefit complies with any applicable criteria prescribed for the purposes of this subsection by regulations made under section 132.

(3AA) If satisfied that relevant qualifying circumstances (as defined for the purposes of this subsection by regulations made under section 132) apply to or in respect of a beneficiary, the chief executive may, in the chief executive's discretion, determine that a benefit may be paid under subsection (2) or (3) in respect of any 1 or more absences of the beneficiary from New Zealand longer than 4 weeks in total in any 52-week period.

(3A) The chief executive may, in the chief executive's discretion, pay a supported living payment on the ground of sickness, injury, disability, or total blindness for a period (not exceeding 6 weeks) in which a beneficiary (not being a work-tested spouse or partner of a supported living payment beneficiary) is absent from New Zealand for the sole or predominant purpose of competing in any overseas multinational or international Special Olympic or Paralympic Games competition, if the chief executive is satisfied that the beneficiary would, but for his or her absence from New Zealand, continue to be eligible for the supported living payment.

(4) The chief executive may, in the chief executive's discretion, pay a benefit to any person who would otherwise be entitled to receive it, but who is absent from New Zealand for any period or periods not exceeding 2 years in total because—

(a) that person or his or her spouse or partner, dependent child, or sibling is receiving medical treatment overseas for which the Ministry of Health is granting assistance; or

(b) the person is in receipt of a supported living payment granted on the grounds of his or her sickness, injury, disability, or total blindness, and is absent from New Zealand in order to receive vocational training or disability assistance-dog training; and the chief executive is satisfied that—

(i) the training is an activity, or is linked to a goal, included in the person's employment plan; and

(ii) the person could not obtain the training in New Zealand during the period or periods of absence.

(5) For the purposes of this section, if a person who is absent from New Zealand would have become entitled to a benefit during his or her absence but for subsection (1), the person's absence shall be regarded as having commenced on the day he or she would have become so entitled.

(6) A beneficiary who proposes to be absent from New Zealand has a duty imposed by this subsection to notify an officer of the department, before that absence, of the beneficiary's forthcoming absence from New Zealand. No beneficiary has any entitlement under subsection (2), (3), (3AA), (3A), or (4) to be paid a benefit while overseas unless that beneficiary has performed that duty, and therefore notified an officer of the department, before that absence, of the beneficiary's forthcoming absence.

(7) In particular, if the beneficiary fails to perform his or her duty to notify under subsection (6), and after departing from New Zealand notifies an officer of the department of the beneficiary's current absence from New Zealand, the beneficiary's entitlement under subsection (2), (3), (3AA), (3A), or (4) to be paid a benefit while overseas (if the beneficiary is otherwise qualified to be paid that benefit) commences no earlier than the date of the notification.

(8) Despite subsections (6) and (7), the chief executive may, in his or her discretion, authorise the beneficiary's entitlement under subsection (2), (3), (3AA), (3A), or (4) to commence on or after the beneficiary's departure if the chief executive is satisfied that—

(a) both the beneficiary's absence from New Zealand, and the beneficiary's failure to notify an officer of the department, before that absence, of the beneficiary's forthcoming absence from New Zealand, are justified for 1 or more good and sufficient humanitarian reasons (as the term humanitarian reasons is defined for the purposes of this paragraph by regulations made under section 132); and

(b) the beneficiary after departing from New Zealand notified an officer of the department of the beneficiary's current absence from New Zealand as soon as was reasonably practicable in the circumstances.

(9) Nothing in subsections (2) to (8) applies to the following:

(a) New Zealand superannuation payable under the New Zealand Superannuation and Retirement Income Act 2001:

(b) veterans' pensions payable under Part 6 of the Veterans' Support Act 2014:

(c) entitlements pursuant to an agreement or convention that is given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990.

Section 77: replaced, on 1 August 1991, by section 19(1) of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 77 heading: amended, on 15 July 2013, by section 33(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(1): replaced, on 15 July 2013, by section 33(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(1)(b): amended, on 5 December 2013, by section 15(4)(h) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 77(1)(d): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 77(2): replaced, on 15 July 2013, by section 33(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(2A): inserted, on 15 July 2013, by section 33(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(3): replaced, on 15 July 2013, by section 33(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(3AA): inserted, on 15 July 2013, by section 33(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(3A): replaced, on 15 July 2013, by section 33(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 77(4)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 77(4)(a): amended, on 1 July 1993, pursuant to section 38(3)(a) of the Health Amendment Act 1993 (1993 No 24).

Section 77(4)(b): replaced, on 24 September 2007, by section 35 of the Social Security Amendment Act 2007 (2007 No 20).

Section 77(4)(b): amended, on 15 July 2013, by section 96(1)(m) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(4)(b)(i): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 77(6): inserted, on 15 July 2013, by section 33(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(7): inserted, on 15 July 2013, by section 33(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(8): inserted, on 15 July 2013, by section 33(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(9): inserted, on 15 July 2013, by section 33(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 77(9)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 77(9)(c): amended, on 5 December 2013, pursuant to section 4(1) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

77A Effect of absence of beneficiary from New Zealand: department must explain provisions

The chief executive must take reasonable and appropriate steps to make every person who is, or appears to the chief executive to be likely to be, affected by a provision of section 77 aware of—

(a) the existence, and substance, of the provision; and

(b) the consequences or possible consequences of the operation of the provision.

Section 77A: inserted, on 15 July 2013, by section 34 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

78 Effect of absence of beneficiary from New Zealand on residential qualification

(1) If any person leaves New Zealand while in receipt of a benefit and returns to take up ordinary residence in New Zealand at any time within 5 years, he shall not, on a subsequent application for a benefit of the same class, be required to comply with the residential qualifications applicable in the case of an original application for a benefit of that class.

(2) If, before the commencement of this subsection, a person left New Zealand while in receipt of an age benefit or a superannuation benefit, such benefit shall, for the purposes of this section, be deemed to be New Zealand superannuation.

Compare: 1938 No 7 s 70(4)

Section 78(2): replaced, on 9 February 1977, by section 26 of the Social Security Amendment Act 1976 (1976 No 40).

Section 78(2): amended, on 1 April 1994, pursuant to section 2(1) of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

79 Persons who have had income tax deducted or withheld on earnings from employment overseas to be treated as resident and present in New Zealand

(1) This section applies to any person who was employed outside New Zealand if, with respect to the person's period of employment, the person's employer (or other relevant person) makes—

(a) PAYE income payments (as that term is used in the Income Tax Act 2007) from which the person, employer, or other relevant person must withhold an amount of tax under the PAYE rules as defined in that Act:

(b) source deduction payments,—

(i) as that term is used in the Income Tax Act 2004, from which the person, employer, or other relevant person must withhold an amount of tax under the PAYE rules as defined in that Act:

(ii) as that term is used in the Income Tax Act 1994, from which the person, employer, or other relevant person must make a tax deduction under the PAYE rules as defined in that Act:

(iii) as that term is used in the Income Tax Act 1976, from which the person, employer, or other relevant person must make a tax deduction under Part 11 of that Act:

(iv) as that term is used in the Income Tax Assessment Act 1957, from which the person, employer, or other relevant person must make a tax deduction under Part 2 of that Act.

(2) This section applies in respect of a period of employment, whether or not the person's employer (or other relevant person) failed to pay an amount of tax deducted or withheld to the Commissioner of Inland Revenue if the chief executive is satisfied that—

(a) the employer (or other relevant person) deducted or withheld tax under subsection (1); and

(b) the person did not contribute to the employer's (or other relevant person's) failure to pay that tax to the Commissioner.

(3) For the purposes of satisfying the residential qualification for any benefit after the return to New Zealand, on or after 23 June 1987, of the person to whom this section applies or the spouse or partner or any child of that person,—

(a) that person must be treated as being resident and present in New Zealand during the period to which this section applies:

(b) if the spouse or partner or any child of that person was with the person during that period or any part of it, the spouse or partner or child must be treated as being resident and present in New Zealand during that period or that part of it, as the case may be:

(c) any child of that person born outside New Zealand during that period must be treated as having been born in New Zealand.

(4) Nothing in subsection (3) may be construed to derogate from the provisions of section 77.

Section 79: replaced, on 10 April 2015, by section 6 of the Social Security Amendment Act 2015 (2015 No 41).

80 Commencement of benefits

(1) Except as otherwise provided in this section or Part 6 of the Veterans' Support Act 2014 or the New Zealand Superannuation and Retirement Income Act 2001, a benefit shall commence on the later of—

(a) the date the applicant became entitled to receive it; or

(b) the date the application for it was received.

(2) A benefit is subject to a stand down, and commences on a date calculated in accordance with section 80BA, if—

(a) the benefit is a work-tested benefit or a youth payment or a young parent payment (other than a youth payment or a young parent payment granted to a person undertaking employment-related training or who is enrolled in a course of secondary instruction) and the applicant is not subject to a non-entitlement period; or

(b) the benefit is sole parent support, jobseeker support on the ground of sickness, injury, or disability, or a supported living payment.

(3) Subsection (2) is subject to subsections (5) to (10) (which relate to exemptions from the benefit stand down).

(4) If the applicant is subject to a non-entitlement period,—

(a) a work-tested benefit granted conditionally under section 123B is subject to a stand down and commences on a date calculated in accordance with section 80BA if—

(i) the applicant is subject to the non-entitlement period because of the application of section 60H; and

(ii) that section applies to the applicant because he or she is a person described in section 60H(2)(a):

(b) any other work-tested benefit commences on the later of—

(i) the date the applicant became entitled to receive it; or

(ii) the date the application for it was received.

(5) A benefit shall commence on the latest of the date the person became entitled to receive it, or the day after the date the person's employment ceased, or the date the application for it was received, if—

(a) the benefit is a youth payment or a young parent payment and the person is participating in a training course approved by the chief executive; or

(b) the benefit is sole parent support, a youth payment, a young parent payment, a supported living payment, or jobseeker support applied for by a person who has entered a refuge following the breakdown of the person's marriage, civil union, or de facto relationship; or

(c) the benefit is jobseeker support on the ground of sickness, injury, or disability, and the applicant—

(i) is suffering from a chronic illness; and

(ii) has applied for a sickness benefit, or a community wage or jobseeker support (in either case) on the grounds of sickness, injury, or disability, for that illness on a prior occasion; or

(ca) the benefit is a supported living payment on the ground of sickness, injury, disability, or total blindness, and the applicant—

(i) is sick or is suffering from an injury or disability from accident or existing from birth; and

(ii) has applied for an invalid's benefit or a supported living payment (in either case) on the ground of that sickness, injury, or disability on a prior occasion; or

(d) the applicant for the benefit—

(i) previously received a benefit which was cancelled because he or she was imprisoned or detained for less than 31 days in a prison (as defined in the Corrections Act 2004); and

(ii) applied for the benefit immediately following his or her release from the prison.

(6) *[Repealed]*

(7) *[Repealed]*

(8) A benefit shall commence on the later of the day after the date a person's employment ceased or the date of the application for the benefit, if—

(a) the person received a benefit before accepting the offer of the employment; and

(b) the benefit was cancelled or suspended because of the employment; and

(c) the employment—

(i) was temporary employment, whether or not the person was aware it would be temporary employment when accepting the offer; or

(ii) was part-time work for a period of less than 26 weeks, whether or not the person was aware it would be part-time work for a period of less than 26 weeks when accepting the offer; and

(d) the person applies for a benefit following the termination of the employment.

(9) *[Repealed]*

(10) If a person is required to pay all or a part of a benefit towards the cost of the person's treatment or care in a residential programme, the chief executive may commence the benefit on any date but not earlier than the later of—

(a) the date the person became entitled to the benefit; or

(b) the date the person entered into residence under the programme.

(11) *[Repealed]*

(12) *[Repealed]*

(13) A benefit shall commence on the day on which it was granted if—

(a) the person has become eligible for the benefit while receiving another benefit; and

(b) the benefit is granted instead of that other benefit.

(14) A disability allowance shall commence on the same day that a benefit commences if that allowance was applied for at the same time as the benefit and the benefit is—

(a) sole parent support, a young parent payment, or jobseeker support on the ground of sickness, injury, or disability; or

(b) a supported living payment.

Section 80: replaced, on 1 April 1997, by section 34 of the Social Security Amendment Act 1996 (1996 No 20).

Section 80(1): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 80(1): amended, on 5 December 2013, by section 15(5)(h) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 80(1): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 80(1): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 80(1): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 80(2): replaced, on 2 July 2007, by section 11(1) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(2)(a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 80(2)(a): amended, on 24 September 2007, by section 36(a) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(2)(a): amended, on 24 September 2007, by section 36(b) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(2)(b): amended, on 15 July 2013, by section 85(4)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(2)(b): amended, on 15 July 2013, by section 96(1)(n) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(2)(b): amended, on 15 July 2013, by section 113(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(3): amended, on 2 July 2007, by section 11(2) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(4): replaced, on 26 September 2002, by section 15(2) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 80(5): amended, on 3 June 1998, by section 8(2) of the Social Security Amendment Act (No 2) 1998 (1998 No 60).

Section 80(5)(a): replaced, on 1 October 1998, by section 49(2) of the Social Security Amendment Act 1998 (1998 No 19).

Section 80(5)(a): amended, on 15 July 2013, by section 36 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 80(5)(b): replaced, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 80(5)(b): amended, on 15 July 2013, by section 85(1)(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(b): amended, on 15 July 2013, by section 96(1)(n) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(b): amended, on 15 July 2013, by section 113(2)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(b): amended, on 15 July 2013, by section 128(1)(m) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(b): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 80(5)(b): amended, on 2 July 2007, by section 11(3) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(5)(c): amended, on 15 July 2013, by section 106(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(c): amended, on 1 October 1998, by section 49(1)(b) of the Social Security Amendment Act 1998 (1998 No 19).

Section 80(5)(c)(ii): amended, on 15 July 2013, by section 106(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(c)(ii): amended, on 1 October 1998, by section 49(1)(c) of the Social Security Amendment Act 1998 (1998 No 19).

Section 80(5)(ca): inserted, on 1 July 2004, by section 15 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 80(5)(ca): amended, on 15 July 2013, by section 96(2)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(ca)(i): amended, on 15 July 2013, by section 91 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(ca)(ii): amended, on 15 July 2013, by section 96(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(5)(d)(i): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 80(5)(d)(ii): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 80(6): repealed, on 1 July 2001, by section 43(2)(b) of the Social Security Amendment Act 2001 (2001 No 1).

Section 80(7): repealed, on 1 July 2001, by section 43(2)(b) of the Social Security Amendment Act 2001 (2001 No 1).

Section 80(8): amended, on 3 June 1998, by section 8(3) of the Social Security Amendment Act (No 2) 1998 (1998 No 60).

Section 80(8)(b): amended, on 1 July 2001, by section 43(2)(c) of the Social Security Amendment Act 2001 (2001 No 1).

Section 80(8)(c): replaced, on 7 July 2010, by section 13 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 80(9): repealed, on 2 July 2007, by section 11(4) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(10): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 80(11): repealed, on 2 July 2007, by section 11(4) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(12): repealed, on 2 July 2007, by section 11(4) of the Social Security Amendment Act 2007 (2007 No 20).

Section 80(14)(a): amended, on 15 July 2013, by section 85(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(14)(a): amended, on 15 July 2013, by section 106(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80(14)(a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 80(14)(a): amended, on 1 October 1998, by section 49(1)(d) of the Social Security Amendment Act 1998 (1998 No 19).

Section 80(14)(b): replaced, on 15 July 2013, by section 96(1)(n) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

80AA Minister may allow back-dating of benefit where earlier failure to grant it based on error

(1) With the consent of the Minister (given in relation to a particular applicant or applicants of a stated kind or description) a benefit (or a benefit of a stated kind) may commence at a time earlier than the time an application for it was made.

(2) The Minister must not give consent unless satisfied that—

(a) in the case of a particular applicant, the particular applicant—

(i) could not reasonably have been expected to apply at the earlier time because of some erroneous action or inaction on the part of the department; or

(ii) at or before the earlier time, tried to apply or applied incompletely, and did not proceed because of some erroneous action or inaction on the part of the department; or

(b) in the case of applicants of a stated kind or description,—

(i) applicants of that kind or description could not reasonably have been expected to apply at earlier times because of some erroneous action or inaction on the part of the department in relation to applicants of that kind or description; or

(ii) at earlier times, some applicants of that kind or description tried to apply or applied incompletely, and did not proceed because of some erroneous action or inaction on the part of the department.

(3) For the purposes of subsection (2), examples of erroneous action or inaction are—

(a) giving wrong advice:

(b) erroneously failing or refusing to provide information, help, or some document or form.

(4) Consent given under subsection (1) in relation to applicants of a stated kind or description does not necessarily allow all the benefits concerned to commence at the same time.

(5) Subsection (1) does not enable the commencement of a benefit at a time at which the person to whom it is granted was not eligible for it.

(6) If the Minister delegates to the chief executive the exercise of the power to consent conferred by subsection (1), its exercise by the chief executive (or a refusal by the chief executive to exercise it) is a decision under this Part for the purposes of section 12J.

Section 80AA: inserted, on 2 July 2007, by section 12(1) of the Social Security Amendment Act 2007 (2007 No 20).

80A Duty to advise change of circumstances affecting entitlement to benefit

(1) Every beneficiary shall forthwith advise an officer of the department of any change in circumstances which affects the right of the beneficiary to receive the benefit received by him or which affects the rate of any such benefit.

(2) *[Repealed]*

Section 80A: inserted, on 21 November 1984, by section 7 of the Social Security Amendment Act 1984 (1984 No 8).

Section 80A(2): repealed, on 1 April 1991, by section 33 of the Social Security Amendment Act 1991 (1991 No 1).

80B Interpretation

In this section and in sections 80BA to 80BC and in Schedule 28—

average income, in relation to a person, means the person's specified income divided by the number of weeks in the average income calculation period

average income calculation period, in relation to a person, means—

(a) if the person has made an election under section 80BA(1A), the period of 52 weeks immediately before the later of—

(i) the date the person became entitled to receive the benefit; or

(ii) if the person's employment terminated or the person is given notice of termination of employment before he or she applied for the benefit, the date the person's employment ceased; or

(b) in any other case, the period of 26 weeks immediately before the later of the dates referred to in subparagraphs (i) and (ii) of paragraph (a)

average wage means the average wage (as defined in section 3(1)) at the later of—

(a) the date the person became entitled to receive the benefit; or

(b) if the person's employment terminated or the person is given notice of termination of employment before he or she applied for the benefit, the date the person's employment ceased

income includes—

(a) the amount of any of the following benefits or allowances received by the person:

(i) a widow's benefit;

(ii) a domestic purposes benefit;

(iii) an invalid's benefit;

(iv) a community wage paid before 1 July 2001:

(v) a sickness benefit:

(vi) an unemployment benefit:

(vii) *[Repealed]*

(viii) *[Repealed]*

(ix) an emergency benefit;

(x) *[Repealed]*

(xi) an accommodation supplement under section 61EA;

(xii) *[Repealed]*

(xiii) *[Repealed]*

(ab) the amount of any youth payment or young parent payment received by the person:

(ac) the amount of any sole parent support received by the person:

(ad) the amount of any supported living payment received by the person:

(ae) the amount of any jobseeker support received by the person:

(b) the amount of any tax withheld or deducted for any of those benefits under section RD 11(3) of the Income Tax Act 2007

redundancy payment means a payment (before the deduction of income tax) made in relation to the termination of a person's employment if—

(a) the main reason for the termination is that the person's position is or will be superfluous to the employer's needs, and the person is not a seasonal worker; or

(b) the person's usual seasonal employment is not made available by the employer mainly because the person's position, or usual position, is or will be superfluous to the employer's needs;

but does not include—

(c) a payment solely because of a seasonal lay-off; or

(d) a payment that depends on the completion of—

(i) a fixed-term engagement; or

(ii) an engagement to complete work specified in a contract; or

(e) a payment instead of notice terminating the employment; or

(f) any payment (including holiday pay) if the chief executive considers that, but for the termination of the employment, it would have been paid as monetary remuneration of the person; or

(g) any payment made by a company (within the meaning of the Companies Act 1993) to a director of the company under section 161 of the Companies Act 1993; or

(h) any retirement payment

retirement payment means a payment (before the deduction of income tax) made because of the termination of a person's employment on his or her retirement paid in 1 or more lump sums or on a periodical basis; but does not include—

(a) a payment solely because of a seasonal lay-off; or

(b) a payment that depends on the completion of—

(i) a fixed-term engagement; or

(ii) an engagement to complete work specified in a contract; or

(c) a payment instead of notice terminating the employment; or

(d) any payment (including holiday pay) if the chief executive considers that, but for the termination of the employment, it would have been paid as monetary remuneration of the person; or

(e) any payment made by a company (within the meaning of the Companies Act 1993) to a director of the company under section 161 of the Companies Act 1993; or

(f) any payment from a superannuation fund or other similar payment

specified income, in relation to a person, means—

(a) the person's income in the average income calculation period; and

(b) the amount of any redundancy payment or retirement payment, before the deduction of income tax, not included in the person's income under paragraph (a) and made to the person—

(i) before the person's employment ceased; or

(ii) in the 52 weeks after the date on which the employment ceased.

Section 80B: replaced, on 1 April 1997, by section 35 of the Social Security Amendment Act 1996 (1996 No 20).

Section 80B **average income**: replaced, on 1 May 2005, by section 9(1) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 80B **average income calculation period**: replaced, on 1 May 2005, by section 9(1) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 80B **income** paragraph (a)(iv): replaced, on 1 July 2001, by section 15(9) of the Social Security Amendment Act 2001 (2001 No 1).

Section 80B **income** paragraph (a)(v): replaced, on 1 July 2001, by section 15(9) of the Social Security Amendment Act 2001 (2001 No 1).

Section 80B **income** paragraph (a)(vi): replaced, on 1 July 2001, by section 15(9) of the Social Security Amendment Act 2001 (2001 No 1).

Section 80B **income** paragraph (a)(vii): repealed, on 1 October 1998, by section 50 of the Social Security Amendment Act 1998 (1998 No 19).

Section 80B **income** paragraph (a)(viii): repealed, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 80B **income** paragraph (a)(x): repealed, on 15 April 2005, by section 9(2) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 80B **income** paragraph (a)(xii): repealed, on 17 May 2001, by section 7(3) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 80B **income** paragraph (a)(xiii): repealed, on 17 May 2001, by section 7(3) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Section 80B **income** paragraph (ab): inserted, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 80B **income** paragraph (ac): inserted, on 15 July 2013, by section 76 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80B **income** paragraph (ad): inserted, on 15 July 2013, by section 92 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80B **income** paragraph (ae): inserted, on 15 July 2013, by section 122 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80B **income** paragraph (b): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 80B **redundancy payment** paragraph (f): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 80B **redundancy payment** paragraph (g): replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 80B **retirement payment** paragraph (d): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 80B **retirement payment** paragraph (e): replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 80B **specified income**: inserted, on 1 May 2005, by section 9(3) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

80BA Calculation of stand down

(1) This section applies to a benefit if section 80 requires the benefit to commence on a date calculated in accordance with this section.

(1A) A person who is entitled to a benefit to which this section applies may elect to have his or her average income calculated by reference to a period of 52 weeks instead of 26 weeks.

(2) Every benefit to which this section applies shall be subject to a stand down period calculated in accordance with Schedule 28.

(3) A stand down period under this section commences on the later of—

(a) the date the person became entitled to the benefit; or

(b) if the person's employment terminated or the person is given notice of termination of employment before he or she applied for the benefit, the day after the date the person's employment ceased.

(4) If a stand down period applies under this section, benefits commence as follows:

(a) benefits except those described in paragraph (b) commence on the later of—

(i) the day after the stand down period ends; or

(ii) the day on which the application for the benefit is received:

(b) a benefit commences on the day after the stand down period ends if the application for the benefit is received within 28 days after the date on which the person becomes entitled to the benefit, and the benefit is—

(i) sole parent support; or

(ii) a supported living payment; or

(iii) jobseeker support granted on the ground of sickness, injury, or disability; or

(iv) jobseeker support granted to a sole parent; or

(v) jobseeker support granted to a person who has recently lost the financial support of his or her spouse or partner by reason of death, the spouses or partners commencing to live apart, or the ending of a de facto relationship; or

(vi) a youth payment; or

(vii) a young parent payment.

(5) This section is subject to section 80BB (which relates to delayed redundancy and retirement payments) and section 80BC (which relates to seasonal workers made redundant after a seasonal lay-off).

Section 80BA: inserted, on 1 April 1997, by section 35 of the Social Security Amendment Act 1996 (1996 No 20).

Section 80BA(1A): inserted, on 1 May 2005, by section 10(1) of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 80BA(3)(b): amended, on 3 June 1998, by section 9(1) of the Social Security Amendment Act (No 2) 1998 (1998 No 60).

Section 80BA(4): replaced (with effect on 1 April 1997), on 17 September 1997, by section 20(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 80BA(4)(a)(i): amended (with effect on 3 June 1998 (except as set out in section 5(2))), on 24 November 2015, by section 4(1) of the Social Security (Commencement of Benefits) Amendment Act 2015 (2015 No 113).

Section 80BA(4)(a)(i): amended, on 3 June 1998, by section 9(2)(a) of the Social Security Amendment Act (No 2) 1998 (1998 No 60).

Section 80BA(4)(a)(ii): amended, on 3 June 1998, by section 9(2)(a) of the Social Security Amendment Act (No 2) 1998 (1998 No 60).

Section 80BA(4)(b): replaced, on 15 July 2013, by section 37 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BA(4)(b): amended (with effect on 3 June 1998 (except as set out in section 5(2))), on 24 November 2015, by section 4(2) of the Social Security (Commencement of Benefits) Amendment Act 2015 (2015 No 113).

80BB Delayed redundancy and retirement payments

(1) This section applies to a person who has applied for a benefit to which section 80(2) or (12) applies if—

(a) the person is entitled to receive a redundancy payment or a retirement payment; and

(b) the person has not received the whole or a part of that payment.

(2) A person referred to in subsection (1) is entitled to receive the benefit applied for on a provisional basis and to have the stand down period calculated as if his or her average income did not include the amount not yet received.

(3) Subsection (4) applies if the person subsequently receives the whole or any part of the redundancy payment or retirement payment within 52 weeks after the date the person's employment ceased.

(4) This subsection applies to any payment of the benefit—

(a) which the person has received; and

(b) to which the person would not be entitled but for subsection (2).

(5) A payment to which subsection (4) applies is a debt due to the Crown under section 85A(b), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the person.

Section 80BB: inserted, on 1 April 1997, by section 35 of the Social Security Amendment Act 1996 (1996 No 20).

Section 80BB(4): amended, on 7 July 2014, by section 19(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 80BB(5): inserted, on 7 July 2014, by section 19(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

80BC Seasonal workers made redundant after benefit commences

(1) This section applies to a person who is a seasonal worker if—

(a) the person applies for a benefit to which section 80(2) or (12) applies following a seasonal layoff; and

(b) the person becomes entitled to receive a redundancy payment because his or her usual seasonal employment is made unavailable by the employer after the benefit commences; and

(c) the person receives the whole or any part of the redundancy payment within 52 weeks after the date the person's seasonal employment ceased.

(2) This subsection applies to any payment of the benefit—

(a) which the person has received; and

(b) which is a payment to which the person would not have been entitled if the redundancy payment received had been taken into account in calculating the stand down period under section 80BA.

(3) A payment to which subsection (2) applies is a debt due to the Crown under section 85A(b), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the person.

Section 80BC: inserted, on 1 April 1997, by section 35 of the Social Security Amendment Act 1996 (1996 No 20).

Section 80BC(2): amended, on 7 July 2014, by section 20(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 80BC(3): inserted, on 7 July 2014, by section 20(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

80BD Ending of benefits

(1) Every benefit shall end on a date the chief executive sets, to be—

(a) a date no earlier than the pay day before the date on which entitlement to the benefit ceased; and

(b) a date no later than the pay day after that date.

(2) The general provision in subsection (1) is subject to subsections (3) to (8).

(3) Subsection (4) applies to a person receiving New Zealand superannuation, a veteran's pension, sole parent support, a supported living payment, jobseeker support, a youth payment, or a young parent payment or a related emergency benefit.

(4) If a person referred to in subsection (3) dies, the benefit ends 4 weeks following the death if—

(a) the person leaves a spouse or partner or a child; and

(b) the spouse or partner or child are not entitled to a lump sum payment under section 56 of the Accident Rehabilitation and Compensation Insurance Act 1992 or section 444 of the Accident Insurance Act 1998 or section 382 of the Accident Compensation Act 2001.

(5) In all other cases, every benefit ends on a date set by the chief executive (being a date no later than 28 days after the date of the beneficiary's death).

(6) A benefit or a rate of benefit payable to a sole parent ends 28 days after the beneficiary stops caring for the dependent child concerned if the beneficiary stops caring for the child because of a sudden change of circumstances beyond the beneficiary's control.

(6A) A supported living payment under section 40D or a rate of that benefit ends 28 days after the beneficiary stops caring for the patient requiring care concerned if the beneficiary stops caring for that patient because that patient dies, or is admitted to hospital, or enters residential care.

(7) An orphan's benefit or unsupported child's benefit ends—

(a) on the date the child ceases to be entitled to the benefit; or

(b) on a date set by the chief executive (being a date no later than 4 weeks after the date the child ceases to be entitled to the benefit).

(8) A supported living payment on the ground of sickness, injury, disability, or total blindness and that is cancelled on medical grounds ends on a date set by the chief executive (being a date no later than 28 days after that cancellation of that benefit).

Section 80BD: inserted, on 1 April 1997, by section 35 of the Social Security Amendment Act 1996 (1996 No 20).

Section 80BD(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 80BD(2): amended, on 15 July 2013, by section 38(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BD(3): amended, on 15 July 2013, by section 38(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BD(3): amended, on 15 April 2005, by section 11 of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 80BD(4)(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 80BD(4)(b): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 80BD(4)(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 80BD(4)(b): amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 80BD(5): replaced, on 15 July 2013, by section 38(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BD(6): replaced, on 24 September 2007, by section 37 of the Social Security Amendment Act 2007 (2007 No 20).

Section 80BD(6): amended, on 15 July 2013, by section 38(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BD(6A): inserted, on 24 September 2007, by section 37 of the Social Security Amendment Act 2007 (2007 No 20).

Section 80BD(6A): amended, on 15 July 2013, by section 38(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BD(6A): amended, on 15 July 2013, by section 38(5)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BD(6A): amended, on 15 July 2013, by section 38(5)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 80BD(7)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 80BD(8): inserted, on 15 July 2013, by section 38(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

80BE Expiry and re-grant of specified benefits

(1) If it has not ceased earlier, a beneficiary's entitlement to a specified benefit ceases on the expiry date for that specified benefit (as those terms are defined in subsection (5)), and that benefit expires on that date. The specified benefit may be re-granted if that beneficiary reapplies for it in accordance with requirements in this Act or in regulations under section 132M for re-grant of it.

(2) The chief executive must, not less than 20 working days before the expiry date for the specified benefit, give notice to that beneficiary stating—

(a) that entitlement to that benefit will cease unless the beneficiary reapplies for that benefit and it is re-granted; and

(b) the date on which entitlement to that benefit will cease; and

(c) what the beneficiary must do to reapply for that benefit and the period within which he or she must do so.

(3) Subsection (2) does not apply if, at the time the chief executive is required to give notice under that subsection, the specified benefit—

(a) is suspended because the beneficiary is undertaking temporary employment; or

(b) is not for the time being payable under this Act (for example, under section 76 or 77); or

(c) is suspended under any provision of this Act other than section 117.

(4) However, if at any time before the expiry date for that benefit any of the circumstances described in subsection (3) no longer exist, then the chief executive must, as soon as practicable, take reasonable steps to advise the beneficiary of the matters set out in subsection (2)(a) to (c).

(5) In this section and section 80BF,—

expiry date, in relation to a specified benefit, means the expiry date prescribed for that specified benefit by regulations under section 132M

specified benefit means a benefit that is—

(a) jobseeker support; or

(b) sole parent support, supported living payment, or emergency benefit, unless that benefit is for the time being declared not to be a specified benefit for the purposes of this section and section 80BF by regulations under section 132M(1)(a).

(6) Regulations under section 132M(1)(a) that declare a benefit referred to in subsection (5)(b) of this section not to be a specified benefit for the purposes of this section and section 80BF may, without limitation, declare not to be a specified benefit for those purposes either or both of the following:

(a) that benefit as granted on only 1 or more specified available eligibility grounds:

(b) that benefit as granted to only 1 or more specified categories, classes, or kinds of beneficiaries.

(7) However, a specified benefit that expires under this section in the week that is, or is the week immediately before, the week that includes 26 December in a year must (despite section 80BD(1) and the rest of this section) continue to be paid until the first Monday after 2 January in the immediately following year.

(8) However, the chief executive may, in any circumstances in which an exemption from expiry may be considered that are specified for the purposes of this section by regulations under section 132M, and by notice in writing copied as soon as practicable to every beneficiary concerned, exempt from expiry under this section, until an identified event or situation or time, and on identified conditions (if any), all or any specified benefits of an identified beneficiary or of all beneficiaries who fall within an identified class or description.

Section 80BE: inserted, on 15 July 2013, by section 39 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

80BF Requirements for re-grant of specified benefits

(1) No specified benefit may be re-granted under this section to a person to whom section 80BE applies unless—

(a) the department has received—

(i) a reapplication form (provided by the chief executive for the purpose) completed by or on behalf of the beneficiary and his or her spouse or partner (if any) to the chief executive's satisfaction; and

(ii) any supporting evidence reasonably required by the chief executive; and

(b) the beneficiary and the beneficiary's work-tested spouse or partner (if any) have participated, to the satisfaction of the chief executive, in a comprehensive work assessment of a kind specified by the chief executive.

(2) Subsection (1)(b) is subject to subsection (8).

(3) If, in relation to a person, the requirements of subsection (1) are completed on or before the expiry date (as defined in section 80BE(5)) for the person's specified benefit,—

(a) the chief executive must re-grant the person's specified benefit if the chief executive is satisfied that the person meets or continues to meet the eligibility criteria for that benefit; and

(b) if re-granted, that benefit commences on that expiry date.

(4) If, in relation to a person, the requirements of subsection (1) are completed after, but within 20 working days after, the expiry date for the person's specified benefit, and the chief executive is satisfied that there were exceptional cir-

cumstances that prevented those requirements from being completed on or before that expiry date,—

(a) the chief executive must re-grant the person's specified benefit if the chief executive is satisfied that—

(i) the person meets the eligibility criteria for that benefit set out in section 88B; and

(ii) after that expiry date, and unless exceptional circumstances prevented the person from doing so, the person continued to meet the eligibility criteria for that benefit; and

(b) if re-granted, that benefit commences on that expiry date.

(5) If a person intending to reapply for the specified benefit contacts the department on or before the expiry date for the person's specified benefit,—

(a) the chief executive may set a time (being a time within 10 working days after that expiry date) before which the requirements of subsection (1) are to be completed; and

(b) if those requirements are completed before that time, the chief executive may re-grant that benefit under subsection (4).

(6) Subsections (1) to (5) override section 11D(1).

(7) The specified benefit must not be re-granted under this section to a person, and any reapplication form received from or on behalf of that person must be treated as an application form for the purposes of section 11D(2), if the requirements of subsection (1)—

(a) are not completed within 20 working days after the expiry date for the person's specified benefit; or

(b) were completed within that time but after that expiry date, and the chief executive is satisfied that there were no exceptional circumstances that prevented those requirements from being completed on or before that expiry date.

(8) For the purposes of this section, a failure of a beneficiary's work-tested spouse or partner to participate in a comprehensive work assessment in accordance with subsection (1)(b)—

(a) must not be treated as a failure to complete the requirements of subsection (1); but

(b) must be treated as a failure by that spouse or partner to comply with his or her work test obligations.

Section 80BF: inserted, on 15 July 2013, by section 39 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

80C Effect of work test on entitlement to supplementary benefits and on spouses or partners

(1) A person is not entitled to receive an emergency benefit under section 61, or an accommodation supplement under section 61EA, or temporary additional support under section 61G or a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004, while—

(a) the person is subject to a non-entitlement period; or

(b) the person is subject to a stand down under section 80BA; or

(c) the person is subject to a sanction of suspension of 100% of a benefit under section 117, 173, or 174.

(1A) Notwithstanding subsection (1)(b), if the applicant was receiving an accommodation supplement pursuant to section 61EA immediately before applying for a benefit, the accommodation supplement shall continue at the same rate for the period of non-entitlement.

(2) The spouse or partner of a person who is not entitled to a benefit due to the application of section 80BA shall not be entitled to receive any benefit to which his or her spouse or partner is not entitled.

Section 80C: inserted, on 1 August 1991, by section 21 of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 80C heading: replaced, on 1 October 1998, by section 6 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 80C heading: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 80C(1): replaced, on 1 April 1997, by section 36(1) of the Social Security Amendment Act 1996 (1996 No 20).

Section 80C(1): amended, on 1 April 2006, by section 21 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 80C(1)(c): replaced, on 1 July 2001, by section 43(3) of the Social Security Amendment Act 2001 (2001 No 1).

Section 80C(1)(c): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 80C(1A): inserted, on 1 July 1993, by section 22(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 80C(2): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 80C(2): amended, on 1 April 1997, by section 36(2) of the Social Security Amendment Act 1996 (1996 No 20).

Section 80C(2): amended, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

80D Benefit applications by claimants under Accident Compensation Act 2001

If—

(a) weekly compensation is paid by or on behalf of the Accident Compensation Corporation, or by or on behalf of an accredited employer within the

meaning of section 181 of the Accident Compensation Act 2001, in respect of a claim made under that Act; and

(b) the claimant subsequently fails to establish his or her claim; and

(c) the claimant would otherwise have been entitled to a benefit during all or any part of the period in respect of which the compensation would have been paid if the claim had been accepted—

the chief executive may, in the chief executive's discretion, treat an application for a benefit made by the claimant as having been made on the date—

(d) that the incapacity in respect of which the claim was made occurred; or

(e) that the applicant would have become entitled to that benefit—

whichever is the later date.

Section 80D: inserted, on 1 July 1992, by section 172(2) of the Accident Rehabilitation and Compensation Insurance Act 1992 (1992 No 13).

Section 80D heading: amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 80D: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 80D(a): replaced, on 10 April 2015, by section 7(2) of the Social Security Amendment Act 2015 (2015 No 41).

Reviews, payments, debts, and deductions

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

81 Review of benefits

(1) The chief executive may from time to time review any benefit in order to ascertain—

(a) whether the beneficiary remains entitled to receive it; or

(b) whether the beneficiary may not be, or may not have been, entitled to receive that benefit or the rate of benefit that is or was payable to the beneficiary—

and for that purpose may require the beneficiary or his or her spouse or partner to provide any information or to answer any relevant question orally or in writing, and in the manner specified by the chief executive. If the beneficiary or his or her spouse or partner fails to comply with such a requirement within such reasonable period as the chief executive specifies, the chief executive may suspend, terminate, or vary the rate of benefit from such date as the chief executive determines.

(2) If, after reviewing a benefit under subsection (1), the chief executive is satisfied that the beneficiary is no longer or was not entitled to receive the benefit or is or was entitled to receive the benefit at a different rate, the chief executive

may suspend, terminate, or vary the rate of the benefit from such date as the chief executive reasonably determines.

(3) If, after reviewing a benefit under subsection (1), the chief executive considers the beneficiary is more appropriately entitled to receive some other benefit, the chief executive may, in his or her discretion, cancel the benefit the beneficiary was receiving and grant that other benefit commencing from the date of cancellation.

(4) If, after reviewing under subsection (1) a benefit granted on a stated eligibility ground for that benefit, the chief executive considers that the beneficiary is more appropriately entitled to receive that benefit on another eligibility ground for that benefit, the chief executive may—

(a) cancel that benefit on the stated eligibility ground; and

(b) grant that benefit instead on the other eligibility ground commencing from the date of cancellation.

(5) The chief executive may terminate a winter energy payment if satisfied, after reviewing the payment under subsection (1), that—

(a) the rate of the beneficiary's qualifying benefit (under section 61FG(1)(a)) is required by section 75(3) to be reduced to the rate payable to long-term hospital patients (even if a higher rate is paid under section 75(4)); and

(b) continuing the payment is not consistent with the purpose stated in section 61FE.

Section 81: replaced, on 1 April 1990, by section 37(8) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 81(1): replaced, on 30 June 1993, by section 23 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 81(1): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 81(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 81(2): replaced, on 30 June 1993, by section 23 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 81(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 81(3): inserted, on 1 March 1991, by section 34 of the Social Security Amendment Act 1991 (1991 No 1).

Section 81(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 81(4): inserted, on 15 July 2013, by section 40 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 81(5): inserted, on 1 July 2018, by section 64 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

82 Payment of benefits

(1) Every benefit shall be payable by instalments of such number of weeks' benefit on such day or date or such days or dates in the month as the chief executive from time to time determines.

(2) The amount of a weekly instalment of a benefit that is payable at an annual rate shall be ascertained by dividing the annual rate by 52.

(2A) The following benefits are paid in respect of a 7-day week: sole parent support, a youth payment, a young parent payment, a supported living payment, an emergency benefit, jobseeker support, and a winter energy payment.

(3) Except as otherwise provided in this Act, every instalment of a benefit shall be paid to or on account of the beneficiary personally:

provided that for good cause the chief executive may, in the chief executive's discretion, direct that payment of the whole or any part of an instalment, or any number of instalments, be paid—

(a) to or on account of some other person authorised by the beneficiary or, in the case of a beneficiary who lacks sufficient capacity in law, to any person appointed by the chief executive for the purpose of receiving it; or

(b) with or without the consent of the beneficiary—

(i) to any person in payment of the beneficiary's lawful debts or other liabilities:

(ii) to, or for the benefit of, the spouse or partner of the beneficiary or any dependent child or children of the beneficiary.

(3A) If any instalment of a benefit is payable after the beneficiary's death, that instalment may be paid,—

(a) on application by the surviving spouse or partner of the beneficiary, to that spouse or partner; or

(b) if the beneficiary has no surviving spouse or partner but has a surviving dependent child, on application by the person who has the care of the child, to that person (or to another person appointed by the chief executive for the purpose) for the benefit of that child and any other surviving dependent children of the beneficiary; or

(c) in any other case, in the manner in which that instalment would have been paid if the beneficiary had not died.

(4) Except as otherwise provided in this Act, every instalment of benefit shall be paid in a manner and at the place determined by the chief executive from time to time, and no appeal under this Act shall lie against that determination.

(5) If any instalment of any benefit, or any part of any instalment, is not collected within such time as the chief executive may specify, the authority to collect such instalment, or part, shall lapse and the amount of benefit so unpaid shall

be forfeited unless the chief executive is satisfied in any particular case that there was good cause for not collecting that instalment or that part of the instalment.

(6) If the chief executive is satisfied that an advance payment of a benefit would best meet the immediate needs of a beneficiary, the chief executive may, in the chief executive's discretion, on application by the beneficiary, make payment in advance of any number of instalments of the benefit, or part of it, not yet due, and the amount so paid in advance is a debt due to the Crown under section 85A(c), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the beneficiary.

(6A) Despite subsection (3), if the immediate needs of the beneficiary relate to the supply of any goods or services to the beneficiary or a member of the beneficiary's family, the chief executive may pay the whole or any part of an advance payment of a benefit under subsection (6) to the supplier of the goods or services.

(6AA) This subsection applies to the beneficiary if—

(a) the immediate needs of the beneficiary relate to the supply of any goods or services to the beneficiary or a member of the beneficiary's family; and

(b) the goods or services are of a class, description, or kind supplied by a preferred supplier (being a preferred supplier to, or in respect of, the area in which the beneficiary resides) under a contract entered into with the chief executive under section 125AA.

(6AB) If subsection (6AA) applies to the beneficiary, the beneficiary must purchase the goods or services from a preferred supplier nominated by the chief executive at the price determined by the contract under section 125AA with that supplier, and—

(a) the amount of the advance payment of benefit for purchasing the goods or services is the lesser of—

(i) the price so determined; and

(ii) the maximum amount of advance payment of benefit that is available to the beneficiary for that purpose; and

(b) the chief executive must, despite subsections (3), (6), and (6A), pay the advance payment of the benefit to that supplier in consideration of the supply of the goods or services to the beneficiary or the beneficiary's family member.

(6AC) A nomination under subsection (6AB) of a preferred supplier—

(a) may be given orally or in writing (but, if given orally, must as soon as practicable be confirmed in writing); and

(b) may from time to time be amended, revoked, or revoked and replaced by the chief executive, to recognise changes in preferred suppliers or preferred supply contracts ending without also being replaced.

(6B) The chief executive may, in circumstances prescribed by regulations made under section 132K, require a beneficiary who applies for an advance payment of a benefit under subsection (6), or the beneficiary's spouse or partner, or both, to undertake to the satisfaction of the chief executive a budgeting activity of a kind specified in regulations made under section 132K.

(6C) Subsection (6D) applies in respect of an applicant for an advance payment of a benefit under subsection (6) if the chief executive is satisfied that—

(a) the applicant or the applicant's spouse or partner has failed to take reasonable steps to reduce his or her costs or increase his or her income or better manage his or her finances; or

(b) the applicant or the applicant's spouse or partner has failed to take all necessary steps to obtain any assistance towards his or her costs from any other source from which he or she may be entitled to assistance; or

(c) the applicant or the applicant's spouse or partner has failed to comply with any requirement of the chief executive to undertake a budgeting activity under subsection (6B).

(6D) If this subsection applies, the chief executive may refuse to make an advance payment of a benefit under subsection (6), or any subsequent advance payment of a benefit, to or in respect of the applicant.

(6E) Subsections (6B) to (6D) do not apply to the advance payment of a youth support payment, or to the advance payment of any other benefit payable to a person receiving a youth support payment.

(6F) This subsection applies to a beneficiary if—

(a) the chief executive has under section 125AA entered into a contract with a preferred supplier for the supply of goods or services (for example, electricity, gas, or telecommunications); and

(b) the beneficiary to obtain the advantage of that supply at the price determined by that contract requests the chief executive in writing to pay, for a period identified by the chief executive, an agreed amount or agreed portion of the benefit payments payable to the beneficiary to the preferred supplier in consideration of the supply of those goods or services to the beneficiary or a member of the beneficiary's family.

(6G) If subsection (6F) applies to a beneficiary,—

(a) the chief executive may, despite subsection (3), act on the beneficiary's written request under subsection (6F), and accordingly pay the preferred supplier for the identified period the agreed amount or agreed portion of the benefit payments payable to the beneficiary in consideration of the

supply of those goods or services to the beneficiary or the beneficiary's family member; and

(b) the beneficiary cannot withdraw from the redirection arrangement arising from that request unless the chief executive, in his or her discretion, considers a withdrawal during the identified period is justified by special circumstances established to the chief executive's satisfaction.

(7) Unless the chief executive in any particular case otherwise determines, it shall be a condition of every benefit that the applicant or beneficiary shall—

(a) supply the department with particulars of an existing account held by the applicant or beneficiary with—

(i) the Post Office Bank Limited, a private savings bank, a trustee savings bank, or the Public Service Investment Society Limited; or

(ii) a registered bank which, on 31 March 1987, was a trading bank; or

(iii) any other registered bank or a building society (being a registered bank or a building society approved for the purposes of this subsection by the Minister after consultation with the Minister of Finance); or

(b) open such an account, if one is not held, and supply the department with particulars of the account; or

(c) supply the department with particulars of a current membership held by the applicant or beneficiary with a credit union registered under Part 3 of the Friendly Societies and Credit Unions Act 1982 (being a credit union approved for the purposes of this subsection by the Minister after consultation with the Minister of Finance)—

and every instalment of the benefit may be paid by the chief executive into such account or in respect of such membership, as the case may be.

(8) This section is subject to section 179, and subsections (6) to (6AB), (6F), and (6G) of this section are subject to (preferred supplier transitional provisions) directions under section 125AA(5).

Section 82: replaced, on 11 October 1978, by section 23(1) of the Social Security Amendment Act 1978 (1978 No 58).

Section 82(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(1): amended, on 17 September 1997, by section 21(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 82(2A): inserted, on 2 July 2007, by section 13(1) of the Social Security Amendment Act 2007 (2007 No 20).

Section 82(2A): amended, on 1 July 2018, by section 65 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Section 82(2A): amended, on 15 July 2013, by section 77 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(2A): amended, on 15 July 2013, by section 85(1)(d) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(2A): amended, on 15 July 2013, by section 96(1)(o) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(2A): amended, on 15 July 2013, by section 113(2)(e) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(2A): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 82(3): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 82(3) proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(3) proviso: amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 82(3) proviso paragraph (a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(3) proviso paragraph (b)(ii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 82(3A): inserted, on 8 July 2016, by section 13 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 82(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(4): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 82(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(6): inserted, on 24 August 1979, by section 11 of the Social Security Amendment Act 1979 (1979 No 14).

Section 82(6): amended, on 7 July 2014, by section 21 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 82(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(6): amended, on 17 September 1997, by section 21(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 82(6): amended, on 23 June 1987, by section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Section 82(6A): inserted, on 27 September 2010, by section 16 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 82(6AA): inserted, on 17 April 2013, by section 41(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(6AB): inserted, on 17 April 2013, by section 41(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(6AC): inserted, on 17 April 2013, by section 41(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(6B): inserted, on 27 September 2010, by section 16 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 82(6C): inserted, on 27 September 2010, by section 16 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 82(6D): inserted, on 27 September 2010, by section 16 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 82(6E): inserted, on 20 August 2012, by section 14(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 82(6F): inserted, on 17 April 2013, by section 41(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(6G): inserted, on 17 April 2013, by section 41(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 82(7): replaced, on 26 October 1988, by section 21(1) of the Social Security Amendment Act (No 2) 1988 (1988 No 147).

Section 82(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(7): amended, on 1 April 1990, by section 14(16) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Section 82(7)(a)(iii): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(7)(c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 82(8): inserted, on 20 August 2012, by section 14(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 82(8): amended, on 17 April 2013, by section 41(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

82A Duty to supply tax file number and consequence of failure to do so

(1) The chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 may in writing request an applicant for a benefit or a beneficiary to provide evidence, to the satisfaction of the chief executive, of the tax file number of the applicant or beneficiary.

(2) The chief executive may refuse to grant a benefit and must suspend payment of a benefit if satisfactory evidence of the tax file number of the applicant or the beneficiary is not received within 10 working days after the date on which the chief executive requests the evidence.

(3) The chief executive may extend to a date to be specified in writing the time for delivery of the evidence referred to in subsection (1) if an applicant or a beneficiary provides a reasonable explanation for not providing the evidence within the time prescribed in subsection (2).

(4) This section does not apply to a beneficiary who is unable to provide satisfactory evidence of the beneficiary's tax file number within the time specified because of sickness, injury, or disability.

(5) In this section, **tax file number** has the same meaning as in section YA 1 of the Income Tax Act 2007.

Section 82A: replaced, on 7 October 1998, by section 2(1) of the Social Security Amendment Act (No 3) 1998 (1998 No 104).

Section 82A(5): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

83 Apportionment of benefit between spouses or partners

(1) Subject to subsections (2) and (2A), where any person is entitled to a benefit at a rate prescribed in respect of a person who is married or in a civil union or in a de facto relationship, 50% of that benefit and any other benefit payable under this Act shall be paid to the person so entitled and 50% shall be paid to the spouse or partner or other person who qualifies the beneficiary to be paid at that rate.

(2) Subject to section 12(2) of the New Zealand Superannuation and Retirement Income Act 2001, in any case where the chief executive determines that it would not be appropriate for any benefit to be paid as provided in subsection (1), the whole of the benefit may be paid to the person entitled to the benefit or the benefit may be allocated in such proportions as the chief executive determines between the beneficiary and the spouse or partner or other person who qualifies the beneficiary to be paid at the rate referred to in subsection (1).

(2A) Nothing in this section applies to—

(a) a rate of youth payment or young parent payment; or

(b) the rate of any benefit (other than a youth payment or young parent payment) payable to a person receiving a youth payment or young parent payment.

(3) In any case where a benefit is apportioned under subsection (1) or subsection (2), the proportion of the benefit paid to each person shall be deemed for the purposes of the Income Tax Act 2007 to be the income of the person to whom it is paid.

Section 83: replaced, on 1 October 1986, by section 16(1) of the Social Security Amendment Act 1986 (1986 No 39).

Section 83 heading: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 83(1): amended, on 20 August 2012, by section 15(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 83(1): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Section 83(1): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 83(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 83(2): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 83(2): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 83(2): amended, on 26 September 2002, by section 20 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 83(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 83(2A): inserted, on 20 August 2012, by section 15(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 83(3): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

83AA Apportionment of benefit between spouses or partners: one is liable for proportion other obtained by fraud if that one knew, or ought to have known, about other's fraud

(1) This section applies to the following situation:

(a) a benefit is apportioned under section 83(1) or (2) between spouses or partners so that—

(i) one proportion of the benefit (**proportion A**) is paid to one spouse or partner (**A**); and

(ii) another proportion of the benefit (**proportion B**) is paid to the other spouse or partner (**B**); and

(iii) the person entitled to the benefit, for the purposes of section 83(1) and (2), is either A or B; and

(b) some or all of proportion A is—

(i) an amount in excess of the amount to which A is by law entitled or to which A has no entitlement; and

(ii) an amount obtained by fraud by A; and

(iii) a debt referred to in section 85A due to the Crown, and subject to recovery under section 86(1), from A; and

(c) some or all of proportion B either is, or is not,—

(i) an amount in excess of the amount to which B is by law entitled or to which B has no entitlement; and

(ii) an amount obtained by fraud by B; and

(iii) a debt referred to in section 85A due to the Crown, and subject to recovery under section 86(1), from B; and

(d) B either knew, or ought to have known (even if B did not know), of the fraud by A.

(2) In the situation to which this section applies, B is jointly and severally liable for A's debt referred to in subsection (1)(b), and that amount is a debt referred to in section 85A due to the Crown, and subject to recovery under section 86(1), from B.

(3) This section does not limit or affect any civil or criminal liability under any other law—

(a) of A for, or in respect of, the debt referred to in subsection (1)(b); or

(b) of B for, or in respect of, the debt referred to in subsection (1)(c).

(4) An amount is obtained by fraud by a person (whether A or B) for the purposes of this section if the person—

(a) obtained that amount by fraud (and, for the purposes of this paragraph, **fraud** means that the person—

(i) made any statement knowing it to be false in any material particular; or

(ii) knowingly said or did anything or omitted to do or say anything for the purpose of misleading any officer concerned in the administration of this Act); or

(b) is convicted of a specified offence (as defined in section 127A(5)) in respect of obtaining that amount.

(5) Subsection (4) does not limit—

(a) the generality of the references in subsection (1) to fraud; or

(b) the operation of section 49 (conviction as evidence in criminal proceedings) of the Evidence Act 2006.

Section 83AA: inserted, on 7 July 2014, by section 7 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

83A Tax on benefits

(1) This section applies where any instalment or a payment of an income-tested benefit is a source deduction payment.

