

**Social Security (Benefit Categories
and Work Focus) Amendment Bill**

Government Bill

As reported from the committee of the whole
House

**Social Security (Benefit Categories and
Work Focus) Amendment Bill**

Key to symbols used in reprinted bill

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

text inserted

~~text deleted~~

Hon Paula Bennett

Social Security (Benefit Categories and Work Focus) Amendment Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Security (Benefit Categories and Work Focus) Amendment Act **2012**.

2 Commencement

5

(1) The following come into force on **15 July 2013**:

(a) **Part 1** (except **sections 25A, 28, 38, 49, 50, and 53**,
on—

(iaa) the transfer to an emergency benefit of certain
people 65 years old or older; and

10

(i) the use of the disability allowance to fund speci-
fied expenses; and

(ii) preferred suppliers of goods or services for bene-
ficiaries or others):

- (b) **Part 2:**
- (c) **Schedules 1 to 7.**
- (2) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

- 3 Principal Act** 5
This Act amends the Social Security Act 1964 (the **principal Act**).

Part 1 Substantive amendments

Overview 10

- 4 Overview of Part**
- (1) This **Part** contains substantive amendments to the principal Act. (Related consequential amendments to the principal Act and to other enactments, and transitional and savings provisions, are contained in **Part 2**.) 15
- (2) The substantive amendments in this **Part** are for purposes that include—
 - (a) introducing new benefit categories (sole parent support, supported living payment, and jobseeker support); and
 - (b) providing for new obligations (obligations to work with contracted service providers, social obligations of certain beneficiaries with dependent children, and, for work-tested beneficiaries, new work test obligations that are drug test obligations); and 20
 - (c) providing for, or adjusting provisions on, other matters (including the effect on a benefit of a warrant to arrest a beneficiary, when beneficiaries can be paid a benefit while overseas, backdating benefits, benefit end dates, and expiry and re-grant of specified benefits); and 25
 - (d) making clearer the principal Act's structure (*see section 56 and Part 1 of Schedule 2*), by reorganising headings, and by relocating section 53A (which gives a right of appeal to a medical board on medical grounds against specified decisions). 30

*Social obligations of certain
beneficiaries with dependent children***5 Section 1A amended (Purpose)**

Replace section 1A(d) with:

- “(d) to impose, on the following specified people or young persons, the following specified requirements or obligations: 5
- “(i) on people seeking or receiving financial support under this Act, administrative and, where appropriate, work-related requirements; and 10
- “(ii) on young persons who are seeking or receiving financial support under this Act, educational, budget management, and (where appropriate) parenting requirements; and
- “(iii) on people receiving certain financial support under this Act, social obligations relating to the education and primary health care of their dependent children.” 15

Pre-benefit activities, work-test couple rate, and ordinarily resident in New Zealand 20

6 Section 3 amended (Interpretation)

(1) In section 3(1), insert in its appropriate alphabetical order:

“**main benefit under this Act** means a benefit that is—

- “(a) sole parent support; or
- “(b) a supported living payment on the ground of sickness, injury, disability, or total blindness, under **section 40B**; or 25
- “(c) a supported living payment on the ground of caring for a patient requiring care, under **section 40D**; or
- “(d) jobseeker support; or 30
- “(e) an emergency benefit; or
- “(f) a youth payment; or
- “(g) a young parent payment”.

(2) In section 3(1), repeal the definition of **married rate**.(3) In section 3(1), definition of **ordinarily resident**, after “**ordinarily resident**”, insert “**in New Zealand**”. 35

- (4) In section 3(1), definition of **work-test married rate**, replace “**married**” with “**couple**”.

Status of examples

7 New section 3B inserted (Status of examples)

After section 3 (but before the **section 3C** inserted by **section 131** of this Act), insert:

“3B Status of examples

- “(1) An example used in an enactment in or made under this Act is only illustrative of the provisions to which it relates. It does not limit those provisions. 10
- “(2) If an example and a provision to which it relates are inconsistent, the provision prevails.”

Ministerial directions

7A Section 5 amended (Chief executive to comply with directions) 15

- (1) After section 5(2), insert:
- “(3) A direction given under this section for the purposes of all or any of **sections 60RAB(1)(b), 125AA(5), and 132AD(4)(c)** (other than a direction of that kind that relates exclusively to an individual)— 20
- “(a) is a regulation for the purposes of the Regulations (Disallowance) Act 1989; but
- “(b) is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.”
- (2) **Subsection (3)** takes effect on the repeal of the Acts and Regulations Publication Act 1989 and the Regulations (Disallowance) Act 1989. 25
- (3) Replace **section 5(3)** (as inserted, on **15 July 2013**, by **subsection (1)**) with:
- “(3) A direction given under this section for the purposes of all or any of **sections 60RAB(1)(b), 125AA(5), and 132AD(4)(c)** (other than a direction of that kind that relates exclusively to an individual)— 30
- “(a) is not a legislative instrument for the purposes of the Legislation Act 2012; but 35

“(b) is a disallowable instrument for the purposes of the Legislation Act 2012, and must be presented to the House of Representatives in accordance with section 41 of that Act.”

Ordinarily resident in New Zealand 5

8 Section 11D amended (Application process for benefits)
In section 11D(9), before “resident”, insert “ordinarily”.

Pre-benefit activities

9 New sections 11E to 11H inserted
After section 11D, insert: 10

“11E Pre-benefit activities: requirements

“(1) This section applies to a person if the person is—

“(a) a person who contacts the department on or after **15 July 2013** requesting financial assistance under this Act, if the chief executive considers that the appropriate financial assistance would be a benefit that is— 15

“(i) jobseeker support; or

“(ii) sole parent support; or

“(iii) an emergency benefit; or

“(b) the spouse or partner (if, and only if, he or she is a spouse or partner who is not receiving or applying for a main benefit under this Act (as defined in section 3(1)), New Zealand superannuation, or a veteran’s pension, in his or her own right) of a person who contacts the department on or after **15 July 2013** requesting financial assistance under this Act, if the chief executive considers that the appropriate financial assistance would be a benefit that is— 20 25

“(i) jobseeker support; or

“(ii) a supported living payment on the ground of sickness, injury, disability, or total blindness; or 30

“(iii) an emergency benefit.

“(2) The chief executive may (for the purpose stated in section 1A(a)(ii)) require a person to whom this section applies (unless the chief executive has determined that the person 35

has not the capacity to seek, undertake, and be available for part-time ~~work~~, work) to do any or all of the following:

“(a) undertake 1 or more stated pre-benefit activities:

“(b) at any time before the benefit to which **subsection (1)(a) or (b)** applies commences, attend and participate 5
in any interview for an opportunity of suitable employment to which the person is referred by the chief executive:

“(c) at any time before the benefit to which **subsection (1)(a) or (b)** applies commences, accept any offer of 10
suitable employment (whether or not the offer results from an interview of the kind described in **paragraph (b)**).

“(3) **Pre-benefit activity**, in this section and **sections 11F to 11H**, means an activity that is not an activity in the community 15
(as defined in section 3(1)), but is all or any of the following:

“(a) attending and participating in an employment related seminar provided by the department or by any other person approved by the chief executive for the purpose:

“(b) attending and participating in employment related training approved by the chief executive for the purpose: 20

“(c) attending and participating in any interview with an officer of the department:

“(d) completing any self-assessment or planning required by the chief executive: 25

“(e) any other activity stated in regulations under section 132J.

“(4) **Suitable employment**, for the purposes of **subsection (2)**,—

“(a) in relation to a person who has a dependent child aged under 14 years, and to whom this section applies by 30
virtue of **subsection (1)(a)(ii) or (b)**, means employment that would be suitable employment within the meaning of section 3(1) if he or she were a part-time work-tested beneficiary:

“(b) in relation to a person for whom the chief executive 35
considers that the appropriate financial assistance under this Act would be jobseeker support on the ground of sickness, injury, or disability, means employment that would be suitable employment within the meaning of

- section 3(1) if he or she were a part-time work-tested beneficiary:
- “(c) in relation to any other person, means employment that would be suitable employment within the meaning of section 3(1) if he or she were a work-tested beneficiary. 5
- “(5) A requirement under **subsection (2)** may be oral or written and, in the case only of a requirement under **subsection (2)(a)**, may be revoked orally or in writing in accordance with **subsection (7)**.
- “(6) A pre-benefit activity stated under **subsection (2)(a)** must be available for the person to undertake not later than 10 working days after the date of first contact. 10
- “(7) The chief executive may revoke a requirement that the person undertake a pre-benefit activity under **subsection (2)(a)** if, and only if, the chief executive considers the requirement is no longer reasonable. 15
- “**11F Pre-benefit activities: department must explain requirements**
- The chief executive must take reasonable and appropriate steps to make every person on whom any requirements are placed under **section 11E(2)** aware of the following: 20
- “(a) the person’s obligations in relation to the requirements; and
- “(b) the consequences of failure to comply with the requirements; and 25
- “(c) when a requirement is to be, or has been, revoked, and when the revocation takes, or took, effect.
- “**11G Pre-benefit activities: consequences of non-compliance by applicant**
- “(1) In this section,— 30
- “~~applicant~~, applicant means a person to whom **section 11E(1)(a)** applies
- “**specified benefit** means the benefit to which **section 11E(1)(a)** applies.
- “(2) The chief executive is not required to investigate under section 12 a claim for the specified benefit made by the applicant 35

unless satisfied that the applicant has undertaken any required pre-benefit activities.

- “(3) **Subsection (2)** applies whether or not the applicant has completed the form of application for the specified benefit.
- “(4) If the applicant fails to undertake any required pre-benefit activities within 20 working days after the date of first contact, any application for the specified benefit the applicant has made lapses. 5
- “(5) **Subsection (4)** overrides section 11D(7).
- “(6) This subsection applies to an applicant if the chief executive considers that the applicant has, without a good and sufficient reason, failed to comply with a requirement under **section 11E(2)(b) or (c)**. 10
- “(7) If **subsection (6)** applies to an applicant, the chief executive must, as the case requires,— 15
- “(a) refuse to grant the applicant the specified benefit; or
- “(b) terminate any grant of the specified benefit already made to the applicant.
- “**11H Pre-benefit activities: consequences of non-compliance by applicant’s spouse or partner** 20
- “(1) In this section,—
- “**applicant** means a person who contacts the department in accordance with **section 11E(1)(b)**
- “**applicant’s spouse or partner** means an applicant’s spouse or partner to whom **section 11E(1)(b)** applies 25
- “**specified benefit** means the benefit to which **section 11E(1)(b)** applies.
- “(2) This subsection applies to an applicant’s spouse or partner if the chief executive considers that the applicant’s spouse or partner— 30
- “(a) has failed to undertake a required pre-benefit activity within 20 working days after the date of the applicant’s first contact; or
- “(b) has failed without a good and sufficient reason to comply with a requirement under **section 11E(2)(b) or (c)**. 35

“(3) If **subsection (2)** applies to an applicant’s spouse or partner, the applicant receives the following (if all or any of them is granted) at the following rate or rates only:

“(a) the specified benefit—half of the rate of that benefit payable to a beneficiary who is married or 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: 5

“(b) the accommodation supplement, temporary additional support, or both (if any), to which the applicant and the applicant’s spouse or partner would apart from this subsection be entitled—half of the otherwise applicable rate or rates. 10

“(4) **Subsection (3)** overrides other provisions of this Act but does not preclude a review under section 81.”

Rights of appeal: work test obligations: drug testing obligations 15

10 Section 12J amended (Rights of appeal)

Before section 12J(1A), insert:

“(1AB) No appeal lies under subsection (1)(a) against a decision under **section 116C(2)(a)** against which an appeal lies under **section 10B(1)(g)** to the medical board.” 20

Sole parent support

11 New Part 1B inserted

Replace sections 21, 21A (as inserted on 15 October 2012 by section 35 of the Social Security (Youth Support and Work Focus) Amendment Act 2012), and 24 and the cross-heading above section 21 with: 25

“Part 1B

“Sole parent support

“20A Sole parent support: meaning of applicant 30

Applicant, in this section and **sections 20B to 20H** and **Schedule 3A**, means a person who is any of the following:

“(a) a person who is the mother or father of 1 or more dependent children and who is living apart from, and has

lost the support of or is being inadequately maintained by, the person's spouse or partner:

- “(b) a single person who is the mother or father of 1 or more dependent children:
- “(c) a person whose marriage or civil union has been dissolved, and who is the mother or father of 1 or more dependent children: 5
- “(d) a person who is the mother or father of 1 or more dependent children and who has lost the regular support of the person's spouse or partner because that spouse or partner is subject to a sentence of imprisonment and is— 10
 - “(i) serving the sentence in a prison (as defined in section 3(1) of the Corrections Act 2004); or
 - “(ii) subject to release conditions (as defined in section 4(1) of the Parole Act 2002) that prevent him or her undertaking employment: 15
- “(e) a person who is the mother or father of 1 or more dependent children and who has lost the regular support of the person's spouse or partner because that spouse or partner is subject to a sentence of supervision, intensive supervision, or home detention and is subject to conditions (including post-detention conditions of a sentence of home detention) that prevent that spouse or partner from undertaking employment: 20 25
- “(f) a person who is the mother or father of 1 or more dependent children and whose spouse or partner has died.

“20B Sole parent support: when dependent child may be regarded as applicant's child

The chief executive may, in his or her discretion, regard a dependent child as being a child of an applicant, and the applicant as being the mother or father of the child, for the purposes of sections 20A and 20C to 20H and Schedule 3A, if— 30

- “(a) the child—
 - “(i) is being maintained by the applicant; and 35
 - “(ii) was at any time maintained by the applicant's spouse or partner; or

- “(b) neither an orphan’s benefit nor an unsupported child’s benefit is payable in respect of the child, but—
- “(i) section 28(a) is complied with for each of the child’s natural or adoptive parents; or
- “(ii) section 29(b) is complied with for care for the child and full provision for the child’s support; or
- “(c) the child’s parents are unwilling to support the child because of circumstances the chief executive considers exceptional.
- “20C **Split Sole parent support: split custody**
- “(1) This section applies to the parents of 2 or more dependent children if,—
- “(a) the parents are living apart; and
- “(b) each parent is the principal caregiver of 1 or more of the children; and
- “(c) but for this section, both parents would be entitled to sole parent support.
- “(2) Only 1 of the 2 parents is entitled to sole parent support, and the parent who is entitled to sole parent support must be—
- “(a) the parent already receiving sole parent support in respect of any of the children; or
- “(b) the parent whom the chief executive considers was the principal caregiver in respect of the children immediately before the parents began living apart, if no parent is already receiving sole parent support in respect of any of the children; or
- “(c) the parent who is the principal caregiver in respect of the youngest child, if neither parent was the principal caregiver in respect of the children before they began living apart, or the chief executive is unable to ascertain which parent was the principal caregiver in respect of the children immediately before they began living apart.
- “(3) This section does not apply if each parent has become the principal caregiver in respect of at least 1 child under 1 or more orders—
- “(a) made by a court of competent jurisdiction; and
- “(b) about the role of providing day-to-day care for children.

- “(4) **Child**, in this section, means a dependent child of the parents—
- “(a) born of their relationship; or
 - “(b) adopted by the parents or by one of the parents during their marriage or civil union or de facto relationship. 5
- “**20D Sole parent support: standard eligibility requirements**
- “(1) An applicant is entitled to sole parent support if the chief executive is satisfied that the applicant—
- “(a) meets the residential requirements in section 74AA; and
 - “(b) is aged 19 years or over; and 10
 - “(c) is caring for a dependent child who is, or dependent children 1 or more of whom is or are, aged under 14 years; and
 - “(d) is either—
 - “(i) a person in **section 20A(a), (b), (c), or (f)** who is not living together with his or her spouse or partner (if any), or the other parent (if any) of that dependent child or of all or any of those dependent children; or
 - “(ii) a person in **section 20A(d) or (e)**. 20
- “(2) **Subsection (1)** is subject to the other provisions of this Act.
- “**20E Sole parent support: obligations on beneficiaries**
- A person who has been granted and receives sole parent support under **section 20D** must—
- “(a) comply with any obligation arising under section 60Q; 25
 - and
 - “(b) if he or she is a person to whom **section 60RA** applies, comply with the person’s social obligations under **section 60RA(3)**; and
 - “(c) if he or she is a work-tested sole parent support beneficiary, comply with the work test. 30
- “**20F Sole parent support: payment**
- “(1) Sole parent support commences in accordance with section 80.
 - “(2) Sole parent support must be paid in weekly instalments, in accordance with section 82. 35

- “(3) Payment of sole parent support may be suspended or cancelled in accordance with sections 80 to 82.
- “(4) **Subsection (3)** does not limit any other provision in this Act.

