

**Reprint
as at 26 November 2018**

Social Security (Work Test) Amendment Act 1998

Public Act 1998 No 94
Date of assent 20 August 1998

Social Security (Work Test) Amendment Act 1998: repealed, on 26 November 2018, pursuant to section 455(1) of the Social Security Act 2018 (2018 No 32).

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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.

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An Act—

- (a) To amend the Social Security Act 1964 to provide a new work-test framework, and a sanctions regime, for all work-tested beneficiaries; and**
- (b) To provide for related matters**

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 (Work Test) Amendment Act 1998, and is part of the Social Security Act 1964 (“the principal Act”).
- (2) This Act comes into force on 1 October 1998.

Part 1

Amendments to principal Act

2 Interpretation

- (1) This subsection inserted definitions of the terms **Employment required to satisfy the work test** and **Organised activity** in section 3(1) of the principal Act.
- (2) This subsection substituted the definition of the term **suitable employment** in s 3(1) of the principal Act.
- (3) This subsection substituted the definition of the term **work test** in section 3(1) of the principal Act.
- (4) This subsection inserted paragraph (aa) of the definition of the term **working day** in section 3(1) of the principal Act.

3 Right of appeal

This section inserted s 12J(4) of the principal Act.

4 Voluntary unemployment or loss of employment through misconduct, etc

- (1) This subsection repealed the definition to the term **rate of the benefit** in s 60H(1) of the principal Act.
- (2) This subsection substituted subsections (4) and (5) of s 60H of the principal Act.
- (3) Nothing in subsection (1) entitles a person who, before 1 October 1998, had his or her benefit reduced under section 60H of the principal Act, to receive the benefit without that reduction until either the expiry of the period for which the

reduction was imposed under that section, or the person becomes entitled to another rate of benefit under the principal Act.

5 Mandatory interviews

This section substituted s 60HA(2) of the principal Act.

6 Effect of work test on entitlement to supplementary benefits and on spouses

This section substituted s 80C(1)(c) of the principal Act.

7 New heading and sections inserted

This section inserted ss 101 to 123D, and the previous heading of the principal Act.

Part 2
Repeals and transitional provisions

8 Repeals

- (1) Sections 60GA, 60HB, and 60HC, and sections 60HD to 60KA of the principal Act are repealed.
- (2) The following enactments are consequentially repealed:
 - (a) Section 16 of the Social Security Amendment Act 1991:
 - (b) Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, and 28 of the Social Security Amendment Act 1996:
 - (c) Section 2 of the Social Security Amendment Act (No 2) 1997.

9 Social Security Amendment Act 1998 amended

This section substituted s 58(4) Social Security Amendment Act 1998.

10 Transitional provisions relating to persons subject to sanction on commencement of this section

- (1) This section applies to every person who, immediately before the date of commencement of this section, was subject to a non-entitlement period of 13 weeks or a reduced benefit for 13 weeks, under section 60H or section 60JA of the principal Act.
- (2) A person to whom this section applies may,—
 - (a) In the case of a person who was participating in a programme or project referred to in section 60KA of the principal Act, continue to participate in that programme or project; or
 - (b) In any other case, continue his or her non-entitlement period or continue to receive a reduced benefit and, subject to section 60KA, participate in a programme or project referred to in that section.

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- (3) Section 60KA of the principal Act is deemed to continue to apply to persons referred to in subsection (2) of this section as if that section had not been repealed by section 8.
 - (4) Where a person was, immediately before the date of commencement of this section, subject to any sanction under the principal Act other than a sanction referred to in subsection (1), that sanction is revoked with effect on the commencement of this section and any work-test failure on the person's part that occurred before that date is not to be counted as a work-test failure on or after that date.

Eprint notes

1 *General*

This is an eprint of the Social Security (Work Test) Amendment Act 1998 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)