(2) Where this section applies, the chief executive may, instead of making a tax deduction from the source deduction payment, pay to the Commissioner of Inland Revenue, at such time as the Commissioner determines in consultation with the chief executive, an amount for income tax payable on that payment, calculated in accordance with subsection (3).

(3) The amount for income tax payable on a source deduction payment is the amount of the tax deduction that would be made, at the rate determined under the appropriate specified provision, if the payment were increased by an amount that, after the tax deduction were made, would result in an amount equal to the source deduction payment.

(4) An amount for income tax paid to the Commissioner under subsection (2) must,—

(a) for the purposes of this Act, be considered to be a payment of a benefit, within the meaning of that term in section 3(1), made on account of, and received by, the person; and

(b) for the purposes of—

(i) the Income Tax Act 1976, be considered to be assessable income of the person; or

(ii) the Income Tax Act 1994, be considered to be gross income of the person; or

(iii) the Income Tax Act 2004, be considered to be income of the person; or

(iv) the Income Tax Act 2007, be considered to be income of the person.

(5) If, as a result of the review, suspension, cancellation, or termination of an income-tested benefit, the chief executive determines that an amount for tax on the benefit has been paid in accordance with this section to the Commissioner in excess of the amount that is properly payable under this section, the chief executive may not recover the excess amount under sections 85A and 86, but may recover that amount by—

(a) making an adjustment to any amount subsequently payable to the Commissioner under subsection (2) in respect of the source deduction payments for that or any other benefit payable to that beneficiary; or

(b) making such other arrangements for its refund as are agreed with the Commissioner.

(6) In this section,—

income-tested benefit has the meaning given to that term by section 2 of the Income Tax Act 1976 or section OB 1 of the Income Tax Act 1994 or section OB 1 of the Income Tax Act 2004 or section YA 1 of the Income Tax Act 2007 (whichever is applicable) and not the meaning in section 3(1) of this Act

source deduction payment has the meaning given to that term by section 2 of the Income Tax Act 1976 or section OB 1 of the Income Tax Act 1994 or section OB 1 of the Income Tax Act 2004 (whichever is applicable) and includes a PAYE income payment, as that term is defined in section RD 3 of the Income Tax Act 2007 (if applicable)

specified provision, in relation to a source deduction payment, means (as the case requires)—

(a) the fourth proviso to section 343(1) of the Income Tax Act 1976; or

(b) the fourth proviso to section NC 6(1) of the Income Tax Act 1994; or

(c) section NC 6(1D) of the Income Tax Act 1994; or

(d) section NC 6(1D) of the Income Tax Act 2004; or

(e) section RD 11(3) of the Income Tax Act 2007.

Section 83A: inserted, on 15 April 2005, by section 12 of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 83A(4)(b)(iii): replaced, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 83A(4)(b)(iv): inserted, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 83A(5): amended, on 7 July 2014, by section 22 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 83A(6) **income-tested benefit**: amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 83A(6) **source deduction payment**: amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 83A(6) **specified provision** paragraph (d): replaced, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 83A(6) **specified provision** paragraph (e): inserted, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

84 Benefits to be inalienable

(1) Subject to the provisions of the Family Benefits (Home Ownership) Act 1964 or the Child Support Act 1991 or the Student Loan Scheme Act 2011 and of section 82 or 179(5) of this Act, no benefit shall be capable of being assigned or charged or of passing to any other person by operation of law.

(2) Every person commits an offence, and is liable on conviction to a fine not exceeding $100, who demands or accepts from any beneficiary any benefit order or any acknowledgment or undertaking where that demand, acceptance, acknowledgment, or undertaking would constitute a legal or an equitable assignment of or a charge upon any benefit if the benefit were capable of being legally assigned or charged.

(3) *[Repealed]*

Compare: 1938 No 7 s 69; 1945 No 11 s 30; 1958 No 46 s 27

Section 84(1): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 84(1): amended, on 1 April 2012, by section 223 of the Student Loan Scheme Act 2011 (2011 No 62).

Section 84(1): amended, on 1 July 1992, by section 11 of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Section 84(1): amended, on 1 April 1992, by section 89 of the Student Loan Scheme Act 1992 (1992 No 141).

Section 84(1): amended, on 11 October 1978, by section 24(a) of the Social Security Amendment Act 1978 (1978 No 58).

Section 84(1) proviso: repealed, on 11 October 1978, by section 24(b) of the Social Security Amendment Act 1978 (1978 No 58).

Section 84(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 84(2): amended, on 7 June 1967, by section 3 of the Social Security Amendment Act 1967 (1967 No 4).

Section 84(3): repealed, on 1 April 1991, by section 35 of the Social Security Amendment Act 1991 (1991 No 1).

84A Payment of benefit not to restrict right to maintenance

The payment of a benefit under this Act shall not operate—

(a) to take away or restrict any liability imposed by the Family Proceedings Act 1980, the Child Support Act 1991, or any other Act on any person for the maintenance or support of any other person; or

(b) to affect the power of a court to make any maintenance order under the Family Proceedings Act 1980 or any other Act; or

(c) to affect the power of the Commissioner of Inland Revenue to make an assessment of child support or domestic maintenance, or accept a voluntary agreement, under the Child Support Act 1991; or

(d) to affect the power of a court to make an order under the Child Support Act 1991.

Section 84A: replaced, on 1 July 1992, by section 12(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Section 84A: amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 84A(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

85 Termination of benefit on death of beneficiary

[Repealed]

Section 85: repealed, on 28 September 1982, by section 15(1) of the Social Security Amendment Act 1982 (1982 No 16).

85A Payments that are debts due to the Crown: general

The following payments or other sums are debts due to the Crown:

(a) any penalty payable under this Act:

(b) any benefit paid conditionally or provisionally under this Act that a person has become liable to repay (by direction of the chief executive or otherwise):

(c) any advance payment of a benefit made to a person under section 82(6):

(d) any money paid to or for the credit of a person as a grant of special assistance under a welfare programme approved under section 124(1)(d) that is—

(i) paid as a recoverable grant of assistance; or

(ii) otherwise recoverable from that person under the terms and conditions of the programme:

(e) any amount described by this Act as a debt due to the Crown from the person:

(f) a sum (an **overpayment**), paid or advanced under this Act or Part 6 of the Veterans' Support Act 2014 or Part 1 of the New Zealand Superannuation and Retirement Income Act 2001 to or for the credit of a person—

(i) that is in excess of the amount to which the person is entitled; or

(ii) to which the person has no entitlement.

Section 85A: inserted, on 26 September 2002, by section 21 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 85A heading: amended, on 7 July 2014, by section 8 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 85A(f): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 85A(f): amended, on 5 December 2013, by section 15(5)(i) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 85A(f): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 85A(f): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

85B Payments that are debts due to the Crown: examples

(1) Debts referred to in section 85A(a) (penalty) and (e) (debt due to the Crown) include a penalty under section 86(2) (recovery of penalty from beneficiary who obtains by fraud amount in excess of entitlement).

(2) Debts referred to in section 85A(b) (conditional or provisional benefit that person is liable to repay) include the following:

(a) an amount directed to be repayable under section 60H(6)(b) (voluntary unemployment or loss of employment through misconduct, etc):

(b) an amount the person granted a benefit is liable to repay under section 61CC(2)(a) (granting of emergency benefits during epidemic in New Zealand), and to which section 85A(b) applies in accordance with section 61CC(2)(b):

(c) an amount recoverable under section 80BB(5) (delayed redundancy and retirement payments):

(d) an amount recoverable under section 80BC(3) (seasonal workers made redundant after benefit commences):

(e) an amount the person participating in approved activities is liable to repay under section 123B (effect of participation in certain activities on non-entitlement period).

(3) Debts referred to in section 85A(b) (conditional or provisional benefit that person is liable to repay) and (e) (debt due to the Crown) include the following:

(a) an amount recoverable under section 68A(5) (special provisions applying to insurance payments):

(b) an amount recoverable under section 71(1)(b) (special provisions where compensation or damages recoverable by applicant).

(4) Debts referred to in section 85A(e) (debt due to the Crown) include the following:

(a) an excess amount recoverable under section 86(3) (recovery from spouse or partner who makes false statement to or otherwise misleads department of excess amount beneficiary obtained):

(b) an excess amount recoverable under section 86(4) (recovery from estate of deceased beneficiary of excess amount beneficiary obtained):

(c) an excess amount recoverable under section 86(5) (recovery from estate of beneficiary's deceased spouse or partner of excess amount beneficiary obtained):

(d) an excess amount recoverable under section 86AA(5) (recovery from spouse or partner of unapportioned excess amount beneficiary obtained by fraud).

(5) Debts referred to in section 85A(f) (overpayments under this Act) include the following:

(a) an amount recoverable under section 86 or 86AA read (in the case of either section) together with section 124(2) and (2A):

(b) amounts recoverable under section 86E(2) (deductions held in trust):

(c) an amount recoverable under section 86I(3) (penalty for late deductions):

(d) an amount that regulations made under section 132AC(1)(i) provide is a debt due to the Crown under section 85A(f).

(6) This section does not limit the generality of section 85A.

Section 85B: inserted, on 7 July 2014, by section 9 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

86 Recovery of payments made in excess of authorised rates

Chief executive's duty to recover debt in section 85A

(1) The chief executive is under a duty imposed by this subsection to take all reasonably practicable steps to recover a debt referred to in section 85A.

(1A) Subsection (1) is subject to the following:

(a) subsections (9A) and (9B) (debts caused wholly or partly by errors to which debtors did not intentionally contribute):

(b) any regulations (providing for remittance or suspension of debt) made under section 132G:

(c) the debt falling within any 1 or more classes, descriptions, or kinds of debts specified in a written determination made by the chief executive for the purposes of this paragraph as debts that it is uneconomic to recover:

(d) the debt falling within any 1 or more classes, descriptions, or kinds of debts specified in a written authorisation given jointly by the Minister and by the Minister of Finance for public finance purposes generally as debts that are to be written off.

(1B) Nothing in section 74B of the Property Law Act 2007 or any rule of law relating to payment by or under mistake prevents recovery of a debt under subsection (1).

(1BA) In performing the duty imposed by subsection (1), the chief executive—

(a) must determine from time to time the rate of recovery and method or methods of recovery to be used and, in doing so, must have regard to all relevant considerations, including, without limitation, any identified in directions under subsection (1BC); and

(b) may from time to time, if satisfied of the existence in the particular case of circumstances of a kind identified by directions under subsection (1BC), defer temporarily recovery of the debt.

(1BB) The method or methods of recovery that the chief executive may determine is or are to be used are as follows:

(a) bring proceedings in the name of the chief executive:

(b) deduct all or part of that debt from any amount payable to that person by the department as a benefit or a student allowance:

(c) for a debt referred to in section 85A(d) (recoverable special assistance money under an approved welfare programme), deduct all or part of that debt from any payment of a grant of special assistance under a welfare programme approved under section 124(1)(d).

(1BC) The Minister must give to the chief executive, and ensure that there are in force (as from time to time amended or replaced) at all times on and after the commencement of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014, directions for the purposes of subsection (1BA)(a) and (b), which, without limitation, may—

(a) identify for subsection (1BA)(a) considerations that differ, or that contemplate different rates of recovery, or methods of recovery, or both, for determinations in respect of different kinds of debts referred to in section 85A:

(b) identify for subsection (1BA)(b) different kinds of circumstances for different kinds of debts referred to in section 85A.

(1BD) Directions under subsection (1BC)—

(a) must as soon as practicable after they are given be published by the Minister in the *Gazette*, and are not legislative instruments for the purposes of the Legislation Act 2012; but

(b) are disallowable instruments for the purposes of the Legislation Act 2012, and must be presented to the House of Representatives under section 41 of that Act.

(1C) *[Repealed]*

(1D) *[Repealed]*

(1E) *[Repealed]*

(1F) *[Repealed]*

Recovery of penalty from beneficiary who obtains by fraud amount in excess of entitlement

(2) Subject to subsections (2A) and (2B), if any person has obtained any payment or received any credit or advance referred to in section 85A in excess of the amount to which he or she was entitled and, in the opinion of the chief executive, that payment or credit or advance in excess was obtained by fraud, the chief executive may, in his or her discretion, which discretion may be exercised in respect of any particular case or class or classes of case, recover from that person, by way of penalty, an amount not exceeding 3 times the amount in excess. Nothing in this subsection shall relieve that person from any other liability in respect of any fraud committed by him or her. Any penalty under this subsection may be recovered by way of deduction from any instalments of the same or any other benefit or student allowance or payment thereafter becoming payable to that person under this Act or under Part 6 of the Veterans' Support Act 2014 or under the New Zealand Superannuation and Retirement Income Act 2001; and may be recovered as a debt due to the Crown at the suit of the chief executive.

(2A) The chief executive shall not impose any penalty on any person under subsection (2)—

(a) unless the chief executive has given to the person written notice—

(i) specifying the intention to impose a penalty under that subsection and the amount proposed to be imposed by way of penalty; and

(ii) specifying the particulars of fact on which the intention is based; and

(iii) stating the person has 5 working days from the receipt of the notice to show cause why the action should not be taken; and

(b) if that person has been prosecuted and dealt with for any offence arising out of the same circumstances that gave rise to liability under that subsection; and

(c) until the expiration of those 5 working days.

(2B) Where the chief executive imposes any penalty under subsection (2), no action to recover that penalty shall be taken until any review of that decision under section 10A or any appeal under section 12J has been completed.

(2C) In subsection (2), a person shall be considered to have obtained a payment or credit or advance by fraud if that person has made any statement knowing it to be false in any material particular, or has knowingly said or done anything or omitted to do or say anything for the purpose of misleading any officer concerned in the administration of this Act, for the purpose of obtaining a payment or credit or advance under this Act, as a result of which that person received that payment or credit or advance.

Recovery from spouse or partner who makes false statement to or otherwise misleads department of excess amount beneficiary obtained

(3) If, in the opinion of the chief executive, the spouse or partner of any beneficiary makes any false statement to or otherwise misleads any officer engaged in the administration of this Act, in relation to any matter, as a result of which the benefit or an instalment of benefit is paid in excess of the amount to which the beneficiary is by law entitled, the amount so paid in excess may be recovered from that spouse or partner as a debt due to the Crown at the suit of the chief executive, or the excess payment may be recovered by way of deduction from any instalments of any benefit or student allowance thereafter becoming payable to that spouse or partner.

(3A) Subsection (3) enables recovery from the spouse or partner on the basis that he or she is jointly and severally liable, and therefore does not limit or affect—

(a) recovery under section 85A(e) or (f) and subsection (1) of this section from the beneficiary of the excess amount recoverable under subsection (3) from the beneficiary's spouse or partner; or

(b) any other civil or criminal liability of the beneficiary, under any other laws, in respect of that excess amount.

Recovery from estate of deceased beneficiary of excess amount beneficiary obtained

(4) If on the death of any beneficiary he is found to have been disqualified for any reason, including the receipt of any income or the possession of any property, from obtaining the benefit granted to him or from obtaining a benefit of the amount granted to him, an amount, to be assessed by the chief executive, equal to the total amount paid to the beneficiary in excess of the amount (if any) to which he was by law entitled shall constitute a debt due to the Crown by the estate of the beneficiary, and may be recovered accordingly at the suit of the chief executive.

Recovery from estate of beneficiary's deceased spouse or partner of excess amount beneficiary obtained

(5) If on the death of the spouse or partner of any beneficiary it is found that for any reason, including the receipt of any income or the possession of any property by the deceased during her or his lifetime, the beneficiary has been granted a benefit to which he or she was not by law entitled or has been granted a benefit of an amount to which he or she was not by law entitled, an amount, to be assessed by the chief executive, equal to the total amount paid to the beneficiary in excess of the amount (if any) to which he or she was by law entitled shall constitute a debt due to the Crown by the estate of the spouse or partner, and may be recovered accordingly at the suit of the chief executive.

Making, notice, and review of assessment of amount under subsection (4) or (5)

(6) For the purpose of determining for the purposes of subsection (4) or subsection (5) the total amount paid to a beneficiary by way of benefit in excess of the amount (if any) to which he or she was by law entitled, any property that was in the possession of the beneficiary or of the spouse or partner of the beneficiary at his or her death shall, unless in proceedings for the recovery of that excess (but subject to any decision by the District Court in any application under subsection (7)) the contrary is proved, be deemed to have been in his or her possession on such date as the chief executive determines, being not earlier than the date on which the benefit was first granted.

(7) Notice in writing of every assessment by the chief executive under subsection (4) or subsection (5) shall be served on the executor or administrator of the estate of the deceased beneficiary or, as the case may be, of the deceased spouse or partner of the beneficiary, and the executor or administrator may, within 1 month after the service of the notice, apply to the District Court to review the assessment and any decision of the chief executive under subsection (6) in relation to that assessment.

(8) The following provisions shall apply with respect to every such application:

(a) the court shall have jurisdiction with respect to the application irrespective of the amount of the assessment:

(b) the application shall not be heard in open court:

(c) the court may receive as evidence any statement, document, information, or matter that may in its opinion assist the court to deal effectively with the application, whether or not the same would be otherwise admissible in a court of law:

(d) in determining the application, the court shall accept any date determined by the chief executive for the purposes of subsection (6) as the date on which any property was in the possession of the deceased, unless the court is satisfied from the evidence produced that some other date should be fixed.

(9) In determining any such application, the court may either confirm or cancel the assessment or increase or reduce the amount thereof or make such order as it considers just and equitable in the circumstances.

Debts caused wholly or partly by errors to which debtors did not intentionally contribute

(9A) The chief executive may not recover any sum comprising that part of a debt that was caused wholly or partly by an error to which the debtor did not intentionally contribute if—

(a) the debtor—

(i) received that sum in good faith; and

(ii) changed his or her position in the belief that he or she was entitled to that sum and would not have to pay or repay that sum to the chief executive; and

(b) it would be inequitable in all the circumstances, including the debtor's financial circumstances, to permit recovery.

(9B) In subsection (9A), **error**—

(a) means—

(i) the provision of incorrect information by an officer of the department:

(ii) any erroneous act or omission of an officer of the department that occurs during an investigation under section 12:

(iii) any other erroneous act or omission of an officer of the department; but

(b) does not include the simple act of making a payment to which the recipient is not entitled if that act is not caused, wholly or partly, by any erroneous act or omission of an officer of the department.

Approved welfare programmes: special assistance payments

(9C) This section and section 86AA apply, in accordance with section 124(2A), to a payment to which section 124(2) applies—

(a) as if it were made by way of benefit under Parts 1A to 1P; and

(b) as if the person to whom the payment was made were a beneficiary entitled to a benefit of the amount determined under section 124(2A)(b).

(10) *[Repealed]*

Compare: 1938 No 7 ss 71, 75(1)(b), (2)

Section 86(1) heading: inserted, on 7 July 2014, by section 10(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(1): replaced, on 7 July 2014, by section 10(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(1A): replaced, on 7 July 2014, by section 10(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(1B): replaced, on 26 September 2002, by section 22(1) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(1B): amended, on 1 March 2017, by section 9(2) of the Property Law Amendment Act 2016 (2016 No 66).

Section 86(1BA): inserted, on 7 July 2014, by section 10(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(1BB): inserted, on 7 July 2014, by section 10(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(1BC): inserted, on 7 July 2014, by section 10(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(1BD): inserted, on 7 July 2014, by section 10(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(1C): repealed, on 26 September 2002, by section 22(1) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(1D): repealed, on 26 September 2002, by section 22(1) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(1E): repealed, on 30 April 2007, by section 23(2) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(1F): repealed, on 30 April 2007, by section 23(2) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(2) heading: inserted, on 7 July 2014, by section 10(3) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(2): replaced, on 30 June 1993, by section 25(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86(2): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 86(2): amended, on 5 December 2013, by section 15(6)(c) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 86(2): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 86(2): amended, on 26 September 2002, by section 22(3) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(2): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 86(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(2): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 86(2A): inserted, on 30 June 1993, by section 25(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86(2A): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(2A)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(2B): inserted, on 30 June 1993, by section 25(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86(2B): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(2C): inserted, on 30 June 1993, by section 25(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86(3) heading: inserted, on 7 July 2014, by section 10(4) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(3): amended, on 7 July 2014, by section 10(5) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(3): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 86(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(3): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

Section 86(3): amended, on 23 June 1987, by section 2(3)(c) of the Social Security Amendment Act 1987 (1987 No 106).

Section 86(3A): inserted, on 7 July 2014, by section 10(6) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(4) heading: inserted, on 7 July 2014, by section 10(7) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(4): amended, on 7 July 2014, by section 10(8) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(4): amended, on 23 June 1987, by section 2(3)(c) of the Social Security Amendment Act 1987 (1987 No 106).

Section 86(5) heading: inserted, on 7 July 2014, by section 10(9) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(5): amended, on 7 July 2014, by section 10(10) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(5): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 86(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(5): amended, on 23 June 1987, by section 2(3)(c) of the Social Security Amendment Act 1987 (1987 No 106).

Section 86(6) heading: inserted, on 7 July 2014, by section 10(11) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 86(6): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 86(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(7): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 86(7): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 86(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(8)(d): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86(9A) heading: inserted, on 7 July 2014, by section 10(12) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(9A): replaced, on 26 September 2002, by section 22(4) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(9B): inserted, on 26 September 2002, by section 22(4) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 86(9C) heading: inserted, on 7 July 2014, by section 10(13) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(9C): inserted, on 7 July 2014, by section 10(13) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86(10): repealed, on 1 April 1991, by section 36 of the Social Security Amendment Act 1991 (1991 No 1).

86AA Recovery from spouse or partner of unapportioned excess amount beneficiary obtained by fraud

(1) **Beneficiary**, in this section, means a person—

(a) who has obtained any payment, or received any credit or advance, referred to in section 85A in excess of the amount to which he or she was entitled or to which he or she has no entitlement; and

(b) who, in the chief executive's opinion, obtained that payment or credit or advance in excess by fraud.

(2) An amount is obtained by fraud by a person for the purposes of subsection (1) if the person—

(a) obtained that amount by fraud (and, for the purposes of this paragraph, **fraud** means that the person—

(i) made any statement knowing it to be false in any material particular; or

(ii) knowingly said or did anything or omitted to do or say anything for the purpose of misleading any officer concerned in the administration of this Act); or

(b) is convicted of a specified offence (as defined in section 127A(5)) in respect of obtaining that amount.

(3) Subsection (1) does not limit—

(a) the generality of the references in subsection (1) to fraud; or

(b) the operation of section 49 (conviction as evidence in criminal proceedings) of the Evidence Act 2006.

(4) Subsection (5) does not apply to the beneficiary's spouse or partner unless none of the amount in excess has been apportioned to him or her under section 83(1) or (2) and, in the chief executive's opinion, the spouse or partner—

(a) knowingly benefited directly or indirectly from the beneficiary's fraud; or

(b) ought to have known (even if the spouse or partner did not know) that the spouse or partner was benefiting directly or indirectly from the beneficiary's fraud.

(5) The amount in excess that the beneficiary obtained by the beneficiary's fraud is a debt due to the Crown under section 85A(e) or (f), and subject to recovery under section 86(1), from the spouse or partner.

(6) Subsection (5) enables recovery from the spouse or partner on the basis that he or she is jointly and severally liable, and therefore does not limit or affect—

(a) recovery under sections 85A(e) or (f) and 86(1) from the beneficiary of the excess amount recoverable under subsection (5) from the beneficiary's spouse or partner; or

(b) any other civil or criminal liability of the beneficiary, under any other laws, in respect of that excess amount.

(7) Section 86(2) and this section apply, in accordance with section 124(2A), to a payment to which section 124(2) applies—

(a) as if it were made by way of benefit under Parts 1A to 1P; and

(b) as if the person to whom the payment was made were a beneficiary entitled to a benefit of the amount determined under section 124(2A)(b).

Section 86AA: inserted, on 7 July 2014, by section 11 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

86A Deduction notices for debt

(1) If an amount of money that is a debt due to the Crown referred to in section 85A and that is subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A) (including, subject to section 86(2B), any penalty under section 86(2)) is not paid by the expiration of the tenth day after the day on which notice of the debt is delivered or posted to that person (whether or not the notice is received by that person), the chief executive may issue, in writing, a deduction notice requiring any other person to deduct the amount due from any sum that is payable or becomes payable, until the deduction notice is revoked, by that other person whether—

(a) on his or her or its own account; or

(b) as an agent; or

(c) as a trustee; or

(d) for any other reason—

to the person from whom that money may be recovered as a debt due to the Crown (in this section and in sections 86C to 86I referred to as the **debtor**).

(1A) For the avoidance of doubt, it is declared that a deduction notice may be issued under subsection (1), despite the fact that the debt to the Crown under this Act

may not be recovered by civil action in a court of law because of the Limitation Act 2010.

(1B) A deduction notice may be issued under subsection (1) to the Accident Compensation Corporation requiring the Corporation to deduct the amount due from any weekly compensation in respect of loss of earnings or loss of potential earning capacity that is payable, or becomes payable, to the debtor by the Corporation under the Accident Compensation Act 2001.

(1C) A deduction notice under subsection (1) may be issued to recover—

(a) any amount that may be recovered as a debt due to the Crown under section 27X (as saved by section 256(1) of the Child Support Act 1991):

(b) any amount of maintenance debt (within the meaning of section 61CA).

(2) The chief executive shall not issue a deduction notice under subsection (1) unless the chief executive has taken some other reasonably practicable steps to recover the debt, but nothing in this subsection shall require the chief executive to take proceedings in any court to recover the debt before issuing a deduction notice.

(3) The chief executive shall specify in the deduction notice—

(a) whether the deduction is to be made as a lump sum or by instalments; and

(b) the time or times by which the person to whom the deduction notice is issued must pay the amounts deducted to the department; and

(c) the date on which the deduction notice shall take effect, being a date not earlier than the date on which it was issued.

(4) The chief executive may revoke a deduction notice at any time by giving notice in writing to the person to whom the deduction notice was issued, or by issuing a new deduction notice, and, at the request of the debtor, the chief executive shall revoke the deduction notice if he or she is satisfied that the amount due has been paid.

(5) The chief executive shall issue a copy of the deduction notice to the debtor at his or her last known place of residence or business.

(6) Every person to whom a deduction notice is issued shall, on request, issue to the debtor a statement in writing of any amount deducted, and of the purpose for which it was made.

(7) Every deduction notice shall be subject to sections 86G to 86I.

Section 86A: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86A(1): amended, on 7 July 2014, by section 23(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86A(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86A(1A): inserted, on 17 September 1997, by section 23(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 86A(1A): amended, on 1 January 2011, by section 58 of the Limitation Act 2010 (2010 No 110).

Section 86A(1B): replaced, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 86A(1B): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 86A(1C): inserted, on 17 September 1997, by section 23(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 86A(2): amended, on 7 July 2014, by section 23(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86A(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86A(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86A(4): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86A(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

86B Issue of deduction notice to State sector employer

Where a debtor is employed within a department (within the meaning of the State Sector Act 1988), a deduction notice may be issued under section 86A(1) to the chief executive of that department in respect of any salary or wages payable to the debtor.

Section 86B: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

86C Discharge of debt

Where a person to whom a deduction notice has been issued deducts, pursuant to the notice, any money payable to a debtor, the debtor is, to the extent of the amount deducted, discharged from his or her debt due to the Crown under section 86(1).

Section 86C: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86C: amended, on 7 July 2014, by section 24 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

86D Deduction notices issued on banks

(1) Where the person to whom the deduction notice is issued is a bank, any money held by the bank to the credit of the debtor shall be subject to the provisions of section 86A(1); and, during the subsistence of the deduction notice, the amount recoverable from the debtor shall be deemed to be held in trust for the Crown and, without prejudice to any other remedies against the debtor or any other person, any such amount shall be held in trust for the Crown and shall be

recoverable from the bank under section 86 as if it were money payable under a benefit to which the debtor was not entitled.

(2) For the purposes of this section, **bank** means a bank within the meaning of the Banking Act 1982, a credit union within the meaning of the Friendly Societies and Credit Unions Act 1982, and a building society within the meaning of the Building Societies Act 1965; but does not include the Reserve Bank of New Zealand established under the Reserve Bank of New Zealand Act 1989 (except in relation to an account maintained by that bank for an employee of the bank).

(3) For the purposes of this section, **money held by the bank to the credit of the debtor** includes interest on any money that is on deposit or deposited with a bank to the credit of the debtor, whether or not—

(a) the deposit or depositing is on current account:

(b) the money is to be at interest at a fixed term or without limitation of time:

(c) the debtor has made any application to withdraw or uplift the money.

(4) For the purposes of this section, money—

(a) that is held in a joint bank account in the name of the debtor and 1 or more other persons; and

(b) that can be withdrawn from the account by or on behalf of the debtor without a signature being required at the time of that withdrawal from, or on behalf of, the other person or persons—

is deemed to be money that is on deposit with a bank to the credit of the debtor.

Section 86D: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

86E Deductions held in trust

(1) Any person who makes a deduction pursuant to a deduction notice shall be deemed to be acting—

(a) on the authority of the debtor and any other person concerned; and neither the debtor nor that person shall have any claim against the person making the deduction, or the Crown, in respect of that deduction; and

(b) on behalf of the Crown.

(2) Any amounts deducted must be held in trust for the Crown, and are debts due to the Crown under section 85A(f), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the person who makes the deductions, as if the amounts were money payable under a benefit to which the person who made the deduction was not entitled.

(3) Any holding and recovery in accordance with subsection (2) is without prejudice to any other remedies against the debtor or any other person.

Section 86E: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86E(1)(b): amended, on 7 July 2014, by section 25(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86E(2): inserted, on 7 July 2014, by section 25(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 86E(3): inserted, on 7 July 2014, by section 25(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

86F Offences in relation to deduction notices

Every person commits an offence and shall be liable on conviction to a fine not exceeding $2,000 who—

(a) fails to make any deduction required by a deduction notice; or

(b) fails, after making a deduction, to pay the amount deducted to the department within the time specified in the notice; or

(c) permits payment to or on behalf of any person, other than the department, of any amount held in trust for the Crown under section 86D or section 86E.

Section 86F: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86F: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

86G Protected earnings

(1) Notwithstanding anything in sections 86A to 86F and 86H and 86I, where a deduction notice is issued to an employer of a debtor, the employer shall not, in making deductions under the deduction notice, reduce the amount paid to the debtor by way of salary or wages in respect of any week to an amount that is less than 60% of the amount calculated as being the debtor's net ordinary weekly pay for a week.

(2) For the purposes of this section, the debtor's **ordinary weekly pay for a week** is the balance left after deducting from the debtor's ordinary weekly pay (as defined in section 8 of the Holidays Act 2003) the amount of tax required to be withheld or deducted in accordance with the PAYE rules of the Income Tax Act 2007 if that ordinary weekly pay were the only salary or wages paid to the debtor by the employer in respect of a week.

Section 86G: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86G(1): amended, on 1 April 2004, by section 91(2) of the Holidays Act 2003 (2003 No 129).

Section 86G(2): replaced, on 1 April 2004, by section 91(2) of the Holidays Act 2003 (2003 No 129).

Section 86G(2): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

86H Variation or discharge of deduction notice

(1) If a person to whom a deduction notice is issued or a debtor considers that a deduction notice has been issued in error, or contains an error, that person or the debtor may bring the matter to the notice of the office of the department from which the notice was issued.

(2) If the matter is not rectified to the satisfaction of that person or the debtor, as the case may require, within 5 working days after the day on which that person or the debtor brings the matter to the notice of that office of the department, that person or the debtor may apply *ex parte* to a Registrar of the District Court for the variation or discharge of the notice.

(3) Where the Registrar is satisfied that an error has been made and the notice ought to be varied or discharged, the Registrar may vary or discharge the notice.

(4) The variation or discharge shall take effect when notice of it is served on the person in accordance with section 86J.

(5) The Registrar shall forthwith send a copy of the variation or discharge of the notice by registered letter to the office of the department from which the notice was issued.

Section 86H: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86H(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

86I Penalty for late deductions

(1) Where any person to whom a deduction notice has been issued fails wholly or in part to—

(a) make any deduction required to be made by the notice; or

(b) pay any amount deducted pursuant to the notice to the department by the time specified in the notice,—

that person shall be liable to pay to the department a penalty calculated as follows:

(c) on the amount in default, the greater of 10% of that amount or $5:

(d) for each additional month or part of a month the amount in default or any part thereof that has not been deducted or, as the case may be, has not been paid to the department, a further penalty of the greater of 2% of that amount or part thereof or $1.

(2) Where any penalty is payable by any person under subsection (1), the chief executive, in his or her discretion, may remit the whole or part of that penalty where he or she is satisfied that the failure to make the deduction or make the payment was due to circumstances reasonably beyond the person's control, or that in all circumstances, the imposition of that penalty would be inequitable;

and, where the debtor has already paid any penalty under this section, the chief executive may refund any excess.

(3) An amount payable to the department under subsection (1) is a debt due to the Crown under section 85A(f), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the person as if it were money payable under a benefit to which the person was not entitled.

Section 86I: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86I(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 86I(3): amended, on 7 July 2014, by section 26 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

86J Notices

(1) Every notice given to any person under this Act may be given by delivering it to that person—

(a) in the case of a natural person (other than an officer or employee in the service of the Crown in his or her official capacity)—

(i) personally; or

(ii) by leaving it at that person's usual or last known place of residence or business or at the address specified by that person in any application or other document received from that person; or

(iii) by posting it in a letter addressed to that person at that place of residence or business or at that address:

(b) in the case of any other person, including an officer or employee in the service of the Crown in his or her official capacity,—

(i) where applicable, personally; or

(ii) by leaving it at that person's place of business; or

(iii) by posting it in a letter addressed to that person at that place of business.

(2) If any such notice is sent to any person by post, then, in the absence of evidence to the contrary, the notice shall be deemed to have been received by that person on the fourth day after the day on which it is posted, and, in proving the delivery, it shall be sufficient to prove the letter was properly addressed and posted.

Section 86J: replaced, on 30 June 1993, by section 26 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 86J(1): amended, on 1 July 1998, by section 2(3) of the Social Security Amendment Act 1998 (1998 No 19).

86K Validation of benefit payments and other payments in respect of certain children in care

(1) This section applies to any payment before the commencement of this section of a benefit or other assistance under this Act to a person in respect of a child who is a dependent child within the meaning of paragraph (c) of the definition of that term in section 3(1) (as that definition was substituted by section 4(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010).

(2) The payment must be taken to be, and to always have been, as valid and authorised as if that definition were in force, and applied in respect of the payment, when it was made.

Section 86K: replaced, on 24 August 2010, by section 17 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Part 2
Jobseeker support, and administration: assessing work ability, work-testing, and sanctions

Part 2: replaced, on 1 October 1998, by section 53 of the Social Security Amendment Act 1998 (1998 No 19).

Part 2 heading: replaced, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

87 Purposes of this Part

[Repealed]

Section 87: repealed, on 1 July 2001, by section 19 of the Social Security Amendment Act 2001 (2001 No 1).

88 Overview of this Part

[Repealed]

Section 88: repealed, on 1 July 2001, by section 19 of the Social Security Amendment Act 2001 (2001 No 1).

Definitions of terms in this Part

Heading: inserted, on 15 July 2013, by section 124 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88A Interpretation

In this Part, unless the context otherwise requires,—

controlled drug has the same meaning as in section 2(1) of the Misuse of Drugs Act 1975

drug test, for a person, means a test to detect the presence in the person's body of 1 or more controlled drugs

evidential drug test, for a person, means a drug test that, when undertaken by the person, complies with a standard that is—

(a) a standard for drug tests for evidential purposes; and

(b) a New Zealand standard, joint Australian/New Zealand standard, or other national or international standard; and

(c) prescribed (whether under sections 29 to 32 of the Standards and Accreditation Act 2015, or otherwise) in regulations made under section 132

fail, for a person and a drug test, means,—

(a) if the drug test is a screening drug test or an evidential drug test, not to pass the drug test; or

(b) if the drug test is an evidential drug test, to waive in the situation specified in section 102B(4), and so under that section be taken for the purposes of this Act to have failed, that evidential drug test

job-search activity means an activity undertaken by a work-tested beneficiary for the purpose of seeking or obtaining employment

pass, for a person and a drug test, means to undertake the drug test with the consequence that the drug test produces a valid result that,—

(a) if the drug test is a screening drug test, does not indicate the presence in the person's body of 1 or more controlled drugs at or above the minimum level identified in the standard (prescribed in regulations made under section 132) with which the test complies; and

(b) if the drug test is an evidential drug test, does not detect for evidential purposes the presence in the person's body of 1 or more controlled drugs at or above the minimum level identified in the standard (prescribed in regulations made under section 132) with which the test complies

recognised community activity means voluntary work

screening drug test, for a person, means a drug test that—

(a) may indicate the presence in the person's body of 1 or more controlled drugs; and

(b) is quicker, less formal, and less expensive than, and is designed for use in conjunction with, a drug test for evidential purposes; and

(c) complies with a standard that is—

(i) a standard for drug tests for screening purposes; and

(ii) a New Zealand standard, joint Australian/New Zealand standard, or other national or international standard; and

(iii) prescribed (whether under sections 22 to 25 of the Standards Act 1988, or otherwise) in regulations made under section 132

voluntary work means work undertaken by a person for no remuneration (other than any reimbursement of direct expenses) for a non-profit community organisation or other person, and that is of benefit to the community; but does not include activities in the community, or work undertaken as part of a work experience or work exploration activity.

Section 88A: inserted, on 1 July 2001, by section 19 of the Social Security Amendment Act 2001 (2001 No 1).

Section 88A **activity in the community**: repealed, on 2 July 2007, by section 14(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Section 88A **controlled drug**: inserted, on 15 July 2013, by section 42 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 88A **drug test**: inserted, on 15 July 2013, by section 42 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 88A **evidential drug test**: inserted, on 15 July 2013, by section 42 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 88A **evidential drug test** paragraph (c): amended, on 1 March 2016, by section 45(1) of the Standards and Accreditation Act 2015 (2015 No 91).

Section 88A **fail**: inserted, on 15 July 2013, by section 42 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 88A **job seeker agreement**: repealed, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 88A **job seeker development activity**: repealed, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 88A **pass**: inserted, on 15 July 2013, by section 42 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 88A **recognised community activity**: amended, on 2 July 2007, by section 14(1)(b) of the Social Security Amendment Act 2007 (2007 No 20).

Section 88A **screening drug test**: inserted, on 15 July 2013, by section 42 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Jobseeker support

Heading: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88B Jobseeker support: standard eligibility requirements

(1) A person is entitled to jobseeker support if he or she satisfies the criteria in subsections (2), (3), and (4), and—

(a) is not in full-time employment, but—

(i) is seeking it; and

(ii) is available for it; and

(iii) is willing and able to undertake it; and

(iv) has taken reasonable steps to find it; or

(b) is not in full-time employment, but would comply with subparagraphs (i) to (iv) of paragraph (a) but for circumstances that would qualify the per-

son for an exemption under section 105 from some or all work test obligations; or

(c) is not in full-time employment and is willing to undertake it but, because of sickness, injury, or disability, is limited in his or her capacity to seek, undertake, or be available for it; or

(d) is in employment, but is losing earnings because, through sickness or injury, he or she is not working at all, or is working only at a reduced level.

(2) An applicant for jobseeker support—

(a) must be aged at least 18 years, in the case of an applicant without a dependent child:

(b) must be aged at least 20 years, in any other case.

(3) An applicant for jobseeker support must meet the residential requirements in section 74AA.

(4) An applicant for jobseeker support must have—

(a) no income; or

(b) an income of less than the amount that would fully abate that benefit.

(5) Nothing in subsection (4) affects the entitlement of a person to receive jobseeker support if, during a temporary period, the person has income sufficient to fully abate that benefit but the person otherwise fulfils the conditions of entitlement to that benefit.

(6) Nothing in subsection (1)(a) or (4) affects the entitlement of a person receiving jobseeker support at the rate in clause 1(ab) or (ba) of Schedule 9 to receive jobseeker support if, during a temporary period, the person engages in full-time employment, and the income from that employment and the person's other income when calculated over a 52-week period under section 64(2A) is less than the amount that would fully abate the benefit.

(7) A sick or injured person (**A**) may treat as a loss of A's earnings for the purposes of subsection (1)(d) a payment A makes to any other person (**B**) who acts as A's substitute during A's sickness or injury.

Section 88B: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 88B(2)(b): amended, on 25 October 2016, by section 14(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

88C Jobseeker support: grounds of hardship

(1) The chief executive may grant jobseeker support under section 88B to a person who meets the criteria in section 88B(1) and (2) but who does not meet the other criteria in section 88B if—

(a) the person is suffering hardship; and

(b) the person is not qualified to receive any other benefit; and

(c) the person is unable to earn sufficient income to support the person and his or her spouse or partner and any dependent children.

(2) The chief executive may, under the exception in section 88D(a), during the period between the end of one academic year and the start of the next, grant jobseeker support under section 88B to a full-time student.

(3) The chief executive may, under the exception in section 88D(a), during the period between the end of one academic year and the start of the next, grant jobseeker support under section 88B to a full-time student who is aged 16 years or 17 years if the chief executive is satisfied that—

(a) any of paragraphs (a) to (c) of section 159(2) applies to the student; or

(b) the student is married or in a civil union or in a de facto relationship.

Section 88C: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88D Jobseeker support: ineligibility

No person is eligible to be granted jobseeker support if he or she—

(a) is a full-time student (other than in the situation described in section 88C(2) or (3)); or

(b) is unemployed because of a strike undertaken by himself or herself, or by fellow members of the same union at the same place of employment; or

(c) became unemployed or took leave with or without pay from the person's employment for the purpose, in the opinion of the chief executive, of undertaking employment-related training.

Section 88D: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88E Jobseeker support: on ground of sickness, injury, or disability: medical examination

(1) A person making an application for jobseeker support on the ground of sickness, injury, or disability (the **applicant**) must include in the application a certificate that complies with subsections (2) and (3).

(2) A certificate complies with this subsection only if it is given—

(a) by a medical practitioner in respect of any condition; or

(b) by a dentist in respect of a condition that is within the ambit of his or her profession; or

(c) by a midwife in respect of a pregnancy, childbirth, or any related condition that is within the ambit of his or her profession; or

(d) by a health practitioner of a kind specified for the purposes of this paragraph in regulations made under section 132 and in respect of a condition within the ambit of his or her scope of practice.

(3) A certificate complies with this subsection only if it—

(a) certifies that the applicant's capacity for work is affected by sickness, injury, or disability; and

(b) indicates the nature of the sickness, injury, or disability concerned, the extent to which the applicant's capacity for work is affected by it, and the length of time that effect is likely to last; and

(c) contains any other particulars the chief executive may under this paragraph require.

(4) The chief executive may at any time require the applicant or a jobseeker support beneficiary to submit himself or herself for examination by a medical practitioner or psychologist. The medical practitioner or psychologist must be agreed for the purpose between the applicant or beneficiary and the chief executive or, failing agreement, must be nominated by the chief executive.

(5) The medical practitioner or psychologist must prepare, and must send the chief executive a copy of, a report that indicates—

(a) whether the applicant's or beneficiary's capacity for work is affected by sickness, injury, or disability; and

(b) the extent to which the applicant's or beneficiary's capacity for work is affected by the sickness, injury, or disability concerned; and

(c) whether, and if so, for how long, that capacity is likely to continue to be affected by the sickness, injury, or disability concerned.

Section 88E: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88F Jobseeker support: obligations on beneficiaries

(1) A person granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) must (subject to sections 88J and 105) comply with the work test from the time that payment of jobseeker support commences.

(2) The chief executive must after granting a person jobseeker support on the ground of sickness, injury, or disability, and may at any later time, determine whether the person has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work (as defined in section 3(1)).

(3) A determination under subsection (2) must be made after having had regard to—

(a) the relevant certificate, and any relevant report obtained, under section 88E; and

(b) any relevant work ability assessment under sections 100B and 100C.

(4) A determination under subsection (2) that the person granted jobseeker support on the ground of sickness, injury, or disability has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work has the

consequence that the person is required to comply with the work test on and after a date specified in a written notice (of the determination's making and effects) that the chief executive must give the person.

(5) The date specified in a written notice under subsection (4),—

(a) in the case of a new grant of jobseeker support, may be the date on which that benefit is first paid; but

(b) in any case, must not be a date before the date on which the chief executive reasonably considers the person will receive the notice.

(6) The chief executive may at any time, whether on the application of the person or otherwise, review a determination under subsection (2), and may confirm, amend, revoke, or revoke and replace it and any related written notice under subsection (4).

(7) A determination under subsection (2) that the person granted jobseeker support on the ground of sickness, injury, or disability has not, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work has the consequence that the person is entitled to (even if he or she has not sought one) a deferral under section 88I(6) of all of the person's work test obligations.

(8) A person must comply with the person's social obligations under section 60RA(3) if the person—

(a) is a person with 1 or more dependent children; and

(b) is the person granted a benefit that is jobseeker support; and

(c) is not a young person on whom obligations are placed under section 171(1) or (2).

Section 88F: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88G Jobseeker support: obligations of spouse or partner of person granted it

From the time that payment of the jobseeker support commences, the spouse or partner of a person granted jobseeker support,—

(a) if the benefit is granted at a work-test couple rate, must comply with a requirement under section 60Q; and

(b) if he or she is a person to whom section 60RA applies, must comply with his or her social obligations under section 60RA(3); and

(c) if he or she is a work-tested spouse or partner, must comply with the work test.

Section 88G: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88H Jobseeker support: application for deferral of work test obligations

(1) A person granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) may apply to the chief executive

for a deferral of all of the person's work test obligations on the grounds that he or she—

(a) is a sole parent with a dependent child under the age of 1 year; and

(b) is a recipient of jobseeker support instead of sole parent support under section 20D solely because that child is an additional dependent child (within the meaning of section 60GAE(1)).

(2) A person granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) may apply to the chief executive for a deferral of all of the person's work test obligations on the grounds that he or she has, because of his or her sickness, injury, or disability (being a sickness, injury, or disability that arose or became apparent only after he or she was granted jobseeker support), either—

(a) no capacity for work; or

(b) capacity only for work that is less than part-time work (as defined in section 3(1)).

(3) The chief executive may require an applicant to verify any particulars relevant to an application under this section in such manner as the chief executive specifies either generally or specifically.

Section 88H: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88I Jobseeker support: chief executive's powers and duties to defer work test obligations

(1) The chief executive may defer all of the beneficiary's work test obligations if satisfied, on an application under section 88H(1) or in accordance with subsection (4) of this section, that the beneficiary complies with both of paragraphs (a) and (b) of section 88H(1).

(2) The chief executive may defer all of the beneficiary's work obligations if satisfied, on an application by the beneficiary under section 88H(2) or in accordance with subsection (4) of this section, that the beneficiary has, because of his or her sickness, injury, or disability, either—

(a) no capacity for work; or

(b) capacity only for work that is less than part-time work (as defined in section 3(1)).

(3) A deferral under this section must be in writing and may be granted—

(a) for a time set by the chief executive; or

(b) on conditions set by the chief executive; or

(c) for both a time and on conditions set by the chief executive.

(4) The chief executive may grant to a beneficiary granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) a deferral under this section on the ground set out in (as the case may be) sec-

tion 88H(1) or (2) whether or not a formal application is made by or on behalf of the beneficiary to whom it relates.

(5) A determination under subsection (1) or (2) must be made after having had regard to—

(a) the relevant certificate, and any relevant report obtained, under section 88E; and

(b) any relevant work ability assessment under sections 100B and 100C.

(6) The chief executive must grant a deferral under this section to a person who is the subject of a determination of the kind referred to in section 88F(7) (even if the person has not applied for, or otherwise sought, the deferral).

(7) The chief executive may from time to time review a deferral granted under this section, and may extend, vary, or revoke it.

Section 88I: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88J Jobseeker support: effect of deferral

While a deferral under section 88I is in force,—

(a) the work test obligations of the beneficiary concerned are deferred for the time specified in the deferral; and

(b) sections 60P, 60Q, and 60R apply to the beneficiary concerned as if he or she were not a work-tested beneficiary.

Section 88J: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88K Jobseeker support: deferred or exempted people must notify change of circumstances

(1) This section applies to a person who is, or is deemed to have been, granted a deferral under section 88I.

(2) A person to whom this section applies must notify the chief executive as soon as practicable of any change in the person's circumstances that may affect his or her entitlement to the deferral.

(3) This section does not limit or affect the obligation under section 105(5A) of a person who is, or is deemed to have been, granted an exemption under section 105 (for example, an exemption under section 105 from work test obligations) to notify the chief executive as soon as practicable of any change in the person's circumstances that may affect his or her entitlement to the exemption.

Section 88K: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88L Jobseeker support: payment

(1) Payment of jobseeker support commences in accordance with section 80.

(2) Jobseeker support must be paid in weekly instalments in accordance with section 82.

(3) Payment of jobseeker support may be suspended or cancelled in accordance with sections 80 to 82.

(4) Subsection (3) does not limit any other provision in this Act.

Section 88L: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

88M Jobseeker support: rates

(1) Jobseeker support must be paid to a person granted that benefit at the appropriate rate in Schedule 9.

(2) If no payment is made under this section in respect of the spouse or partner of a person granted jobseeker support, the chief executive may increase the rate of jobseeker support payable to a beneficiary by an amount not exceeding the amount specified in clause 2 of Schedule 9 in respect of any person who for the time being has the care of the home of that beneficiary.

(3) Subsection (4) applies to an applicant for jobseeker support who has a spouse or partner who is ineligible for a benefit for a period because of—

(a) the application of section 60H (which relates to voluntary unemployment or loss of employment through misconduct, etc); or

(b) the application of section 117 (which relates to sanctions that may be imposed for failures to comply with work test or other obligations and work preparation interviews and exercises); or

(c) a strike, either by himself or herself, or by fellow members of the same union at the same place of employment.

(4) The rate of jobseeker support that an applicant to whom this subsection applies under subsection (3) is entitled to receive during the period of non-entitlement of his or her spouse or partner is the appropriate rate in clause 5 of Schedule 9.

Section 88M: inserted, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Unemployment benefit

[Repealed]

Heading: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

89 Unemployment benefit: standard eligibility requirements

[Repealed]

Section 89: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

90 Unemployment benefit: grounds of hardship

[Repealed]

Section 90: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

91 Unemployment benefit: ineligibility

[Repealed]

Section 91: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

92 Community wage: application on grounds of sickness, injury, or disability

[Repealed]

Section 92: repealed, on 1 July 2001, by section 23 of the Social Security Amendment Act 2001 (2001 No 1).

93 Community wage: determination of application

[Repealed]

Section 93: repealed, on 1 July 2001, by section 23 of the Social Security Amendment Act 2001 (2001 No 1).

93A Additional fees for general medical services on public holidays and at night

[Repealed]

Section 93A: repealed, on 1 October 1986, by section 21(1) of the Social Security Amendment Act 1986 (1986 No 39).

94 Community wage: job seeker contract

[Repealed]

Section 94: repealed, on 1 July 2001, by section 23 of the Social Security Amendment Act 2001 (2001 No 1).

94A Rural practice bonuses

[Repealed]

Section 94A: repealed, on 1 October 1986, by section 21(1) of the Social Security Amendment Act 1986 (1986 No 39).

95 Job seeker contract for other beneficiaries

[Repealed]

Section 95: repealed, on 1 July 2001, by section 23 of the Social Security Amendment Act 2001 (2001 No 1).

96 Community wage: not payable until job seeker contract signed

[Repealed]

Section 96: repealed, on 1 July 2001, by section 23 of the Social Security Amendment Act 2001 (2001 No 1).

96A Unemployment benefit: pre-benefit activities

[Repealed]

Section 96A: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

96B Department must explain obligations in relation to pre-benefit activities

[Repealed]

Section 96B: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

97 Unemployment benefit: obligations on beneficiaries

[Repealed]

Section 97: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

97A Immunisation benefit

[Repealed]

Section 97A: repealed, on 1 October 1986, by section 21(1) of the Social Security Amendment Act 1986 (1986 No 39).

98 Unemployment benefit: payment

[Repealed]

Section 98: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

99 Unemployment benefit: rates

[Repealed]

Section 99: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

99AA Unemployment benefit: expiry

[Repealed]

Section 99AA: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

99AB Unemployment benefit: requirements for re-grant

[Repealed]

Section 99AB: repealed, on 15 July 2013, by section 43 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

99A Transfer from community wage to unemployment benefit on 1 July 2001

[Repealed]

Section 99A: repealed, on 15 July 2013, by section 125 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

100 Department's obligations in respect of work testing and community wage

[Repealed]

Section 100: repealed, on 1 July 2001, by section 28 of the Social Security Amendment Act 2001 (2001 No 1).

100A Extension of power of use by Crown of patented invention

[Repealed]

Section 100A: repealed, on 1 July 1993, by section 24(1) of the Health Sector (Transfers) Act 1993 (1993 No 23).

Work ability assessment

Heading: inserted, on 15 July 2013, by section 44 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

100B Chief executive may require person to undergo assessment

(1) This subsection applies to a person who is, or who is the spouse or partner of, a beneficiary in receipt of—

(a) sole parent support; or

(b) a supported living payment (except as provided in subsection (2)); or

(c) an emergency benefit; or

(d) jobseeker support.

(2) Subsection (1)(b) does not apply to a person receiving a supported living payment on the ground of sickness, injury, or disability if, in the chief executive's opinion,—

(a) the person is terminally ill; or

(b) the person has little or no capacity for work, and the person's condition is deteriorating or not likely to improve.

(3) The chief executive may at any time require a person to whom subsection (1) applies to attend and participate in a work ability assessment made to determine, or help to determine, all or any of the following matters:

(a) whether the person is entitled to a benefit and, if so, what kind of benefit:

(b) if the person is in receipt of jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability), whether the person is entitled on an application under section 88H, or under section 88I(4), to a deferral of work test obligations under section 88I:

(c) if the person is in receipt of jobseeker support granted on the ground of sickness, injury, or disability, whether the person has for the purposes of section 88F(2) the capacity to seek, undertake, and be available for part-time work:

(d) whether the person is entitled on an application under section 105 on the ground of limited capacity to meet those obligations to an exemption from work test obligations or work preparation obligations under section 60Q:

(e) whether the person, being a person who is subject to work test obligations or work preparation obligations under section 60Q, has the capacity to meet those obligations:

(f) what is suitable employment for the person for the purposes of section 102A(1)(a), (b), or (c):

(g) what are suitable activities for the person for the purposes of section 60Q(3) or 102A(1)(f):

(h) what assistance and supports the person needs to obtain employment.

(4) An assessment under subsection (3) must be undertaken in accordance with a procedure determined by the chief executive.

(5) After an assessment under subsection (3) is made, the chief executive may determine the matter or matters in subsection (3) for which that assessment was made—

(a) in reliance on that assessment; or

(b) having regard to the assessment and to any alternative assessment under subsection (3).

Section 100B: inserted, on 15 July 2013, by section 44 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

100C Reassessment

(1) The chief executive may from time to time reassess under section 100B a person to whom section 100B(1) applies and who has earlier been assessed under section 100B.

(2) A reassessment may be at a time, or after an interval, the chief executive thinks appropriate.

