

**Reprint
as at 26 November 2018**

Social Security Amendment Act (No 4) 1997

Public Act 1997 No 63
Date of assent 16 September 1997

Social Security Amendment Act (No 4) 1997: repealed, on 26 November 2018, pursuant to section 455(1) of the Social Security Act 2018 (2018 No 32).

Contents

	Page
Title	2
1 Short Title and commencement	2
2 Interpretation	2
3 Review of decisions [<i>Repealed</i>]	3
4 Power to obtain information	3
5 New sections inserted	3
6 Right of appeal	3
7 Procedure on appeal	4
8 Effect of deduction notices	4
9 Rates of invalids' benefits	4
10 Right of appeal on medical grounds	4
11 New sections substituted	4
60A Training benefits: purpose	4
60AA Training benefits: qualifications	5
12 Period for which training benefit payable	6
13 New sections substituted	6
60F Independent youth benefits: basic qualifications	6

Note

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

This Act is administered by the Ministry of Social Development.

60FA	Independent youth benefits: unmarried persons	7
60FB	Independent youth benefits: married persons	7
60FC	Independent youth benefits: persons enrolled in full-time course of secondary instruction	7
60FD	Independent youth benefits: persons incapacitated for work through sickness or accident	8
14	Accommodation supplement	8
15	Special benefit	8
16	Conjugal status for benefit purposes	9
17	Special provisions applying to insurance payments	9
18	Disability allowance	9
19	Financial means assessments for home-based disability support services	9
20	Commencement and payment of benefits	9
21	Payment of benefits	9
22	Recovery of payments made in excess of authorised rates	9
23	Deduction notices for debts	9
24	Money payable out of Crown Bank Account	10
25	Certain grounds of discrimination in Human Rights Act 1993 not to apply	10
26	Offences	10
27	Regulations exempting income and assets from assessment of financial means of people requiring certain disability services	10
28	Schedule 18 amended	10
29	New Schedule 30 added	10
30	Consequential amendments	10
	Schedule	11
	New Schedule 30 of principal Act	

An Act to amend the Social Security Act 1964

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Social Security Amendment Act (No 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.

2 Interpretation

- (1) This subsection substituted para (c) of the definition of the term **income** in s 3(1) of the principal Act.

- (2) This subsection inserted subparas (xiii) to (xv) in para (f) of the definition of the term **income** in s 3(1) of the principal Act.
- (3) This subsection amended the definition of the term **pay day** in s 3(1) of the principal Act by inserting the words “or date”.
- (4) This subsection inserted the definition of the term **Residential care** services in s 3(1) of the principal Act.

3 Review of decisions

[Repealed]

Section 3 was repealed by section 8(3) Social Welfare (Transitional Provisions Amendment Act 2000 (2000 No 88).

4 Power to obtain information

- (1) This subsection amended section 11(1) of the principal Act.
- (2) This subsection inserted s 11(2)(da) of the principal Act.
- (3) This subsection amended s 11(3) of the principal Act.
- (4) This subsection substituted s 11(4) of the principal Act.
- (5) This subsection amended s 11(6) of the principal Act.
- (6) This subsection repealed s 11(7) of the principal Act.

5 New sections inserted

This section inserted ss 11B and 11C of the principal Act.

6 Right of appeal

- (1) This subsection substituted s 12J(1) of the principal Act.
- (2)
 - (a) This paragraph amended s 12J(2) of the principal Act.
 - (b) This paragraph amended s 12J(2)(c) of the principal Act.
 - (c) This paragraph inserted s 12J(2)(d) and (e) of the principal Act.
- (3) Section 12J of the principal Act is amended by repealing subsection (3).
- (4) The following enactments are repealed:
 - (a) Section 3 of the Social Security Amendment Act 1976:
 - (b) Section 7 of the Social Security Amendment Act 1987:
 - (c) Sections 14(4) and 38(1)(a) of the Social Welfare (Transitional Provisions) Act 1990:
 - (d) Section 5 of the Social Security Amendment Act (No 5) 1991:
 - (e) Section 4(1) of the Social Security Amendment Act (No 3) 1993:
 - (f) So much of the Schedule of the Social Security Amendment Act (No 3) 1996 as relates to section 12J(1)(b) of the principal Act.

