**Version**
**as at 10 July 2026**

# New Zealand Superannuation and Retirement Income Act 2001

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|---|---|
| Public Act | 2001 No 84 |
| Date of assent | 11 October 2001 |
| Commencement | see section 2 |

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

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Social Development and the Treasury.**

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## 1 Title

This Act is the New Zealand Superannuation and Retirement Income Act 2001.

Section 1: amended, on 21 April 2005, by section 5(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

## 2 Commencement

(1) This Act comes into force on the day after the date on which it receives the Royal assent.

(2) Sections 42 to 45 (capital and other contributions to the Fund) apply in relation to the financial year commencing on 1 July 2001 and every subsequent financial year.

## 3 Purpose

The purpose of this Act is—

(a) to continue current entitlements to New Zealand superannuation:

(b) to establish a New Zealand Superannuation Fund (the **Fund**) with sufficient resources to meet the present and future cost of New Zealand superannuation:

(c) to provide for Government contributions to the Fund:

(d) to establish a Crown entity called the Guardians of New Zealand Superannuation, which will manage and administer the Fund and the Venture Capital Fund established under the Venture Capital Fund Act 2019:

(e) to establish a process for signalling political agreement on the parameters for New Zealand superannuation entitlements and funding:

(f) to bring together in one Act all of the provisions for each of those matters.

Section 3(b): amended, on 14 December 2019, by section 4(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 3(d): replaced, on 14 December 2019, by section 4(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

## 4 Interpretation of Part 1 and Schedule 1

(1) In Part 1 and Schedule 1, unless the context otherwise requires,—

**charitable entity** has the same meaning as in the Charities Act 2005

**chief executive** means the chief executive of the department

**department** means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of Part 1

**living alone**, in relation to a single person, has the meaning given to it by section 4A

**New Zealand superannuation** means the entitlements under Part 1, including both the standard and non-standard entitlements

**single living alone rate** means the rate of New Zealand superannuation specified in clause 1(a) of Schedule 1 that is payable to a single person who is living alone

**single sharing accommodation rate** means the rate of New Zealand superannuation specified in clause 1(b) of Schedule 1 that is payable to a single person who is not living alone.

(2) In this Act, unless the context otherwise requires, any expression used in Part 1 or Schedule 1 but not defined in this Act has the same meaning as it has in the Social Security Act 2018 or the Residential Care and Disability Support Services Act 2018.

Section 4(1) **charitable entity**: inserted, on 9 November 2020, by section 4 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 4(1) **living alone**: inserted, on 2 September 2013, by section 4 of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

Section 4(1) **single living alone rate**: inserted, on 2 September 2013, by section 4 of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

Section 4(1) **single sharing accommodation rate**: inserted, on 2 September 2013, by section 4 of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

Section 4(2): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

### 4AA Relationship of Part 1 and Schedule 1 with Social Security Act 2018

The Social Security Act 2018 contains provisions relating to the administration, and other aspects, of New Zealand superannuation.

Section 4AA: inserted, on 9 November 2020, by section 5 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 4A Meaning of living alone

(1) A single person (**person A**) is **living alone** only if he or she meets the 2 conditions specified in subsections (2) and (3).

(2) The first condition is that person A occupies any of the following kinds of accommodation as person A's principal residence:

(a) a house or flat:

(b) a boat or craft moored within the following sea or waters (whether or not it travels within that sea or any of those waters from time to time):

(i) the territorial sea of New Zealand or any internal waters of New Zealand:

(ii) any waters within New Zealand that are a lake, estuary, lagoon, river, stream, creek, or other waters:

(c) a hotel room or motel unit:

(d) a room in a boarding house:

(e) a unit of accommodation in a caravan park:

(f) a mobile home (whether or not it is in a caravan park and whether or not it travels from time to time) that the chief executive is satisfied is sufficiently self-contained to be reasonably habitable as a residence:

(g) any other accommodation of a kind prescribed by regulations made under section 35A(1).

(3) The second condition is that person A does not share that residence with any person 18 years old or older, except a person to whom subsection (4) or (5) applies.

(4) This subsection applies to person A's dependent child—

(a) who—

(i) is 18 years old (despite the definition of child in Schedule 2 of the Social Security Act 2018); and

(ii) is not financially independent; and

(iii) is attending a school or a tertiary educational establishment; but

(b) only until the close of 31 December in the year in which the child turns 18 years old.

(5) This subsection applies to a temporary visitor to person A's residence who stays there less than 13 weeks in any period of 26 weeks.

(6) *[Repealed]*

(7) In this section,—

**boarding house** has the same meaning as in section 66B of the Residential Tenancies Act 1986

**territorial sea of New Zealand** and **internal waters of New Zealand** have the same meanings as in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

Section 4A: inserted, on 2 September 2013, by section 5 of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

Section 4A(2): replaced, on 9 November 2020, by section 6(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 4A(4)(a)(i): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 4A(6): repealed, on 9 November 2020, by section 6(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 4A(7) **territorial sea of New Zealand** and **internal waters of New Zealand** (previously **territorial sea of New Zealand** and **internal waters**): amended, on 9 November 2020, by section 6(3) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

## 5 Interpretation of Parts 2 and 3 and Schedule 3

(1) In Parts 2 and 3 and Schedule 3, unless the context otherwise requires,—

**board** means the Guardians of New Zealand Superannuation board

**board member** means a member of the Guardians of New Zealand Superannuation board

**capital contribution** means any money referred to in section 43 or section 44 or section 46

**custodian** means a person appointed under section 63(1) to act as custodian of the Fund, or any part of the Fund

**entity** means any person, whether corporate or unincorporate

**Fund** means the New Zealand Superannuation Fund established under section 37

**Guardians** means the entity called the Guardians of New Zealand Superannuation established under section 48

**invest** means to carry on any activity, do any act, or enter into any transaction that the Guardians consider to be for the purpose, directly or indirectly, of—

(a) enhancing or protecting the value of the Fund:

(b) managing, or enabling the management of, the Fund

**Minister** means the Minister of Finance, or other Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of Parts 2 and 3 or particular provisions of this Act

**net cost** is the cost of New Zealand superannuation entitlements net of any amount of tax deducted or withheld, or required to be deducted or withheld under the PAYE rules in the Income Tax Act 2007

**New Zealand superannuation**—

(a) means the entitlements to New Zealand superannuation under Part 1, including both the standard and non-standard entitlements; and

(b) includes, for the avoidance of doubt in Part 2 and Schedule 3, entitlements to New Zealand superannuation under Part 1 as modified under section 380 (orders adopting reciprocity agreements) of the Social Security Act 2018

**required annual capital contribution** has the same meaning as in section 43

**subsidiary**—

(a) means a subsidiary within the meaning of sections 5 to 8 of the Companies Act 1993; and

(b) includes an entity that is classified as a subsidiary in any relevant financial reporting standard (within the meaning of section 5 of the Financial Reporting Act 2013)

**VCF** means the Venture Capital Fund established under section 8 of the Venture Capital Fund Act 2019.

(2) In this Act, unless the context otherwise requires, the terms **Crown**, **Crown Bank Account**, **expenses**, **financial year**, **Government**, **public money**, and **Treasury** have the meanings given to them by section 2(1) of the Public Finance Act 1989.

Section 5(1) **board**: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 5(1) **net cost**: 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 5(1) **New Zealand superannuation** paragraph (b): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 5(1) **subsidiary** paragraph (b): amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 5(1) **subsidiary** paragraph (b): amended, on 1 July 2011, by section 12 of the Financial Reporting Amendment Act 2011 (2011 No 22).

Section 5(1) **VCF**: inserted, on 14 December 2019, by section 5 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 5(2): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

## 5A Interpretation of Part 4 and Schedule 6

In Part 4 and in Schedule 6, unless the context otherwise requires,—

**Commissioner** means the office of the Retirement Commissioner continued by Part 4

**Government** means the Executive Government of New Zealand

**Minister** means the Minister of the Crown who is, with the authority of the Prime Minister, responsible for the administration of Part 4.

Section 5A: inserted, on 21 April 2005, by section 6 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 5A **Commissioner**: editorial change made by the PCO, on 18 March 2026, under sections 86(1) and 87(l)(iii) of the Legislation Act 2019 (2019 No 58).

## 5B Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 5B: inserted, on 21 January 2019, by section 4 of the Social Assistance (Residency Qualification) Legislation Act 2018 (2018 No 45).

### 6 Act binds the Crown

This Act binds the Crown.

# Part 1
# Entitlements to New Zealand superannuation

*Preliminary and general provisions*

Heading: replaced, on 9 November 2020, by section 7 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 7 Age qualification for New Zealand superannuation

(1) Every person is entitled to receive New Zealand superannuation who attains the age of 65 years.

(2) However, a person is not entitled to receive New Zealand superannuation in respect of the period for which the person has made an election, as contemplated by any of the following provisions, to be entitled to weekly compensation rather than to New Zealand superannuation:

(a) clauses 5(4) and 6(4) of Schedule 1AA of the Accident Compensation Act 2001:

(b) clause 16(3) or 17(3) of Schedule 1 of the Veterans' Support Act 2014.

(3) Subsection (1) applies subject to the provisions of this Part and of the Social Security Act 2018 or the Residential Care and Disability Support Services Act 2018.

Compare: 1990 No 26 s 3

Section 7(2): replaced, on 1 July 2019, by section 11(2) of the Accident Compensation Amendment Act 2019 (2019 No 10).

Section 7(3): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

### 8 Residential qualification for New Zealand superannuation

(1) A person (**A**) is entitled to New Zealand superannuation only if A—

(a) is ordinarily resident in New Zealand on the date of application for New Zealand superannuation, unless section 31(4) of this Act or section 191(4) of the Veterans' Support Act 2014 applies; and

(b) meets the residency requirements in subsections (2) and (3).

(2) Since reaching the age of 20 years, A must have been both resident and present for a period or periods totalling not less than the total time requirement calculated under subsection (4)—

(a) in New Zealand for 10 years of the total time requirement; and

(b) in any 1 or more of New Zealand, the Cook Islands, Niue, and Tokelau for the remaining time (if any) of the total time requirement.

(3) Since reaching the age of 50 years, A must have been both resident and present in any 1 or more of New Zealand, the Cook Islands, Niue, and Tokelau for a period or periods totalling not less than 5 years.

*How to calculate total time requirement*

(4) For the purposes of subsection (2), if A was born during the period specified in column 1 of the following table, A's total time requirement is the number of years specified in column 2:

| Column 1<br>Period during which A was born | Column 2<br>Total time requirement |
|---|---|
| On or before 30 June 1959 | 10 years |
| Between 1 July 1959 and 30 June 1961 (inclusive) | 11 years |
| Between 1 July 1961 and 30 June 1963 (inclusive) | 12 years |
| Between 1 July 1963 and 30 June 1965 (inclusive) | 13 years |
| Between 1 July 1965 and 30 June 1967 (inclusive) | 14 years |
| Between 1 July 1967 and 30 June 1969 (inclusive) | 15 years |
| Between 1 July 1969 and 30 June 1971 (inclusive) | 16 years |
| Between 1 July 1971 and 30 June 1973 (inclusive) | 17 years |
| Between 1 July 1973 and 30 June 1975 (inclusive) | 18 years |
| Between 1 July 1975 and 30 June 1977 (inclusive) | 19 years |
| On or after 1 July 1977 | 20 years |

**Example**

A person (**B**) is born overseas on 30 June 1967. B moves to New Zealand and becomes both resident and present in New Zealand on 1 July 2022 at age 55. The earliest date on which B can meet their total time requirement is 14 years later, on 1 July 2036, at age 69. B meets this requirement by being both resident and present in New Zealand for a total of 12 years, in the Cook Islands for a total of 1 year, and in Niue for a total of 1 year.

Section 8: replaced, on 16 November 2021, by section 4 of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

## 8A Special total time requirement for refugees or protected persons 45 years of age or older on relevant date

*Application of this section*

(1) This section applies to a person (**A**) who—

(a) is recognised as a refugee or protected person in New Zealand; and

(b) is 45 years of age or older on the relevant date.

(2) For the purposes of section 8(2), A's total time requirement must be calculated under this section instead of under section 8(4).

*Requirement for persons between 45 and 55 years of age*

(3) If A is 45 years of age or older but younger than 55 years of age on the relevant date, A's total time requirement is the lesser of the following:

(a) the period, calculated in days, that starts on the relevant date and ends on A's 65th birthday:

(b) the total time requirement calculated under section 8(4).

**Example**

A person (**B**) is born overseas on 1 January 1975. B moves to New Zealand on 1 January 2025 at age 50. B is also recognised as a refugee in New Zealand, and becomes both resident and present in New Zealand, on that date. The earliest date on which B can meet their total time requirement is their 65th birthday, 15 years after B arrives in New Zealand.

*Requirement for persons 55 years of age or older*

(4) If A is 55 years of age or older on the relevant date, A's total time requirement is 10 years.

*Meaning of relevant date*

(5) In this section, **relevant date** means the date on which A first becomes both resident and present in New Zealand, whether that date is before, on, or after the date on which A is recognised as a refugee or protected person in New Zealand.

Section 8A: inserted, on 16 November 2021, by section 5 of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

## 9 Treatment of various periods of absence

(1) For the purposes of section 8(2) and (3), a person must be treated as having been both resident and present in New Zealand during a period of absence from New Zealand if the chief executive is satisfied that—

(a) the person was ordinarily resident in New Zealand during the period; and

(b) the person—

(i) was absent for the purpose of obtaining special medical or surgical treatment or vocational training and that there were good and sufficient reasons for the person leaving New Zealand to obtain that special treatment or training; or

(ii) while absent, served as a mariner on board a ship registered or owned in New Zealand and engaged in trading to and from New Zealand; or

(iii) while absent, served in any capacity as a member of any naval, military, or air force of any Commonwealth country or served in connection with any war in which New Zealand forces were

involved as a member of any organisation attached to any of those forces; or

(iv) while absent, was engaged in eligible charitable work.

(2) For the purposes of this section, a person is engaged in **eligible charitable work** if the person is engaged in—

(a) full-time voluntary work that—

(i) is humanitarian work; and

(ii) is carried out for an entity that is, or is affiliated with or closely related to, a charitable entity that has as its principal function the giving of aid and assistance to less advantaged communities in 1 or more countries; and

(b) any capacity as an accredited volunteer appointed by Volunteer Services Abroad Incorporated.