(3) After a reassessment, the chief executive may determine the matter or matters in section 100B(3) for which that reassessment was made.

Section 100C: inserted, on 15 July 2013, by section 44 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

100D Assessment or reassessment: department must explain requirements

The chief executive must take reasonable and appropriate steps to make every person on whom requirements are imposed under section 100B, or under sections 100B and 100C, aware of—

(a) those requirements; and

(b) the consequences of failure to comply with those requirements.

Section 100D: inserted, on 15 July 2013, by section 44 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Work test

Heading: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

101 Purpose of sections 102 to 123D

The purpose of sections 102 to 123D is—

(a) to ensure that work-tested beneficiaries maintain an unrelenting focus on entering, or returning to, employment:

(b) to reinforce the continuing obligation of work-tested beneficiaries to take reasonable steps to support themselves and their families:

(c) to identify the activities that work-tested beneficiaries may be required to undertake to meet their obligations arising from work-tested benefits being paid in respect of them:

(d) to provide a work test structure applying to all work-tested beneficiaries that is sufficiently flexible to take account of an individual beneficiary's circumstances.

Section 101: replaced, on 27 September 2010, by section 19 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

102 Application of work test

(1) The work test applies to a person while he or she is a work-tested beneficiary, and unless subsection (2) applies, the person is subject to the obligations of the work test set out in section 102A from,—

(a) in the case of a person granted jobseeker support on the ground of sickness, injury, or disability, the date specified in the chief executive's notice under section 88F(4); and

(b) in any other case, the date on which the work-tested benefit is first paid.

(2) The work test does not apply to a work-tested beneficiary if the chief executive is satisfied that the beneficiary is undertaking employment of the kind required to satisfy the work test for that beneficiary.

(3) A work test obligation set out in section 102A applies on—

(a) a day that is a day between Monday and Friday (inclusive); or

(b) a day of the week on which regulations under this Act provide (in relation to the obligation, obligations that include it, or all obligations) that it applies.

Section 102: replaced, on 27 September 2010, by section 20 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 102(1): replaced, on 15 July 2013, by section 107 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

102A Work test obligations

(1) The work test obligations are—

(a) to be available for, and take reasonable steps to obtain, suitable employment; and

(b) to accept any offer of suitable employment, including temporary employment or employment that is seasonal or subsidised; and

(c) to attend and participate in an interview for any opportunity of suitable employment to which the beneficiary is referred by the chief executive; and

(d) when required by the chief executive, to attend and participate in any interview with an officer of the department or other person on behalf of the chief executive; and

(e) when required by the chief executive, to undertake planning for employment; and

(f) when required by the chief executive, to participate in or, as the case requires, undertake any of the following activities that the chief executive considers suitable for the beneficiary to improve the beneficiary's work-readiness or prospects for employment:

(i) any work assessment specified by the chief executive:

(ii) any programme or seminar specified by the chief executive to increase particular skills or enhance motivation:

(iii) a work experience or work exploration activity specified by the chief executive:

(iv) employment-related training specified by the chief executive:

(v) any other activity specified by the chief executive (including rehabilitation but not medical treatment); and

(g) to report to the department on his or her compliance with his or her work test obligations as often, and in the manner, as the chief executive from time to time reasonably requires.

(h) *[Repealed]*

(1A) The drug testing obligations under section 102B(1) are included in, and form part of, each of the work test obligations under subsection (1)(a), (c), and (f)(ii) and (iv) (each of which obligations is extended, and not limited, by this subsection).

(2) Subsection (1)(f) applies whether or not a beneficiary is subject to a sanction for failing to comply with the work test.

(3) A person cannot be required under subsection (1) to undertake activity in the community.

(4) *[Repealed]*

(5) If the chief executive requires a beneficiary to undertake an activity under subsection (1)(f), the chief executive must take reasonable steps to arrange for the beneficiary to undertake that activity.

Section 102A: replaced, on 27 September 2010, by section 20 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 102A(1)(g): amended, on 15 July 2013, by section 131(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 102A(1)(h): repealed, on 15 July 2013, by section 131(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 102A(1A): inserted, on 15 July 2013, by section 45 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 102A(3): amended, on 15 July 2013, by section 131(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 102A(4): repealed, on 15 July 2013, by section 131(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

102B Work test obligations: drug testing obligations

(1) The drug testing obligations referred to in section 102A(1A) are to undertake, and to pass, a drug test that a potential employer or a training provider requests candidates for employment or training to undertake, and to pass, by a specified time, and that is recognised by this Act because it is a drug test—

(a) of a kind described in subsection (2); and

(b) requested, and undertaken, lawfully (in particular, for a lawful health or safety purpose, or other lawful purpose), even though the employer or provider is not authorised or required by or under this Act to compel the candidate to undertake it.

(2) A drug test is of a kind described in this subsection for the purposes of subsection (1)(a) if the drug test is—

(a) a screening drug test of the candidate undertaken without any associated later evidential drug test of the candidate; or

(b) an evidential drug test of the candidate if he or she has failed any associated prior screening drug test under paragraph (a); or

(c) an evidential drug test of the candidate undertaken without any associated prior screening drug test of the candidate.

(3) A drug test undertaken by a candidate for employment or training on a request by the potential employer or training provider is for the purposes of subsection (1)(b) presumed to be requested, and undertaken, lawfully, unless the contrary is proved.

(4) A candidate for employment or training is taken for the purposes of this Act to have failed an evidential drug test requested by a potential employer or a training provider if the candidate—

(a) fails an associated prior screening drug test requested by the employer or provider; and

(b) waives (in any manner) the evidential drug test.

(5) For the purposes of subsection (1), the chief executive may, in the absence of evidence available to the chief executive and to the contrary effect, act on information given by the potential employer or training provider to the effect that a candidate has failed a screening drug test, an evidential drug test, or both.

Section 102B: inserted, on 15 July 2013, by section 46 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

102C Work test obligations: drug testing obligations on referral to opportunity of suitable employment

(1) This section applies to a work-tested beneficiary who has a work test obligation,—

(a) under section 102A(1)(c), to attend and participate in an interview for any opportunity of suitable employment to which the beneficiary is referred by the chief executive; and

(b) that, under section 102A(1A), includes the drug testing obligations under section 102B(1).

(2) The employer providing the opportunity of suitable employment may, or may authorise the appropriate drug testing provider to, provide to the department (with or without the beneficiary's consent) the results of a screening drug test, an evidential drug test, or both if—

(a) that employer has (in accordance with section 102B(1) to (3)) requested the beneficiary to undergo, and to pass, by a specified time, a screening drug test, an evidential drug test, or both; and

(b) the beneficiary has by the specified time failed that drug test, or both of those drug tests.

(3) The chief executive may reimburse the employer for the actual and reasonable costs (if, or insofar as, they do not exceed the maximum reimbursement amount prescribed for the purposes of this subsection by regulations made under section 132) of a screening drug test, an evidential drug test, or both that the employer has (in accordance with section 102B(1) to (3)) requested in respect of a work-tested beneficiary, if the chief executive—

(a) is provided under subsection (2) with the results of that drug test or those drug tests; and

(b) is satisfied that those results relate to the beneficiary, and that the beneficiary has failed that drug test or those drug tests.

(4) Regulations made under section 132 prescribing maximum reimbursement amounts for the purposes of subsection (3) may, without limitation, prescribe different amounts of that kind based on either or both of the following:

(a) different kinds of drug tests:

(b) the same or different kinds of drug tests having been provided by different providers or by different agents or employees of the same or different providers.

(5) Costs of a screening drug test requested (in accordance with section 102B(1) to (3)) by an employer in respect of, and failed by, a work-tested beneficiary cannot be reimbursed under subsection (3) if the beneficiary has undertaken, and passed, an associated later evidential drug test requested (in accordance with section 102B(1) to (3)) by that employer.

(6) Costs reimbursed under subsection (3) are a debt due to the Crown from the beneficiary for the purpose of section 85A(e).

Section 102C: inserted, on 15 July 2013, by section 46 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

102D Work test obligations: drug testing obligations: challenging sanction based solely on failing screening drug test

(1) This section applies to a beneficiary if—

(a) an employer or a training provider has (in accordance with section 102B(1) to (3)) requested the beneficiary to undertake a screening drug test; and

(b) the beneficiary has failed that screening drug test; and

(c) that employer or training provider has not (in accordance with section 102B(1) to (3)) requested the beneficiary to undertake an associated later evidential drug test because the beneficiary has failed that screening drug test; and

(d) a sanction is to be imposed on the beneficiary (the beneficiary's benefit is to be reduced, suspended, or cancelled), under section 117, based on the beneficiary having failed that screening drug test.

(2) The beneficiary may dispute the sanction to be imposed under section 117 by making to the department a request that the sample taken from the beneficiary for the screening drug test be subjected to an evidential drug test.

(3) A request under subsection (2) must be made by the beneficiary in writing in a form approved by the chief executive, and must be made—

(a) after the beneficiary is given under section 113 a written notice relating to the sanction to be imposed; and

(b) after the beneficiary disputes the reduction, suspension, or cancellation (within the period for that purpose, of 5 working days from the giving of that written notice, that section 113(2)(e) requires to be stated in that written notice); and

(c) within a period that starts when the beneficiary disputes the reduction, suspension, or cancellation, and is a reasonable period specified by the department for the purpose.

(4) A request under subsection (2) must include the beneficiary's consent to the department contacting the employer or training provider and a drug testing provider to arrange for the evidential drug test of the sample, and must authorise the drug testing provider that does the evidential drug test of the sample to provide to the department the results of that evidential drug test.

(5) The department may proceed to impose the appropriate sanction as if the beneficiary had not disputed the sanction if—

(a) a request under subsection (2) does not include the consent and authorisation required by subsection (4); and

(b) that consent and authorisation is not provided in the period specified under subsection (3)(c).

(6) If a request under subsection (2) is made to the department and includes the consent and authorisation required by subsection (4), then until the department is advised of the results of an evidential drug test of the beneficiary arranged by the department in accordance with the request,—

(a) any sanction imposed under section 117, and based on the beneficiary's having failed the associated prior screening drug test, is suspended:

(b) any failure for the purposes of sections 119 and 122(2), and based on the beneficiary's having failed the associated prior screening drug test, is suspended:

(c) the beneficiary is not liable under section 102C(6) for the actual and reasonable costs (if any) reimbursed to the employer under section 102C(3) of the beneficiary's associated prior screening drug test.

(7) The actual and reasonable costs incurred by a drug testing provider in doing an evidential drug test arranged by the department in accordance with a request under subsection (2) are payable by the department.

(8) If the beneficiary fails an evidential drug test arranged by the department in accordance with a request under subsection (2), that failure is for the purposes of section 116B(1)(e) treated as a new failure of the beneficiary's work test and drug test obligations.

(9) If the beneficiary fails an evidential drug test arranged by the department in accordance with a request under subsection (2), the following are a debt due to the Crown from the beneficiary for the purpose of section 85A(e):

(a) the actual and reasonable costs incurred by a drug testing provider in doing that evidential drug test:

(b) the actual and reasonable costs (if any) reimbursed to the employer under section 102C(3) of the beneficiary's associated prior screening drug test.

Section 102D: inserted, on 15 July 2013, by section 46 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

102E Work test obligations: drug testing obligations: use and communication of drug test results

Drug test results provided under, or under an authorisation given under, section 102B, 102C, or 102D—

(a) may be used by the chief executive or the department for the purposes of, or for the purposes of a review or appeal against a decision under, that section and all or any of sections 116B, 116C, 117, 119, and 122; but

(b) must not be used or communicated by the chief executive or the department for any other purposes.

Section 102E: inserted, on 15 July 2013, by section 46 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

103 Delayed application of work test: age of dependent child

[Repealed]

Section 103: repealed, on 27 September 2010, by section 21 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

104 Delayed application of work test: bereavement or separation

[Repealed]

Section 104: repealed, on 10 March 2003, by section 25 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

104A Transitional provision dealing with deferrals

(1) This section applies to a work-tested beneficiary who, immediately before 1 July 2001, was subject to a deferral of work test obligations granted under section 107 before its repeal on that date.

(2) On and after 1 July 2001, the deferral becomes an exemption from the work test as if the exemption were granted under section 105 and,—

(a) if the deferral was granted for a time, that time applies to the exemption; and

(b) if the deferral was granted on conditions, those conditions apply to the exemption; and

(c) if, in granting the deferral, the chief executive required the person to participate in 1 or more organised activities, that requirement continues to apply as if the organised activities were job seeker development activities.

Section 104A: inserted, on 1 July 2001, by section 31 of the Social Security Amendment Act 2001 (2001 No 1).

Section 104A(2)(c): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

105 Exemption from obligations

(1) A person of a category specified in regulations made under section 123D may apply to the chief executive for an exemption from some or all of his or her work test obligations, or obligations under section 60Q, or obligations under section 170 or 171.

(2) The chief executive may grant the exemption on any ground specified in regulations made for the purpose under section 123D.

(3) Before determining the application, the chief executive may require verification of matters relevant to the application in such manner as the chief executive specifies, either generally or specifically.

(4) An exemption under this section may be granted—

(a) for a time set by the chief executive; or

(b) on conditions set by the chief executive; or

(c) for both a time and on conditions set by the chief executive.

(5) A beneficiary who has been granted an exemption from all of his or her work test obligations, or obligations under section 60Q, or obligations under section 170 or 171 may be required to attend an interview with an officer of the department or other person on behalf of the chief executive. Failure to attend or participate in the interview may result in sanctions under section 117 or (as the case requires) section 173 or 174 being imposed.

(5A) A person who is, or is deemed to be, granted an exemption under this section must notify the chief executive as soon as practicable of any change in the person's circumstances that may affect his or her entitlement to the exemption.

(6) The chief executive may from time to time review an exemption granted under this section, and may extend, vary, or revoke it.

(7) The chief executive may grant an exemption under this section whether or not a formal application is made by or on behalf of the person to whom it relates.

Section 105: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 105(1): amended, on 15 July 2013, by section 98(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 105(1): amended, on 15 October 2012, by section 42(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 105(1): amended, on 20 August 2012, by section 17(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 105(1): amended, on 27 September 2010, by section 22(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 105(1): amended, on 15 November 2000, by section 5(1) of the Social Security Amendment Act 2000 (2000 No 81).

Section 105(5): replaced, on 1 July 2001, by section 32 of the Social Security Amendment Act 2001 (2001 No 1).

Section 105(5): amended, on 15 October 2012, by section 42(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 105(5): amended, on 20 August 2012, by section 17(2)(a) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 105(5): amended, on 20 August 2012, by section 17(2)(b) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 105(5): amended, on 27 September 2010, by section 22(2) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 105(5A): inserted, on 1 July 2001, by section 32 of the Social Security Amendment Act 2001 (2001 No 1).

Section 105(5A): amended, on 15 July 2013, by section 126 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Job seeker agreements

[Repealed]

Heading: repealed, on 27 September 2010, by section 23 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

105A Description of job seeker agreement and responsibilities arising from it

[Repealed]

Section 105A: repealed, on 27 September 2010, by section 23 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

105B Entering into and reviewing job seeker agreement

[Repealed]

Section 105B: repealed, on 27 September 2010, by section 23 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

105C Department to explain to beneficiaries their rights and obligations

The chief executive must take reasonable and appropriate steps to make every work-tested beneficiary aware of—

(a) his or her obligations arising from payment of a work-tested benefit; and

(b) *[Repealed]*

(c) the consequences of failure to comply with the work test and, in particular, the sanctions that may be imposed under section 117; and

(d) *[Repealed]*

(e) the beneficiary's rights under sections 10A and 12J to review and appeal decisions relating to his or her work test obligations.

Section 105C: inserted, on 1 July 2001, by section 33 of the Social Security Amendment Act 2001 (2001 No 1).

Section 105C: amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 105C(b): repealed, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 105C(d): repealed, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 105C(e): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

105D Job seeker contracts to have effect as job seeker agreements

[Repealed]

Section 105D: repealed, on 27 September 2010, by section 23 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Deferral of work-test obligations

[Repealed]

Heading: repealed, on 1 July 2001, by section 34 of the Social Security Amendment Act 2001 (2001 No 1).

106 Application for deferral of work-test obligations

[Repealed]

Section 106: repealed, on 1 July 2001, by section 34 of the Social Security Amendment Act 2001 (2001 No 1).

107 Chief executive may defer work-test obligations

[Repealed]

Section 107: repealed, on 1 July 2001, by section 34 of the Social Security Amendment Act 2001 (2001 No 1).

108 Effect of deferral

[Repealed]

Section 108: repealed, on 1 July 2001, by section 34 of the Social Security Amendment Act 2001 (2001 No 1).

109 Persons who are to notify change of circumstances affecting exemption or deferral

[Repealed]

Section 109: repealed, on 1 July 2001, by section 34 of the Social Security Amendment Act 2001 (2001 No 1).

Job seeker development activities

[Repealed]

Heading: repealed, on 27 September 2010, by section 24 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

110 Defining job seeker development activities

[Repealed]

Section 110: repealed, on 27 September 2010, by section 24 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

111 Assistance provided by department

(1) If, following a requirement under section 102(2)(f) (before its repeal and substitution by section 20 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010), a beneficiary has included 1 or more job seeker development activities from the list in his or her job seeker agreement, then the chief executive must take reasonable steps to arrange for the beneficiary to undertake those activities.

(2) If a beneficiary's job seeker agreement includes any other job seeker development activity, then the chief executive may take reasonable steps to arrange for the beneficiary to undertake that activity, but only if the chief executive considers the activity—

(a) is suitable for the circumstances of the beneficiary; and

(b) is likely to improve his or her employment prospects.

(3) If a beneficiary's job seeker agreement includes a recognised community activity, the chief executive may take reasonable steps to arrange for the beneficiary to undertake the recognised community activity, but only if—

(a) the chief executive considers the recognised community activity is suitable for the beneficiary to undertake; and

(b) there are no job seeker development activities or other activities specified in the agreement that would be more suitable for the beneficiary to undertake.

(4) If a beneficiary's job seeker agreement specifies other assistance that the department will give the beneficiary, then the chief executive must provide that specified assistance, subject to any conditions set out in the job seeker agreement.

(5) This section applies only in respect of a beneficiary to whom section 102A(1)(h) for the time being applies.

Section 111: replaced, on 1 July 2001, by section 35 of the Social Security Amendment Act 2001 (2001 No 1).

Section 111(1): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 111(5): inserted, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Obligation to accept offer of employment

[Repealed]

Heading: repealed, on 27 September 2010, pursuant to section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

112 Organised activities to have effect as job seeker development activities

[Repealed]

Section 112: repealed, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Sanctions regime

Heading: inserted, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

113 Procedure for imposing sanctions

(1) This section applies where a sanction is to be imposed on a beneficiary under section 117.

(2) Where this section applies, the chief executive must not reduce or suspend or cancel a benefit payable to a beneficiary unless the chief executive has given the beneficiary written notice—

(a) stating that the beneficiary has failed to comply with a specified obligation under this Act; and

(b) specifying the nature of that non-compliance; and

(c) stating that, on the basis of that non-compliance, the chief executive is reducing, suspending, or cancelling the benefit payable to the beneficiary; and

(d) specifying a date on which the reduction, suspension, or cancellation is to take effect, and, in the case of a reduction or suspension, the nature and duration of the reduction or suspension; and

(e) stating that the beneficiary has 5 working days from the giving of the notice to dispute the reduction, suspension, or cancellation; and

(f) advising the beneficiary to contact the department if the beneficiary wants to dispute or discuss the decision to reduce or suspend or cancel the benefit; and

(g) containing a clear statement of the beneficiary's right, under section 10A, to apply for a review of the decision, and of the procedure for applying for a review.

(2A) A notice given under this section to a beneficiary who on 2 or more occasions has failed to comply with 1 or more (whether the same or different) specified obligations under this Act may relate to and include those 2 or more failures, but for the purposes of sections 117 and 119—

(a) all the 2 or more failures included in the notice (so long as at least 2 of them are not disputed by the beneficiary) are treated as 1 failure; and

(b) the beneficiary must be sanctioned on that basis of that 1 failure (as a first, second, or third failure).

(3) The reduction, suspension, or cancellation of the benefit must not take effect before the close of the 5 working days specified in the notice under subsection (2)(e).

Section 113: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 113(1): amended, on 1 July 2001, by section 43(4)(a) of the Social Security Amendment Act 2001 (2001 No 1).

Section 113(2): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 113(2): amended, on 1 July 2001, by section 43(4)(b) of the Social Security Amendment Act 2001 (2001 No 1).

Section 113(2)(c): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 113(2)(c): amended, on 1 July 2001, by section 43(4)(b) of the Social Security Amendment Act 2001 (2001 No 1).

Section 113(2)(d): replaced, on 12 December 2012, by section 5 of the Social Security Amendment Act (No 2) 2012 (2012 No 114).

Section 113(2)(e): replaced, on 12 December 2012, by section 5 of the Social Security Amendment Act (No 2) 2012 (2012 No 114).

Section 113(2)(f): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 113(2)(f): amended, on 1 July 2001, by section 43(4)(b) of the Social Security Amendment Act 2001 (2001 No 1).

Section 113(2A): inserted, on 15 July 2013, by section 47 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 113(3): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 113(3): amended, on 1 July 2001, by section 43(4)(b) of the Social Security Amendment Act 2001 (2001 No 1).

114 Notices

A notice may be given under section 113 to a person—

(a) by delivering it to that person personally; or

(b) by leaving it—

(i) at that person's usual or last known place of residence or business; or

(ii) at the address given by that person in the most recent application or other document received from that person,—

in which case the notice is given when it is left for that person; or

(c) by posting it in a letter addressed to that person at that place of residence or business or at that address, in which case the notice is given when it is posted.

Section 114: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

115 Failure to comply with work test

[Repealed]

Section 115: repealed, on 15 July 2013, by section 48 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

115A Failure to comply with obligations under section 60GAB

[Repealed]

Section 115A: repealed, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

116 Failure to participate in activity under section 60HA

[Repealed]

Section 116: repealed, on 24 September 2007, by section 32(2)(b) of the Social Security Amendment Act 2007 (2007 No 20).

116A Failure to comply with obligations under section 60Q(2)

[Repealed]

Section 116A: repealed, on 15 July 2013, by section 48 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

116B Failures to comply with obligations

(1) The sanctions stated in section 117 must be imposed on a person when any of the following paragraphs applies to the person:

Obligations related to contracted service providers

(a) the chief executive considers that the person has, without a good and sufficient reason, failed to comply with an obligation under section 60GAG(1) to comply with a requirement under section 60GAG(1)(a) to (d); or

Social obligations of certain beneficiaries with dependent children

(b) the chief executive considers that the person has, without a good and sufficient reason, failed to comply with a social obligation that the person has under section 60RA(3), and that the person's failure to comply with that social obligation is a failure in respect of which section 60RC(3) permits the chief executive to impose a sanction under section 117; or

Obligations related to work preparation or to work ability assessment

(c) the chief executive considers that the person has, without a good and sufficient reason, failed to comply with a general obligation under section 60Q(2) or an obligation under section 60Q(2) to comply with a requirement under section 60Q(3); or

(d) the chief executive considers that the person has, without a good and sufficient reason, failed to undergo an assessment that the person is required to undergo under section 100B; or

Work test obligations (including drug testing obligations) and work-tested beneficiaries

(e) the person is a work-tested beneficiary, and the chief executive considers that the person has, without a good and sufficient reason, failed to comply with any of the work test obligations as set out in section 102A (including, without limitation, any drug testing obligations under section 102B(1) that, under section 102A(1A), are included in, and form part of, a work test obligation under section 102A(1)(a), (c), or (f)(ii) or (iv)); or

(f) the person is required by this paragraph to be treated as a person to whom paragraph (e) applies because the person fails, without good and sufficient reason, to apply for suitable employment that requires candidates to undertake drug tests; or

(g) the person is required by this paragraph to be treated as a person to whom paragraph (e) applies because the person is a full-time work-tested beneficiary who leaves, without good and sufficient reason, or is dismissed for misconduct from, part-time work or employment averaging less than part-time work; or

(h) the person is required by this paragraph to be treated as a person to whom paragraph (e) applies because the person is a part-time work-tested beneficiary who leaves, without good and sufficient reason, or is dismissed for misconduct from, employment averaging less than part-time work; or

Interview obligation of beneficiary exempted from work test

(i) the person is a beneficiary granted an exemption from the work test, and the chief executive considers that the person has, without a good and sufficient reason, failed to attend an interview as required under section 105(5).

(2) Section 60H(6) and (7) (which relate to dealing with voluntary unemployment or loss of employment through misconduct, etc) apply with all necessary modifications to a person to whom subsection (1)(g) or (h) of this section applies.

(3) A work-tested beneficiary who indicates that he or she would fail a drug test that an employer would require for an opportunity of suitable employment is for the purposes of subsection (1)(f) taken to be a person who fails, without

good and sufficient reason, to apply for suitable employment that requires candidates to undertake drug tests (and therefore to be a person required by subsection (1)(f) to be treated as a person to whom subsection (1)(e) applies).

(4) Subsection (3) does not limit the generality of subsections (1)(e) and (f).

Section 116B: inserted, on 15 July 2013, by section 48 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 116B(1)(g): amended, on 1 April 2016, by section 10(1) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Section 116B(1)(h): amended, on 1 April 2016, by section 10(2) of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

116C Good and sufficient reasons for specified failures to comply

(1) A beneficiary has for the purposes of section 116B a good and sufficient reason for not undertaking or completing an activity if—

(a) doing so was dependent upon the provision by the department of any assistance specified by the department; and

(b) that assistance was either not supplied, or not supplied to the extent, or in the manner, specified by the department.

(2) A beneficiary has for the purposes of section 116B a good and sufficient reason for not complying with a drug testing obligation under section 102B(1), or for failing to apply for suitable employment that requires candidates to undertake drug tests, or for both, if the chief executive is satisfied—

(a) that the person is addicted to, or dependent on, 1 or more controlled drugs; or

(b) that the person is undertaking treatment—

(i) for addiction to, or dependence on, 1 or more controlled drugs; and

(ii) provided by a health practitioner, or other person, who is professionally engaged in the treatment or rehabilitation of people using, or who have used, controlled drugs; and

(iii) of a kind approved by the chief executive; or

(c) that the person should be treated as one to whom paragraph (b) applies because he or she is awaiting assessment for, or an opportunity to undertake, treatment of the kind specified in paragraph (b); or

(d) that, insofar as the person is using a particular controlled drug of a kind the presence of which in the person's body can be or may be detected by an evidential drug test, that particular controlled drug has been lawfully prescribed, and the person is using only the dosage of that particular controlled drug lawfully prescribed, for the person by a health practitioner; or

(e) that the person falls within, or the person's circumstances fall within, another ground or other grounds specified for the purposes of this paragraph by regulations made under section 132.

(3) A beneficiary who has 1 or more dependent children has for the purposes of section 116B a good and sufficient reason for not participating in or completing any activity required under section 102A(1)(f) if the activity involves participation during hours when it would be unreasonable to expect any dependent child of the person to be without that person's supervision.

(4) This section does not limit the generality of section 116B.

Section 116C: inserted, on 15 July 2013, by section 48 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

117 Sanctions that may be imposed for failures

(1AA) If 2 or more failures of a beneficiary to comply with 1 or more specified obligations under this Act are under section 113(2A) included by the chief executive in a notice given to the beneficiary under section 113,—

(a) all the 2 or more failures included in the notice (so long as at least 2 of them are not disputed by the beneficiary) are treated as 1 failure for the purposes of this section and section 119; and

(b) the beneficiary must be sanctioned on that basis of that 1 failure (as a first, second, or third failure).

(1) The sanctions that the chief executive must apply in respect of failures under section 116B are,—

(a) for a first failure,—

(i) the person's benefit (unless it is not a main benefit under this Act) must be reduced by 50% until the person recomplies; and

(ii) if the person has not recomplied within 4 weeks after the date on which the reduction took effect, the person's benefit (unless it is not a main benefit under this Act) must be reduced by a further 50% (so that the total reduction is 100%) until the person recomplies:

(b) for a second failure (being a failure that occurs after the person has recomplied following a first failure), suspension of the person's benefit (unless it is not a main benefit under this Act) until the person recomplies:

(c) for a third failure (being a failure that occurs after the person has recomplied following a second failure), cancellation of the person's benefit (unless it is not a main benefit under this Act).

(1A) Subsection (1) is subject to subsections (1B) and (1C).

(1B) Cancellation under subsection (1)(c) of the person's benefit (unless it is not a main benefit under this Act) is the sanction that the chief executive must apply

if any failure referred to in subsection (1) is a failure under section 116B(1)(e) to comply with the obligation in section 102A(1)(b) (the work test obligation to accept any offer of suitable employment).

(1C) Subsection (1B) applies whether the failure under section 116B(1)(e) and that is mentioned in subsection (1B) is for the purposes of subsection (1) a first, a second, or a third failure.

(2) A person whose main benefit under this Act is cancelled under subsection (1)(c)—

(a) is not entitled to receive any main benefit under this Act for 13 weeks from the date of cancellation; and

(b) if the person wishes to again become entitled to a main benefit under this Act, must apply for the benefit and establish his or her eligibility for it.

(3) Subsection (2) is subject to sections 120 and 121, and to sections 123 to 123B.

(4) If a person's specified benefit (as defined in section 80BE(5)) is reduced or suspended under subsection (1) of this section and the person is re-granted a specified benefit under section 80BF, the reduction or suspension continues to apply to the re-granted specified benefit on and after its commencement until the person recomplies.

Section 117: replaced, on 1 July 2001, by section 36 of the Social Security Amendment Act 2001 (2001 No 1).

Section 117(1AA): inserted, on 15 July 2013, by section 49(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1): amended, on 15 July 2013, by section 132 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 117(1)(a): replaced, on 27 September 2010, by section 25(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 117(1)(a)(i): amended, on 15 July 2013, by section 61(8) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1)(a)(ii): amended, on 15 July 2013, by section 61(9) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1)(b): amended, on 15 July 2013, by section 61(10) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1)(c): amended, on 15 July 2013, by section 61(11) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1A): inserted, on 15 July 2013, by section 49(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1B): inserted, on 15 July 2013, by section 49(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(1C): inserted, on 15 July 2013, by section 49(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(2): amended, on 15 July 2013, by section 61(12) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(2)(a): amended, on 15 July 2013, by section 61(13) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(2)(b): amended, on 15 July 2013, by section 61(14) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 117(4): replaced, on 15 July 2013, by section 118 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

118 Penalties for failure to participate in organised activity to satisfaction of chief executive

[Repealed]

Section 118: repealed, on 1 July 2001, by section 36 of the Social Security Amendment Act 2001 (2001 No 1).

119 Calculation of failure rate

(1) In calculating the number of failures under section 117, the chief executive—

(a) may count applicable failures only during a period of continuous payment in respect of the beneficiary of the same benefit or of 2 or more different benefits; and

(ab) if the benefit being paid in respect of the beneficiary is a benefit (**benefit A**), may count applicable failures incurred while another benefit was earlier paid in respect of the beneficiary (**benefit B**) if benefit A and benefit B have been paid continuously in respect of the beneficiary; but

(b) must not count a failure if—

(i) it is not a failure of a kind to which section 117 applies under section 116B(1); or

(ii) it occurred more than 12 months before the failure for which the calculation is made if, during that period, that beneficiary has not incurred a failure of a kind in section 116B(1) to which section 117 applies.

(1A) Subsections (1)(a) and (ab) and (3) apply only to 1 or more main benefits under this Act.

(1B) For the purposes of subsection (1)(a), 2 or more different benefits paid to a beneficiary do not give rise to a period of continuous payment in respect of the beneficiary of those 2 or more different benefits if—

(a) one of those 2 or more different benefits is a youth payment or a young parent payment; and

(b) the other of, or (as the case may be) the rest of, those 2 or more different benefits is any 1 or more or all of sole parent support, supported living payment, jobseeker support, and emergency benefit.

(1C) Subsection (1B) does not limit or affect subsection (1)(a) applying (under section 176(2)) with all necessary modifications to the imposition of sanctions under sections 173 and 174 in respect of failures—

(a) by a young person receiving a youth payment or a young parent payment; and

(b) that are failures, without good and sufficient reason, to comply with an obligation placed on him or her by section 170; and

(c) during a period of continuous payment in respect of the young person of the same benefit (being a youth payment or a young parent payment) or of 2 or more different benefits (being a youth payment and a young parent payment, in whatever sequence paid).

(2) For the purpose of subsection (1)(b)(ii), a failure under section 116B is considered to have occurred on the date the chief executive decides he or she is satisfied the beneficiary has failed, without a good and sufficient reason, to comply with the appropriate work test obligation or other obligation imposed by this Act.

(3) In determining whether a benefit has been continuously paid in respect of the beneficiary, the chief executive must disregard any period during which the benefit was cancelled or suspended because the beneficiary commenced in employment that continued for less than 10 working days.

(3A) For the purpose of subsection (1)(a), the chief executive must treat a specified benefit that expires under section 80BE, and a specified benefit re-granted to the beneficiary under section 80BF, as the same benefit.

(4) Nothing in subsection (1)(b)(ii) affects the implementation, after the 12-month period, of a sanction based on any prior calculation of the number of failures by a person to comply with the appropriate work test obligation or other obligation imposed by this Act.

(5) In this section, **working day** means a day on which a person was required to work in the employment referred to in subsection (3).

(6) This section is subject to sections 113(2A) and 117(1AA) (which relate to 2 or more failures of a person to comply with 1 or more specified obligations under this Act being—

(a) included in a notice given to the person under section 113; and

(b) treated for the purposes of section 117 and this section as 1 failure).

Section 119: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 119(1): amended, on 1 July 2001, by section 37(1) of the Social Security Amendment Act 2001 (2001 No 1).

Section 119(1)(a): replaced, on 1 July 2001, by section 37(2) of the Social Security Amendment Act 2001 (2001 No 1).

Section 119(1)(a): amended, on 15 July 2013, by section 50(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(1)(a): amended, on 27 September 2010, by section 26(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 119(1)(ab): inserted, on 27 September 2010, by section 26(2) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 119(1)(ab): amended, on 15 July 2013, by section 50(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(1)(b): replaced, on 15 July 2013, by section 50(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(1A): inserted, on 15 July 2013, by section 61(15) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(1B): inserted, on 15 July 2013, by section 50(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(1C): inserted, on 15 July 2013, by section 50(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(2): amended, on 15 July 2013, by section 133 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(2): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 119(2): amended, on 24 September 2007, by section 42(3)(b) of the Social Security Amendment Act 2007 (2007 No 20).

Section 119(3A): inserted, on 27 September 2010, by section 26(3) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 119(3A): amended, on 15 July 2013, by section 119(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(3A): amended, on 15 July 2013, by section 119(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(3A): amended, on 15 July 2013, by section 119(c) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 119(4): amended, on 24 September 2007, by section 42(4) of the Social Security Amendment Act 2007 (2007 No 20).

Section 119(5): amended, on 27 September 2010, by section 26(4) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 119(6): inserted, on 15 July 2013, by section 50(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

120 Modified effect in some cases of sanctions on rate of benefit for people married or in civil union or de facto relationship

(1) If the reduction, suspension, or cancellation under section 117 of a benefit payable at a work-test couple rate results from the failure of one of the spouses or partners in respect of whom the benefit is paid to comply with a work-test obligation—

(a) it applies to only half the applicable rate of the benefit before any abatement on account of income; and

(b) the other spouse or partner is entitled to receive half of that rate (and the appropriate income test applies to that rate, but at half the abatement rate in that test).

(1A) If the reduction, suspension, or cancellation under section 117 of a benefit payable at a work-test couple rate results from failures of both spouses or partners to comply with work test obligations, and they have no dependent children,—

(a) the reduction, suspension, or cancellation in respect of each spouse or partner applies only to 50% of the applicable rate of the benefit before abatement on account of income payable in respect of that spouse or partner; and

(b) any amount of the benefit payable to the spouses or partners after that reduction, suspension, or cancellation is applied is subject to the appropriate income test but at half the abatement rate under that test.

(2) If the suspension or cancellation under section 60H or 117 of a benefit payable at a work-test couple rate results from section 60H(3) applying to both work-tested spouses or partners or the failure of both work-tested spouses or partners in respect of whom the benefit is paid to comply with work-test obligations, and they have 1 or more dependent children,—

(a) the suspension or cancellation applies to only half the applicable rate of the benefit before any abatement on account of income; and

(b) the spouses or partners are entitled to receive half that rate (and the appropriate income test applies to that rate).

(3) Subsection (2)(b) is subject to section 83.

Section 120: replaced, on 24 September 2007, by section 43 of the Social Security Amendment Act 2007 (2007 No 20).

Section 120(1): amended, on 15 July 2013, by section 64(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 120(1): amended, on 27 September 2010, by section 27(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 120(1A): inserted, on 27 September 2010, by section 27(2) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 120(1A): amended, on 15 July 2013, by section 64(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 120(2): amended, on 15 July 2013, by section 64(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 120(2): amended, on 27 September 2010, by section 27(3)(a) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 120(2): amended, on 27 September 2010, by section 27(3)(b) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

120A Costs incurred by Authority

[Repealed]

Section 120A: repealed, on 1 July 1993, by section 24(1) of the Health Sector (Transfers) Act 1993 (1993 No 23).

121 Effect of sanctions on benefit of sole parent

Where under section 60H or section 117 the payment of a main benefit under this Act of a person who is a sole parent is to be suspended or cancelled,—

(a) the suspension or cancellation applies only to 50% of the applicable rate of the benefit before any abatement on account of income; and

(b) the person is entitled during the period of suspension or cancellation to receive 50% of that rate of benefit, and the appropriate income test applies to that rate but at half the abatement rate in that income test.

Section 121: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 121: amended, on 15 July 2013, by section 61(16) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 121: amended, on 1 July 2001, by section 43(7) of the Social Security Amendment Act 2001 (2001 No 1).

General provisions

Heading: inserted, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

122 Meaning of recompliance

(1) A person **recomplies** (for the purpose of section 117) in relation to a failure (or, as the case may be, to 2 or more failures) under section 116B and that has (or have) been included in a notice given to the person under section 113 (the **relevant failure or failures**) if the person remedies the relevant failure (or, if the person has failed to comply with 2 or more obligations of a kind referred to in section 116B(1), the person remedies all the relevant failures) included in the notice.

(2) Despite subsection (1), a person who is a work-tested beneficiary recomplies (for the purpose of section 117) in relation to each relevant failure it is not possible to remedy if the person undertakes to the chief executive's satisfaction an activity that is the same as, or substantially similar to, the activity that the person failed to comply with under the applicable work test obligation.

(3) Despite subsection (1), a person **recomplies** (for the purpose of section 117) in relation to a relevant failure under section 116B(1)(e) to comply with any drug testing obligations under section 102B(1) if,—

(a) in the case of a first failure of that kind in a 12-month period, the person undertakes in a manner that is satisfactory to the chief executive that the person will not use controlled drugs (except any use of a particular controlled drug that is lawfully prescribed, and only the dosage of that particular controlled drug that is lawfully prescribed, for the person by a health practitioner):

(b) in the case of a second failure of that kind in a 12-month period, the person undertakes in a manner that is satisfactory to the chief executive to do both of the following:

(i) to pass a drug test of the kind stated in section 122A(2)(a) or (b), and to do so within 25 working days after the date of the person's undertaking; and

(ii) to provide evidence that satisfies the chief executive that the person has passed a drug test of that kind, and to do so within 30 working days after the date of the person's undertaking.

(4) The calculation of the number of failures for the purposes of subsection (3) is independent and separate from, and therefore does not affect, the calculation (in accordance with section 119) of the number of failures for the purposes of section 117.

(5) The department must take reasonable and appropriate steps to make a person who has given an undertaking in accordance with subsection (3)(b) aware of the following matters:

(a) the consequences of failing to comply with the undertaking; and

(b) the location of a drug testing provider that the person can use to undertake a drug test of the kind stated in section 122A(2)(a) or (b); and

(c) that the actual and reasonable costs charged by the provider for performing, on 1 occasion only within the period, a drug test of the kind stated in section 122A(2)(a) or (b) are paid by the department, but are also recoverable from the person as a debt due to the Crown for the purposes of section 85A(e).

Section 122: replaced, on 15 July 2013, by section 51 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

122A Recomplying after second failure to comply with drug testing obligations

(1) This section applies to a work-tested beneficiary who has undertaken under section 122(3)(b) to do both of the following:

(a) to pass a drug test of the kind stated in subsection (2)(a) or (b) of this section, and to do so within the 25-working-day period in section 122(3)(b)(i) (the **testing period**); and

(b) to provide evidence that satisfies the chief executive that the person has passed a drug test of that kind, and to do so within the 30-working-day period in section 122(3)(b)(ii) (the **results period**).

(2) The beneficiary must at a time that is within the testing period attend at the location of a drug testing provider for the purpose of undertaking a drug test that is—

(a) a screening drug test of the beneficiary and, if the beneficiary fails that screening drug test, an evidential drug test of the beneficiary; or

(b) an evidential drug test of the beneficiary undertaken without any associated prior screening drug test of the beneficiary.

(3) The actual and reasonable costs charged by the provider for performing, on 1 occasion only within the testing period, a drug test in accordance with subsection (2)(a) or (b) are—

(a) payable by the department; but also

(b) a debt due to the Crown from the beneficiary for the purpose of section 85A(e).

(4) A beneficiary who fails a screening drug test or an evidential drug test or both performed within the testing period may (in order to try to comply with the beneficiary's undertaking despite that failure) undertake, at the beneficiary's expense, further drug testing within the testing period.

(5) A beneficiary who does not pass a drug test of the kind stated in subsection (2)(a) or (b) within the testing period must for the purpose of section 117(1)(c) be treated as a person who has failed a third time within a 12-month period to comply with any drug testing obligations in section 102B(1).

Section 122A: inserted, on 15 July 2013, by section 52 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

123 Effect of ceasing to be subject to obligation to comply with work test or section 170 or 171, social obligation, or work preparation obligation

(1) This section applies to a person—

(a) whose benefit has been suspended or reduced, or who is not entitled to a main benefit under this Act for 13 weeks, under section 60H or section 117 or section 173 or 174; and

(b) who either—

(i) ceases to be a work-tested beneficiary (other than because of the imposition of that suspension or 13-week period); or

(ia) ceases to be a beneficiary who is required to comply with obligations under section 170 or 171 (other than because of the imposition of that suspension or 13-week period); or

(ii) obtains, under section 105, an exemption from the work test or section 170 or 171.

(2) From the date the chief executive decides he or she is satisfied this section applies to a person,—

(a) the period of suspension or reduction of the benefit ends; or

(b) the person is no longer subject to the 13-week period and that period lapses.

(3) If a person to whom subsection (2)(b) applies wishes to again become entitled to a main benefit under this Act, the person must apply for the benefit and establish the person's eligibility to receive it.

(3A) A sanction imposed on a person under section 117 (as applied by sections 60RC(1) and 116B(1)(b)) in respect of a social obligation that the person had under section 60RA(3) ceases to apply to the person on the person ceasing to have that social obligation under section 60RA(3).

(3B) A sanction imposed on a person under section 117 (as applied by section 116B(1)(c)) in respect of either a general obligation of the person under section 60Q(2), or an obligation of the person under section 60Q(2) or (3) to comply with a requirement under section 60Q(3), ceases to apply to the person on the person ceasing to have that obligation.

(4) In subsection (1), **benefit** includes part of a benefit.

Section 123: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 123 heading: amended, on 15 July 2013, by section 98(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123 heading: amended, on 15 July 2013, by section 115(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123 heading: amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123(1)(a): amended, on 15 July 2013, by section 61(17) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123(1)(a): amended, on 15 July 2013, by section 115(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123(1)(a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123(1)(a): amended, on 1 July 2001, by section 39(1) of the Social Security Amendment Act 2001 (2001 No 1).

Section 123(1)(b)(ia): inserted, on 1 July 2001, by section 39(2) of the Social Security Amendment Act 2001 (2001 No 1).

Section 123(1)(b)(ia): amended, on 15 July 2013, by section 98(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123(1)(b)(ia): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123(1)(b)(ia): amended, on 24 September 2007, by section 42(6) of the Social Security Amendment Act 2007 (2007 No 20).

Section 123(1)(b)(ii): amended, on 15 July 2013, by section 98(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123(1)(b)(ii): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123(2)(a): amended, on 15 July 2013, by section 115(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123(3): amended, on 15 July 2013, by section 61(18) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123(3A): inserted, on 15 July 2013, by section 115(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123(3B): inserted, on 15 July 2013, by section 115(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

123A Effect of employment on non-entitlement period

(1) This section applies to a person who is not entitled to a main benefit under this Act for 13 weeks because of the operation of section 60H or section 117.

(2) If a person to whom this section applies completes a period of employment approved by the chief executive for the purposes of this section of not less than 6 weeks, the remainder of the 13-week period lapses.

(3) *[Repealed]*

(4) In subsection (1), **benefit** includes part of a benefit.

Section 123A: replaced, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 123A(1): amended, on 15 July 2013, by section 61(19) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123A(1): amended, on 1 July 2001, by section 40(1) of the Social Security Amendment Act 2001 (2001 No 1).

Section 123A(3): repealed, on 1 July 2001, by section 40(2) of the Social Security Amendment Act 2001 (2001 No 1).

123B Effect of participation in certain activities on non-entitlement period

(1) This section applies to a person who—

(a) is subject to a 13-week period of non-entitlement under section 60H or section 117 or section 173 or 174; and

(b) is participating in 1 or more **approved activities**, which are any of the following approved by the chief executive for the purpose:

(i) activities of the kind referred to in section 102A(1)(f):

(ii) recognised community activities:

(iii) part-time work (in the case of a part-time work-tested beneficiary).

(2) If a person to whom this section applies participates satisfactorily in the approved activity or activities for a continuous period of 6 weeks,—

(a) the remainder of the period of non-entitlement lapses; and

(b) if the person wishes to again become entitled to a main benefit under this Act, the person must apply for the benefit and establish his or her eligibility for it.

(3) Despite subsection (2)(b), if the person applies for a main benefit under this Act, the chief executive must grant the person a main benefit under this Act during the person's satisfactory participation in the approved activity or activities.

(4) Payment of a benefit granted under subsection (3) is subject to the condition that the person is liable to repay the whole of any amount paid during the non-entitlement period if he or she fails to complete a continuous period of 6 weeks of satisfactory participation in an approved activity or activities, or fails to con-

tinue satisfactory participation until the end of the non-entitlement period (whichever is earlier).

(5) No obligation to repay under subsection (4) arises if the reason for the person's failure is that he or she—

(a) ceases to be a work-tested beneficiary or a beneficiary required to comply with obligations under section 170 or 171; or

(b) obtains, under section 105, an exemption from the work test or an exemption from complying with section 170 or 171.

(6) If the person is still entitled to the benefit at the end of the period of satisfactory participation or non-entitlement (as the case may be), payment of the benefit is no longer subject to the condition in subsection (4).

(7) Any amount the person is liable to repay under this section is a debt due to the Crown under section 85A(b), and subject to recovery under section 86(1) (chief executive's duty to recover debt referred to in section 85A), from the person.

Section 123B: replaced, on 1 July 2001, by section 41 of the Social Security Amendment Act 2001 (2001 No 1).

Section 123B(1)(a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123B(1)(b)(i): replaced, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 123B(2)(b): amended, on 15 July 2013, by section 61(20) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123B(3): amended, on 15 July 2013, by section 61(21) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123B(5)(a): amended, on 15 July 2013, by section 98(6) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123B(5)(a): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123B(5)(a): amended, on 24 September 2007, by section 42(6) of the Social Security Amendment Act 2007 (2007 No 20).

Section 123B(5)(b): amended, on 15 July 2013, by section 98(7) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123B(5)(b): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123B(7): amended, on 7 July 2014, by section 27 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

123C Application of Health and Safety at Work Act 2015 and Human Rights Act 1993

(1) In this section, **person A** is a person—

(a) who, in accordance with his or her work test obligations or under section 122 or section 123B, is doing work as part of a job search activity; or

(b) who is a beneficiary and, in accordance with an employment plan or otherwise, is doing work as part of an employment-related activity or activity in the community arranged by the department.

(2) The Health and Safety at Work Act 2015 and the Human Rights Act 1993 apply to person A and the person providing the work that person A is doing, as if person A were the employee of the person providing the work.

(3) Except as provided in subsection (2), nothing in this Part creates or implies an employment relationship between person A and the person providing the work.

Section 123C: replaced, on 1 July 2001, by section 41 of the Social Security Amendment Act 2001 (2001 No 1).

Section 123C heading: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 123C(1): replaced, on 26 September 2002, by section 27 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 123C(1)(a): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 123C(1)(a): amended, on 2 July 2007, by section 14(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Section 123C(1)(b): amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123C(1)(b): amended, on 27 September 2010, by section 35(1) of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 123C(2): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

123D Regulations

Without limiting the general power to make regulations conferred by section 132, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) specifying the categories of persons who may be exempted under section 105 from some or all of their work test obligations, or obligations under section 60Q, or obligations under section 170 or 171 and specifying the grounds on which exemptions may be granted for each of those categories.

(b) *[Repealed]*

(c) *[Repealed]*

Section 123D: inserted, on 1 October 1998, by section 7 of the Social Security (Work Test) Amendment Act 1998 (1998 No 94).

Section 123D(a): amended, on 15 July 2013, by section 98(8) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 123D(a): amended, on 15 October 2012, by section 48 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123D(a): amended, on 20 August 2012, by section 18 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123D(a): amended, on 27 September 2010, by section 29 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 123D(a): amended, on 15 November 2000, by section 5(3) of the Social Security Amendment Act 2000 (2000 No 81).

Section 123D(b): repealed, on 1 July 2001, by section 42 of the Social Security Amendment Act 2001 (2001 No 1).

Section 123D(c): repealed, on 1 July 2001, by section 42 of the Social Security Amendment Act 2001 (2001 No 1).

Part 3

Administration: young persons services, welfare programmes and other money payable, preferred suppliers, contracts with administration service providers, artificial limbs, information disclosure, application of Human Rights Act 1993, and offences and general penalty

Part 3 heading: replaced, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Young persons services

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

123E Services to encourage young persons to move into or remain in education, training, and employment

(1) The chief executive may do either or both of the following things:

(a) provide services to encourage and help young persons to move into or remain in education, training, and employment rather than to receiving financial support under this Act:

(b) enter (under section 125A) into contracts with service providers to provide services of that kind on the chief executive's behalf.

(2) If, on the date that a young person turns 18, he or she is, in the chief executive's opinion, continuing in a course of education or training, the services referred to in subsection (1)(a) may continue to be provided to the young person until,—

(a) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March:

(b) in any other case, the close of the day on which the course ends.

Section 123E: inserted, on 27 July 2012, by section 19 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123E heading: amended, on 8 July 2016, by section 17(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 123E(1)(a): amended, on 8 July 2016, by section 17(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 123E(2): inserted, on 25 October 2016, by section 17(3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

123F Chief executive may enter into information-sharing agreement with chief executive of Ministry of Education

(1) The chief executive may enter into an agreement with the chief executive of the Ministry of Education under Part 9A of the Privacy Act 1993 relating to the sharing, for the purposes of facilitating the provision of services of a kind described in section 123E(a), of information about young persons who have ceased to be enrolled at a registered school (as defined in section 2 of the Education Act 1989) or a tertiary education organisation (being an organisation as defined in section 159B(1) of that Act).

(2) While the agreement is in force, the chief executive of the Ministry of Education—

(a) may provide to the chief executive any information to which subsection (1) applies that the former considers may facilitate the provision by the latter of services of a kind described in section 123E(a); and

(b) may use national student numbers for the purpose of gathering the information.

(3) Subsection (2) overrides section 344(2) of the Education Act 1989.

Section 123F: inserted, on 27 July 2012, by section 20 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 123F(1): amended, on 8 July 2016, by section 18(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

123G Consultation on proposed agreement

[Repealed]

Section 123G: repealed, on 8 July 2016, by section 19 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

123H Agreements to be reviewed after 3 years

[Repealed]

Section 123H: repealed, on 8 July 2016, by section 19 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Welfare programmes and other money payable

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

124 Money payable out of Crown Bank Account

(1) There shall from time to time be paid out of a Crown Bank Account, from money appropriated by Parliament for the purpose,—

(a) all money required to be expended in providing benefits and making other payments under this Act:

(aa) *[Repealed]*

(b) all other expenditure incurred in the administration of this Act:

(c) any money that may be appropriated by Parliament for educational or research purposes in relation to public health or income support or employment:

(d) any money that may be appropriated by Parliament for the purpose of granting special assistance under any welfare programme established and approved by the Minister under the authority of, and for the purposes of, this paragraph:

(da) *[Repealed]*

(dd) *[Repealed]*

(e) all other money that may be appropriated by Parliament for the purposes of this Act, or that may be appropriated for any purpose incidental or related to the purposes of this Act.

(1A) Every welfare programme approved by the Minister under subsection (1)(d)—

(a) shall be administered by the chief executive:

(b) may provide for any specified provision of this Act to apply to and in respect of—

(i) the programme; and

(ii) any applicant for assistance under the programme; and

(iii) any other specified class or classes of person—

as if the special assistance authorised by the programme were a benefit under this Act.

(1B) As soon as practicable after approving a welfare programme pursuant to subsection (1)(d), the Minister must publish in the *Gazette* and lay before the House of Representatives a copy of the programme.

(1BA) This subsection applies to an applicant for special assistance under a welfare programme approved by the Minister under subsection (1)(d) if—

(a) any special assistance under the programme relates to the supply of any goods or services to the applicant or a member of the applicant's family; and

(b) the goods or services are of a class, description, or kind supplied by a preferred supplier (being a preferred supplier to, or in respect of, the area in which the applicant resides) under a contract entered into with the chief executive under section 125AA.

(1BB) If subsection (1BA) applies to an applicant for special assistance under a welfare programme approved by the Minister under subsection (1)(d), the applicant must purchase the goods or services from a preferred supplier nominated

by the chief executive at the price determined by the contract under section 125AA with that supplier, and—

(a) the amount of the special assistance granted under subsection (1)(d) for purchasing those goods or services is the lesser of—

(i) the price so determined; and

(ii) the maximum amount for purchasing those goods or services available under the welfare programme concerned; and

(b) the chief executive must pay that special assistance to that supplier in consideration of the supply of the goods or services to the applicant or the applicant's family member.

(1BBA) A nomination under subsection (1BB) of a preferred supplier—

(a) may be given orally or in writing (but, if given orally, must as soon as practicable be confirmed in writing); and

(b) may from time to time be amended, revoked, or revoked and replaced by the chief executive, to recognise changes in preferred suppliers or preferred supply contracts ending without also being replaced.

(1BC) No appeal under this Act lies against any chief executive's decision under subsection (1BB)(b).

(1BD) Subsections (1BA) to (1BC) are subject to (preferred supplier transitional provisions) directions under section 125AA(5).

(1C) There must from time to time be paid out of a Crown Bank Account, without further appropriation than this subsection, all money necessary for granting special assistance under section 61CF.