7 Procedure on appeal

- (1) This subsection substituted s 12K(1) of the principal Act, and inserted s 12K(1A) to (1C).
- (2) This subsection amended s 12K(11) of the principal Act.
- (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) Section 10(3) of the Finance Act 1987 is consequentially repealed.

8 Effect of deduction notices

This section amended s 27Z(2A) of the principal Act (as saved by section 256(1)(a) of the Child Support Act 1991).

9 Rates of invalids' benefits

- (1) This subsection inserted s 42(2) of the principal Act.
- (2) This section is deemed to have come into force on 1 July 1995.

10 Right of appeal on medical grounds

- (1) Section 53A(1) of the principal Act (as inserted by section 13 of the Social Security Amendment Act 1986) is amended—
 - (a) This paragraph inserted s 53A(1)(ba) of the principal Act.
 - (b) This paragraph amended s 53A(1)(d) of the principal Act.
 - (c) This paragraph inserted s 53A(1)(e) of the principal Act.
 - (d) This paragraph amended s 53A(1) of the principal Act.
 - (e) This paragraph amended s 53A(1) of the principal Act.
- (2) This subsection inserted s 53A(3) of the principal Act.

11 New sections substituted

- (1) The principal Act is amended by repealing section 60A (as inserted by section 33(1) of the Finance Act 1989 and amended by section 13 of the Social Security Amendment Act 1996), and substituting the following sections:

60A Training benefits: purpose

The purpose of the training benefit is to provide assistance to unemployed persons to enable them to undertake employment-related training that will enhance their prospects of obtaining employment.

60AA Training benefits: qualifications

- (1) The basic qualifications for entitlement to a training benefit are in subsection (2). The qualifications for an unmarried person are in subsection (3) and the qualifications for a married person are in subsection (4).
 - (2) The basic qualifications for entitlement to a training benefit are that a person—
 - (a) Is unemployed (but his or her entitlement may be affected by subsection (6)); and
 - (b) Is not a full-time student; and
 - (c) Has resided continuously in New Zealand for not less than 12 months at any time; and
 - (d) Is engaged full-time in an employment-related training programme approved by the Director-General for the purposes of this section.
 - (3) An unmarried person is entitled to a training benefit if—
 - (a) Subsection (2) applies to him or her; and
 - (b) He or she is 18 years or over.
 - (4) A married person is entitled to a training benefit if—
 - (a) Subsection (2) applies to him or her; and
 - (b) Either—
 - (i) He or she is 16 years or 17 years and has a dependent child or dependent children; or
 - (ii) He or she is 18 years or over.
 - (5) The entitlement to a training benefit of a person referred to in section 60KA(1) is affected by section 60KA(2).
 - (6) A person is not entitled to a training benefit if he or she—
 - (a) Has—
 - (i) Become unemployed; or
 - (ii) Taken leave with or without pay from his or her usual employment; and
 - (b) Has done so, in the Director-General's opinion, in order to undertake employment-related training.
- (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) Section 60C(1) of the principal Act is amended by omitting the expression “section 60A of this Act”, and substituting the expression “section 60AA”.

- (4) The following enactments are repealed:
- (a) Section 13 of the Social Security Amendment Act 1996:
 - (b) Section 5 of the Social Security Amendment Act (No 3) 1997.
- (5) This section comes into force on 1 January 1998.

12 Period for which training benefit payable

This section amended s 60C(1) of the principal Act.