(3) In this section,—

**entity** has the same meaning as in the Charities Act 2005

**voluntary work** includes work that the chief executive is satisfied is remunerated by nothing more than an insubstantial allowance or a token payment

**Volunteer Service Abroad Incorporated** means the body incorporated under the Incorporated Societies Act 1908 on 8 April 1963 as Volunteer Service Abroad Inc.

Section 9: replaced, on 9 November 2020, by section 9 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 9(1): amended, on 16 November 2021, by section 6 of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

### 10 Treatment of periods of absence as missionary

(1) For the purposes of section 8(2) and (3), a person must be treated as having been both resident and present in New Zealand during a period of absence from New Zealand if the chief executive is satisfied that—

(a) immediately before the period, the person was ordinarily resident in New Zealand (*see* clause 5 of Schedule 1AA in relation to absences commencing before 9 November 2020); and

(b) one or both of the following apply in relation to the person's absence:

(i) while absent, the person was engaged in missionary work:

(ii) the person was absent with the person's spouse or partner who was engaged in missionary work; and

(c) the missionary work was carried out for a charitable entity affiliated with a religious body (*see* clause 5 of Schedule 1AA in relation to the application of this paragraph to missionary work that began before 9 November 2020).

(2) A person is not to be regarded as ending a period of absence referred to in this section merely because the person visited New Zealand during the absence if the arrangement under which the person, or the person's spouse or partner, was engaged in missionary work continued during the visit.

(3) Unless otherwise expressly provided in the agreement, the provisions of subsection (1) are not modified by the provisions of any agreement entered into by the Government of New Zealand with the government of any other country, whether before or after the commencement of this section, providing for reciprocity in social security benefits between their respective countries or the provisions of any Act or Order in Council giving effect to the agreement.

(4) In this section, **missionary work** includes the advancement of religion or education and the maintenance, care, or relief, of orphans, or the aged, infirm, sick, or needy.

Compare: 1990 No 26 s 4(2)(e), (3), (4)

Section 10 heading: replaced, on 9 November 2020, by section 10(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 10(1): replaced, on 9 November 2020, by section 10(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 10(1): amended, on 16 November 2021, by section 7 of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

Section 10(2): replaced, on 9 November 2020, by section 10(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 10A Treatment of periods of absence if New Zealand income tax withheld on overseas earnings

(1) For the purposes of section 8(2) and (3), a person must be treated as having been both resident and present in New Zealand during a period of absence from New Zealand if the chief executive is satisfied that one or both of the following apply in relation to the person's absence:

(a) while absent, the person was employed outside New Zealand and the person's employer (or any other relevant person) made specified payments with respect to the person's period of employment:

(b) the person was absent with the person's spouse or partner who was employed outside New Zealand and the spouse's or partner's employer (or any other relevant person) made specified payments with respect to the spouse's or partner's period of employment.

(2) This section applies in relation to a person's period of employment, whether or not the person's employer (or any other relevant person) failed to pay to the Commissioner of Inland Revenue a deducted or withheld amount of tax, if the chief executive is satisfied that—

(a) the person's employer (or any other relevant person) deducted or withheld tax from specified payments with respect to the person's period of employment; and

(b) the person did not contribute to the employer's (or any other relevant person's) failure to pay that tax to the Commissioner.

(3) For the purposes of this section, an employer (or any other relevant person) makes a **specified payment** with respect to a person's period of employment if the employer (or any other relevant person) makes—

(a) PAYE income payments (as that term is used in the Income Tax Act 2007) from which the person, the person's employer, or any other relevant person must withhold an amount of tax under the PAYE rules as defined in that Act; or

(b) source deduction payments (as that term is used in the Income Tax Act 2004) from which the person, the person's employer, or any other relevant person must withhold an amount of tax under the PAYE rules as defined in that Act; or

(c) source deduction payments (as that term is used in the Income Tax Act 1994) from which the person, the person's employer, or any other relevant person must make a tax deduction under the PAYE rules as defined in that Act; or

(d) source deduction payments (as that term is used in the Income Tax Act 1976) from which the person, the person's employer, or any other relevant person must make a tax deduction under Part 11 of that Act; or

(e) source deduction payments (as that term is used in the Income Tax Assessment Act 1957) from which the person, the person's employer, or any other relevant person must make a tax deduction under Part 2 of that Act.

(4) *See* clause 6 of Schedule 1AA in relation to the application of this section before 9 November 2020.

Section 10A: inserted, on 9 November 2020, by section 11 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 10A(1): amended, on 16 November 2021, by section 8 of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

## 11 Commencement of New Zealand superannuation

(1) New Zealand superannuation commences on the date on which the applicant becomes entitled to receive it or the date on which the application for it is received by the department, whichever is the later date.

(2) This section is subject to section 317 of the Social Security Act 2018.

Compare: 1990 No 26 s 5

Section 11(2): added, on 2 July 2007, by section 12(2) of the Social Security Amendment Act 2007 (2007 No 20).

Section 11(2): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

### 12 Rates of New Zealand superannuation

The rate of New Zealand superannuation payable to a person is the appropriate rate specified in Schedule 1.

Section 12: replaced, on 9 November 2020, by section 12 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

*Living alone payments*

*[Repealed]*

Heading: repealed, on 2 September 2013, by section 6 of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

### 13 Living alone payments

*[Repealed]*

Section 13: repealed, on 2 September 2013, by section 6 of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

### 14 Commencement of living alone payments

*[Repealed]*

Section 14: repealed, on 2 September 2013, by section 6 of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

*Annual adjustment of New Zealand superannuation*

### 15 Annual adjustment of rates

(1) In this section,—

**Consumers Price Index (all groups)** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index

**standard tax** means the amount of tax reckoned on a weekly basis that would be deductible in accordance with the tax code "M" stated in schedule 5, part A, clause 4, table row 1 of the Tax Administration Act 1994.

(2) Subject to subsection (3), the rates of New Zealand superannuation stated in clause 1 of Part 1 of Schedule 1, and clause 1(b) of Part 2 of that schedule, must be adjusted, by Order in Council, as at 1 April each year so that in each case the new rate (after the deduction of standard tax) is the rate at that date (after the deduction of standard tax and before the adjustment under this section is made) adjusted by any percentage movement upwards in the Consumers Price Index (all groups) between the Consumers Price Index (all groups) for the quarter ended with 31 December one year before the immediately preceding 31 December and the Consumers Price Index (all groups) for the quarter ended with the immediately preceding 31 December.

(2A) The adjustments (by any percentage movement upwards in the Consumers Price Index (all groups)) 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); 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 (less cigarettes and tobacco subgroup) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

(3) Every Order in Council made under subsection (2) must adjust the rates of New Zealand superannuation, subject to subsection (4),—

(a) so that the weekly amounts referred to in section 16 are set in accordance with that section; and

(b) so that the rate of New Zealand superannuation specified in clause 1(b) of Part 2 of Schedule 1 preserves its proportional relationship (after the deduction of standard tax) to the rates specified in clause 1 of Part 1 of that schedule.

(4) An adjustment under this section must not reduce the weekly amounts payable under this section.

(5) Every Order in Council made under subsection (2) has the force of law as if it was enacted by this Act.

(6) 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 New Zealand superannuation payable on and after that date.

(7) *See* section 452 of the Social Security Act 2018, under which rates of New Zealand superannuation may be adjusted by Order in Council (including rates not required to be adjusted under this section).

(8) An order under this section—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) comes into force in accordance with subsection (6), even if it is not yet published.

(9) An order under subsection (2) must be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019).

Compare: 1990 No 26 s 13A(1), (2), (3)(d), (3A), (4), (5)

| Legislation Act 2019 requirements for secondary legislation made under this section | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 15 heading: replaced, on 9 November 2020, by section 13(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 15(1) **Consumers Price Index (all groups)**: inserted, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 15(1) **CPI**: repealed, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 15(1) **earner premium**: repealed, on 11 May 2005, by section 63(2) of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

Section 15(1) **standard tax**: amended, on 1 April 2019, by section 259 of the Taxation (Annual Rates for 2017–18, Employment and Investment Income, and Remedial Matters) Act 2018 (2018 No 5).

Section 15(1) **standard 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 15(2): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 15(2): amended, on 9 November 2020, by section 13(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 15(2A): inserted (with effect on 20 May 2010), on 28 May 2010, by section 3(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2010 (2010 No 32).

Section 15(2A): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 15(2A): amended, on 31 May 2016, by section 9 of the Customs and Excise (Tobacco Products—Budget Measures) Amendment Act 2016 (2016 No 25).

Section 15(2A): amended, on 24 October 2012, by section 3 of the New Zealand Superannuation and Retirement Income (Indexation—Budget Measures) Amendment Act 2012 (2012 No 81).

Section 15(2A)(a): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 15(2A)(b): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 15(3)(b): replaced, on 9 November 2020, by section 13(3) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 15(5): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 15(7): inserted, on 9 November 2020, by section 13(4) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 15(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 15(9): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 15A Orders are confirmable instruments

*[Repealed]*

Section 15A: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 16 Annual adjustment of New Zealand superannuation: relationship to net average wage

(1) The annual adjustment of New Zealand superannuation under section 15 must ensure that—

(a) the standard weekly amount of New Zealand superannuation (after the deduction of standard tax) payable to a couple who are married or in a civil union or in a de facto relationship, both of whom are qualified to receive New Zealand superannuation, is not less than 66% or more than 72.5% of the average ordinary time weekly earnings (males and females combined) as determined by the last QES before 1 March in each year (after the deduction of standard tax and the earner levies payable on those earnings):

(b) the standard weekly amount of New Zealand superannuation (after the deduction of standard tax) payable to a single person who is living alone is 65% of the weekly amount of New Zealand superannuation (after the deduction of standard tax) payable to a couple who are married or in a civil union or in a de facto relationship, both of whom are qualified to receive New Zealand superannuation:

(c) the standard weekly amount of New Zealand superannuation (after the deduction of standard tax) payable to a single person who is not living alone is 60% of the weekly amount of New Zealand superannuation (after the deduction of standard tax) payable to a couple who are married or in a civil union or in a de facto relationship, both of whom are qualified to receive New Zealand superannuation.

(2) In this section,—

**earner levies** means the levies payable under section 219(1) of the Accident Compensation Act 2001

**QES** means the Quarterly Employment Survey of wages published by Statistics New Zealand or, if that survey ceases to be published, any measure certified by the Government Statistician as being equivalent to that survey.

Compare: 1990 No 26 s 13A(3)(a)–(c)

Section 16(1)(a): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 16(1)(a): amended, on 9 November 2020, by section 14(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 16(1)(a): amended, on 1 April 2007, by section 4 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 16(1)(a): amended, on 11 May 2005, by section 63(3) of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

Section 16(1)(a): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 16(1)(b): editorial change made by the PCO, on 18 March 2026, under sections 86(1) and 87(o) of the Legislation Act 2019 (2019 No 58).

Section 16(1)(b): amended, on 2 September 2013, by section 7(1) of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

Section 16(1)(b): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 16(1)(c): editorial change made by the PCO, on 18 March 2026, under sections 86(1) and 87(o) of the Legislation Act 2019 (2019 No 58).

Section 16(1)(c): amended, on 2 September 2013, by section 7(2) of the Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11).

Section 16(1)(c): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 16(2): replaced, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

### *Effect of long-term residential care or hospitalisation*

Heading: replaced, on 9 November 2020, by section 15 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

## 17 Entitlement to benefits for spouses or partners of persons in long-term residential care in hospital or rest home

(1) This section applies to any person who is not in long-term residential care and whose spouse or partner is in long-term residential care in a hospital or rest home, whether or not the spouse or partner is a resident assessed as requiring care (as defined in section 5 of the Residential Care and Disability Support Services Act 2018).

(2) Every person to whom this section applies is entitled to receive—

(a) New Zealand superannuation at the appropriate rate payable to a person who is single, in any case where that person is entitled to receive New Zealand superannuation in his or her own right; or

(b) New Zealand superannuation at the appropriate rate payable to a person who is single, in any case where—

(i) that person is not entitled to New Zealand superannuation in his or her own right; but

(ii) his or her spouse or partner is entitled to New Zealand superannuation and was entitled to make and had made an election under section 6(2) or section 11(2) of the Social Welfare (Transitional Provisions) Act 1990 before 1 October 1991; or

(c) an emergency benefit under section 63 of the Social Security Act 2018 at the appropriate rate of a supported living payment payable to a person

who is single or is single with 1 or more dependent children, as the case may be, in any other case.

(2A) *See* section 89 of the Social Security Act 2018, under which a person to whom this section applies may be entitled to a special disability allowance for the purpose of assisting with expenses arising from the hospitalisation of the person's spouse or partner.

(3) Any benefit payable to a person to whom this section applies is not subject to abatement in respect of any income of the person that has been included in a means assessment of the person's spouse or partner under the Residential Care and Disability Support Services Act 2018.

(3A) In subsection (3), any **benefit**,—

(a) has, under section 4(2) of this Act, the same meaning as it has in the Social Security Act 2018 (*see* Schedule 2 of that Act); and so

(b) includes, for example, an accommodation supplement (as is explained in the guide in section 17A of that Act).

(4) This section applies despite anything to the contrary in this Act (except sections 19 and 21 to 35).

Compare: SR 1993/250 cl 3

Section 17 heading: amended, on 1 July 2006, by section 5(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2006 (2006 No 31).

Section 17 heading: amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 17(1): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 17(2)(a): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 17(2)(b): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 17(2)(b)(ii): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 17(2)(c): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 17(2)(c): amended, on 15 July 2013, by section 97 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Section 17(2)(c): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 17(2A): inserted, on 9 November 2020, by section 16(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 17(3): substituted, on 1 July 2005, by section 12(2) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 17(3): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 17(3): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 17(3A): inserted, on 26 November 2022, by section 11 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Section 17(4): inserted, on 9 November 2020, by section 16(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 18 Appropriate rate for spouses or partners of persons in long-term residential care in hospital or rest home

The appropriate rate of New Zealand superannuation to which a person who is living alone is entitled under section 17(2)(a) or (b) is the single living alone rate.

Section 18: replaced, on 9 November 2020, by section 17 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 19 Hospital rates of New Zealand superannuation

(1) For the purposes of this section, **hospital** means a hospital operated by Health New Zealand established by section 11 of the Healthy Futures (Pae Ora) Act 2022; and includes a psychiatric security institution within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

(2) This section applies to a person who is married or in a civil union or in a de facto relationship and who has no dependent children, and a single person who receives New Zealand superannuation, or who becomes entitled to receive New Zealand superannuation.

