

## **Social Security Amendment Bill**

(Divided from the Support for Children in Hardship Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Support for Children in Hardship Bill as reported from the Social Services Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- this Bill comprising clauses 1 and 2, Part 1, and the Schedule
- Education Amendment Bill comprising Part 2
- Taxation (Support for Children in Hardship) Bill comprising Part 3



**Social Security Amendment Bill**

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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

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*Hon Anne Tolley*

## **Social Security Amendment Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

### **1 Title**

This Act is the Social Security Amendment Act **2015**.

## 2 Commencement

This Act comes into force on 1 April 2016, and, if any Order in Council made under section 61HA(2) of the Social Security Act 1964 comes into force on the same date, this Act comes into force immediately before that order.

## 3 Principal Act

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

## 4 Section 3 amended (Interpretation)

(1) In section 3(1), replace the definition of **part-time work** with:

**part-time work** means employment that is not full-time employment, but is employment—

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(a) that is—

- (i) under a contract of service, whether on time or piece rates; or
- (ii) as a self-employed person in any business, profession, trade, manufacture, or undertaking; and

(b) that—

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- (i) averages not less than 15 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months,—

(A) in relation to a person granted jobseeker support on the ground of sickness, injury, or disability; or

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(B) for the purposes of sections 11E(2), 88F, 88H(2)(b), and 88I(2)(b); or

- (ii) averages not less than 20 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months, in any other case

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(2) In section 3(1), definition of **part-time work-tested beneficiary**, paragraph (a), replace “5” with “3”.

(3) In section 3(1), definition of **work-tested sole parent support beneficiary**, paragraph (b), replace “5” with “3”.

(4) In section 3(1), definition of **work-tested spouse or partner**, paragraph (a)(i), replace “5” with “3”. 30

## 5 Section 3C amended (Transitional and savings provisions relating to amendments to this Act)

In section 3C(2), table, after the last item, insert:

<b>Part 1 of the Support for Children in Hardship Act 2015</b>	Part 4
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- 6 Section 60GAE amended (Beneficiaries having additional dependent child: general)**  
In section 60GAE(2)(b), replace “5” with “3”.
- 7 Section 60Q amended (Certain obligations may be placed on beneficiaries and their spouses and partners)** 5  
(1) In section 60Q(1)(a), replace “5” with “3”.  
(2) In section 60Q(1)(c)(ii), replace “5” with “3”.
- 8 Section 61A amended (Obligations of spouse or partner of person granted emergency benefit)**  
In section 61A(1A)(a), replace “aged 5 or older but under 18 years” with “aged 3 or older but under 14 years”. 10
- 9 Section 61HA amended (Annual CPI adjustment of rates of certain benefits)**  
(1) After section 61HA(2), insert:  
(2A) Despite subsection (2), if any rate of benefit referred to in that subsection is increased on 1 April 2016 by **Part 1 of the Support for Children in Hardship Act 2015**,— 15  
(a) the adjustment to that rate of benefit as at 1 April 2016 required by subsection (2) is to that rate as at 31 March 2016; and  
(b) the amount by which the rate was increased by **Part 1 of the Support for Children in Hardship Act 2015** on 1 April 2016 is additional to the adjustment referred to in **paragraph (a)**. 20  
(2) After section 61HA(6), insert:  
(7) **Subsection (2A)** is repealed on 30 April 2016, and this subsection is repealed immediately after. 25
- 9A Section 116B amended (Failures to comply with obligations)**  
(1) In section 116B(1)(g), replace “15 hours a week” with “part-time work”.  
(2) In section 116B(1)(h), replace “15 hours a week” with “part-time work”.
- 10 Amendments to various schedules**  
Schedules 3, 3A, 6, 9, 16, 26, and 32 are amended in the manner set out in the **Schedule** of this Act. 30

**Schedule**  
**Amendments to Schedules 3, 3A, 6, 9, 16, 26, and 32 of Social Security Act 1964**

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**Schedule 3**

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In clause 1, replace “\$300.98” with “\$325.98”.

**Schedule 3A**

In clause 1, replace “\$300.98” with “\$325.98”.