(2) This subsection applies to a payment made to a person out of a Crown Bank Account by way of special assistance pursuant to subsection (1)(d) or subsection (1C) if—

(a) either—

(i) it was obtained by fraud; or

(ii) the spouse or partner of the person made a false statement to or otherwise misled an officer engaged in the administration of this Act, in relation to his or her income or other personal circumstances; and

(b) as a result, it exceeded the amount (if any) that, in the chief executive's opinion, would otherwise have been paid.

(2A) Sections 81, 86, and 86AA, as far as they are applicable and with any necessary modifications, apply to a payment to which subsection (2) applies—

(a) as if it were made by way of benefit under Parts 1A to 1P; and

(b) as if the person to whom it was made were a beneficiary entitled to a benefit of the amount (if any) that, in the chief executive's opinion, would have been payable if (as the case may be)—

(i) the fraud had not occurred; or

(ii) the false statement had not been made; or

(iii) the officer had not been misled.

(3) *[Repealed]*

(4) *[Repealed]*

Compare: 1938 No 7 s 106; 1957 No 93 s 5(3); 1958 No 46 s 28(2); 1963 No 46 s 24

Section 124 heading: amended (with effect on 1 July 1989), on 26 July 1989, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 124(1): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 124(1)(a): amended, on 1 April 2005, by section 16(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 124(1)(aa): repealed, on 1 October 1986, by section 17(1)(e) of the Social Security Amendment Act 1986 (1986 No 39).

Section 124(1)(b): replaced, on 1 April 1972, by section 18(3) of the Department of Social Welfare Act 1971 (1971 No 60).

Section 124(1)(c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 124(1)(d): replaced, on 17 September 1997, by section 24(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 124(1)(d): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 124(1)(da): repealed, on 15 April 2005, by section 14 of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 124(1)(dd): repealed on 5 November 1976, by section 28(3)(a) of the Disabled Persons Community Welfare Act 1975 (1975 No 122).

Section 124(1A): inserted, on 30 June 1993, by section 28(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 124(1A): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 124(1A)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 124(1A)(b): amended, on 1 April 2005, by section 16(2) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 124(1B): inserted, on 17 September 1997, by section 24(2) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 124(1BA): inserted, on 17 April 2013, by section 53 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 124(1BB): inserted, on 17 April 2013, by section 53 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 124(1BBA): inserted, on 17 April 2013, by section 53 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 124(1BC): inserted, on 17 April 2013, by section 53 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 124(1BD): inserted, on 17 April 2013, by section 53 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 124(1C): inserted, on 19 December 2006, by section 6 of the Social Security Amendment Act 2006 (2006 No 90).

Section 124(2): replaced, on 19 December 2006, by section 6 of the Social Security Amendment Act 2006 (2006 No 90).

Section 124(2)(a)(ii): amended, on 15 July 2013, by section 137 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 124(2A): inserted, on 19 December 2006, by section 6 of the Social Security Amendment Act 2006 (2006 No 90).

Section 124(2A): amended, on 7 July 2014, by section 12 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 124(2A)(a): amended, on 15 July 2013, by section 137 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 124(3): repealed, on 1 November 1976, by section 34(3) of the Social Security Amendment Act 1976 (1976 No 40).

Section 124(4): repealed, on 5 November 1976, by section 28(3)(a) of the Disabled Persons Community Welfare Act 1975 (1975 No 122).

Preferred suppliers of goods or services for beneficiaries or others

Heading: inserted, on 17 April 2013, by section 54 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

125AA Preferred supply of goods or services for beneficiaries or others

(1) The Minister may from time to time, by written direction, determine the goods or services, or classes, descriptions, or kinds of goods or services, contracts for the supply of which may be entered into under subsection (3) (**specified goods or services**).

(2) A determination under subsection (1) must be in respect of goods or services, or classes, descriptions, or kinds of goods or services, for all or any of the following (and for no other) purposes:

(a) to meet additional expenses arising from a disability by way of a disability allowance, under section 69C(7B):

(b) to satisfy the immediate needs of a beneficiary by way of an advance payment of a benefit under section 82(6) and (6A):

(c) for supply of goods or services to a beneficiary by way of a redirection of some of the beneficiary's benefit payments, under section 82(6G):

(d) to meet particular needs of a person by way of special assistance under a welfare programme under section 124(1)(d), under section 124(1BB).

(3) The chief executive may from time to time, on behalf of the Crown, enter into a contract with any person, body, or organisation (a **preferred supplier**) for the supply of specified goods or services (as defined in subsection (1))—

(a) by the preferred supplier; and

(b) for purchase by beneficiaries, other persons identified by the department, or both.

(4) **Goods or services**, in this section and in sections 69C(7B), 82(6AB) and (6G), and 124(1BB), includes goods and services.

(5) The Minister may, from time to time, give to the chief executive under section 5 general or special directions setting out transitional or savings provisions that apply—

(a) to persons receiving assistance under this Act in respect of goods or services that would be affected by a contract with a preferred supplier in respect of those goods or services; and

(b) at, or within a specified period after, the time or times when a contract under subsection (3) (including, without limitation, one that varies or replaces all or any of an earlier contract of that kind) takes effect.

(6) Directions under subsection (5)—

(a) override sections 69C(7A) to (7D), 82(6) to (6AB), 82(6F) and (6G), and 124(1BA) to (1BC); and

(b) must, in accordance with section 5(1), be complied with by the chief executive.

Section 125AA: inserted, on 17 April 2013, by section 54 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

125 Advances to beneficiaries and war pensioners for repair or maintenance of home, etc

[Repealed]

Section 125: repealed, on 1 July 1996, by section 3(1) of the Social Security Amendment Act (No 3) 1996 (1996 No 49).

Contracts with administration service providers

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

125A Chief executive may contract with service providers

(1) The chief executive may from time to time, on behalf of the Crown, enter into a contract with any person, body, or organisation (a **contracted service provider**) for the provision by the contracted service provider of all or any of the following:

(a) services of a kind or description specified for the purposes of this paragraph by regulations under this Act and that are—

(i) services of a kind referred to in section 123E(a) (services to encourage and help young persons to move into or remain in education, training, and employment); or

(ii) services in relation to Part 5 (financial support for young people):

(ab) *[Repealed]*

(b) services in relation to all or any of Parts 1 to 1P and 2 (which may be, but need not be, services of a kind or description specified for the purposes of this paragraph by regulations under this Act).

(2) The chief executive must not enter into a contract with a person, body, or organisation for the provision of services of a kind stated in subsection (1) unless the chief executive is satisfied that it—

(a) is suitable to provide the services specified in the contract; and

(b) is suitable to work with persons to whom the services relate in providing those services; and

(c) has the powers and capacity to enter into and perform a contract for those services.

(3) *[Repealed]*

Section 125A: inserted, on 27 July 2012, by section 21 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 125A(1): amended, on 8 July 2016, by section 20(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 125A(1)(a): replaced, on 8 July 2016, by section 20(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 125A(1)(ab): repealed, on 8 July 2016, by section 20(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 125A(1)(b): replaced, on 8 July 2016, by section 20(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 125(3): repealed, on 15 July 2013, by section 55(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

125B Contracts with service providers: contents and form

(1) A contract under section 125A—

(a) must set out the responsibilities of the contracted service provider and the chief executive in respect of each of the services the provider is to provide under the contract; and

(b) must require the provider to co-operate with the chief executive; and

(c) must contain all terms and conditions (if any) stated for the purposes of that section by regulations under this Act.

(2) The contract must be in writing.

(3) Subsection (1) does not limit section 125A.

Section 125B: inserted, on 27 July 2012, by section 21 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

125C Release of personal information to and by contracted service provider

(1) The purpose of this section is—

(a) to authorise the department and any contracted service provider to disclose to each other relevant personal information about persons to whom the provider's contract under section 125A applies; and

(b) to assist the department to exercise and perform powers and functions under the provisions specified in section 125A(1)(a) or, as the case requires, 125A(1)(ab) and the provider to provide services under the contract; and

(c) to enable the prescription of—

(i) the circumstances in which the personal information may be disclosed; and

(ii) conditions governing the disclosure of the personal information; and

(iii) conditions governing the way in which the personal information is to be dealt with by the person to whom it is disclosed.

(2) This section applies to any personal information about a person or persons to whom a contract under section 125A applies that is held by the contracted service provider concerned or the department.

(3) For the purposes of this section, regulations under this Act may state—

(a) the circumstances in which a contracted service provider and its employees may release or disclose to the chief executive and employees of the department information to which this section applies held by the contracted service provider and the conditions with which the chief executive and employees of the department must comply in dealing with the information; or

(b) the circumstances in which the chief executive and employees of the department may release or disclose to a contracted service provider and its employees information to which this section applies held by the department and the conditions with which the contracted service provider and its employees must comply in dealing with the information.

(4) Regulations of the kind referred to in subsection (3) must not be made except on the recommendation of the Minister; and the Minister must not recommend the making of the regulations unless satisfied that the chief executive has consulted on the proposed regulations in the manner required by section 96O of the Privacy Act 1993 for an agreement under section 123F(1).

(5) If satisfied on reasonable grounds that its disclosure is in accordance with regulations of the kind referred to in subsection (3), the chief executive, an employee of the department, a contracted service provider, or an employee of a contracted service provider may release or disclose information to which this section applies.

(6) Nothing in this section requires the chief executive, employees of the department, a contracted service provider, or employees of a contracted service provider to release or disclose any information.

(7) In this section,—

employee, in relation to a contracted service provider, includes a volunteer

held includes deemed for the purposes of the Official Information Act 1982 to be held.

Compare: 2004 No 50 s 199J

Section 125C: inserted, on 20 August 2012, by section 22(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 125C(1)(a): amended, on 15 July 2013, by section 56(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 125C(1)(b): amended, on 15 July 2013, by section 56(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 125C(2): amended, on 15 July 2013, by section 56(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 125C(4): amended, on 8 July 2016, by section 21 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

125D Information-sharing in relation to young persons

(1) The purpose of this section is to authorise local agencies (for example, schools, primary health organisations, and the New Zealand Police) to disclose relevant personal information about a young person to the department or a contracted service provider where the agency concerned considers it relevant to the exercise or performance of powers or functions under this Act in respect of the young person.

(2) An agency specified by the Governor-General by Order in Council for the purposes of this subsection may, for the purposes of this section, disclose any information about a young person to the chief executive, if satisfied on reasonable grounds that—

(a) subsection (4) applies to the young person; and

(b) the information will assist the department in—

(i) performing any function, or exercising any power, under Part 5; or

(ii) achieving any of the purposes of this Act.

(3) An agency specified by the Governor-General by Order in Council for the purposes of this subsection may, for the purposes of this section, disclose any information about a young person to a contracted service provider, if satisfied on reasonable grounds that—

(a) the provider is the young person's contracted service provider; and

(b) subsection (4) applies to the young person; and

(c) the information will assist the provider in providing services under a contract under section 125A.

(4) This subsection applies to a young person if he or she—

(a) has applied for or is receiving a youth support payment; or

(b) is subject to obligations under section 171; or

(c) has left or finished education, and is not or may not be in employment or training; or

(d) has left or finished training, and is not or may not be in employment.

(5) An order of the kind referred to in subsection (2) or (3) must not be made except on the recommendation of the Minister; and the Minister must not recommend the making of the order unless satisfied that the chief executive has consulted on the proposed order in the manner required by section 96O of the Privacy Act 1993 for an agreement under section 123F(1).

(6) Orders under subsection (2) or (3) may specify particular agencies, or agencies of any specified class or description.

(7) In this section, **agency** has the meaning given to it by section 2(1) of the Privacy Act 1993.

Section 125D: inserted, on 20 August 2012, by section 22(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 125D(5): amended, on 8 July 2016, by section 22 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

125E Chief executive may adopt existing contracts

The chief executive may agree in writing with the other party to any contract the chief executive has entered into before the commencement of the Social Security (Youth Support and Work Focus) Amendment Act 2012 that this Act applies to the contract as if it had been entered into under section 125A; and in that case, after the agreement takes effect, this Act applies to the contract (to the extent that it was capable of being entered into under that section) as if it had been entered into under that section.

Section 125E: inserted, on 27 July 2012, by section 21 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

125F Information on provision of contracted services to be published

The chief executive must ensure that there are published, no later than 1 October in every year,—

(a) a general description of the services provided by contracted service providers during the year ending on 30 June in that year, and of the contracted service providers; and

(b) details of the providers concerned.

Section 125F: inserted, on 20 August 2012, by section 22(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

125G Actions of contracted service providers in relation to young persons to be treated for certain purposes as if actions of department

(1) For the purposes of section 80AA, any action or inaction of a contracted service provider must be treated as an action or inaction of an officer of the department.

(2) For the purposes of section 80A, a contracted service provider must be treated as an officer of the department.

(3) For the purposes of section 86(9A) and (9B), the provision of information by, and any act or omission of, a contracted service provider must be treated as having been done or omitted by an officer of the department.

(4) In this section, **contracted service provider** means a contracted service provider assigned to a young person under section 181.

Section 125G: inserted, on 20 August 2012, by section 22(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 125G heading: amended, on 8 July 2016, by section 23(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 125G(4): inserted, on 8 July 2016, by section 23(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

125H Operation of certain provisions to be reviewed after 3 years

(1) Promptly after the expiration of 3 years after the commencement of section 22 of the Social Security (Youth Support and Work Focus) Amendment Act 2012, the chief executive must conduct a review of the operation of sections 123F, 125C, and 125D for consistency with the general legislation then in force relating to the privacy of personal information.

(2) In conducting the review, the chief executive must consult—

(a) the Privacy Commissioner; and

(b) any organisation or other person that he or she considers to represent the interests of the kinds of people whose personal information may be disclosed under any of those provisions.

(3) After conducting the review, the chief executive must report to the Minister on its findings, and make to the Minister any recommendations for the amendment of those provisions arising from them that the chief executive considers appropriate.

Section 125H: inserted, on 20 August 2012, by section 22(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 125H(1): amended, on 8 July 2016, by section 24 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

125I Complaints to Privacy Commissioner

(1) A person may complain to the Privacy Commissioner if personal information relating to the person has been disclosed under section 125C or 125D, on the grounds that the disclosure was in breach of—

(a) regulations of the kind referred to in section 125C; or

(b) the requirements of section 125D.

(2) A person may complain to the Privacy Commissioner if personal information relating to the person has been disclosed pursuant to an information-sharing agreement under section 123F, on the grounds that the disclosure was in breach of the agreement.

(3) Part 8 of the Privacy Act 1993—

(a) applies to a complaint under subsection (1) as if the regulations concerned and section 125D together constituted a code of practice issued under Part 6 of that Act; and

(b) applies to a complaint under subsection (2) as if the information-sharing agreement concerned were a code of practice issued under Part 6 of that Act.

Section 125I: inserted, on 27 July 2012, by section 23 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Artificial limbs

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

126 Cost of repair and replacement of artificial limbs

There shall from time to time be paid out of a Crown Bank Account out of money appropriated by Parliament for the purpose such sums as may be necessary to defray the reasonable cost of the repair or renewal by the New Zealand Artificial Limb Service, or by any other body or person specified from time to time by the Minister, by notice in the *Gazette*, of any artificial arm, hand, leg, or foot belonging to any person who is entitled to have that artificial limb repaired or renewed free of charge pursuant to the provisions of Part 1 of Schedule 1 of the Accident Compensation Act 2001.

Compare: 1938 No 7 s 106B; 1963 No 47 s 56

Section 126: amended, on 5 December 2013, by section 29 of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 126: amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 126: amended, on 15 April 2005, by section 15 of the Social Security (Social Assistance) Amendment Act 2005 (2005 No 30).

Section 126: amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 126: amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 126: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Information disclosure

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

126A Information on beneficiaries and former beneficiaries may be disclosed to Ministry of Justice for fines enforcement purposes

(1) In this section, unless the context otherwise requires,—

beneficiary means a person who has been granted a benefit; and includes a person in respect of whom a benefit or part of a benefit has been granted; and also includes—

(a) a person who was formerly in receipt of a benefit:

(b) a person from whom any liable parent contributions to which section 256(1) of the Child Support Act 1991 applies may be recovered:

(c) a person from whom any maintenance payment to which section 259(1) of the Child Support Act 1991 applies may be recovered

benefit has the meaning given to it in section 3(1); except that the term also includes—

(a) a lump sum payable under section 61DB or section 61DC or section 61DD:

(b) any special assistance granted out of a Crown Bank Account from money appropriated by Parliament under section 124(1)(d)

fine means—

(a) a fine within the meaning of section 79 of the Summary Proceedings Act 1957:

(b) a fine to which section 19 of the Crimes Act 1961 applies:

(c) a fine to which section 43 or 45 of the Misuse of Drugs Amendment Act 1978 applies:

(d) *[Repealed]*

(e) any amount payable under section 138A(1) of the Sentencing Act 2002.

(2) The purpose of this section is to facilitate the disclosure of information by the department to the Ministry of Justice for the purpose of enabling the Ministry of Justice to locate any beneficiary who is in default in the payment of any fine.

(3) For the purpose of this section, the chief executive of the Ministry of Justice may from time to time, in accordance with arrangements made with the chief executive of the department for the time being responsible for the administration of this Act, request the chief executive of the latter department to supply, from information kept by that department, the last known address and telephone number of any beneficiary.

(3A) For each item of information to be supplied under subsection (3), the chief executive of the department must include the date when the information was most recently updated.

(4) On receipt of a request made under subsection (3), the chief executive of the department may supply the information requested to any officer or employee of the Ministry of Justice who is authorised by the chief executive of that department to receive that information.

(5) Information supplied under a request made under subsection (3) may be supplied in such form as is determined by agreement between the 2 chief executives.

Section 126A: inserted, on 3 September 1996, by section 2 of the Social Security Amendment Act (No 4) 1996 (1996 No 145).

Section 126A heading: amended, on 23 July 2011, by section 4(1) of the Social Security Amendment Act 2011 (2011 No 48).

Section 126A(1) **benefit** paragraph (b): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 126A(1) **chief executive**: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 126A(1) **fine**: replaced, on 13 February 2012, by section 4(2) of the Social Security Amendment Act 2011 (2011 No 48).

Section 126A(1) **fine** paragraph (d): repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 126A(2): replaced, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 126A(2): amended, on 23 July 2011, by section 4(3) of the Social Security Amendment Act 2011 (2011 No 48).

Section 126A(3): replaced, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 126A(3): amended, on 23 July 2011, by section 4(4) of the Social Security Amendment Act 2011 (2011 No 48).

Section 126A(3): amended, on 1 November 1998, by section 30 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 126A(3A): inserted, on 23 July 2011, by section 4(5) of the Social Security Amendment Act 2011 (2011 No 48).

Section 126A(4): replaced, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 126A(4): amended, on 23 July 2011, by section 4(6) of the Social Security Amendment Act 2011 (2011 No 48).

Section 126A(5): replaced, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

126AB Disclosure of personal information to Registrar-General for birth registration purposes

(1) The purpose of this section is to authorise the disclosure of information by the department to the Registrar-General appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (called **the**

Registrar-General in this section), in order to assist in locating and contacting the mothers of children whose births are unregistered, so that the births may be registered.

(2) On request from the Registrar-General, the chief executive, or a person authorised by the chief executive, may supply to the Registrar-General, or a person authorised by the Registrar-General, the postal address and residential address (if different from the postal address) of a person in respect of whom that information is held for the purposes of this Act and who the Registrar-General has grounds to believe may be the mother of a child whose birth is unregistered.

(3) No request may be made unless—

(a) there is an agreement between the department and the Registrar-General in accordance with section 99 of the Privacy Act 1993; and

(b) the request is in accordance with the agreement.

Section 126AB: inserted, on 24 January 2009, by section 47 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

126AC Disclosure to department of warrant to arrest beneficiary for determining effect on benefit

(1) The purpose of this section is to authorise and require the disclosure of information by the Ministry of Justice to the department for the purpose of enabling the department to implement effectively section 75B (which relates to the effect on a benefit of a warrant to arrest the beneficiary).

(2) For the purpose of this section, the chief executive of the Ministry of Justice must from time to time, in accordance with arrangements made with the chief executive of the department for the time being responsible for the administration of this Act, provide the latter chief executive with information about individuals for whose arrest a New Zealand court has (or 1 or more of the court's Judges or Registrars has or have) at least 28 days before the provision of the information issued a warrant to arrest in criminal proceedings against the individual for an offence (being a warrant of that kind that has not been executed or withdrawn).

(3) The information must be provided unless provision of the information is limited or prohibited by any enactment or by any order or direction of the court.

(4) The information provided must, without limitation, include the individual's name (including any alias), date of birth, and last known address, and the nature of the offence charged.

(5) The chief executive of the department responsible for the administration of this Act may supply the information received to any officer or employee who is—

(a) an officer or employee of the department; and

(b) authorised by that chief executive to receive it.

(6) The information must be provided in a form determined by agreement between the 2 chief executives.

Section 126AC: inserted, on 15 July 2013, by section 57 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Application of Human Rights Act 1993

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

126B Certain grounds of discrimination in Human Rights Act 1993 not to apply

Nothing in—

(a) section 44 of the Human Rights Act 1993 applies or ever applied; or

(b) section 24 of the Human Rights Commission Act 1977 ever applied—

to anything done, before 31 December 2001, which—

(c) in relation to the granting of any benefit or assistance under or pursuant to this Act, or the granting of any assistance analogous to a benefit, by the department, is or was done pursuant to—

(i) a direction given pursuant to section 5; or

(ii) a welfare programme approved by the Minister under section 124(1)(d); or

(iii) any document (including a manual) of the type referred to in section 22(1) of the Official Information Act 1982; and

(d) would otherwise be or have been unlawful by reason of the prohibited grounds of discrimination in section 21(1)(a) or (b) of the Human Rights Act 1993; or

(e) in relation to anything done before 1 February 1994, would otherwise have been unlawful under section 24(1) of the Human Rights Commission Act 1977 on the grounds of sex or marital status.

Section 126B: inserted, on 17 September 1997, by section 25 of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Section 126B: amended, on 1 October 1999, by section 7(a) of the Human Rights Amendment Act 1999 (1999 No 100).

Section 126B(c): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 126B(c)(i): amended, on 1 October 1999, by section 7(b) of the Human Rights Amendment Act 1999 (1999 No 100).

Section 126B(c)(ii): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Offences and general penalty

Heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

127 Offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits

Every person who makes any statement knowing it to be false in any material particular, or who wilfully does or says anything or omits to do or say anything for the purpose of misleading or attempting to mislead any officer concerned in the administration of this Act or any other person whomsoever, for the purpose of receiving or continuing to receive (for himself or for any other person), or which results in himself or any other person receiving or continuing to receive—

(a) any benefit under this Act or Part 6 of the Veterans' Support Act 2014 or the New Zealand Superannuation and Retirement Income Act 2001; or

(b) any exemption from any obligation under this Act; or

(c) any payment from a Crown Bank Account in accordance with this Act; or

(d) any entitlement card issued under regulations made pursuant to section 132A; or

(e) a more favourable means assessment under section 69FA than he or she would otherwise have been entitled to; or

(f) a more favourable means assessment under Part 4 than he or she would otherwise have been entitled to—

commits an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding $5,000, or to both imprisonment and fine.

Section 127: replaced, on 20 October 1972, by section 41 of the Social Security Amendment Act 1972 (1972 No 133).

Section 127 heading: amended, on 7 July 2014, by section 29 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Section 127: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 127: amended, on 30 June 1993, by section 29(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 127: amended, on 23 December 1977, by section 29 of the Social Security Amendment Act (No 2) 1977 (1977 No 133).

Section 127(a): replaced, on 1 April 1994, by section 5 of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 127(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 127(a): amended, on 5 December 2013, by section 15(5)(j) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

Section 127(a): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 127(a): amended, on 15 April 2003, by section 12(1) of the War Pensions Amendment Act 2003 (2003 No 18).

Section 127(a): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84).

Section 127(c): replaced, on 30 June 1993, by section 29(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 127(c): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 127(d): inserted, on 30 June 1993, by section 29(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 127(e): replaced, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 127(f): inserted, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

127A Offences: spouse or partner benefiting from excess amount knowing, or being reckless about whether, it is obtained by beneficiary's fraud

(1) A person (the **spouse or partner**) commits an offence who—

(a) is a spouse or partner of a person (the **beneficiary**) who obtains an excess amount by fraud; and

(b) benefits directly or indirectly from the amount or a part of it knowing that, or being reckless about whether, the amount or part is an amount or part—

(i) in excess of the amount to which the beneficiary is by law entitled or to which the beneficiary has no entitlement; and

(ii) obtained by the beneficiary by fraud.

(2) Subsection (1)(b) applies to the amount or part even if the spouse or partner—

(a) does not benefit from it knowingly; and

(b) does not know at all or exactly its value; and

(c) does not know, or (as the case requires) is not reckless about, the precise way in which it was obtained by the beneficiary by fraud.

(3) The beneficiary obtains an excess amount for the purposes of subsection (1) if the beneficiary obtains any payment, or receives any credit or advance, referred to in section 85A in excess of the amount to which the beneficiary is by law entitled or to which the beneficiary has no entitlement.

(4) The excess amount is obtained by the beneficiary by fraud for the purposes of subsection (1) if—

(a) the beneficiary obtained that amount by fraud (as defined in sections 83AA(4)(a) and 86AA(2)(a)); or

(b) the beneficiary is convicted of a specified offence in respect of obtaining that amount.

(5) **Specified offence**, in subsection (4)(b), means an offence against section 127 (offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits) of this Act, or an offence against all or any of the following provisions of the Crimes Act 1961:

(a) section 228 (dishonestly taking or using document):

(b) sections 240 and 241 (obtaining by deception or causing loss by deception):

(c) section 256(1) and (2) (forgery):

(d) section 257 (using forged documents):

(e) section 258 (altering, concealing, destroying, or reproducing documents with intent to deceive):

(f) section 259 (using altered or reproduced document with intent to deceive).

(6) Subsections (4) and (5) do not limit—

(a) the generality of the references in subsection (1) to fraud; or

(b) the operation of section 49 (conviction as evidence in criminal proceedings) of the Evidence Act 2006.

(7) A person who commits an offence under subsection (1) is liable on conviction to a penalty that is either or both:

(a) imprisonment for a term not exceeding 12 months:

(b) a fine not exceeding $5,000.

Section 127A: inserted, on 7 July 2014, by section 13 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

128 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 12 months after the date on which the facts alleged in the charging document are brought to the knowledge of any officer concerned in the administration of this Act.

Section 128: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

129 General penalty for offences

Every person who commits an offence against this Act or any regulations made under this Act, for which no penalty is provided elsewhere than in this section, is liable on conviction to a fine not exceeding $1,000 and, if the offence is a

continuing one, to a further fine not exceeding $50 for every day or part of a day during which the offence has continued.

Compare: 1938 No 7 s 138

Section 129: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 129: amended, on 30 June 1993, by section 31 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

130 Exemptions from stamp duty

[Repealed]

Section 130: repealed, on 1 January 1972, by section 101(1) of the Stamp and Cheque Duties Act 1971 (1971 No 51).

131 Declarations

Any declaration required for the purposes of this Act may be made before any person authorised to receive declarations in accordance with section 9 of the Oaths and Declarations Act 1957 or before any other person authorised in that behalf by or in accordance with regulations made under this Act.

Compare: 1938 No 7 s 139(2)

131A Disclosure of information between Department of Social Welfare and Department of Labour

[Repealed]

Section 131A: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

131B Definitions for purposes of sections 131C and 131D

[Repealed]

Section 131B: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

131C Notice of decision to suspend, reduce, or cancel work-tested benefit

[Repealed]

Section 131C: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

131D Reduction of notice period

[Repealed]

Section 131D: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

131E Notices

[Repealed]

Section 131E: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

131F Jurisdiction of Privacy Commissioner

[Repealed]

Section 131F: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

131G Privacy Commissioner to report on compliance with section 131C

[Repealed]

Section 131G: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Part 3A
Administration: regulations and rules, annual reports, and repeals and savings

Part 3A heading: inserted, on 15 July 2013, by section 62 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

132 Regulations

The Governor-General may from time to time, by Order in Council, make regulations providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Compare: 1938 No 7 s 140

132AA Regulations exempting items from treatment as income or cash assets may have retrospective effect

(1) This section applies to regulations made under section 132 that—

(a) declare items or amounts of income or income from a specified source not to be income; or

(b) declare items of cash assets or cash assets of a specified kind not to be cash assets.

(2) Any regulations to which this section applies have effect in respect of any income or cash assets specified in the regulations on and after any date specified in the regulations (which may be a date before, on, or after the date on which the regulations are made).

Section 132AA: inserted, on 26 September 2002, by section 28 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

132AB Regulations relating to temporary additional support

(1) Without limiting the general power to make regulations under section 132, the Governor-General may, by Order in Council, make regulations for the purposes of section 61G (which relates to temporary additional support) including, without limitation, provisions that—

(a) prescribe or provide for the setting of eligibility criteria for receiving temporary additional support:

(b) prescribe amounts allowed for standard living costs that ought to be met from chargeable income (**standard costs**), or 1 or more means of calculating amounts of standard costs, which may differ depending on—

(i) whether the applicant or the applicant's spouse or partner, or both of them, is or are receiving a benefit or tax credit:

(ii) the kind and amount of benefit or benefits or tax credit or credits received by the applicant or his or her spouse or partner:

(iii) whether the applicant has a spouse or partner or dependent children:

(iv) whether the applicant's spouse or partner is lawfully or unlawfully in New Zealand:

(v) the number and ages of the applicant's dependent children:

(c) define the kinds of costs that are allowable costs, including any limits on the extent to which any such costs are allowable costs:

(d) define the kinds of income, benefits, credits, and receipts that are chargeable income, including any limits on the extent to which any income, benefit, credit, or receipt of that kind is chargeable income:

(e) prescribe amounts of temporary additional support that may be granted or 1 or more means for calculating the amount of temporary additional support to be granted, which may differ depending on whether the applicant—

(i) has a dependent spouse or partner; or

(ii) has a dependent child; or

(iii) is in any other prescribed circumstances:

(f) define the kinds of assets that are cash assets, including any limits on the extent to which any such assets are cash assets, and prescribe 1 or more cash asset limits, which may differ depending on whether the applicant—

(i) has a dependent spouse or partner; or

(ii) has a dependent child; or

(iii) is in any other prescribed circumstances:

(g) prescribe the period or periods for which temporary additional support may be granted:

(h) authorise the payment of temporary additional support in a lump sum up to a specified maximum amount in any prescribed circumstances.

(2) For the purposes of any calculation made under section 61G or any regulations made under subsection (1), the allowable costs, cash assets, and chargeable

income of an applicant include the allowable costs, cash assets, and chargeable income of the applicant's spouse or partner.

Section 132AB: inserted, on 4 June 2004, by section 17 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 132AB(1)(b)(i): amended, on 26 April 2005, by section 4(1) of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AB(1)(b)(ii): amended, on 26 April 2005, by section 4(1) of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AB(1)(b)(iii): amended, on 26 April 2005, by section 4(1) of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AB(1)(b)(iv): amended, on 26 April 2005, by section 4(1) of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AB(1)(e)(i): amended, on 26 April 2005, by section 4(1) of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AB(1)(f)(i): amended, on 26 April 2005, by section 4(1) of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AB(2): amended, on 26 April 2005, by section 4(2) of the Social Security Amendment Act 2005 (2005 No 21).

132A Regulations providing for issue and use of entitlement cards

(1) Without limiting the general power to make regulations conferred by section 132, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) providing for the issue of entitlement cards to various classes of persons:

(b) prescribing the classes of persons eligible to be issued with entitlement cards:

(ba) providing for cardholders' photographs to be affixed to or imaged into a category of entitlement cards and prescribing procedures, requirements, and other matters in relation to those photographs:

(c) prescribing and regulating the use of entitlement cards, including (but not limited to)—

(i) their use to obtain payment of any benefit, allowance, or payment under this Act:

(ii) their use as evidence that the holder or a dependent spouse or partner or child of the holder is exempt from any obligation under this Act or any regulations made under this Act:

(iii) their use to obtain any payment or exemption from payment in consideration of services supplied to the holder of the entitlement card, or his or her dependent spouse or partner or child, whether those services are supplied under this Act, any other Act, or otherwise:

(iv) placing time limits on the validity of entitlement cards:

(v) placing obligations on holders to return entitlement cards to the department:

(vi) any other conditions relating to their use:

(d) prescribing offences relating to the improper use of entitlement cards (other than a use which constitutes an offence under section 127), or for their non-return after their expiry, and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding $1,000 and, where the offence is a continuing one, a further amount not exceeding $50 for every day or part of a day during which the offence has continued.

(2) For the avoidance of doubt it is hereby declared that regulations made under this section may provide for entitlement cards to have all or any of a magnetic stripe or a barcode on them, or a microchip embedded in them, which may contain all or any of the following information:

(a) the cardholder's name:

(b) an identifying number assigned by the department to the cardholder:

(c) a number or code indicating the cardholder's class of eligibility for the card:

(d) an identifying number assigned to the card:

(e) the commencement and expiry dates of the card:

(f) a code number for mailing purposes.

(3) An Order in Council providing for the embedding of microchips in entitlement cards may not be made under this section except on the recommendation of the Minister.

(4) The Minister must not recommend the making of an Order in Council referred to in subsection (3) unless, to ensure privacy and personal information are fully protected, adequate consultation concerning the privacy and security of the information to be contained in the microchip has taken place with—

(a) the State Services Commission; and

(b) the Privacy Commissioner; and

(c) any other State agency, department, or organisation the Minister considers relevant.

Section 132A: inserted, on 1 August 1991, by section 22 of the Social Security Amendment Act (No 2) 1991 (1991 No 78).

Section 132A(1)(ba): inserted, on 22 May 2007, by section 5(1) of the Social Security (Entitlement Cards) Amendment Act 2007 (2007 No 17).

Section 132A(1)(c)(ii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 132A(1)(c)(iii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 132A(2): inserted, on 30 June 1993, by section 32 of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Section 132A(2): amended, on 22 May 2007, by section 5(2) of the Social Security (Entitlement Cards) Amendment Act 2007 (2007 No 17).

Section 132A(3): inserted, on 22 May 2007, by section 5(3) of the Social Security (Entitlement Cards) Amendment Act 2007 (2007 No 17).

Section 132A(4): inserted, on 22 May 2007, by section 5(3) of the Social Security (Entitlement Cards) Amendment Act 2007 (2007 No 17).

132AC Regulations relating to childcare assistance

(1) Without limiting the general power to make regulations under section 132, the Governor-General may, by Order in Council, make regulations for the purposes of section 61GA (which relates to childcare assistance) including, without limitation, provisions that—

(a) prescribe or provide for the setting of eligibility criteria for receiving childcare assistance, and which may include (without limitation) criteria based on—

(i) the income of the principal caregiver and his or her spouse or partner:

(ii) the age of the dependent child and whether the child attends school:

(iii) whether the principal caregiver or the dependent child or any of the principal caregiver's other dependent children has a disability or serious illness:

(iv) whether there is another person available to care for the child:

(v) whether the principal caregiver is undertaking employment or is engaged in—

(A) an employment-related activity arranged or approved by the department; or

(B) an approved course of study; or

(C) an approved rehabilitation programme:

(b) prescribe the kinds of childcare assistance to be provided, which may differ depending on the purposes of the childcare and the age of the child, or in any other prescribed circumstances:

(c) prescribe the amounts of childcare assistance to be paid, which may differ depending on the kind of assistance to be provided, the income of the principal caregiver and his or her spouse or partner, the number of dependent children in the family, and the kind of childcare, or in any other prescribed circumstances:

(d) prescribe the number of hours a week for the weeks during the year for which childcare assistance is available, which may differ depending on the purposes of the childcare or the principal caregiver's activity,

employment, or study, or whether the assistance is granted for the school term or during school holidays, or in any other prescribed circumstances:

(e) provide for childcare assistance to be available to keep a child's place open in a childcare facility or programme during temporary absence:

(f) prescribe kinds of childcare facilities or programmes for which childcare assistance may be paid:

(g) authorise the chief executive to approve other kinds of childcare facilities or programmes for which childcare assistance may be paid and regulate—

(i) the period for which approval may be granted; and

(ii) the criteria for their approval:

(h) regulate the method of application for, and payment of, childcare assistance (which may include provision for payment to be made directly to a childcare facility or provider of a programme, and conditions relating to the payment of childcare assistance applicable to any such facility or provider):

(i) provide for the recovery of any overpayments of assistance from a childcare facility or the provider of a programme or from the person granted the assistance:

(j) define the kinds of income, benefits, credits, and receipts to be treated as income for the purposes of section 61GA, including any limits on the extent to which any income, credit, benefit, or receipt of that kind is to be treated as income for those purposes:

(k) prescribe transitional arrangements.

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) Regulations under this section that define the term approved early childhood education programme for the purposes of all or specified provisions of those regulations also define that term for the purposes of sections 60RA(3) and 170(2)(c).

Section 132AC: inserted, on 4 June 2004, by section 18 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Section 132AC(1)(a)(i): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AC(1)(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Section 132AC(2): repealed, on 24 August 2010, by section 30 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 132AC(3): repealed, on 24 August 2010, by section 30 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 132AC(4): repealed, on 24 August 2010, by section 30 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 132AC(5): inserted, on 15 July 2013, by section 116 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

132AD Regulations on use of disability allowance to fund specified expenses

(1) The Governor-General may, by Order in Council, make regulations relating to the use of a disability allowance to fund specified expenses.

(2) Any such regulations may (without limiting subsection (1)) do all or any of the following:

(a) specify classes, descriptions, or kinds of expenses that must not be funded by way of a disability allowance:

(b) specify classes, descriptions, or kinds of expenses that may be funded by way of a disability allowance only to an extent specified in the regulations, or only subject to compliance with conditions specified in the regulations, or both:

(c) provide for transitional and savings provisions relating to use of a disability allowance to fund specified expenses.

(3) Any such regulations that do what is stated in subsection (2)(b) may specify the maximum extent to which expenses may be funded by way of a disability allowance in ways that are or include using all or any of the following:

(a) maximum funded proportions of all or any of the expenses concerned:

(b) maximum funded amounts for all or any specified expenses, specified periods, or both:

(c) maximum numbers, frequencies, or both, of grants for all or any specified expenses.

(4) Transitional or savings provisions under subsection (2)(c) may, without limitation, provide for all or any of the following:

(a) separate transitional or savings provisions for all or any specified people to or on account of whom a disability allowance is payable immediately before the commencement of this section:

(b) separate transitional or savings provisions for all or any specified expenses to which the regulations apply (when they, or any regulations amending them or made under subsection (2)(c), come into force):

(c) specified transitional or savings provisions to have effect at a time, or on the occurrence of an event (for example, at the end of any existing contractual arrangements), specified in any general or special directions given to the chief executive in writing by the Minister under section 5.

Section 132AD: inserted, on 17 April 2013, by section 58 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

132B Regulations providing for assessment of financial means of people requiring disability services

[Repealed]

Section 132B: repealed, on 1 July 2005, by section 13(1) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

132C Regulations relating to overseas pensions

(1) Without limiting the general power to make regulations conferred by section 132, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) providing for the determination by the chief executive of the amount of an overseas pension to be deducted from a benefit or benefits pursuant to section 70(1):

(b) providing that the currency exchange rate to be used by the chief executive for the purposes of the determination referred to in paragraph (a) shall be one of the following:

(i) the average of the currency exchange rates (or, as the circumstances require, averages of different currency exchange rates) between the country paying the overseas pension and New Zealand during a period specified in the regulations; or

(ii) any one of the currency exchange rates that occurs between the country paying the overseas pension and New Zealand within a period specified in the regulations; or

(iii) either the average of the currency exchange rates (or, as the circumstances require, averages of different currency exchange rates) between the country paying the overseas pension and New Zealand during a period specified in the regulations or any one of the currency exchange rates that occurs between the country paying the overseas pension and New Zealand within a period specified in the regulations, whichever is the more favourable to the overseas pensioner:

(c) prescribing the kinds of currency exchange rates that are to be used for the purposes of paragraph (b):

(d) providing that the period referred to in paragraph (b) may be a different period from the period to which the payment of the overseas pension relates and a different period from the period to which the payment of the benefit relates:

(e) prescribing, for the purposes of the determination referred to in paragraph (a), the kinds of bank fees that may be taken into account and the manner in which they may be taken into account:

(f) providing that a determination made under paragraph (a), and made in accordance with regulations made under paragraphs (b) to (e), shall be conclusive:

(g) regulating the making, implementation, and variation of arrangements under section 70(3)(a), including (without limitation)—

(i) prescribing the categories of overseas pensioners with whom the chief executive may make such arrangements:

(ii) prescribing requirements that must be fulfilled before such arrangements can be entered into:

(iii) prescribing conditions to be included in such arrangements:

(iv) prescribing methods that may be specified in such arrangements for payment to the chief executive, and receipt by the chief executive, of an amount equivalent to the amount of the overseas pension that the overseas pensioner receives, including (without limitation) direct deduction from the overseas pensioner's bank account:

(v) providing, in relation to any such arrangements that are in force when regulations under this section are made, that the regulations do not apply (in whole or in part) to those arrangements:

(vi) providing for the chief executive to terminate an arrangement if the overseas pensioner fails to comply with any condition prescribed under subparagraph (iii).

(h) *[Repealed]*

(i) *[Repealed]*

(j) *[Repealed]*

(2) Unless regulations made under paragraph (g) of subsection (1) provide otherwise, any regulations made under that paragraph apply to arrangements under section 70(3)(a) that are in force when the regulations are made and, in that case,—

(a) the regulations prevail over the arrangements to the extent that there is any inconsistency between the regulations and the arrangements; and

(b) the arrangements are taken to be modified to the extent necessary to give effect to the regulations.

Section 132C: inserted, on 2 September 1996, by section 5 of the Social Security Amendment Act (No 6) 1996 (1996 No 157).

Section 132C(1)(a): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 132C(1)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 132C(1)(g): replaced, on 28 March 1998, by section 3(1) of the Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10).

Section 132C(1)(g)(i): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 132C(1)(g)(iv): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 132C(1)(g)(vi): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 132C(1)(h): repealed, on 28 March 1998, by section 3(1) of the Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10).

Section 132C(1)(i): repealed, on 28 March 1998, by section 3(1) of the Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10).

Section 132C(1)(j): repealed, on 28 March 1998, by section 3(1) of the Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10).

Section 132C(2): inserted, on 28 March 1998, by section 3(2) of the Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10).

132D Regulations exempting income and assets from assessment of financial means of people requiring certain disability services

Without limiting the general power to make regulations conferred by section 132, the Governor-General may from time to time, by Order in Council, make regulations—

(a) defining terms to be excluded as cash assets for the purpose of section 69FA; and

(b) specifying that certain amounts of cash assets or income are not to be included within the financial means assessment of a person under that section.

Section 132D: inserted, on 17 September 1997, by section 27 of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

132E Regulations relating to work capacity assessment

[Repealed]

Section 132E: repealed, on 8 March 2001, by section 4(2) of the Social Security Amendment Act 2001 (2001 No 1).

132F Regulations providing for participation allowance

(1) Without limiting the general power to make regulations conferred by section 132, the Governor-General may from time to time, by Order in Council, make regulations to provide for persons participating in activities under this Act to receive allowances of the nature and kind set out in the regulations.

(2) Without limiting subsection (1), the regulations may—

(a) provide for different allowances, and different rates of allowances, to be paid in respect of different activities and categories of person:

(b) provide that no allowances are payable in respect of certain activities, or in respect of certain categories of person:

(c) set conditions for the receipt of allowances:

(d) set out the rates, or range of available rates, of allowances, and provide for maximum total allowances which may be granted to any person for any particular period:

(e) provide that a total allowance may be made up of separate allowances granted for different reasons, or in respect of different activities or purposes, and provide for a method or methods of calculating total allowances.

Section 132F: inserted, on 1 October 1998, by section 55 of the Social Security Amendment Act 1998 (1998 No 19).

132G Regulations providing for remittance or suspension of debt

(1) The Governor-General may, from time to time, by Order in Council, make regulations requiring or permitting—

(a) the recovery of amounts recoverable under sections 86(1) to (1B) and (3) to (5) and 86AA to be suspended; or

(b) those amounts to be remitted.

(2) Regulations under subsection (1) may require or permit the suspension of recovery of amounts, or the remission of amounts,—

(a) of a particular kind or from persons of a particular kind:

(b) of a particular value (which may differ between persons of a particular kind):

(c) in the case of suspension, for periods that may differ for amounts of a particular kind or value, or between persons of a particular kind.

(3) Regulations may not be made under subsection (1) unless the Minister advises that he or she is satisfied that the regulations are likely to—

(a) prevent accumulation of debt by any category of beneficiary and assist those beneficiaries to reduce their levels of debt while on a benefit; or

(b) assist any category of beneficiary to move from dependence on a benefit to self-support through employment by ensuring that those beneficiaries do not face increasing benefit debt repayments when they enter the workforce; or

(c) provide a positive incentive for beneficiaries to enter employment or stay in employment; or

(d) achieve more than 1 of the objectives set out in paragraphs (a) to (c).

(4) This section does not limit the power to make regulations conferred by section 132.

Section 132G: inserted, on 26 September 2002, by section 29 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Section 132G(1)(a): amended, on 7 July 2014, by section 30 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

132H Rules providing for determination of incomes of certain people by chief executive

(1) The Governor-General may, by Order in Council, make rules—

(a) prescribing how the chief executive is to assess and determine for the purposes of this Act the income of any or all of the following:

(i) self-employed people:

(ii) people carrying on business in a partnership:

(iii) people trading as a small business:

(iv) directors of a company:

(v) people carrying on business or trade through a company of which they are—

(A) a director and a shareholder; or

(B) an employee and a shareholder; or

(C) a director, a shareholder, and an employee:

(vi) people otherwise engaged in business or trade; and

(b) prescribing the circumstances in which those rules apply.

(2) Rules under subsection (1) may prescribe for the purposes of this Act any or all of the following:

(a) the kinds of deduction from income allowed under the Income Tax Act 2004 that are to be disregarded in determining income, and—

(i) the circumstances in which the deductions are to be disregarded; and

(ii) whether the deductions are to be disregarded wholly or in part only:

(b) how income is to be calculated where business accounts are presented in cash or accrual form:

(c) livestock valuation methods, and their treatment, in calculating income:

(d) the extent (if any) to which, and circumstances in which, any or all of the following are to be treated as a person's income:

(i) the person's drawings from a business or trade:

(ii) goods or services supplied to the person by a business or trade:

(iii) distributions to the person from a business or trade:

(iv) income from a business or trade by the person:

(e) how it is to be determined whether a person has used assets of a business or trade for no consideration or inadequate consideration:

(f) how a person's income is to be determined where he or she has used assets of a business or trade for no consideration or inadequate consideration:

(g) the extent (if any) to which depreciation or other provision for replacement of capital assets is to be—

(i) allowed as a deduction from income; or

(ii) disregarded in calculating income:

(h) the extent (if any) to which, and circumstances in which, either or both of the following are to be treated as income:

(i) distributions from a company:

(ii) retained profits of a company:

(i) the treatment of loss-attributing qualifying companies (within the meaning of the Income Tax Act 2007).

(3) Subsection (2)(d) applies to businesses and trades however they are carried on.

(4) Subsection (3) does not limit or affect the generality of subsection (1).

(5) This section does not limit or affect the generality of section 132.

Section 132H: inserted, on 2 July 2007, by section 15 of the Social Security Amendment Act 2007 (2007 No 20).

Section 132H(2)(i): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

132I Rules relating to determination by chief executive of deprivation of property or income

(1) The Governor-General may, by Order in Council, for the purposes of section 74(1)(d) make rules—

(a) relating to the deprivation of property, income, or both; and

(b) prescribing the circumstances in which the rules apply.

(2) This section does not limit or affect the generality of section 132.

Section 132I: inserted, on 2 July 2007, by section 15 of the Social Security Amendment Act 2007 (2007 No 20).

132J Regulations stating pre-benefit activities

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations stating pre-benefit activities for the purposes of sections 11E, 11G, and 11H.

(2) The Minister must not recommend the making of regulations under subsection (1) unless, in his or her opinion, each pre-benefit activity concerned is likely to—

(a) increase the awareness of the people undertaking it of opportunities for employment; or

(b) strengthen incentives for the people undertaking it to move into employment; or

(c) facilitate the movement of the people undertaking it into employment.

(3) This section does not limit section 132.

Section 132J: inserted, on 24 September 2007, by section 44 of the Social Security Amendment Act 2007 (2007 No 20).

Section 132J(1): amended, on 15 July 2013, by section 68 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

132K Regulations relating to advance payments of benefit

(1) The Governor-General may, by Order in Council, make regulations for the purpose of section 82(6) (which relates to advance payments of a benefit), including, without limitation, provisions that—

(a) specify the manner and form in which an application for advance payments of a benefit may be made under that section, which may differ depending on the number of times the beneficiary has applied for advance payments of a benefit under that section, or for special assistance under section 124(1)(d), or for both:

(b) define the kinds of budgeting activities that the chief executive may require a person to undertake under section 82(6B) and the terms and conditions of those activities:

(c) prescribe the circumstances in which the power referred to in section 82(6B) may be exercised.

(2) Nothing in subsection (1) limits section 132.

Section 132K: inserted, on 24 August 2010, by section 31 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

132L Regulations relating to effect on benefit of warrant to arrest beneficiary

(1) The Governor-General may by Order in Council make regulations for the purpose of section 75B (which relates to the effect on a benefit of a warrant to arrest a beneficiary), including, without limitation,—

(a) provisions prescribing classes, descriptions, or kinds of offences excluded from the operation of section 75B(1)(a):

(b) provisions prescribing for the purposes of section 75B(2)(a)(iii) or, as the case requires, section 75B(2)(b)(ii), classes, descriptions, or kinds of beneficiary excluded from the operation of all of the provisions of section 75B, and who are therefore **excluded beneficiaries** for the purposes of section 75B(3) to (6) or, as the case requires, section 75B(7) and (8):

(c) provisions for any other matters contemplated by section 75B, necessary for its administration, or necessary for giving it full effect.

(2) Nothing in this section limits section 132.

Section 132L: inserted, on 15 July 2013, by section 59 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

132M Regulations relating to expiry and re-grant of specified benefits

(1) The Governor-General may by Order in Council make regulations for the purpose of sections 80BE and 80BF (which relate to expiry and re-grant of specified benefits), including, without limitation, provisions that—

(a) declare a benefit that is sole parent support, supported living payment, or emergency benefit (including, without limitation, that benefit as granted in either or both of the ways specified in section 80BE(6)(a) and (b)) not to be a specified benefit for the purposes of sections 80BE and 80BF:

(b) prescribe the expiry date or expiry dates for every benefit that is a specified benefit for the purposes of sections 80BE and 80BF:

(c) specify circumstances in which the chief executive may under section 80BE(8) consider an exemption from expiry under section 80BE.

(2) Regulations under subsection (1)(b) may, without limitation, prescribe the same expiry date, or 2 or more different expiry dates, for all or any combination of the following:

(a) each specified benefit for the purposes of sections 80BE and 80BF:

(b) each specified benefit for the purposes of sections 80BE and 80BF insofar as that benefit is granted on each of 2 or more different specified eligibility grounds:

(c) each specified benefit for the purposes of sections 80BE and 80BF insofar as that benefit is (on all, or any specified, eligibility grounds) granted to a specified category, class, or kind of applicants, recipients, or beneficiaries.

(3) Nothing in this section limits section 132.

Section 132M: inserted, on 15 July 2013, by section 59 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

133 Annual reports

(1) The Minister charged with the administration of any Part of this Act shall, as soon as practicable after the close of each financial year, cause to be prepared a report of the operations carried out under that Part during the financial year.

(2) Every such report shall be laid before Parliament within 28 days after it has been received by the Minister concerned therewith if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the commencement of the next ensuing session.

Compare: 1938 No 7 s 141; 1957 No 93 s 5(3); 1963 No 47 s 39

134 Consequential amendment

[Repealed]

Section 134: repealed, on 1 April 1972, by section 18(4) of the Department of Social Welfare Act 1971 (1971 No 60).

135 Repeals and savings

(1) The enactments specified in Schedule 13 are hereby repealed.

(2) For all purposes whatsoever in respect of any social security contribution or social security charge which at the commencement of this Act has already been assessed or paid or is still assessable or payable in or for any year before the year commencing on 1 April 1958, or deductible on or before or after that date from any salary or wages or other income for any period before that date, in accordance with any provision of the Social Security Act 1938 that was repealed before the commencement of this Act, that provision (whether a penal provision or not) and all regulations, orders, warrants, and other acts of authority originating under the Social Security Act 1938 shall, notwithstanding the repeal of that Act by this Act or of any provision thereof by any other enactment, be deemed to remain in full force and effect; and all proceedings under that Act, including proceedings for the recovery of any fine or penalty in respect of any offence committed, whether before or after the commencement of this Act, may be instituted or continued accordingly as if the Social Security Act 1938, or, as the case may be, the provision thereof, had not been repealed.

(3) All proceedings in respect of offences committed or alleged to have been committed against any enactment hereby repealed or against any provision of the Social Security Act 1938 that was repealed before the commencement of this Act may be instituted or continued as if this Act had not been passed.

(4) *[Repealed]*

(5) If a sickness benefit was in force on 13 September 1961 (the date of the passing of the Social Security Amendment Act 1961), and is in force at 1 April 1965 (the date of the commencement of this Act),—

(a) nothing in section 55(1) or 66 or Schedule 9 or 10 applies with respect to it; and

(b) it may be continued as if this Act, and section 6 of the Social Security Amendment Act 1961, had not been passed.

Section 135(4): repealed, on 1 October 1987, by section 3(1)(b) of the Social Security (Reciprocity with Australia) Act 1987 (1987 No 71).

Section 135(5): replaced, on 12 December 2012, by section 6 of the Social Security Amendment Act (No 2) 2012 (2012 No 114).

Part 4
Long-term residential care in hospital or rest home

Part 4: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

136AA Purpose of this Part

The purpose of this Part is to—

(a) specify the circumstances in which certain older persons are required to pay for their own long-term residential care; and

(b) specify the circumstances in which a funder must contribute toward the cost of those persons' long-term residential care; and

(c) provide for those persons to apply for a means assessment to determine if, and how much, a funder must contribute toward the cost of their long-term residential care; and

(d) provide that those persons are not required to pay more than the maximum contribution (which amount is specified by *Gazette* notice) for their long-term residential care, if that care is provided by a provider who has a contract with a funder to provide long-term residential care to older persons.

Section 136AA: inserted, on 22 November 2006, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

136AB Overview of this Part

(1) This Part sets out the regime for determining liability in respect of the cost of providing long-term residential care to an eligible person who—

(a) has been needs assessed as requiring long-term residential care in a hospital or rest home indefinitely; and

(b) receives that care in a hospital or rest home that is a hospital or rest home funded under the New Zealand Public Health and Disability Act 2000 to provide such care.