(3) The rate of New Zealand superannuation payable to a person who is a patient in a hospital for a period of 13 weeks or less is not affected.

(4) The rate of New Zealand superannuation payable to a person who is a patient in a hospital for more than 13 weeks is, on and after the commencement of the 14th week of hospitalisation, the rate specified in clause 3 of Schedule 1.

(4A) The chief executive may pay to any patient referred to in subsection (4) a higher rate than the rate specified in clause 3 of Part 1 of Schedule 1 after having regard to the patient's personal financial circumstances.

(5) Subsection (4) does not apply to a resident assessed as requiring care (as defined in section 5 of the Residential Care and Disability Support Services Act 2018) who is a patient in a hospital 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 section 11 of that Act) under section 18, 24, 26, 54, or 55 of that Act.

(6) *See* section 89 of the Social Security Act 2018, under which the spouse or partner of a patient referred to in subsection (4) or (5) may be entitled to a special disability allowance for the purpose of assisting with expenses arising from the patient's hospitalisation.

(7) If the New Zealand superannuation of a person who is married or in a civil union or in a de facto relationship is reduced under this section, any specified benefit of the person's spouse or partner must be increased, starting on the date

on which the person's New Zealand superannuation is reduced, by the amount specified in subsection (7A).

(7A) The amount by which the specified benefit of the person's spouse or partner must be increased is an amount equal to the difference between—

(a) the maximum rate of that benefit payable to a single person; and

(b) the maximum rate of that benefit payable to a person who is married or in a civil union or in a de facto relationship and whose spouse or partner is receiving New Zealand superannuation.

(7B) *See* section 207 of the Social Security Act 2018, under which the specified benefit of a person's spouse or partner is similarly increased when the person is the beneficiary of a main benefit that is payable, as a result of the person's hospitalisation, at a reduced rate.

(7C) Subsection (7) does not apply if the person's spouse or partner is also in hospital and has been for more than 13 weeks.

(8) In any case where the rate of New Zealand superannuation has been reduced in accordance with this section and the superannuitant in hospital is absent from the hospital for not more than 28 days, the rate of New Zealand superannuation payable on return to hospital must be determined as if that absence has not occurred.

(9) This section does not 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 New Zealand superannuation or of another specified benefit, as a result of hospitalisation, than would otherwise have been payable.

(10) This section applies despite anything to the contrary in this Act (other than sections 21 to 35), the Social Security Act 2018, or the Residential Care and Disability Support Services Act 2018.

(11) In this section, **specified benefit** means—

(a) New Zealand superannuation; or

(b) a veteran's pension; or

(c) a main benefit.

Compare: 1964 No 136 s 75

Section 19(1): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 19(1): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 19(1): amended, on 9 November 2020, by section 18(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(2): amended, on 1 April 2007, by section 4 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 19(2): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 19(4): amended, on 9 November 2020, by section 18(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(4A): inserted, on 9 November 2020, by section 18(3) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(5): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 19(5): amended, on 9 November 2020, by section 18(4) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(6): replaced, on 9 November 2020, by section 18(5) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(7): replaced, on 9 November 2020, by section 18(6) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(7A): inserted, on 9 November 2020, by section 18(6) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(7B): inserted, on 9 November 2020, by section 18(6) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(7C): inserted, on 9 November 2020, by section 18(6) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(9): amended, on 9 November 2020, by section 18(7) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(9): amended, on 1 April 2007, by section 4 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 19(9): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 19(10): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 19(10): amended, on 9 November 2020, by section 18(8) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 19(11): inserted, on 9 November 2020, by section 18(9) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 20 Special disability allowance

*[Repealed]*

Section 20: repealed, on 9 November 2020, by section 19 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

## *Payment overseas of New Zealand superannuation*

### 21 Effect of absence from New Zealand on New Zealand superannuation

A person is not entitled to New Zealand superannuation while that person is absent from New Zealand except as provided in sections 22 to 35 or in any reciprocity agreement adopted under section 380 of the Social Security Act 2018.

Compare: 1990 No 26 s 17A(1)

Section 21: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 21: amended, on 5 January 2010, by section 4 of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

### 22 First 26 weeks of certain temporary absences

New Zealand superannuation that would otherwise be payable to a person (other than a person who is receiving New Zealand superannuation overseas under section 26) is payable in respect of the first 26 weeks of any absence from New Zealand if—

(a) the person's absence does not exceed 30 weeks; or

(b) the person's absence exceeds 30 weeks and the chief executive is satisfied that the absence beyond 30 weeks is due to circumstances beyond that person's control that he or she could not reasonably have foreseen before departure.

Compare: 1990 No 26 s 17A(2)

Section 22: amended, on 5 January 2010, by section 5 of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

### 23 Absences up to 2 years for medical treatment

The chief executive may pay New Zealand superannuation 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 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.

Compare: 1990 No 26 s 17A(3)

Section 23: amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

### 24 Absences up to 156 weeks with aid agencies

(1) The chief executive may pay New Zealand superannuation to any person who—

(a) is otherwise entitled to receive it; and

(b) is absent from New Zealand for a period not exceeding 156 weeks; and

(c) is engaged, while absent from New Zealand, in full-time voluntary and unpaid humanitarian work for a recognised aid agency that—

(i) has, as its principal function, the giving of aid and assistance to less advantaged communities in 1 or more other countries; and

(ii) has not deprived another person of paid employment to engage the person to do that work on an unpaid basis.

(2) The chief executive of the Ministry of Foreign Affairs and Trade must determine any question that arises as to whether an aid agency fulfils the qualifications set out in subsection (1).

Compare: 1990 No 26 s 17A(3A), (3B)

Section 24 heading: amended, on 1 July 2006, by section 7(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2006 (2006 No 31).

Section 24(1)(b): amended, on 1 July 2006, by section 7(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2006 (2006 No 31).

### 25 Date absence commences

If a person who is absent from New Zealand would have become entitled to New Zealand superannuation during his or her absence but for section 21, the person's absence is to be regarded as having commenced on the day he or she would have become entitled to New Zealand superannuation.

Compare: 1990 No 26 s 17A(4)

### 26 Payment overseas of New Zealand superannuation

(1) This subsection—

(a) applies to a country if it is not a country with whose government New Zealand has a reciprocity agreement in force under section 380 of the Social Security Act 2018, that relates to New Zealand superannuation; and

(b) applies to a person if he or she has left New Zealand at a time when he or she was—

(i) intending to reside for a period longer than 26 weeks in a country (or any 2 or more countries) to which this subsection applies, but not intending to reside for a period longer than 52 weeks in a specified Pacific country (within the meaning of section 30(1)); or

(ii) intending to travel for a period longer than 26 weeks, but not intending to reside in any country other than New Zealand.

(2) A person to whom subsection (1) applies is entitled to be paid New Zealand superannuation at the appropriate rate specified in subsection (6)—

(a) in the case of a person who has left New Zealand at a time when he or she was intending to reside for a period longer than 26 weeks in a country (or any 2 or more countries) to which subsection (1) applies, but not intending to reside for a period longer than 52 weeks in a specified Pacific country (within the meaning of section 30(1)), until he or she—

(i) begins to reside in a country that is not a country to which subsection (1) applies; or

(ii) begins to reside in New Zealand again; or

(iii) begins to receive New Zealand superannuation otherwise than under this section; and

(b) in the case of a person who has left New Zealand at a time when he or she was intending to travel for a period longer than 26 weeks, but not intending to reside in any country other than New Zealand, until he or she—

(i) begins to reside in a country that is not a country to which subsection (1) applies; or

(ii) returns to New Zealand.

(3) For the purposes only of subsection (2)(b)(ii), a person does not return to New Zealand if—

(a) he or she—

(i) interrupts his or her overseas travel, and travels to and stays briefly in New Zealand, in order to attend an event (for example, a wedding or funeral) or to visit a person (for example, a sick or injured family member); and then

(ii) resumes his or her overseas travel; and

(b) he or she does not while in New Zealand begin to receive New Zealand superannuation otherwise than under this section.

(4) Except to the extent provided by paragraphs (a)(i) and (b)(i) of subsection (2), a person does not cease to be entitled to be paid New Zealand superannuation under that subsection by reason only of changing his or her intentions after leaving New Zealand.

(5) Subsection (4) is for the avoidance of doubt.

(6) The rates referred to in subsection (2) are,—

(a) for a single person, a rate that is a proportion (calculated under section 26A(1)) of the amount stated in clause 1(b) of Schedule 1:

(b) for a person who is married or in a civil union or in a de facto relationship, a rate that is a proportion (calculated under section 26A(1)) of the amount stated in clause 1(c) of that schedule.

(7) This section is subject to section 26B.

Section 26: substituted, on 5 January 2010, by section 6 of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

Section 26(1)(a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

### 26A Calculation of amount of New Zealand superannuation payable overseas

(1) The proportion referred to in section 26(6) is to be calculated by—

(a) treating each period during which the person concerned has resided in New Zealand while aged 20 or more and less than 65 as whole calendar months and (where applicable) additional days; and

(b) adding the number of additional days (if any), dividing the total by 30, and disregarding any remainder; and

(c) adding the number of calendar months and the quotient calculated under paragraph (b); and

(d) dividing by 540 the total calculated under paragraph (c).

(2) For the purposes of subsection (1), a person must be treated as having resided in New Zealand during a period of absence from New Zealand if section 9, 10, or 10A requires the person to be treated as having been resident and present in New Zealand during the period.

(3) *[Repealed]*

(4) *[Repealed]*

Section 26A: inserted, on 5 January 2010, by section 6 of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

Section 26A(2): replaced, on 9 November 2020, by section 20 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 26A(3): repealed, on 9 November 2020, by section 20 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 26A(4): repealed, on 9 November 2020, by section 20 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 26B Entitlement

A person is not entitled to be paid New Zealand superannuation under section 26 unless he or she—

(a) has made an application for the payment of New Zealand superannuation under that section stating either (as the case may be)—

(i) the country or countries in which he or she intends to reside and the period for which he or she intends to reside there; or

(ii) the country or countries to and in which he or she intends to travel; and

(b) is ordinarily resident and present in New Zealand on the day he or she makes the application, and—

(i) is entitled to receive New Zealand superannuation on that day; or

(ii) will become entitled to receive New Zealand superannuation before he or she leaves New Zealand.

Section 26B: inserted, on 5 January 2010, by section 6 of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

### 27 Applications after leaving New Zealand

(1) This section applies if a person did not make an application for payment under section 26 while ordinarily resident and present in New Zealand because he or she left New Zealand intending to be absent for 26 weeks or less.

(2) The chief executive may accept an application for payment in accordance with section 26 if satisfied that the absence for more than 26 weeks is or was due to circumstances beyond the applicant's control that could not reasonably have been foreseen before leaving New Zealand.

(3) If the chief executive has accepted an application under subsection (2) and, after the applicant left New Zealand, the applicant has been paid any instalment of New Zealand superannuation in accordance with sections 21 to 25, no liability to repay any of those instalments arises merely because the applicant fails to return to New Zealand within the period allowed for by those sections.

Compare: 1990 No 26 s 17(3), (4)

### 28 Date of commencement of payment overseas

(1) The date of commencement of payment overseas of New Zealand superannuation under section 26 is the first pay day after the date of the applicant's departure from New Zealand.

(2) However, in the case of an application under section 27, the date of commencement is the first pay day after the date on which the application was received by the department.

(3) Subsection (2) is subject to section 317 of the Social Security Act 2018.

Compare: 1990 No 26 s 17(4)

Section 28(3): added, on 2 July 2007, by section 12(2) of the Social Security Amendment Act 2007 (2007 No 20).

Section 28(3): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

### 29 Relationship with other benefit provisions

(1) *[Repealed]*

(2) A person who is receiving New Zealand superannuation overseas under section 26 is not entitled to receive any assistance under the Social Security Act 2018 or under a programme approved under section 100 or 101 of that Act.

(3) When a person who receives New Zealand superannuation overseas under section 26 dies, the benefit terminates (despite sections 325 to 330 of the Social Security Act 2018) on a date—

(a) to be determined by the chief executive; and

(b) that must be not more than 4 weeks after the person's date of death.

(4) *[Repealed]*

(4A) The Social Security Act 2018 applies to New Zealand superannuation being paid under section 26, but—

(a) sections 111, 114, 173 to 196, 204, and 206 to 219 of that Act do not apply to that New Zealand superannuation; and

(b) the rest of that Act applies to that New Zealand superannuation except as provided in this section.

(5) *[Repealed]*

Compare: 1990 No 26 s 17(1), (6)–(9)

Section 29(1): repealed, on 5 January 2010, by section 7(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

Section 29(2): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 29(3): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 29(4): repealed, on 5 January 2010, by section 7(3) of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

Section 29(4A): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 29(5): repealed, on 5 January 2010, by section 7(3) of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

## 30 Specified Pacific country

(1) In sections 31 to 35, **specified Pacific country** means a country or territory—

(a) that is listed in Schedule 2; and

(b) that is not a country with which New Zealand has a reciprocity agreement in force under section 380 of the Social Security Act 2018, which relates to the portability of New Zealand superannuation.

(2) The Governor-General may from time to time, by Order in Council, amend Schedule 2 by—

(a) adding the name of any Pacific country or territory; or

(b) omitting the former name of a country or territory and substituting its new name.

(3) The Order in Council must state the date on which it takes effect, which may be a date before the date on which it is made.

(4) The Order in Council applies to payments of New Zealand superannuation under section 31 payable on or after the date on which the order takes effect.

(5) Every Order in Council made under subsection (2)(a) has the force of law as if it was enacted by this Act.

(6) An order under this section—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) comes into force in accordance with subsection (3), even if it is not yet published.

(7) An order under subsection (2) must be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019).

Compare: 1990 No 26 s 17B

| Legislation Act 2019 requirements for secondary legislation made under this section | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 30(1)(b): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 30(5): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 30(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 30(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 30A Orders are confirmable instruments

*[Repealed]*

Section 30A: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 31 Entitlement to be paid New Zealand superannuation in specified Pacific country

(1) A person entitled to receive New Zealand superannuation is entitled to be paid the benefit in a specified Pacific country at a rate calculated under section 32 if subsection (2) or subsection (3) or subsection (4) applies to the person.