13 New sections substituted

- (1) The principal Act is amended by repealing section 60F (as inserted by section 17(1) of the Social Security Amendment Act (No 2) 1990 and amended by section 15 of the Social Security Amendment Act 1996), and substituting the following sections:

60F Independent youth benefits: basic qualifications

- (1) The basic qualifications for entitlement to an independent youth benefit are in subsection (2). The qualifications for an unmarried person are in section 60FA and the qualifications for a married person are in section 60FB.
- (2) The basic qualifications for entitlement to an independent youth benefit are that a person—
- (a) Is 16 years or 17 years; and
 - (b) Is without a dependent child or dependent children; and
 - (c) Has resided continuously in New Zealand for not less than 12 months at any time; and
 - (d) Is in 1 of the situations described in subsections (3) to (6).
- (3) The first situation is that the person—
- (a) Is unemployed (other than because of a strike either by the person or by fellow members of the same union at the same place of employment); and
 - (b) Is capable of undertaking suitable work and is willing to do so; and
 - (c) Complies with section 60HC (which relates to work testing); and
 - (d) Is not enrolled in a full-time course (as defined in clause 2(1) of the Student Allowances Regulations 1991 (SR 1991/295)).
- (4) The second situation is that the person—
- (a) Is unemployed (other than because of a strike either by the person or by fellow members of the same union at the same place of employment); and
 - (b) Is enrolled in a full-time course of secondary instruction (but his or her entitlement may be affected by section 60FC(1)).

- (5) The third situation is that the person is engaged full-time in an employment-related training programme approved by the Director-General for the purposes of this section.
- (6) The fourth situation is that, through sickness or accident, the person—
 - (a) Is incapacitated for work temporarily; or
 - (b) Will be incapacitated for work for an indefinite period.

60FA Independent youth benefits: unmarried persons

- (1) An unmarried person is entitled to an independent youth benefit if—
 - (a) Section 60F(2) applies to him or her; and
 - (b) He or she is in the following situation, established to the satisfaction of the Director-General:
 - (i) He or she is not living with his or her parents; and
 - (ii) He or she is not being financially supported by his or her parents or any other person; and
 - (iii) He or she cannot reasonably be expected to be financially dependent on his or her parents or any other person for a reason described in subsection (2).
- (2) The reasons are—
 - (a) Because there has been a breakdown in the person's relationship with his or her parents; or
 - (b) Because the person's parents are absent and are unable to support the person financially; or
 - (c) Any other good and sufficient reason.
- (3) In this section, **parents**—
 - (a) Means the parents or guardian or other person who had the care of the person most recently before the person turned 16 years; but
 - (b) Does not include the Director-General acting in his or her official capacity.

60FB Independent youth benefits: married persons

A married person is entitled to an independent youth benefit if section 60F(2) applies to him or her.

60FC Independent youth benefits: persons enrolled in full-time course of secondary instruction

- (1) A person enrolled in a full-time course of secondary instruction is not entitled to an independent youth benefit if—
 - (a) He or she has moved from his or her parents' home in order to better his or her educational prospects; and

- (b) There is no breakdown in his or her relationship with his or her parents.
- (2) A person—
 - (a) Entitled to receive an independent youth benefit; and
 - (b) Enrolled in a full-time course of secondary instruction during the year in which he or she turns 18 years—
 continues to be entitled to receive the benefit until 31 December of the year in which he or she turns 18 years.
- (3) In this section, **parents**—
 - (a) Means the parents or guardian or other person who had the care of the person most recently before he or she turned 16 years; but
 - (b) Does not include the Director-General acting in his or her official capacity.

60FD Independent youth benefits: persons incapacitated for work through sickness or accident

Section 56 (which relates to medical examinations of applicants for sickness benefits) applies to—

- (a) An application for an independent youth benefit on the ground described in section 60F(6); and
 - (b) A person in receipt of the benefit on that ground,—
- as if its references to **sickness benefit** were references to **independent youth benefit**.
- (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) The following enactments are repealed:
 - (a) Section 8 of the Social Security Amendment Act (No 3) 1993;
 - (b) Section 15 of the Social Security Amendment Act 1996;
 - (c) Section 8 of the Social Security Amendment Act (No 3) 1997.
 - (4) This section comes into force on 1 January 1998.