(2) This Part provides—

(a) for the needs assessment of an eligible person to determine whether the person requires long-term residential care in a hospital or rest home indefinitely; and

(b) for the means assessment of an eligible person who has been needs assessed as requiring long-term residential care in a hospital or rest home indefinitely to determine the amount that the person is liable to pay for the cost of his or her care; and

(c) for a maximum contribution, which is the most that an eligible person who has been needs assessed as requiring long-term residential care indefinitely may be required to pay for the cost of his or her assessed

care needs provided in a hospital or rest home that has a contract with a funder to provide long-term residential care to eligible persons; and

(d) for determination of the extent to which a funder is liable to pay the cost of the long-term residential care provided to an eligible person who has been needs assessed as requiring long-term residential care indefinitely.

(3) This section is by way of explanation only. If a provision of this or any other Act is inconsistent with this section, the other provision prevails.

Section 136AB: inserted, on 22 November 2006, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

136 Interpretation

In this Part, unless the context otherwise requires,—

applicable asset threshold is the value of assets that is applied to determine whether a resident assessed as requiring care must use his or her assets to pay the cost of contracted care services provided to the person; and the applicable asset thresholds are set out in Part 1 of Schedule 27

contracted care provider means a provider that—

(a) has a service agreement; or

(b) accepts payment under a section 88 notice

contracted care services means services that are—

(a) provided by a contracted care provider; and

(b) provided to an eligible person who has been needs assessed as requiring long-term residential care in a hospital or rest home indefinitely; and

(c) in relation to a particular person, the services necessary to meet the person's assessed long-term residential care needs

cost of contracted care services means, in relation to a resident assessed as requiring care, the amount that—

(a) is the cost of the contracted care services provided by a contracted care provider to meet the resident's assessed long-term residential care needs; and

(b) is specified in the service agreement or section 88 notice that applies to the contracted care provider as the price payable for those services, whether or not the services provided to the resident are wholly or partly funded under that agreement or notice

date of means assessment has the meaning given in section 145

DHB means a district health board established by or under section 19 of the New Zealand Public Health and Disability Act 2000

elderly victim of crime means a resident assessed as requiring care who is assessed, in accordance with regulations made under section 155, as being an elderly victim of crime for the purposes of this Part

eligible person means a person who—

(a) is either—

(i) aged 65 or over; or

(ii) aged between 50 and 64, and is single and has no dependent children; and

(b) is eligible for publicly funded health and disability services under an Eligibility Direction issued under section 32, or continued under section 112, of the New Zealand Public Health and Disability Act 2000

exempt person means a resident assessed as requiring care who belongs to a class of exempt persons, as those classes are defined in regulations made under section 155

funder means an entity responsible under the New Zealand Public Health and Disability Act 2000 for paying, in accordance with this Part, some or all of the cost of contracted care services provided to a resident assessed as requiring care

maximum contribution, in relation to a resident assessed as requiring care who is residing in a particular region, means the weekly amount, inclusive of goods and services tax, that is set by notice in the *Gazette* under section 152 as the maximum contribution applying to that region, and is the maximum that any resident assessed as requiring care may be required to pay for contracted care services provided in that region

needs assessment means an assessment, carried out under section 137, that assesses whether an eligible person requires long-term residential care in a hospital or rest home indefinitely

personal allowance means an amount of benefit, specified in regulations made under section 155, that a person is not required to contribute to the cost of contracted care services provided to the person

provider means a person who provides long-term residential care in a hospital or rest home; and, in relation to a resident assessed as requiring care, means the person providing that care to the resident

region means any geographical area defined by the Director-General of Health as being a region for the purpose of identifying maximum contributions (such as, for example, a District Health Board area, or a district of a territorial authority)

resident assessed as requiring care means an eligible person who—

(a) has been needs assessed as requiring long-term residential care in a hospital or rest home indefinitely; and

(b) is receiving contracted care services from a provider irrespective of whether a funder has any liability to pay for any of the cost of his or her care

section 88 notice means a notice given under section 88 of the New Zealand Public Health and Disability Act 2000 in respect of the provision of long-term residential care to eligible persons

service agreement means a service agreement entered into between a funder and provider under section 25 of the New Zealand Public Health and Disability Act 2000 in respect of the provision of long-term residential care to eligible persons.

Section 136: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 136 **contracted care provider**: inserted, on 22 November 2006, by section 6(2) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 136 **contracted care services**: replaced, on 22 November 2006, by section 6(1) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 136 **cost of contracted care services**: replaced, on 22 November 2006, by section 6(1) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 136 **personal allowance**: inserted, on 22 November 2006, by section 6(2) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 136 **resident assessed as requiring care** paragraph (b): amended, on 22 November 2006, by section 6(3) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 136 **section 88 notice**: inserted, on 22 November 2006, by section 6(2) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 136 **service agreement**: inserted, on 22 November 2006, by section 6(2) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Needs assessment

Heading: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

137 Needs assessment

(1) A DHB may conduct a needs assessment of an eligible person at any time.

(2) An eligible person may apply at any time to a DHB for a needs assessment.

(3) A needs assessment of an eligible person must ascertain whether the person requires long-term residential care in a hospital or rest home indefinitely.

(4) A DHB that receives a request under subsection (2) must arrange for a needs assessment to be conducted as soon as practicable.

(5) The date of a person's needs assessment is the date shown as such on the assessment.

(6) A copy of the assessment must be provided to—

(a) the person to whom it applies; and

(b) the provider (if any) who is currently providing long-term residential care to the person.

(7) For the purposes of a needs assessment (and, in particular, consent to a needs assessment), the Code of Health and Disability Services Consumers' Rights

(made under section 74 of the Health and Disability Commissioner Act 1994) applies as if—

(a) the needs assessment were a service; and

(b) the person assessed were a consumer of that service; and

(c) the DHB or its delegate were a provider of that service.

Section 137: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

138 Effect of being assessed as requiring long-term residential care in hospital or rest home indefinitely

(1) An eligible person who has been needs assessed as requiring long-term residential care in a hospital or rest home indefinitely—

(a) receives contracted care services if he or she is receiving long-term residential care from a contracted care provider, irrespective of whether a funder has any liability to pay for any of the cost of his or her care; and

(b) is, or becomes, a resident assessed as requiring care as soon as he or she receives contracted care services and sections 139 to 142 therefore apply; and

(c) is entitled, under section 144, to apply for a means assessment in accordance with Schedule 27.

(2) When a person is notified of the results of a needs assessment, the DHB must advise the person to whom it relates—

(a) of the amount of the maximum contribution; and

(b) of the person's and the funder's respective liabilities under sections 139 to 142; and

(c) about how to apply for a means assessment.

Section 138: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 138(1)(a): replaced, on 22 November 2006, by section 7 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 138(1)(b): replaced, on 22 November 2006, by section 7 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 138(1)(c): inserted, on 22 November 2006, by section 7 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Liability to pay

Heading: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

139 Personal obligation to pay for care

(1) The following people are liable to pay the cost of long-term residential care provided to them in a hospital or rest home:

(a) a resident assessed as requiring care; and

(b) any other eligible person receiving long-term residential care from a provider.

(2) The most that a resident assessed as requiring care may be required to pay towards the cost of contracted care services provided to him or her is the maximum contribution.

(3) The amount that a resident assessed as requiring care is liable to pay under subsection (1) is reduced by whatever a funder must pay in respect of the resident under any of sections 140, 141, or 142.

(4) Nothing in this section affects the liability of a resident assessed as requiring care to pay, under an agreement between the resident and a provider, for any services provided to the resident that are not contracted care services.

Section 139: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 139(1): replaced, on 22 November 2006, by section 8 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

140 Funder's liability in respect of persons whose assets are above applicable asset threshold or who have not been means assessed

(1) This section applies to—

(a) a resident assessed as requiring care who has been means assessed and found to have assets above the applicable asset threshold; and

(b) a resident assessed as requiring care who has not been means assessed, or for whom the result of a means assessment is not yet known.

(2) If the cost of contracted care services provided to a person to whom this section applies exceeds the maximum contribution, the funder must pay the difference between the maximum contribution and the cost of contracted care services provided to the person.

(3) The funder's liability under subsection (2) arises on the later of—

(a) the date on which the person is needs assessed as requiring long-term residential care in a hospital or rest home indefinitely; or

(b) the date on which the person commences receiving contracted care services from a provider.

Section 140: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

141 Funder's liability in respect of persons whose assets are equal to or below applicable asset threshold

(1) This section applies to a resident assessed as requiring care who—

(a) has been means assessed as to assets under Part 2 of Schedule 27 and been found to have assets equal to or less than the applicable asset threshold; and

(b) has had a contribution determined following a means assessment as to income under Part 3 of Schedule 27.

(2) In the case of a person to whom this section applies, the funder must pay the difference between the cost of contracted care services provided to the person and the person's contribution determined following a means assessment as to income.

(3) The funder's liability under subsection (2) arises on the date on which the person's assets are equal to or less than the applicable asset threshold, except as provided in subsection (4).

(4) If the person's assets are equal to or less than the applicable asset threshold more than 90 days before the date of means assessment that establishes that fact, the funder's liability arises on the date that is 90 days before the date of means assessment.

Section 141: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 141(4): amended, on 22 November 2006, by section 9 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

142 Funder's liability in respect of exempt persons and elderly victims of crime

(1) In the case of an exempt person, the funder must pay the amount determined in accordance with the following formula:

$$p = c - (b - a)$$

where—

p is the amount the funder must pay

c is the cost of contracted care services provided to the exempt person

b is the amount of any benefit received by the exempt person

a is the personal allowance.

(1A) By way of explanation, the effect of subsection (1) is that the funder pays the cost of contracted care services provided to an exempt person, but the exempt person contributes the amount of any benefit that he or she receives, less the amount of the personal allowance.

(2) In the case of an elderly victim of crime, the funder must pay the full cost of contracted care services provided to the person.

(3) The funder's liability under subsection (1) or subsection (2) arises—

(a) on the date on which the person, being a resident assessed as requiring care, is confirmed under regulations made under section 155 as being an exempt person or elderly victim of crime, as the case requires; or

(b) in the case of a person to whom section 10 of the Social Security (Long-term Residential Care) Amendment Act 2004 applies, on the date on which this section comes into force.

Section 142: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 142(1): replaced, on 22 November 2006, by section 10 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 142(1A): inserted, on 22 November 2006, by section 10 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

143 Residents assessed as requiring care aged 50 to 64 not required to pay out of assets

(1) This section applies to every resident assessed as requiring care who is aged 50 to 64 years, is single, and has no dependent children.

(2) Every person to whom this section applies must be treated for the purposes of Part 4 as if the person were a resident assessed as requiring care who has been means assessed and found to have assets equal to or less than the applicable asset threshold.

(3) By way of explanation, the effect of subsection (2) is that a person to whom this section applies—

(a) may not be means tested as to assets, and, if the person has already been means tested as to assets, the result of that test is to be disregarded; and

(b) is not required to pay for contracted care services out of assets, but is required to pay only the contribution (as determined by a means test as to income under Part 3 of Schedule 27) towards the cost of those services.

Section 143: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 143(2): amended, on 22 November 2006, by section 11 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Means assessment

Heading: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

144 Application for means assessment

(1) An eligible person who has been needs assessed as requiring long-term residential care in a hospital or rest home indefinitely may apply at any time for a means assessment.

(2) An application for a means assessment must be made on a form provided for the purpose by the chief executive.

(3) The chief executive must arrange for a means assessment to be conducted as soon as practicable after receiving an application.

Section 144: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

145 Date of means assessment

In this Part, **date of means assessment** means,—

(a) in the case of a first means assessment conducted under this Part, the date on which the application for the means assessment is received:

(b) in the case of a review of a means assessment for which the person has applied under section 150(1)(a), the date on which the application for the review is received:

(c) in the case of a review under section 150(1)(b), the date of means assessment that applied to the earlier, apparently mistaken, means assessment:

(d) in the case of a review under section 150(1)(c), the date, determined by the chief executive, on which the person's circumstances changed:

(e) in the case of a review under section 150(2), the date on which the chief executive initiated the review:

(f) in the case of a review under section 150(2A)—

(i) conducted by the chief executive in the event of a general adjustment of rates of benefits or allowances, the date of that general adjustment; or

(ii) conducted as a result of advice received by the department under section 149(1), the date on which that advice was received; or

(iii) conducted by the chief executive in any other case, the date on which the chief executive initiated the review.

Section 145: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 145(f): inserted, on 22 November 2006, by section 12 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

146 Means assessment as to assets

(1) The first stage of a means assessment is a means assessment as to assets, conducted under Part 2 of Schedule 27.

(2) The means assessment as to assets must assess the value of the non-exempt assets of the person as at the date of means assessment and must determine whether those assets are above, equal to, or less than the applicable asset threshold.

(3) By way of explanation, if a person's assets are assessed as being above the applicable asset threshold, the person must (in accordance with section 139) pay the cost of contracted care services up to the maximum contribution, but if the cost of contracted care services exceeds that amount then the additional costs will be paid by the funder in accordance with section 140.

Section 146: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

147 Means assessment as to income

(1) The second stage of a means assessment is a means assessment as to income, conducted under Part 3 of Schedule 27.

(2) A means assessment as to income must be conducted if the person's assets, as assessed by a means assessment as to assets, are equal to or less than the applicable asset threshold.

(3) The means assessment as to income must assess the annual income of the person as at the date of means assessment and must determine a weekly contribution, up to the maximum contribution, that the person must pay from income towards the cost of contracted care services provided to the person.

(4) A means assessment as to income must also determine—

(a) whether the assets of the person became equal to or less than the applicable asset threshold more than 90 days before the date of means assessment; or

(b) the date, being a date during the 90 days before the date of means assessment, on which the person's assets became equal to or less than the applicable asset threshold.

(5) The purpose of subsection (4) is to determine when the funder's liability arises under section 141.

Section 147: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 147(4)(a): amended, on 22 November 2006, by section 13 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 147(4)(b): amended, on 22 November 2006, by section 13 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

147A Deprivation of assets and income

(1) If the chief executive is satisfied that a person who has applied for a means assessment, or the spouse or partner of that person, has directly or indirectly deprived himself or herself of any income or property (other than an exempt asset), the chief executive may in his or her discretion conduct the means assessment as if the deprivation had not occurred.

(2) If the chief executive is satisfied that a person who has been means assessed, or the spouse or partner of that person, has directly or indirectly deprived himself or herself of any income or property (other than an exempt asset), the chief executive may in his or her discretion include that income or property in a review of the person's means assessment under section 150 as at the date of means assessment as if the deprivation had not occurred.

Section 147A: inserted, on 22 November 2006, by section 14 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

148 Notice of means assessment (including reviews)

(1) Every means assessment (including a reviewed means assessment), whether it relates only to assets or to both assets and income, must be in writing and a copy must be provided to the person to whom it relates.

(2) The provider, the funder, and the Ministry of Health must be advised, with respect to every person who is means assessed or whose means assessment is reviewed, whether the person has assets above the applicable threshold or, if the person's assets are equal to or less than the applicable threshold, what the person's weekly contribution from income is assessed as being.

Section 148: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

149 Obligation to advise change of circumstances and right to apply for review

(1) Every person listed in subsection (2) is obliged to advise the department of any change in the financial or other circumstances of a person who has been means assessed, or of that person's spouse or partner, if the person—

(a) knows or ought to know of the change of circumstances; and

(b) knows or ought to know that the change might mean that the means assessment is no longer accurate.

(1A) However, subsection (1) does not apply if—

(a) a funder has no liability under section 140 or section 142 in respect of the cost of contracted care services provided to the person who has been means assessed; or

(b) the person who has been means assessed has been found to have assets equal to or less than the applicable asset threshold and the change relates to the value of that person's assets, or to the value of the assets of that person's spouse or partner.

(2) The people with the obligation under subsection (1) are as follows:

(a) the person who has been means assessed:

(b) the spouse or partner of the person who has been means assessed:

(c) the holder of an enduring power of attorney (given in accordance with Part 9 of the Protection of Personal and Property Rights Act 1988) who acts under the enduring power of attorney in relation to the property of the means tested person or the spouse or partner:

(d) the provider who provides services to the person who has been means assessed.

(3) Every funder is obliged to take all practicable steps to ensure that every resident assessed as requiring care—

(a) is advised of the right, under section 150(1)(a), to apply for a review of the person's means assessment; and

(b) is notified whenever a change is made to the tests used in means assessments (such as an increase to applicable asset thresholds, or a change to the personal allowance) that might mean that, if the person's means assessment were reviewed, the result would be different from the result of the person's latest means assessment.

Section 149: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 149(1): amended, on 1 July 2005, by section 7 of the Social Security Amendment Act 2005 (2005 No 21).

Section 149(1A): inserted, on 22 November 2006, by section 15 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 149(2)(b): amended, on 1 July 2005, by section 7 of the Social Security Amendment Act 2005 (2005 No 21).

Section 149(2)(c): amended, on 1 July 2005, by section 7 of the Social Security Amendment Act 2005 (2005 No 21).

150 Review of means assessment

(1) The chief executive must review a person's means assessment in each of the following circumstances:

(a) the person applies for a review on a form provided for the purpose by the chief executive:

(b) the chief executive has reason to believe that there was a mistake in the earlier assessment, whether as a result of wrong information being supplied or otherwise:

(c) in the case of a person who has a spouse or partner, the circumstances of the person have changed as a result of—

(i) the spouse or partner becoming a resident assessed as requiring care; or

(ii) the death of the spouse or partner; or

(iii) the chief executive determining under section 63 that the conjugal status of the person's spouse or partner has changed for the purpose of this Part.

(2) In the case only of a person who has been means assessed and been found to have assets above the applicable threshold, the chief executive may review the person's means assessment at any time if the chief executive considers that the person's assets have fallen, or are about to fall, to a level where they are equal to or less than the applicable asset threshold.

(2A) In the case only of a person who has been means assessed and been found to have assets equal to or less than the applicable asset threshold, the chief executive—

(a) may review the person's means assessment annually; and

(b) may, if the chief executive considers that the person's annual income has changed or is about to change, review the person's means assessment at any time.

(3) Nothing in subsection (2) or subsection (2A) obliges the chief executive to conduct a review of a means assessment following a change in the tests used in means assessments (such as an increase to applicable asset thresholds or a change to the personal allowance) unless the person to whom the means assessment relates applies for a review under subsection (1)(a).

(4) A review must review the person's means assessment as to assets and, if necessary, the person's means assessment as to income unless subsection (4A) applies.

(4A) A review must review the person's means assessment as to income only (and not the person's means assessment as to assets) if the review is conducted under—

(a) subsection (1)(a) and the person has been means assessed and found to have assets equal to or less than the applicable asset threshold; or

(b) subsection (2A).

(4B) A review under this section is conducted as at the date of means assessment.

(5) Section 147(4) applies if a review under this section determines that, as at the date of means assessment, the assets of the person were equal to or less than the applicable asset threshold.

Section 150: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 150(2A): inserted, on 22 November 2006, by section 16(1) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 150(3): amended, on 22 November 2006, by section 16(2) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 150(4): replaced, on 22 November 2006, by section 16(3) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 150(4A): inserted, on 22 November 2006, by section 16(3) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 150(4B): inserted, on 22 November 2006, by section 16(3) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

151 Conjugal status for purpose of means assessment

The chief executive cannot under section 63 determine that, for the purposes of this Part, a person is single by reason only that the person or his or her spouse or partner—

(a) is a resident assessed as requiring care; or

(b) has become unable to affirm his or her marriage or civil union.

Section 151: replaced, on 7 July 2014, by section 31 of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Miscellaneous

Heading: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

152 Maximum contributions set by *Gazette* notice

(1) The Director-General of Health must, by notice in the *Gazette*, set the maximum contribution that applies in each region.

(2) By way of explanation, the amount of the maximum contribution set for a region is the amount agreed at a national level between funder representatives and provider representatives as being the amount that funders in that region are to pay to providers in that region for providing rest-home-level care services.

(3) However, if the amount identified under subsection (2) for a region is less than $636, the maximum contribution for that region must be set at $636.

Section 152: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 152(2): replaced, on 22 November 2006, by section 17 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

153 Residential care loan scheme

A person who has been means assessed as to assets may apply for a loan under the residential care loan scheme operated by the Ministry of Health if—

(a) the person's assets are above the applicable asset threshold; and

(b) the person meets the criteria for eligibility for the residential care loan scheme as notified by the Director-General of Health in the *Gazette*.

Section 153: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

154 Clothing allowance

(1) Regulations may be made under section 155 that provide for payment of a clothing allowance to either or both of the following class of person:

(a) residents assessed as requiring care who have been means assessed and found to have assets equal to or less than the applicable asset threshold:

(b) residents assessed as requiring care who have entered into a loan agreement with the Crown under the residential care loan scheme.

(2) The amount of the clothing allowance must be set by regulations made under section 155.

Section 154: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

155 Regulations relating to this Part

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following matters:

(a) *[Repealed]*

(b) identifying a class or classes of exempt persons:

(c) prescribing how a person is to be assessed as being, or no longer being, an elderly victim of crime:

(d) providing, in accordance with section 154, for payment of a clothing allowance, and setting the amount of any clothing allowance payable:

(e) prescribing, for the purpose of section 147A, rules relating to deprivation of property, income, or both, and the circumstances in which those rules apply:

(f) prescribing the gifting period and the allowable gifts, or the value of any allowable gifts, for the purpose of Part 2 of Schedule 27:

(g) amending the maximum value of pre-paid funerals for the purposes of paragraph (d) of the definition of exempt assets in Part 2 of Schedule 27:

(h) prescribing assets, or an amount of assets, that are exempt assets for the purpose of paragraph (f) of the definition of exempt assets in Part 2 of Schedule 27:

(i) increasing the applicable asset thresholds and the income-from-assets exemption in accordance with subsection (2):

(j) prescribing an amount or type of income, or an amount of a certain type of income, that is not to be included in a means assessment as to income, as provided for in paragraph (k) of the definition of income in Part 3 of Schedule 27:

(k) prescribing the amount of personal allowance:

(l) providing for any other matters contemplated by this Part, necessary for its administration, or necessary for giving it full effect.

(2) The applicable asset thresholds set out in Part 1 of Schedule 27 must be increased on 1 July 2013, and on every following 1 July, and the income-from-assets exemption (as defined in Part 3 of Schedule 27) must be increased on 1 July 2007, and on every following 1 July, by an amount that reflects the movement in the all groups index number of the New Zealand Consumers Price Index (published by Statistics New Zealand) for the year ending on the previous 31 March.

(2A) The adjustments (by any percentage movement in the All Groups index number of the New Zealand Consumers Price Index) required under subsection (2) as at 1 July in any year from 2011 to 2021 (inclusive) insofar as they are required for the income-from-assets exemption (but not insofar as they are required for the applicable asset thresholds) must, despite that subsection, be calculated,—

(a) if, and insofar as, they relate to movements during quarters that end before 29 April 2010, using, for those quarters, the All Groups index numbers of the New Zealand Consumers Price Index published by Statistics New Zealand; and

(b) if, and insofar as, they relate to movements during quarters that end after 28 April 2010, using, for those quarters, the All Groups excluding cigarettes and other tobacco products index numbers of the New Zealand Consumers Price Index published by Statistics New Zealand.

(3) If the adjusted amount of an applicable asset threshold or, as the case requires, of income-from-assets exemption is not a whole number of dollars—

(a) it must be rounded up to the nearest whole number of dollars; but

(b) the adjustment made in the following year must be based on the applicable asset threshold or the income-from-assets exemption as it was before it was rounded up.

(4) The Director-General of Health must, as soon as practicable after 1 July in each year, give notice in the *Gazette* of the current amount of the income-from-assets exemption.

(5) This section does not limit any other power given in this Act to make regulations.

Section 155: inserted, on 1 July 2005, by section 5 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 155(1)(a): repealed, on 1 July 2006, by section 9 of the War Pensions Amendment Act 2006 (2006 No 32).

Section 155(1)(e): amended, on 22 November 2006, by section 18(1) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 155(1)(i): amended, on 1 July 2012 (applying in respect of residents assessed as requiring care before, on, or after that date), by section 5(1) of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40).

Section 155(1)(k): amended, on 22 November 2006, by section 18(2) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 155(2): amended, on 1 July 2012 (applying in respect of residents assessed as requiring care before, on, or after that date), by section 5(2) of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40).

Section 155(2): amended, on 7 July 2010, by section 17 of the Social Security Amendment Act (No 2) 2010 (2010 No 85).

Section 155(2): amended, on 22 November 2006, by section 18(3) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Section 155(2A): inserted, on 27 September 2010, by section 32 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Section 155(2A): amended, on 31 May 2016, by section 11 of the Customs and Excise (Tobacco Products—Budget Measures) Amendment Act 2016 (2016 No 25).

Section 155(2A): amended, on 24 October 2012, by section 4 of the Social Security (Indexation—Budget Measures) Amendment Act 2012 (2012 No 24).

Section 155(2A): amended, on 1 July 2012 (applying in respect of residents assessed as requiring care before, on, or after that date), by section 5(3) of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40).

Section 155(3): amended, on 1 July 2012 (applying in respect of residents assessed as requiring care before, on, or after that date), by section 5(4) of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40).

Section 155(3)(b): amended, on 1 July 2012 (applying in respect of residents assessed as requiring care before, on, or after that date), by section 5(5) of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40).

Part 5
Financial support for young people

Part 5: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

156 Purpose

The purpose of this Part is to specify the supports, obligations, and sanctions that apply to certain young people who receive financial assistance under this Act.

Section 156: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

157 Interpretation

In this Part and in Schedule 26,—

accommodation costs, in relation to any young person, has the same meaning as in section 61E(1) except that, in relation to a person who is a boarder or lodger in any premises, it means 100% of the amount paid for board or lodging

approved training means an employment-related training course approved by the chief executive

full-time course has the same meaning as in regulation 2(1) of the Student Allowances Regulations 1998

in-hand allowance means the component of a youth support payment set out in clause 6 of Schedule 26 under that name

parents, in relation to a young person,—

(a) means the parents or guardians or other person who had the care of the young person most recently before the young person turned 16 years; and

(b) includes any other parent, or guardian or former guardian, willing to have financial responsibility for the young person; but

(c) does not include—

(i) the chief executive of the department responsible for administering the Oranga Tamariki Act 1989 in his or her official capacity; or

(ii) any body or organisation approved under section 396 of that Act

service costs has the same meaning as in section 61E(1)

specified beneficiary means a person who is married, in a civil union, or in a de facto relationship and receives in his or her own right—

(a) *[Repealed]*

(b) an emergency benefit, supported living payment under section 40B, or jobseeker support; or

(c) New Zealand superannuation paid at a rate specified in clause 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001; or

(d) a veteran's pension at the relationship (partner not receiving superannuation or pension) rate or the relationship (partner not receiving superannuation or pension) legacy rate (as defined in section 158 of the Veterans' Support Act 2014)

teen parent unit means an educational facility for teenage parents attached to a State school (within the meaning of the Education Act 1989)

WFF tax credit has the same meaning as in section YA 1 of the Income Tax Act 2007

work-based learning, in relation to any person, means a course or programme undertaken (or to be undertaken) in the course of or by virtue of his or her employment that comprises, or includes a component of, practical or on-the-job vocational learning (for example, an industry training programme or apprenticeship).

Section 157: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 157 **NCEA level 2**: repealed, on 8 July 2016, by section 25(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 157 **parents** paragraph (c)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 157 **specified beneficiary** paragraph (a): repealed, on 15 July 2013, by section 93(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 157 **specified beneficiary** paragraph (b): amended, on 8 July 2016, by section 25(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 157 **specified beneficiary** paragraph (b): amended, on 15 July 2013, by section 93(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 157 **specified beneficiary** paragraph (b): amended, on 15 July 2013, by section 108 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 157 **specified beneficiary** paragraph (b): amended, on 15 July 2013, by section 128(2)(a) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 157 **specified beneficiary** paragraph (d): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Section 157 **young person**: repealed, on 8 July 2016, by section 25(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Youth payment

Heading: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

158 Youth payment: basic criteria

(1) The basic qualifications for entitlement to a youth payment are in subsection (2). The qualifications for a single young person are in section 159. The qualifications for a young person who is or has been married, in a civil union, or in a de facto relationship are in section 160.

(2) The basic qualifications for entitlement to a youth payment are that the young person—

(a) is aged 16 or 17 years; and

(b) is without a dependent child or dependent children; and

(c) either—

(i) is undertaking or is available for a full-time course of secondary instruction, or tertiary education, or approved training, or approved work-based learning, leading to—

(A) NCEA level 2; or

(B) an equivalent qualification (in the opinion of the chief executive); or

(C) a higher qualification; or

(ii) would be so available but for circumstances that would qualify the young person for an exemption under section 105 from the obligation to undertake education or training or work-based learning in section 170(1)(a); and

(d) meets the residential requirements set out in section 74AA; and

(e) has no income or an income of less than the amount that would fully abate the youth payment.

(3) Nothing in subsection (2)(e) affects the entitlement of a young person to receive a youth payment if, during a temporary period, the person has income sufficient to abate the payment fully but the person otherwise fulfils the conditions of entitlement to the payment.

Compare: 1964 No 136 ss 60F(1), (2), 89(5)

Section 158: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

159 Youth payment: single young persons

(1) A single person is entitled to a youth payment if—

(a) section 158(2) applies to him or her; and

(b) the chief executive is satisfied that the young person is in exceptional circumstances.

(2) For the purposes of subsection (1), a young person is in **exceptional circumstances** if—

(a) each of his or her parents (and guardians (if any)) is unable to support him or her financially; or

(b) his or her relationship with his or her parents (and guardians (if any)) has broken down, and none of them is prepared to support him or her financially; or

(c) he or she has ceased to be subject to—

(i) an agreement under section 140 of the Oranga Tamariki Act 1989; or

(ii) an order under section 78, 101, or 283(n) of that Act; or

(iii) a sole guardianship order under section 110 of that Act; or

(d) the chief executive is satisfied that (for some other good and sufficient reason) the young person cannot reasonably be expected to be financially dependent on his or her parents or any other person.

(3) However, a young person is not in **exceptional circumstances** if—

(a) he or she has the option of living with a parent or guardian but chooses not to; and

(b) the chief executive is not satisfied that there are good and sufficient reasons for the young person not to live with that parent or guardian.

Compare: 1964 No 136, s 60FA

Section 159: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 159(2)(c)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

160 Youth payment: young persons who are or have been married, or in civil union or de facto relationship

A person is entitled to a youth payment if—

(a) he or she is or has been married, or in a civil union or de facto relationship; and

(b) he or she is not married to, or in a civil union or de facto relationship with, a specified beneficiary within the meaning of any of paragraphs (b) to (d) of the definition of that term in section 157; and

(c) section 158(2) applies to him or her.

Section 160: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

161 Youth payment: ground of hardship

The chief executive may grant a youth payment under section 159 or 160 to a young person who meets the criteria in paragraphs (a) to (c) and (e) of section

158(2) but does not meet the criteria referred to in paragraph (d) of that subsection if—

(a) the young person is suffering hardship; and

(b) the young person is not qualified to receive any other benefit; and

(c) the young person is unable to earn a sufficient income to support himself or herself and his or her spouse or partner (if any).

Compare: 1964 No 136 s 90(1)

Section 161: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

162 Youth payment: continuation after age 18

(1) A youth payment granted when the young person concerned was aged under 18 years continues, if he or she is otherwise qualified for it,—

(a) in the case of a payment granted on an application made on or after the commencement of Part 1 of the Social Security (Youth Support and Work Focus) Amendment Act 2012, until the close of the day on which the period of 6 months from the commencement of the payment expires, even if he or she turns 18 during the period; or

(b) in the case only of a payment granted to a young person who, on the day when he or she turns 18, is (in the chief executive's opinion) continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March:

(ii) in any other case, the close of the day on which the course ends.

(2) While a youth payment continues by virtue of subsection (1)(a), the young person concerned is not eligible to be granted any of the following benefits:

(a) sole parent support:

(ab) a supported living payment on the ground of caring for a patient requiring care, under section 40D:

(b) *[Repealed]*

(c) *[Repealed]*

(d) an emergency benefit:

(e) jobseeker support.

Section 162: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 162(1)(b)(i): replaced, on 25 October 2016, by section 26(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 162(1)(b)(ii): replaced, on 25 October 2016, by section 26(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 162(2)(a): replaced, on 15 July 2013, by section 78 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 162(2)(ab): inserted, on 8 July 2016, by section 26(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 162(2)(b): repealed, on 15 July 2013, by section 78 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 162(2)(c): repealed, on 15 July 2013, by section 109 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 162(2)(e): replaced, on 15 July 2013, by section 128(1)(n) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

163 Youth payment: rate and components

(1) A youth payment is payable at the appropriate rate set out in Schedule 26, which includes the component set out in that schedule.

(2) If a young person to whom a youth payment is payable meets the criteria prescribed for the purposes of this section by regulations made under this Act, there is payable together with that payment the appropriate incentive payment (if any) stated in Schedule 26.

(3) Subsection (2) is subject to section 178.

Section 163: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Young parent payment

Heading: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

164 Young parent payment: basic criteria

(1) The basic qualifications for entitlement to a young parent payment are in subsection (2). The qualifications for a single person are in section 165. The qualifications for a young person who is or has been married, in a civil union, or in a de facto relationship are in section 166.

(2) The basic qualifications for entitlement to a young parent payment are that the young person—

(a) is aged 16 to 19 years; and

(b) is a parent or step-parent of a dependent child or dependent children; and

(c) either—

(i) is undertaking or is available for a full-time course of secondary instruction, tertiary education, approved training, or approved work-based learning, leading to—

(A) NCEA level 2; or

(B) an equivalent qualification (in the opinion of the chief executive); or

(C) a higher qualification; or

(ii) would be so available but for circumstances—

(A) under which the obligation to undertake education or training or work-based learning in section 170(1)(a) would not, under section 170(3), apply to the young person; or

(B) that would qualify the young person for an exemption under section 105 from that obligation; and

(d) meets the residential requirements set out in section 74AA; and

(e) has no income or an income of less than the amount that would fully abate the young parent payment.

(3) Nothing in subsection (2)(e) affects the entitlement of a young person to receive a young parent payment if, during a temporary period, the person has income sufficient to fully abate the payment but the person otherwise fulfils the conditions of entitlement to the payment.

(4) For the purposes of subsection (2)(b), a dependent child of a young person who is married, in a civil union, or in a de facto relationship must also be treated as a dependent child of the young person's spouse or partner.

Compare: 1964 No 136 ss 3(5), 60F(1), (2), 89(5)

Section 164: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 164(2)(a): amended, on 25 October 2016, by section 27 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

165 Young parent payment: single young persons

(1) A young person is entitled to receive a young parent payment if—

(a) section 164(2) applies to him or her; and

(b) subsection (2) or subsection (3) or subsection (4) applies to him or her.

(2) This subsection applies to a single young person if he or she—

(a) is aged 16 or 17 years; and

(b) is not living with a parent or guardian; and

(c) is in exceptional circumstances (within the meaning of section 159).

(3) This subsection applies to a single young person if—

(a) he or she is aged 16 or 17 years; and

(b) he or she is living with or being financially supported by a parent or guardian; and

(c) the family scheme income (within the meaning of the Income Tax Act 2007) of the parent or guardian concerned and the spouse or partner (if any) of the parent or guardian concerned is less than the amount that would, in accordance with sections MD 1 and MD 13 of that Act, fully abate the amount of the parent or guardian concerned's family tax credit entitlement under that Act.

(4) This subsection applies to a single young person who is aged 18 years or 19 years.

(5) For the purposes of the calculation required by subsection (3)(c), if the parent or guardian with whom the young person concerned is living or by whom he or she is being supported has no family tax credit entitlement because that parent or guardian has no dependent children (within the meaning of section YA 1 of the Income Tax Act 2007), that parent or guardian's family tax credit entitlement must be calculated as if the young person and his or her dependent child or children were dependent children (within the meaning of that section) of that parent or guardian.

(6) Nothing in this section entitles a parent or guardian to whom subsection (5) applies to a family tax credit.

Section 165: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 165(4): amended, on 25 October 2016, by section 28 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

166 Young parent payment: persons who are or have been married, or in civil union or de facto relationship

A young person is entitled to receive a young parent payment if section 164(2) applies to him or her, and—

(a) he or she is not married, or in a civil union or de facto relationship, but has been married or in a civil union or de facto relationship; or

(b) he or she is married, or in a civil union or a de facto relationship, but his or her spouse or partner is not a specified beneficiary within the meaning of paragraphs (b) to (d) of the definition of that term in section 157.

Compare: 1964 No 136 s 60FB

Section 166: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

167 Young parent payment: ground of hardship

The chief executive may grant a young parent payment under section 165 or 166 to a young person who meets the criteria in paragraphs (a) to (c) and (e) of section 164(2) but does not meet the criteria referred to in paragraph (d) of that subsection if—

(a) the young person is suffering hardship; and

(b) the young person is not qualified to receive any other benefit; and

(c) the young person is unable to earn a sufficient income to support himself or herself, and his or her spouse or partner (if any) and dependent children.

Compare: 1964 No 136 s 90(1)

Section 167: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

168 Young parent payment: continuation after turning 20

(1) A young parent payment granted when the young person concerned was aged under 20 years continues, if he or she is otherwise qualified for it,—

(a) in the case of a payment granted on an application made on or after the commencement of section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012, until the close of the day on which the period of 6 months from the commencement of the payment expires, even if he or she turns 20 during the period; or

(b) in the case only of a payment granted to a young person who, on the day when he or she turns 20, is (in the chief executive's opinion) continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March; or

(ii) in any other case, the close of the day on which the course ends.

(2) While a young parent payment continues by virtue of subsection (1)(a), the young person concerned is not eligible to be granted the following benefits:

(a) sole parent support:

(ab) a supported living payment on the ground of caring for a patient requiring care, under section 40D:

(b) *[Repealed]*

(c) *[Repealed]*

(d) an emergency benefit:

(e) jobseeker support.

Section 168: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 168 heading: amended, on 25 October 2016, by section 29(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 168(1): amended, on 25 October 2016, by section 29(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 168(1)(a): amended, on 25 October 2016, by section 29(3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 168(1)(b): amended, on 25 October 2016, by section 29(3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 168(1)(b)(i): replaced, on 25 October 2016, by section 29(4) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 168(1)(b)(ii): replaced, on 25 October 2016, by section 29(4) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 168(2)(a): replaced, on 15 July 2013, by section 79 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 168(2)(ab): inserted, on 8 July 2016, by section 29(5) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 168(2)(b): repealed, on 15 July 2013, by section 79 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 168(2)(c): repealed, on 15 July 2013, by section 110 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 168(2)(e): replaced, on 15 July 2013, by section 128(1)(o) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

169 Young parent payment: rate and components

(1) A young parent payment is payable at the appropriate rate set out in Schedule 26, which includes the component set out in that schedule.

(2) If a young person to whom a young parent payment is payable meets the criteria prescribed for the purpose of this section by regulations made under this Act, there is payable together with that payment the appropriate incentive payment (if any) stated in Schedule 26.

(3) Subsection (2) is subject to section 178.

Section 169: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Obligations

Heading: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

170 Youth support payments: obligations

(1) A young person receiving a youth support payment is subject to the following obligations:

(a) to be enrolled in and undertaking to the satisfaction of the chief executive, or be available for, a full-time course of secondary instruction or tertiary education or approved training or work-based learning leading to—

(i) NCEA level 2; or

(ii) an equivalent qualification (in the opinion of the chief executive); or

(iii) a higher qualification:

(b) when required by the chief executive, to participate in and complete a budgeting programme approved by the chief executive for the purpose:

(c) in the case only of a young person receiving a young parent payment, when required by the chief executive, to participate to the satisfaction of the chief executive in a parenting education programme approved by the chief executive for the purpose:

(d) when required by the chief executive, to attend and participate in any interview with an officer of the department or other person on behalf of the chief executive:

(e) if a contracted service provider assigned to the young person by the chief executive has so required, to attend and participate in any interview with that provider:

(ea) to give to the department or to a contracted service provider assigned to the young person (within 20 working days starting on the day after the date on which the chief executive informs the young person of the requirement) the following information:

(i) details of the young person's accommodation costs and service costs and other lawful debts and liabilities; and

(ii) any other information reasonably required by the chief executive to effect money management under section 179:

(f) to report to the department, or to any contracted service provider assigned to the young person by the chief executive, on his or her compliance with the obligations in paragraphs (a) to (c) and subsection (2) as often as, and in the manner that, the chief executive (or, as the case requires, the provider) reasonably requires:

(g) to co-operate with the chief executive, or with any contracted service provider assigned to the young person by the chief executive, in managing the spending of the young person's youth payment or young parent payment, and (in particular)—

(i) attend and participate in regular discussions on budgeting with an officer of the department (or, as the case requires, the provider); and

(ii) at any discussion or when otherwise required, provide details of—

(A) the young person's accommodation costs and service costs and other lawful debts and liabilities for the purpose of section 179(4); and

(B) how the young person has spent the amount of the payment paid to him or her and how the young person has spent any money credited to a payment card, voucher, or device in accordance with regulations under this Act.

(2) A young person receiving a young parent payment is also subject to the following obligations:

(a) to enrol every dependent child with a primary health organisation:

(b) to keep every dependent child under the age of 5 years up-to-date with checks under—

(i) the programme that immediately before the commencement of section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 was known as WellChild; or

(ii) any similar programme established in its place:

(c) to ensure the child's attendance at an approved early childhood education programme (as defined for the purposes of this paragraph in regulations under section 132AC) or other suitable childcare while the young person is in education, training, work-based learning, or part-time work.

(3) Except as provided in subsection (4), the obligations in subsections (1) and (2) apply to a young person receiving a youth support payment from the time that it is first paid to the young person.

(4) Where a young person receiving a young parent payment is the principal caregiver of his or her youngest dependent child and the child is aged under 12 months, the obligation in subsection (1)(a) begins to apply (in relation to the young person) only on the earlier of the following days:

(a) the first day on which—

(i) the child is at least 6 months old; and

(ii) a suitable place is available for the young person in a teen parent unit; and

(iii) the chief executive is satisfied that there are no special circumstances justifying the obligation's beginning to apply later:

(b) the day on which the child becomes 12 months old.

(5) A failure without good and sufficient reason to comply with obligations under this section is subject to sanctions, as provided in sections 173 and 174.

Section 170: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 170(1)(ea): inserted, on 8 July 2016, by section 30(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 170(1)(g)(ii): amended, on 8 July 2016, by section 30(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 170(2)(c): amended, on 15 July 2013, by section 117 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

171 Obligations of, and incentives for, spouses and partners of specified beneficiaries

(1) A young person who is aged 16 or 17 years and is without dependent children and is the spouse or partner of a specified beneficiary—

(a) is subject to the obligations set out in section 170(1)(a) and (b), (d) to (f), and (g)(i) as if he or she were receiving a youth payment; and

(b) is not subject to the work test or to obligations under section 60Q; and

(c) if the person meets the criteria prescribed for the purposes of section 163 by regulations made under this Act, is entitled to receive the appropriate incentive payment (if any) stated in Schedule 26 as if he or she were receiving a youth payment.

(2) A young person who is aged 16 to 19 years, has a dependent child or children, and is the spouse or partner of a specified beneficiary—

(a) is subject to the obligations set out in section 170(1)(a) to (f) and (g)(i), and 170(2) as if he or she were receiving a young parent payment; and

(b) is not subject to the work test or to obligations under section 60Q; and

(c) if the person meets the criteria prescribed for the purposes of section 169 by regulations made under this Act, is entitled to receive the appropriate incentive payment (if any) stated in Schedule 26 as if he or she were receiving a young parent payment.

(3) *[Repealed]*

(4) If a young person is aged under 18 when the obligations in subsection (1) start to apply to him or her, those obligations continue,—

(a) until the close of the day that is 6 months after the date on which the obligations start to apply to the young person, even if he or she turns 18 during that 6-month period; or

(b) in the case of a young person who, on the day when he or she turns 18, is continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March; or

(ii) in any other case, the close of the day on which the course ends.

(5) If a young person is aged under 20 when the obligations in subsection (2) start to apply to him or her, those obligations continue,—

(a) until the close of the day that is 6 months after the date on which the obligations started to apply to the young person, even if he or she turns 20 during that 6-month period; or

(b) in the case of a young person who, on the day when he or she turns 20, is continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March; or

(ii) in any other case, the close of the day on which the course ends.

(6) Subsection (7) applies to a young person who becomes subject to obligations under subsection (1) or (2) on or after the date on which section 31 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 comes into force.

(7) While a young person to whom this subsection applies is subject to obligations under subsection (1) or (2), sections 170(1)(g)(ii) and 179 apply to the young person as if he or she were receiving a youth support payment.

Section 171: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 171 heading: amended, on 25 October 2016, by section 31(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(1): amended, on 25 October 2016, by section 31(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(1)(b): amended, on 25 October 2016, by section 31(3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(1)(b): amended, on 15 October 2012, by section 47(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 171(1)(c): inserted, on 25 October 2016, by section 31(4) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(2): amended, on 25 October 2016, by section 31(5) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(2)(b): amended, on 25 October 2016, by section 31(6) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(2)(b): amended, on 15 October 2012, by section 47(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 171(2)(c): inserted, on 25 October 2016, by section 31(7) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(3): repealed, on 25 October 2016, by section 31(8) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(4): inserted, on 25 October 2016, by section 31(9) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(5): inserted, on 25 October 2016, by section 31(9) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(6): inserted, on 25 October 2016, by section 31(9) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 171(7): inserted, on 25 October 2016, by section 31(9) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

172 Department to explain obligations to young person

The chief executive must take reasonable and appropriate steps to make every young person who is subject to obligations under section 170 or 171 aware of—

(a) those obligations; and

(b) the consequences of failure to comply with them and (in particular) the sanctions that may be imposed under this Act for failing to comply with them.

Compare: 1964 No 136 ss 60GAC, 105C

Section 172: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Sanction regime

Heading: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

173 Sanctions for failure by young person receiving youth payment to comply with obligations under section 170

(1) If satisfied that a young person receiving a youth payment has, without good and sufficient reason, failed to comply with an obligation placed on him or her by section 170, the chief executive must,—

(a) for a first or second failure,—

(i) suspend the in-hand allowance and any incentive payments until the young person satisfies the obligation (or, if he or she has failed to comply with 2 or more obligations, until he or she satisfies all of them); and

(ii) if the young person has not satisfied the obligation (or, if he or she has failed to comply with 2 or more obligations, if he or she has not satisfied all of them) within 4 weeks after the date on which the suspension took effect, suspend the whole of the youth payment and any incentive payments until the young person satisfies the obligation or obligations; and

(b) for a third failure, cancel the youth payment and any incentive payments.

(2) A person whose benefit is cancelled under subsection (1)(b)—

(a) is not entitled to be granted a main benefit under this Act for 13 weeks from the date of the cancellation; and

(b) if he or she wishes to become entitled to a main benefit under this Act again, must apply for it and establish his or her eligibility for it.

(3) Subsection (2) is subject to sections 123 to 123B.

(4) For the purposes of subsection (3), a 6-week approved activity is completed in accordance with section 123B if it is completed in such a way that its completion would be in accordance with section 123B if subsection (1)(b) of that section referred to the following activities (rather than those to which it in fact refers):

(a) if the young person concerned is not already in part-time work, participation in part-time work or work experience:

(b) participation in recognised community activities (as defined in section 88A):

(c) participation in any other activity that the chief executive considers will enhance skills or improve motivation.

(5) This section overrides every other provision of this Act.

Section 173: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 173(2)(a): amended, on 15 July 2013, by section 61(22) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 173(2)(b): amended, on 15 July 2013, by section 61(23) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

174 Sanctions for failure by young person receiving young parent payment to comply with obligations under section 170

(1) If satisfied that a young person receiving a young parent payment has, without good and sufficient reason, failed to comply with an obligation placed on him or her by section 170, the chief executive must,—

(a) for a first or second failure, suspend the in-hand allowance and any incentive payments until the young person satisfies the obligation (or, if he or she has failed to comply with 2 or more obligations, until he or she satisfies all of them); and

(b) for a third failure,—

(i) cancel the young person's young parent payment; and

(ii) cancel any incentive payments.

(2) A person whose benefit is cancelled under subsection (1)(b)—

(a) is not entitled to be granted a main benefit under this Act for 13 weeks from the date of the cancellation; and

(b) if he or she wishes to become entitled to a main benefit under this Act again, must apply for it and establish his or her eligibility for it.

(3) Subsection (2) is subject to sections 123 to 123B and section 177.

(4) For the purposes of subsection (3), a 6-week approved activity is completed in accordance with section 123B if it is completed in such a way that its completion would be in accordance with section 123B if subsection (1)(b) of that section referred to the following activities (rather than those to which it in fact refers):

(a) if the young person concerned is not already in part-time work, participation in part-time work or work experience:

(b) participation in recognised community activities (as defined in section 88A):

(c) participation in any other activity that the chief executive considers will enhance skills or improve motivation.

(5) In order to satisfy himself or herself that a young person has established continued eligibility for a young parent payment, the chief executive may require the young person to comply with the requirements of section 11D(2) as if applying for a young parent payment (and that section, with any necessary modifications, applies accordingly).

(6) This section overrides every other provision of this Act.

Section 174: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 174(2)(a): amended, on 15 July 2013, by section 61(22) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 174(2)(b): amended, on 15 July 2013, by section 61(23) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

174A Sanctions for failure by young spouse or partner of specified beneficiary to comply with obligations

(1) Subsection (2) applies to a young person—

(a) who is—

(i) aged 16 or 17 years, without dependent children, and is the spouse or partner of a specified beneficiary; or

(ii) aged 16 to 19 years, with a dependent child or children, and is the spouse or partner of a specified beneficiary; and

(b) whose benefit is subject to money management.

(2) If a young person to whom this subsection applies fails, without good and sufficient reason, to comply with an obligation under section 170 placed on him or her by section 171(1)(a), the sanctions in section 173 apply (and sections 175 and 176 apply) as if the young person's benefit were a youth support payment.

(3) Subsection (4) applies to a young person—

(a) who is—

(i) aged 16 or 17 years, without dependent children, and is the spouse or partner of a specified beneficiary; or

(ii) aged 16 to 19 years, with a dependent child or children, and is the spouse or partner of a specified beneficiary; and

(b) whose benefit is not subject to money management.

(4) A failure, without good and sufficient reason, by a young person to whom this subsection applies to comply with any of the obligations placed on the young person under section 171(1) or (2),—

(a) for a young person who would, but for section 171(1)(b) or (2)(b), be subject to the work test, is a failure to comply with the work test for the purposes of section 117; and

(b) for a person who would, but for section 171(1)(b) or (2)(b), be subject to obligations under section 60Q, is a failure to comply with section 60Q(2) for the purposes of section 116B; and

(c) for a young person who is subject to a sanction under section 117, also results in—

(i) suspension of the young person's incentive payments (if any) (if that sanction is a reduction or suspension of the young person's benefit) until the young person recomplies; or

(ii) cancellation of the young person's incentive payments (if any) (if that sanction is the cancellation of the young person's benefit).

Section 174A: inserted, on 25 October 2016, by section 34 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

174AB Sanctions for failure by young person required to receive youth services to comply with obligations

(1) Subsection (2) applies to a young person—

(a) who has been required to receive youth services under section 171A(2); and

(b) whose benefit is subject to money management under section 179.

(2) If satisfied that a young person to whom this subsection applies has, without good and sufficient reason, failed to comply with an obligation placed on him or her by section 171A(6)(a) or (in the case of a work-tested beneficiary) the work test or (in the case of a beneficiary who is required to comply with section 60Q) section 60Q(2), the chief executive must treat that failure as if it were a failure to comply with an obligation under section 170, and the sanctions in section 173 apply (and sections 175 and 176 apply) as if the young person's benefit were a youth support payment.

(3) Subsection (4) applies to a young person—

(a) who has been required to receive youth services under section 171A(2); and

(b) whose benefit is not subject to money management under section 179.

(4) If satisfied that a young person to whom this subsection applies has, without good and sufficient reason, failed to comply with an obligation placed on him or her by section 171A(6)(a), the chief executive must,—

(a) in the case of a young person who is subject to the work test, treat the failure as a failure to comply with the work test for the purposes of section 117; and

(b) in the case of a young person who is subject to obligations under section 60Q, treat the failure as a failure to comply with section 60Q(2) for the purposes of section 116B; and

(c) in the case of a young person who is subject to a sanction under section 117,—

(i) suspend the young person's incentive payments (if any) (if that sanction is a reduction or suspension of the young person's benefit) until the young person recomplies; or

(ii) cancel the young person's incentive payments (if any) (if that sanction is the cancellation of the young person's benefit).

Section 174AB: inserted, on 25 October 2016, by section 34 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

175 Effect of sanctions on supplementary benefits

(1) While a young person's youth payment is cancelled under section 173,—

(a) the young person is not entitled to receive any accommodation supplement or temporary additional support if he or she is not married, or in a civil union or de facto relationship:

(b) if the young person is married, or in a civil union or de facto relationship and his or her spouse or partner's youth payment is not also cancelled under that section,—

(i) any accommodation supplement or temporary additional support otherwise payable to him or her must be reduced by half, and paid to the spouse or partner; and

(ii) any accommodation supplement or temporary additional support otherwise payable to his or her spouse or partner must be reduced by half:

(c) if the young person is married, or in a civil union or de facto relationship and his or her spouse or partner's youth payment is also cancelled under that section,—

(i) the young person is not entitled to receive any accommodation supplement or temporary additional support otherwise payable to him or her; and

(ii) the young person's spouse or partner is not entitled to receive any accommodation supplement or temporary additional support otherwise payable to him or her.

(2) The cancellation under section 174 of the young parent payment of a young person who is a sole parent has no effect on his or her entitlement to receive any accommodation supplement or temporary additional support.

(3) While the young parent payment of a young person who is married, to or in a civil union or de facto relationship with, a spouse or partner whose young parent payment is not also cancelled under that section is cancelled under section 174,—

(a) any accommodation supplement or temporary additional support otherwise payable to him or her must be reduced by half, and paid to the spouse or partner; and

(b) any accommodation supplement or temporary additional support otherwise payable to his or her spouse or partner must be reduced by half.

(4) Where the young parent payment of each of 2 young persons who are married to, or in a civil union or de facto relationship with, each other is cancelled, each is entitled to receive only half of any accommodation supplement or temporary additional support that would otherwise be payable to him or her.

(5) A young person whose youth payment or young parent payment is cancelled under section 173 or 174 is not entitled to receive an emergency benefit.

(6) The cancellation of a young person's youth payment or young parent payment under section 173 or 174 has no effect on his or her entitlement to receive any disability allowance, or child disability allowance.

Section 175: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

176 Sanctions generally

(1) For the purposes of sections 173 and 174, a young person satisfies an obligation if he or she—

(a) remedies the failure concerned; or

(b) if (in the chief executive's opinion) it is not possible to remedy the failure, undertakes to the chief executive's satisfaction an activity that is (in the chief executive's opinion) the same as or substantially similar to the performance of the obligation.

(2) Sections 113 (procedure for imposing sanctions), 114 (notices), and 119 (calculation of failure rate) apply with all necessary modifications to the imposition of sanctions under sections 173 and 174.