(2) This subsection applies to a person—

(a) who intends to leave New Zealand to reside for more than 52 weeks in a specified Pacific country; and

(b) who is resident and present in New Zealand on the date of his or her application to be paid New Zealand superannuation in a specified Pacific country; and

(c) who—

(i) is entitled to receive New Zealand superannuation on the date of the application; or

(ii) will be entitled to receive New Zealand superannuation before leaving New Zealand; and

(d) who is resident in a specified Pacific country when each payment of New Zealand superannuation is due to be made to him or her.

(3) This subsection applies to a person—

(a) who—

(i) was being paid New Zealand superannuation while resident in a specified Pacific country immediately before 1 October 1999 under section 17 of the Social Welfare (Transitional Provisions) Act 1990; or

(ii) was being paid New Zealand superannuation while resident in the Cook Islands, Niue, or Tokelau immediately before 1 October 1999 under section 17B of the Social Welfare (Transitional Provisions) Act 1990 as it was immediately before that date; and

(b) who is resident in a specified Pacific country when each payment of New Zealand superannuation is due to be made to him or her.

(4) This subsection applies to a person—

(a) who, on or after the date this subsection comes into force, makes an application to be paid New Zealand superannuation in a specified Pacific country; and

(b) who is resident in the Cook Islands, Niue, or Tokelau on the date of the application; and

(c) who has met the residency requirements for New Zealand superannuation set out in section 8(2) and (3); and

(d) who is resident in a specified Pacific country when each payment of New Zealand superannuation is due to be paid to him or her.

(5) If subsection (4) applies, an application to be paid New Zealand superannuation in a specified Pacific country must be made in addition to an application to be paid New Zealand superannuation under section 297 (and regulations made under section 438) of the Social Security Act 2018.

(6) The applications referred to in subsection (5) may be made together or separately, and may be made—

(a) before an applicant meets the age qualification for New Zealand superannuation in section 7, in anticipation of becoming entitled to be paid that benefit on reaching the qualifying age; or

(b) when or after the applicant meets the age qualification.

Compare: 1990 No 26 s 17BA

Section 31(1): amended, on 1 July 2015, by section 6(1) of the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61).

Section 31(4): inserted, on 1 July 2015, by section 6(2) of the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61).

Section 31(4)(c): replaced, on 16 November 2021, by section 9 of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

Section 31(5): inserted, on 1 July 2015, by section 6(2) of the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61).

Section 31(5): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 31(6): inserted, on 1 July 2015, by section 6(2) of the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61).

### 32 Rates of payment of New Zealand superannuation payable to people resident in specified Pacific countries

(1) The rate of New Zealand superannuation payable under section 31 is,—

(a) in the case of a person who has resided in New Zealand for 20 or more years since turning 20 years, the base rate:

(b) in the case of a person who has resided in New Zealand for 10 or more years but fewer than 20 years since turning 20 years, an amount calculated using the following formula:

$$a \times b \div 20$$

where—

a is the base rate

b is the whole number of years the person has resided in New Zealand since turning 20 years:

(c) in the case of a person who is resident in a specified Pacific country and was being paid New Zealand superannuation immediately before 1 October 1999 under section 17 or section 17B of the Social Welfare (Transitional Provisions) Act 1990 as it was immediately before that date, the higher of—

(i) the amount he or she was being paid immediately before that date; and

(ii) the appropriate amount payable under paragraph (a) or paragraph (b).

(2) For the purposes of this section, the base rate is,—

(a) in the case of a single person, the amount stated in clause (1)(b) of Schedule 1; and

(b) in the case of a person who is married or in a civil union or in a de facto relationship, the amount stated in clause (1)(c) of that schedule.

(3) However, if sections 187 to 191 of the Social Security Act 2018 apply, that amount must be reduced by the amount deducted in accordance with those sections.

Compare: 1990 No 26 s 17C

Section 32(2)(b): amended, on 1 April 2007, by section 4 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 32(2)(b): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Section 32(3): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

### 33 Commencement and termination of payments

(1) The commencement date of payment of a benefit under section 31 is the first pay day after the date of the person's departure from New Zealand, unless subsection (1A) applies.

(1A) The commencement date of payment of a benefit to a person to whom section 31(4) applies is the later of—

(a) the date that the person meets the age qualification for New Zealand superannuation in section 7; and

(b) the date that the application referred to in section 31(4) is made.

(2) When a person being paid a benefit under section 31 dies, the benefit terminates on a date to be determined by the chief executive, being a date not more than 4 weeks after the date of death.

Compare: 1990 No 26 s 17D

Section 33(1): replaced, on 1 July 2015, by section 7(1) of the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61).

Section 33(1A): inserted, on 1 July 2015, by section 7(2) of the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61).

### 34 Effect on other benefits

A person being paid a benefit under section 31 is not entitled to receive any assistance under the Social Security Act 2018 or under a programme approved under section 100 or 101 of that Act.

Section 34: replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

### 35 Application of this Act and Social Security Act 2018

(1) Sections 22 to 29 do not apply in respect of New Zealand superannuation being paid in a specified Pacific country under section 31.

(2) The Social Security Act 2018 (except sections 204, 206 to 208, 217 to 219, 311, and 313 to 315) applies to New Zealand superannuation being paid in a specified Pacific country under section 31.

Compare: 1990 No 26 s 17F

Section 35 heading: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 35(1): amended, on 5 January 2010, by section 8 of the New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40).

Section 35(2): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

*Miscellaneous provisions*

Heading: inserted, on 9 November 2020, by section 21 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 35A Regulations

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 4A(2)(g).

(2) The Governor-General may, by Order in Council, make regulations providing for any other matters contemplated by this Part, necessary for its administration, or necessary for giving it full effect.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 35A: inserted, on 9 November 2020, by section 21 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 35A(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

# Part 2
# New Zealand Superannuation Fund and Guardians of New Zealand Superannuation

Part 2 heading: amended, on 14 December 2019, by section 6 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

### 36 Outline of Part

This Part—

(a) establishes the New Zealand Superannuation Fund:

(b) provides for payments into and out of the Fund:

(c) establishes the Guardians of New Zealand Superannuation to manage and administer the Fund and the VCF:

(d) requires the Guardians to invest the Fund on a prudent, commercial basis:

(e) empowers the Minister to give directions to the Guardians regarding the Government's expectations as to the Fund's performance, and requires the Guardians to have regard to those directions:

(g) provides for other matters relating to the Fund, the VCF, and the Guardians.

Section 36(c): amended, on 14 December 2019, by section 7(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 36(g): amended, on 14 December 2019, by section 7(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

*New Zealand Superannuation Fund*

### 37 Establishment of New Zealand Superannuation Fund

This section establishes the New Zealand Superannuation Fund (the **Fund**).

### 38 Property of Fund

(1) The Fund consists of—

(a) the capital contributions payable under this Act:

(b) money payable under section 45 to cover the expected net cost of New Zealand superannuation entitlements that are payable in the current year:

(c) Fund investments:

(d) money accruing from the investment of the Fund:

(e) any other money that may be lawfully payable into the Fund:

(f) money in a Crown Bank Account opened under section 39.

(2) The Fund is not an entity separate from the Crown.

(3) However, subsection (2) does not limit section 66(2) or 67(1).

Section 38(1)(f): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 38(2): inserted, on 23 October 2015, by section 4 of the New Zealand Superannuation and Retirement Income Amendment Act 2015 (2015 No 93).

Section 38(3): inserted, on 23 October 2015, by section 4 of the New Zealand Superannuation and Retirement Income Amendment Act 2015 (2015 No 93).

### 39 Crown Bank Account

(1) The Treasury must open a Crown Bank Account for the Fund at any bank or banks that the Minister may direct.

(2) The Guardians must maintain and operate the accounts in accordance with any directions given by the Minister or the Treasury.

(2A) Sections 114 and 115 of the Crown Entities Act 2004 do not apply to a direction under subsection (2).

(3) The Guardians must ensure that the accounts are not overdrawn at any time.

(4) The Public Finance Act 1989 (except sections 65I, 65ZH(1)(g) and (h), 79, and 80) applies to the accounts with necessary modifications.

(5) Money in the accounts is public money for the purpose of the Public Finance Act 1989. Other Fund money is not public money for that purpose.

Section 39(2A): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 39(4): amended, on 18 July 2013, by section 57 of the Public Finance Amendment Act 2013 (2013 No 50).

Section 39(4): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

### 40 Ownership of Fund

The Fund is the property of the Crown.

### 41 Payments out of Fund

(1) The Fund must be held for the purpose of paying New Zealand superannuation.

(2) In addition, money may be paid out of the Fund—

(a) to pay any fee that is payable to an investment manager or custodian in respect of the Fund:

(b) to meet any other obligation that is directly related to the operation of the Fund:

(c) to pay the taxation liabilities arising in respect of the Fund:

(d) to meet any capital withdrawal under section 47.

(3) No payment may be made out of the Fund except in accordance with subsection (1) or subsection (2) and unless it has been authorised by the Guardians.

### 41A Guardians may apportion obligations

(1) This section applies if the Guardians reasonably consider that an expense or other obligation is related to the operation of both the Fund and the VCF.

(2) The Guardians may apportion the obligation in the manner that the Guardians consider reasonable so as to determine—

(a) the part of the obligation that is to be met out of the Fund under section 41(2)(b); and

(b) the part of the obligation that is to be met out of the VCF under section 12(1)(b) of the Venture Capital Fund Act 2019.

(3) The part of the obligation determined in relation to the Fund or the VCF must be treated as an obligation that is directly related to the operation of the Fund or the VCF (as the case may be).

Section 41A: inserted, on 14 December 2019, by section 8 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

*Required capital contributions to Fund*

### 42 Process for calculating capital contributions to Fund

(1) The Treasury must, each financial year, calculate the amount of the annual capital contribution to the Fund required under section 43.

(2) The Treasury must include, in the economic and fiscal update prepared under section 26O of the Public Finance Act 1989,—

(a) the amount of the required annual capital contribution so calculated for the financial year; and

(b) a statement of the assumptions and judgments on which the calculations are based.

(3) Part 2 of the Public Finance Act 1989 (including, without limitation, section 26W) applies to the matters that are included in the economic and fiscal update under this section as if they were required to be included under that Act.

Section 42(2): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 42(3): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

### 43 Amount of required annual capital contribution

The required annual capital contribution for each financial year is—

$$a \div 100 \times \text{that year's GDP} - b$$

where—

a is the percentage of that year's GDP that, if the same percentage of the GDP that is projected for each of the next 40 years were contributed (by way of either or both of annual required capital contributions and annual expense payments under section 45) each year for the next 40 years, would be just sufficient, taking into account the Fund balance at the start of that year and projected Fund investment income over the next 40 years, to enable the Fund to meet the expected net cost of the New Zealand superannuation entitlements payable out of the Fund over the next 40 years

GDP is the projected annual gross domestic product of New Zealand

b is the expected net cost of the New Zealand superannuation entitlements payable out of the Fund in the year

net cost is the cost of New Zealand superannuation entitlements net of any amount of tax deducted or withheld, or required to be deducted or withheld under the PAYE rules in the Income Tax Act 2007

next 40 years means the financial year for which the required annual capital contribution is being calculated plus each of the following 39 financial years.

Section 43 formula item net cost: 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).

### 44 Lesser amounts of annual capital contribution

(1) If the Government intends to pay less into the Fund in any financial year than the required annual capital contribution, the Minister must include, in the fiscal strategy report prepared under Part 2 of the Public Finance Act 1989,—

(a) the amount of the required annual capital contribution stated in the economic and fiscal update under section 42 in respect of the financial year; and

(b) a statement of the amount of annual capital contribution actually to be paid into the Fund in that year; and

(c) a statement of the reasons for the Government's departure from the required annual capital contribution; and

(d) a statement of the Government's intentions regarding future contributions to the Fund; and

(e) a statement of the approach the Government intends to take to ensure that the Fund will be sufficient to meet the payments of New Zealand superannuation entitlements expected to be made over the next 40-year period.

(2) The requirements of this section do not apply if the required annual capital contribution is less than zero.

Section 44(1): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

*Other contributions to Fund*

### 45 Annual expense payments

(1) The Minister must ensure that sufficient money is transferred into the Fund in each financial year to meet the net cost of the New Zealand superannuation entitlements that are payable out of the Fund during that year.

(2) The requirement in subsection (1) is additional to, and separate from, the obligation to make required annual capital contributions.

### 46 Additional contributions to Fund

The Minister may pay any money into the Fund that is additional to that required under this Act.

*Withdrawals from Fund*

### 47 Withdrawals from Fund after 2020

(1) If the required annual capital contribution is less than zero, the Minister may require a capital withdrawal to be made from the Fund up to that amount and paid into a Crown Bank Account.

(2) However, no capital withdrawal is allowed from the Fund in any financial year commencing before 1 July 2020.

Section 47(1): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

*Guardians of New Zealand Superannuation*

### 48 Establishment of Guardians of New Zealand Superannuation

(1) This section establishes the Guardians of New Zealand Superannuation (the **Guardians**).

(2) The Guardians are a Crown entity for the purposes of the section 7 of the Crown Entities Act 2004.

(3) The Crown Entities Act 2004 applies to the Guardians except to the extent that this Act provides otherwise.

Section 48(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 48(3): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 49 Body corporate status and powers

(1) *[Repealed]*

(2) *[Repealed]*

(3) Sections 100 and 160 to 164 of the Crown Entities Act 2004 do not apply to the Guardians in relation to the Fund.

(4) There are no restrictions on the Guardians' power to invest the Fund, other than as provided by sections 58 and 64.

(5) This section is subject to section 50 (borrowing).

Compare: 1993 No 105 s 16(1)

Section 49(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 49(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 49(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 49(4): amended, on 5 June 2024, by section 4 of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

Section 49(4): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 49A Saving of certain transactions

(1) A failure by the Guardians to comply with any provision of this Act, the Venture Capital Fund Act 2019, or the Crown Entities Act 2004 does not affect the validity or enforceability of any deed, agreement, right, or obligation that is entered into, obtained, or incurred by—

(a) the Guardians; or

(b) an entity that is formed or controlled by the Guardians for the purpose of holding, facilitating, or managing the investments of the Fund; or

(ba) a VCF investment vehicle referred to in section 25 of the Venture Capital Fund Act 2019; or

(c) a Crown entity subsidiary of the Guardians.

(2) This section applies only to the extent that the deed, agreement, right, or obligation is entered into, obtained, or incurred for the purpose of performing the functions of the Guardians.