- “**20G Sole parent support: rate**
- “(1) Sole parent support must be paid to a person granted that benefit at the rate in **Schedule 3A**. 5
- “(2) **Subsection (1)** is subject to the other provisions of this Act.

- “**20H Sole parent support: expiry, and replacement with jobseeker support, when youngest dependent child 14**
- “(1) An applicant’s sole parent support under **section 20D** expires on the date that the applicant’s youngest dependent child turns 14 years old. 10
- “(2) But the applicant’s sole parent support is replaced with jobseeker support under **section 88B** that—
 - “(a) commences on that date; and 15
 - “(b) is deemed to be granted to him or her under **section 88B** as if he or she had applied for it.
- “(2A) However, if the chief executive believes on reasonable grounds that the applicant would not be eligible for jobseeker support on the date that the applicant’s youngest dependent child turns 14 years old,— 20
 - “(a) the applicant is not transferred by **subsection (2)** to jobseeker support; and
 - “(b) the chief executive must instead invite the applicant to apply for jobseeker support in accordance with section 11D. 25
- “(2B) Obligations or exemptions that immediately before the expiry under this section of the applicant’s sole parent support under **section 20D** apply to the applicant continue after that expiry in respect of jobseeker support to which the applicant is transferred by **subsection (2)**, but only if those obligations or exemptions are all or any of the following: 30
 - “(a) obligations under sections **60GAG**, **60RA**, 60Q(2), **100B**, 102, and 102A:
 - “(b) exemptions under section 105 (other than any exemption that, under regulations made under sec- 35

tion 123D(a), is not available to a person receiving
jobseeker support).

- “(3) This section does not preclude a review under section 81 of
whether the applicant satisfies the conditions of entitlement
for jobseeker support under **section 88B**.” 5

**12 Sections 27A to 27D and 27H(1) and (2) and cross-heading
above section 27A repealed**

Repeal sections 27A to 27D and 27H(1) and (2) and the cross-
heading above section 27A.

Supported living payment 10

13 Sections 27G and 27H repealed

Repeal sections 27G and 27H.

**14 Section 39F renumbered and amended (Purpose of
invalid’s benefit)**

- (1) Section 39F is renumbered as **section 40A**. 15
- (2) Replace the heading to section 39F with “**Supported living
payment: purpose**”.
- (3) In section 39F(1),—
- (a) replace “invalid’s benefit” with “supported living pay-
ment”; and 20
- (b) replace “people who—” with “people because they are
people who fall within any 1 of the following 3 categor-
ies:”.
- (4) In section 39F(1)(a), before “have,”, insert “people who”, and
replace “; or” with “:”. 25
- (5) In section 39F(1)(b), before “are”, insert “people who”, and
replace “.” with “:”.
- (6) After section 39F(1)(b), insert:
- “(c) people who are required to give full-time care and at-
tention at home to some other person (other than their
spouse or partner) who is a patient requiring care.” 30
- (7) Replace section 39F(2) with:
- “(2) The purpose in subsection (1) is to be considered in the context
of—

- “(a) the expectation that people of working age support themselves directly or indirectly through employment; and
“(b) the fact that other measures are available for people who are temporarily unable to support themselves.” 5

15 Section 40 renumbered and amended (Invalid’s benefit)

- (1) Section 40 is renumbered as **section 40B**.
- (2) Replace the heading to section 40 with “**Supported living payment: on ground of sickness, injury, disability, or total blindness: eligibility and ineligibility**”. 10
- (3) In section 40(1), replace “who is aged 16 years or more is eligible for an invalid’s benefit if the chief executive is satisfied that—” with “is entitled to the supported living payment under this section if he or she satisfies the criteria in **subsections (1A) and (1B)**, and—”. 15
- (4) Repeal section 40(1)(aa).
- (5) In section 40(1)(b), after “disability”, insert “arising (in either case)”.
- (6) In section 40(1)(b), replace “congenital defect” with “existing from birth”. 20
- (7) After section 40(1), insert:
“(1A) An applicant for the supported living payment under this section must be aged at least 16 years.
“(1B) An applicant for the supported living payment under this section must meet the residential requirements in section 74AA.” 25
- (8) In section 40(3A), replace “section 44A” with “**section 40K**”.
- (9) In section 40(4) and (5), replace “an invalid’s benefit” with “a supported living payment under this section”.
- (10) Repeal section 40(6).

16 New sections 40C to 40HA inserted 30
After section 40 (as renumbered by **section 15(1)**), insert:

“40C Supported living payment: on ground of sickness, injury, disability, or total blindness: medical examination

“(1) This section applies to a person who is an applicant for, or a person in receipt of, a supported living payment on the ground of sickness, injury, disability, or total blindness. 5

“(2) The chief executive may require the applicant or beneficiary to submit himself or herself for examination by a medical practitioner or a psychologist. The medical practitioner or psychologist must be agreed for the purpose between the applicant or beneficiary and the chief executive, or, failing agreement, must be nominated by the chief executive. 10

“(3) The medical practitioner or psychologist must certify whether, in the medical practitioner’s or psychologist’s opinion, the applicant or beneficiary is, or is not, or whether there is doubt about whether the applicant or beneficiary is or is not, ~~(as the case may be)~~— 15

“(a) permanently and severely restricted in his or her capacity for work; or (as the case may be)

“(b) totally blind.

“(4) A certificate given under this section must state the grounds upon which the opinion is founded. 20

“(5) A certificate given under this section must, in the case of doubt referred to in **subsection (3)**, and may, in any other case, indicate a date for review of the permanency, severity, or both, of the applicant’s or beneficiary’s sickness, injury, or disability. 25

“40D Supported living payment: on ground of caring for patient requiring care: eligibility

“(1) A person is entitled to a supported living payment under this section if he or she satisfies the criteria in **subsections (2) and (3)**, and the chief executive is satisfied that the person is required to give full-time care and attention at home to some other person (other than the person’s spouse or partner) (in this section and **section 40E sections 40E, 40H, and 40HA** called the **patient**) who would otherwise have to receive care that is, or is equivalent to,— 30 35

“(a) hospital care, rest home care, or residential disability care, within the meaning of the Health and Disability Services (Safety) Act 2001; or

- “(b) care of the kind referred to in section 141 of the Children, Young Persons, and Their Families Act 1989 (which is a section relating to care of severely disabled children and young persons).
- “(2) An applicant must not be granted a supported living payment under this section unless,— 5
- “(a) in the case of an applicant without a dependent child, he or she is aged at least 18 years:
- “(b) in any other case, he or she is aged at least 19 years.
- “(3) An applicant for a supported living payment under this section must meet the residential requirements in section 74AA. 10
- “(4) A benefit granted under this section may, in the chief executive’s discretion, be continued for a period not exceeding 28 days even though the patient was not during that period in the full-time care of the beneficiary. 15
- “**40E Supported living payment: on ground of caring for patient requiring care: medical examination**
- “(1) Every application for a supported living payment on the ground of care at home for a patient requiring care must be supported by the certificate of a medical practitioner certifying— 20
- “(a) that the patient requires the applicant’s full-time care and attention; and
- “(b) that, but for that care and attention, the patient would have to receive care that is, or that is equivalent to, care of a kind specified in **section 40D(1)(a) or (b)**. 25
- “(2) The chief executive may, in the chief executive’s discretion, require that the patient be examined by a medical practitioner to be nominated for the purpose by the chief executive.
- “(3) A medical practitioner nominated under **subsection (2)** must determine whether the patient would, but for the applicant’s full-time care and attention, have to receive care that is, or is equivalent to, care of a kind specified in **section 40D(1)(a) or (b)**. 30

- “**40F Supported living payment: on ground of sickness, injury, disability, or total blindness: beneficiary’s obligations**”
A person who is granted a supported living payment on the ground of sickness, injury, disability, or total blindness, must,— 5
- “(a) if **section 60Q(1)(bb)** applies to the person, comply with any requirements under section 60Q(3); and
 - “(b) if he or she is a person to whom **section 60RA** applies, comply with the person’s social obligations under **section 60RA(3)**. 10
- “**40G Supported living payment: on ground of sickness, injury, disability, or total blindness: spouse’s or partner’s obligations**”
- “(1) This section applies to the spouse or partner of a person granted a supported living payment on the ground of sickness, injury, disability, or total blindness. 15
 - “(2) A person to whom this section applies—
 - “(a) must comply with all obligations arising under section 60Q; and
 - “(b) if he or she is a person to whom **section 60RA** applies, must comply with the person’s social obligations under **section 60RA(3)**; and 20
 - “(c) if he or she is a work-tested spouse or partner, must comply with the work test.
- “**40H Supported living payment: on ground of caring for patient requiring care: beneficiary’s obligations**” 25
- A person who is granted a supported living payment on the ground of care at home for a patient requiring care, must,—
- “(a) if **section 60Q(1)(bc)** applies to the person, comply with any requirements under section 60Q(3); and 30
 - “(b) if he or she is a person to whom **section 60RA** applies, comply with the person’s social obligations under **section 60RA(3)**.

“40HA Supported living payment: on ground of caring for patient requiring care: spouse’s or partner’s obligations

A person must comply with the person’s social obligations under **section 60RA(3)** if the person—

- “(a) is a person with 1 or more dependent children; and 5
- “(b) is the spouse or partner of (whether or not receiving all or any of the benefit instead of, or as well as) the person who is granted a benefit that is a supported living payment on the ground of care at home for a patient requiring care; and 10
- “(c) is not a young person on whom obligations are placed under section 171(1) or (2).”

17 Sections 42 and 42A replaced

Replace sections 42 and 42A with:

“40I Supported living payment: rates 15

- “(1) A supported living payment must be paid to a person granted that benefit at the appropriate rate in Schedule 6.
- “(2) **Subsection (1)** is subject to the provisions of this Act.
- “(3) This subsection applies to a person who is married or in a civil union or in a de facto relationship and— 20
 - “(a) has a psychiatric, intellectual, physical, or sensory disability; and
 - “(b) is receiving long-term residential care in a hospital or rest home because he or she has that disability; but
 - “(c) has not been means assessed under Part 4. 25
- “(4) A supported living payment payable to a person to whom **subsection (3)** applies is not apportioned under section 83 and must be paid, despite **subsection (1)**, at half of the appropriate rate in Schedule 6.
- “(5) A supported living payment payable to the spouse or partner 30
 - of a person to whom **subsection (3)** applies (being a spouse or partner who is not receiving long-term residential care in a hospital or rest home) is not apportioned under section 83 and must be paid, despite **subsection (1)**, at the rate in Schedule 6 that would be appropriate if he or she were entitled to a sup- 35
 - ported living payment in his or her own right and were single.”

18 Section 43 renumbered and amended (Subsidy on earnings of blind beneficiaries)

- (1) Section 43 is renumbered as **section 40J**.
(2) Replace the heading to section 43 with “**Supported living payment: subsidy on totally blind beneficiaries’ earnings**”. 5

19 Sections 44 and 44A replaced

Replace sections 44 and 44A with:

“40K Supported living payment: on ground of sickness, injury, or disability: encouraging open employment

“(1) The purpose of this section is to encourage specified recipients of a supported living payment to undertake open employment in order to establish whether they can sustain that employment and cease receiving that benefit. 10

“(2) This section applies to a person who—

“(a) is receiving a supported living payment granted on the ground of permanent and severe restriction of capacity for work; but 15

“(b) is with the chief executive’s agreement undertaking open employment for a period agreed with the chief executive in order to establish whether the person can sustain open employment. 20

“(3) The period of open employment agreed with the chief executive under **subsection (2)(b)** must not exceed 26 weeks (even if that employment is, or is expected to be, for a period that is longer than the agreed period). 25

“(4) A person to whom **subsection (2)** applies does not lose his or her entitlement to a supported living payment by reason only of working 15 or more hours a week in open employment during the agreed period.”

Sickness benefit abolished

30

20 Sections 54, 54A, 54B, 54D, 54DA, 54E, and 54F and cross-heading above section 54 repealed

Repeal sections 54, 54A, 54B, 54D, 54DA, 54E, and 54F and the cross-heading above section 54.

*Beneficiaries having additional
dependent child: exempting people
resident in certain overseas countries, and
eligibility for sole parent support*

- 21 Section 60GAE amended (Beneficiaries having additional dependent child: general) 5**
- (1) After section 60GAE(1) (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012), insert:
- “(1A) Subsection (1) does not apply to a person at a time when— 10
- “(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 15
- “(b) he or she is ordinarily resident in that country.”
- (2) In section 60GAE(2) (as so inserted), after “section 60Q(1)”, insert “or for the purposes of **section 20D(1)(c)** (which relates to eligibility for sole parent support)” 20
- (3) After section 60GAE(3) (as so inserted), insert:
- “(3A) In applying subsection (2) to a beneficiary of a kind specified in 1 of the following paragraphs for the purposes only of **section 20D(1)(c)** (which relates to eligibility for sole parent support), ‘An additional dependent child aged 1 or over’ must be read as ‘An additional dependent child at all times after that child is born’: 25
- “(a) a beneficiary transferred to jobseeker support by **clause 2(9) of Schedule 32:**
- “(b) a beneficiary whose sole parent support under **section 20D** expired on the date that the beneficiary’s youngest dependent child turned 14 years old, and has been replaced with jobseeker support, under **section 20H.**” 30

*Obligations to work with
contracted service providers*

**22 New section 60GAG inserted (Obligations to work with
contracted service providers)**

After section 60GAF (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012), insert:

“60GAG Obligations to work with contracted service providers

- “(1) A person who is receiving in his or her own right, or as the spouse or partner of the person granted the benefit concerned, an emergency benefit, sole parent support, supported living payment, or jobseeker support, is subject to the following obligations:
- “(a) when required by the chief executive, to attend and participate in any interview with a contracted service provider specified by the chief executive: 15
 - “(b) when required by the chief executive, to attend and participate in any assessment of the person undertaken on behalf of the chief executive by a contracted service provider specified by the chief executive: 20
 - “(c) when required by the chief executive, to co-operate with a contracted service provider specified by the chief executive in facilitating the provision of the services that the provider has been contracted to provide in relation to the person’s obligations under all or any of the following: 25
 - “(i) section 60Q (work preparation obligations):
 - “(ii) **section 60RA(3)** (social obligations):
 - “(iii) conditions (subject to which an emergency benefit is granted or continued) that the chief executive thinks fit to impose, or determines, under section 61(1) or (3): 30
 - “(iv) section 102A (work test obligations):
 - “(d) when required by the chief executive, to report to a contracted service provider specified by the chief executive on the person’s compliance with the person’s obligations under this Act as often as, and in the manner that, the provider reasonably requires. 35

- “(2) The chief executive must take reasonable and appropriate steps to make every person on whom obligations are imposed under **subsection (1)** aware of—
- “(a) those obligations; and
 - “(b) the consequences of failure to comply with those obligations. 5
- “(3) A person who fails without a good and sufficient reason to comply with an obligation imposed on the person under **subsection (1)** is subject to the sanctions under section 117.”

Work preparation exercise 10

- 23 Section 60HA repealed (Work preparation exercise)**
Repeal section 60HA.