(3) In sections 173 and 174,—

second failure means a failure that occurs after the young person concerned has satisfied the obligation to which a first failure related; and

third failure means a failure that occurs after the young person concerned has satisfied the obligation to which a second failure related.

(4) If a young person whose youth support payment has been cancelled under section 173(1)(b) or 174(1)(b) is again granted a youth support payment,—

(a) except as provided in paragraph (b), any incentive payments that were payable to the young person before the cancellation must be paid with the youth payment or young parent payment; but

(b) if the failure that led to the cancellation was a failure to comply with section 170(1)(a), an education incentive payment is payable only if the young person again meets the conditions of entitlement to that payment set out in regulations under this Act.

Section 176: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

177 Effect of sanction on young parent payment

(1) If under section 174(1)(b)(i) a young person's entitlement to a young parent payment is cancelled,—

(a) the person is entitled during the period of cancellation to receive half of that base rate of young parent payment and only half the abatement rate in clause 10 or 11 of Schedule 26 (as the case requires) applies to that rate; but

(b) during the period of cancellation, no incentive payments are payable.

(2) While subsection (1)(b) applies to a young person, the amounts payable must be paid to him or her or on his or her account personally.

Compare: 1964 No 136 s 121

Section 177: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

178 Incentive payment may be cancelled if young person's actions inconsistent with purpose

(1) The chief executive may cancel an incentive payment if satisfied that the young person concerned has intentionally acted in a way inconsistent with the purpose for which it was granted.

(2) The cancellation makes the young person ineligible for the incentive payment again until the chief executive decides that it may be re-granted.

Section 178: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Administration

Heading: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

179 Money management in relation to youth support payments: general

(1) Except as provided in this section and section 177(2), no payment under a youth support payment can be paid to or on account of the young person concerned personally.

(2) Except as provided in subsection (4), every youth support payment is payable by instalments of the number of weeks' payment on the day or date, or the days or dates, in the month that the chief executive determines from time to time.

(3) Every youth support payment is paid in respect of a 7-day week.

(4) Except as otherwise provided in this Act,—

(a) the following must be paid in a manner stated in regulations made under this Act for the purposes of this section:

(i) any youth support payment (including the in-hand allowance up to the maximum amount set out in clause 6 of Schedule 26):

(ii) any WFF tax credit payable to a young person by the chief executive:

(iii) the amount of any child disability allowance or disability allowance to which a young person is entitled:

(iv) any other benefit or payment under this Act to which a young person is entitled specified for the purposes of this paragraph by the regulations; but

(b) *[Repealed]*

(5) A manner stated under subsection (4) may include crediting an amount to a payment card, voucher, or device, that enables a young person to obtain goods or services from a particular supplier and enables the supplier to obtain payment from the department for the goods or services.

(6) Subsection (5) does not limit the generality of subsection (4).

(7) If the chief executive considers that the young person has met the criteria stated for the purposes of this section in regulations under this Act for managing his or her own payments, the chief executive may pay the whole or any part of the payments referred to in subsection (4)(a) to or on account of the young person personally until a sanction is imposed on the young person under section 173 or 174.

(8) No appeal under this Act lies against a determination by the chief executive under regulations made under this Act for the purposes of this section.

(9) This section overrides section 82(1) to (3).

(10) Subsection (4) overrides section 80KS of the Tax Administration Act 1994.

(11) Section 84(1) is subject to regulations under this Act made for the purposes of subsection (4).

(12) Subsection (13) applies to a young person if—

(a) the young person ceases to be subject to money management under this section; and

(b) the young person has a payment card, voucher, or device to which an amount or amounts payable to the young person have been credited for the purchase of goods or services; and

(c) the amount on the card, voucher, or device has not been fully spent.

(13) On application by a young person to whom this subsection applies, the chief executive may—

(a) cancel the young person's payment card, voucher, or device; and

(b) pay the amount standing to the credit of the young person on the payment card, voucher, or device (after the deduction of any debt recoverable from the young person) to the young person in accordance with section 82(3).

Section 179: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Section 179(4)(b): repealed, on 8 July 2016, by section 35(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 179(12): inserted, on 8 July 2016, by section 35(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Section 179(13): inserted, on 8 July 2016, by section 35(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

180 Young person beneficiaries may elect money management

(1) To the extent that regulations under this Act made for the purposes of this section allow (and subject to any conditions prescribed by the regulations), a young person to whom section 171 applies may elect to have any or all of the amounts stated in subsection (2) that are payable to him or her paid in accordance with section 179(4); and that subsection applies accordingly with any necessary modifications.

(2) The amounts are—

(a) any part of a specified beneficiary's benefit:

(b) any part of any other benefit payable under section 83:

(c) any WFF tax credit:

(d) any child disability allowance or disability allowance:

(e) any other benefit or payment under this Act to which he or she is entitled.

(3) The young person may revoke the election at any time.

Section 180: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

181 Chief executive may assign contracted service provider to young person

The chief executive may assign a contracted service provider to a young person,—

(a) at any time after the young person has contacted the department for financial assistance at which the chief executive considers that the most appropriate financial assistance for the young person is likely to be a youth support payment; or

(b) at the time, or at any time after, the youth support payment is payable to the young person; or

(c) at any time section 171 applies to the young person.

Section 181: inserted, on 20 August 2012, by section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Schedule 1
Rates of superannuation benefits

[Repealed]

s 15

Schedule 1: repealed, on 9 February 1977, by section 4(1) of the Social Security Amendment Act 1976 (1976 No 40).

Schedule 2
Rates of age benefits

[Repealed]

ss 18, 19, 20

Schedule 2: repealed, on 9 February 1977, by section 4(1) of the Social Security Amendment Act 1976 (1976 No 40).

Schedule 3
Rates of generally abolished former widows' benefits under section 21 as saved by clause 3 of Schedule 32 for reciprocity agreement applicants or recipients

s 3C

Schedule 3: replaced, on 10 March 2003, by section 30 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Schedule 3 heading: replaced, on 15 July 2013, by section 80 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

1	To a beneficiary with 1 or more dependent children	$334.05 a week, subject to Income Test 1
2	To a beneficiary without any dependent children	$224.28 a week, subject to Income Test 1

3 For the purposes of clause 1, the chief executive may, in his or her discretion, disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of child care for any of the beneficiary's dependent children.

Schedule 3 clause 1: replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 3 clause 1: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 3 clause 2: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 3A
Rate of sole parent support

ss 20A, 20B, 20G

Schedule 3A: inserted, on 15 July 2013, by section 81(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

1 To a beneficiary with 1 or more dependent children: $334.05 a week, subject to Income Test 1.

Schedule 3A clause 1: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

2 For the purposes of clause 1, the chief executive may, in his or her discretion, disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of child care for any of the beneficiary's dependent children.

3 For the purposes of clause 1, the chief executive may, in his or her discretion, treat all or any part of the income (including, without limitation, any pension or allowance under the Veterans' Support Act 2014) of the spouse or partner of an applicant to whom section 20A(d) or (f) applies as if it were income derived by that applicant if the chief executive—

(a) has had regard to its nature and the means by which it was derived; and

(b) considers that treatment of it to be reasonable in the circumstances.

Schedule 3A clause 3: amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Schedule 4
Maximum rates of orphans' benefits and unsupported child's benefits

s 29A

Schedule 4: replaced, on 1 October 1990, by section 21(1) of the Social Security Amendment Act (No 2) 1990 (1990 No 74).

1	(a)	In respect of a child aged 14 years or over	$229.83 a week
	(b)	In respect of a child aged over 10 years and under 14 years	$211.95 a week
	(c)	In respect of a child aged over 5 years and under 10 years	$193.99 a week
	(d)	In respect of a child aged under 5 years	$169.97 a week

2 The amount specified in clause 1 of this schedule shall be diminished by $1 for every complete $1 of the annual income of the child (other than personal earnings of the child) in excess of 50% of the appropriate amount specified under that clause.

Schedule 4 clause 1(a): amended, on 1 July 2018 (as in force immediately before this date), by section 70(2) (see section 70(3) for application) of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Schedule 4 clause 1(b): amended, on 1 July 2018 (as in force immediately before this date), by section 70(2) (see section 70(3) for application) of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Schedule 4 clause 1(c): amended, on 1 July 2018 (as in force immediately before this date), by section 70(2) (see section 70(3) for application) of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Schedule 4 clause 1(d): amended, on 1 July 2018 (as in force immediately before this date), by section 70(2) (see section 70(3) for application) of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Schedule 5
Rates of family benefits

[Repealed]

s 34

Schedule 5: repealed, on 1 April 1991, by section 7(1) of the Social Security Amendment Act 1991 (1991 No 1).

Schedule 6
Rates of supported living payment benefits

ss 40I, 40J

Schedule 6: replaced, on 1 July 1996, by section 39(1) of the Social Security Amendment Act 1996 (1996 No 20).

Schedule 6 heading: amended, on 15 July 2013, by section 94(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 6 heading: amended, on 15 July 2013, by section 94(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

1	(a) To a single beneficiary under the age of 18 years without dependent children	$217.80 a week, subject to Income Test 1
	(b) To any other single beneficiary without dependent children	$269.15 a week, subject to Income Test 1
	(c) To a single beneficiary with 1 or more dependent children	$379.19 a week, subject to Income Test 1
	(d) To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a benefit other than a veteran's pension	$224.28 a week, increased by— (i) $25.62 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary's spouse or partner has not been granted a main benefit under this Act, the total rate to be subject to Income Test 2; or (ii) $12.81 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary's spouse or partner has been granted a main benefit under this Act, the total rate to be subject to Income Test 2
	(e) To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a veteran's pension	$224.28 a week, increased by $25.62 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1
	(f) To a beneficiary receiving a supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness who is married, in a civil union, or in a de facto relationship, whose spouse or partner is not granted a benefit in his or her own right	$224.28 a week, increased by $224.28 a week in respect of his or her spouse or partner and a further $25.62 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1
	(g) To a beneficiary receiving a supported living payment under section 40D on the ground of caring for a patient requiring care, if the beneficiary is married, in a civil union, or in a de facto relationship and the beneficiary's spouse or partner is not granted a benefit in his or her own right	$224.28 a week, increased by $25.62 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1
	(h) *[Repealed]*	

provided that, in computing the income of any beneficiary receiving a supported living payment under section 40B for the purpose of this schedule, the chief executive shall—

(a) disregard that part of the beneficiary's income (not exceeding $20 a week) earned by the beneficiary's own efforts; and

(b) disregard all of the income of a totally blind beneficiary earned by the beneficiary's own efforts.

2	Maximum amount from all sources where subsidy paid on earnings of blind beneficiary, in every case	$354.28 a week, increased by $44.87 a week if the beneficiary is a single person

3 Despite clause 1(d), (e), and (g), the rate of a supported living payment on the ground of caring for a patient requiring care under any of those paragraphs must not be less than the rates that would be payable if the beneficiary and the spouse or partner of the beneficiary were both entitled to receive the benefit on those grounds; but the rate of benefit payable under this clause must not exceed—

(a) $224.28 a week if the beneficiary and his or her spouse or partner have no dependent children; or

(b) $249.90 a week if the beneficiary and his or her spouse have 1 or more dependent children.

Schedule 6 clause 1(a): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 6 clause 1(b): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 6 clause 1(c): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 6 clause 1(c): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(d): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 6 clause 1(d): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(d)(i): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(d)(ii): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(e): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 6 clause 1(e): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(f): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 6 clause 1(f): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(g): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 6 clause 1(g): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 1(h): repealed, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 6 clause 1 proviso: amended, on 10 April 2015, by section 8 of the Social Security Amendment Act 2015 (2015 No 41).

Schedule 6 clause 1 proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Schedule 6 clause 2: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 2: amended, on 15 July 2013, by section 94(5) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 6 clause 2: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 6 clause 3: replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 6 clause 3(a): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 6 clause 3(b): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 7
Rates of miners' benefits and miners' widows' benefits

[Repealed]

ss 49, 53

Schedule 7: repealed, on 30 June 1993, by section 5(2) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Schedule 8
Rates of benefit payable to person receiving a sickness benefit immediately before 1 July 1998

[Repealed]

s 55(3)

Schedule 8: repealed, on 27 September 2010, by section 33 of the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105).

Schedule 9
Rates of jobseeker support

ss 3C, 88M

Schedule 9: replaced, on 1 July 1996, by section 39(1) of the Social Security Amendment Act 1996 (1996 No 20).

Schedule 9 heading: replaced, on 1 July 2001, by section 44(1) of the Social Security Amendment Act 2001 (2001 No 1).

Schedule 9 heading: amended, on 15 July 2013, by section 127(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 heading: amended, on 15 July 2013, by section 127(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 heading: amended, on 15 July 2013, by section 111 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

1	(aa)	To a single beneficiary under the age of 20 years who is— (i) living with a parent (as that term is defined in section 3(1)); and (ii) whose benefit commenced on or after 1 July 1998	$143.55 a week, subject to Income Test 3
	(a)	To any other single beneficiary under the age of 25 years without dependent children	$179.44 a week, subject to Income Test 3
	(ab)	To any other single beneficiary without dependent children and who was on 15 July 2013 transferred to jobseeker support— (i) by clause 2(9) and (11) of Schedule 32; or (ii) by clause 10(6) and (8) of Schedule 32	$224.28 a week, subject to Income Test 1
	(b)	To any other single beneficiary without dependent children	$215.34 a week, subject to Income Test 3
	(ba)	To any single beneficiary whose youngest dependent child is aged at least 14 years (including, without limitation, any such beneficiary who is a beneficiary of a kind specified in clause 5A(a), (b), or (c), and *see also* the chief executive's discretion (to disregard specified income used to meet the cost of childcare) under clause 5B)	$334.05 a week, subject to Income Test 1
	(c)	To any other single beneficiary with 1 or more dependent children	$334.05 a week, subject to Income Test 1
	(d)	To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a benefit other than a veteran's pension	$179.44 a week, increased by— (i) $25.62 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary's spouse or partner has not been granted a main benefit under this Act, the total rate to be subject to Income Test 4; or

		(ii) $12.81 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary's spouse or partner has been granted a main benefit under this Act, the total rate to be subject to Income Test 4
	(e) To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a veteran's pension	$179.44 a week, increased by $25.62 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 3
	(f) To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is not granted a benefit in his or her own right	$179.44 a week, increased by $179.44 a week in respect of his or her spouse or partner and a further $25.62 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 3
	(g) *[Repealed]*	
	(h) *[Repealed]*	
	(i) *[Repealed]*	
	(j) *[Repealed]*	
2	Maximum increase in respect of a housekeeper	$179.44 a week
3	*[Repealed]*	
4	*[Repealed]*	
5	Special rate of benefit for persons to whom section 88M(4) applies	$179.44 a week, increased by $12.81 a week if the beneficiary has 1 or more dependent children, the total rate to be subject to Income Test 4
5A	A single beneficiary whose youngest dependent child is aged at least 14 years, referred to in clause 1(ba), includes, without limitation, any such beneficiary who is—	
	(a) a beneficiary who (as a person with a dependent child aged under 14 years) was on 15 July 2013 transferred by clause 2(6) and (8) of Schedule 32 to sole parent support that after 14 July 2013 and under section 20H(1) and (2) expired, and was replaced with jobseeker support that commenced, on the date that the beneficiary's youngest dependent child turned 14 years old; or	
	(b) a beneficiary who (as a person without a dependent child aged under 14 years) was on 15 July 2013 transferred to	

jobseeker support by clause 2(9) and (11) of Schedule 32; or

(c) a beneficiary whose entitlement to jobseeker support arose from applying for it, and being granted it, after 14 July 2013.

5B For the purposes of clause 1(ba) and of clause 1(c), the chief executive may, in his or her discretion, disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of childcare for any of the beneficiary's dependent children.

6 *[Repealed]*

Schedule 9 clause 1(aa): inserted, on 1 July 1998, by section 10(2) of the Social Security Amendment Act 1998 (1998 No 19).

Schedule 9 clause 1(aa): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(aa): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 9 clause 1(aa): amended, on 1 July 2001, by section 44(2) of the Social Security Amendment Act 2001 (2001 No 1).

Schedule 9 clause 1(a): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(a): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 9 clause 1(a): amended, on 1 July 2001, by section 44(3) of the Social Security Amendment Act 2001 (2001 No 1).

Schedule 9 clause 1(a): amended, on 1 July 1998, by section 10(3) of the Social Security Amendment Act 1998 (1998 No 19).

Schedule 9 clause 1(ab): inserted, on 15 July 2013, by section 60(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 clause 1(ab): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(b): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 9 clause 1(ba): inserted, on 15 July 2013, by section 60(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 clause 1(ba): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(c): replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 9 clause 1(c): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(c): amended, on 15 July 2013, by section 60(3)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 clause 1(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 9 clause 1(d): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 9 clause 1(d): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(d)(i): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(d)(ii): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(e): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 9 clause 1(e): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(f): replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 9 clause 1(f): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 1(g): repealed, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 9 clause 1(h): repealed, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 9 clause 1(i): repealed, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 9 clause 1(j): repealed, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 9 clause 2: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 3: repealed, on 1 July 1996, by section 2(2) of the Social Security Amendment Act (No 3) 1996 (1996 No 49).

Schedule 9 clause 4: repealed, on 1 January 1998, by section 10(1) of the Social Security Amendment Act (No 3) 1997 (1997 No 23).

Schedule 9 clause 5: replaced, on 1 October 1998, by section 56(2) of the Social Security Amendment Act 1998 (1998 No 19).

Schedule 9 clause 5: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 9 clause 5: amended, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 9 clause 5: amended, on 15 July 2013, by section 127(3) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 clause 5: amended, on 1 July 2001, by section 44(4) of the Social Security Amendment Act 2001 (2001 No 1).

Schedule 9 clause 5A: inserted, on 15 July 2013, by section 60(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 clause 5B: inserted, on 15 July 2013, by section 60(4) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 9 clause 6: repealed, on 1 October 1998, by section 40(2)(c) of the Social Security Amendment Act 1998 (1998 No 19).

Schedule 10
Special income exemption in respect of sick benefits from friendly or like society (stated benefits only)

s 66

Schedule 10: replaced, on 20 July 1983, by section 12(1) of the Social Security Amendment Act 1983 (1983 No 138).

Schedule 10 heading: amended, on 15 July 2013, by section 82(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Maximum rate	$2 a week in the case of jobseeker support on the ground of sickness, injury, or disability, and $104 a year in the case of New Zealand Superannuation, supported living payment on the ground of sickness, injury, disability, or total blindness, or sole parent support

Schedule 10: amended, on 15 July 2013, by section 82(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 10: amended, on 15 July 2013, by section 112 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 11
Special income exemption in respect of earnings from domestic and nursing service

[Repealed]

s 67

Schedule 11: repealed, on 14 May 1969, by section 5(1) of the Social Security Amendment Act 1969 (1969 No 46).

Schedule 12
Maximum increase in rate of benefit payable to parent of deceased member of forces or mercantile marine

s 69

Schedule 12: replaced, on 20 July 1983, by section 12(1) of the Social Security Amendment Act 1983 (1983 No 138).

Maximum rate	$1 a week

Schedule 13
Enactments repealed

s 135(1)

Finance Act (No 4) 1940 (1940 No 30) (1957 Reprint, Vol 14, p 580)
Amendment(s) incorporated in the Act(s).

Finance Act 1941 (1941 No 4) (1957 Reprint, Vol 14, p 581)
Amendment(s) incorporated in the Act(s).

Finance Act (No 3) 1944 (1944 No 31) (1957 Reprint, Vol 14, p 586)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1945 (1945 No 45) (1957 Reprint, Vol 14, p 590)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1948 (1948 No 78) (1957 Reprint, Vol 14, p 593)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1952 (1952 No 81) (1957 Reprint, Vol 14, p 602)
Amendment(s) incorporated in the Act(s).

Public Revenues Amendment Act 1963 (1963 No 46)
Amendment(s) incorporated in the Act(s).

Social Security Act 1938 (1938 No 7) (1957 Reprint, Vol 14, p 475)

Social Security Amendment Act 1939 (1939 No 31) (1957 Reprint, Vol 14, p 578)

Social Security Amendment Act 1940 (1940 No 5) (1957 Reprint, Vol 14, p 579)

Social Security Amendment Act 1943 (1943 No 19) (1957 Reprint, Vol 14, p 583)

Social Security Amendment Act 1945 (1945 No 11) (1957 Reprint, Vol 14, p 586)

Social Security Amendment Act 1946 (1946 No 22) (1957 Reprint, Vol 14, p 590)

Social Security Amendment Act 1947 (1947 No 28) (1957 Reprint, Vol 14, p 593)

Social Security Amendment Act 1949 (1949 No 38) (1957 Reprint, Vol 14, p 594)

Social Security Amendment Act 1950 (1950 No 49) (1957 Reprint, Vol 14, p 597)

Social Security Amendment Act 1951 (1951 No 54) (1957 Reprint, Vol 14, p 600)

Social Security Amendment Act 1954 (1954 No 69) (1957 Reprint, Vol 14, p 604)

Social Security Amendment Act 1955 (1955 No 9) (1957 Reprint, Vol 14, p 606)

Social Security Amendment Act (No 2) 1955 (1955 No 34) (1957 Reprint, Vol 14, p 608)

Social Security Amendment Act 1957 (1957 No 92) (1957 Reprint, Vol 14, p 609)

Social Security Amendment Act 1958 (1958 No 46)

Social Security Amendment Act 1959 (1959 No 80)

Social Security Amendment Act 1960 (1960 No 13)

Social Security Amendment Act 1961 (1961 No 6)

Social Security Amendment Act 1962 (1962 No 22)

Social Security Amendment Act (No 2) 1962 (1962 No 102)

Social Security Amendment Act 1963 (1963 No 47)

Social Security Amendment Act 1964 (1964 No 37)

Schedule 14
Child supplements

[Repealed]

s 61A

Schedule 14: repealed, on 1 October 1986, by section 14(1)(c) of the Social Security Amendment Act 1986 (1986 No 39).

Schedule 15
Maximum rate of rehabilitation allowance

[Repealed]

s 124(4)

Schedule 15: repealed, on 5 November 1976, by section 28(3)(a) of the Disabled Persons Community Welfare Act 1975 (1975 No 122).

Schedule 16
Rates of generally abolished former DPB for solo parents under section 27B as saved by clause 3 of Schedule 32 for reciprocity agreement applicants or recipients

s 3C

Schedule 16: replaced, on 10 March 2003, by section 30 of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Schedule 16 heading: replaced, on 15 July 2013, by section 83 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

1	To a beneficiary with 1 or more dependent children	$334.05 a week, subject to Income Test 1
2	To a beneficiary without any dependent children	$224.28 a week, subject to Income Test 1

3 For the purposes of clause 1, the chief executive may, in his or her discretion, disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of child care for any of the beneficiary's dependent children.

Schedule 16 clause 1: replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 16 clause 1: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 16 clause 2: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 17
Rates of domestic purposes benefits

[Repealed]

ss 27G, 27H

Schedule 17: repealed, on 15 July 2013, by section 95(1) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18
Accommodation supplement

ss 61DH, 61E, 61EA, 61EC

Schedule 18: replaced, on 1 July 1993, by section 34(1) of the Social Security Amendment Act (No 3) 1993 (1993 No 57).

Part 1
Preliminary

1 For the purposes of this schedule,—

Area 1 means the following parts of New Zealand (as on 26 June 2017 defined by the Government Statistician):

Arrowtown urban area
Bombay area unit
Central Auckland urban zone
Clevedon area unit
Glenbrook area unit
Helensville South area unit
Helensville urban area
Hunua area unit
Karekare area unit
Kaukapakapa area unit
Kaukapakapa Rural area unit
Kingseat area unit
Mahurangi area unit
Muriwai Beach area unit
Muriwai Valley area unit
Northern Auckland urban zone
Parakai Urban area unit
Patumahoe area unit
Pokeno area unit
Pukekohe urban area
Queenstown urban area
Rewiti area unit
Riverhead area unit
Snells Beach urban area
Southern Auckland urban zone
Tahekeroa area unit
Tauranga urban area
Waiheke Island urban area
Waitakere West area unit
Waiuku urban area
Wanaka urban area
Warkworth urban area

Western Auckland urban zone

Area 2 means the following parts of New Zealand (as on 26 June 2017 defined by the Government Statistician):

Amberley urban area
Ashburton urban area
Awhitu area unit
Blenheim urban area
Brightwater urban area
Cambridge urban zone
Cape Rodney area unit
Cape Rodney South area unit
Christchurch urban area
Cromwell urban area
Darfield urban area
Great Barrier Island area unit
Hamilton urban zone
Hastings urban zone
Islands–Motutapu, Rangitoto, Rakino area unit
Kaiaua area unit
Kapiti urban area
Katikati Community urban area
Kawakawa–Orere area unit
Kawau area unit
Kerikeri urban area
Leeston urban area
Leigh area unit
Lincoln urban area
Little Barrier Island area unit
Lower Hutt urban zone
Makara–Ohariu area unit
Mangatawhiri area unit
Mangawhai area unit
Mangawhai Heads urban area
Mapua urban area
Maramarua area unit
Matakana area unit
Matamata urban area
Matheson Bay area unit
Meremere area unit
Moonshine Valley area unit
Motueka urban area
Napier urban zone
Nelson urban area
New Plymouth urban area
Ngunguru urban area

Omaha area unit
Onewhero area unit
Otaua area unit
Oxford urban area
Paparata area unit
Parakai Rural area unit
Point Wells area unit
Porirua urban zone
Raglan urban area
Rakaia urban area
Rangiora urban area
Rapaura area unit
Rolleston urban area
South Head area unit
Tauhoa–Puhoi area unit
Taupo urban area
Te Awamutu urban zone
Te Kauwhata urban area
Te Puke Community urban area
Upper Hutt urban zone
Waihi Beach urban area
Wakefield urban area
Wellington urban zone
Wellsford urban area
Whangamata urban area
Whangarei urban area
Whitianga urban area
Woodend urban area

Area 3 means the following parts of New Zealand (as on 26 June 2017 defined by the Government Statistician):

Alexandra urban area
Carterton urban area
Cloustonville area unit
Coromandel urban area
Dargaville urban area
Dunedin urban area
Edgecumbe urban area
Feilding urban area
Geraldine urban area
Gisborne urban area
Greymouth urban area
Greytown urban area
Hanmer Springs area unit
Hawera urban area
Hokitika urban area

Huntly urban area
Inglewood urban area
Kaikohe urban area
Kaikoura urban area
Kaitaia urban area
Kapiti Island area unit
Kauwhata area unit
Kawakawa urban area
Levin urban area
Mana Island area unit
Mangaroa area unit
Martinborough urban area
Masterton urban area
Maungakotukutuku area unit
Methven urban area
Morrinsville urban area
Ngatea urban area
Oamaru urban area
Opiki area unit
Otaki urban area
Otorohanga urban area
Paekakariki Hill area unit
Paeroa urban area
Paihia urban area
Palmerston North urban area
Pencarrow area unit
Picton urban area
Pleasant Point urban area
Rotorua urban area
Russell area unit
Shannon urban area
Taipa Bay–Mangonui urban area
Tairua urban area
Takaka urban area
Te Aroha urban area
Temuka urban area
Thames urban area
Timaru urban area
Tokomaru area unit
Tokorangi–Hiwinui area unit
Twizel Community urban area
Waihi urban area
Waikouaiti urban area
Waipawa urban area
Waitara urban area

Whakatane urban area
Winton urban area

Area 4 means any part of New Zealand not included in Area 1, Area 2, or Area 3

base rate means, subject to clause 4A,—

(a) in relation to a single beneficiary under the age of 25 years, the maximum weekly rate of a main benefit under this Act he or she would have been entitled to receive, before any abatement or deduction, if he or she had attained the age of 25 years:

(b) in relation to a single beneficiary with a dependent child or dependent children, the maximum weekly rate of a main benefit under this Act he or she is entitled to receive, before any abatement or deduction, plus the maximum annual rate of family tax credit (divided by 52) that is payable in respect of an eldest dependent child who is under 16 under subparts MA to MF and MZ of the Income Tax Act 2007:

(c) in relation to any other single beneficiary, the maximum weekly rate of a main benefit under this Act he or she would be entitled to receive before any abatement or deduction:

(d) in relation to a beneficiary who is married or in a civil union or in a de facto relationship (not being a beneficiary to whom paragraph (da) applies), the maximum weekly rate of a main benefit under this Act he or she is entitled to receive, before any abatement or deduction, plus (where he or she has 1 or more dependent children) the maximum annual rate of family tax credit (divided by 52) that is paid in respect of an eldest dependent child who is under 16 (if any) under subparts MA to MF and MZ of the Income Tax Act 2007, plus the maximum weekly rate of a main benefit under this Act paid in respect of his or her spouse or partner:

(da) in relation to a beneficiary who is married or in a civil union or in a de facto relationship whose spouse or partner is not entitled to an accommodation supplement under section 80C, the rate specified in paragraph (d) as if a rate of a main benefit under this Act were paid in respect of that spouse or partner:

(e) in relation to a single non-beneficiary with 1 or more dependent children,—

(i) the appropriate maximum weekly rate of jobseeker support; plus

(ii) the annual rate of family tax credit (divided by 52) that is payable in respect of a first dependent child who is under 16 years under subparts MA to MF and MZ of the Income Tax Act 2007 or subpart KD of the Income Tax Act 2004 or subpart KD of the Income Tax Act 1994 (whichever is applicable):

(f) in relation to any other single non-beneficiary, the weekly rate of jobseeker support at the rate in clause 1(b) of Schedule 9 before any abatement or deduction:

(g) in relation to a non-beneficiary who is married or in a civil union or in a de facto relationship,—

(i) the appropriate maximum weekly rate of jobseeker support; plus

(ii) (if he or she has 1 or more dependent children) the maximum annual rate of family tax credit (divided by 52) that is payable in respect of a first dependent child who is under 16 years under subparts MA to MF and MZ of the Income Tax Act 2007 or subpart KD of the Income Tax Act 2004 or subpart KD of the Income Tax Act 1994 (whichever is applicable); plus

(iii) the maximum weekly rate of jobseeker support that would have been payable in respect of his or her spouse or partner.

Schedule 18 Part 1 clause 1 **Area 1**: replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **Area 1**: amended, on 1 April 2018, by clause 5(3) of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 1 clause 1 **Area 1**: amended, on 21 December 2017, by section 73 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Schedule 18 Part 1 clause 1 **Area 2**: replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **Area 2**: amended, on 1 April 2018, by clause 5(2) of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 1 clause 1 **Area 2**: amended, on 1 April 2018 (immediately after being amended by clause 5(1)), by clause 5(3) of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 1 clause 1 **Area 2**: amended, on 1 April 2018 (immediately after being amended by clause 5(1)), by clause 5(4) of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 1 clause 1 **Area 2**: amended, on 21 December 2017, by section 73 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Schedule 18 Part 1 clause 1 **Area 3**: inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **Area 3**: amended, on 1 April 2018, by clause 5(2) of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 1 clause 1 **Area 3**: amended, on 1 April 2018 (immediately after being amended by clause 5(1)), by clause 5(4) of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 1 clause 1 **Area 3**: amended, on 21 December 2017, by section 73 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

Schedule 18 Part 1 clause 1 **Area 4**: inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **Auckland**: repealed, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **base rate**: amended, on 20 May 2010, by section 3(1) of the Social Security Amendment Act 2010 (2010 No 30).

Schedule 18 Part 1 clause 1 **base rate** paragraph (a): amended, on 15 July 2013, by section 61(24) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (b): amended, on 15 July 2013, by section 61(24) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (b): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 18 Part 1 clause 1 **base rate** paragraph (b): amended (with effect on 1 April 2007), on 19 December 2007, by section 300 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Schedule 18 Part 1 clause 1 **base rate** paragraph (b): amended, on 1 January 1998, by section 10(1) of the Social Security Amendment Act (No 3) 1997 (1997 No 23).

Schedule 18 Part 1 clause 1 **base rate** paragraph (c): amended, on 15 July 2013, by section 61(24) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended, on 15 July 2013, by section 61(25) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended (with effect on 1 April 2007), on 19 December 2007, by section 300 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended, on 1 October 2004, by section 19 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended, on 1 January 1998, by section 10(1) of the Social Security Amendment Act (No 3) 1997 (1997 No 23).

Schedule 18 Part 1 clause 1 **base rate** paragraph (d): amended, on 1 October 1995, by section 40(1) of the Social Security Amendment Act 1996 (1996 No 20).

Schedule 18 Part 1 clause 1 **base rate** paragraph (da): inserted, on 1 October 1995, by section 40(2) of the Social Security Amendment Act 1996 (1996 No 20).

Schedule 18 Part 1 clause 1 **base rate** paragraph (da): amended, on 15 July 2013, by section 61(24) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (da): amended, on 12 December 2012, by section 7 of the Social Security Amendment Act (No 2) 2012 (2012 No 114).

Schedule 18 Part 1 clause 1 **base rate** paragraph (da): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 1 **base rate** paragraph (da): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 1 **base rate** paragraph (e): replaced, on 1 October 2004, by section 19 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **base rate** paragraph (e)(i): amended, on 15 July 2013, by section 128(2)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (e)(ii): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 18 Part 1 clause 1 **base rate** paragraph (e)(ii): amended (with effect on 1 April 2007), on 19 December 2007, by section 300 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Schedule 18 Part 1 clause 1 **base rate** paragraph (f): replaced, on 1 October 2004, by section 19 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **base rate** paragraph (f): amended, on 15 July 2013, by section 128(2)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g): replaced, on 1 October 2004, by section 19 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g): amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g)(i): amended, on 15 July 2013, by section 128(2)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g)(ii): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g)(ii): amended (with effect on 1 April 2007), on 19 December 2007, by section 300 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g)(iii): amended, on 15 July 2013, by section 128(2)(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 1 **base rate** paragraph (g)(iii): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 1 **Wellington**: repealed, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

2 The amount of accommodation supplement assessed under this schedule shall be reduced—

(a) *[Repealed]*

(b) in the case of a non-beneficiary, by 25 cents for every $1 of the combined weekly income of the applicant and any spouse or partner of the applicant in excess of the amount of income that would prevent payment of jobseeker support—

(i) in the case of a single applicant without dependent children, at the maximum rate in clause 1(b) of Schedule 9; or

(ia) in the case of a sole parent, at the appropriate maximum rate in item 1(ba) or (c) of Schedule 9 as if Income Test 3 applied to that rate instead of Income Test 1; or

(ii) in the case of any other applicant, at the appropriate maximum rate in Schedule 9.

Schedule 18 Part 1 clause 2(a): repealed, on 1 October 2004, by section 19 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 2(b): replaced, on 1 October 2004, by section 19 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 1 clause 2(b): amended, on 15 July 2013, by section 128(1)(p) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 2(b): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 1 clause 2(b)(ia): inserted, on 10 April 2015, by section 9 of the Social Security Amendment Act 2015 (2015 No 41).

3 In assessing the income of a person in receipt of sole parent support or a young parent payment for the purposes of section 61EC and of this schedule, the chief executive, in his or her discretion, may disregard an amount of up to $20 a week of that person's earnings which are used to meet the cost of placing his or her dependent child or dependent children in a day-care centre registered under the Child Care Centre Regulations 1985 or in any other day-care facility approved by the chief executive.

Schedule 18 Part 1 clause 3: amended, on 15 July 2013, by section 84 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 18 Part 1 clause 3: amended, on 20 August 2012, by section 28(1) of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Schedule 18 Part 1 clause 3: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

4 Every accommodation supplement assessed under this schedule shall be rounded up to the complete dollar.

4A In determining the base rate in relation to a person in respect of any period that is wholly or partly within the period commencing on 1 October 2010 and ending on the close of 31 March 2011, the chief executive must, under paragraph (b) or (d) or (e)(ii) or (g)(ii) of the definition of base rate in clause 1, use the applicable annual rate, or as the case requires, the maximum annual rate of family tax credit in force immediately before 1 October 2010 as if sections 61 to 63 of the Taxation (Budget Measures) Act 2010 had not been enacted.

Schedule 18 Part 1 clause 4A: inserted, on 20 May 2010, by section 3(2) of the Social Security Amendment Act 2010 (2010 No 30).

Part 2
Rates of accommodation supplement

1	To a person who has 1 or more dependent children and who is married or in a civil union or in a de facto	70% of the amount by which an applicant's weekly accommodation costs exceeds 25% of the base rate, but not more than— (a) $305 a week, if the applicant resides in Area 1:

	relationship, or a sole parent with 2 or more dependent children, whose accommodation costs are rent or payments for board and lodgings	(b) $220 a week, if the applicant resides in Area 2: (c) $160 a week, if the applicant resides in Area 3: (d) $120 a week, if the applicant resides in Area 4
2	To a person who has no dependent children and who is married or in a civil union or in a de facto relationship, or a sole parent with 1 dependent child, whose accommodation costs are rent or payments for board and lodgings	70% of the amount by which an applicant's weekly accommodation costs exceeds 25% of the base rate, but not more than— (a) $235 a week, if the applicant resides in Area 1: (b) $155 a week, if the applicant resides in Area 2: (c) $105 a week, if the applicant resides in Area 3: (d) $80 a week, if the applicant resides in Area 4
3	To any other person whose accommodation costs are rent or payments for board and lodgings	70% of the amount by which an applicant's weekly accommodation costs exceeds 25% of the base rate, but not more than— (a) $165 a week, if the applicant resides in Area 1: (b) $105 a week, if the applicant resides in Area 2: (c) $80 a week, if the applicant resides in Area 3: (d) $70 a week, if the applicant resides in Area 4
4	To a person who has 1 or more dependent children and who is married or in a civil union or in a de facto relationship, or a sole parent with 2 or more dependent children, whose accommodation costs are the sum of payments required under any mortgage security, and other payments that the chief executive is satisfied are reasonably required to be made in respect of the person's home	70% of the amount by which an applicant's weekly accommodation costs exceeds 30% of the base rate, but not more than— (a) $305 a week, if the applicant resides in Area 1: (b) $220 a week, if the applicant resides in Area 2: (c) $160 a week, if the applicant resides in Area 3: (d) $120 a week, if the applicant resides in Area 4
5	To a person who has no dependent children and who is married or in a civil union or in a de facto relationship, or a sole parent with 1 dependent child, whose accommodation costs are the sum of payments required under any mortgage security, and other payments that the chief executive is satisfied are reasonably required to be made in respect of the person's home	70% of the amount by which an applicant's weekly accommodation costs exceeds 30% of the base rate, but not more than— (a) $235 a week, if the applicant resides in Area 1: (b) $155 a week, if the applicant resides in Area 2: (c) $105 a week, if the applicant resides in Area 3: (d) $80 a week, if the applicant resides in Area 4
6	To any other person whose accommodation costs are	70% of the amount by which an applicant's weekly accommodation costs exceeds 30% of the base rate, but not more than—

the sum of payments required under any mortgage security, and other payments that the chief executive is satisfied are reasonably required to be made in respect of the person's home	(a) $165 a week, if the applicant resides in Area 1: (b) $105 a week, if the applicant resides in Area 2: (c) $80 a week, if the applicant resides in Area 3: (d) $70 a week, if the applicant resides in Area 4

Schedule 18 Part 2 clause 1: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 1: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 1: amended, on 1 July 1997, by section 4 of the Social Security Amendment Act 1997 (1997 No 21).

Schedule 18 Part 2 clause 1(a): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 1(a): amended, on 1 October 1996, by section 3(2)(a) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 1(b): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 1(b): amended, on 1 October 1996, by section 3(2)(b) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 1(c): replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 1(c): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 1(d): inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 1(d): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 2: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 2: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 2: amended, on 1 July 1997, by section 4 of the Social Security Amendment Act 1997 (1997 No 21).

Schedule 18 Part 2 clause 2(a): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 2(a): amended, on 1 October 1996, by section 3(2)(a) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 2(b): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 2(b): amended, on 1 October 1996, by section 3(2)(b) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 2(c): replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 2(c): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 2(d): inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 2(d): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 3: amended, on 1 July 1997, by section 4 of the Social Security Amendment Act 1997 (1997 No 21).

Schedule 18 Part 2 clause 3(a): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 3(a): amended, on 1 October 1996, by section 3(2)(a) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 3(b): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 3(b): amended, on 1 October 1996, by section 3(2)(b) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 3(c): replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 3(c): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 3(d): inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 3(d): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 4: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 4: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 4: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Schedule 18 Part 2 clause 4: amended, on 1 July 1997, by section 4 of the Social Security Amendment Act 1997 (1997 No 21).

Schedule 18 Part 2 clause 4(a): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 4(a): amended, on 1 October 1996, by section 3(2)(a) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 4(b): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 4(b): amended, on 1 October 1996, by section 3(2)(b) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 4(c): replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 4(c): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 4(d): inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 4(d): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 5: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 5: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 18 Part 2 clause 5: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Schedule 18 Part 2 clause 5: amended, on 1 July 1997, by section 4 of the Social Security Amendment Act 1997 (1997 No 21).

Schedule 18 Part 2 clause 5(a): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 5(a): amended, on 1 October 1996, by section 3(2)(a) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 5(b): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 5(b): amended, on 1 October 1996, by section 3(2)(b) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 5(c): replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 5(c): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 5(d): inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 5(d): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 6: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Schedule 18 Part 2 clause 6: amended, on 1 July 1997, by section 4 of the Social Security Amendment Act 1997 (1997 No 21).

Schedule 18 Part 2 clause 6(a): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 6(a): amended, on 1 October 1996, by section 3(2)(a) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 6(b): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 6(b): amended, on 1 October 1996, by section 3(2)(b) of the Social Security Amendment Act (No 5) 1996 (1996 No 155).

Schedule 18 Part 2 clause 6(c): replaced, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 6(c): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Schedule 18 Part 2 clause 6(d): inserted, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 18 Part 2 clause 6(d): amended, on 1 April 2018, by clause 4 of the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133).

Part 3
Average regional rental

[Repealed]

Schedule 18 Part 3: repealed, on 17 November 2000, by section 7(2) of the Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22).

Part 4
Maximum additional amount payable to a beneficiary resident in an institution or home

[Repealed]

Schedule 18 Part 4: repealed (with effect on 1 July 1995), on 17 September 1997, by section 28(1) of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

Schedule 18A
Rates of winter energy payment

ss 61FF, 61FI

Schedule 18A: inserted, on 1 July 2018, by section 66 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

1 The rates of winter energy payment are as follows:

(a)	to a person who is single and has no dependent children	$450 per winter period
(b)	to a person who is single and has 1 or more dependent children	$700 per winter period
(c)	to a person who is married, in a civil union, or in a de facto relationship, and who is the 1 spouse or partner who is entitled under section 61FG(3)	$700 per winter period

2 For the purposes of clause 1(a) and (b), **dependent child**, in relation to a person, means any other person who—

(a) is a child—

(i) whose care is primarily the responsibility of the person; and

(ii) who is being maintained as a member of that person's family; and

(iii) who is financially dependent on that person; and

(b) may be, but need not be, a child in respect of whom payments are being made under section 363 of the Oranga Tamariki Act 1989; and

(c) may be, but need not be, a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid; and

(d) is not a child in respect of whom a young parent payment is being paid in relation to a person who is not the child's parent or step-parent.

Schedule 19
Rates of child disability allowance and disability allowance

ss 39B, 69C

Schedule 19: replaced, on 6 November 1985, by section 25(1) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

Schedule 19 heading: amended, on 1 September 1998, by section 12(4)(d) of the Social Security Amendment Act 1998 (1998 No 19).

1	Rate of child disability allowance	$47.64 a week
2	Maximum rate of disability allowance under section 69C(1)	$63.22 a week
3	Rate of special disability allowance under section 69C(5)	$39.43 a week

Schedule 19 clause 1: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 19 clause 1: amended, on 1 September 1998, by section 12(4)(d) of the Social Security Amendment Act 1998 (1998 No 19).

Schedule 19 clause 2: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 19 clause 3: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 20
Rates of contributions by liable parents to cost of domestic purposes benefit

[Repealed]

s 27N(1)

Schedule 20: repealed, on 1 July 1992, by section 13(1) of the Social Security Amendment Act (No 5) 1991 (1991 No 143).

Schedule 21
Rates of family care grants

[Repealed]

ss 86D, 86E(2)

Schedule 21: repealed, on 1 October 1986, by section 17(1)(b) of the Social Security Amendment Act 1986 (1986 No 39).

Schedule 22
Rates of benefits payable to long-term hospital patients

s 75(3), (4)

Schedule 22: inserted, on 6 November 1985, by section 27(1) of the Social Security Amendment Act (No 2) 1985 (1985 No 159).

1	To a person without dependent children who is married or in a civil union or in a de facto relationship, or a single person, who is in receipt of a main benefit under this Act	$44.53 a week
2	*[Repealed]*	

Schedule 22 clause 1: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 22 clause 1: amended, on 15 July 2013, by section 61(26) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 22 clause 1: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 22 clause 1: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 22 clause 2: repealed, on 15 July 2013, by section 61(27) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 23
Transition to work allowance

[Repealed]

s 69D

Schedule 23: repealed, on 1 July 1996, by section 32(2) of the Social Security Amendment Act 1996 (1996 No 20).

Schedule 24
Rates of national superannuation

[Repealed]

s 15

Schedule 24: repealed, on 1 April 1990, by section 14(18) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26).

Schedule 25
Rate of telephone-service-rental allowance

[Repealed]

s 69A

Schedule 25: repealed, on 1 April 1991, by section 24(1) of the Social Security Amendment Act 1991 (1991 No 1).

Schedule 26
Rates and component of youth payment and young parent payment, and criteria for incentive payments

ss 163, 169

Schedule 26: replaced, on 20 August 2012, by section 25 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50).

Rates of youth payment and young parent payment

		$
1	For a single young person without dependent children.	179.44 a week subject to clause 10
2	For a single young person who— • is aged 16 to 17 years; and • is living with or being financially supported by a parent or guardian; and • has a dependent child or children.	169.17 a week subject to clause 10
3	For any other single young person with a dependent child or children.	334.05 a week subject to clause 10
4	For a young person who is married, in a civil union, or in a de facto relationship and is without dependent children.	179.44 a week subject to clause 11
5	For a young person who is married, in a civil union, or in a de facto relationship and has a dependent child or dependent children	179.44 a week, increased by— (i) 25.62 a week if the young person's spouse or partner is not receiving a young parent payment, the total rate to be subject to clause 11; or (ii) 12.81 a week if the young person's spouse or partner is receiving a young parent payment, the total rate to be subject to clause 11

Component

		$
6	Maximum amount of in-hand allowance.	50 a week

Rates of incentive payments

		$
7	Education, training, or work-based learning incentive.	10 a week
8	Budgeting incentive.	10 a week
9	Parenting education incentive.	10 a week

Abatement rates and income limits

10 The applicable rate of youth payment or young parent payment in clause 1, 2, or 3 must be reduced by $1 for every $1 of the young person's weekly income that exceeds $217.22, but no amount of youth payment or young parent payment or incentive payment is payable if the young person's weekly income exceeds $267.22.

11 The applicable rate of youth payment or young parent payment in clause 4 or 5 must be reduced by 50 cents for every $1 of the combined weekly income of the young person and his or her spouse or partner that exceeds $217.22, but no amount of youth payment or young parent payment or incentive payment is payable if that combined income exceeds $317.22.

12 For the purposes of clause 10 or 11 and a rate of young parent payment, the chief executive may, in his or her discretion, disregard up to $20 a week of the personal earnings of the young person used to meet the costs of child care for any of the person's dependent children.

Schedule 26 clause 1: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 2: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 3: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 4: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 5: replaced, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

Schedule 26 clause 5: amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 5(i): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 5(ii): amended, on 1 April 2018 (applying to benefits payable on and after that date), by clause 5(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 10: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 26 clause 11: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 27
Means assessment under Part 4

s 136

Schedule 27: replaced, on 1 July 2005, by section 6 of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Part 1
Applicable asset thresholds

1 Applicable asset thresholds

(1) This clause specifies the applicable asset thresholds that apply annually for the year 1 July 2012 to 30 June 2013 and for all later years beginning on 1 July.

(2) Threshold A is $227,125 and applies to every resident assessed as requiring care—

(a) who has no spouse or partner; or

(b) whose spouse or partner is also a resident assessed as requiring care; or

(c) whose spouse or partner is not a resident assessed as requiring care but who has elected, under clause 2, to have Threshold A apply to him or her rather than Threshold B.

(3) Threshold B is $124,379 and applies to every resident assessed as requiring care—

(a) whose spouse or partner is not a resident assessed as requiring care; and

(b) who has not elected, under clause 2, to have Threshold A apply to him or her.

Schedule 27 clause 1: replaced, on 1 July 2012 (applying in respect of residents assessed as requiring care before, on, or after that date), by section 7 of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40).

Schedule 27 clause 1(2): amended, on 1 July 2018, by regulation 3(a) of the Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2018 (LI 2018/78).

Schedule 27 clause 1(3): amended, on 1 July 2018, by regulation 3(b) of the Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2018 (LI 2018/78).

2 Certain residents may elect which threshold to apply

(1) A resident assessed as requiring care whose spouse or partner is not a resident assessed as requiring care may elect to have Threshold A in clause 1 apply to him or her instead of having Threshold B in clause 1 apply.

(2) A resident's election before 1 July 2012 and under this clause (as in force before 1 July 2012) to have Column A of the table in clause 1 (as in force before 1 July 2012) apply to him or her is, after 30 June 2012, treated as an election to have Threshold A in clause 1 apply to him or her.

Schedule 27 clause 2: replaced, on 1 July 2012 (applying in respect of residents assessed as requiring care before, on, or after that date), by section 7 of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40).

3 Explanation of election

The effect of making an election under clause 2 is that the person's applicable asset threshold will increase, but the value of any interest in the residential dwelling and the car of the person's spouse or partner will be included in the calculation of the person's assets (*see* paragraphs (a) and (b) of the definition of exempt assets in Part 2).

Schedule 27 clause 3: amended, on 1 July 2005, by section 7 of the Social Security Amendment Act 2005 (2005 No 21).

Part 2
Means assessment as to assets

4 Definitions

For the purpose of a means assessment as to assets conducted under section 146,—

assets, in relation to the person being means assessed, means the assets of the person and his or her spouse or partner (if any) that are capable of being realised by the person or his or her spouse or partner; and includes—

(a) the value of any right, under a contract or arrangement with any person, to be paid or repaid money on termination of a licence to occupy part of any property, building, or premises, adjusted to take into account any conditions or restrictions on that right:

(b) the value of assets that have been gifted by the person, the person's spouse or partner, or both during the prescribed gifting period immediately before the date of means assessment; but does not include any allowable gifts, or the value of any allowable gifts, prescribed by regulations made under section 155

(c) *[Repealed]*

exempt assets, in relation to the person being means tested, means—

(a) any interest in a residential dwelling that is the principal residence of the person's spouse or partner or a dependent child of the person; but this exemption does not apply to a person who has made an election under clause 2:

(b) any interest in 1 car or similar vehicle that is for the personal use of the person's spouse or partner; but this exemption does not apply to a person who has made an election under clause 2:

(c) the value of any *ex gratia* payment by the Government of New Zealand or the Government of any other country to the person because the person

or his or her spouse or partner was a prisoner of war or civilian internee of Japan during the Second World War:

(d) the value of any pre-paid funeral of the person or of the person's spouse or partner, up to a value of $10,000 (or such other amount as may be prescribed by regulations made under section 155) for each:

(e) a lump sum paid to the person under Schedule 1 of the Accident Compensation Act 2001, or a lump sum payment of an independence allowance under Part 13 of the Accident Insurance Act 1998 or Part 4 of Schedule 1 of that Act; but this exemption applies only in the first 12 months after the payment is made:

(ea) any contributions to, or any member's interest in, any KiwiSaver scheme that is registered under subpart 2 of Part 4 of the Financial Markets Conduct Act 2013, except the following:

(i) money withdrawn from such a scheme:

(ii) money that the member is entitled to withdraw from the scheme under clause 4(3) of the KiwiSaver scheme rules under the KiwiSaver Act 2006:

(iii) money that the member has applied to withdraw and that would be a permitted withdrawal under those rules:

(f) any assets, or amount of assets, of the person or his or her spouse or partner declared by regulations made under section 155 to be exempt assets.

Schedule 27 clause 4 **assets**: amended, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 4 **assets** paragraph (c): repealed, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 4 **exempt assets** paragraph (e): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Schedule 27 clause 4 **exempt assets** paragraph (ea): inserted, on 1 December 2006, by section 231 of the KiwiSaver Act 2006 (2006 No 40).

Schedule 27 clause 4 **exempt assets** paragraph (ea): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Schedule 27 clause 4 **exempt assets** paragraph (ea)(ii): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Part 3
Means assessment relating to income

5 Definitions

For the purpose of a person's means assessment as to income under section 147,—

income means the following, and in every case is the income after deduction of income tax:

(a) the income of the person or his or her spouse or partner that is within the meaning given in section 3(1):

(b) any benefit received by the person:

(c) 50% of any amount received by the person or by his or her spouse or partner by way of a pension that—

(i) is from any superannuation scheme, whether or not that scheme is constituted in New Zealand; and

(ii) is not New Zealand superannuation; and

(iii) is not an overseas pension:

(d) 50% of any amount received by the person or by his or her spouse or partner under an annuity paid in respect of a policy of life insurance (whether or not issued in New Zealand):

(e) *[Repealed]*

but does not include the following:

(f) the income of the person's spouse or partner that is earned by the personal effort of the spouse or partner:

(g) any amount of income received by the spouse or partner that is within paragraph (d) of the definition of income in section 3:

(h) any clothing allowance payable to the person under regulations made under section 155:

(i) the income-from-assets exemption of the person:

(j) any amount paid by a funder in respect of the cost of contracted care services provided to the person or his or her spouse or partner:

(k) any amount or type of income, or amount of a certain type of income, specified in regulations made under section 155

income-from-assets exemption means the amount of income derived from assets each year not exceeding the following (or such other amount or amounts as may be prescribed by regulations made under section 155):

(a) $992, if the person is single; or

(b) $1,983, if the person's spouse or partner is a resident assessed as requiring care; or

(c) $2,975, if the person's spouse or partner is not a resident assessed as requiring care.

Schedule 27 clause 5 **income** paragraph (a): amended, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 5 **income** paragraph (c): replaced, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 5 **income** paragraph (d): replaced, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 5 **income** paragraph (e): repealed, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 5 **income** paragraph (i): amended, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 5 **income-from-assets exemption**: replaced, on 22 November 2006, by section 19(1) of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 27 clause 5 **income-from-assets exemption** paragraph (a): amended, on 1 July 2018, by regulation 3(c)(i) of the Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2018 (LI 2018/78).

Schedule 27 clause 5 **income-from-assets exemption** paragraph (b): amended, on 1 July 2018, by regulation 3(c)(ii) of the Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2018 (LI 2018/78).

Schedule 27 clause 5 **income-from-assets exemption** paragraph (c): amended, on 1 July 2018, by regulation 3(c)(iii) of the Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2018 (LI 2018/78).