(3) This section applies despite anything to the contrary in this Act, the Venture Capital Fund Act 2019, or the Crown Entities Act 2004 or any other enactment or rule of law.

Compare: 1986 No 124 s 21

Section 49A: inserted, on 23 October 2015, by section 5 of the New Zealand Superannuation and Retirement Income Amendment Act 2015 (2015 No 93).

Section 49A(1): amended, on 14 December 2019, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 49A(1)(b): replaced, on 5 June 2024, by section 5 of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

Section 49A(1)(ba): inserted, on 14 December 2019, by section 9(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 49A(3): amended, on 14 December 2019, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

### 50 Borrowing

(1) The Guardians may not, except with the approval of the Minister of Finance,—

(a) borrow money (in respect of the Fund); nor

(b) mortgage or charge any of the real or personal property of the Fund, whether present or future, as security; nor

(c) hold any financial instrument that places or may place a liability or a contingent liability on the Fund, or the Crown.

(2) The Minister's approval may be given for any class of transactions in subsection (1)(a) to (c).

Section 50(1)(a): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 50(1)(c): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 51 Functions

(1) The functions of the Guardians are to manage and administer—

(a) the Fund in accordance with this Act; and

(b) the VCF in accordance with the Venture Capital Fund Act 2019.

(2) The Guardians are not a trustee, or a constructive trustee, in relation to the exercise of their functions or any other matter.

Section 51(1): replaced, on 14 December 2019, by section 10 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

### 52 Expenses of Guardians

The expenses of the Guardians must be met out of money appropriated by Parliament for the purpose.

*Board of Guardians*

### 53 Role of board

*[Repealed]*

Section 53: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 54 Membership of board

(1) The board must consist of at least 5, but not more than 7, board members appointed by the Governor-General on the recommendation of the Minister.

(2) This section applies despite section 28(1)(a) of the Crown Entities Act 2004.

Section 52(2): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Members' appointments*

### 55 Criteria for appointments

(1) The Minister must only recommend a person for appointment as a board member who,—

(a) in the Minister's opinion, has substantial experience, training, and expertise in the management of financial investments; and

(b) has been nominated by the nominating committee.

(2) This section applies in addition to section 29 of the Crown Entities Act 2004.

Section 55(2): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 56 Nominating committee

(1) The Minister must establish a committee to nominate candidates to the Minister for appointment as members of the board.

(2) The nominating committee must comprise not less than 4 persons with proven skills or relevant work experience that will enable them to identify candidates for appointment to the board who are suitably qualified.

(3) The expenses of the nominating committee must be met out of money appropriated by Parliament for the purpose.

(4) The Minister must notify the nominating committee of persons who the Minister considers to have an interest in appointments to the board, and the nominating committee must consult with those persons or representatives of those persons.

(5) Subsection (4) does not limit consultation or the calling for expressions of interest in appointments.

(6) After receiving nominations for appointment from the nominating committee, the Minister must consult with representatives of other political parties in Parliament before recommending that the Governor-General appoints a person to the board.

### 57 Further provisions applying to board

Schedule 3 applies to the board and its members.

*Investment of Fund*

### 58 Investment of Fund

(1) The Guardians are responsible for investing the Fund.

(2) The Guardians must invest the Fund on a prudent, commercial basis and, in doing so, must manage and administer the Fund in a manner consistent with—

(a) best-practice portfolio management; and

(b) maximising return without undue risk to the Fund as a whole; and

(c) avoiding prejudice to New Zealand's reputation as a responsible member of the world community.

### 59 Status of certain entities

(1) A Fund investment, and any related arrangements, do not directly or indirectly result in any entity being any 1 or more of the following:

(a) a Crown entity subsidiary of the Guardians (for the purposes of the second column of section 7(1)(c) of the Crown Entities Act 2004):

(b) a part of the Guardians' Crown entity group for the purpose of that Act:

(c) a public entity as defined in the Public Audit Act 2001 or subject to that Act or section 67 of this Act.

(2) To avoid doubt, the Official Information Act 1982 and the Ombudsmen Act 1975 do not apply to any entity by virtue of a Fund investment or any related arrangements (but the Official Information Act 1982 applies to the Guardians in respect of information held by the Guardians about the entity).

(3) The Guardians' interests in an entity that is formed or controlled by the Guardians for the purpose of holding, facilitating, or managing the investments of the Fund are Fund investments and part of the Fund.

(4) This section does not limit sections 66 to 68.

**Example**

An entity (**E**) is exempted by subsection (1)(c) from being a public entity as defined in the Public Audit Act 2001 and therefore is not audited by the Auditor-General. Under section 67(1) of this Act, the Auditor-General is the auditor of the Fund. As part of the audit of the Fund, the Auditor-General will assess the value of the Fund investments, including the value of its interest in E.

(5) This section does not apply to an entity that the board establishes as a Crown entity subsidiary of the Guardians.

Section 59: replaced, on 5 June 2024, by section 6 of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

### 59A Fund investment vehicles

*[Repealed]*

Section 59A: repealed, on 5 June 2024, by section 6 of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

### 59B Fund investment vehicles not required to prepare statements or annual reports

*[Repealed]*

Section 59B: repealed, on 5 June 2024, by section 6 of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

### 60 Establishment of investment policies, standards, and procedures

(1) The Guardians must establish, and adhere to, investment policies, standards, and procedures for the Fund that are consistent with their duty to invest the Fund on a prudent, commercial basis, in accordance with section 58.

(2) The Guardians must review those investment policies, standards, and procedures for the Fund at least annually.

### 61 Contents of statements of investment policies, standards, and procedures

A statement of investment policies, standards, and procedures must cover (but is not limited to)—

(a) the classes of investments in which the Fund is to be invested and the selection criteria for investments within those classes; and

(b) the determination of benchmarks or standards against which the performance of the Fund as a whole, and classes of investments and individual investments, will be assessed; and

(c) standards for reporting the investment performance of the Fund; and

(d) ethical investment, including policies, standards, or procedures for avoiding prejudice to New Zealand's reputation as a responsible member of the world community; and

(e) the balance between risk and return in the overall Fund portfolio; and

(f) the fund management structure; and

(fa) the governance framework for the implementation and operation of all entities that are controlled by the Guardians or that are formed by the Guardians for the purpose of holding, facilitating, or managing the investments of the Fund; and

(g) the use of options, futures, and other derivative financial instruments; and

(h) the management of credit, liquidity, operational, currency, market, and other financial risks; and

(i) the retention, exercise, or delegation of voting rights acquired through investments; and

(j) the method of, and basis for, valuation of investments that are not regularly traded at a public exchange; and

(k) prohibited or restricted investments or any investment constraints or limits.

Section 61(fa): replaced, on 5 June 2024, by section 7 of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

## 62 Investment management

(1) The Guardians may appoint, on any terms and conditions that the Guardians think fit, 1 or more persons (including any department) to undertake the investment of any part of the Fund.

(2) Different persons may be appointed for different parts of the Fund.

(3) The Guardians must state, in each instrument of appointment, the powers and rights of the person appointed (including, without limitation, the extent of that person's power to delegate any of those powers and rights).

(4) This section does not limit section 49 of this Act or section 17 of the Crown Entities Act 2004.

Section 62(4): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 63 Custodianship of Fund

(1) The Guardians may appoint a person or persons (including any department) to act as custodian of the Fund, or any part of the Fund.

(2) A custodian so appointed must hold the property of the Fund, or that part of the property of the Fund for which they have been appointed, in their name or, if the Guardians authorise it, in the name of 1 or more nominees.

(3) An appointment may be on any terms and conditions that the Guardians think fit.

(4) The Guardians must specify, in each instrument of appointment, the powers and rights of the person or persons appointed (including, without limitation, the extent of that person's powers to delegate any of those powers and rights).

(5) This section does not limit section 49 of this Act or section 17 of the Crown Entities Act 2004.

Section 63(5): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Ministerial directions*

### 64 Ministerial directions

(1) The Minister may, after consultation with the Guardians, give directions to the Guardians regarding the Government's expectations as to the Fund's performance, including the Government's expectations as to risk and return.

(2) Despite anything to the contrary in the Crown Entities Act 2004, the Minister—

(a) must not give a direction that is inconsistent with the Guardians' duty to invest the Fund on a prudent, commercial basis, in accordance with section 58; and

(b) must not give a direction to the Guardians in respect of the Fund except in accordance with this section.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) The Guardians must notify the Minister of how the entity proposes to have regard to any direction.

(7) The Guardians' annual report must include a statement of how the entity is having regard, or has had regard, during the year to any Ministerial directions given under this section.

Section 64(2): replaced, on 18 July 2013, by section 42 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 64(3): repealed, on 18 July 2013, by section 42 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 64(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 64(5): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Accountability*

### 65 Statement of performance expectations

The statement of performance expectations of the Guardians prepared each financial year under Part 4 of the Crown Entities Act 2004 must include (in addition to any other requirements)—

(a) a statement of the board's expectations about the performance of the Fund over the next financial year, in sufficient detail to enable meaningful assessment against those expectations after the end of that financial year; and

(b) a statement of the key risks to the performance of the Fund over the coming year and the actions being taken by the board to manage those risks; and

(c) forecast financial statements of the Fund for the next financial year, including a statement of accounting policies.

Section 65 heading: replaced, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 65: amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 65: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 66 Financial statements of Fund

(1) The Guardians must ensure that financial statements for the Fund are prepared for each financial year.

(2) The annual financial statements must be prepared in accordance with generally accepted accounting practice (as defined in section 8 of the Financial Reporting Act 2013).

Section 66(2): replaced, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

### 67 Auditor-General is auditor of Fund

(1) The Fund is to be treated as if it were a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

(2) The Guardians must, not later than 90 days after the end of the financial year, forward the annual financial statements of the Fund to the Auditor-General.

(3) The Auditor-General must issue an audit opinion within 30 days of receipt of the annual financial statements and must return the annual financial statements, with the audit report attached, to the Guardians.

### 68 Annual report

The annual report of the Guardians prepared each financial year under Part 4 of the Crown Entities Act 2004 must include (in addition to any other requirements, such as the entity's own financial statements)—

(a) the financial statements of the Fund for that financial year prepared under section 66; and

(b) a statement of responsibility for the financial statements of the Fund, signed by the chairperson of the board and the chief executive of the Guardians (if any), and comprising the same statements that are required by section 155 of the Crown Entities Act 2004 as if the Fund were a Crown entity; and

(c) the audit report on the financial statements; and

(d) an analysis and explanation of the performance of the Fund over that financial year, including a comparison with the Guardians' expectations about the performance of the Fund that were set out in the statement of performance expectations relating to that financial year; and

(e) a statement of the investment policies, standards, and procedures for the Fund established by the Guardians under section 60; and

(f) a statement signed by the chairperson of the board and the chief executive of the Guardians (if any) certifying whether or not the investment policies, standards, and procedures for the Fund have been complied with throughout that financial year; and

(g) a schedule of the investment managers and custodians used by the Guardians in relation to the Fund during that financial year and the classes of investments for which each was responsible.

Section 68: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 68(b): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 68(d): amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 68(g): amended, on 14 December 2019, by section 11 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

### 69 Reporting by Guardians on Fund

(1) The Guardians must report to the Minister on the Fund at those intervals that the Minister may require.

(2) The Guardians' report must include any information that the Minister may require.

### 70 Auditor-General to be auditor of Guardians

*[Repealed]*

Section 70: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Performance reviews*

### 71 Performance reviews

(1) From time to time, there must be conducted a review of how effectively and efficiently the Guardians are performing their functions in relation to the Fund.

(2) The first performance review must be conducted as soon as practicable after 1 July 2003.

(3) Subsequent performance reviews must be conducted at intervals that are no more than 5 years apart (to be set by the Minister) after that.

(4) The Minister must set the terms of reference for the review, which must include (without limitation) requirements that the reviewer form an opinion about—

(a) whether or not the investment policies, standards, and procedures, established by the Guardians in relation to the Fund are appropriate to the Fund; and

(b) whether or not the investment policies, standards, and procedures, established by the Guardians in relation to the Fund have been complied with in all material respects; and

(c) the investment performance of the Fund.

(5) Every performance review must be conducted by an independent person appointed by the Minister.

(6) Every person who conducts a performance review must, as soon as practicable after conducting it,—

(a) prepare a written report on the conclusions reached and recommendations formulated as a result of conducting it; and

(b) give copies of the report to the Minister and the Guardians.

(7) The Minister must present a copy of the report to the House of Representatives as soon as practicable after receiving it.

(8) The costs of conducting a performance review must be met out of money appropriated by Parliament for the purpose.

Section 71(1): amended, on 14 December 2019, by section 12(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 71(4)(a): amended, on 14 December 2019, by section 12(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 71(4)(b): amended, on 14 December 2019, by section 12(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

# Part 3
# Miscellaneous provisions

*Political commitment to New Zealand superannuation*

## 72 Political commitment

(1) A leader of a political party represented in Parliament may notify the Minister, in writing,—

(a) of the party's agreement to either Part 1 or Part 2 (or both); or

(b) of the withdrawal of that party's agreement to either Part 1 or Part 2 (or both).

(2) The Minister must, as soon as practicable after receiving a notification, make a recommendation to the Governor-General for an Order in Council to add or omit the name of the party to or from the relevant Part or Parts of Schedule 4, as the case may be.

(3) The Minister must also make a recommendation to the Governor-General for an Order in Council to omit the name of a political party from Schedule 4 if the party is no longer represented in Parliament.

(4) The Governor-General may, by Order in Council made on the recommendation of the Minister under subsection (2) or subsection (3), add names to, and omit names from, Schedule 4 in accordance with this section.

(5) In this section, a reference to Part 2 is a reference to Part 2 to the extent that it relates to the Fund (rather than to the VCF).

(6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 72(5): inserted, on 14 December 2019, by section 13 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Section 72(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 73 Amendments to Act

(1) The Minister must, on the introduction into the House of Representatives of a Government Bill that proposes an amendment to this Act, bring to the attention of the House the consultation process that was followed in the formulation of the proposed amendment.

(2) That statement must include (without limitation)—

(a) whether consultation has taken place with the parties that are in agreement with the Part proposed to be amended (as listed in Schedule 4):

(b) whether consultation has taken place with the Guardians (to the extent that the amendment relates to Part 2):

(c) the results of the consultation.

(2A) Subsection (2)(a) relates to amendments to Part 2 to the extent that the amendments relate to the Fund (rather than to the VCF).