Certain obligations may be placed on beneficiaries and their spouses and partners

- 24 Section 60Q amended (Certain obligations may be placed on beneficiaries and their spouses and partners)** 15
- (1) Before section 60Q(1)(c) (as replaced on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012), insert:
- “(ba) is a sole parent with a dependent child under the age of 1 year, and is a recipient of a benefit under **section 88B** (jobseeker support) instead of a benefit under **section 20D** (sole parent support) solely because that child is an additional dependent child (within the meaning of section 60GAE(1)); or 20
 - “(bb) is the recipient of a benefit under **section 40B** (supported living payment on the ground of sickness, injury, disability, or total blindness) if the chief executive is satisfied that the person has the capacity to comply with obligations under subsection (3); or 25
 - “(bc) is the recipient of a benefit under **section 40D** (supported living payment on the ground of caring for patient requiring care) if the chief executive is satisfied that the person has the capacity to comply with requirements under subsection (3); or”. 30
- (2) After section 60Q(1) (as so replaced), insert: 35

- “(1A) This section also applies (despite **subsection (1)** subsection (1)) to a person who—
- “(a) is a work-tested beneficiary (other than one to whom **subsection (1)(ba)** applies); and
 - “(b) has been granted under **section 88I** a deferral of the person’s work test obligations. 5
- “(1B) The chief executive may require a recipient of a benefit under **section 40B or 40D** to attend and participate in an interview with an officer of the department, or other person on behalf of the chief executive, for the purpose of helping the chief executive to determine under **subsection (1)(bb) or (bc)** whether the recipient has the capacity to comply with obligations under subsection (3).” 10
- (3) In section 60Q(2) (as so replaced), after “A person to whom this section applies”, insert “(other than a person to whom **subsection (1)(bb) or (bc)** applies)”. 15
- (4) In section 60Q(3) (as so replaced), after “a person to whom this section applies”, insert “(including, without limitation, a person to whom **subsection (1)(bb) or (bc)** applies)”. 20
- (5) After section 60Q(3)(a) (as so replaced), insert: 20
- “(aa) to attend and participate in an interview (other than one for the purpose specified in **subsection (1B)**) with an officer of the department or other person on behalf of the chief executive:
 - “(ab) to report to the department or to any other person acting on behalf of the chief executive on the person’s compliance with the person’s obligations under this section as often as, and in the manner that, the chief executive reasonably requires:” 25

*Social obligations of certain
beneficiaries with dependent children* 30

25 New sections 60RA to 60RC inserted

After section 60R (as replaced on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012), insert: 35

**“60RA Social obligations of certain beneficiaries
with dependent children**

- “(1) This section applies to a person if the person—
- “(a) is a person with 1 or more dependent children; and
 - “(b) is the person granted a benefit that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit, or is the spouse or partner of (whether or not receiving all or any of the benefit instead of, or as well as) that person; and
 - “(c) is not a young person on whom obligations are placed under section 171(1) or (2).
- “(2) A dependent child (as defined in section 3(1)) of a person granted a benefit described in **subsection (1)(b)** is (despite section 3) for the purposes of this section and of all related provisions in this Act (for example, for the purposes of **section 60RC**) also a dependent child of that person’s spouse or partner (if any).
- “(3) A person to whom this section applies has the following social obligations:
- “(a) to take all reasonable steps to ensure that every dependent child aged 3 years or more but less than 5 years and who is not enrolled at and regularly attending a registered school (as defined in section 2(1) of the Education Act 1989) is—
 - “(i) enrolled in a recognised early childhood education programme (as defined in **section 60RAB(1)**); and
 - “(ii) attending that programme to the minimum extent prescribed, or otherwise in the manner prescribed, for the purposes of this subparagraph by regulations made under section 132; and
 - “(ab) to take all reasonable steps to ensure that every dependent child aged 5 years or more but less than 6 years, and who is not a dependent child in respect of whom the person would qualify for an exemption from some or all of the person’s work test obligations on the active teaching out of school grounds in **section 60RAB(2)**, is—
 - “(i) enrolled in a recognised early childhood education programme (as defined in **section**

- 60RAB(1)**) and attending that programme to the minimum extent prescribed, or otherwise in the manner prescribed, for the purposes of this subparagraph by regulations made under section 132; or 5
- “(ii) enrolled at a registered school (as defined in section 2(1) of the Education Act 1989) and regularly attending that registered school; and
- “(b) to take all reasonable steps to ensure that every dependent child aged 6 years or more but less than 16 years is (except insofar as the child is excepted or exempted from the requirements of sections 20 and 25 of the Education Act 1989)— 10
- “(i) enrolled at a registered school (as defined in section 2(1) of that Act); and 15
- “(ii) regularly attending that registered school; and
- “(c) to take all reasonable steps to ensure that every dependent child is enrolled with a primary health care provider (for example, a primary health organisation, or a medical practitioner whose scope of practice is or includes general practice); and 20
- “(d) to take all reasonable steps to ensure that every dependent child under the age of 5 years is up to date with core checks (as defined in **section 60RAB(4)**) under—
- “(i) the programme that immediately before **15 July 2013** was known as Well Child; or 25
- “(ii) any similar programme established in its place; and
- “(e) when required by the chief executive, to attend and participate in any interview with an officer of the department or other person on behalf of the chief executive; and 30
- “(f) when required by the chief executive, to report to the department or to any other person acting on behalf of the chief executive on the person’s compliance with the person’s social obligations as often as, and in the manner that, the chief executive reasonably requires. 35

“**60RAB Social obligations: definitions, work test obligations exemption grounds, and regulations**

“(1) **Recognised early childhood education programme**, in **section 60RA** and this section, means—

“(a) an approved early childhood education programme (as defined for the purposes of **section 60RA(3)** in regulations made under section 132AC); or 5

“(b) an early childhood education programme approved by the chief executive having regard to all relevant approval criteria (if any) prescribed for the purposes of this paragraph in any general or special directions given to the chief executive in writing by the Minister under section 5; or 10

“(c) a programme of early childhood education provided by a school that is currently designated under section 152(1) of the Education Act 1989 as a correspondence school. 15

“(2) The active teaching out of school grounds mentioned in **section 60RA(3)(ab)** on which a person to whom **section 60RA** applies would qualify for an exemption from some or all of the person’s work test obligations in respect of a dependent child (aged 5 years or more but less than 6 years) of the person, are the grounds specified in— 20

“(a) regulation 6(2)(c) of the Social Security (Exemptions under Section 105) Regulations 1998; or 25

“(b) an enactment that, with or without modification, replaces, or that corresponds to, that enactment.

“(3) Regulations made under section 132 that prescribe, for the purposes of **section 60RA(3)(a)(ii) and (ab)(i)**, the minimum extent of, or other required manner of, attending a recognised early childhood education programme may, without limitation,— 30

“(a) prescribe, for all or any recognised early childhood programmes, target numbers of hours of attendance:

“(b) prescribe different minimum numbers of hours of attendance for all or any different recognised early childhood programmes. 35

“(4) **Core check**, for a child and a programme to which **section 60RA(3)(d)** applies, means a check—

- “(a) of the child’s health and well-being; and
- “(b) done under, and identified in contract or funding arrangements as an essential part of, the programme; and
- “(c) funded, directly or indirectly, through Vote Health.

“**60RB Social obligations: department must explain requirements** 5

The chief executive must take reasonable and appropriate steps to make every beneficiary who has social obligations under **section 60RA(3)** aware of—

- “(a) the beneficiary’s social obligations under **section 60RA(3)**; and 10
- “(b) the consequences of failure to comply with them.

“**60RC Social obligations: sanctions for failures to comply**

- “(1) A beneficiary who fails without good and sufficient reason to comply with a social obligation is, except as provided in **sub-sections (2) and (3)**, subject to the sanctions in section 117. 15
- “(2) A beneficiary’s failure to comply with the social obligation in **section 60RA(3)(b)** (which relates to specified dependent children being enrolled at and regularly attending a registered school) cannot be the subject of sanctions under section 117 if 20 that failure is the subject of a prosecution commenced against the beneficiary, and not withdrawn before it is finally determined, for an offence against—
 - “(a) section 24(1) of the Education Act 1989 (failure to enrol); or (as the case requires) 25
 - “(b) section 29(1) of the Education Act 1989 (irregular attendance).
- “(3) Before giving the beneficiary a notice under section 113, and imposing a sanction under section 117, for a beneficiary’s failure to comply with a social obligation under **section 60RA(3)**, the chief executive must first be satisfied 30 that, on at least 3 previous occasions, the department has had communication (of any kind, and in any manner) with the beneficiary in respect of the beneficiary’s compliance with, or an actual or potential failure of the beneficiary to comply 35 with, any social obligation of the beneficiary.

- “(4) This subsection applies to a beneficiary on whom sanctions in section 117 have been imposed in respect of a failure by the beneficiary without good and sufficient reason to comply with a social obligation.
- “(5) The chief executive may give a beneficiary to whom **subsection (4)** applies a notice (to be delivered in accordance with section 86J) to the effect that the department is to intensify its case management support in respect of the beneficiary. 5
- “(6) A beneficiary to whom a notice under **subsection (5)** has been delivered in accordance with section 86J must, when required by the chief executive, attend and participate in any interview with an officer of the department.” 10

*Transfer to emergency benefit of certain people
65 years old or older*

- 25A Section 61 amended (Chief executive may grant emergency benefit in cases of hardship)** 15
- (1) After section 61(1A), insert:
- “(1B) This subsection applies to a person if, after the commencement of this subsection and before **15 July 2013**, the person is aged 65 years old or older and is receiving a benefit under this Act that is not— 20
- “(a) a domestic purposes benefit for care of the sick or infirm; or
- “(b) an emergency benefit; or
- “(c) an invalid’s benefit; or 25
- “(d) temporary additional support.
- “(1C) The chief executive may cancel the benefit being received by a person to whom **subsection (1B)** applies and grant the person instead an emergency benefit payable at the same rate of benefit as the benefit the person was receiving. 30
- “(1D) In exercising the power given by **subsection (1C)**, the chief executive is not required to—
- “(a) exercise discretion; or
- “(b) determine whether the person would meet the requirements in subsection (1) for an emergency benefit.” 35
- (2) **Section 61(1B) to (1D)** (as inserted by **subsection (1)**) are repealed on **15 July 2013**.

*Social obligations of certain
beneficiaries with dependent children*

**26 New section 61AA inserted (Social obligations of person
granted emergency benefit)**

After section 61, insert:

5

“61AA Social obligations of person granted emergency benefit

A person must comply with the person’s social obligations
under **section 60RA(3)** if the person—

“(a) is a person with 1 or more dependent children; and

“(b) is a person granted a benefit that is an emergency bene- 10
fit; and

“(c) is not a young person on whom obligations are placed
under section 171(1) or (2).”

**27 Section 61A amended (Obligations of spouse or partner
of person granted emergency benefit)**

15

(1) In section 61A(1A)(a), replace “aged 6” with “aged 5”.

(2) After section 61A(2), insert:

“(3) A person must comply with the person’s social obligations
under **section 60RA(3)** if the person—

“(a) is a person with 1 or more dependent children; and 20

“(b) is the spouse or partner of (whether or not receiving all
or any of the benefit instead of, or as well as) a person
granted a benefit that is an emergency benefit; and

“(c) is not a young person on whom obligations are placed
under section 171(1) or (2).” 25

*Disability allowance: preferred supplier and
funding of specified expenses*

28 Section 69C amended (Disability allowance)

(1) In section 69C(1), replace “Subject to subsections (2) to (4),
the” with “The”. 30

(2) After section 69C(1), insert:

“(1A) Subsection (1) is subject to subsections (2) to (4) and
(7A) to (7E) of this section, and to regulations under **sec-
tion 132AD.**”

(3) After section 69C(7), insert: 35

- “(7A) This subsection applies to a person if—
- “(a) any additional expenses arising from a disability relate to the supply of any goods or services to the person or a member of the person’s family; and
 - “(b) all or a specified part of a disability allowance is granted in respect of the supply of the goods or services; and 5
 - “(c) those goods or services are of a class, description, or kind supplied by a preferred supplier (being a preferred supplier to, or in respect of, the area in which the person resides) under a contract entered into with the chief executive under **section 125AA**. 10
- “(7B) If **subsection (7A)** applies to a person,—
- “(a) the person must, for every supply of the goods or services after a nomination given to the person by the chief executive has come into force and while it remains in force, purchase the goods or services from a preferred supplier specified in that nomination and at the price determined by the contract under **section 125AA** with that supplier; and 15
 - “(b) the chief executive must, despite subsections (1) to (7), pay all, or the specified part, of the disability allowance that is granted in respect of the supply of the goods or services to that supplier in consideration of the supply of the goods or services to the person or the person’s family member. 20 25
- “(7BA) A nomination under **subsection (7B)(a)**—
- “(a) may be given orally or in writing (but, if given orally, must as soon as practicable be confirmed in writing); and
 - “(b) may from time to time be amended, revoked, or revoked and replaced by the chief executive, to recognise changes in preferred suppliers or preferred supply contracts ending without also being replaced. 30
- “(7BB) However, if the person’s net total benefit payments due to be paid on a pay day (after deducting any redirection under section 82(3) or reduction or deduction required to be made from the person’s benefit payments for another purpose (for example, under an attachment order or a deduction notice)) 35

are less than the amount required to pay the preferred supplier on that pay day, the chief executive—

“(a) is not required by **subsection (7B)(b)** to pay to the preferred supplier on that pay day all, or the specified part, of the person’s disability allowance due on that pay day; but 5

“(b) may pay the amount due to the preferred supplier on 1 or more later pay days from amounts of disability allowance or other benefit payments due to the person on those 1 or more later pay days. 10

“(7BC) Non-payment, or deferred payment, under **subsection (7BB)** does not reduce any amounts due to the preferred supplier from the person under, or make the chief executive or the Crown liable for breaching, the person’s contract of purchase. 15

“(7C) However, if the disability allowance granted to the person to whom **subsection (7A)** applies is granted at the maximum appropriate rate specified in Schedule 19, the chief executive may, in the chief executive’s discretion, determine in writing that, despite **subsection (7B)**,— 20

“(a) all, or the specified part, of the disability allowance that is granted in respect of the supply of the goods or services must be paid to the person for use only to purchase any 1 or more of the goods or services that the person chooses and that are goods or services in respect of the supply of which the disability allowance is granted; and 25

“(b) if the goods or services that the person chooses and purchases under **paragraph (a)** are goods or services supplied by the nominated preferred supplier under the contract entered into with the chief executive under **section 125AA**, then the person must purchase them from that supplier at the price determined by that contract. 30

“(7D) No appeal under this Act lies against any chief executive’s decision under **subsections (7B) to (7C)**.

“(7E) **Subsections (7A) to (7D)** are subject to (preferred supplier transitional provisions) directions under **section 125AA(5)**.” 35

*Residential requirements for certain benefits:
people ordinarily resident overseas***29 Section 74AA amended (Residential requirements for
certain benefits)**

- (1) Replace section 74AA(1)(c) with: 5
- “(c) except in the case of a person who is recognised as a
refugee or a protected person in New Zealand under
the Immigration Act 2009, has resided continuously in
New Zealand for a period of at least 2 years at any one
time,— 10
- “(i) if subsection (1A) applies to the person,—
“(A) before he or she applies for the benefit; or
“(B) before a decision on his or her claim for
the benefit is made under section 12; and
“(ii) in any other case, after the day on which para-
graph (a) first applied to him or her.” 15
- (2) In section 74AA(1A), replace “Subsection (1) does” with
“Subsection (1)(a) and (b) do”.