**Schedule 6**

Replace clause 1(c) to (h) with:

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(c)	To a single beneficiary with 1 or more dependent children	\$370.02 a week, subject to Income Test 1
(d)	To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a benefit other than a veteran’s pension	\$218.86 a week, increased by— (i) \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has not been granted a main benefit under this Act, the total rate to be subject to Income Test 2; or (ii) \$12.50 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has been granted a main benefit under this Act, the total rate to be subject to Income Test 2
(e)	To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a veteran’s pension	\$218.86 a week, increased by \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1
(f)	To a beneficiary receiving a supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness who is married, in a civil union, or in a de facto relationship, whose spouse or partner is not granted a benefit in his or her own right	\$218.86 a week, increased by \$218.86 a week in respect of his or her spouse or partner and a further \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1
(g)	To a beneficiary receiving a supported living payment under section 40D on the ground of caring for a patient requiring care, if the beneficiary is married, in a civil union, or in a de facto relationship and the beneficiary’s spouse or partner is not granted a benefit in his or her own right	\$218.86 a week, increased by \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1



**Schedule 6—continued**

Replace clause 3 with:

- 3 Despite clause 1(d), (e), and (g), the rate of a supported living payment on the ground of caring for a patient requiring care under any of those paragraphs must not be less than the rates that would be payable if the beneficiary and the spouse or partner of the beneficiary were both entitled to receive the benefit on those grounds; but the rate of benefit payable under this clause must not exceed— 5
- (a) \$218.86 a week if the beneficiary and his or her spouse or partner have no dependent children; or
  - (b) \$243.86 a week if the beneficiary and his or her spouse have 1 or more dependent children. 10

**Schedule 9**

In clause 1(ba), replace “\$300.98” with “\$325.98”.

In clause 1(c), replace “\$300.98” with “\$325.98”.

Replace clause 1(d) to (g) with:

- (d) To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a benefit other than a veteran’s pension \$175.10 a week, increased by—
  - (i) \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has not been granted a main benefit under this Act, the total rate to be subject to Income Test 4; or
  - (ii) \$12.50 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has been granted a main benefit under this Act, the total rate to be subject to Income Test 4
- (e) To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a veteran’s pension \$175.10 a week, increased by \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 3
- (f) To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is not granted a benefit in his or her own right \$175.10 a week, increased by \$175.10 a week in respect of his or her spouse or partner and a further \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 3

In clause 5, replace “\$175.10 a week, subject to Income Test 4” with “\$175.10 a week, increased by \$12.50 a week if the beneficiary has 1 or more dependent children, the total rate to be subject to Income Test 4”.

**Schedule 16**

In clause 1, replace “\$300.98” with “\$325.98”.

**Schedule 26**

In clause 2, replace “140.08” with “165.08”.

In clause 3, replace “300.98” with “325.98”.

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Replace clause 5 with:

5	For a young person who is married, in a civil union, or in a de facto relationship and has a dependent child or dependent children	175.10 a week, increased by—
		(i) 25 a week if the young person’s spouse or partner is not receiving a young parent payment, the total rate to be subject to clause 11; or
		(ii) 12.50 a week if the young person’s spouse or partner is receiving a young parent payment, the total rate to be subject to clause 11

**Schedule 32**

After Schedule 32, Part 3, insert:

<b>Part 4</b>		
<b>Social Security Amendment Act 2015</b>		10
21	<b>Regulations for provision of financial assistance to financially disadvantaged persons</b>	
(1)	The purpose of this clause is to enable the making of regulations authorising the provision of financial assistance to any persons who are financially disadvantaged as an unintended consequence of the net effects of the amendments made by <b>Part 1 of the Support for Children in Hardship Act 2015, Part 2 of the Support for Children in Hardship Act 2015, Part 3 of the Support for Children in Hardship Act 2015</b> , and any related regulations or other instruments.	15
(2)	The chief executive may from time to time grant to a person referred to in <b>subclause (1)</b> financial assistance—	20
	(a) of the prescribed kind and in the prescribed amount; and	
	(b) for the prescribed period; and	
	(c) in accordance with the prescribed criteria; and	
	(d) in accordance with any other requirements set out in the regulations made under <b>subclause (3)</b> .	25

**Schedule 32**—*continued*

- (3) The Governor-General may from time to time, by Order in Council, make regulations for the purposes of this clause.
- (4) Regulations made under **subclause (3)** must state the date on and after which they are to have effect (which may be a date earlier than the date on which they were made).

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**Legislative history**

1 December 2015

Divided from Support for Children in Hardship Bill (Bill 23–2)  
as Bill 23–3A