(3) If the House of Representatives resolves that the balance in the Fund should be allocated to individual retirement accounts for all eligible contributors, the Guardians must report to the Minister and the Minister of Social Services and Employment, within 12 months of the date of the resolution, on the best means of allocating that balance to residents aged 18 or more having regard to the income tax paid by those individuals since 1 July 2001.

Section 73(2A): inserted, on 14 December 2019, by section 14 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

### *Amendments to other Acts*

### *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

## 74 Amendment to Ombudsmen Act 1975

*[Repealed]*

Section 74: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 75 Amendments to Public Finance Act 1989

*[Repealed]*

Section 75: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### *Taxation*

### *[Repealed]*

Heading: repealed (with effect on 1 April 2011), on 29 August 2011 (applying for the 2011–12 and later income years), pursuant to section 209 of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

## 76 Taxation of Fund and Guardians

*[Repealed]*

Section 76: repealed (with effect on 1 April 2011), on 29 August 2011 (applying for the 2011–12 and later income years), by section 209 of the Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63).

*Consequential amendments and revocation*

### 77 Consequential amendments to other Acts

The Acts specified in Schedule 5 are consequentially amended in the manner set out in that schedule.

### 78 Consequential revocation

The Social Security (Disability Services) Regulations 1993 (SR 1993/250) are consequentially revoked.

*Transitional and savings provision*

### 79 Transitional provision for existing New Zealand superannuation entitlements

Every person who, immediately before the commencement of this section, was entitled to receive New Zealand superannuation entitlements under the Social Security Act 1964 or the Social Welfare (Transitional Provisions) Act 1990 or the Social Security (Disability Services) Regulations 1993 is entitled to receive the corresponding New Zealand superannuation entitlements under Part 1.

Compare: 1990 No 26 s 7

### 79A References to Volunteer Service Abroad Incorporated

The references in the following provisions to "Volunteer Service Abroad Incorporated" must for all purposes relating to the operation of those provisions be read as references to the body incorporated under the Incorporated Societies Act 1908 on 8 April 1963 as "Volunteer Service Abroad Inc":

(a) section 14(2)(e) of the Social Security Act 1964 (as inserted on 29 September 1969 by section 4 of the Social Security Amendment Act 1969, and repealed on 1 April 1990 by section 14(18) of the Social Welfare (Transitional Provisions) Act 1990):

(b) section 4(2)(d) of the Social Welfare (Transitional Provisions) Act 1990 (which commenced on 1 April 1990, and was repealed by section 77 of this Act on 12 October 2001).

Section 79A: inserted, on 25 February 2012, by section 5 of the New Zealand Superannuation and Retirement Income Amendment Act 2012 (2012 No 16).

## Part 4
## Retirement Commissioner

Part 4: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 80 Purpose of this Part

The purpose of this Part is to continue the office of the Retirement Commissioner and to set out the Commissioner's functions, powers, and duties.

Section 80: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 81 Interpretation of this Part and Schedule 6

In this Part and in Schedule 6, the terms **Commissioner**, **Government**, and **Minister** have the meanings set out in section 5A.

Section 81: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

*Provisions relating to constitution and appointment of Retirement Commissioner*

Heading: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 82 Retirement Commissioner

(1) There continues to be a Commissioner called the Retirement Commissioner.

(2) The Commissioner continues to be a corporation sole.

(3) The Commissioner is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(4) The Crown Entities Act 2004 applies to the Commissioner except to the extent that this Act expressly applies otherwise.

(5) The Commissioner is the board for the purposes of section 10 of that Act.

Section 82: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

*Functions, powers, and duties of Commissioner*

Heading: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 83 Functions

The functions of the Commissioner are as follows:

(a) to develop and promote methods of improving the effectiveness of the retirement income policies from time to time implemented by the Government of New Zealand, including the promotion of education about retirement income issues and the publication of information about those issues:

(b) to monitor the effects of retirement income policies that are being implemented in New Zealand:

(c) to review the retirement income policies being implemented by the Government and to report to the Minister by 31 December 2007 and at 3-yearly intervals thereafter, in accordance with section 84:

(d) to advise on retirement income issues, when requested to do so by the Minister:

(da) to promote education, and publish information, about financial matters to assist individuals to make financial decisions confidently and informedly:

(db) to advise on financial capability issues, when requested to do so by the Minister:

(e) to monitor the effectiveness of persons (whether referred to as ombudsmen or by any other term) who have been appointed (other than under statutory authority) to consider complaints and disputes about savings and investments; and to consider any issues addressed to the Commissioner by any such person and, if appropriate, to make recommendations to any person:

(f) to collect and publish information for the purpose of enabling the fulfilment of any of the functions referred to in this section:

(g) to perform such other functions as are conferred on the Commissioner by this Act or any other enactment:

(h) to perform any additional function that the Minister directs under section 112 of the Crown Entities Act 2004.

Compare: 1993 No 148 s 6

Section 83: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 83(da): inserted, on 30 May 2017, by section 124(1) of the Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12).

Section 83(db): inserted, on 30 May 2017, by section 124(1) of the Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12).

Section 83(h): inserted, on 30 May 2017, by section 124(2) of the Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12).

### 84 Periodic reviews

(1) For each review to be conducted under section 83(c), the Minister must, not later than 12 months before the date on which the review is required to be completed, specify, by notice in writing addressed to the Commissioner,—

(a) the aspects of retirement income policies being implemented by the Government of New Zealand that the review is required to address; and

(b) the topics to be discussed in the Commissioner's report.

(2) Before giving a notice under subsection (1) the Minister must consult with the Commissioner about the matters to be included in it.

(3) The Minister must, as soon as practicable after giving a notice under subsection (1), present a copy of that notice to the House of Representatives.

(4) Each review conducted under section 83(c) must address the aspects of retirement income policy required to be addressed by the notice relating to that review and the report must discuss the topics required to be discussed by that notice.

(5) The Minister must, as soon as practicable after receiving a report under section 83(c), present a copy of the report to the House of Representatives.

Section 84: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 85 Discretion in relation to performance and exercise of functions and powers

(1) Subject to the provisions of this Part and of any other enactment, the Commissioner has complete discretion in the performance or exercise, and the manner of the performance or exercise, of any function or power of the Commissioner.

(2) Without limiting subsection (1), the Commissioner may at any time, if he or she considers it appropriate,—

(a) comment publicly on any matter relating to his or her functions; or

(b) deliver to the Minister a report in writing on any retirement income issues that he or she considers the Minister should be advised of.

(3) The Minister must, as soon as practicable after receiving a report under subsection (2)(b), present a copy of that report to the House of Representatives.

Section 85: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 86 Provisions applying to Commissioner

The provisions in Schedule 6 apply to the Commissioner.

Section 86: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

*Transitional and miscellaneous provisions*

Heading: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 87 Continuation of office, appointment of Commissioner, and employment of employees

(1) The office continued by section 82 is the office of Retirement Commissioner established by section 5 of the Retirement Income Act 1993, and, accordingly, every reference to the Retirement Commissioner in an enactment or document made before the commencement of this Part is a reference to the Retirement Commissioner continued by section 82.

(2) On the commencement of this Part, the person who, immediately before that commencement, held office as Retirement Commissioner under the Retirement Income Act 1993 is to be taken to have been appointed as Commissioner under section 28 of the Crown Entities Act 2004—

(a) for a term that expires on 16 January 2010; and

(b) subject to the determination under the Remuneration Authority Act 1977 that applied to the person immediately before that commencement.

(3) This Part does not affect the employment of any person who, immediately before the commencement of this Part, was an employee of the Retirement Commissioner.

Section 87: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 88 Application of this Part to matters commenced under Retirement Income Act 1993 or Retirement Villages Act 2003

(1) The Commissioner may continue or complete any act, matter, or thing commenced by the Commissioner under the Retirement Income Act 1993 or the Retirement Villages Act 2003 but not completed on the commencement of this Part.

(2) The provisions of this Part apply with all necessary modifications to the continuation or completion of any act, matter, or thing referred to in subsection (1).

Section 88: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

### 89 References to New Zealand Superannuation Act 2001

Unless the context otherwise requires, any reference to the New Zealand Superannuation Act 2001 in any enactment, rule, order, agreement, deed, or document of any other kind in force on the commencement of this section must be read as a reference to the New Zealand Superannuation and Retirement Income Act 2001.

Section 89: added, on 21 April 2005, by section 7 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

# Schedule 1AA
# Transitional, savings, and related provisions

s 5B

Schedule 1AA: inserted, on 21 January 2019, by section 7 of the Social Assistance (Residency Qualification) Legislation Act 2018 (2018 No 45).

## Part 1
## Transitional, savings, and related provisions relating to Act as enacted or as amended prior to 2018

### 1 Transitional, savings, and related provisions in body of Act

In addition to the transitional, savings, and related provisions set out in this Schedule, other transitional, savings, and related provisions apply as set out in the body of this Act.

## Part 2
## Provisions relating to Social Assistance (Residency Qualification) Legislation Act 2018

### 2 Interpretation

In this Part, **2018 Act** means the Social Assistance (Residency Qualification) Legislation Act 2018.

### 3 Application of section 8(3)

(1) This clause applies to a person who, on or after the date on which the 2018 Act comes into force, applies for New Zealand superannuation.

(2) In determining whether the person has met the residential qualification in section 8(3), the person's residence and presence in any of the countries or the territory before the 2018 Act came into force must be taken into account.

Schedule 1AA clause 3 heading: amended, on 16 November 2021, by section 13(1) of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

Schedule 1AA clause 3: amended, on 16 November 2021, by section 13(2) of the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46).

## Part 3
## Provisions relating to New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020

Schedule 1AA Part 3: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 4 Definitions

In this Part,—

**amending Act** means the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020

**commencement date** means 9 November 2020

**non-standard couple rate** means either of the following kinds of rate:

(a) a rate specified in clause 2 of Schedule 1 before the commencement date (which is the date on which that clause is repealed):

(b) the relationship (partner not receiving superannuation or pension) rate

**old law relating to employment of a person's spouse or partner** means—

(a) section 12(3) of this Act (as in force immediately before the commencement date); or

(b) section 172(4) and (5) of the Veterans' Support Act 2014 (as in force immediately before the commencement date)

**relationship (partner not receiving superannuation or pension) rate** means the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014.

Schedule 1AA clause 4: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

*Treatment of periods of absence for purposes of residential qualification*

Heading: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 5 Residence and presence when engaged in missionary work

(1) For the purposes of section 10(1)(a) (as inserted by the amending Act), a person who was absent from New Zealand for a period that began before the commencement date is taken to have been ordinarily resident in New Zealand immediately before that period if the person was born in New Zealand.

(2) Section 10(1)(c) (as inserted by the amending Act) does not apply to missionary work that began before the commencement date.

Schedule 1AA clause 5: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 6 Residence and presence when in overseas employment

(1) Section 10A (as inserted by the amending Act) extends to a person who made an application for New Zealand superannuation or a veteran's pension, before the commencement date, that is finally determined on or after that date.

(2) Anything done during the period of validation (for example, the granting or payment of New Zealand superannuation or a veteran's pension) that was not validly done, but would have been validly done had section 10A (as inserted by the amending Act) been in force when the thing was done is validated.

(3) In this clause, **period of validation** means the period beginning on 26 November 2018 and ending with the close of 8 November 2020.

Schedule 1AA clause 6: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

*Generally abolished rate for person with non-qualifying spouse or partner*

Heading: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 7 General

(1) A rate specified in clause 1 of Part 2 of Schedule 1 is the appropriate rate of New Zealand superannuation payable to a person only if—

(a) the person is married or in a civil union or in a de facto relationship; and

(b) immediately before the commencement date, an election of the person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate was in effect (*see* clauses 8 to 10); and

(c) the person is not barred from receiving New Zealand superannuation at a rate specified in clause 1 of Part 2 of Schedule 1.

(2) A person is **barred** from receiving New Zealand superannuation at a rate specified in clause 1 of Part 2 of Schedule 1 if,—

(a) at any time on or after the commencement date, the person's spouse or partner is entitled to receive New Zealand superannuation or a veteran's pension; or

(b) at any time on or after the commencement date, the person elects to no longer receive—

(i) New Zealand superannuation at the rate specified in that clause and does not elect, on the same date, to receive a veteran's pension at the relationship (partner not receiving superannuation or pension) rate; or

(ii) a veteran's pension at the relationship (partner not receiving superannuation or pension) rate and does not elect, on the same date, to receive New Zealand superannuation at the rate specified in that clause; or

(c) at any time on or after the commencement date, the person who was the person's spouse or partner immediately before the commencement date—

(i) ceases to be the person's spouse and does not, on the date of ceasing to be the person's spouse, become the person's civil union partner; or

(ii) ceases to be the person's civil union partner and does not, on the date of ceasing to be the person's civil union partner, become the person's spouse; or

(iii) ceases to be the person's de facto partner and does not, on the date of ceasing to be the person's de facto partner, become the person's spouse or civil union partner; or

(d) on a specified date, the person was or is absent from New Zealand and, because of that absence,—

(i) is not authorised under Part 1 of this Act or Part 6 of the Veterans' Support Act 2014 to be paid New Zealand superannuation or a veteran's pension for that date; or

(ii) is authorised to be paid New Zealand superannuation or a veteran's pension for that date but only at a reduced rate; or

(e) on a specified date, the person was or is in custody in prison, in custody on remand, or an escapee from prison, and both of the following apply:

(i) because of the operation of section 217 of the Social Security Act 2018, New Zealand superannuation or a veteran's pension is not payable to the person for that date:

(ii) the person, the person's spouse or partner, or another person is not authorised under section 218 of the Social Security Act 2018 to be paid all or any part of the New Zealand superannuation or veteran's pension for that date.