*Effect on benefit of warrant to arrest beneficiary***30 New section 75B inserted (Effect on benefit of warrant
to arrest beneficiary) 20**

After section 75A, insert:

“75B Effect on benefit of warrant to arrest beneficiary

- “(1) This section applies to a beneficiary who is not an excluded
beneficiary (as defined in **subsection (1A)**); **(1A)** if the chief 25
executive is satisfied (based on information available to the
chief executive) that—
- “(a) criminal proceedings have been commenced against
the beneficiary in a New Zealand court for an offence 30
(other than an offence of a class, description, or kind
excluded from the operation of this paragraph by regu-
lations made under **section 132L**); and
- “(b) a New Zealand court has (or 1 or more of the court’s
Judges or Registrars has or have) in, or in connection 35
with, those criminal proceedings, issued a warrant for
the beneficiary’s arrest; and

- “(c) at least 28 days have elapsed since the date on which the warrant was issued.
- “(1A) **Excluded beneficiary**, in **subsection (1)**, means,—
- “(a) for the purposes of **subsections (2) to (4)**, a beneficiary who is— 5
- “(i) a young person (as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989); or
- “(ii) a beneficiary who is not receiving a main benefit under this Act, New Zealand superannuation, or a veteran’s pension; or 10
- “(iii) a beneficiary (for example, one who is receiving a main benefit under this Act, New Zealand superannuation, or a veteran’s pension, but) who falls within a class, description, or kind of beneficiary excluded from the operation of all of the provisions of this section by regulations made under **section 132L**; and 15
- “(b) for the purposes of **subsections (5) and (6)**, a beneficiary who is— 20
- “(i) a young person (as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989); or
- “(ii) a beneficiary who falls within a class, description, or kind of beneficiary excluded from the operation of all of the provisions of this section by regulations made under **section 132L**. 25
- “(2) The chief executive must as soon as practicable give the beneficiary a notice (to be delivered in accordance with section 86J) that— 30
- “(a) allows a period of 10 working days within which the beneficiary may dispute that he or she is the person to whom the warrant to arrest applies or take steps to resolve the warrant; and
- “(b) specifies the steps that the beneficiary may take to dispute that he or she is the person to whom the warrant to arrest applies or to resolve the warrant; and 35
- “(c) specifies the consequences of the beneficiary’s not resolving the warrant within that 10-working-day period.

- “(2A) A notice under **subsection (2)** involving information supplied by the Ministry of Justice under **section 126AC** may be combined with a notice of adverse action given under section 103(1) of the Privacy Act 1993.
- “(3) This subsection applies to the beneficiary unless, at the end of the 10-working-day period specified in the notice, the chief executive is satisfied (based on evidence provided by the beneficiary, or other information available to the chief executive, or both) of 1 of the following:
- “(a) that the beneficiary is not the person to whom the warrant applies; or
 - “(ab) that the beneficiary has taken all reasonable steps to resolve the warrant, but the warrant has for reasons beyond the beneficiary’s control not been resolved; or
 - “(b) that the warrant has been resolved.
- “(4) The benefit of a beneficiary to whom **subsection (3)** applies is not payable until the chief executive is satisfied (based on information provided by the beneficiary, otherwise available to the chief executive, or both) of 1 of the following:
- “(a) that the beneficiary is not the person to whom the warrant applies; or
 - “(b) that the warrant has been resolved.
- “(5) Despite **subsections (1)(c) and (2) to (4)**, the chief executive may suspend immediately the benefit of a beneficiary to whom **subsection (1)(a) and (b)** apply if satisfied that—
- “(a) the department has received from the New Zealand Police a written request to suspend the beneficiary’s benefit on the ground that the Commissioner of Police on reasonable grounds considers the beneficiary to be a risk to public safety; and
 - “(b) that request is signed by the Commissioner of Police or a constable who is of or above the level of position of inspector.
- “(6) As soon as is reasonably practicable after a suspension under **subsection (5)** of the benefit of a beneficiary, the chief executive must give the beneficiary a notice (to be delivered in accordance with section 86J) that—
- “(a) communicates the fact of, and reason for, the suspension; and

- “(b) specifies the steps that the beneficiary may take to dis-
pute that he or she is the person to whom the warrant
applies or to resolve the warrant.
- “(7) The following apply to a benefit that is not payable under **sub-**
section (4), or that is suspended under **subsection (5)**, as if 5
the benefit had been suspended under section 117:
“(a) section 80C (effect of work test on entitlement to sup-
plementary benefits and on spouses or partners):
“(b) section 120 (modified effect in some cases of sanctions
on rate of benefit for people married or in civil union or 10
de facto relationship):
“(c) section 121 (effect of sanctions on benefit of sole par-
ent).
- “(8) However, section 120(1) (which protects a spouse or partner), 15
but no other provision of section 120, ceases to apply under
subsection (7)(b) of ~~this section~~ to the benefit at the close of
the 28th day after the date on which it becomes not payable
under **subsection (4)** or, as the case requires, is suspended
under **subsection (5)**.”

*When beneficiaries can be paid benefit while 20
overseas, and suspensions of benefits based on
discrepancies arising from departure information*

**31 Section 77 amended (Effect of absence of beneficiary from
New Zealand)**

- (1AAA) In the heading to section 77, after “**New Zealand**”, insert 25
“: **provisions**”.
- (1) Replace section 77(1), (2), (3), and (3A) with:
“(1) A benefit is not payable while a beneficiary is absent from New
Zealand unless the benefit is so payable under—
“(a) the other provisions of this section; or 30
“(b) any agreement or convention adopted under section
19 of the Social Welfare (Transitional Provisions) Act
1990; or
“(c) sections 21 to 35 of the New Zealand Superannuation
and Retirement Income Act 2001; or 35
“(d) sections 74E to 74T of the War Pensions Act 1954.

- “(2) A benefit is payable to a beneficiary in respect of any 1 or more absences of the beneficiary from New Zealand equal to or shorter than 4 weeks in total in any 52-week period if—
- “(a) the benefit is not a benefit of a kind specified in **subsection (2A)**; and 5
 - “(b) the benefit would, but for those 1 or more absences, be payable to the beneficiary; and
 - “(c) the chief executive is satisfied that the 1 or more absences do not affect the beneficiary’s eligibility for the benefit. 10
- “(2A) The kinds of benefits referred to in **subsections (2)(a) and (3)(a)** are—
- “(a) sole parent support for a work-tested beneficiary;
 - “(ab) supported living payment on the ground of sickness, injury, disability, or total blindness, under **section 40B**, 15
for a work-tested spouse or partner;
 - “(b) jobseeker support (other than jobseeker support for a spouse or partner who is not a work-tested spouse or partner):
 - “(c) an emergency benefit: 20
 - “(d) any benefit that, but for the 1 or more absences referred to in **subsection (2) or (3)**, would be payable to a beneficiary who is subject to 1 or more requirements made under section 60Q(3):
 - “(e) a youth payment or young parent payment. 25
- “(3) The chief executive may, in the chief executive’s discretion, pay a benefit to a beneficiary in respect of any 1 or more absences of the beneficiary from New Zealand equal to or shorter than 4 weeks in total in any 52-week period if—
- “(a) the benefit is a benefit of a kind specified in **subsection (2A)**; and 30
 - “(b) the benefit would, but for those 1 or more absences, be payable to the beneficiary; and
 - “(c) the chief executive is satisfied that the payment of the benefit complies with any applicable criteria prescribed 35
for the purposes of this subsection by regulations made under section 132.
- “(3AA) If satisfied that relevant qualifying circumstances (as defined for the purposes of this subsection by regulations made

under section 132) apply to or in respect of a beneficiary, the chief executive may, in the chief executive's discretion, determine that a benefit may be paid under **subsection (2) or (3)** in respect of any 1 or more absences of the beneficiary from New Zealand longer than 4 weeks in total in any 52-week period. 5

“(3A) The chief executive may, in the chief executive's discretion, pay a supported living payment on the ground of sickness, injury, disability, or total blindness for a period (not exceeding 6 weeks) in which a beneficiary (not being a work-tested spouse or partner of a supported living payment beneficiary) is absent from New Zealand for the sole or predominant purpose of competing in any overseas multinational or international Special Olympic or Paralympic Games competition, if the chief executive is satisfied that the beneficiary would, but for his or her absence from New Zealand, continue to be eligible for the supported living payment.” 10 15

(2) After section 77(5), insert:

“(6) A beneficiary who proposes to be absent from New Zealand has a duty imposed by this subsection to notify an officer of the department, before that absence, of the beneficiary's forthcoming absence from New Zealand. No beneficiary has any entitlement under subsection **(2), (3), (3AA), (3A)**, or (4) to be paid a benefit while overseas unless that beneficiary has performed that duty, and therefore notified an officer of the department, before that absence, of the beneficiary's forthcoming absence. 20 25

“(7) In particular, if the beneficiary fails to perform his or her duty to notify under **subsection (6)**, and after departing from New Zealand notifies an officer of the department of the beneficiary's current absence from New Zealand, the beneficiary's entitlement under subsection **(2), (3), (3AA), (3A)**, or (4) to be paid a benefit while overseas (if the beneficiary is otherwise qualified to be paid that benefit) commences no earlier than the date of the notification. 30

“(8) Despite **subsections (6) and (7)**, the chief executive may, in his or her discretion, authorise the beneficiary's entitlement under subsection **(2), (3), (3AA), (3A)**, or (4) to commence on or after the beneficiary's departure if the chief executive is satisfied that— 35

- “(a) both the beneficiary’s absence from New Zealand, and the beneficiary’s failure to notify an officer of the department, before that absence, of the beneficiary’s forthcoming absence from New Zealand, are justified for 1 or more good and sufficient humanitarian reasons (as the term humanitarian reasons is defined for the purposes of this paragraph by regulations made under section 132); and 5
- “(b) the beneficiary after departing from New Zealand notified an officer of the department of the beneficiary’s current absence from New Zealand as soon as was reasonably practicable in the circumstances. 10
- “(9) Nothing in **subsections (2) to (8)** applies to the following:
 - “(a) New Zealand superannuation payable under the New Zealand Superannuation and Retirement Income Act 2001: 15
 - “(b) veterans’ pensions payable under Part 6 of the War Pensions Act 1954:
 - “(c) entitlements pursuant to an agreement or convention that is given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990.” 20
- 31A New section 77A inserted (Effect of absence of beneficiary from New Zealand: department must explain provisions)** 25
 - After section 77, insert:
 - “77A Effect of absence of beneficiary from New Zealand: department must explain provisions**
The chief executive must take reasonable and appropriate steps to make every person who is, or appears to the chief executive to be likely to be, affected by a provision of section ~~77~~, 77 aware of— 30
 - “(a) the existence, and substance ~~of,~~ of, of the provision; and
 - “(b) the consequences or possible consequences of the operation of the provision.”
- 32 Privacy Act 1993 amended** 35
 - (1) This section amends the Privacy Act 1993.

- (2) In section 103(1A), replace “a sickness, training, unemployment, independent youth, or emergency benefit, or a job search allowance,” with “sole parent support, the supported living payment, an emergency benefit, jobseeker support, a young parent payment, or a youth payment,”. 5

*Removing exemptions from jobseeker support
benefit stand down period while person in
approved training*

- 33 Section 80 amended (Commencement of benefits)**
In section 80(5)(a), replace “an unemployment benefit, a youth payment,” with “a youth payment”. 10

Backdating benefits in specified circumstances

- 34 Section 80BA amended (Calculation of stand down)**
Replace section 80BA(4)(b) with:

- “(b) a benefit commences on the day on which the stand down period ends if the application for the benefit is received within 28 days after the date on which the person becomes entitled to the benefit, and the benefit is—
- “(i) sole parent support; or
 - “(ii) a supported living payment; or 20
 - “(iii) jobseeker support granted on the ground of sickness, injury, or disability; or
 - “(iv) jobseeker support granted to a sole parent; or
 - “(v) jobseeker support granted to a person who has recently lost the financial support of his or her spouse or partner by reason of death, the spouses or partners commencing to live apart, or the ending of a de facto relationship; or 25
 - “(vi) a youth payment; or
 - “(vii) a young parent payment.” 30

Standardising benefit end dates

- 35 Section 80BD amended (Ending of benefits)**
(1) In section 80BD(2), replace “(7)” with “(8)”. 30

- (2) In section 80BD(3), replace “a widow’s, domestic purposes, invalid’s, or youth payment, or young parent payment, or an unemployment benefit or a sickness benefit,” with “sole parent support, a supported living payment, jobseeker support, a youth payment, or a young parent payment”.
- (3) Replace section 80BD(5) with:
- “(5) In all other cases, every benefit ends on a date set by the chief executive (being a date no later than 28 days after the date of the beneficiary’s death).”
- (4) In section 80BD(6) and (6A), replace “8 weeks” with “28 days”.
- (5) In section 80BD(6A),—
- (a) replace “domestic purposes benefit under section 27G” with “supported living payment under **section 40D**”; and
- (b) replace “sick or infirm person concerned if the beneficiary stops caring for the sick or infirm person because the person” with “patient requiring care concerned if the beneficiary stops caring for that patient because that patient”.
- (6) After section 80BD(7), insert:
- “(8) A supported living payment on the ground of sickness, injury, disability, or total blindness and that is cancelled on medical grounds ends on a date set by the chief executive (being a date no later than 28 days after that cancellation of that benefit).”

Expiry and re-grant of specified benefits

36 New sections 80BE and 80BF inserted

After section 80BD, insert:

“80BE Expiry and re-grant of specified benefits

- “(1) If it has not ceased earlier, a beneficiary’s entitlement to a specified benefit ceases on the expiry date for that specified benefit (as those terms are defined in **subsection (5)**), and that benefit expires on that date. The specified benefit may be re-granted if that beneficiary reapplies for it in accordance with requirements in this Act or in regulations under **section 132M** for re-grant of it.

- “(2) The chief executive must, not less than 20 working days before the expiry date for the specified benefit, give notice to that beneficiary stating—
- “(a) that entitlement to that benefit will cease unless the beneficiary reapplies for that benefit and it is re-granted; 5
and
 - “(b) the date on which entitlement to that benefit will cease; and
 - “(c) what the beneficiary must do to reapply for that benefit and the period within which he or she must do so. 10
- “(3) **Subsection (2)** does not apply if, at the time the chief executive is required to give notice under that subsection, the specified benefit—
- “(a) is suspended because the beneficiary is undertaking temporary employment; or 15
 - “(b) is not for the time being payable under this Act (for example, under section 76 or 77); or
 - “(c) is suspended under any provision of this Act other than section 117.
- “(4) However, if at any time before the expiry date for that benefit any of the circumstances described in **subsection (3)** no longer exist, then the chief executive must, as soon as practicable, take reasonable steps to advise the beneficiary of the matters set out in **subsection (2)(a) to (c)**. 20
- “(5) In this section and **section 80BF**,— 25
- “**expiry date**, in relation to a specified benefit, means the expiry date prescribed for that specified benefit by regulations under **section 132M**
- “**specified benefit** means a benefit that is—
- “(a) jobseeker support; or 30
 - “(b) sole parent support, supported living payment, or emergency benefit, unless that benefit is for the time being declared not to be a specified benefit for the purposes of this section and **section 80BF** by regulations under **section 132M(1)(a)**. 35
- “(5A) Regulations under **section 132M(1)(a)** that declare a benefit referred to in **subsection (5)(b)** of this section not to be a specified benefit for the purposes of this section and **sec-**

tion 80BF may, without limitation, declare not to be a specified benefit for those purposes either or both of the following:

“(a) that benefit as granted on only 1 or more specified available eligibility grounds:

“(b) that benefit as granted to only 1 or more specified categories, classes, or kinds of beneficiaries. 5

“(6) However, a specified benefit that expires under this section in the week that is, or is the week immediately before, the week that includes 26 December in a year must (despite section 80BD(1) and the rest of this section) continue to be paid until the first Monday after 2 January in the immediately following year. 10

“(7) However, the chief executive may, in any circumstances in which an exemption from expiry may be considered that are specified for the purposes of this section by regulations under **section 132M**, and by notice in writing copied as soon as practicable to every beneficiary concerned, exempt from expiry under this section, until an identified event or situation or time, and on identified conditions (if any), all or any specified benefits of an identified beneficiary or of all beneficiaries who fall within an identified class or description. 15 20

“80BF Requirements for re-grant of specified benefits

“(1) No specified benefit may be re-granted under this section to a person to whom **section 80BE** applies unless—

“(a) the department has received— 25

“(i) a reapplication form (provided by the chief executive for the purpose) completed by or on behalf of the beneficiary and his or her spouse or partner (if any) to the chief executive’s satisfaction; and 30

“(ii) any supporting evidence reasonably required by the chief executive; and

“(b) the beneficiary and the beneficiary’s work-tested spouse or partner (if any) have participated, to the satisfaction of the chief executive, in a comprehensive work assessment of a kind specified by the chief executive. 35

“(2) **Subsection (1)(b)** is subject to **subsection (8)**.