14 Accommodation supplement

- (1)
 - (a) This paragraph amended s 61EA(4)(d) of the principal Act.
 - (b) This paragraph inserted s 61EA(4)(e) of the principal Act.
- (2) This section is deemed to have come into force on 1 July 1995.

15 Special benefit

- (1) This section inserted s 61G(2) of the principal Act.

- (2) This section is deemed to have come into force on 1 July 1995.

16 Conjugal status for benefit purposes

This section amended s 63 of the principal Act.

17 Special provisions applying to insurance payments

- (1) This subsection amended s 68A(3) of the principal Act.
(2) This subsection substituted s 68A(8) of the principal Act.

18 Disability allowance

- (1) This subsection amended s 69C(1)(c) of the principal Act.
(2) This subsection substituted s 69C(2) of the principal Act, and inserted s 69C(2A) and (2B).
(3) This subsection inserted s 69C(6) to (8) of the principal Act.
(4) Section 7(1) of the Social Security Amendment Act 1994 is consequentially repealed.
(5) This section is deemed to have come into force on 1 July 1995.

19 Financial means assessments for home-based disability support services

This section inserted s 69FA of the principal Act.

20 Commencement and payment of benefits

- (1) This subsection substituted s 80BA(4) of the principal Act.
(2) Subsection (1) is deemed to have come into force on 1 April 1997.
(3) The Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 is consequentially amended by repealing so much of Schedule 2 as relates to paragraph (b) of the proviso to section 80(8) of the principal Act.

21 Payment of benefits

- (1) This subsection amended s 82(1) of the principal Act.
(2) This subsection amended s 82(6) of the principal Act.

22 Recovery of payments made in excess of authorised rates

- (1) This subsection amended s 86(1C) of the principal Act.
(2) This subsection inserted s 86(1D) of the principal Act.

23 Deduction notices for debts

- (1) This subsection amended s 86A(1) of the principal Act.
(2) This subsection inserted s 86A(1A) to (1C) of the principal Act.
(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) This subsection substituted s 124(1)(d) of the principal Act.
- (2) This subsection inserted s 124(1B) of the principal Act.
- (3) The following enactments are consequentially repealed:
 - (a) Section 18(2) of the Department of Social Welfare Act 1971:
 - (b) Section 24 of the Social Security Amendment Act 1975:
 - (c) Section 34(1) of the Social Security Amendment Act 1976.
- (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.

25 Certain grounds of discrimination in Human Rights Act 1993 not to apply

This section inserted s 126B of the principal Act.

26 Offences

This section amended s 127(e) of the principal Act.

27 Regulations exempting income and assets from assessment of financial means of people requiring certain disability services

This section inserted s 132D of the principal Act.

28 Schedule 18 amended

- (1) This subsection repealed Part 4 of Schedule 18 of the principal Act.
- (2) This section is deemed to have come into force on 1 July 1995.

29 New Schedule 30 added

This section inserted Schedule 30 of the principal Act.

30 Consequential amendments

- (1) The Schedule of the Social Security Amendment Act (No 3) 1997 is amended by—
 - (a) Omitting, from the item relating to section 69C(1)(a), the expression “section 60F(1)(c)(i)”, and substituting the expression “section 60F(6)”:
 - (b) Omitting, from the item relating to section 71A, the expression “section 60F(1)(c)(i)”, and substituting the expression “section 60F(6)”:

- (c) Omitting, from the item relating to section 72(b), the expression “section 60F(1)(c)(i)”, and substituting the expression “section 60F(6)”.
- (2) This section comes into force on 1 January 1998.

Schedule
New Schedule 30 of principal Act

Section 29

Eprint notes**1 *General***

This is an eprint of the Social Security Amendment Act (No 4) 1997 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

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

3 *Amendments incorporated in this eprint*

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