(3) In this clause,—

**non-standard couple rate** means any of the following kinds of rate:

(a) a rate specified in clause 2 of Schedule 1 before the commencement date (which is the date on which that clause was repealed):

(b) the relationship (partner not receiving superannuation or pension) rate:

(c) a rate specified in clause 2 of Schedule 1 of the Social Welfare (Transitional Provisions) Act 1990 before the repeal of that schedule on 15 April 2003:

(d) a rate specified in clause 2(b) of Schedule 11 of the War Pensions Act 1954 before the repeal of that schedule on 7 December 2014

**specified date** means the close of 8 November 2020 or any time after that date.

Schedule 1AA clause 7: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

## 8 Treatment of elections

(1) For the purposes of clause 7(1)(b) of this schedule and clause 22(1)(d) of Schedule 1 of the Veterans' Support Act 2014, an election of a person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate must be treated as being in effect immediately before the commencement date if—

(a) an election to receive New Zealand superannuation, or a veteran's pension, at the non-standard couple rate was made before the commencement date; and

(b) the person who made the election did not, after making it,—

(i) cease to be entitled to receive New Zealand superannuation at a non-standard couple rate or a standard couple rate because the person ceased to be married or in a civil union or in a de facto relationship; or

(ii) cease to be entitled to receive New Zealand superannuation at a non-standard couple rate because the person's spouse or partner became entitled to receive New Zealand superannuation or a veteran's pension; or

(iii) elect to receive New Zealand superannuation, or a veteran's pension, at a standard couple rate; and

(c) the old law relating to employment of the person's spouse or partner did not operate to prevent the election being in effect immediately before the commencement date.

(2) Nothing in this clause limits clause 9 or 10.

(3) In this clause,—

**non-standard couple rate** has the same meaning as in clause 7(3)

**standard couple rate** means a rate, other than a non-standard couple rate, of New Zealand superannuation or of a veteran's pension prescribed before the commencement date for a person who is married or in a civil union or in a de facto relationship.

Schedule 1AA clause 8: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 9 When elections included in pending applications take effect

(1) This clause applies to an election of a person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate that is included in a pending application for New Zealand superannuation or a veteran's pension.

(2) For the purposes of clause 7(1)(b) of this schedule and clause 22(1)(d) of Schedule 1 of the Veterans' Support Act 2014, the election may be treated as being in effect immediately before the commencement date only if the New Zealand superannuation or veteran's pension commences on or before that date. (*See* section 11 of this Act, section 168 of the Veterans' Support Act 2014, and section 317 of the Social Security Act 2018.)

(3) The election must be treated as taking effect,—

(a) except as provided by paragraph (b), on the date on which the New Zealand superannuation or veteran's pension commences; or

(b) if the old law relating to employment of the person's spouse or partner applied to the election, on the date on which the New Zealand superannuation or veteran's pension commences or the date determined under that old law (whichever is the later).

(4) Subclause (3) applies only to the extent that it treats the election as taking effect before the commencement date.

(5) In this clause, **pending application** means an application for New Zealand superannuation or a veteran's pension that,—

(a) immediately before the commencement date, had not been finally determined or withdrawn; and

(b) on or after the commencement date, is finally determined by granting the application.

Schedule 1AA clause 9: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### 10 When other elections not processed before commencement date take effect

(1) This clause applies to an election of a person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate (other than an election to which clause 9 applies) that, immediately before the commencement date, had been received but not yet processed by the department.

(2) For the purposes of clause 7(1)(b) of this schedule and clause 22(1)(d) of Schedule 1 of the Veterans' Support Act 2014, the election is to be treated as taking effect,—

(a) except as provided by paragraph (b), on the date on which the election was received by the department; or

(b) if the old law relating to employment of the person's spouse or partner applied to the election, on the date on which the election was received by the department or the date determined under that old law (whichever is the later).

(3) In this clause, **department**,—

(a) in the case of an election to receive New Zealand superannuation, has the same meaning as in section 4; and

(b) in the case of an election to receive a veteran's pension,—

(i) except as provided by subparagraph (ii), means Veterans' Affairs New Zealand; or

(ii) has the same meaning as in section 4 if an applicable delegation is in force under section 160 of the Veterans' Support Act 2014.

Schedule 1AA clause 10: inserted, on 9 November 2020, by section 22 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

# Part 4
# Provision relating to New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024

Schedule 1AA Part 4: inserted, on 5 June 2024, by section 8(a) of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

## 11 Review of amendments relating to controlling interests

(1) The terms of reference for either the first or second performance review conducted under section 71 after the commencement of the amendment Act must include a requirement that the reviewer form an opinion about the operation and effectiveness of the amendments made by the amendment Act.

(2) The written report prepared under section 71(6) must include the reviewer's recommendations for amendments to this Act (if any).

(3) In this clause, **amendment Act** means the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024.

Schedule 1AA clause 11: inserted, on 5 June 2024, by section 8(a) of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

# Schedule 1
# New Zealand superannuation entitlements

ss 12, 19, 26, 32, cl 7 of Sch 1AA

## Part 1
## Rates generally

The following rates are before deduction of tax:

| | | | $ |
|---|---|---|---|
| 1 | (a) | to a single person who is living alone | $647.37 a week |
| | (b) | to a single person who is not living alone | $595.57 a week |
| | (c) | to a person who is married or in a civil union or in a de facto relationship | $492.14 a week |
| 2 | *[Repealed]* | | |
| 3 | Hospital rate payable under section 19 to 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 receives New Zealand superannuation | | An amount that, after income tax is deducted under tax code M (as stated in schedule 5, part A, clause 4, table row 1 of the Tax Administration Act 1994) is equal to $58.34 a week |

Schedule 1 heading: amended, on 9 November 2020, by section 23(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 1 heading: amended, on 9 November 2020, by section 23(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 1 Part 1 heading: inserted, on 9 November 2020, by section 23(3) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 1 Part 1 clause 1(a): amended, on 1 April 2026, by clause 6 of the Social Security (Rates of Benefits and Allowances) Order 2026 (SL 2026/36).

Schedule 1 Part 1 clause 1(a): amended, on 9 November 2020, by section 23(4) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 1 Part 1 clause 1(a): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Schedule 1 Part 1 clause 1(b): amended, on 1 April 2026, by clause 6 of the Social Security (Rates of Benefits and Allowances) Order 2026 (SL 2026/36).

Schedule 1 Part 1 clause 1(b): amended, on 9 November 2020, by section 23(5) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 1 Part 1 clause 1(b): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Schedule 1 Part 1 clause 1(c): amended, on 1 April 2026, by clause 6 of the Social Security (Rates of Benefits and Allowances) Order 2026 (SL 2026/36).

Schedule 1 Part 1 clause 1(c): amended, on 1 April 2007, by section 4 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Schedule 1 Part 1 clause 1(c): amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Schedule 1 Part 1 clause 2: repealed, on 9 November 2020, by section 23(6) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 1 Part 1 clause 3: amended, on 1 April 2026, by clause 7(3) of the Social Security (Rates of Benefits and Allowances) Order 2026 (SL 2026/36).

Schedule 1 Part 1 clause 3: amended, on 1 April 2019, by section 259 of the Taxation (Annual Rates for 2017–18, Employment and Investment Income, and Remedial Matters) Act 2018 (2018 No 5).

Schedule 1 Part 1 clause 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).

Schedule 1 Part 1 clause 3: amended, on 1 April 2007, by section 4 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Schedule 1 Part 1 clause 3: amended, on 26 April 2005, by section 3 of the New Zealand Superannuation Amendment Act 2005 (2005 No 17).

Schedule 1 Part 1 clause 4: repealed, on 9 November 2020, by section 23(6) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

## Part 2
## Rates saved by Schedule 1AA

Schedule 1 Part 2: inserted, on 9 November 2020, by section 23(7) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

The following rates are before deduction of tax:

| | | | |
|---|---|---|---|
| 1 | Rate payable under clause 7 of Schedule 1AA to a person who is married or in a civil union or in a de facto relationship and whose spouse or partner is not entitled to receive New Zealand superannuation or a veteran's pension— | | |
| | (a) | if, before 1 October 1991, the person was receiving (or had applied for and was entitled to receive) New Zealand superannuation, or a veteran's pension, at the alternative rate specified in clause 2 of Schedule 1 of the Social Welfare (Transitional Provisions) Act 1990 | $984.28 a week (subject to Income Test 3) or the rate specified in paragraph (b), whichever is the greater |
| | (b) | in any other case | $933.16 a week (subject to Income Test 3) |

Schedule 1 Part 2 clause 1: inserted, on 9 November 2020, by section 23(7) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 1 Part 2 clause 1(a): amended, on 1 April 2026, by clause 7(2) of the Social Security (Rates of Benefits and Allowances) Order 2026 (SL 2026/36).

Schedule 1 Part 2 clause 1(b): amended, on 1 April 2026, by clause 6 of the Social Security (Rates of Benefits and Allowances) Order 2026 (SL 2026/36).

# Schedule 2
# Specified Pacific countries

s 30

American Samoa

Cook Islands

Federated States of Micronesia

Fiji

French Polynesia

Guam

Kiribati

Marshall Islands

Nauru

New Caledonia

Niue

Northern Mariana Islands

Palau

Papua New Guinea

Pitcairn Island

Samoa

Solomon Islands

Tokelau

Tonga

Tuvalu

Vanuatu

Wallis and Futuna

# Schedule 3
# Further provisions relating to board of Guardians of New Zealand Superannuation

s 57

## 1 Application

This schedule applies to the board and its members.

## 2 Interpretation

*[Repealed]*

Schedule 3 clause 2: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 3 Method of appointment

(1) The Governor-General appoints a member, despite section 28(1)(a) of the Crown Entities Act 2004.

(2) Section 28(2) and (3) of that Act apply.

Schedule 3 clause 3: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 4 When appointment takes effect

*[Repealed]*

Schedule 3 clause 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 5 Position where concurrent office

*[Repealed]*

Schedule 3 clause 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### *Term of office*

## 6 Term of office

A member holds office for 5 years or any shorter period stated in the notice of appointment, despite section 32(1) of the Crown Entities Act 2004.

Schedule 3 clause 6: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Duties of board members*

*[Repealed]*

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 7 Duties of members

*[Repealed]*

Schedule 3 clause 7: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Liability of members*

*[Repealed]*

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 8 Liability of members and committee members

*[Repealed]*

Schedule 3 clause 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Resignation and removal of members*

*[Repealed]*

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 9 Resignation

*[Repealed]*

Schedule 3 clause 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 10 Removal from office

(1) The Governor-General may, on the advice of the Minister, remove a member from office for a reason that in the Minister's opinion justifies the removal.

(2) Subclause (1) applies despite section 37 of the Crown Entities Act 2004.

(3) The Governor-General removes a member by sending written notice to the member and a copy to the entity.

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

Schedule 3 clause 10(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 3 clause 10(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 3 clause 10(5): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 3 clause 10(6): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### *Vacancies in the entity's membership*

### *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

## 11 Effect of vacancy in membership

*[Repealed]*

Schedule 3 clause 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### *Remuneration*

### *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

## 12 Remuneration

*[Repealed]*

Schedule 3 clause 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### *Chairperson and deputy chairperson*

### *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

## 13 Appointment

*[Repealed]*

Schedule 3 clause 13: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 14 Term of office

*[Repealed]*

Schedule 3 clause 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 15 Resignation

*[Repealed]*

Schedule 3 clause 15: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 16 Exercise of chairperson's functions, duties, and powers during vacancy, etc

*[Repealed]*

Schedule 3 clause 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Acts not to be called into question*

## *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

### 17 Acts not to be called into question

*[Repealed]*

Schedule 3 clause 17: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 18 Validity of members' acts

*[Repealed]*

Schedule 3 clause 18: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Disclosure of interest*

### 19 Obligation to disclose interest

*[Repealed]*

Schedule 3 clause 19: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 20 Meaning of interested

*[Repealed]*

Schedule 3 clause 20: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 21 Disclosure of interest

*[Repealed]*

Schedule 3 clause 21: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 22 Consequences of disclosure

*[Repealed]*

Schedule 3 clause 22: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 23 Matters to be delegated to committee

The board must delegate a deliberation or decision to a committee if the effect of section 66 of the Crown Entities Act 2004 is that there is not a quorum of members able to take part in the deliberation or decision, or to form a quorum.

Schedule 3 clause 23: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 24 Members of committee to which matters delegated

(1) A committee to which a deliberation or decision is delegated under clause 23 must consist of a majority of persons—

(a) who are not interested in the transaction; and

(b) in the case of members of the committee who are not members of the board, who are appointed by the board with the agreement of the Minister.

(2) This clause is an exception to clause 14 of Schedule 5 of the Crown Entities Act 2004.

Schedule 3 clause 24(2): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 25 Effect of non-compliance

*[Repealed]*

Schedule 3 clause 25: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Use of information*

## *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

### 26 Restrictions on disclosure or use of entity's information

*[Repealed]*

Schedule 3 clause 26: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 27 When member may rely on certain information and advice

*[Repealed]*

Schedule 3 clause 27: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 28 When clause 27 applies

*[Repealed]*

Schedule 3 clause 28: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Procedure of board: General*

## *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

### 29 Procedure generally

*[Repealed]*

Schedule 3 clause 29: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Procedure of board: Meetings*

## *[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

### 30 Ordinary meetings

*[Repealed]*

Schedule 3 clause 30: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 31 Special meetings

*[Repealed]*

Schedule 3 clause 31: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 32 Methods of holding meetings

*[Repealed]*

Schedule 3 clause 32: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 33 Quorum

*[Repealed]*

Schedule 3 clause 33: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 34 Who presides at meetings

*[Repealed]*

Schedule 3 clause 34: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 35 Voting at meetings

*[Repealed]*

Schedule 3 clause 35: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 36 Resolutions

*[Repealed]*

Schedule 3 clause 36: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 37 Method of contracting

*[Repealed]*

Schedule 3 clause 37: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 38 Attorneys

*[Repealed]*

Schedule 3 clause 38: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Delegations*

### 39 Additional persons to whom delegations can be made

(1) The board may, in relation to the Fund, delegate any of the functions or powers of the board or the entity to all or any of the following, despite section 73(1)(d) of the Crown Entities Act 2004:

(a) a person appointed to undertake the investment of any part of the Fund under section 62:

(b) a custodian:

(c) an entity that is formed or controlled by the Guardians for the purpose of holding, facilitating, or managing the investments of the Fund.

(2) The board may, in relation to the VCF, delegate any of the functions or powers of the board or the entity to all or any of the following, despite section 73(1)(d) of the Crown Entities Act 2004:

(a) a person appointed to undertake the investment of any part of the VCF under section 29 of the Venture Capital Fund Act 2019:

(b) a person appointed under section 30 of the Venture Capital Fund Act 2019 to act as custodian of the VCF, or any part of the VCF:

(c) a VCF investment vehicle that is formed or controlled under section 25 of the Venture Capital Fund Act 2019.

Schedule 3 clause 39: replaced, on 14 December 2019, by section 15 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

Schedule 3 clause 39(1)(c): amended, on 5 June 2024, by section 9 of the New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16).