- “(3) If, in relation to a person, the requirements of **subsection (1)** are completed on or before the expiry date (as defined in **section 80BE 80BE(5)**) for the person’s specified benefit,—
- “(a) the chief executive must re-grant the person’s specified benefit if the chief executive is satisfied that the person meets or continues to meet the eligibility criteria for that benefit; and 5
- “(b) if re-granted, that benefit commences on that expiry date.
- “(4) If, in relation to a person, the requirements of **subsection (1)** are completed after, but within 20 working days after, the expiry date for the person’s specified benefit, and the chief executive is satisfied that there were exceptional circumstances that prevented those requirements from being completed on or before that expiry date,— 10 15
- “(a) the chief executive must re-grant the person’s specified benefit if the chief executive is satisfied that—
- “(i) the person meets the eligibility criteria for that benefit set out in **section 88B**; and
- “(ii) after that expiry date, and unless exceptional circumstances prevented the person from doing so, the person continued to meet the eligibility criteria for that benefit; and 20
- “(b) if re-granted, that benefit commences on that expiry date. 25
- “(5) If a person intending to reapply for the specified benefit contacts the department on or before the expiry date for the person’s specified benefit,—
- “(a) the chief executive may set a time (being a time within 10 working days after that expiry date) before which the requirements of **subsection (1)** are to be completed; and 30
- “(b) if those requirements are completed before that time, the chief executive may re-grant that benefit under **subsection (4)**. 35
- “(6) **Subsections (1) to (5)** override section 11D(1).
- “(7) The specified benefit must not be re-granted under this section to a person, and any reapplication form received from or on behalf of that person must be treated as an application form

for the purposes of section 11D(2), if the requirements of **subsection (1)**—

“(a) are not completed within 20 working days after the expiry date for the person’s specified benefit; or

“(b) were completed within that time but after that expiry date, and the chief executive is satisfied that there were no exceptional circumstances that prevented those requirements from being completed on or before that expiry date. 5

“(8) For the purposes of this section, a failure of a beneficiary’s work-tested spouse or partner to participate in a comprehensive work assessment in accordance with **subsection (1)(b)**— 10

“(a) must not be treated as a failure to complete the requirements of **subsection (1)**; but 15

“(b) must be treated as a failure by that spouse or partner to comply with his or her work test obligations.”

Review of benefits

37 Section 81 amended (Review of benefits)

After section 81(3), insert: 20

“(4) If, after reviewing under subsection (1) a benefit granted on a stated eligibility ground for that benefit, the chief executive considers that the beneficiary is more appropriately entitled to receive that benefit on another eligibility ground for that benefit, the chief executive may— 25

“(a) cancel that benefit on the stated eligibility ground; and

“(b) grant that benefit instead on the other eligibility ground commencing from the date of cancellation.”

One-off hardship assistance and redirection using preferred supplier 30

38 Section 82 amended (Payment of benefits)

(1) After section 82(6A), insert:

“(6AA) This subsection applies to the beneficiary if—

“(a) the immediate needs of the beneficiary relate to the supply of any goods or services to the beneficiary or a member of the beneficiary’s family; and 35

- “(b) the goods or services are of a class, description, or kind supplied by a preferred supplier (being a preferred supplier to, or in respect of, the area in which the beneficiary resides) under a contract entered into with the chief executive under **section 125AA**. 5
- “(6AB) If **subsection (6AA)** applies to the beneficiary, the beneficiary must purchase the goods or services from a preferred supplier nominated by the chief executive at the price determined by the contract under **section 125AA** with that supplier, and— 10
- “(a) the amount of the advance payment of benefit for purchasing the goods or services is the lesser of—
- “(i) the price so determined; and
- “(ii) the maximum amount of advance payment of benefit that is available to the beneficiary for that purpose; and 15
- “(b) the chief executive must, despite subsections (3), (6), and (6A), pay the advance payment of the benefit to that supplier in consideration of the supply of the goods or services to the beneficiary or the beneficiary’s family member. 20
- “(6AC) A nomination under **subsection (6AB)** of a preferred supplier—
- “(a) may be given orally or in writing (but, if given orally, must as soon as practicable be confirmed in writing); and 25
- “(b) may from time to time be amended, revoked, or revoked and replaced by the chief executive, to recognise changes in preferred suppliers or preferred supply contracts ending without also being replaced.” 30
- (2) After section 82(6E), insert:
- “(6F) This subsection applies to a beneficiary if—
- “(a) the chief executive has under **section 125AA** entered into a contract with a preferred supplier for the supply of goods or services (for example, electricity, gas, or telecommunications); and 35
- “(b) the beneficiary to obtain the advantage of that supply at the price determined by that contract requests the chief executive in writing to pay, for a period identified by

- the chief executive, an agreed amount or agreed portion of the benefit payments payable to the beneficiary to the preferred supplier in consideration of the supply of those goods or services to the beneficiary or a member of the beneficiary's family. 5
- “(6G) If **subsection (6F)** applies to a beneficiary,—
- “(a) the chief executive may, despite subsection (3), act on the beneficiary's written request under **subsection (6F)**, and accordingly pay the preferred supplier for the identified period the agreed amount or agreed portion of the benefit payments payable to the beneficiary in consideration of the supply of those goods or services to the beneficiary or the beneficiary's family member; and 10
- “(b) the beneficiary cannot withdraw from the redirection arrangement arising from that request unless the chief executive, in his or her discretion, considers a withdrawal during the identified period is justified by special circumstances established to the chief executive's satisfaction.” 15 20
- (3) In section 82(8), after “section 179”, insert “~~and subsections (6) to (6AB) and (6F) and (6G)~~, and subsections (6) to **(6AB), (6F), and (6G)** of this section are subject to (preferred supplier transitional provisions) directions under **section 125AA(5)**”.
- Work test obligations: drug testing obligations* 25
- 39 Section 88A amended (Interpretation)**
- In section 88A, insert in their appropriate alphabetical order:
- “**controlled drug** has the same meaning as in section 2(1) of the Misuse of Drugs Act 1975
- “**drug test**, for a person, means a test to detect the presence in the person's body of 1 or more controlled drugs 30
- “**evidential drug test**, for a person, means a drug test that, when undertaken by the person, complies with a standard that is—
- “(a) a standard for drug tests for evidential purposes; and 35
- “(b) a New Zealand standard, joint Australian/New Zealand standard, or other national or international standard; and

“(c) prescribed (whether under sections 22 to 25 of the Standards Act 1988, or otherwise) in regulations made under section 132

“**fail**, for a person and a drug test, ~~means~~ means,—

“(a) if the drug test is a screening drug test or an evidential drug test, not to pass the drug test; or 5

“(b) if the drug test is an evidential drug test, to waive in the situation specified in **section 102B(3)**, and so under that section be taken for the purposes of this Act to have failed, that evidential drug test 10

“**pass**, for a person and a drug test, means to undertake the drug test with the consequence that the drug test produces a valid result ~~that~~ that,—

“(a) if the drug test is a screening drug test, does not indicate the presence in the person’s body of 1 or more controlled drugs at or above the minimum level identified in the standard (prescribed in regulations made under section 132) with which the test complies; and 15

“(b) if the drug test is an evidential drug test, does not detect for evidential purposes the presence in the person’s body of 1 or more controlled drugs at or above the minimum level identified in the standard (prescribed in regulations made under section 132) with which the test complies 20

“**screening drug test**, for a person, means a drug test that— 25

“(a) may indicate the presence in the person’s body of 1 or more controlled drugs; and

“(b) is quicker, less formal, and less expensive than, and is designed for use in conjunction with, a drug test for evidential purposes; and 30

“(c) complies with a standard that is—

“(i) a standard for drug tests for screening purposes; and

“(ii) a New Zealand standard, joint Australian/New Zealand standard, or other national or international standard; and 35

“(iii) prescribed (whether under sections 22 to 25 of the Standards Act 1988, or otherwise) in regulations made under section 132”.

*Jobseeker support (including deferral of work
test obligations on ground of sickness, injury,
or disability)*

40 Sections 89 to 99AB and cross-heading above section 89 replaced

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Replace sections 89 to 99AB and the cross-heading above section 89 with:

“Jobseeker support

“88B Jobseeker support: standard eligibility requirements

- “(1)** A person is entitled to jobseeker support if he or she satisfies the criteria in **subsections (2), (3), and (4)**, and—
- “(a)** is not in full-time employment, but—
- “(i)** is seeking it; and
- “(ii)** is available for it; and
- “(iii)** is willing and able to undertake it; and
- “(iv)** has taken reasonable steps to find it; or
- “(ab)** is not in full-time employment, but would comply with **subparagraphs (i) to (iv) of paragraph (a)** but for circumstances that would qualify the person for an exemption under section 105 from some or all work test obligations; or
- “(b)** is not in full-time employment and is willing to undertake it but, because of sickness, injury, or disability, is limited in his or her capacity to seek, undertake, or be available for it; or
- “(c)** is in employment, but is losing earnings because, through sickness or injury, he or she is not working at all, or is working only at a reduced level.
- “(2)** An applicant for jobseeker support—
- “(a)** must be aged at least 18 years, in the case of an applicant without a dependent child;
- “(b)** must be aged at least 19 years, in any other case.
- “(3)** An applicant for jobseeker support must meet the residential requirements in section 74AA.
- “(4)** An applicant for jobseeker support must have—
- “(a)** no income; or
- “(b)** an income of less than the amount that would fully abate that benefit.

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- “(5) Nothing in **subsection (4)** affects the entitlement of a person to receive jobseeker support if, during a temporary period, the person has income sufficient to fully abate that benefit but the person otherwise fulfils the conditions of entitlement to that benefit. 5
- “(6) Nothing in **subsection (1)(a) or (4)** affects the entitlement of a person receiving jobseeker support at the rate in **clause 1(ab) or (ba)** of Schedule 9 to receive jobseeker support if, during a temporary period, the person engages in full-time employment, and the income from that employment and the person’s other income when calculated over a 52-week period under section 64(2A) is less than the amount that would fully abate the benefit. 10
- “(7) A sick or injured person (**A**) may treat as a loss of A’s earnings for the purposes of **subsection (1)(c)** a payment A makes to any other person (**B**) who acts as A’s substitute during A’s sickness or injury. 15
- “**88C Jobseeker support: grounds of hardship**
- “(1) The chief executive may grant jobseeker support under **section 88B** to a person who meets the criteria in **section 88B(1) and (2)** but who does not meet the other criteria in **section 88B** if— 20
- “(a) the person is suffering hardship; and
 - “(b) the person is not qualified to receive any other benefit; and 25
 - “(c) the person is unable to earn sufficient income to support the person and his or her spouse or partner and any dependent children.
- “(2) The chief executive may, under the exception in **section 88D(a)**, during the period between the end of one academic year and the start of the next, grant jobseeker support under **section 88B** to a full-time student. 30
- “(3) The chief executive may, under the exception in **section 88D(a)**, during the period between the end of one academic year and the start of the next, grant jobseeker support under **section 88B** to a full-time student who is aged 16 years or 17 years if the chief executive is satisfied that— 35

- “(a) any of paragraphs (a) to (c) of section 159(2) applies to the student; or
- “(b) the student is married or in a civil union or in a de facto relationship.

“**88D Jobseeker support: ineligibility** 5

No person is eligible to be granted jobseeker support if he or she—

- “(a) is a full-time student (other than in the situation described in **section 88C(2) or (3)**); or
- “(b) is unemployed because of a strike undertaken by himself or herself, or by fellow members of the same union at the same place of employment; or 10
- “(c) became unemployed or took leave with or without pay from the person’s employment for the purpose, in the opinion of the chief executive, of undertaking employment-related training. 15

“**88E Jobseeker support: on ground of sickness, injury, or disability: medical examination**

- “(1) A person making an application for jobseeker support on the ground of sickness, injury, or disability (the **applicant**) must include in the application a certificate that complies with **subsections (2) and (3)**. 20
- “(2) A certificate complies with this subsection only if it is given—
 - “(a) by a medical practitioner in respect of any condition; or
 - “(b) by a dentist ~~and~~ in respect of a condition that is within the ambit of his or her profession; or 25
 - “(c) by a midwife in respect of a pregnancy, childbirth, or any related condition that is within the ambit of his or her profession; or
 - “(d) by a health practitioner of a kind specified for the purposes of this paragraph in regulations made under section 132 and in respect of a condition within the ambit of his or her scope of practice. 30
- “(3) A certificate complies with this subsection only if it—
 - “(a) certifies that the applicant’s capacity for work is affected by sickness, injury, or disability; and 35

- “(b) indicates the nature of the sickness, injury, or disability concerned, the extent to which the applicant’s capacity for work is affected by it, and the length of time that effect is likely to last; and
- “(c) contains any other particulars the chief executive may under this paragraph require. 5
- “(4) The chief executive may at any time require the applicant or a jobseeker support beneficiary to submit himself or herself for examination by a medical practitioner or psychologist. The medical practitioner or psychologist must be agreed for the purpose between the applicant or beneficiary and the chief executive or, failing agreement, must be nominated by the chief executive. 10
- “(5) The medical practitioner or psychologist must prepare, and must send the chief executive a copy of, a report that indicates— 15
- “(a) whether the applicant’s or beneficiary’s capacity for work is affected by sickness, injury, or disability; and
- “(b) the extent to which the applicant’s or beneficiary’s capacity for work is affected by the sickness, injury, or disability concerned; and 20
- “(c) ~~whether and~~, whether, and if so, for how long, that capacity is likely to continue to be affected by the sickness, injury, or disability concerned.
- “**88F Jobseeker support: obligations on beneficiaries** 25
- “(1) A person granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) must (subject to sections **88J** and 105) comply with the work test from the time that payment of jobseeker support commences. 30
- “(2) The chief executive must after granting a person jobseeker support on the ground of sickness, injury, or disability, and may at any later time, determine whether the person has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work (as defined in section 3(1)). 35
- “(3) A determination under **subsection (2)** must be made after having had regard to—

- “(a) the relevant certificate, and any relevant report obtained, under **section 88E**; and
- “(b) any relevant work ability assessment under **sections 100B and 100C**.
- “(4) A determination under **subsection (2)** that the person granted jobseeker support on the ground of sickness, injury, or disability has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work has the consequence that the person is required to comply with the work test on and after a date specified in a written notice (of the determination’s making and effects) that the chief executive must give the person. 5
- “(5) The date specified in a written notice under **subsection (4)**,—
- “(a) in the case of a new grant of jobseeker support, may be the date on which that benefit is first paid; but 15
- “(b) in any case, must not be a date before the date on which the chief executive reasonably considers the person will receive the notice.
- “(6) The chief executive may at any time, whether on the application of the person or otherwise, review a determination under **subsection (2)**, and may confirm, amend, revoke, or revoke and replace it and any related written notice under **subsection (4)**. 20
- “(7) A determination under **subsection (2)** that the person granted jobseeker support on the ground of sickness, injury, or disability has not, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work has the consequence that the person is entitled to (even if he or she has not sought one) a deferral under **section 88I(6)** of all of the person’s work test obligations. 25
- “(8) A person must comply with the person’s social obligations under **section 60RA(3)** if the person— 30
- “(a) is a person with 1 or more dependent children; and
- “(b) is the person granted a benefit that is jobseeker support; and 35
- “(c) is not a young person on whom obligations are placed under section 171(1) or (2).

