Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015

Public Act	2015 No 61
Date of assent	23 June 2015
Commencement	see section 2

Contents

		Page
1	Title	2
2	Commencement	2
	Part 1 **Preliminary provisions**	
3	Purpose	2
	Part 2 **Amendments to enactments**	
	Subpart 1—Amendments to New Zealand Superannuation and Retirement Income Act 2001	
4	Principal Act	2
5	Section 8 amended (Residential qualification for New Zealand superannuation)	2
6	Section 31 amended (Entitlement to be paid New Zealand superannuation in specified Pacific country)	3
7	Section 33 amended (Commencement and termination of payments)	3
	Subpart 2—Amendments to Veterans' Support Act 2014	
8	Principal Act	4
9	Section 191 amended (Entitlement to be paid veteran's pension in specified Pacific country)	4
10	Section 193 amended (Commencement and termination of payments)	4

Subpart 3—Amendment to Social Security Act 1964

11 Principal Act 5
12 Section 11D amended (Application process for benefits) 5

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Assistance (Portability to Cook Islands, Niue, and Tokelau) Act 2015.

2 Commencement

This Act comes into force on 1 July 2015.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to allow eligible persons who reside in the Cook Islands, Niue, or Tokelau to be able to apply from either of those countries or that territory for New Zealand superannuation or a veteran's pension and be paid these benefits in either of those countries or that territory or in other specified Pacific countries.

Part 2
Amendments to enactments

Subpart 1—Amendments to New Zealand Superannuation and Retirement Income Act 2001

4 Principal Act

This subpart amends the New Zealand Superannuation and Retirement Income Act 2001 (the **principal Act**).

5 Section 8 amended (Residential qualification for New Zealand superannuation)

Replace section 8(a) with:

(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

6 Section 31 amended (Entitlement to be paid New Zealand superannuation in specified Pacific country)

(1) In section 31(1), after "subsection (3)", insert "or subsection (4)".

(2) After section 31(3), insert:

(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, before he or she left New Zealand to reside in one of the countries or in the territory specified in paragraph (b), met the residential qualifications for New Zealand superannuation set out in section 8(b) and (c); 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 11D of the Social Security Act 1964.

(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.

7 Section 33 amended (Commencement and termination of payments)

(1) Replace section 33(1) with:

(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.

(2) After section 33(1), insert:

(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.

Subpart 2—Amendments to Veterans' Support Act 2014

8 Principal Act

This subpart amends the Veterans' Support Act 2014 (the **principal Act**).

9 Section 191 amended (Entitlement to be paid veteran's pension in specified Pacific country)

(1) In section 191(1), after "subsection (2) or (3)", insert "or (4)".

(2) After section 191(3), insert:

(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 a veteran's pension 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, before he or she left New Zealand to reside in one of the countries or in the territory specified in paragraph (b), met the residential qualifications for New Zealand superannuation set out in section 8(b) and (c) of the New Zealand Superannuation and Retirement Income Act 2001; and

(d) who is resident in a specified Pacific country when each payment of the veteran's pension is due to be paid to him or her.

(5) If subsection (4) applies, an application to be paid a veteran's pension in a specified Pacific country must be made in addition to an application to be paid a veteran's pension under section 11D of the Social Security Act 1964.

(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 of the New Zealand Superannuation and Retirement Income Act 2001, in anticipation of becoming entitled to be paid a veteran's pension on reaching the qualifying age; or

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

10 Section 193 amended (Commencement and termination of payments)

(1) In section 193(1)(b), after "into force", insert "; and".

(2) After section 193(1)(b), insert:

(c) in the case of a person to whom section 191(4) applies, the later of—

(i) the date that the person meets the age qualification for New Zealand superannuation in section 7 of the New Zealand Superannuation and Retirement Income Act 2001; and

(ii) the date that the application referred to in section 191(4) is made.

Subpart 3—Amendment to Social Security Act 1964

11 Principal Act

This subpart amends the Social Security Act 1964 (the **principal Act**).

12 Section 11D amended (Application process for benefits)

After section 11D(9), insert:

(9A) Subsection (8) does not apply to an application for—

(a) New Zealand superannuation, if section 31(4) of the New Zealand Superannuation and Retirement Income Act 2001 applies; or

(b) a veteran's pension, if section 191(4) of the Veterans' Support Act 2014 applies.

Legislative history

31 July 2014	Introduction (Bill 233–1)
4 November 2014	First reading and referral to Social Services Committee
27 March 2015	Reported from Social Services Committee (Bill 233–2)
5 May 2015	Second reading
16 June 2015	Committee of the whole House
18 June 2015	Third reading
23 June 2015	Royal assent

This Act is administered by the Ministry of Social Development.

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2015