### 40 Certain powers must not be delegated

*[Repealed]*

Schedule 3 clause 40: repealed, on 23 October 2015, by section 9(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2015 (2015 No 93).

### 41 Effect of delegation

*[Repealed]*

Schedule 3 clause 41: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 42 Presumption of acting in accordance with delegation

*[Repealed]*

Schedule 3 clause 42: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 43 Other matters relating to delegation

*[Repealed]*

Schedule 3 clause 43: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Subsidiaries*

## *[Repealed]*

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 44 Subsidiaries

*[Repealed]*

Schedule 3 clause 44: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## *Committees*

## *[Repealed]*

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 45 Committees

*[Repealed]*

Schedule 3 clause 45: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Employees*

*[Repealed]*

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 46 Appointment of chief executive officer

*[Repealed]*

Schedule 3 clause 46: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 47 Appointment of other employees

*[Repealed]*

Schedule 3 clause 47: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 48 Personnel policy

*[Repealed]*

Schedule 3 clause 48: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 49 Equal employment opportunities

*[Repealed]*

Schedule 3 clause 49: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 50 Choice of procedure

*[Repealed]*

Schedule 3 clause 50: repealed, on 1 December 2004, by section 72 of the Employment Relations Amendment Act (No 2) 2004 (2004 No 86).

### 51 Superannuation or retiring allowances

*[Repealed]*

Schedule 3 clause 51: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 52 Application of certain Acts to members and employees

*[Repealed]*

Schedule 3 clause 52: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### 53 Existing Government Superannuation Fund members

(1) Despite clause 52, a person who, immediately before becoming an employee of the board, was a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 is, for the purposes of that Act, considered to be employed in the Government service

so long as that person continues to be an employee of the board; and that Act applies to that person in all respects as if that person's service as an employee of the board were Government service.

(2) Nothing in subclause (1) entitles a person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.

(3) For the purposes of applying the Government Superannuation Fund Act 1956 in accordance with subclause (1), **controlling authority**, for that employee, means the board.

# Schedule 4
# Political parties in agreement with Act

s 72

## Part 1
## Political parties that are in agreement with Part 1 of Act

The Green Party

New Zealand Labour Party

New Zealand National Party

Schedule 4 Part 1 Green Party: added, on 20 November 2003, by clause 3 of the New Zealand Superannuation (Political Commitment) Order 2003 (SR 2003/278).

Schedule 4 Part 1 New Zealand Labour Party: added, on 20 November 2003, by clause 3 of the New Zealand Superannuation (Political Commitment) Order 2003 (SR 2003/278).

Schedule 4 Part 1 New Zealand National Party: inserted, on 13 January 2005, by clause 3 of the New Zealand Superannuation (Political Commitment) Order 2004 (SR 2004/431).

Schedule 4 Part 1 Progressive Coalition Party: repealed, on 17 December 2016, by section 70 of the Statutes Amendment Act 2016 (2016 No 104).

Schedule 4 Part 1 United Future New Zealand: repealed, on 22 March 2018, by clause 3 of the New Zealand Superannuation (Political Commitment) Order 2018 (LI 2018/13).

## Part 2
## Political parties that are in agreement with Part 2 of Act (to extent that it relates to Fund)

Schedule 4 Part 2 heading: amended, on 14 December 2019, by section 16 of the New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77).

New Zealand Labour Party

New Zealand National Party

Schedule 4 Part 2 New Zealand Labour Party: added, on 20 November 2003, by clause 4 of the New Zealand Superannuation (Political Commitment) Order 2003 (SR 2003/278).

Schedule 4 Part 2 New Zealand National Party: inserted, on 13 January 2005, by clause 4 of the New Zealand Superannuation (Political Commitment) Order 2004 (SR 2004/431).

Schedule 4 Part 2 Progressive Coalition Party: repealed, on 17 December 2016, by section 70 of the Statutes Amendment Act 2016 (2016 No 104).

Schedule 4 Part 2 United Future New Zealand: repealed, on 22 March 2018, by clause 3 of the New Zealand Superannuation (Political Commitment) Order 2018 (LI 2018/13).

# Schedule 5
# Consequential amendments to other Acts

s 77

**Accident Insurance Act 1998 (1998 No 114)**

*Amendment(s) incorporated in the Act(s).*

**Child Support Act 1991 (1991 No 142)**

*Amendment(s) incorporated in the Act(s).*

**Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96)**

*Amendment(s) incorporated in the Act(s).*

**Family Proceedings Act 1980 (1980 No 94)**

*Amendment(s) incorporated in the Act(s).*

**Housing Restructuring Act 1992 (1992 No 76)**

*Amendment(s) incorporated in the Act(s).*

**Human Rights Act 1993 (1993 No 82)**

*Amendment(s) incorporated in the Act(s).*

**Income Tax Act 1994 (1994 No 164)**

*Amendment(s) incorporated in the Act(s).*

**Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49)**

*Amendment(s) incorporated in the Act(s).*

**Social Security Act 1964 (1964 No 136)**

*Amendment(s) incorporated in the Act(s).*

**Social Security Amendment Act 1998 (1998 No 19)**

*Amendment(s) incorporated in the Act(s).*

**Social Welfare (Transitional Provisions) Act 1990 (1990 No 26)**

*Amendment(s) incorporated in the Act(s).*

**Social Welfare (Transitional Provisions) Amendment Act (No 2) 1990 (1990 No 133)**

*Amendment(s) incorporated in the Act(s).*

### Social Welfare (Transitional Provisions) Amendment Act (No 2) 1991 (1991 No 77)

*Amendment(s) incorporated in the Act(s).*

### Social Welfare (Transitional Provisions) Amendment Act 1993 (1993 No 58)

*Amendment(s) incorporated in the Act(s).*

### Taxation (Remedial Provisions) Act 1996 (1996 No 159)

*Amendment(s) incorporated in the Act(s).*

# Schedule 6
# Provisions applying to Retirement Commissioner

s 86

Schedule 6: added, on 21 April 2005, by section 8 of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

## 1 Superannuation or retiring allowances

(1) For the purpose of providing a superannuation fund or retiring allowance for the Commissioner, sums by way of subsidy or contribution may be paid into any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013) that is approved by the Minister of Finance for the purposes of this clause.

(2) Despite anything in this clause, any person who, immediately before being appointed as the Commissioner or as an employee of the Commissioner, is a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 is considered, for the purposes of that Act, to be employed in the Government service so long as that person continues to hold office as the Commissioner or as an employee of the Commissioner, and that Act applies to that person in all respects as if service as or for the Commissioner were Government service.

(3) Subject to the Government Superannuation Fund Act 1956, nothing in subclause (2) entitles a person to become a contributor to the Government Superannuation Fund after the person has ceased to be a contributor.

(4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subclause (2), to a person who holds office as the Commissioner or as an employee of the Commissioner and is a contributor to the Government Superannuation Fund, the term **controlling authority**, in relation to any such person, means the Commissioner.

Schedule 6 clause 1(1): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

*Delegations*

## 2 Ability to delegate

Despite section 73 of the Crown Entities Act 2004, the Commissioner must not delegate the power to appoint an attorney under section 129 of the Crown Entities Act 2004 without the prior written consent of the Minister.

# Social Assistance (Living Alone Payments) Amendment Act 2013

| | |
|---|---|
| Public Act | 2013 No 11 |
| Date of assent | 5 April 2013 |
| Commencement | see section 2 |

## 1 Title

This Act is the Social Assistance (Living Alone Payments) Amendment Act 2013.

## 2 Commencement

This Act comes into force on the earlier of—

(a) a date appointed by the Governor-General by Order in Council:

(b) 2 September 2013.

## 3 Principal Act amended

This Part amends the New Zealand Superannuation and Retirement Income Act 2001.

## 12 Transitional provision for living alone payment

(1) This section applies to a person who is receiving a living alone payment under section 13 of the principal Act immediately before the commencement of this Act.

(2) On or after the commencement of this Act, the person is entitled to receive the single living alone rate of New Zealand superannuation specified in clause 1(a) of Schedule 1 of the principal Act (as amended by this Act) if, and so long as, he or she continues to be living alone within the meaning of section 13 of the principal Act (as it read immediately before the commencement of this Act).

## 13 Transitional provision for living alone payment on basis of Social Security Appeal Authority's decision

(1) This section applies to a person who is receiving a living alone payment under section 13 of the principal Act immediately before the commencement of this Act on the basis of the Social Security Appeal Authority's decision reported in [2009] NZSSAA 38 (19 June 2009).

(2) On or after the commencement of this Act, the person is entitled to receive the single living alone rate of New Zealand superannuation specified in clause 1(a) of Schedule 1 of the principal Act (as amended by this Act) if, and so long as, there is no change in the person's circumstances affecting the person's entitlement to the living alone payment under section 13 of the principal Act (as it read immediately before the commencement of this Act).

(3) This section overrides section 12.

### 14 References to living alone payment

(1) A reference to a living alone payment under the principal Act in any agreement, deed, instrument, application, notice, or other document must, unless the context otherwise requires, be read as a reference to either of the following, as the context requires:

(a) the single living alone rate of New Zealand superannuation; or

(b) the difference between the single living alone rate and single sharing accommodation rate of New Zealand superannuation.

(2) In this section,—

**living alone** has the meaning given to it by section 4A of the principal Act (as amended by this Act)

**single living alone rate** means the rate of New Zealand superannuation specified in clause 1(a) of Schedule 1 of the principal Act (as amended by this Act) that is payable to a single person who is living alone

**single sharing accommodation rate** means the rate of New Zealand superannuation specified in clause 1(b) of Schedule 1 of the principal Act (as amended by this Act) that is payable to a single person who is not living alone.

### 15 Savings provision for person whose spouse or partner dies before commencement of this Act

(1) This section applies if—

(a) a person's spouse or partner dies before the commencement of this Act; and

(b) the person does not apply for a living alone payment under the principal Act before that commencement; and

(c) the department receives information about the death of the person's spouse or partner (whether the information is received before or after the commencement of this Act).

(2) If the person applies for a living alone payment, the person's entitlement to receive the payment under the principal Act must be determined under that Act (as it read immediately before the commencement of this Act) and, despite sections 6 and 11(1) of this Act, sections 13 and 14 and clause 1(a) of Schedule 1 of the principal Act (as they read immediately before the commencement of this Act) continue in force and apply to the person for that purpose.

(3) If the person is granted a living alone payment,—

(a) the payment—

(i) commences on—

(A) the date on which it would have commenced under section 14 of the principal Act (as it read immediately before the commencement of this Act); or

(B) any earlier date determined under section 80AA of the Social Security Act 1964 (if applicable); and

(ii) continues until the commencement of this Act if, and so long as, there is no change in the person's circumstances affecting the person's entitlement to the living alone payment under section 13 of the principal Act (as it read immediately before the commencement of this Act); and

(b) on or after the commencement of this Act, the person is entitled to receive the single living alone rate of New Zealand superannuation specified in clause 1(a) of Schedule 1 of the principal Act (as amended by this Act) if, and so long as, he or she continues to be living alone within the meaning of section 13 of the principal Act (as it read immediately before the commencement of this Act).

(4) If the person does not apply for a living alone payment, then on or after the commencement of this Act, the person is entitled to receive the single living alone rate of New Zealand superannuation specified in clause 1(a) of Schedule 1 of the principal Act (as amended by this Act) if, and so long as, he or she continues to be living alone within the meaning of section 4A of the principal Act (as so amended).

## Notes

### *1 General*

This is a consolidation of the New Zealand Superannuation and Retirement Income Act 2001 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### *2 Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### *3 Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### *4 Amendments incorporated in this consolidation*

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Social Security (Rates of Benefits and Allowances) Order 2026 (SL 2026/36): clauses 6, 7(2)–(3)

New Zealand Superannuation and Retirement Income (Controlling Interests) Amendment Act 2024 (2024 No 16)

Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65): section 11

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021 (2021 No 46): Part 1

Secondary Legislation Act 2021 (2021 No 7): section 3

New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36): Part 1

New Zealand Superannuation and Retirement Income Amendment Act 2019 (2019 No 77)

Accident Compensation Amendment Act 2019 (2019 No 10): Part 2 subpart 1

Social Assistance (Residency Qualification) Legislation Act 2018 (2018 No 45): Part 1

Social Security Act 2018 (2018 No 32): section 459

Taxation (Annual Rates for 2017–18, Employment and Investment Income, and Remedial Matters) Act 2018 (2018 No 5): section 259

New Zealand Superannuation (Political Commitment) Order 2018 (LI 2018/13)

Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12): Part 1 subpart 11

Statutes Amendment Act 2016 (2016 No 104): Part 20

Customs and Excise (Tobacco Products—Budget Measures) Amendment Act 2016 (2016 No 25): section 9

New Zealand Superannuation and Retirement Income Amendment Act 2015 (2015 No 93)

Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015 (2015 No 61): Part 2 subpart 1

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 126

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Crown Entities Amendment Act 2013 (2013 No 51): sections 42, 72

Public Finance Amendment Act 2013 (2013 No 50): section 57

Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13): section 97

Social Assistance (Living Alone Payments) Amendment Act 2013 (2013 No 11): Part 1

New Zealand Superannuation and Retirement Income (Indexation—Budget Measures) Amendment Act 2012 (2012 No 81)

New Zealand Superannuation and Retirement Income Amendment Act 2012 (2012 No 16)

Taxation (Tax Administration and Remedial Matters) Act 2011 (2011 No 63): section 209

Financial Reporting Amendment Act 2011 (2011 No 22): section 12

New Zealand Superannuation and Retirement Income Amendment Act 2010 (2010 No 32)

New Zealand Superannuation and Retirement Income Amendment Act 2009 (2009 No 40)

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Social Security Amendment Act 2007 (2007 No 20): section 12(2)

New Zealand Superannuation and Retirement Income Amendment Act 2006 (2006 No 31)

Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45): section 63

New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42)

New Zealand Superannuation Amendment Act 2005 (2005 No 17)

Crown Entities Act 2004 (2004 No 115): section 200

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

New Zealand Superannuation (Political Commitment) Order 2004 (SR 2004/431)

Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101): section 12(2)

Employment Relations Amendment Act (No 2) 2004 (2004 No 86): section 72

New Zealand Superannuation (Political Commitment) Order 2003 (SR 2003/278)

Public Finance Act 1989 (1989 No 44): section 65R(3)

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