



Social Security Amendment Act (No 2) 2010

Public Act 2010 No 85
Date of assent 6 July 2010
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Security Amendment Act (No 2) 2010.

2 Commencement

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

3 Principal Act amended

This Act amends the Social Security Act 1964.

4 Review of decisions

Section 10A(1A) is amended by omitting “district” and substituting “benefits”.

5 New section 12S inserted

The following section is inserted after section 12R:

“12S Appeals to Supreme Court

“(1) Any person affected by a determination of the High Court made under section 12Q, or a determination of the Court of Appeal made under section 12R, may apply, in accordance with the Supreme Court Act 2003, to the Supreme Court for leave to appeal against the determination.

“(2) Subsection (1) is by way of explanation only.”

6 Interpretation

Paragraph (b) of the definition of **weekly accommodation costs** in section 61E is amended by omitting “or subsequent renewal” and substituting “or any subsequent review”.

7 Grant or renewal of benefit after death of applicant

(1) The heading to section 62 is amended by omitting “or renewal”.

(2) Section 62 is amended by omitting “or for the renewal of a benefit”.

(3) Section 62 is amended by omitting “or renew”.

8 Disability allowance

Section 69C(5) is amended by repealing paragraphs (b) and (c) and substituting the following paragraph:

- “(b) the recipient’s spouse or partner is either—
- “(i) a patient in a hospital (as defined in section 75(1)) who is in receipt of a reduced benefit under section 75(3) or (4); or
 - “(ii) a resident assessed as requiring care (as defined in section 136), and in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in that section) under section 141 or 142,—”.

9 Limitation where applicant receiving another benefit or war pension

Section 72(a) is amended by omitting “and 69C” and substituting “61GA, and 69C, and section 23 of the Social Security (Working for Families) Amendment Act 2004”.

10 Limitation where applicant entitled to claim under Family Protection Act 1955 or Maori Affairs Act 1953

- (1) The heading to section 73 is amended by omitting “or Maori Affairs Act 1953”.
- (2) Section 73(1) is amended by omitting “or under Part 11 of the Maori Affairs Act 1953” in both places where it appears.
- (3) Section 73(3) is amended by omitting “or Part 11 of the Maori Affairs Act 1953”.

11 Residential requirements for certain benefits

Section 74AA is amended by inserting the following subsection after subsection (1):

- “(1A) Subsection (1) does not apply to a person at a time when—
- “(a) there is in force under section 19(1) of the Social Welfare (Transitional Provisions) Act 1990 an order declaring that the provisions contained in an agreement or convention with the government of another country set out in a schedule to the order have force and effect so far as they relate to New Zealand; and

“(b) he or she is ordinarily resident in that country.”

12 Persons liable for income tax on earnings while employed overseas deemed to be resident in New Zealand

- (1) Section 79(1) is amended by inserting “, on or after 23 June 1987,” after “the return”.
- (2) Section 79(1)(a) and (b) are amended by inserting “and present” after “to have been resident”.

13 Commencement of benefits

Section 80(8) is amended by repealing paragraph (c) and substituting the following paragraph:

“(c) the employment—

“(i) was temporary employment, whether or not the person was aware it would be temporary employment when accepting the offer; or

“(ii) was part-time work for a period of less than 26 weeks, whether or not the person was aware it would be part-time work for a period of less than 26 weeks when accepting the offer; and”.

14 Unemployment benefit: pre-benefit activities

Section 96A(8) is amended by omitting “section 11D(5)” and substituting “section 11D(7)”.

15 Application and obligations of work test

Section 102(2)(h) is amended by omitting “(2B)” and substituting “(2C)”.

16 Regulations relating to childcare assistance

Section 132AC is amended by repealing subsection (3) and substituting the following subsection:

“(3) For the purposes of any adjustment required under subsection (2), the amount of—

“(a) any income limit to be adjusted is the amount in force immediately before the adjustment takes effect; and

“(b) any increase must be rounded up to the nearest whole dollar amount, but any subsequent adjustment must be

calculated on the amount of the increase without the rounding.”

17 Regulations relating to this Act

Section 155(2) is amended by omitting “1 March” and substituting “31 March”.

Legislative history

29 June 2010

Divided from Statutes Amendment Bill by committee of the whole House, third reading

6 July 2010

Royal assent

This Act is administered by the Ministry of Social Development.