Schedule 27 clause 5 **personal allowance**: repealed, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

6 Annual income

For the purposes of a means assessment as to income, a person's annual income is his or her estimated income (as defined in clause 5) for the period of 52 weeks commencing on the date of means assessment.

7 Weekly income

A person's weekly income is the person's annual income divided by 52.

8 Weekly contribution

The weekly contribution payable by a person whose income is assessed is the person's weekly income less the personal allowance (as defined in section 136).

Schedule 27 clause 8: amended, on 22 November 2006, by section 20 of the Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67).

Schedule 28
Period of benefit stand down

s 80BA

Schedule 28: inserted, on 1 April 1997, by section 42 of the Social Security Amendment Act 1996 (1996 No 20).

The stand down period for a benefit to which section 80BA applies is—

1	For a person who is married or in a civil union or in a de facto relationship—	
	(a) with average income of less than the average wage plus $80 for each dependent child	1 week
	(b) *[Repealed]*	
	(c) *[Repealed]*	
	(d) *[Repealed]*	
	(e) *[Repealed]*	
	(f) *[Repealed]*	
	(g) *[Repealed]*	
	(h) *[Repealed]*	
	(i) *[Repealed]*	
	(j) in any other case—	2 weeks
2	For a single person—	
	(a) with average income of less than the average wage minus $80 plus $80 for each dependent child	1 week
	(b) *[Repealed]*	
	(c) *[Repealed]*	
	(d) *[Repealed]*	
	(e) *[Repealed]*	
	(f) *[Repealed]*	
	(g) *[Repealed]*	
	(h) *[Repealed]*	
	(i) *[Repealed]*	
	(j) in any other case—	2 weeks

3 In clauses 1 and 2, **dependent child** means a person who was a dependent child of the applicant for the benefit at any time during the average income calculation period.

Schedule 28 clause 1: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 28 clause 1: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 28 clause 1(a): amended, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 28 clause 1(b): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(c): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(d): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(e): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(f): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(g): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(h): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(i): repealed, on 2 July 2007, by section 16(1)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 1(j): amended, on 2 July 2007, by section 16(1)(b) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 28 clause 2(a): amended, on 1 April 2005, by section 20(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Schedule 28 clause 2(b): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(c): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(d): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(e): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(f): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(g): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(h): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(i): repealed, on 2 July 2007, by section 16(2)(a) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 28 clause 2(j): amended, on 2 July 2007, by section 16(2)(b) of the Social Security Amendment Act 2007 (2007 No 20).

Schedule 29

Powers, functions, and discretions of the Director-General that may be delegated to the chief executive of the Department of Labour

[Repealed]

s 10(1A)

Schedule 29: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Schedule 30
Method of calculating ability to make payments towards costs of home-based disability support services under section 69FA

s 69FA

Schedule 30: inserted, on 17 September 1997, by section 29 of the Social Security Amendment Act (No 4) 1997 (1997 No 63).

1 In this schedule, **specified outgoings**, in relation to any person, means the annual total of—

(a) the maximum rate for the time being of a supported living payment that would be payable to the person if he or she was qualified to receive such a benefit:

(b) an amount of $10 per week (for the purpose of paying costs incidental to the provision of home help):

(c) the following employment-related expenses of the person and his or her spouse or partner, calculated on an annual basis:

(i) fees or subscriptions payable on an annual or regular basis to any union:

(ii) contributions to any superannuation scheme:

(iii) contributions to any employee welfare fund:

(iv) any other essential costs of that employment (not including travel to and from work) to the extent that they are not reimbursed by the employer:

(d) the person's accommodation costs (within the meaning of section 61E):

(e) the person's telephone rental (being the standard line charge and base user charge including hire of a basic telephone applicable to a person living in the place where the person lives), calculated on an annual basis:

(f) the cost of the person's ongoing and regular medical and pharmaceutical expenses, calculated on an annual basis:

(g) the cost of the person's regular essential expenses (being expenses other than the cost of food, clothing, travel, running a motor vehicle, life insurance, house and contents insurance, hire purchase, entertainment, and personal savings), calculated on an annual basis.

Schedule 30 clause 1(a): amended, on 15 July 2013, by section 96(1)(p) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 30 clause 1(c): amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 30 clause 1(c)(i): replaced, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

2 The chief executive must calculate the amount of the person's annual income and specified outgoings, and must deduct the amount of the specified outgoings from the annual income.

Schedule 30 clause 2: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

3 If the result of the calculation specified in clause 2 is $0 or less than $0, the chief executive must assess the amount the person is required to contribute towards the cost of the home-based disability support services supplied to that person as $0.

Schedule 30 clause 3: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

4 If the result of the calculation specified in clause 2 is greater than $0 but less than the total cost of the home-based disability support services supplied to the person, the chief executive must assess that result as the amount the person is required to contribute towards the cost of those services.

Schedule 30 clause 4: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

5 If the result of the calculation specified in clause 2 is equal to or greater than the total cost of the home-based disability support services supplied to the person, the chief executive must assess the amount the person is required to contribute towards the cost of those services as the total cost of those services.

Schedule 30 clause 5: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

6 The chief executive must convert an assessment made under clauses 3 to 5 to a weekly amount.

Schedule 30 clause 6: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Schedule 31
Asset and income limits that may be applied to certain assistance

ss 61DB, 61DD, 61EA(3), 69C(1), 124(1A)

Schedule 31: inserted, on 1 April 2005, by section 22(1) of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Part 1
Asset limits

1	For a single person without dependent children	$1,076.96
2	For a person who is married or in a civil union or in a de facto relationship with or without dependent children	$1,794.51
3	For a sole parent with 1 dependent child	$1,414.09
4	For any other sole parent	$1,519.01

Schedule 31 clause 1: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 2: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 2: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 31 clause 2: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 31 clause 3: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 4: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Part 2
Income limits

		Per week
5	For a single person aged 16 or 17 years without dependent children	$491.92
6	For any other single person without dependent children	$565.36
7	For a person who is married or in a civil union or in a de facto relationship with or without dependent children	$821.16
8	For a sole parent with 1 dependent child	$686.04
9	For any other sole parent	$722.78

Schedule 31 clause 5: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 6: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 7: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 7: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 31 clause 7: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 31 clause 8: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 9: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Part 3
Disability allowance income limits

		Per week
10	For a single person aged 16 or 17 years without dependent children	$531.61
11	For any other single person without dependent children	$648.92
12	For a person who is married or in a civil union or in a de facto relationship with or without dependent children	$963.80
13	For a sole parent with 1 dependent child	$741.41
14	For any other sole parent	$781.14

Schedule 31 clause 10: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 11: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 12: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 12: amended, on 1 April 2007, by section 5 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 31 clause 12: amended, on 26 April 2005, by section 3 of the Social Security Amendment Act 2005 (2005 No 21).

Schedule 31 clause 13: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 31 clause 14: amended, on 1 April 2018 (applying to amounts payable or applicable on or after that date), by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19).

Schedule 32
Validation, transitional, and savings provisions related to amendments to this Act

s 3C

Schedule 32: inserted, on 15 July 2013, by section 140 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Schedule 32 heading: amended, on 8 July 2016, by section 36(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

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Part 1
Social Security Amendment Act 2001

Schedule 32 Part 1 heading: inserted, on 7 July 2014, by section 32(1) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

1 Transfer from community wage to unemployment benefit on 1 July 2001

(1) This clause applies to a person who, immediately before 1 July 2001, was—

(a) in receipt of a community wage on a ground other than the person's sickness, injury, or disability; and

(b) either—

(i) fulfilling the conditions of entitlement to the community wage; or

(ii) eligible to be granted a community wage under former section 90.

(2) On 1 July 2001, in relation to a person to whom this clause applies, the community wage becomes an unemployment benefit as if it were granted under section 89 (as in force on 1 July 2001).

(3) For the avoidance of doubt, the operation of subclause (2) does not affect, in relation to a person to whom this clause applies and his or her spouse (if any),—

(a) the rate of benefit paid; and

(b) the obligations under section 97 (as in force on 1 July 2001); and

(c) any requirement to undertake an organised activity under former section 111; and

(d) any exemption from the work test under section 105; and

(e) a sanction applying under any of former sections 115 to 118.

(4) In this clause, **former section** means a section of this Act as it was before 1 July 2001.

Part 2
Social Security (Benefit Categories and Work Focus) Amendment Act 2013

Schedule 32 Part 2 heading: inserted, on 7 July 2014, by section 32(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

2 Transfer from DPBs for solo parents and widows' benefits to sole parent support or jobseeker support on 15 July 2013

Widows' benefits and DPBs for solo parents abolished

(1) The following are (subject to the savings in clause 3) abolished on 15 July 2013:

(a) domestic purposes benefits under section 27B:

(b) widows' benefits under section 21.

Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013

(2) The chief executive must after 14 July 2013 determine under this subclause, in accordance with the applicant's entitlement immediately before 15 July 2013 to the abolished benefit, an application that is either—

(a) an application for a domestic purposes benefit under section 27B or for a widow's benefit under section 21, and that is made, but is not decided or determined by the chief executive, before 15 July 2013; or

(b) an application for a domestic purposes benefit under section 27B or for a widow's benefit under section 21, and that is made after 14 July 2013 but before 15 August 2013.

(3) If it is determined under subclause (2) that the applicant had an entitlement to the abolished benefit,—

(a) he or she must be treated as a person to whom subclause (6)(a) applies if, at the close of 14 July 2013, he or she was a person with a dependent child aged under 14 years; and

(b) he or she must be treated as a person to whom subclause (9)(a) applies if, at the close of 14 July 2013, he or she was a person without a dependent child aged under 14 years; but

(c) he or she must be granted the abolished benefit in respect of a period before 15 July 2013 for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after 14 July 2013, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have.

(4) If it is determined under subclause (2) that the applicant had no entitlement to the abolished benefit, the applicant's application may be treated,—

(a) if made in respect of a person with a dependent child aged under 14 years, as an application for sole parent support; and

(b) if made in respect of a person without a dependent child aged under 14 years, as an application for jobseeker support.

(5) Requirements or consequences of failures that apply to the applicant under section 21A or 27CA at the close of 14 July 2013 continue to apply to the applicant after 14 July 2013 as if they could be, and had been, imposed under sections 11E to 11G in respect of an application that under subclause (4) is treated as an application for sole parent support or, as the case requires, jobseeker support.

Transfer to sole parent support of beneficiaries with dependent child aged under 14 years

(6) This subclause applies to a person with a dependent child aged under 14 years who, immediately before 15 July 2013,—

(a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27B or a widow's benefit under section 21; or

(b) had been granted a domestic purposes benefit under section 27B, or a widow's benefit under section 21, that was subject to a stand down period under sections 80 to 80BA.

(7) Subclause (6) applies to a person even if the benefit in subclause (6)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no sole parent support to which the person is transferred by subclause (8) commences until the suspension or reduction would have ended, or the benefit in subclause (6)(a) or (b) would otherwise have become payable again.

(8) A person to whom subclause (6) applies is, subject to subclauses (7) and (13) to (18) and to a review under section 81, entitled to sole parent support at the appropriate rate in Schedule 3A (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing—

(a) on 15 July 2013, if subclause (6)(a) applies to the person; or

(b) at the end of the stand down period referred to in subclause (6)(b).

Transfer to jobseeker support of beneficiaries without dependent child aged under 14 years

(9) This subclause applies to a person without a dependent child aged under 14 years who, immediately before 15 July 2013,—

(a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27B or a widow's benefit under section 21; or

(b) had been granted a domestic purposes benefit under section 27B, or a widow's benefit under section 21, that was subject to a stand down period under sections 80 to 80BA.

(10) Subclause (9) applies to a person even if the benefit in subclause (9)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by subclause (11) commences until the suspension or reduction would have ended, or the benefit in subclause (9)(a) or (b) would otherwise have become payable again.

(11) A person to whom subclause (9) applies is, subject to subclauses (10) and (12) to (18) and to a review under section 81, entitled to jobseeker support at the

appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing—

(a) on 15 July 2013, if subclause (9)(a) applies to the person; or

(b) at the end of the stand down period referred to in subclause (9)(b).

Savings relating to transfer to sole parent or jobseeker support

(12) If a person to whom subclause (9) applies is, immediately before 15 July 2013 and under section 80BD(6), continuing to receive a domestic purposes benefit under section 27B or a widow's benefit under section 21(1)(a) for 8 weeks after the person stops caring for the child because of a sudden change of circumstances beyond the person's control,—

(a) the person is after transferring to jobseeker support not entitled to the rate of jobseeker support in clause 1(ab) of Schedule 9 unless immediately before 15 July 2013 he or she would have been entitled to a domestic purposes benefit for women alone under section 27C, or to a widow's benefit on a ground specified in section 21(1)(b), (c), or (d); and

(b) the person's jobseeker support commences at the end of that 8-week period.

(13) Despite section 80BE(5), the **expiry date** of jobseeker support to which a person to whom subclause (9) applies is entitled under subclause (11) is the 12-month anniversary of the date on which the person's domestic purposes benefit under section 27B, or widow's benefit under section 21, commenced or, as the case may be, last commenced.

(14) Obligations under sections 60Q(2), 102, and 102A, and exemptions from the work test under section 105 (other than any exemption that, under regulations made under section 123D(a), is not available to a person receiving jobseeker support), that immediately before 15 July 2013 apply to a person to whom subclause (6)(a) or (9)(a) applies continue after 14 July 2013 in respect of sole parent support or jobseeker support to which the person is entitled under subclause (8) or (11).

(15) A person to whom subclause (6) applies who at the close of 14 July 2013 is subject to an exemption under section 105 from some or all of his or her work test obligations on the ground in regulation 6(2)(d) or (e) of the Social Security (Exemptions under Section 105) Regulations 1998 is deemed to have all of his or her work test obligations deferred under section 88I for a period that is the same as the period for which the exemption was granted under section 105.

(16) Failures under section 115 or 116A by a person to whom subclause (6)(a) or (9)(a) applies, and sanctions for those failures under section 117(1)(a) or (b), continue after 14 July 2013 and are failures or sanctions in respect of sole parent support or jobseeker support to which the person is entitled under subclause (8) or (11).

(17) A person whose domestic purposes benefit under section 27B, or widow's benefit under section 21, was cancelled before 15 July 2013 under section 117(1)(c) is not entitled to receive sole parent support or jobseeker support for 13 weeks from the date of cancellation.

(18) Subclause (17) does not limit section 117(2)(a).

Clause does not apply to reciprocity agreement applicants or recipients

(19) Subclauses (2) to (18) do not apply to a person to whom clause 3(1) or (3) applies.

3 Reciprocity agreement applicants for, or recipients of, certain DPBs for solo parents or widows' benefits

Reciprocity agreement applicants may be granted former benefit as if it had not been abolished

(1) This subclause applies to a widow or widower who, immediately before 15 July 2013, was ordinarily resident in New Zealand or an overseas country, and had made an application pursuant to an agreement or convention given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990 for, and had entitlement to, but had not yet in response to the application been granted,—

(a) a widow's benefit under section 21; or

(b) a domestic purposes benefit under section 27B for an applicant as defined in section 27B(1)(f).

(2) A widow or widower to whom subclause (1) applies may be granted the benefit in subclause (1)(a) or (b) (as the case requires) as if that benefit had not been abolished and as if the provisions on that benefit had not been repealed, and if granted to the widow or widower that benefit commences as it would have done had those provisions not been repealed, and continues so long as—

(a) the widow or widower continues to meet the conditions of entitlement to that benefit in those provisions; and

(b) the agreement or convention, or any replacement agreement or convention, continues in force in relation to New Zealand; and

(c) the widow or widower continues to be ordinarily resident in New Zealand or the overseas country to which that agreement or convention applies.

Reciprocity agreement recipients' entitlement continues as if former benefits not abolished

(3) This subclause applies to a person who, immediately before 15 July 2013, was ordinarily resident in an overseas country, and was receiving, or granted and entitled to receive, pursuant to an agreement or convention given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990,—

(a) a widow's benefit under section 21; or

(b) a domestic purposes benefit under section 27B for an applicant as defined in section 27B(1)(f).

(4) Subclause (3) applies to a person even if the benefit in subclause (3)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no benefit of the person that is continued by subclause (5) commences until the suspension or reduction would have ended, or the benefit in subclause (3)(a) or (b) would otherwise have become payable again.

(5) A person to whom subclause (3) applies is, subject to subclause (4) and to a review under section 81, entitled to the benefit in subclause (3)(a) or (b) (as the case requires) as if that benefit had not been abolished and as if the provisions on that benefit had not been repealed, and that benefit continues so long as—

(a) the person continues to meet the conditions of entitlement to that benefit in those provisions; and

(b) the agreement or convention, or any replacement agreement or convention, continues in force in relation to New Zealand; and

(c) the person continues to be ordinarily resident in New Zealand or the overseas country to which that agreement or convention applies.

Alteration, and annual CPI adjustment, of rates of saved former benefits

(6) Sections 61H and 61HA must for the purposes of subclauses (2) and (5) be treated as continuing to authorise amendments and require adjustments to Schedules 3 and 16 on and after 15 July 2013.

4 Transfer from invalids' benefits and DPBs for care of sick or infirm to supported living payment on 15 July 2013

Invalids' benefits renamed, and DPBs under section 27G abolished

(1) On 15 July 2013,—

(a) invalids' benefits under section 40 are renamed as the supported living payment under section 40B:

(b) domestic purposes benefits under section 27G are abolished and replaced with the supported living payment under section 40D.

Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013

(2) The chief executive must after 14 July 2013 determine under this subclause, in accordance with the applicant's entitlement immediately before 15 July 2013 to the invalids' benefit, an application that is either—

(a) an application for an invalid's benefit, and that is made, but not decided or determined by the chief executive, before 15 July 2013; or

(b) an application for an invalid's benefit, and that is made after 14 July 2013 but before 15 August 2013.

(3) If it is determined under subclause (2) that the applicant had an entitlement to the invalids' benefit before it was renamed, he or she must be treated as a person to whom subclause (8)(a) applies, but he or she must be granted the invalids' benefit in respect of a period before 15 July 2013 for which he or she had entitlement to the invalids' benefit unless (because of a stand down or otherwise) it would not have commenced until after 14 July 2013, and no new benefit to which he or she is transferred by this clause commences before the invalids' benefit would have.

(4) If it is determined under subclause (2) that the applicant had no entitlement to the invalids' benefit before it was renamed, the applicant's application may (without limiting section 11D(4)) be treated as an application for a supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness.

(5) An application for a domestic purposes benefit under section 27G made, but not decided or determined by the chief executive, before 15 July 2013, must after 14 July 2013 be determined under this subclause in accordance with the applicant's entitlement immediately before 15 July 2013 to the abolished benefit.

(6) If it is determined under subclause (5) that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom subclause (15)(a) applies, but he or she must be granted the abolished benefit in respect of a period before 15 July 2013 for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after 14 July 2013, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have.

(7) If it is determined under subclause (5) that the applicant had no entitlement to the abolished benefit, the applicant's application may (without limiting section 11D(4)) be treated as an application for a supported living payment under section 40D on the ground of caring for a patient requiring care.

Transfer from invalid's benefit to supported living payment under section 40B

(8) This subclause applies to a person who, immediately before 15 July 2013,—

(a) was receiving, or had been granted and was entitled to receive, an invalid's benefit; or

(b) had been granted an invalid's benefit that was subject to a stand down period under sections 80 to 80BA.

(9) Subclause (8) applies to a person even if the benefit in subclause (8)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no supported living payment to which the person is transferred by subclause (10) commences until

the suspension or reduction would have ended, or the benefit in subclause (8)(a) or (b) would otherwise have become payable again.

(10) A person to whom subclause (8) applies is, subject to subclauses (9) and (11) to (14) and to a review under section 81, entitled to a supported living payment under section 40B at the appropriate rate in Schedule 6 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing—

(a) on 15 July 2013, if subclause (8)(a) applies to the person; or

(b) at the end of the stand down period referred to in subclause (8)(b).

Transitional and savings provisions related to transfer to supported living payment under section 40B

(11) Obligations under section 60Q(2), and exemptions from the work test under section 105, that immediately before 15 July 2013 apply to the spouse or partner (if any) of a person to whom subclause (8)(a) applies continue after 14 July 2013 in respect of a supported living payment under section 40B to which the person is entitled under subclause (10).

(12) Failures under section 116A by the spouse or partner (if any) of a person to whom subclause (8)(a) applies, and sanctions for those failures under section 117(1)(a) or (b), continue after 14 July 2013 and are failures or sanctions in respect of a supported living payment under section 40B to which the person is entitled under subclause (10).

(13) A person whose invalid's benefit was cancelled before 15 July 2013 under section 117(1)(c) is not entitled to receive a supported living payment under section 40B for 13 weeks from the date of cancellation.

(14) Subclause (13) does not limit section 117(2)(a).

Transfer from DPB for care of sick or infirm to supported living payment under section 40D

(15) This subclause applies to a person who, immediately before 15 July 2013,—

(a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27G; or

(b) had been granted a domestic purposes benefit under section 27G that was subject to a stand down period under sections 80 to 80BA.

(16) Subclause (15)(a) applies, without limitation, to a domestic purposes benefit under section 27G that the person is entitled to continue to receive under the savings provision that is section 30(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012.

(17) Subclause (15) applies to a person even if the benefit in subclause (15)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no supported living payment to which the person is transferred by subclause (18) commences until

the suspension or reduction would have ended, or the benefit in subclause (15)(a) or (b) would otherwise have become payable again.

(18) A person to whom subclause (15) applies is, subject to subclauses (17) and (19) and to a review under section 81, entitled to a supported living payment under section 40D at the appropriate rate in Schedule 6 as if the person had applied for it, and commencing—

(a) on 15 July 2013, if subclause (15)(a) applies to the person; or

(b) at the end of the stand down period referred to in subclause (15)(b).

Transitional and savings provisions related to transfer to supported living payment under section 40D

(19) The following so far as they relate to a person to whom subclause (15) applies cease to exist on 15 July 2013, but the person may if considered to have the capacity to do so be required to comply with section 60Q(3):

(a) requests under section 60HA made before 15 July 2013:

(b) applications under section 105 to be exempted from complying with any such requests:

(c) exemptions under section 105 arising from applications of that kind:

(d) the imposition or effects of sanctions imposed under section 60U (as repealed on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012) because of failures to comply with any such requests.

5 Social Security (Supported Living Payments Benefit) Regulations 1998

The Social Security (Supported Living Payments Benefit) Regulations 1998, as renamed and amended on 15 July 2013 by the Social Security (Benefit Categories and Work Focus) Amendment Act 2013, after 14 July 2014—

(a) must be treated as if they set out a period for the purposes of section 40B(2)(a); and

(b) may be further amended, revoked, or revoked and replaced, accordingly.

6 Transfer to emergency benefit of certain people 65 years old or older

The repeal of subsections (1B) to (1D) of section 61 (effected on 15 July 2013 by section 27(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013) does not limit or affect any transfer, or entitlement arising from a transfer, under those subsections before their repeal.

7 Transfer from unemployment benefit to jobseeker support on 15 July 2013

Unemployment benefit abolished

(1) The unemployment benefit is abolished on 15 July 2013.

Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013

(2) The chief executive must after 14 July 2013 determine under this subclause, in accordance with the applicant's entitlement immediately before 15 July 2013 to the abolished benefit, an application that is either—

(a) an application for the unemployment benefit, and that is made, but not decided or determined by the chief executive, before 15 July 2013; or

(b) an application for the unemployment benefit, and that is made after 14 July 2013 but before 15 August 2013.

(3) If it is determined under subclause (2) that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom subclause (6)(a) applies, but he or she must be granted the abolished benefit in respect of a period before 15 July 2013 for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after 14 July 2013, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have.

(4) If it is determined under subclause (2) that the applicant had no entitlement to the abolished benefit, the applicant's application may (without limiting section 11D(4)) be treated as an application for jobseeker support.

(5) Requirements or consequences of failures that apply to the applicant under section 96A at the close of 14 July 2013 continue to apply to the applicant after 14 July 2013 as if they could be, and had been, imposed under sections 11E to 11G in respect of an application that under subclause (4) is treated as an application for jobseeker support.

Transfer from unemployment benefit to jobseeker support

(6) This subclause applies to a person who, immediately before 15 July 2013,—

(a) was receiving, or had been granted and was entitled to receive, an unemployment benefit; or

(b) had been granted an unemployment benefit that was subject to a stand down period under sections 80 to 80BA.

(7) Subclause (6) applies to a person even if the benefit in subclause (6)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by subclause (8) commences until the suspension or reduction would have ended, or the benefit in subclause (6)(a) or (b) would otherwise have become payable again.

(8) A person to whom subclause (6) applies is, subject to subclauses (7) and (9) to (14) and to a review under section 81, entitled to jobseeker support at the appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing—

(a) on 15 July 2013, if subclause (6)(a) applies to the person; or

(b) at the end of the stand down period referred to in subclause (6)(b).

Savings relating to transfer to jobseeker support

(9) A notice given to a person under section 99AA(2) before 15 July 2013, and stating that the person's entitlement to the unemployment benefit will cease unless the person reapplies for that benefit and it is re-granted, continues in force after 14 July 2013 as if given under section 80BE(2) in respect of the jobseeker support to which the person is entitled under subclause (8).

(10) Despite section 80BE(5), the **expiry date** of jobseeker support to which a person to whom subclause (6) of this clause applies is entitled under subclause (8) of this clause is the 12-month anniversary of the date on which the person's unemployment benefit commenced or, as the case may be, last commenced.

(11) Obligations under sections 60Q(2), 97(1) and (2)(b), 102, and 102A, and exemptions from the work test under section 105, that immediately before 15 July 2013 apply to a person to whom subclause (6)(a) applies or to his or her spouse or partner (if any) continue after 14 July 2013 in respect of jobseeker support to which the person is entitled under subclause (8).

(12) Failures under section 115 or 116A by a person to whom subclause (6)(a) applies or by his or her spouse or partner (if any), and sanctions for those failures under section 117(1)(a) or (b), continue after 14 July 2013 and are failures or sanctions in respect of jobseeker support to which the person is entitled under subclause (8).

(13) A person whose unemployment benefit was cancelled before 15 July 2013 under section 117(1)(c) is not entitled to receive jobseeker support for 13 weeks from the date of cancellation.

(14) Subclause (13) does not limit section 117(2)(a).

8 Transfer from sickness benefit to jobseeker support on 15 July 2013

Sickness benefit abolished

(1) The sickness benefit is abolished on 15 July 2013.

Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013

(2) The chief executive must after 14 July 2013 determine under this subclause, in accordance with the applicant's entitlement immediately before 15 July 2013 to the abolished benefit, an application that is either—

(a) an application for a sickness benefit, and that is made, but not decided or determined by the chief executive, before 15 July 2013; or

(b) an application for a sickness benefit, and that is made after 14 July 2013 but before 15 August 2013.

(3) If it is determined under subclause (2) that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom subclause (5)(a) applies, but he or she must be granted the abolished benefit in respect of a period before 15 July 2013 for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after 14 July 2013, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have.

(4) If it is determined under subclause (2) that the applicant had no entitlement to the abolished benefit, the applicant's application may (without limiting section 11D(4)) be treated as an application for jobseeker support on the ground of sickness, injury, or disability.

Transfer from sickness benefit to jobseeker support

(5) This subclause applies to a person who, immediately before 15 July 2013,—

(a) was receiving, or had been granted and was entitled to receive, a sickness benefit under section 54 or 54A or

(b) had been granted a sickness benefit that was subject to a stand down period under sections 80 to 80BA.

(6) Subclause (5) applies to a person even if the benefit in subclause (5)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by subclause (7) commences until the suspension or reduction would have ended, or the benefit in subclause (5)(a) or (b) would otherwise have become payable again.

(7) A person to whom subclause (5) applies is, subject to subclauses (6) and (8) to (14) and to a review under section 81, entitled to jobseeker support on the ground of sickness, injury, or disability at the appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing—

(a) on 15 July 2013, if subclause (5)(a) applies to the person; or

(b) at the end of the stand down period referred to in subclause (5)(b).

Savings relating to transfer to jobseeker support

(8) Despite section 80BE(5), the **expiry date** of jobseeker support to which a person to whom subclause (5) applies is entitled under subclause (5) is the 12-month anniversary of the date on which the person's sickness benefit commenced or, as the case may be, last commenced.

(9) Obligations under sections 54(7), 54E, 60Q(2), 102, and 102A, and exemptions from the work test under section 105 (other than any exemption that, under regulations made under section 123D(a), is not available to a person receiving jobseeker support), that immediately before 15 July 2013 apply to a person to whom subclause (5)(a) applies or to his or her spouse or partner (if any) con-

tinue after 14 July 2013 in respect of jobseeker support to which the person is entitled under subclause (7).

(10) A determination, and a requirement to comply with the work test, that are made under section 54DA(1) in respect of a person to whom subclause (5) applies are, after 14 July 2013, deemed to be a determination under section 88F(2) and notice under section 88F(4) in respect of that person.

(11) A person to whom subclause (5) applies, and in respect of whom no determination and requirement under section 54DA(1) have been made before 15 July 2013, is deemed to have been granted on 15 July 2013 a deferral under section 88I(2) of all his or her work test obligations for the rest of the period (which the chief executive must identify by reference to the medical evidence supplied to the chief executive before 15 July 2013) of the beneficiary's limited capacity to engage in full-time employment because of sickness, injury, or disability.

(12) Failures under section 115 or 116A by a person to whom subclause (5)(a) applies, and sanctions for those failures under section 117(1)(a) or (b), continue after 14 July 2013 and are failures or sanctions in respect of jobseeker support to which the person is entitled under subclause (7).

(13) A person whose sickness benefit was cancelled before 15 July 2013 under section 117(1)(c) is not entitled to receive jobseeker support for 13 weeks from the date of cancellation.

(14) Subclause (13) does not limit section 117(2)(a).

9 Social Security (Jobseeker Support—Medical Examinations) Regulations 2010

The Social Security (Jobseeker Support—Medical Examinations) Regulations 2010, as renamed and amended on 15 July 2013 by the Social Security (Benefit Categories and Work Focus) Amendment Act 2013, after 14 July 2013—

(a) must be treated as if they specify a kind of health practitioner for the purposes of section 88E(2)(d); and

(b) may be further amended, revoked, or revoked and replaced, accordingly.

10 Transfer from DPBs for women alone to jobseeker support on 15 July 2013

DPBs for women alone abolished

(1) Domestic purposes benefits under section 27C are abolished on 15 July 2013.

Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013

(2) The chief executive must after 14 July 2013 determine under this subclause, in accordance with the applicant's entitlement immediately before 15 July 2013 to the abolished benefit, an application that is either—

(a) an application for a domestic purposes benefit under section 27C, and that is made, but not decided or determined by the chief executive, before 15 July 2013; or

(b) an application for a domestic purposes benefit under section 27C, and that is made after 14 July 2013 but before 15 August 2013.

(3) If it is determined under subclause (2) that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom subclause (6)(a) applies, but he or she must be granted the abolished benefit in respect of a period before 15 July 2013 for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after 14 July 2013, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have.

(4) If it is determined under subclause (2) that the applicant had no entitlement to the abolished benefit, the applicant's application may (without limiting section 11D(4)) be treated as an application for jobseeker support.

(5) Requirements or consequences of failures that apply to the applicant under section 27CA at the close of 14 July 2013 continue to apply to the applicant after 14 July 2013 as if they could be, and had been, imposed under sections 11E to 11G in respect of an application that under subclause (4) is treated as an application for jobseeker support.

Transfer from DPBs for women alone to jobseeker support

(6) This subclause applies to a person who, immediately before 15 July 2013,—

(a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27C; or

(b) had been granted a domestic purposes benefit under section 27C that was subject to a stand down period under sections 80 to 80BA.

(7) Subclause (6) applies to a person even if the benefit in subclause (6)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by subclause (8) commences until the reduction or suspension would have ended, or the benefit in subclause (6)(a) or (b) would otherwise have become payable again.

(8) A person to whom subclause (6) applies is, subject to subclauses (7) and (9) to (14) and to a review under section 81, entitled to jobseeker support at the appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing—

(a) on 15 July 2013, if subclause (6)(a) applies to the person; or

(b) at the end of the stand down period referred to in subclause (6)(b).

Savings relating to transfer to jobseeker support

(9) Despite section 80BE(5), the **expiry date** of jobseeker support to which a person to whom subclause (6) applies is entitled under subclause (8) is the 12-month anniversary of the date on which the person's domestic purposes benefit under section 27C commenced or, as the case may be, last commenced.

(10) Obligations under sections 102 and 102A, and exemptions from the work test under section 105, that immediately before 15 July 2013 apply to a person to whom subclause (6)(a) applies continue after 14 July 2013 in respect of jobseeker support to which the person is entitled under subclause (8).

(11) A person to whom subclause (6) applies who at the close of 14 July 2013 is subject to an exemption under section 105 from some or all of his or her work test obligations on the ground in regulation 6(2)(d) or (e) of the Social Security (Exemptions under Section 105) Regulations 1998 is deemed to have all of his or her work test obligations deferred under section 88I for a period that is the same as the period for which the exemption was granted under section 105.

(12) Failures under section 115 by a person to whom subclause (6)(a) applies, and sanctions for those failures under section 117(1)(a) or (b), continue after 14 July 2013 and are failures or sanctions in respect of jobseeker support to which the person is entitled under subclause (8).

(13) A person whose domestic purposes benefit under section 27C was cancelled before 15 July 2013 under section 117(1)(c) is not entitled to receive jobseeker support for 13 weeks from the date of cancellation.

(14) Subclause (13) does not limit section 117(2)(a).

11 Appeals, and appeal boards, under section 53A

Appeals made, but not decided, before 15 July 2013

(1) An appeal made under section 53A but not decided before 15 July 2013 continues, and must be decided under section 10B, after 14 July 2013, as if it had been made under section 10B.

Boards appointed under section 53A

(2) Every Board appointed under section 53A for an appeal to which subclause (1) applies continues after 14 July 2013 as if it had been appointed, and the appeal had been made, under section 10B.

12 Temporary exemption from full-time student ineligibility for certain transferees to jobseeker support

(1) This subclause applies to a person who is a full-time student (as defined in section 3(1)) at the close of 14 July 2013, is receiving a main benefit under this Act (as defined in subclause (3)) at the close of 14 July 2013, and is transferred to jobseeker support on 15 July 2013—

(a) under clause 2(11) in respect of a domestic purposes benefit under section 27B or 27C; or

(b) under clause 2(11) in respect of a widow's benefit under section 21; or

(c) under clause 8(7) in respect of a sickness benefit under section 54 or 54A.

(2) This subclause applies to a person who is a full-time student (as defined in section 3(1)) at the close of 14 July 2013, is receiving a main benefit under this Act (as defined in subclause (3)) at the close of 14 July 2013, and is transferred to jobseeker support at any time after 14 July 2013—

(a) from that main benefit (either directly, or via 1 or more other benefits); and

(b) under section 20H, or after a review under section 81(1) and under section 81(3).

(3) **Main benefit under this Act**, in subclauses (1) and (2), means a benefit that is—

(a) a widow's benefit under section 21; or

(b) a domestic purposes benefit under section 27B, 27C, or 27G; or

(c) an invalid's benefit under section 40; or

(d) a sickness benefit under section 54 or 54A; or

(e) an unemployment benefit under section 89 or 90; or

(f) an emergency benefit under section 61; or

(g) a youth payment (under Part 5); or

(h) a young parent payment (under Part 5).

(4) A person to whom subclause (1) or (2) applies is, for the period in subclause (5),—

(a) excepted from the application of the jobseeker support ineligibility ground in section 88D(a); and

(b) deemed to have been exempted under section 105 from all his or her work test obligations or, as the case may be, work preparation obligations under section 60Q.

(5) The period referred to in subclause (4)—

(a) begins,—

(i) for a person to whom subclause (1) applies, on 15 July 2013:

(ii) for a person to whom subclause (2) applies, on the date on which the person transfers to jobseeker support under section 20H or 81(3); and

(b) ends (whether subclause (1) or (2) applies to the person) at the earliest of the following times:

(i) the close of 14 July 2015:

(ii) the time when the person's jobseeker support ends:

(iii) the time when the person ceases to be a full-time student (as defined in section 3(1)):

(iv) the time when the person's exception and exemption under this clause end under subclause (7).

(6) Despite subclause (5)(b), the chief executive may, in his or her discretion, decide that the period referred to in subclause (4) does not end at the time specified in subclause (5)(b)(ii) or (iii).

(7) The exception and exemption under subclause (4)(a) and (b) of a person to whom subclause (1) or (2) applies end under this subclause if the chief executive is satisfied at a time before 15 July 2015 that the amount of work (if any) passed by the person in any period (for example, a semester) in a course in which the person was enrolled was equivalent to half of, or less than half of, a full-time course.

(8) **Full-time course**, in subclause (7), has the same meaning as in regulation 2(1) of the Student Allowances Regulations 1998.

13 Residential requirements: overseas residents' entitlements under reciprocity agreements unaffected by section 74AA(1)(c)

Nothing in section 74AA(1)(c) (as replaced on 15 July 2013) applies on or after 15 July 2013 to a benefit granted to a person pursuant to an agreement or convention with the government of another country and at a time before 15 July 2013 when—

(a) there is in force under section 19(1) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 an order declaring that the provisions contained in the agreement or convention set out in a schedule of the order had force and effect so far as they relate to New Zealand; and

(b) the person is ordinarily resident in that country.

Schedule 32 clause 13(a): amended, on 5 December 2013, by section 15(4)(i) of the Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132).

14 When beneficiaries can be paid benefit while overseas: travel booked before, but occurring after, 15 July 2013

(1) This clause applies to a beneficiary's absence overseas, but only if that absence involves travel from New Zealand that—

(a) occurs on or after 15 July 2013; but

(b) was booked before 15 July 2013.

(2) The chief executive may, for the purpose of avoiding any net adverse effects on the beneficiary of section 77 (as amended on 15 July 2013), and in the chief executive's discretion, determine the beneficiary's entitlements in respect of the absence under section 77 (as in force immediately before 15 July 2013).

15 Saving of failures and sanctions not saved by other clauses

(1) This clause applies to a person's failure before 15 July 2013 if it is—

(a) a failure under section 115(1)(a) (to comply with work test obligations in sections 102 and 102A); or

(b) a failure under section 115(1)(b) (for a beneficiary granted an exemption from the work test, to attend an interview as required under section 105(5)); or

(c) a failure before 20 August 2012 under section 115A (to comply with independent youth benefits obligations under section 60GAB); or

(d) a failure under section 116A (to comply with work preparation obligations under section 60Q(2) (as replaced on 15 October 2012)); or

(e) a failure that, under section 171(3)(a), is a failure to comply with the work test for the purposes of section 117 because it is a failure by a young person (as defined in section 157) who is the spouse or partner of a specified beneficiary (as so defined) to comply with obligations placed on that young person under section 171; or

(f) a failure that, under section 171(3)(b), is a failure to comply with section 60Q(2) (as replaced on 15 October 2012) for the purposes of section 116A because it is a failure by a young person (as defined in section 157) who is the spouse or partner of a specified beneficiary (as so defined) to comply with obligations placed on that young person under section 171.

(2) The failure and any related sanction under section 117 before 15 July 2013 both continue to count for determining the number of failures of the person, and every appropriate related sanction under section 117, after 14 July 2013.

(3) This clause does not limit any other provisions of this schedule that save or transfer obligations, failures, or sanctions that applied to a person immediately before 15 July 2013.

16 Unamended references to former benefits or amounts

(1) This clause applies to a reference only if the reference is in an enactment that is—

(a) in force on or after 15 July 2013; and

(b) not an enactment that is the whole of, or a portion of, or made under, the Social Security Act 1964; and

(c) not amended by the Social Security (Benefit Categories and Work Focus) Amendment Act 2013.

(2) A reference in column 1 of a row of the following table to a former benefit or amount under this Act must, unless the context otherwise requires, be read as a reference to the new benefit or amount in column 2 of that row.

Column 1 Former benefit or amount	Column 2 New benefit or amount
Widow's benefit under, or under section 21 of, this Act, and payable to a person with 1 or more dependent children	Sole parent support under section 20D (if the person has a dependent child aged under 14 years)
Widow's benefit under, or under section 21 of, this Act, and payable to a person with no, or with 1 or more, dependent children	Jobseeker support under section 88B (if the person has no dependent child aged under 14 years)
Domestic purposes benefit under section 27B, or payable to a person with 1 or more dependent children	Sole parent support under section 20D (if the person has a dependent child aged under 14 years)
Domestic purposes benefit under section 27B, or payable to a person with 1 or more dependent children	Jobseeker support under section 88B (if the person has no dependent child aged under 14 years)
Domestic purposes benefit under section 27C, or payable to a person, or to a woman alone, with no dependent children	Jobseeker support under section 88B
An amount in Schedule 16 (rates of domestic purposes benefits under section 27B or 27C)	The corresponding amount in Schedule 3A (for sole parent support)
An amount in Schedule 16 (rates of domestic purposes benefits under section 27B or 27C)	The amount in clause 1(ba) of Schedule 9 (for jobseeker support)
Domestic purposes benefit under section 27G, or for the care at home of the sick or infirm	Supported living payment under section 40D on the ground of caring for a patient requiring care
An amount in Schedule 17 (rates of domestic purposes benefits under section 27G)	The appropriate amount in Schedule 6 (rates of supported living payment benefits)
Invalid's benefit under, or under section 40 of, this Act	Supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness
Sickness benefit	Jobseeker support under section 88B
Unemployment benefit	Jobseeker support under section 88B

17 Regulations for transitional and savings purposes

(1) The Governor-General may, by Order in Council made on the Minister's recommendation, make regulations prescribing transitional provisions, savings provisions, or both, for either or both of the following purposes:

(a) facilitating or ensuring the orderliness of the transition to the amendments made to this Act by the Social Security (Benefit Categories and Work Focus) Amendment Act 2013:

(b) ensuring that existing rights or obligations continue as part of, or despite, that transition.

(2) The Minister must not recommend the making of regulations under subclause (1) unless satisfied that those regulations—

(a) are reasonably necessary for either or both of the purposes in subclause (1)(a) and (b); and

(b) are consistent with the purposes of this Act.

(3) The transitional provisions or savings provisions prescribed by regulations under subclause (1) may be provisions in addition to or instead of clauses 2 to 16, and may—

(a) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions (including definitions) of those amendments to this Act do not apply, or apply with modifications or additions:

(b) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions repealed, amended, or revoked by those amendments to this Act are to continue to apply, or apply with modifications or additions, as if they had not been repealed, amended, or revoked:

(c) provide for any other matter necessary for either or both of the purposes in subclause (1)(a) and (b).

(4) No regulations made under this clause may be made, or continue in force, after the close of 14 July 2016.

Part 3
Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014

Schedule 32 Part 3: inserted, on 7 July 2014, by section 32(3) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

18 Certain review and appeal amendments apply to decisions made before commencement

(1) The following provisions apply to decisions made before the commencement of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014:

(a) rows 1 and 2 of the table in section 10A(1) (as inserted by section 4(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014):

(b) section 12J(1) to (7) and (15) to (17) (as inserted by section 5 of that Act).

(2) Subclause (1) does not limit or affect the application of sections 10A(1) and 12J of the principal Act (as so inserted) to decisions made after that commencement.

Schedule 32 clause 18: inserted, on 7 July 2014, by section 32(3) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

19 Amendments generally apply in respect of excess amounts obtained or received before or after commencement

(1) Every enactment that is amended or inserted by the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014, and that is not specified in subclause (3), applies to, or in respect of, an amount that a person has obtained or received—

(a) in excess of the amount to which the person is by law entitled or to which the person has no entitlement; and

(b) before or after the commencement of that Act.

(2) Every enactment specified in subclause (3) applies only to, or in respect of, an amount that a person has obtained or received—

(a) in excess of the amount to which the person is by law entitled or to which the person has no entitlement; and

(b) after that commencement.

(3) The following enactments apply only to, or in respect of, an amount of the kind specified in subclause (2):

(a) section 83AA as inserted by section 7 of that Act:

(b) section 86(3) and (3A) as amended or inserted by section 10(5) and (6) of that Act:

(c) section 86AA as inserted by section 11 of that Act:

(d) section 127A as inserted by section 13 of that Act.

Schedule 32 clause 19: inserted, on 7 July 2014, by section 32(3) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

20 Amendment, review, or replacement of existing debt-recovery decisions or determinations

(1) This clause applies to a decision or determination that is in force immediately before the commencement of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 and that relates to either or both of the rate and method of recovery of an amount that a person has obtained or received—

(a) in excess of the amount to which the person is by law entitled or to which the person has no entitlement; and

(b) before that commencement.

(2) The decision or determination is not required by section 86(1BA) (as inserted by section 10(2) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014) to be amended, reviewed, or replaced until the chief executive determines as soon as is reasonably practicable after that commencement to amend, review, or replace it under that section (as so inserted).

Schedule 32 clause 20: inserted, on 7 July 2014, by section 32(3) of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21).

Part 4
Social Security Amendment Act (No 2) 2015

Schedule 32 Part 4: inserted, on 1 April 2016, by section 11 of the Social Security Amendment Act (No 2) 2015 (2015 No 116).

21 Regulations for provision of financial assistance to financially disadvantaged persons

(1) The purpose of this clause is to enable the making of regulations authorising the provision of financial assistance to any persons who are financially disadvantaged as an unintended consequence of the net effects of the amendments made by the Social Security Amendment Act (No 2) 2015, the Education Amendment Act (No 2) 2015, the Taxation (Support for Children in Hardship) Act 2015, and any related regulations or other instruments.

(2) The chief executive may from time to time grant to a person referred to in subclause (1) financial assistance—

(a) of the prescribed kind and in the prescribed amount; and

(b) for the prescribed period; and

(c) in accordance with the prescribed criteria; and

(d) in accordance with any other requirements set out in the regulations made under subclause (3).

(3) The Governor-General may from time to time, by Order in Council, make regulations for the purposes of this clause.

(4) Regulations made under subclause (3) must state the date on and after which they are to have effect (which may be a date earlier than the date on which they were made).

Part 5
Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016

Schedule 32 Part 5: inserted, on 8 July 2016, by section 36(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

22 Validation of certain payments made after death of beneficiary

(1) In this clause, **commencement date** means the date on which section 13 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 comes into force.

(2) Any of the following payments of a benefit after the beneficiary's death, made on or after 28 September 1982 and before the commencement date, were validly made:

(a) a payment to the estate of the deceased beneficiary:

(b) a payment to the surviving spouse or partner of the deceased beneficiary (whether or not the spouse or partner applied for payment):

(c) a payment to or for the benefit of a surviving child of the deceased beneficiary (whether or not an application for payment was made by or on behalf of that child or the child's principal caregiver).

Schedule 32 clause 22: inserted, on 8 July 2016, by section 36(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

23 Validation of other payments

(1) In this clause, **commencement date** means the date on which section 35 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 comes into force.

(2) This clause applies to any payment before the commencement date of an amount standing to the credit of a young person on a payment card, voucher, or device in the circumstances and manner described in section 179(12) and (13).

(3) The payment must be taken to be, and to always have been, valid and authorised as if section 179(12) and (13) were in force when the payment was made.

Schedule 32 clause 23: inserted, on 8 July 2016, by section 36(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

24 Transfer to young parent payment on commencement date, and savings

(1) In this clause, **commencement date** means the date on which section 11 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 comes into force.

(2) This subclause applies to a sole parent aged 19 who, immediately before the commencement date, was receiving sole parent support under section 20D.

(3) Despite section 20D(1)(b) (as it is on the commencement date), a person to whom subclause (2) applies is entitled to continue to receive sole parent support until the benefit ends or expires or is for any reason cancelled or terminated.

(4) This subclause applies to a person aged 19 who is the parent or step-parent of a dependent child or dependent children and who, immediately before the commencement date, was receiving jobseeker support (whether as the person granted that benefit or as the spouse or partner of the person granted the benefit) or a supported living payment under section 40D.

(5) Despite section 40D(2)(b) or 88B(2)(b), a person to whom subclause (4) applies is entitled to continue to receive the appropriate benefit referred to in that subclause until the benefit ends or expires, or is for any reason cancelled or terminated.

(6) This subclause applies to a person aged 19 who is—

(a) a sole parent; or

(b) a parent or step-parent of a dependent child or dependent children, and whose spouse or partner is aged not more than 19.

(7) On or after the commencement date, the chief executive must determine, in accordance with the applicant's entitlement before the commencement date, an application by a person to whom subclause (6) applies for sole parent support or a supported living payment under section 40D or jobseeker support that—

(a) was made (but not decided or determined by the chief executive) before the commencement date; or

(b) is made on or within 1 month after the commencement date.

(8) For the purpose of subclause (7), an application is made on the earlier of—

(a) the date on which it is received; and

(b) the date on which it is treated under section 11D(7) as being received.

(9) If it is determined that, before the commencement date, the applicant was entitled to a benefit referred to in subclause (7), the applicant must be treated as a person to whom subclause (2) or (as the case requires) (4) applies.

(10) If it is determined that the applicant had no entitlement to a benefit referred to in subclause (7), the applicant's application must be treated,—

(a) in the case of a sole parent, as an application for a young parent payment under sections 164 and 165; or

(b) in any other case, as applications by both the applicant and his or her spouse or partner for a young parent payment under sections 164 and 166.

Schedule 32 clause 24: inserted, on 25 October 2016, by section 36(3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

25 Saving of existing information-sharing agreement

(1) In this clause, **commencement date** means the date on which section 18 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 comes into force.

(2) An information-sharing agreement made under section 123F before the commencement date is taken from the commencement date to be an approved information-sharing agreement made under Part 9A of the Privacy Act 1993 and to have satisfied the requirements of section 96O of that Act.

Schedule 32 clause 25: inserted, on 25 October 2016, by section 36(3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

26 Obligations of spouses or partners of specified beneficiaries

(1) In this clause, **commencement date** means the date on which section 25 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 comes into force.

(2) This subclause applies to a young person who, immediately before the commencement date, is aged 18 years, has a dependent child or children, and is the spouse or partner of a specified beneficiary (as defined in section 157) who is aged 20 years or older.

(3) Despite section 171(2) and (4) (as it is on the commencement date), a young person to whom subclause (2) applies ceases to be subject to the obligations specified in that section on the day that he or she attains the age of 19 years.

(4) This subclause applies to a young person who is the parent or step-parent of a dependent child or dependent children and who is the spouse or partner of a specified beneficiary (as defined in section 157) and who, immediately before the commencement date, is aged 19 years.

(5) Despite section 171(3) and (5), a young person to whom subclause (4) applies is not subject to the obligations specified in section 171.

Schedule 32 clause 26: inserted, on 25 October 2016, by section 36(3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

Part 6
Families Package (Income Tax and Benefits) Act 2017: accommodation supplement areas

Schedule 32 Part 6: inserted, on 21 December 2017, by section 74 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

27 Parts of New Zealand taken to be as defined on 26 June 2017

(1) This clause applies to—

(a) a part of New Zealand that is any urban area, urban zone, or area unit of New Zealand referred to in Part 1K or Schedule 18; and

(b) the period starting on 26 June 2017 and ending on the day after the date on which the Families Package (Income Tax and Benefits) Act 2017 receives the Royal assent.

(2) That part of New Zealand must for that period be—

(a) taken to be that part of New Zealand as on 26 June 2017 defined by the Government Statistician; and

(b) taken never to have been later redefined by the Government Statistician.

28 Continuation of Budget 2017 order

(1) This clause applies to—

(a) the amendments made by the Families Package (Income Tax and Benefits) Act 2017, on the day after the date on which that Act receives the Royal assent, to section 61I(1) (for example, the repeal of section 61I(1)(d)) (the **amendments**); and

(b) the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (the **order**).

(2) Despite the amendments, the area alterations made by the order continue, and continue to commence as provided in clause 2 of the order.

Part 7
Families Package (Income Tax and Benefits) Act 2017: winter energy payment

Schedule 32 Part 7: inserted, on 1 July 2018, by section 67 of the Families Package (Income Tax and Benefits) Act 2017 (2017 No 51).

29 Eligibility based on qualifying benefit

(1) This clause applies to a person who, on or after 1 July 2018, is receiving a qualifying benefit (or a portion of it), either as the person granted that benefit or as the spouse or partner of that person.

(2) Section 61FG(1)(a) applies to the person regardless of whether—

(a) the person's, or the person's spouse's or partner's, entitlement to that benefit arose before, on, or after 1 July 2018:

(b) the person, or the person's spouse or partner, was granted that benefit before, on, or after 1 July 2018:

(c) the person, or the person's spouse or partner, started receiving that benefit (or a portion of it) before, on, or after 1 July 2018.

30 Special winter period, instalments, and rates for 2018

(1) For the purposes of Part 1KA and Schedule 18A, **winter period**, for the 2018 calendar year, means (despite section 61FF) the 13-week period starting on 1 July.

(2) For the 2018 calendar year,—

(a) "22 weekly instalments" in section 61FI(1)(a) must be read as "13 weekly instalments"; and

(b) "11 fortnightly instalments" in section 61FI(1)(b) must be read as "6 fortnightly instalments"; and

(c) "by 22" in section 61FI(2)(a) must be read as "by 13"; and

(d) "by 11" in section 61FI(2)(b) must be read as "by 6"; and

(e) "$450 per winter period" in clause 1(a) of Schedule 18A must be read as "$265.91 per winter period"; and

(f) "$700 per winter period" in clause 1(b) and (c) of Schedule 18A must be read as "$413.64 per winter period".

(3) An order made under section 61H(1) may increase the rates per winter period (for the 2018 calendar year) set out in subclause (2)(e) and (f).

Social Security Amendment Act 1972

Public Act	1972 No 133
Date of assent	20 October 1972
Commencement	20 October 1972

1 Short Title

This Act may be cited as the Social Security Amendment Act 1972, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

Part 1
Monetary benefits

6 Repealing provisions relating to income exemption where application for age benefit deferred

(1) *Amendment(s) incorporated in the Act(s).*

(2) Notwithstanding the repeal of section 19 of the principal Act and of clause 2 of Schedule 2 of the principal Act, that section, and that clause (as set out in the Schedule to the Social Security Amendment Act 1971), shall continue in force and operate in respect of every person who attained the age of 60 years on or before 1 November 1972, as if such repeals had not been made.

(3) This section shall be deemed to have come into force on 5 July 1972.

Social Security Amendment Act 1973

Public Act	1973 No 34
Date of assent	14 November 1973
Commencement	14 November 1973

1 Short Title

This Act may be cited as the Social Security Amendment Act 1973, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

Part 1
Monetary benefits

6 Domestic purposes benefits

(1) *Amendment(s) incorporated in the Act(s).*

(2) Notwithstanding anything in this section, if any person was, immediately before the commencement of this section, in receipt of a benefit under section 22 or section 23 or section 61 of the principal Act, the chief executive may, in the chief executive's discretion, continue to pay the benefit as if this section and section 5 of this Act had not been enacted.