“88G Jobseeker support: obligations of spouse or partner of person granted it

From the time that payment of the jobseeker support commences, the spouse or partner of a person granted jobseeker support,—

- “**(a)** if the benefit is granted at a work-test couple rate, must comply with a requirement under section 60Q; and
- “**(b)** if he or she is a person to whom **section 60RA** applies, must comply with his or her social obligations under **section 60RA(3)**; and
- “**(c)** if he or she is a work-tested spouse or partner, must comply with the work test.

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“88H Jobseeker support: application for deferral of work test obligations

“**(1)** A person granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) may apply to the chief executive for a deferral of all of the person’s work test obligations on the grounds that he or she—

- “**(a)** is a sole parent with a dependent child under the age of 1 year; and
- “**(b)** is a recipient of jobseeker support instead of sole parent support under **section 20D** solely because that child is an additional dependent child (within the meaning of section 60GAE(1)).

“**(2)** A person granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) may apply to the chief executive for a deferral of all of the person’s work test obligations on the grounds that he or she has, because of his or her sickness, injury, or disability (being a sickness, injury, or disability that arose or became apparent only after he or she was granted jobseeker support), either—

- “**(a)** no capacity for work; or
- “**(b)** capacity only for work that is less than part-time work (as defined in section 3(1)).

“**(3)** The chief executive may require an applicant to verify any particulars relevant to an application under this section in such manner as the chief executive specifies either generally or specifically.

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“**88I Jobseeker support: chief executive’s powers and duties to defer work test obligations**

- “(1) The chief executive may defer all of the beneficiary’s work test obligations if satisfied, on an application under **section 88H(1)** or in accordance with **subsection (4)** of this section, that the beneficiary complies with both of **paragraphs (a) and (b)** of **section 88H(1)**. 5
- “(2) The chief executive may defer all of the beneficiary’s work obligations if satisfied, on an application by the beneficiary under **section 88H(2)** or in accordance with **subsection (4)** of this section, that the beneficiary has, because of his or her sickness, injury, or disability, either— 10
- “(a) no capacity for work; or
- “(b) capacity only for work that is less than part-time work (as defined in section 3(1)). 15
- “(3) A deferral under this section must be in writing and may be granted—
- “(a) for a time set by the chief executive; or
- “(b) on conditions set by the chief executive; or
- “(c) for both a time and on conditions set by the chief executive. 20
- “(4) The chief executive may grant to a beneficiary granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability) a deferral under this section on the ground set out in (as the case may be) **section 88H(1) or (2)** whether or not a formal application is made by or on behalf of the beneficiary to whom it relates. 25
- “(5) A determination under **subsection (1) or (2)** must be made after having had regard to— 30
- “(a) the relevant certificate, and any relevant report obtained, under **section 88E**; and
- “(b) any relevant work ability assessment under **sections 100B and 100C**.
- “(6) The chief executive must grant a deferral under this section to a person who is the subject of a determination of the kind referred to in **section 88F(7)** (even if the person has not applied for, or otherwise sought, the deferral). 35

“(7) The chief executive may from time to time review a deferral granted under this section, and may extend, vary, or revoke it.

“**88J Jobseeker support: effect of deferral**

While a deferral under **section 88I** is in force,—

- “(a) the work test obligations of the beneficiary concerned are deferred for the time specified in the deferral; and 5
“(b) sections 60P, 60Q, and 60R apply to the beneficiary concerned as if he or she were not a work-tested beneficiary.

“**88K Jobseeker support: deferred or exempted people must notify change of circumstances** 10

“(1) This section applies to a person who is, or is deemed to have been, granted a deferral under **section 88I**.

“(2) A person to whom this section applies must notify the chief executive as soon as practicable of any change in the person’s circumstances that may affect his or her entitlement to the deferral. 15

“(3) This section does not limit or affect the obligation under section 105(5A) of a person who is, or is deemed to have been, granted an exemption under section 105 (for example, an exemption under section 105 from work test obligations) to notify the chief executive as soon as practicable of any change in the person’s circumstances that may affect his or her entitlement to the exemption. 20

“**88L Jobseeker support: payment**

“(1) Payment of jobseeker support commences in accordance with section 80. 25

“(2) Jobseeker support must be paid in weekly ~~instalments~~, instalments in accordance with section 82.

“(3) Payment of jobseeker support may be suspended or cancelled in accordance with sections 80 to 82. 30

“(4) **Subsection (3)** does not limit any other provision in this Act.

“**88M Jobseeker support: rates**

“(1) Jobseeker support must be paid to a person granted that benefit at the appropriate rate in Schedule 9.

- “(2) If no payment is made under this section in respect of the spouse or partner of a person granted jobseeker support, the chief executive may increase the rate of jobseeker support payable to a beneficiary by an amount not exceeding the amount specified in clause 2 of Schedule 9 in respect of any person who for the time being has the care of the home of that beneficiary. 5
- “(3) **Subsection (4)** applies to an applicant for jobseeker support who has a spouse or partner who is ineligible for a benefit for a period because of— 10
- “(a) the application of section 60H (which relates to voluntary unemployment or loss of employment through misconduct, etc); or
- “(b) the application of section 117 (which relates to sanctions that may be imposed for failures to comply with work test or other obligations and work preparation interviews and exercises); or 15
- “(c) a strike, either by himself or herself, or by fellow members of the same union at the same place of employment.
- “(4) The rate of jobseeker support that an applicant to whom this subsection applies under **subsection (3)** is entitled to receive during the period of non-entitlement of his or her spouse or partner is the appropriate rate in clause 5 of Schedule 9.” 20

Work ability assessment

- 41 New sections 100B to 100D and cross-heading inserted** 25
Before the heading above section 101, insert:

“Work ability assessment

- “100B Chief executive may require person to undergo assessment**
- “(1) This subsection applies to a person who is, or who is the spouse or partner of, a beneficiary in receipt of— 30
- “(a) sole parent support; or
- “(b) a supported living payment (except as provided in **subsection (2)**); or
- “(c) an emergency benefit; or 35
- “(d) jobseeker support.

- “(2) **Subsection (1)(b)** does not apply to a person receiving a ~~sup-~~
~~porting~~ supported living payment on the ground of sickness,
injury, or disability if, in the chief executive’s opinion,—
- “(a) the person is terminally ill; or
 - “(b) the person has little or no capacity for work, and the per- 5
son’s condition is deteriorating or not likely to improve.
- “(3) The chief executive may at any time require a person to whom
subsection (1) applies to attend and participate in a work
ability assessment made to determine, or help to determine,
all or any of the following matters: 10
- “(a) whether the person is entitled to a benefit and, if so, what
kind of benefit: 10
 - “(b) if the person is in receipt of jobseeker support (other
than jobseeker support granted on the ground of sick- 15
ness, injury, or disability), whether the person is entitled
on an application under **section 88H**, or under **sec-**
tion 88I(4), to a deferral of work test obligations under
section 88I:
 - “(ba) if the person is in receipt of jobseeker support granted 20
on the ground of sickness, injury, or disability, whether
the person has for the purposes of **section 88F(2)** the
capacity to seek, undertake, and be available for part-
time work:
 - “(c) whether the person is entitled on an application under 25
section 105 on the ground of ~~capacity~~ limited capacity
to meet those obligations to an exemption from work
test obligations or work preparation obligations under
section 60Q:
 - “(ca) whether the person, being a person who is subject to 30
work test obligations or work preparation obligations
under section 60Q, has the capacity to meet those obli-
gations:
 - “(d) what is suitable employment for the person for the pur-
poses of section 102A(1)(a), (b), or (c):
 - “(e) what are suitable activities for the person for the pur- 35
poses of section 60Q(3) or 102A(1)(f):
 - “(f) what assistance and supports the person needs to obtain
employment.

- “(4) An assessment under **subsection (3)** must be undertaken in accordance with a procedure determined by the chief executive.
- “(5) After an assessment under **subsection (3)** is made, the chief executive may determine the matter or matters in **subsection (3)** for which that assessment was made—
 - “(a) in reliance on that assessment; or
 - “(b) having regard to the assessment and to any alternative assessment under **subsection (3)**.

“**100C Reassessment** 10

- “(1) The chief executive may from time to time reassess under **section 100B** a person to whom **section 100B(1)** applies and who has earlier been assessed under **section 100B**.
- “(2) A reassessment may be at a time, or after an interval, the chief executive thinks appropriate. 15
- “(3) After a reassessment, the chief executive may determine the matter or matters in **section 100B(3)** for which that reassessment was made.

“**100D Assessment or reassessment: department must explain requirements** 20

The chief executive must take reasonable and appropriate steps to make every person on whom requirements are imposed under **section 100B**, or under **sections 100B and 100C**, aware of—

- “(a) those requirements; and 25
- “(b) the consequences of failure to comply with those requirements.”

Work test obligations: drug testing obligations

42 Section 102A amended (Work test obligations) 30

After section 102A(1), insert:

- “(1A) The drug testing obligations under **section 102B(1)** are included in, and form part of, each of the work test obligations under subsection (1)(a), (c), and (f)(ii) and (iv) (each of which obligations is extended, and not limited, by this subsection).”

43 New sections 102B to 102E inserted

After section 102A, insert:

“102B Work test obligations: drug testing obligations

- “(1) The drug testing obligations referred to in **section 102A(1A)** are to undertake, and to pass, a drug test that a potential employer or a training provider requests candidates for employment or training to undertake, and to pass, by a specified time, and that is recognised by this Act because it is a drug test—
- “**(a)** of a kind described in **subsection (2)**; and
 - “**(b)** requested, and undertaken, lawfully (in particular, for a lawful health or safety purpose, or other lawful purpose), even though the employer or provider is not authorised or required by or under this Act to compel the candidate to undertake it.
- “**(2)** A drug test is of a kind described in this subsection for the purposes of **subsection (1)(a)** if the drug test is—
- “**(a)** a screening drug test of the candidate undertaken without any associated later evidential drug test of the candidate; or
 - “**(ab)** an evidential drug test of the candidate if he or she has failed any associated prior screening drug test under **paragraph (a)**; or
 - “**(b)** an evidential drug test of the candidate undertaken without any associated prior screening drug test of the candidate.
- “**(2A)** A drug test undertaken by a candidate for employment or training on a request by the potential employer or training provider is for the purposes of **subsection (1)(b)** presumed to be requested, and undertaken, lawfully, unless the contrary is proved.
- “**(3)** A candidate for employment or training is taken for the purposes of this Act to have failed an evidential drug test requested by a potential employer or a training provider if the candidate—
- “**(a)** fails an associated prior screening drug test requested by the employer or provider; and
 - “**(b)** waives (in any manner) the evidential drug test.
- “**(4)** For the purposes of **subsection (1) (1)**, the chief executive may, in the absence of evidence available to the chief execu-

tive and to the contrary effect, act on information given by the potential employer or training provider to the effect that a candidate has failed a screening drug test, an evidential drug test, or both.

- “**102C Work test obligations: drug testing obligations on referral to opportunity of suitable employment** 5
- “(1) This section applies to a work-tested beneficiary who has a work test ~~obligation~~ obligation.—
- “(a) under section 102A(1)(c), to attend and participate in an interview for any opportunity of suitable employment to which the beneficiary is referred by the chief executive; and 10
- “(b) that, under **section 102A(1A)**, includes the drug testing obligations under **section 102B(1)**.
- “(2) The employer providing the opportunity of suitable employment may, or may authorise the appropriate drug testing provider to, provide to the department (with or without the beneficiary’s consent) the results of a screening drug test, an evidential drug test, or both if— 15
- “(a) that employer has (in accordance with **section 102B(1) to (2A)**) requested the beneficiary to undergo, and to pass, by a specified time, a screening drug test, an evidential drug test, or both; and 20
- “(b) the beneficiary has by the specified time failed that drug test, or both of those drug tests. 25
- “(3) The chief executive may reimburse the employer for the actual and reasonable costs (if, or insofar as, they do not exceed the maximum reimbursement amount prescribed for the purposes of this subsection by regulations made under section 132) of a screening drug test, an evidential drug test, or both that the employer has (in accordance with **section 102B(1) to (2A)**) requested in respect of a work-tested beneficiary, if the chief executive— 30
- “(a) is provided under **subsection (2)** with the results of that drug test or those drug tests; and 35
- “(b) is satisfied that those results relate to the beneficiary, and that the beneficiary has failed that drug test or those drug tests.

- “(3A) Regulations made under section 132 prescribing maximum reimbursement amounts for the purposes of **subsection (3)** may, without limitation, prescribe different amounts of that kind based on either or both of the following:
- “(a) different kinds of drug tests: 5
 - “(b) the same or different kinds of drug tests having been provided by different providers or by different agents or employees of the same or different providers.
- “(4) Costs of a screening drug test requested (in accordance with **section 102B(1) to (2A)**) by an employer in respect of, and failed by, a work-tested beneficiary cannot be reimbursed under **subsection (3)** if the beneficiary has undertaken, and passed, an associated later evidential drug test requested (in accordance with **section 102B(1) to (2A)**) by that employer. 10
- “(5) Costs reimbursed under **subsection (3)** are a debt due to the Crown from the beneficiary for the purpose of section 85A(e). 15
- “**102D Work test obligations: drug testing obligations: challenging sanction based solely on failing screening drug test**
- “(1) This section applies to a beneficiary if— 20
- “(a) an employer or a training provider has (in accordance with **section 102B(1) to (2A)**) requested the beneficiary to undertake a screening drug test; and
 - “(b) the beneficiary has failed that screening drug test; and
 - “(c) that employer or training provider has not (in accordance with **section 102B(1) to (2A)**) requested the beneficiary to undertake an associated later evidential drug test because the beneficiary has failed that screening drug test; and 25
 - “(d) a sanction is to be imposed on the beneficiary (the beneficiary’s benefit is to be reduced, suspended, or cancelled), under section 117, based on the beneficiary having failed that screening drug test. 30
- “(2) The beneficiary may dispute the sanction to be imposed under section 117 by making to the department a request that the sample taken from the beneficiary for the screening drug test be subjected to an evidential drug test. 35

- “(3) A request under **subsection (2)** must be made by the beneficiary in writing in a form approved by the chief executive, and must be made—
- “(a) after the beneficiary is given under section 113 a written notice relating to the sanction to be imposed; and 5
 - “(b) after the beneficiary disputes the reduction, ~~suspension~~ suspension, or cancellation (within the period for that purpose, of 5 working days from the giving of that written notice, that section 113(2)(e) requires to be stated in that written notice); and 10
 - “(c) within a period that starts when the beneficiary disputes the reduction, suspension, or cancellation, and is a reasonable period specified by the department for the purpose.
- “(4) A request under **subsection (2)** must include the beneficiary’s consent to the department contacting the employer or training provider and a drug testing provider to arrange for the evidential drug test of the sample, and must authorise the drug testing provider that does the evidential drug test of the sample to provide to the department the results of that evidential drug test. 15 20
- “(5) The department may proceed to impose the appropriate sanction as if the beneficiary had not disputed the sanction if—
- “(a) a request under **subsection (2)** does not include the consent and authorisation required by **subsection (4)**; 25 and
 - “(b) that consent and authorisation is not provided in the period specified under **subsection (3)(c)**.
- “(6) If a request under **subsection (2)** is made to the department and includes the consent and authorisation required by **subsection (4)**, then until the department is advised of the results of an evidential drug test of the beneficiary arranged by the department in accordance with the request,— 30
- “(a) any sanction imposed under section 117, and based on the beneficiary’s having failed the associated ~~earlier~~ prior screening drug test, is suspended: 35
 - “(b) any failure for the purposes of sections 119 and **122(2)**, and based on the beneficiary’s having failed the associated ~~earlier~~ prior screening drug test, is suspended:

- “(c) the beneficiary is not liable under **section 102C(5)** for the actual and reasonable costs (if any) reimbursed to the employer under **section 102C(3)** of the beneficiary’s associated ~~earlier~~ prior screening drug test.
- “(7) The actual and reasonable costs incurred by a drug testing provider in doing an evidential drug test arranged by the department in accordance with a request under **subsection (2)** are payable by the department. 5
- “(8) If the beneficiary fails an evidential drug test arranged by the department in accordance with a request under **subsection (2)**, that failure is for the purposes of **section 116B(1)(e)** treated as a new failure of the beneficiary’s work test and drug test obligations. 10
- “(9) If the beneficiary fails an evidential drug test arranged by the department in accordance with a request under **subsection (2)**, the following are a debt due to the Crown from the beneficiary for the purpose of section 85A(e): 15
- “(a) the actual and reasonable costs incurred by a drug testing provider in doing that evidential drug test:
- “(b) the actual and reasonable costs (if any) reimbursed to the employer under **section 102C(3)** of the beneficiary’s associated ~~earlier~~ prior screening drug test. 20
- “**102E Work test obligations: drug testing obligations: use and communication of drug test results**
- Drug test results provided under, or under an authorisation given under, **section 102B, 102C, or 102D**,— 25
- “(a) may be used by the chief executive or the department for the purposes of, or for the purposes of a review or appeal against a decision under, that section and all or any of sections **116B, 116C**, 117, 119, and 122; but 30
- “(b) must not be used or communicated by the chief executive or the department for any other purposes.”

Sanctions

- 43A Section 113 amended (Procedure for imposing sanctions)**
After section 113(2), insert: 35

- “(2A) A notice given under this section to a beneficiary who on 2 or more occasions has failed to comply with 1 or more (whether the same or different) specified obligations under this Act may relate to and include those 2 or more failures, but for the purposes of sections 117 and 119— 5
- “(a) all the 2 or more failures included in the notice (so long as at least 2 of them are not disputed by the beneficiary) are treated as 1 failure; and
- “(b) the beneficiary must be sanctioned on that basis of that 1 failure (as a first, second, or third failure).” 10

44 Sections 115 and 116A replaced

Replace sections 115 and 116A (section 116A having been inserted on 15 October 2012 by section 43 of the Social Security (Youth Support and Work Focus) Amendment Act 2012) with:

- “**116B Failures to comply with obligations** 15
- “(1) The sanctions stated in section 117 must be imposed on a person when any of the following paragraphs applies to the person:
- “*Obligations related to contracted service providers*
- “(a) the chief executive considers that the person has, without a good and sufficient reason, failed to comply with an obligation under **section 60GAG(1)** to comply with a requirement under **section 60GAG(1)(a) to (d)**; or 20
- “*Social obligations of certain beneficiaries with dependent children* 25
- “(b) the chief executive considers that the person has, without a good and sufficient reason, failed to comply with a social obligation that the person has under **section 60RA(3)**, and that the person’s failure to comply with that social obligation is a failure in respect of which **section 60RC(3)** permits the chief executive to impose a sanction under section 117; or 30
- “*Obligations related to work preparation or to work ability assessment*
- “(c) the chief executive considers that the person has, without a good and sufficient reason, failed to comply with a general obligation under section 60Q(2) or an obliga- 35

tion under section 60Q(2) to comply with a requirement under section 60Q(3); or

- “(d) the chief executive considers that the person has, without a good and sufficient reason, failed to undergo an assessment that the person is required to undergo under **section 100B**; or

“Work test obligations (including drug testing obligations) and work-tested beneficiaries

- “(e) the person is a work-tested beneficiary, and the chief executive considers that the person has, without a good and sufficient reason, failed to comply with any of the work test obligations as set out in section 102A (including, without limitation, any drug testing obligations under **section 102B(1)** that, under **section 102A(1A)**, are included in, and form part of, a work test obligation under section 102A(1)(a), (c), or (f)(ii) or (iv)); or

- “(f) the person is required by this paragraph to be treated as a person to whom **paragraph (e)** applies because the person fails, without good and sufficient reason, to apply for suitable employment that requires candidates to undertake drug tests; or

- “(g) the person is required by this paragraph to be treated as a person to whom **paragraph (e)** applies because the person is a full-time work-tested beneficiary who leaves, without good and sufficient reason, or is dismissed for misconduct from, part-time work or employment averaging less than 15 hours a week; or

- “(h) the person is required by this paragraph to be treated as a person to whom **paragraph (e)** applies because the person is a part-time work-tested beneficiary who leaves, without good and sufficient reason, or is dismissed for misconduct from, employment averaging less than 15 hours a week; or

“Interview obligation of beneficiary exempted from work test

- “(i) the person is a beneficiary granted an exemption from the work test, and the chief executive considers that the person has, without a good and sufficient reason, failed to attend an interview as required under section 105(5).

- “(2) Section 60H(6) and (7) (which relate to dealing with voluntary unemployment or loss of employment through misconduct, etc) apply with all necessary modifications to a person to whom **subsection (1)(g) or (h)** of this section applies.
- “(3) A work-tested beneficiary who indicates that he or she would fail a drug test that an employer would require for an opportunity of suitable employment is for the purposes of **subsection (1)(f)** taken to be a person who fails, without good and sufficient reason, to apply for suitable employment that requires candidates to undertake drug tests (and therefore to be a person required by **subsection (1)(f)** to be treated as a person to whom **subsection (1)(e)** applies). 5 10
- “(4) **Subsection (3)** does not limit the generality of **subsections (1)(e) and (f)**.
- “**116C Good and sufficient reasons for specified failures to comply** 15
- “(1) A beneficiary has for the purposes of **section 116B** a good and sufficient reason for not undertaking or completing an activity if—
- “(a) doing so was dependent upon the provision by the department of any assistance specified by the department; and 20
- “(b) that assistance was either not supplied, or not supplied to the extent, or in the manner, specified by the department. 25
- “(2) A beneficiary has for the purposes of **section 116B** a good and sufficient reason for not complying with a drug testing obligation under **section 102B(1)**, or for failing to apply for suitable employment that requires candidates to undertake drug tests, or for both, if the chief executive is satisfied— 30
- “(a) that the person is addicted to, or dependent on, 1 or more controlled drugs; or
- “(b) that the person is undertaking treatment—
- “(i) for addiction to, or dependence on, 1 or more controlled drugs; and 35
- “(ii) provided by a health practitioner, or other person, who is professionally engaged in the treatment or

- rehabilitation of people using, or who have used,
controlled drugs; and
- “(iii) of a kind approved by the chief executive; or
- “(ba) that the person should be treated as one to whom **para-**
graph (b) applies because he or she is awaiting assess- 5
ment for, or an opportunity to undertake, treatment of
the kind specified in **paragraph (b)**; or
- “(c) that, insofar as the person is using a particular controlled
drug of a kind the presence of which in the person’s 10
body can be or may be detected by an evidential drug
test, that particular controlled drug has been lawfully
prescribed, and the person is using only the dosage of
that particular controlled drug lawfully prescribed, for
the person by a health practitioner; or
- “(d) that the person falls within, or the person’s circum- 15
stances fall within, another ground or other grounds spe-
cified for the purposes of this paragraph by regulations
made under section 132.
- “(3) A beneficiary who has 1 or more dependent children has for
the purposes of **section 116B** a good and sufficient reason for 20
not participating in or completing any activity required under
section 102A(1)(f) if the activity involves participation during
hours when it would be unreasonable to expect any dependent
child of the person to be without that person’s supervision.
- “(4) This section does not limit the generality of **section 116B.**” 25

**45 Section 117 amended (Sanctions that may be imposed
for failures)**

- (1) Before section 117(1), insert:
- “(1AA) If 2 or more failures of a beneficiary to comply with 1
or more specified obligations under this Act are under **sec-**
tion 113(2A) included by the chief executive in a notice 30
given to the beneficiary under section 113,—
- “(a) all the 2 or more failures included in the notice (so long
as at least 2 of them are not disputed by the beneficiary) 35
are treated as 1 failure for the purposes of this section
and section 119; and
- “(b) the beneficiary must be sanctioned on that basis of that
1 failure (as a first, second, or third failure).”

- (2) After section 117(1), insert:
- “(1A) Subsection (1) is subject to **subsections (1B) and (1C)**.
- “(1B) Cancellation under subsection (1)(c) of the person’s benefit (unless it is not a main benefit under this Act) is the sanction that the chief executive must apply if any failure referred to in subsection (1) is a failure under **section 116B(1)(e)** to comply with the obligation in section 102A(1)(b) (the work test obligation to accept any offer of suitable employment). 5
- “(1C) **Subsection (1B)** applies whether the failure under **section 116B(1)(e)** and that is mentioned in **subsection (1B)** is for the purposes of subsection (1) a first, a second, or a third failure.” 10
- 46 Section 119 amended (Calculation of failure rate)**
- (1) In section 119(1)(a), replace “while the same benefit has been continuously paid in respect of the beneficiary” with “during a period of continuous payment in respect of the beneficiary of the same benefit or of 2 or more different benefits”. 15
- (2) In section 119(1)(ab), delete “work-tested” in each place.
- (3) Replace section 119(1)(b) with:
- “(b) must not count a failure if— 20
- “(i) it is not a failure of a kind to which section 117 applies under **section 116B(1)**; or
- “(ii) it occurred more than 12 months before the failure for which the calculation is made if, during that period, that beneficiary has not incurred a failure of a kind in **section 116B(1)** to which section 117 applies.” 25
- (4) Before section 119(2) (and after the **section 119(1A)** inserted by **section 55A(13)** of this Act), insert:
- “(1B) For the purposes of subsection (1)(a), 2 or more different benefits paid to a beneficiary do not give rise to a period of continuous payment in respect of the beneficiary of those 2 or more different benefits if— 30
- “(a) one of those 2 or more different benefits is a youth payment or a young parent payment; and 35
- “(b) the other of, or (as the case may be) the rest of, those 2 or more different benefits is any 1 or more or all of sole par-

ent support, supported living payment, jobseeker support, and emergency benefit.

“(1C) **Subsection (1B)** does not limit or affect subsection (1)(a) applying (under section 176(2)) with all necessary modifications to the imposition of sanctions under sections 173 and 174 in respect of failures— 5

“(a) by a young person receiving a youth payment or a young parent payment; and

“(b) that are failures, without good and sufficient reason, to comply with an obligation placed on him or her by section 170; and 10

“(c) during a period of continuous payment in respect of the young person of the same benefit (being a youth payment or a young parent payment) or of 2 or more different benefits (being a youth payment and a young parent payment, in whatever sequence paid).” 15

(5) After section 119(5), insert:

“(6) This section is subject to **sections 113(2A) and 117(1AA)** (which relate to 2 or more failures of a person to comply with 1 or more specified obligations under this Act being— 20

“(a) included in a notice given to the person under section 113; and

“(b) treated for the purposes of section 117 and this section as 1 failure).”

47 Section 122 replaced (Meaning of recompliance) 25

Replace section 122 with:

“**122 Meaning of recompliance**

“(1) A person **recomplies** (for the purpose of section 117) in relation to a failure (or, as the case may be, to 2 or more failures) under **section 116B** and that has (or have) been included in a notice given to the person under section 113 (the **relevant failure or failures**) if the person remedies the relevant failure (or, if the person has failed to comply with 2 or more obligations of a kind referred to in **section 116B(1)**, the person remedies all the relevant failures) included in the notice. 30 35

“(2) Despite **subsection (1)**, a person who is a work-tested beneficiary recomplies (for the purpose of section 117) in relation to

each relevant failure it is not possible to remedy if the person undertakes to the chief executive's satisfaction an activity that is the same as, or substantially similar to, the activity that the person failed to comply with under the applicable work test obligation.

5

“(3) Despite **subsection (1)**, a person **recomplies** (for the purpose of section 117) in relation to a relevant failure under **section 116B(1)(e)** to comply with any drug testing obligations under **section 102B(1)** if,—

“(a) in the case of a first failure of that kind in a 12-month period, the person undertakes in a manner that is satisfactory to the chief executive that the person will not use controlled drugs (except any use of a particular controlled drug that is lawfully prescribed, and only the dosage of that particular controlled drug that is lawfully prescribed, for the person by a health practitioner):

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“(b) in the case of a second failure of that kind in a 12-month period, the person undertakes in a manner that is satisfactory to the chief executive to do both of the following:

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“(i) to pass a drug test of the kind stated in **section 122A(2)(a) or (b)**, and to do so within 25 working days after the date of the person's undertaking; and

“(ii) to provide evidence that satisfies the chief executive that the person has passed a drug test of that kind, and to do so within 30 working days after the date of the person's undertaking.

25

“(4) The calculation of the number of failures for the purposes of **subsection (3)** is independent and separate from, and therefore does not affect, the calculation (in accordance with section 119) of the number of failures for the purposes of section 117.

30

“(5) The department must take reasonable and appropriate steps to make a person who has given an undertaking in accordance with **subsection (3)(b)** aware of the following matters:

35

“(a) the consequences of failing to comply with the undertaking; and

- “(b) the location of a drug testing provider that the person can use to undertake a drug test of the kind stated in **section 122A(2)(a) or (b)**; and
- “(c) that the actual and reasonable costs charged by the provider for performing, on one occasion only within the period, a drug test of the kind stated in **section 122A(2)(a) or (b)** are paid by the department, but are also recoverable from the person as a debt due to the Crown for the purposes of section 85A(e).”

48 New section 122A inserted (Recomplying after second failure to comply with drug testing obligations)

After section 122, insert:

“122A Recomplying after second failure to comply with drug testing obligations

- “(1) This section applies to a work-tested beneficiary who has undertaken under **section ~~122(2)(b)~~ 122(3)(b)** to do both of the following:
 - “(a) to pass a drug test of the kind stated in **subsection (2)(a) or (b)** of this section, and to do so within the 25-working-day period in **section 122(3)(b)(i)** (the **testing period**); and
 - “(b) to provide evidence that satisfies the chief executive that the person has passed a drug test of that kind, and to do so within the 30-working-day period in **section 122(3)(b)(ii)** (the **results period**).
- “(2) The beneficiary must at a time that is within the testing period attend at the location of a drug testing provider for the purpose of undertaking a drug test that is—
 - “(a) a screening drug test of the beneficiary and, if the beneficiary fails that screening drug test, an evidential drug test of the beneficiary; or
 - “(b) an evidential drug test of the beneficiary undertaken without any associated prior screening drug test of the beneficiary.
- “(3) The actual and reasonable costs charged by the provider for performing, on 1 occasion only within the testing period, a drug test in accordance with **subsection (2)(a) or (b); (b)** are—

- “(a) payable by the department; but also
“(b) a debt due to the Crown from the beneficiary for the purpose of section 85A(e).
“(4) A beneficiary who fails a screening drug test or an evidential drug test or both performed within the testing period may (in order to try to comply with the beneficiary’s undertaking despite that failure) undertake, at the beneficiary’s expense, further drug testing within the testing period. 5
“(5) A beneficiary who does not pass a drug test of the kind stated in **subsection (2)(a) or (b)** within the testing period must for the purpose of section 117(1)(c) be treated as a person who has failed a third time within a 12-month period to comply with any drug testing obligations in **section 102B(1)**.” 10

*Special assistance under welfare programme:
use of preferred supplier* 15

49 Section 124 amended (Money payable out of Crown Bank Account)

After section 124(1B), insert:

- “(1BA) This subsection applies to an applicant for special assistance under a welfare programme approved by the Minister under subsection (1)(d) if— 20
“(a) any special assistance under the programme relates to the supply of any goods or services to the applicant or a member of the applicant’s family; and
“(b) the goods or services are of a class, description, or kind supplied by a preferred supplier (being a preferred supplier to, or in respect of, the area in which the applicant resides) under a contract entered into with the chief executive under **section 125AA**. 25
“(1BB) If **subsection (1BA)** applies to an applicant for special assistance under a welfare programme approved by the Minister under subsection (1)(d), the applicant must purchase the goods or services from a preferred supplier nominated by the chief executive at the price determined by the contract under **section 125AA** with that supplier, and— 30 35

- “(a) the amount of the special assistance granted under sub-section (1)(d) for purchasing those goods or services is the lesser of—
- “(i) the price so determined; and
 - “(ii) the maximum amount for purchasing those goods or services available under the welfare programme concerned; and
- “(b) the chief executive must pay that special assistance to that supplier in consideration of the supply of the goods or services to the applicant or the applicant’s family member.
- “(1BBA) A nomination under **subsection ~~(11B)~~ (1BB)** of a preferred supplier—
- “(a) may be given orally or in writing (but, if given orally, must as soon as practicable be confirmed in writing); and
 - “(b) may from time to time be amended, revoked, or revoked and replaced by the chief executive, to recognise changes in preferred suppliers or preferred supply contracts ending without also being replaced.
- “(1BC) No appeal under this Act lies against any chief executive’s decision under **subsection (1BB)(b)**.
- “(1BD) **Subsections (1BA) to (1BC)** are subject to (preferred supplier transitional provisions) directions under **section 125AA(5)**.”