Section 6(2): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 6(2): amended, on 23 June 1987, pursuant to section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Social Security Amendment Act 1975

Public Act	1975 No 123
Date of assent	10 October 1975
Commencement	10 October 1975

1 Short Title

This Act may be cited as the Social Security Amendment Act 1975, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

Part 3
General provisions

25 Payment of supplementary assistance may be deemed to be an advance

(1), (2) *Amendment(s) incorporated in the Act(s).*

(3) Notwithstanding the provisions of subsections (1) and (2), the said section 124A shall continue to apply in respect of payments which the chief executive has, before 2 July 1975, deemed to be an advance and in respect of which a charge has been registered against the beneficiary's estate or interest in land under the Statutory Land Charges Registration Act 1928.

(4) This section shall be deemed to have come into force on 2 July 1975.

Section 25(3): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Social Security Amendment Act 1978

Public Act	1978 No 58
Date of assent	11 October 1978
Commencement	11 October 1978

1 Short Title

This Act may be cited as the Social Security Amendment Act 1978, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

16 Additional benefit

(1) *Amendment(s) incorporated in the Act(s).*

(2) Notwithstanding the provisions of subsection (1), if any person in receipt of New Zealand superannuation was, immediately before the commencement of this section, in receipt of additional benefit under section 61E of the principal Act, the chief executive may, in the chief executive's discretion, pay to such a person a benefit under section 61G of that Act.

(3) *Amendment(s) incorporated in the Act(s).*

(4) This section shall be deemed to have come into force on 31 August 1978.

Section 16(2): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 16(2): amended, on 1 April 1994, pursuant to section 2(1) of the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149).

Section 16(2): amended, on 23 June 1987, pursuant to section 2(3)(d) of the Social Security Amendment Act 1987 (1987 No 106).

Child Support Act 1991

Public Act	1991 No 142
Date of assent	18 December 1991
Commencement	see section 1

1 Short Title and commencement

(1) This Act may be cited as the Child Support Act 1991.

(2) This Act is hereby declared to be one of the Inland Revenue Acts within the meaning of the Tax Administration Act 1994.

(3) Except as provided in subsection (4) and section 253, this Act shall come into force on the day on which it receives the Royal assent.

(4) Part 11 and Part 15 shall come into force on 1 July 1992.

Section 1(2): replaced, on 1 April 1995 (applying with respect to tax on income derived in 1995–96 and subsequent income years), by section YB 1 of the Income Tax Act 1994 (1994 No 164).

Part 16
Transitional and savings provisions

253 No liability to pay financial support under this Act until 1 July 1992

Notwithstanding section 1(3)—

(a) no person shall be liable to pay financial support under this Act; and

(b) no person shall be entitled to receive financial support under this Act; and

(c) no person shall make a deduction from any money payable to a liable person,—

in respect of any period before 1 July 1992, and every provision of this Act shall be read accordingly.

Enforcement of liable parent contributions payable before 1 July 1992

256 Savings in respect of outstanding liable parent contributions

(1) Notwithstanding the Social Security Amendment Act (No 5) 1991,—

(a) sections 10A, 12J, 27I to 27ZI (except section 27X) and Schedule 20 of the Social Security Act 1964 shall continue to apply; and

(b) section 27X of the Social Security Act 1964 shall continue to apply—

in respect of any liable parent contributions assessed under that Act which are due but unpaid at the close of 30 June 1992 as if those sections and that schedule had not been repealed or amended by the Social Security Amendment Act (No 5) 1991.

(2) Notwithstanding subsection (1), the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 shall not be required to exercise his or her powers in respect of any such contributions if the chief executive considers that to do so would not be economically viable.

Section 256(1)(a): amended, on 17 September 1997, by section 2 of the Child Support Amendment Act (No 2) 1997 (1997 No 67).

Section 256(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Social Security Amendment Act (No 3) 1993

Public Act	1993 No 57
Date of assent	30 June 1993
Commencement	30 June 1993

1 Short Title

This Act may be cited as the Social Security Amendment Act (No 3) 1993, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

5 Abolition of miners' benefits

(1)–(5) *Amendment(s) incorporated in the Act(s).*

(6) Notwithstanding the provisions of this section, if, immediately before the commencement of this section, a person is in receipt of a miner's benefit under section 47 of the principal Act or a miner's widow's benefit under section 53 of that Act, the chief executive shall continue to pay that benefit as if this section had not been enacted; but at the appropriate rate from time to time payable to the recipient of an invalid's benefit who has no annual income.

Section 5(6): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

9 Maintenance payable to Crown

(1) *Amendment(s) incorporated in the Act(s).*

(2) Notwithstanding the repeal of section 27F of the principal Act by section 6(1) of the Social Security Amendment Act (No 5) 1991, it is hereby declared that any money payable under a maintenance order that was payable to the Consolidated Revenue Account or Crown Bank Account under that section (before its repeal), and unpaid as at the close of 30 June 1992, shall continue to be payable to the Crown Bank Account as a debt due to the Crown.

15 Financial means assessment of people requiring residential care disability service

(1) *Amendment(s) incorporated in the Act(s).*

(2) Any agreement the chief executive entered into with a person that—

(a) required that person to repay, as a loan, any amount of rest home subsidy that was paid in respect of that person under the rest home subsidy welfare programme approved by the Minister under section 124(1)(d) of the principal Act; and

(b) was in force immediately before 1 July 1993—

shall be deemed to remain in force and to be an agreement to repay any amount of the cost of the residential care disability services paid under the Health and

Disability Services Act 1993 or the New Zealand Public Health and Disability Act 2000 in respect of that person after that date; and references in that agreement to that welfare programme shall be deemed to include any amounts so paid under the Health and Disability Services Act 1993 or the New Zealand Public Health and Disability Act 2000.

Section 15(2): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 15(2): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

28 Welfare programmes

(1) *Amendment(s) incorporated in the Act(s).*

(2) The purported application of any provision of Part 1 to and in respect of—

(a) any programme approved by the Minister of Social Welfare under section 124(1)(d) of the principal Act; or

(b) any applicant for assistance under the programme; or

(c) any other specified class or classes of person—

before the commencement of this section, is hereby validated and declared to have been lawful, and to be enforceable, as if section 124(1A) of the principal Act (as inserted by subsection (1)) had been in force and as if the programme provided for such application, on the date of such application.

(3) Nothing in subsection (2) shall affect the rights of any party under any judgment of any court, or any decision of the Social Security Appeal Authority, as the result of proceedings filed, or a notice of appeal lodged, as the case may be, before 1 April 1993.

Social Security Amendment Act 1994

Public Act	1994 No 86
Date of assent	1 October 1994
Commencement	see section 1(2)

1 Short Title and commencement

(1) This Act may be cited as the Social Security Amendment Act 1994, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

(2) This Act shall come into force on the day after the day on which it receives the Royal assent.

8 Transitional provisions

(1) In this section,—

benefit includes the granting of special assistance under any welfare programme approved under section 124(1)(d)

mortgage security and **premises** have the meanings ascribed to them in section 61E

specified period means the period commencing on 1 January 1994 and ending on the close of the day on which this Act receives the Royal assent;—

and other terms and expressions have the meanings ascribed to them in section 3 of the principal Act.

(2) Subject to subsection (3), where a beneficiary was granted a benefit at a reduced rate during the specified period by reason of any debt insurance payment or health or disability insurance payment or income-related insurance payment, as the case may be, made to the beneficiary or to some other person on behalf of or for the benefit of the beneficiary or a member of his or her family, the following provisions shall apply:

(a) the chief executive shall calculate the difference between the amount of the benefit paid during that period and the amount of the benefit that would otherwise have been payable if this Act had been in force during that period:

(b) where the result of the calculation is a deficiency in the payment made, the chief executive shall pay the amount of the deficiency to the beneficiary without further appropriation than this section; but may apply the amount of any such deficiency in reduction of the amount of any excess in the payment made of any other benefit affected by this section:

(c) where the result of the calculation is an excess in the payment made, the chief executive shall write off the amount of that excess under the

authority of this section to the extent that it is not offset by the amount of any deficiency of payment of any other benefit affected by this section:

(d) the chief executive shall also make such adjustments as are appropriate to the rate of the benefit payable after this Act comes into force.

(3) No beneficiary—

(a) who was granted an accommodation supplement and another benefit during the specified period; and

(b) whose rate of accommodation supplement or other benefit during that period was or were affected by reason of any debt insurance payment made to the beneficiary or to some other person on behalf of or for the benefit of the beneficiary, being a payment in respect of the beneficiary's mortgage security over his or her premises,—

shall have the total rate of payment that is made to him or her under that accommodation supplement and other benefit reduced by reason only of the coming into force of this Act, but nothing in this subsection shall prevent the chief executive subsequently reviewing the rate of accommodation supplement or other benefit, or both, payable to that beneficiary.

Section 8(2)(a): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 8(2)(b): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 8(2)(c): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 8(2)(d): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 8(3): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

9 Savings

(1) Subject to subsection (2), every decision or determination of the chief executive made before 1 January 1994 in assessing or deciding not to assess any debt insurance payment or health or disability insurance payment or income-related insurance payment, as the case may be, as income for any purpose under the principal Act is hereby confirmed and declared to be and always to have been valid.

(2) Nothing in subsection (1) affects—

(a) any application under section 10A of the principal Act for the review of a decision made by an applicant or a beneficiary before 14 September 1994 or the decision of a review committee on any such application; or

(b) any appeal under section 12J of the principal Act against a decision or determination lodged by an applicant or a beneficiary before 14 September 1994 or the decision of the Appeal Authority on any such appeal; or

(c) any proceedings in any court in relation to a decision or determination commenced by an applicant or a beneficiary before 14 September 1994 or the decision of the court in any such proceedings.

(3) In this section, terms and expressions have the meanings ascribed to them in section 3 of the principal Act.

Section 9(1): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Social Security Amendment Act 1996

Public Act	1996 No 20
Date of assent	10 May 1996
Commencement	see section 1(2)

1 Short Title and commencement

(1) This Act may be cited as the Social Security Amendment Act 1996, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

(2) Except as provided in sections 2(8), 25(2), 27(2), 29(2), 31(2), 32(5), 38(2), 39(2), 40(3), 41(2), 45(3), and 46(2), this Act shall come into force on 1 April 1997.

21 Transitional provisions

(1) This section applies to a person who is not entitled to a benefit for a period of 26 weeks due to the application of section 60H or section 60J or section 60N(1) of the principal Act as they were in force before their repeal by this Act.

(2) A person referred to in subsection (1)—

(a) shall not have the period of non-entitlement reduced by the repeal of those sections; and

(b) shall be entitled to have applied to him or her, as if they had not been repealed by this Act, the provisions of sections 60K and 60KA of the principal Act as they were in force before their repeal and substitution by this Act.

(3) The spouse of a person referred to in subsection (1) shall be entitled to have applied to him or her the provisions of section 60L of the principal Act as it was in force before its repeal and substitution by this Act.

(4) In subsection (1), **benefit** means an unemployment benefit, a job search allowance, or an independent youth benefit.

32 Abolition of transition to work allowance

(1)–(3) *Amendment(s) incorporated in the Act(s).*

(4) Notwithstanding subsections (1) to (3), a transition to work allowance shall continue to be payable, as if this section had not been enacted,—

(a) to any person in receipt of that allowance immediately before this section comes into force; and

(b) until the earlier of—

(i) the date on which the allowance ceases to be payable to that person under section 69D(3) of the principal Act; or

(ii) the date that person ceases to be in full employment.

(5) This section shall come into force on 1 July 1996.

Social Security Amendment Act (No 3) 1996

Public Act	1996 No 49
Date of assent	1 July 1996
Commencement	1 July 1996

1 Short Title

This Act may be cited as the Social Security Amendment Act (No 3) 1996, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as "the principal Act").

2 Abolishing special married rate of training benefit

(1)–(3) *Amendment(s) incorporated in the Act(s).*

(4) Notwithstanding subsections (1) to (3), the special rate of training benefit under section 60B(2) of the principal Act shall continue to be payable, as if this section had not been enacted,—

(a) to a married person receiving that rate immediately before this section comes into force; and

(b) until the earlier of—

(i) the date on which the person is no longer entitled to a training benefit or to that rate of benefit; or

(ii) the end of the period the benefit is payable for, as determined under section 60C(1) of the principal Act.

3 Abolition of power to make advances to beneficiaries and war pensioners for repair or maintenance of home, etc

(1) *Amendment(s) incorporated in the Act(s).*

(2) Notwithstanding subsection (1), subsections (3) to (5) of section 125 of the principal Act shall continue to apply, as if this section had not been enacted, to any advance made under that section.

(3) Every advance made under section 125 of the principal Act—

(a) shall not have its validity called into question by the repeal of that section; and

(b) may be recovered, when repayable under the terms and conditions of the advance under that section,—

(i) as a debt due to the Crown, at the suit of the chief executive; or

(ii) by deduction from any benefit subsequently payable to the person to whom the advance was made under the principal Act; or

(iii) under section 86A of the principal Act.

(4), (5) *Amendment(s) incorporated in the Act(s).*

Section 3(3)(b)(i): amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

4 Transitional arrangements for advances

Notwithstanding section 3, the chief executive may make an advance under section 125 of the principal Act, as if that section was still in force, if—

(a) the application for the advance was made before section 3 came into force; and

(b) the application had not been dealt with before that date.

Section 4: amended, on 1 October 1998, pursuant to section 10(1)(a) of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Social Security Amendment Act (No 4) 1997

Public Act	1997 No 63
Date of assent	16 September 1997
Commencement	see section 1(2)

1 Short Title and commencement

(1) This Act may be cited as the Social Security Amendment Act (No 4) 1997, and is part of the Social Security Act 1964 ("the principal Act").

(2) This Act comes into force on the day after the date on which it receives the Royal assent, except for sections 9, 11, 13, 14, 15, 18, 20(1), 28, and 30.

7 Procedure on appeal

(1), (2) *Amendment(s) incorporated in the Act(s).*

(3) The provisions of sections 12K, 12M, 12O, and 12P of the principal Act apply, without modification (except for the new subsection (1C) substituted by subsection (1)), to every appeal under section 12J of the principal Act that was lodged, and has not been dealt with, before this section comes into force.

(4) *Amendment(s) incorporated in the Act(s).*

11 New sections substituted

(1) *Amendment(s) incorporated in the Act(s).*

(2) The entitlement to a training benefit of a person who, immediately before 1 January 1998,—

(a) was 16 years or 17 years; and

(b) was receiving a training benefit—

is determined by the law in force immediately before 1 January 1998.

(3), (4) *Amendment(s) incorporated in the Act(s).*

(5) This section comes into force on 1 January 1998.

13 New sections substituted

(1) *Amendment(s) incorporated in the Act(s).*

(2) The entitlement to an independent youth benefit of a person who was receiving the benefit immediately before 1 January 1998 is determined by the law in force immediately before 1 January 1998.

(3) *Amendment(s) incorporated in the Act(s).*

(4) This section comes into force on 1 January 1998.

23 Deduction notices for debts

(1), (2) *Amendment(s) incorporated in the Act(s).*

(3) Section 86A(1A) of the principal Act (as inserted by subsection (2)) applies to all debts to the Crown recoverable under the principal Act, whether or not the Limitation Act 1950 prevented recovery of the debt by civil action in a court of law before the coming into force of this section.

24 Money payable out of Crown Bank Account

(1)–(3) *Amendment(s) incorporated in the Act(s).*

(4) It is declared that the Minister of Social Welfare or, as the case may require, the Minister of Social Security has always had the power under section 124(1)(d) of the principal Act to establish and approve any welfare programme for special assistance for the purposes of that section; and every such welfare programme that has at any time been so approved, and any payments or grants of special assistance and actions taken under it, are confirmed and declared to be and always to have been valid.

Social Security (Personal Development and Employment) Amendment Act 2002

Public Act	2002 No 28
Date of assent	25 September 2002
Commencement	see section 2

1 Short Title

(1) This Act is the Social Security (Personal Development and Employment) Amendment Act 2002.

(2) In this Act, the Social Security Act 1964 is called "the principal Act".

Part 1
Preliminary provisions

2 Commencement

(1) Sections 4(2) to (6), 6 to 8, 11, 14, 15(1), 25, 30, 32, and 37 and the Schedule come into force on 10 March 2003.

(2) Except as provided in section 23(1), the rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

3 Purpose

The purpose of this Act is—

(a) to facilitate the movement of domestic purpose beneficiaries and widows' beneficiaries from reliance on benefits to employment as their parenting responsibilities and individual circumstances allow; and

(b) to introduce a requirement for those beneficiaries to prepare plans that will assist them to move towards employment and to demonstrate commitment to the goals set out in those plans; and

(c) to amend the provisions of the principal Act relating to the establishment and recovery of debts; and

(d) to make miscellaneous amendments to the principal Act.

Part 3
Transitional provisions, amendments affecting principal Act, and consequential amendments to other enactments

Transitional provisions

31 Transitional provisions relating to review of decisions

No application for a review made under section 10A of the principal Act before the commencement of section 5 of this Act is invalid by reason that the decision to which the application relates was made under a delegation pursuant to an enactment or authority (other than an enactment referred to in section 10A(1) of the principal Act as it read before the commencement of section 5 of this Act).

32 Transitional provisions for cessation of work testing for certain benefits

(1) Subsection (2) applies to a person who, immediately before this section comes into force, is in receipt of a widow's benefit or a domestic purposes benefit (other than a domestic purposes benefit granted under section 27G of the principal Act).

(2) On the date that this section comes into force,—

(a) a person to whom this subsection applies—

(i) ceases to be subject to the work test or, as the case requires, the obligation to comply with section 60HA of the principal Act; and

(ii) ceases to be subject to any sanctions to which the person was subject under section 117 of the principal Act; and

(b) a benefit granted to a person to whom this subsection applies,—

(i) if granted to the person under section 60H(6)(b) of the principal Act, ceases to be subject to the condition referred to in that paragraph; and

(ii) if granted to the person under section 123B of the principal Act, ceases to be subject to the condition referred to in subsection (4) of that section.

(3) Subsection (4) applies to a person who, immediately before this section came into force, was a person who had applied for a widow's benefit or a domestic purposes benefit and was subject to a non-entitlement period under section 60H(4) of the principal Act.

(4) On the date that this section comes into force, a person to whom this subsection applies—

(a) ceases to be subject to the non-entitlement period, and that period lapses; and

(b) is entitled to be granted the benefit applied for if he or she otherwise qualifies for it.

(5) Nothing in subsection (4) limits the application of section 80BA of the principal Act.

33 Transitional provision relating to mode of ascertaining annual income for benefit purposes

(1) For the purpose of determining the validity of any determination or purported determination made under section 64(2A) of the principal Act on or after 31 July 1996 but before the date on which section 13 of this Act comes into force, section 64 of the principal Act must be read as if it had incorporated the amendments made by section 13 of this Act on and after 1 July 1996.

(2) Subsection (1)—

(a) does not apply in respect of any application, appeal, or proceedings of a kind specified in subsection (3) that alleged an invalidity in a determination or purported determination under section 64(2A) of the principal Act and was made or filed, as the case may be, before 11 September 2002; and

(b) does not affect the rights of any person who made an application to which paragraph (a) applies, or was a party to an appeal or other proceedings to which paragraph (a) applies, under—

(i) any decision, or any judgment of a court, in relation to that application or appeal or those proceedings, as the case may be; or

(ii) any decision or judgment given on appeal from that decision or judgment.

(3) Subsection (2)(a) applies in respect of—

(a) an application for review under section 10A of the principal Act:

(b) an appeal under section 12J, section 12Q, or section 12R of the principal Act:

(c) any other proceedings.

34 Transitional provision relating to reviewing of payments made in excess of authorised rates

(1) Subsection (2) applies to any sum that the chief executive has, before the commencement of this section, determined is recoverable under any of section 86(1) to (1D) of the principal Act.

(2) Section 86(9A) of the principal Act, as it read before the commencement of section 22 of this Act, continues to apply to any sum to which this subsection applies as if section 22 of this Act had not been enacted.

(3) This section overrides section 35.

35 Transitional provision relating to recovery of debt

If, immediately before the commencement of this section, any amount is recoverable from any person under any of section 86(1) to (1D) of the principal Act (as those subsections read immediately before the commencement of section 22 of this Act), after the commencement of this section—

(a) that amount continues to be recoverable under section 86(1) of the principal Act (as substituted by section 22(1)); and

(b) any proceedings taken in respect of its recovery before the commencement of this section continue as if brought under section 86(1)(a) of the principal Act (as so substituted).

Social Security (Working for Families) Amendment Act 2004

Public Act	2004 No 51
Date of assent	3 June 2004
Commencement	see section 2

1 Title

(1) This Act is the Social Security (Working for Families) Amendment Act 2004.

(2) In this Act the Social Security Act 1964 is called "the principal Act".

2 Commencement

(1) Section 19 and Schedule 1 come into force on 1 October 2004.

(2) Section 11 comes into force on 4 October 2004.

(3) Sections 5 and 15 come into force on 1 July 2004.

(4) Sections 6, 7, 9, 13, 14, 16, 20(1), and 22(1), and Schedules 2 and 4 come into force on 1 April 2005.

(5) Sections 10, 21, and 23, and Schedule 3 come into force on 1 April 2006.

(6) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

3 Purpose

The purpose of this Act is to—

(a) provide targeted financial incentives for certain persons to enter into, and stay in, employment:

(b) address accommodation affordability issues for those persons eligible for the accommodation supplement:

(c) take steps towards simplifying the benefit system and making it easier to understand (for example, by introducing a new benefit rate structure for families):

(d) make related amendments to the Social Security Act 1964.

20 Amendments to various schedules

(1) *Amendment(s) incorporated in the Act(s).*

(2) Subsection (1) and Schedule 2 are subject to any Order in Council made under section 61H of the principal Act amending 1 or more of the schedules referred to in subsection (1) that comes into force on 1 April 2005.

22 New Schedule 31 added to principal Act

(1) *Amendment(s) incorporated in the Act(s).*

(2) Subsection (1) and Schedule 4 are subject to any Order in Council made under section 61H of the principal Act amending Schedule 31 that comes into force on 1 April 2005.

Transitional provisions

23 Savings in respect of existing special benefits

(1) A special benefit continues to be payable to a person receiving or who had applied for a special benefit immediately before this section comes into force as if the former section 61G continued in force, until the earlier of—

(a) the date on which the chief executive determines, under section 81 or otherwise, that the person is—

(i) no longer qualified to receive the special benefit under the former section 61G; and

(ii) no longer entitled to have fixed in respect of him or her, under the former section 61G, a special entitlement to a special benefit; or

(b) if the special benefit was granted under the former section 61G for a specific period, the end of that period.

(2) The following provisions continue to apply to a person referred to in subsection (1) and the person's spouse until the earlier of the dates referred to in paragraphs (a) and (b) of that subsection:

(a) the former section 61G:

(b) any direction given under section 5 relating to the former section 61G (being a direction in force immediately before the commencement of this section).

(3) To avoid doubt, the Minister may from time to time, under section 5, amend or revoke any direction referred to in subsection (2)(b).

(4) While the former section 61G continues to apply to a person, the person and his or her spouse may not apply for or be granted, temporary additional support under section 61G of the principal Act.

(5) In this section, **former section 61G**, means section 61G of the principal Act as it read immediately before the commencement of this section.

24 Savings in respect of income assessments

For the purpose of determining the validity of any income assessment, the principal Act must be read as if the definition of income in section 3(1) of the principal Act at all material times contained paragraph (f)(xviii) (as inserted by section 4 of this Act).

25 Transitional arrangements for financially disadvantaged persons

(1) The purpose of this section is to enable the making of regulations authorising the provision of financial assistance to any persons who are financially disad-

vantaged as a consequence of the net effects of the amendments made by this Act, the Taxation (Working for Families) Act 2004, and any related regulations or other instruments.

(2) The chief executive may from time to time grant to a person referred to in subsection (1) financial assistance—

(a) of the prescribed kind and in the prescribed amount; and

(b) for the prescribed period; and

(c) in accordance with the prescribed criteria; and

(d) in accordance with any other requirements set out in the regulations made under subsection (3).

(3) The Governor-General may from time to time, by Order in Council, make regulations for the purposes of this section.

(4) Regulations made under subsection (3) must state the date on and after which they are to have effect (which may be a date earlier than the date on which they were made).

Social Security (Long-term Residential Care) Amendment Act 2004

Public Act	2004 No 101
Date of assent	6 December 2004
Commencement	see section 2

1 Title

(1) This Act is the Social Security (Long-term Residential Care) Amendment Act 2004.

(2) In this Act, the Social Security Act 1964 is called "the principal Act".

Part 1
Preliminary

2 Commencement

This Act comes into force on 1 July 2005.

3 Purpose

The purpose of this Act is to amend, consolidate, and clarify provisions relating to long-term residential care provided to older people, and in particular—

(a) to progressively increase the value of assets that people may retain before being required to use their assets to pay for the cost of contracted care services provided to them; and

(b) to provide that people aged 50 to 64 who are single and have no dependent children are not required to pay for contracted care services provided to them out of assets; and

(c) to clarify the obligations of people receiving long-term residential care in a hospital or rest home to pay for that care; and

(d) to clarify the funder's obligations to pay for contracted care services associated with long-term residential care; and

(e) to limit the amount that residents who are assessed as requiring long-term residential care indefinitely are required to pay for that care; and

(f) to clarify the procedures associated with needs assessment; and

(g) to amend the means assessment and clarify the procedures associated with it.

Section 3(b): amended, on 1 July 2005, by section 7 of the Social Security Amendment Act 2005 (2005 No 21).

Part 2
Amendments to principal Act

Transitional provisions

7 Definitions used for purpose of transitional provisions

In this section and sections 8 to 11,—

commencement date means the date on which this Act comes into force

financial means assessment means a financial means assessment conducted under section 69F

section 69F means section 69F of the principal Act as it read immediately before its repeal by this Act.

8 Assessment as needing residential care disability services indefinitely to be treated as needs assessment under section 137

(1) Every person who, immediately before the commencement date, had been notified as being, or had been treated as having been, assessed as requiring residential care disability services indefinitely (as referred to in section 69F(1)) must, on and after the commencement date, be treated as a person who has been needs assessed under section 137 of the principal Act as requiring long-term residential care in a hospital or rest home indefinitely.

(2) If an assessment has been conducted for the purposes of section 69F before the commencement date, but the result has not been determined, or has been determined but not notified by that date, that needs assessment must be determined, and its outcome notified to the person, as if it were a needs assessment conducted under section 137 of the principal Act.

9 Financial means assessment under section 69F to be treated as means assessment under Part 4 of principal Act

(1) The result of a financial means assessment conducted under section 69F is to be treated as if it were a result following a means assessment under Part 4 of the principal Act.

(2) A copy of every financial means assessment under section 69F is taken to have been provided as required by section 148 of the principal Act.

(3) A financial means assessment conducted under section 69F may be reviewed under section 150 of the principal Act as if it were a means assessment conducted under Part 4 of that Act, in which case any new means assessment must be conducted in accordance with sections 146 and 147 of the principal Act, and Part 4 and Schedule 27 of that Act apply.

10 Exempt persons and elderly victims of crime

(1) Until regulations are made under section 155 of the principal Act that define the classes of exempt person, and that identify how a person is to be assessed as being an elderly victim of crime, every person who, immediately before the commencement date, was treated as an exempt person or an elderly victim of crime must continue to be so treated.

(2) If, as a result of regulations referred to in subsection (1), a person who was previously treated as an exempt person or an elderly victim of crime is found not to be an exempt person or elderly victim of crime (as the case may be), no refund may be sought from that person of any payment made by a funder in respect of the person before the regulations came into force, unless the refund relates to something other than the person's status as an exempt person or elderly victim of crime.

(3) If, as a result of regulations referred to in subsection (1), a person who was previously not treated as an exempt person or an elderly victim of crime is found to be an exempt person or elderly victim of crime (as the case may be), no refund may be sought by the person of any payment made to a provider by the person in respect of any period before the regulations came into force, unless the refund relates to something other than the person's status as an exempt person or elderly victim of crime.

11 No refunds in respect of periods before commencement date

(1) No person is entitled, as a result of this Act coming into force, to a refund of any amount that the person has paid, or to a rebate of any amount that the person is liable to pay, for residential care disability services provided before the commencement date.

(2) No provider is entitled, as a result of this Act coming into force, to payment from a funder in respect of services provided to a person, or class of persons, before the commencement date.

(3) However, nothing in subsection (1) or subsection (2) affects any rights that existed or accrued before the commencement date.

Social Security Amendment Act 2005

Public Act	2005 No 21
Date of assent	24 March 2005
Commencement	see section 2

1 Title

(1) This Act is the Social Security Amendment Act 2005.

(2) In this Act, the Social Security Act 1964 is called "the principal Act".

2 Commencement

(1) Except as provided in subsections (2) and (3), this Act comes into force on 26 April 2005.

(2) Sections 5 and 6 come into force on 1 April 2007.

(3) Section 7 comes into force on 1 July 2005.

6 Transitional provision regarding relationships in the nature of marriage

(1) For the purposes of sections 21 and 27A to 27H of the principal Act,—

(a) a reference to a de facto relationship includes a relationship in the nature of marriage that was entered into at any time before 1 April 2007; and

(b) a reference to a de facto partner includes a person who was a partner in any relationship in the nature of marriage referred to in paragraph (a).

(2) Any relationship that was, immediately before the commencement of this section, regarded by the chief executive under section 63 of the principal Act (as it was before section 5 came into force) as a relationship in the nature of marriage is a de facto relationship.

Social Security (Social Assistance) Amendment Act 2005

Public Act	2005 No 30
Date of assent	14 April 2005
Commencement	see section 2

1 Title

(1) This Act is the Social Security (Social Assistance) Amendment Act 2005.

(2) In this Act, the Social Security Act 1964 is called "the principal Act".

2 Commencement

(1) Sections 4(3) and 7(3) come into force on 1 July 2005.

(2) Sections 9(1) and (3) and 10(1) come into force on 1 May 2005.

(3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Amendments to Social Security Act 1964

7 Rates of benefits for sole parents may be reduced

(1)–(4) *Amendment(s) incorporated in the Act(s).*

(5) Despite anything in section 70A(5) (as inserted by subsection (4) of this section), no further reduction under section 70A(5) may be made with effect earlier than 1 July 2005.

Part 2
Consequential amendments and savings provision

18 Savings in respect of tax on benefits

(1) For the purpose of determining the validity of any payment for tax on an income-tested benefit, the principal Act must be read as if at all material times it contained section 83A, as inserted by section 12 of this Act.

(2) In this section, **income-tested benefit** has the meaning given to it in section 83A(6) of the principal Act, as inserted by section 12 of this Act.

Social Security (Long-term Residential Care) Amendment Act 2006

Public Act	2006 No 67
Date of assent	21 November 2006
Commencement	see section 2

1 Title

This Act is the Social Security (Long-term Residential Care) Amendment Act 2006.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Amendments to principal Act

Subpart 1—Amendments to Part 1

4 Disability allowance

(1) *Amendment(s) incorporated in the Act(s).*

(2) Any money received by a person by way of a disability allowance must be repaid as a debt due to the Crown if the disability allowance was granted in respect of an application that—

(a) was made after 14 June 2006; and

(b) was made in respect of expenses referred to in section 69C(2B)(a) of the principal Act (as inserted by this section).

(3) If, on an application made between 18 May 2006 and 18 May 2007, a disability allowance is granted to or on account of a person referred to in section 69C(2B)(b) of the principal Act (as inserted by this section) for expenses that are not costs of residential care services supplied to that person, then, despite section 80(1) of the principal Act, the disability allowance commences on the later of—

(a) the date the person became entitled to receive it; or

(b) 18 May 2006.

Social Security Amendment Act 2007

Public Act	2007 No 20
Date of assent	23 June 2007
Commencement	see section 2

1 Title

This Act is the Social Security Amendment Act 2007.

2 Commencement

(1) Part 1 and Schedules 1 to 3 come into force on 2 July 2007.

(2) Sections 12 and 13 and Schedules 2 and 3 come into force on 2 July 2007.

(3) Part 2 and Schedules 4 and 5 come into force on 24 September 2007.

(4) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Provisions coming into force on 28 May or 2 July 2007

Transitional

17 Widows' benefits

If, immediately before the commencement of section 5, a person was receiving a widow's benefit on the ground of having the care of a dependent child, the person's entitlement to continue to receive the benefit must, until the child ceases to be a dependent child of the person, be determined as if that section had not been enacted.

18 Domestic purposes benefits

(1) If, immediately before the commencement of section 6, a person was receiving a domestic purposes benefit on the ground of having the care of a dependent child, the person's entitlement to continue to receive the benefit must, until the child ceases to be a dependent child of the person, be determined as if that section had not been enacted.

(2) If, immediately before the commencement of section 7, a person aged 16 or 17 years was receiving a domestic purposes benefit on the ground of having the care of a sick or infirm person, the person's entitlement to continue to receive the benefit must, until he or she ceases to have the care of the sick or infirm person, be determined as if that section had not been enacted.

19 Stand down periods

(1) This subsection applies to a benefit if—

(a) it was granted before 28 May 2007; and

(b) by virtue of section 80BA of the principal Act would (but for subsection (2)) commence after 28 May 2007.

(2) A benefit to which subsection (1) applies commences on the later of the following days:

(a) 28 May 2007:

(b) the day on which it would have commenced if sections 11(3) and 16 of this Act had come into force immediately before it was granted.

20 Transitional arrangements for financially disadvantaged people

(1) The Governor-General may, by Order in Council, make regulations authorising the provision of financial assistance to any people who are financially disadvantaged as a result of the net effects of the amendments made by this Act.

(2) The regulations must state the day on and after which they have effect (which may be earlier than the day on which they were made).

(3) The chief executive may provide financial assistance of the kind prescribed by the regulations to a person disadvantaged as a result of the net effects of the amendments made by this Act—

(a) in the amount, for the period, and in accordance with the criteria, prescribed by the regulations; and

(b) in accordance with any other requirements imposed by the regulations.

(4) After it has initially been granted, financial assistance provided under the regulations must for the purposes of the principal Act be treated as a benefit; and the principal Act applies accordingly.

(5) A decision or determination made by the chief executive under the regulations is a decision or determination for the purposes of section 12J(1).

Validation

21 Commencement of benefits

The validity of the making of a payment of an independent youth benefit before the commencement of section 11 must be determined as if subsection (1) of that section had come into force immediately before the payment was made.

Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010

Public Act	2010 No 105
Date of assent	23 August 2010
Commencement	see section 2

1 Title

This Act is the Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010.

2 Commencement

(1) Sections 4(1), 14, 17, 30, and 31 come into force on the day after the date on which this Act receives the Royal assent.

(2) Sections 4(14) to (17) and 8, and Schedule 2 come into force on 2 May 2011.

(3) This rest of this Act comes into force on 27 September 2010.

Transitional provisions

36 Transitional provision relating to personal development and employment plans

Any personal development and employment plan made and in force immediately before the commencement of this Act is to be treated as an employment plan made under section 60Q of the principal Act (as amended by this Act).

37 Transitional provisions relating to job seeker agreements and job seeker development activities

(1) Despite the commencement of this Act, any job seeker agreement in force before the commencement of this Act continues in force for the purpose of section 102A(1)(h) of the principal Act until the chief executive directs otherwise under that paragraph.

(2) Despite the commencement of this Act, any job seeker development activity defined, and any conditions of any job seeker development activity specified, under section 110 (before its repeal by this Act) continue in force for the purpose of section 102A(1)(h) of the principal Act.

38 Transitional provisions relating to sanctions under former section 117(1)(a)

(1) In this section, **former section 117(1)(a)** means section 117(1)(a) of the principal Act as it read before its repeal and substitution by this Act.

(2) This section applies to a beneficiary who,—

(a) on the commencement of this Act, is subject to a sanction of suspension of his or her benefit imposed under the former section 117(1)(a); or

(b) before the commencement of this Act, has been given written notice under section 113(2) of the principal Act of the chief executive's decision to impose a sanction of suspension of benefit under the former section 117(1)(a) that specifies that the sanction is to take effect on a date that is on or after the commencement of this Act.

(3) For the purposes of completing or imposing the sanction referred to in subsection (2), the former section 117(1)(a) continues to apply to a beneficiary to whom this section applies as if this Act had not been enacted.

39 Transitional provision relating to exemptions from the work test

Every exemption from the work test granted under section 105(1) of the principal Act before the commencement of this Act and in force on that commencement must, until the exemption is varied or revoked under subsection (6) of that section, be treated as an exemption from all work test obligations.

Social Security (Youth Support and Work Focus) Amendment Act 2012

Public Act	2012 No 50
Date of assent	26 July 2012
Commencement	see section 2

1 Title

This Act is the Social Security (Youth Support and Work Focus) Amendment Act 2012.

2 Commencement

(1) Part 1 (except for sections 19, 20, 21, and 23), Part 2, and the schedules come into force on 20 August 2012.

(2) Parts 3 and 4 come into force on 15 October 2012.

(3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Social Security Act 1964 (the **principal Act**).

Part 2
Consequential amendments, and transitional and savings provisions, taking effect on 20 August 2012

Other consequential amendments

29 Transitional provision: entitlement to youth payment or young parent payment

(1) This subsection applies to a person—

(a) who, immediately before the commencement of this Part,—

(i) was aged 16 or 17 years and did not have a dependent child; and

(ii) was receiving in his or her own right an independent youth benefit or sickness benefit; and

(b) who—

(i) is not married, or in a civil union or de facto relationship, and does not have an income that exceeds the limit in clause 10 of Schedule 26; or

(ii) is married, or in a civil union or de facto relationship, and does not have a combined income that exceeds the limit in clause 11 of Schedule 26; and

(c) who is not the spouse or civil union or de facto partner of a specified beneficiary within the meaning of any of paragraphs (b) to (d) of the definition of that term in section 157 of the principal Act (as inserted by section 24 of this Act).

(2) A person to whom subsection (1) applies is entitled, on the commencement of this Part of this Act to receive a youth payment as if it had been granted on that commencement under section 159 or 160 of the principal Act.

(3) This subsection applies to a person—

(a) who, immediately before the commencement of this Part,—

(i) was aged 16, 17, or 18 years; and

(ii) was receiving in his or her own right a widow's benefit, a domestic purposes benefit (other than a domestic purposes benefit under section 61G of the principal Act), a sickness benefit, an emergency benefit (being an emergency benefit granted to the person on the basis that he or she would, but for his or her being aged 16 or 17 years, be entitled to a domestic purposes benefit under section 27B of the principal Act), or an unemployment benefit (other than an unemployment benefit granted under section 90(2) or (3) of the principal Act); and

(b) who has a dependent child or children; and

(c) who—

(i) is not married, or in a civil union or de facto relationship, and does not have an income that exceeds the limit in clause 10 of Schedule 26; or

(ii) is married, or in a civil union or de facto relationship, and does not have a combined income that exceeds the limit in clause 11 of Schedule 26; and

(d) who is not the spouse or civil union or de facto partner of a specified beneficiary within the meaning of any of paragraphs (b) to (d) of the definition of that term in section 157 of the principal Act (as inserted by section 24 of this Act).

(4) A person to whom subsection (3) applies is entitled, on the commencement of this Part to receive a young parent payment as if it had been granted on that commencement under section 165 or 166 of the principal Act.

(5) A youth payment or young parent payment under subsection (2) or (4)—

(a) is, despite Schedule 26 but subject to section 30, payable at not less than the rate of the benefit that the person was receiving immediately before the commencement of this Part; and

(b) continues at that rate until the young person's entitlement to the payment is reviewed under section 81 following a change of circumstances.

(6) If, immediately before the commencement of this Part, the benefit of a person to whom subsection (1) or (3) applies is subject to a sanction under section 60Y or 60Z or 117 of the principal Act, on that commencement—

(a) the sanction ceases to apply; and

(b) for the purposes of subsections (2) and (4), the rate of the benefit that would have been payable if the sanction had not been imposed must be treated as the rate of the benefit that the person was receiving immediately before that commencement.

30 Savings provision: domestic purposes benefit under section 27G

(1) This section applies to a person who—

(a) either—

(i) was receiving a domestic purposes benefit under section 27G in his or her own right immediately before the commencement of this Part; or

(ii) had made an application for a domestic purposes benefit under section 27G in his or her own right before that commencement, and was granted the benefit (on that application) after that commencement; and

(b) is aged 16 or 17 years; or

(c) is aged 18 years and has a dependent child or children.

(2) A person to whom this section applies is entitled to continue to receive that benefit for so long as he or she otherwise qualifies for it as if section 10 of this Act had not been enacted.

31 Transitional arrangements for financially disadvantaged people

(1) The Governor-General may, by Order in Council, make regulations authorising the provision of financial assistance to any people who are financially disadvantaged as a result of the net effects of the amendments made by Part 1 or 2.

(2) The regulations must state the day on and after which they have effect (which may be earlier than the day on which they were made).

(3) The chief executive may provide financial assistance of the kind prescribed by the regulations to a person disadvantaged as a result of the net effects of the amendments made by Part 1 or 2—

(a) in the amount, for the period, and in accordance with the criteria, prescribed by the regulations; and

(b) in accordance with any other requirements imposed by the regulations.

(4) After it has initially been granted, financial assistance provided under the regulations must for the purposes of the principal Act be treated as a benefit; and the principal Act applies accordingly.

(5) A decision or determination made by the chief executive under the regulations is a decision or determination for the purposes of section 12J(1) of the principal Act.

Part 4
Consequential provisions taking effect on 15 October 2012

49 Employment plans and certain sanctions cease to have effect

On the commencement of this Part of this Act, the following cease to have effect if they were in force immediately before that commencement:

(a) all employment plans under former section 60R of the principal Act:

(b) all reviews of an employment plan commenced under former section 60S, 60U, or 60V of the principal Act:

(c) all requirements under former section 60W of the principal Act:

(d) all notices under former section 60X of the principal Act:

(e) all sanctions under section 60Y or 60Z of the principal Act.

Social Security Amendment Act 2015

Public Act	2015 No 41
Date of assent	9 April 2015
Commencement	see section 2

1 Title

This Act is the Social Security Amendment Act 2015.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Social Security Act 1964.

Part 2
Validation, savings, and consequential amendments

10 Validation

(1) For the purpose of calculating the rate of reduction of a benefit payable to a person in accordance with section 71A, the principal Act must be read as if, during the period beginning on 1 July 1999 and ending on the commencement of section 5 of this Act, (the **relevant period**), the definition in section 71A(3) were replaced by the following definitions:

weekly compensation means weekly compensation for loss of earnings or loss of potential earning capacity payable to the person in respect of any time or times within the relevant period by or on behalf of any person (including, without limitation, a specified payer) in accordance with any 1 or more of the following Acts as in force at that time or times during the relevant period:

(a) the Accident Insurance Act 1998 (the **1998 Act**):

(b) the Injury Prevention, Rehabilitation, and Compensation Act 2001, renamed the Accident Compensation Act 2001 (the **2001 Act**) on 3 March 2010

specified payer means a person who or that is—

(a) an insurer as defined in section 13(1) of the 1998 Act or section 341(1) of the 2001 Act; or

(b) the Accident Compensation Corporation established by section 328 of the 1998 Act and continued by section 259(1) of the 2001 Act; or

(c) an accredited employer as defined in section 326A of the 1998 Act or section 181 of the 2001 Act.

(2) For the purpose of determining the residential qualifications of any person for any benefit on and after 23 June 1987, the principal Act must be read as if section 79 (as replaced by section 6 of this Act) had come into force on that date.

(3) For the purposes of determining the validity of the rate of any supported living payment in the period beginning with 15 July 2013 and ending on the commencement of section 8 of this Act, the Social Security Act 1964 must be read as if the proviso to item 1 of Schedule 6 contained the words inserted by section 8 of this Act.

(4) For the purposes of determining the validity of the rate of any accommodation supplement or any decision to refuse to grant an accommodation supplement on account of income in the period beginning with 15 July 2013 and ending on the commencement of section 9 of this Act, the Social Security Act 1964 must be read as if clause 2(b) of Part 1 of Schedule 18 contained subparagraph (ia) (as inserted by section 9 of this Act).

11 Savings

(1) Section 79 of the principal Act (as replaced by section 6 of this Act)—

(a) does not apply in respect of any application, appeal, or proceedings of a kind specified in subsection (3) that alleged an invalidity in the assessment of whether a person was liable for the payment of income tax on earnings from employment outside New Zealand under section 79(1) of the principal Act and was made or filed, as the case may be, before 6 July 2013; and

(b) does not affect the rights of any person who made an application to which paragraph (a) applies, or was a party to an appeal or other proceedings to which paragraph (a) applies, under—

(i) any decision, or any judgment of a court, in relation to that application or appeal or those proceedings, as the case may be; or

(ii) any decision or judgment given on appeal from that decision or judgment.

(2) Section 10 of this Act—

(a) does not apply in respect of any application, appeal, or proceedings of a kind specified in subsection (3) that alleged an invalidity in a rate of benefit reduced or purported to be reduced under section 71A(2) of the principal Act and was made or filed, as the case may be, before 15 April 2009; and

(b) does not affect the rights of any person who made an application to which paragraph (a) applies, or was a party to an appeal or other proceedings to which paragraph (a) applies, under—

(i) any decision, or any judgment of a court, in relation to that application or appeal or those proceedings, as the case may be; or

(ii) any decision or judgment given on appeal from that decision or judgment.

(3) Subsection (1)(a) or (2)(a) applies in respect of each of the following:

(a) an application for review under section 10A of the principal Act:

(b) an appeal under section 12J, 12Q, or 12R of the principal Act:

(c) any other proceedings.

Reprints notes

1 General

This is a reprint of the Social Security Act 1964 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2018 (LI 2018/78): clause 3

Social Security (Rates of Benefits and Allowances) Order 2018 (LI 2018/19): clauses 4, 5, 7(1)

Families Package (Income Tax and Benefits) Act 2017 (2017 No 51): Part 1 sections 42, 43, Part 2

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Land Transfer Act 2017 (2017 No 30): section 250

Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133)

Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (2017 No 4): section 122(1)

Property Law Amendment Act 2016 (2016 No 66): section 9

District Court Act 2016 (2016 No 49): section 261

Senior Courts Act 2016 (2016 No 48): section 183(b)

Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36)

Customs and Excise (Tobacco Products—Budget Measures) Amendment Act 2016 (2016 No 25): sections 10, 11

Taxation (Annual Rates for 2015–16, Research and Development, and Remedial Matters) Act 2016 (2016 No 1): section 70

Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120): section 14

Social Security Amendment Act (No 2) 2015 (2015 No 116)

Social Security (Commencement of Benefits) Amendment Act 2015 (2015 No 113)

Standards and Accreditation Act 2015 (2015 No 91): section 45(1)

Health and Safety at Work Act 2015 (2015 No 70): section 232

Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61): Part 2 subpart 3

Social Security (Clothing Allowances for Orphans and Unsupported Children) Amendment Act 2015 (2015 No 58)

Social Security Amendment Act 2015 (2015 No 41)

Veterans' Support Act 2014 (2014 No 56): section 278

Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (2014 No 21)

Social Welfare (Transitional Provisions) Amendment Act 2013 (2013 No 132): sections 4(1), 15, 29

Companies Amendment Act 2013 (2013 No 111): section 14

Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97): section 25

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Taxation (Livestock Valuation, Assets Expenditure, and Remedial Matters) Act 2013 (2013 No 52): section 161

Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20): section 9

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13)

Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11): section 16(1)

Social Security Amendment Act (No 2) 2012 (2012 No 114)

Social Security (Indexation—Budget Measures) Amendment Act 2012 (2012 No 82)

Social Security (Youth Support and Work Focus) Amendment Act 2012 (2012 No 50)

Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 (2012 No 40)

Social Security Amendment Act 2012 (2012 No 18)

Criminal Procedure Act 2011 (2011 No 81): section 413

Student Loan Scheme Act 2011 (2011 No 62): section 223

Social Security Amendment Act 2011 (2011 No 48)

Limitation Act 2010 (2010 No 110): section 58

Social Security (New Work Tests, Incentives, and Obligations) Amendment Act 2010 (2010 No 105)

Social Security Amendment Act (No 2) 2010 (2010 No 85)

Social Security Amendment Act 2010 (2010 No 30)

Accident Compensation Amendment Act 2010 (2010 No 1): section 5(1)(b)

Immigration Act 2009 (2009 No 51): section 406(1)

War Pensions Amendment Act 2009 (2009 No 41): section 8

New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40): section 9

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 18

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48): section 47

Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109): section 300

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Social Security Amendment Act 2007 (2007 No 20)

Social Security (Entitlement Cards) Amendment Act 2007 (2007 No 17)

Social Security Amendment Act 2006 (2006 No 90)

Social Security (Long-term Residential Care) Amendment Act 2006 (2006 No 67)

KiwiSaver Act 2006 (2006 No 40): section 231

Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34): section 5(2)(h)

War Pensions Amendment Act 2006 (2006 No 32): section 9

Lawyers and Conveyancers Act 2006 (2006 No 1): section 348

New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42): sections 5(1), 9(1)

Social Security (Social Assistance) Amendment Act 2005 (2005 No 30)

Social Security Amendment Act 2005 (2005 No 21)

Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101)

Social Security (Working for Families) Amendment Act 2004 (2004 No 51)

Corrections Act 2004 (2004 No 50): section 206

Holidays Act 2003 (2003 No 129): section 91(2)

Credit Contracts and Consumer Finance Act 2003 (2003 No 52): section 139

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)

State Sector Amendment Act 2003 (2003 No 41): section 14(1), (2)

War Pensions Amendment Act 2003 (2003 No 18): section 12(1)

Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28)

Parole Act 2002 (2002 No 10): section 125

Social Welfare (Transitional Provisions—Overseas Pensions) Amendment Act 2002 (2002 No 8): section 10

Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002 (2002 No 7): section 6

Human Rights Amendment Act 2001 (2001 No 96): section 70(1)

Health and Disability Services (Safety) Act 2001 (2001 No 93): sections 58(1), 59(1)

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84): section 77

Accident Compensation Act 2001 (2001 No 49): section 337(1)

Social Security Amendment Act (No 2) 2001 (2001 No 44)

Social Security Amendment Act 2001 (2001 No 1)

New Zealand Public Health and Disability Act 2000 (2000 No 91): section 111(1)

Social Welfare (Transitional Provisions) Amendment Act 2000 (2000 No 88): section 8

Social Security Amendment Act 2000 (2000 No 81)

Employment Relations Act 2000 (2000 No 24): section 240

Housing Restructuring (Income-Related Rents) Amendment Act 2000 (2000 No 22): section 7

Accident Insurance Amendment Act 2000 (2000 No 6): section 9(1)

Human Rights Amendment Act 1999 (1999 No 100): section 7

Accident Insurance Act 1998 (1998 No 114): section 415(1)

Social Security Amendment Act (No 3) 1998 (1998 No 104)

Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96): sections 10(1)(a), 11

Social Security (Work Test) Amendment Act 1998 (1998 No 94)

Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91): section 30

Student Allowance Regulations 1998 (SR 1998/277): regulation 49

Social Security Amendment Act (No 2) 1998 (1998 No 60)

Social Security Amendment Act 1998 (1998 No 19)

Social Security (Overseas Pensions) Amendment Act 1998 (1998 No 10)

Social Security Amendment Act (No 4) 1997 (1997 No 63)

Social Security Amendment Act (No 3) 1997 (1997 No 23)

Social Security Amendment Act 1997 (1997 No 21)

Social Security Amendment Act (No 6) 1996 (1996 No 157)

Social Security (Alternative Arrangement for Overseas Pensions) Commencement Order 1996 (SR 1996/316)

Social Security Amendment Act (No 5) 1996 (1996 No 155)

Social Security Amendment Act (No 4) 1996 (1996 No 145)

Social Security Amendment Act (No 3) 1996 (1996 No 49)

Social Security Amendment Act 1996 (1996 No 20)

Department of Justice (Restructuring) Act 1995 (1995 No 39): section 10(1)

Social Security Amendment Act (No 2) 1994 (1994 No 142)

Social Security Amendment Act 1994 (1994 No 86)

Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 (1993 No 149): sections 2(1), 5

Income Tax Amendment Act (No 3) 1993 (1993 No 130): section 92(5)

Land Transfer Amendment Act 1993 (1993 No 124): section 3

Social Security Amendment Act (No 3) 1993 (1993 No 57)

Health Amendment Act 1993 (1993 No 24): section 38(3)(a)

Health Sector (Transfers) Act 1993 (1993 No 23): section 24(1)

Social Security Amendment Act 1993 (1993 No 14)

Student Loan Scheme Act 1992 (1992 No 141): section 89

Social Security Amendment Act (No 4) 1992 (1992 No 99)

Social Security Amendment Act 1992 (1992 No 15)

Accident Rehabilitation and Compensation Insurance Act 1992 (1992 No 13): section 172(2)

Social Security Amendment Act (No 5) 1991 (1991 No 143)

Social Security Amendment Act (No 4) 1991 (1991 No 124)

Social Security Amendment Act (No 2) 1991 (1991 No 78)

Judicature Amendment Act 1991 (1991 No 60): section 3(4)

Social Welfare (Transitional Provisions) Amendment Act 1991 (1991 No 4): section 3

Social Security Amendment Act 1991 (1991 No 1)

Social Security Amendment Act (No 2) 1990 (1990 No 74)

Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26): section 14

Social Security Amendment Act 1990 (1990 No 5)

Public Finance Act 1989 (1989 No 44): sections 65R(3), 83(7)

Finance Act 1989 (1989 No 13): sections 28, 29(1)

Social Security Amendment Act (No 2) 1988 (1988 No 147)

Social Security Amendment Act 1987 (1987 No 106)
Social Security (Reciprocity with Australia) Act 1987 (1987 No 71)
Social Security Amendment Act 1986 (1986 No 39)
Social Security Amendment Act (No 2) 1985 (1985 No 159)
Social Security Amendment Act 1984 (1984 No 8)
Social Security Amendment Act 1983 (1983 No 138)
Friendly Societies and Credit Unions Act 1982 (1982 No 118): section 161(2)
Social Security Amendment Act 1982 (1982 No 16)
Social Security Amendment Act (No 2) 1980 (1980 No 158)
Family Proceedings Act 1980 (1980 No 94): section 189(1), (2)(a)
Judicature Amendment Act 1979 (1979 No 124): section 12
Social Security Amendment Act 1979 (1979 No 14)
Social Security Amendment Act 1978 (1978 No 58)
Social Security Amendment Act (No 2) 1977 (1977 No 133)
Social Security Amendment Act 1976 (1976 No 40)
Social Security Amendment Act 1975 (1975 No 123)
Disabled Persons Community Welfare Act 1975 (1975 No 122): section 28(3)(a)
Social Security Amendment Act 1974 (1974 No 46)
Social Security Amendment Act 1973 (1973 No 34)
Social Security Amendment Act 1972 (1972 No 133)
Department of Social Welfare Act 1971 (1971 No 60): sections 15(4), 17(2), 18(3), (4)
Stamp and Cheque Duties Act 1971 (1971 No 51): section 101(1)
Social Security Amendment Act 1971 (1971 No 8)
Social Security Amendment Act 1969 (1969 No 46)
Land and Income Tax Amendment Act (No 3) 1968 (1968 No 49): section 3(3)
Social Security Amendment Act 1967 (1967 No 4)
Social Security Act 1964 (1964 No 136): section 61HA(7)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2018