Preferred suppliers of goods or services for beneficiaries or others

50 New section 125AA and cross-heading inserted

After section 124, insert:

Preferred suppliers of goods or services for beneficiaries or others

“125AA Preferred supply of goods or services for beneficiaries or others

- “(1) The Minister may from time to time, by written direction, determine the goods or services, or classes, descriptions, or kinds of goods or services, contracts for the supply of which may be

- entered into under **subsection (3) (specified goods or services)**.
- “(2) A determination under **subsection (1)** must be in respect of goods or services, or classes, descriptions, or kinds of goods or services, for all or any of the following (and for no other) purposes: 5
- “(a) to meet additional expenses arising from a disability by way of a disability allowance, under **section 69C(7B)**;
- “(b) to satisfy the immediate needs of a beneficiary by way of an advance payment of a benefit under section 82(6) and (6A): 10
- “(c) for supply of goods or services to a beneficiary by way of a redirection of some of the beneficiary’s benefit payments, under **section 82(6G)**;
- “(d) to meet particular needs of a person by way of special assistance under a welfare programme under section 124(1)(d), under **section 124(1BB)**. 15
- “(3) The chief executive may from time to time, on behalf of the Crown, enter into a contract with any person, body, or organisation (a **preferred supplier**) for the supply of specified goods or services (as defined in **subsection (1)**)— 20
- “(a) by the preferred supplier; and
- “(b) for purchase by beneficiaries, other persons identified by the department, or both.
- “(4) **Goods or services**, in this section and in **section sections 69C(7B), 82(6AB) and (6G), and 124(1BB)**, includes goods and services. 25
- “(5) The Minister may, from time to time, give to the chief executive under section 5 general or special directions setting out transitional or savings provisions that apply— 30
- “(a) to persons receiving assistance under this Act in respect of goods or services that would be affected by a contract with a preferred supplier in respect of those goods or services; and
- “(b) at, or within a specified period after, the time or times when a contract under **subsection (3)** (including, without limitation, one that varies or replaces all or any of an earlier contract of that kind) takes effect. 35
- “(6) Directions under **subsection (5)**—

- “(a) override sections **69C(7A) to (7D)**, 82(6) to **(6AB)**, **82(6F) and (6G)**, and **124(1BA) to (1BC)**; and
“(b) must, in accordance with section 5(1), be complied with by the chief executive.”

Contracts with administration service providers 5

51 Section 125A amended (Chief executive may contract with service providers)

- (1) In section 125A(1)(a), after “that”, insert “, in relation to young persons,”.
(2) After section 125A(1)(a), insert: 10
“(ab) that, in relation to persons other than young persons, are services in relation to all or any of **Parts 1 to 1P and 2**; and”.
(3) In section 125A(2)(b), replace “young persons” with “persons to whom the services relate”. 15
(4) Repeal section 125(3).

52 Section 125C amended (Release of personal information to and by contracted service provider)

- (1) In section 125C(1)(a), delete “young”.
(2) In section 125C(1)(b), replace “Part 5 and section 123E(a)” 20 with “the provisions specified in section 125A(1)(a) or, as the case requires, **125A(1)(ab)**”.
(3) In section 125C(2), delete “young” in each place.

*Effect on benefit of warrant to arrest beneficiary:
information matching* 25

52A New section 126AC inserted (Disclosure to department of warrant to arrest beneficiary for determining effect on benefit)

- After section 126AB, insert:
“**126AC Disclosure to department of warrant to arrest beneficiary for determining effect on benefit** 30
“(1) The purpose of this section is to authorise and require the disclosure of information by the Ministry of Justice to the department for the purpose of enabling the department to implement

effectively **section 75B** (which relates to the effect on a benefit of a warrant to arrest the beneficiary).

- “(2) For the purpose of this section, the chief executive of the Ministry of Justice must from time to time, in accordance with arrangements made with the chief executive of the department for the time being responsible for the administration of this Act, provide the latter chief executive with information about individuals for whose arrest a New Zealand court has (or 1 or more of the court’s Judges or Registrars has or have) at least 28 days before the provision of the information issued a warrant to arrest in criminal proceedings against the individual for an offence (being a warrant of that kind that has not been executed or withdrawn). 5 10
- “(3) The information must be provided unless provision of the information is limited or prohibited by any enactment or by any order or direction of the court. 15
- “(4) The information provided must, without limitation, include the individual’s name (including any alias), date of birth, and last known address, and the nature of the offence charged.
- “(5) The chief executive of the department responsible for the administration of this Act may supply the information received to any officer or employee who is— 20
- “(a) an officer or employee of the department; and
- “(b) authorised by that chief executive to receive it.
- “(6) The information must be provided in a form determined by agreement between the 2 chief executives.” 25

*Disability allowance:
funding of specified expenses*

- 53 New section 132AD inserted (Regulations on use of disability allowance to fund specified expenses)** 30
- After section 132AC, insert:

“132AD Regulations on use of disability allowance to fund specified expenses

- “(1) The Governor-General may, by Order in Council, make regulations relating to the use of a disability allowance to fund specified expenses. 35

- “(2) Any such regulations may (without limiting **subsection (1)**) do all or any of the following:
- “(a) specify classes, descriptions, or kinds of expenses that must not be funded by way of a disability allowance:
 - “(b) specify classes, descriptions, or kinds of expenses that may be funded by way of a disability allowance only to an extent specified in the regulations, or only subject to compliance with conditions specified in the regulations, or both: 5
 - “(c) provide for transitional and savings provisions relating to use of a disability allowance to fund specified expenses. 10
- “(3) Any such regulations that do what is stated in **subsection (2)(b)** may specify the maximum extent to which expenses may be funded by way of a disability allowance in ways that are or include using all or any of the following: 15
- “(a) maximum funded proportions of all or any of the expenses concerned:
 - “(b) maximum funded amounts for all or any specified expenses, specified periods, or both: 20
 - “(c) maximum numbers, frequencies, or both, of grants for all or any specified expenses.
- “(4) Transitional or savings provisions under **subsection (2)(c)** may, without limitation, provide for all or any of the following: 25
- “(a) separate transitional or savings provisions for all or any specified people to or on account of whom a disability allowance is payable immediately before the commencement of this section: 25
 - “(b) separate transitional or savings provisions for all or any specified expenses to which the regulations apply (when they, or any regulations amending them or made under **subsection (2)(c)**, come into force): 30
 - “(c) specified transitional or savings provisions to have effect at a time, or on the occurrence of an event (for example, at the end of any existing contractual arrangements), specified in any general or special directions given to the chief executive in writing by the Minister under section 5.” 35

*Effect on benefit of warrant to arrest beneficiary,
and expiry and re-grant of specified benefits***54 New sections 132L and 132M inserted**

After section 132K, insert:

- “132L Regulations relating to effect on benefit of warrant to arrest beneficiary** 5
- “(1) The Governor-General may by Order in Council make regulations for the purpose of **section 75B** (which relates to the effect on a benefit of a warrant to arrest a beneficiary), including, without limitation,— 10
- “(b) provisions prescribing classes, descriptions, or kinds of offences excluded from the operation of **section 75B(1)(a)**:
- “(ba) provisions prescribing for the purposes of **section 75B(1A)(a)(iii)** or, as the case requires, **section 75B(1A)(b)(ii)**, classes, descriptions, or kinds of beneficiary excluded from the operation of all of the provisions of **section 75B**, and who are therefore **excluded beneficiaries** for the purposes of **section 75B(2) to (4)** or, as the case requires, **section 75B(5) and (6)**: 15 20
- “(d) provisions for any other matters contemplated by **section 75B**, necessary for its administration, or necessary for giving it full effect.
- “(6) Nothing in this section limits section 132. 25
- “132M Regulations relating to expiry and re-grant of specified benefits**
- “(1) The Governor-General may by Order in Council make regulations for the purpose of **sections 80BE and 80BF** (which relate to expiry and re-grant of specified benefits), including, without limitation, provisions that— 30
- “(a) declare a benefit that is sole parent support, supported living payment, or emergency benefit (including, without limitation, that benefit as granted in either or both of the ways specified in **section 80BE(5A)(a) and (b)**) not to be a specified benefit for the purposes of **sections 80BE and 80BF**: 35

- “(b) prescribe the expiry date or expiry dates for every benefit that is a specified benefit for the purposes of **sections 80BE and 80BF**:
- “(c) specify circumstances in which the chief executive may under **section 80BE(7)** consider an exemption from expiry under **section 80BE**. 5
- “(2) Regulations under **subsection (1)(b)** may, without limitation, prescribe the same expiry date, or 2 or more different expiry dates, for all or any combination of the following:
- “(a) each specified benefit for the purposes of **sections 80BE and 80BF**: 10
- “(b) each specified benefit for the purposes of **sections 80BE and 80BF** insofar as that benefit is granted on each of 2 or more different specified eligibility grounds: 15
- “(c) each specified benefit for the purposes of **sections 80BE and 80BF** insofar as that benefit is (on all, or any specified, eligibility grounds) granted to a specified category, class, or kind of applicants, recipients, or beneficiaries. 20
- “(3) Nothing in this section limits section 132.”

Jobseeker support

55 Schedule 9 amended

- (1) In Schedule 9, after clause 1(a), insert:
- (ab) To any other single beneficiary without dependent children and who was on **15 July 2013** transferred to jobseeker support— \$214.79 a week, subject to Income Test 1
- (i) by **clause 2(8) and (9) of Schedule 32**; or
- (ii) by **clause 9(6) and (7) of Schedule 32**
- (2) In Schedule 9, after clause 1(b), insert: 25

- (ba) To any single beneficiary whose youngest dependent child is aged at least 14 years (including, without limitation, any such beneficiary who is a beneficiary of a kind specified in **clause 5A(a), (b), or (c)**, and *see also* the chief executive's discretion (to disregard specified income used to meet the cost of childcare) under **clause 5B**) \$295.37 a week, subject to Income Test 1
- (3) In Schedule 9, clause 1(c),—
- (a) ~~replace “a” with “any other”;~~ and
- (a) replace “To a” with “To any other”; and
- (b) replace “Income Test 3” with “Income Test 1”.
- (4) In Schedule 9, after clause 5, insert: 5
- 5A A single beneficiary whose youngest dependent child is aged at least 14 years, referred to in **clause 1(ba)**, includes, without limitation, any such beneficiary who is—
- (a) a beneficiary who (as a person with a dependent child aged under 14 years) was on **15 July 2013** transferred by **clause 2(6) and (7) of Schedule 32** to sole parent support that after **14 July 2013** and under **section 20H(1) and (2)** expired, and was replaced with jobseeker support that commenced, on the date that the beneficiary's youngest dependent child turned 14 years old; or
- (b) a beneficiary who (as a person without a dependent child aged under 14 years) was on **15 July 2013** transferred to jobseeker support by **clause 2(8) and (9) of Schedule 32**; or
- (c) a beneficiary whose entitlement to jobseeker support arose from applying for it, and being granted it, after **14 July 2013**.
- 5B For the purposes of **clause 1(ba)** and of clause 1(c), the chief executive may, in his or her discretion, disregard up to \$20 a week of the beneficiary's personal earnings used to meet the cost of childcare for any of the beneficiary's dependent children.

References to main benefits

55A Amendments to make clearer references to main benefits

(1AA) In section 3(1), definition of **financially independent**, paragraph (c), replace “a benefit” with “a main benefit under this Act”.

5

(1AB) In section 3(1), definition of **financially independent**, paragraph (d), replace “a benefit” with “a main benefit”.

(1) In section 61(1)(b), replace “any benefit” with “a main benefit under this Act, New Zealand superannuation, or a veteran’s pension”.

10

(2) In section 75(2),—

(a) replace “Notwithstanding anything to the contrary in this Act or in the Social Welfare (Transitional Provisions) Act 1990 or Part 6 of the War Pensions Act 1954, if” with “If”; and

15

(b) replace “a benefit (other than an unsupported child’s benefit or an orphan’s benefit)” with “a main benefit under this Act”; and

(c) replace “shall not be affected” with “is, despite anything to the contrary in this Act, unaffected”.

20

(3) In section 75(3), delete “(other than a person in receipt of, or entitled to receive, a veteran’s pension or a person who is a resident assessed as requiring care (as defined in section 136) 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 section 142)”.

25

(4) In section 75(5), replace “any benefit” with “a main benefit under this Act”.

(5) Repeal section 75(8).

(6) In section 117(1)(a)(i), after “the person’s benefit”, insert “(unless it is not a main benefit under this Act)”.

30

(7) In section 117(1)(a)(ii), after “the person’s benefit”, insert “(unless it is not a main benefit under this Act)”.

(8) In section 117(1)(b), after “the person’s benefit”, insert “(unless it is not a main benefit under this Act)”.

35

(9) In section 117(1)(c), replace “benefit” with “person’s benefit (unless it is not a main benefit under this Act)”.

- (10) ~~In section 117(2), replace “benefit” with “main benefit under this Act”.~~
- (10) In section 117(2), replace “whose benefit” with “whose main benefit under this Act”.
- (11) In section 117(2)(a), replace “benefit” with “main benefit under this Act” 5
- (12) In section 117(2)(b), replace “a benefit” with “a main benefit under this Act”.
- (13) After section 119(1), insert:
 - “(1A) Subsections (1)(a) and (ab) and (3) apply only to 1 or more main benefits under this Act.” 10
- (14) In section 121, replace “a benefit” with “a main benefit under this Act”.
- (15) In section 123(1)(a), replace “a benefit” with “a main benefit under this Act” 15
- (16) In section 123(3), replace “a benefit” with “a main benefit under this Act”.
- (17) In section 123A(1), replace “a benefit” with “a main benefit under this Act”.
- (18) In section 123B(2)(b), replace “a benefit” with “a main benefit under this Act” 20
- (19) In section 123B(3), replace “a benefit” with “a main benefit under this Act” in each place.
- ~~(20) In section 173(2)(a) and (b), replace “a benefit” with “a main benefit under this Act” in each place. 25~~
- ~~(21) In section 174(2)(a) and (b), replace “a benefit” with “a main benefit under this Act” in each place.~~
- ~~(22) In Schedule 18, Part 1, clause 1, definition of **base rate**, paragraphs (a), (b), (c), (d), and (da), replace “of benefit” with “of a main benefit under this Act”. 30~~
- (20) In sections 173(2)(a) and 174(2)(a), replace “any benefit” with “a main benefit under this Act”.
- (21) In sections 173(2)(b) and 174(2)(b), replace “a benefit” with “a main benefit under this Act”.
- (22) In Schedule 18, Part 1, clause 1, definition of **base rate**, paragraphs (a), (b), (c), and (da), replace “of benefit” with “of a main benefit under this Act”. 35

- (22A) In Schedule 18, Part 1, clause 1, definition of **base rate**, paragraph (d), replace “of benefit” with “of a main benefit under this Act” in each place.
- (22B) In Schedule 22, clause 1, replace “a benefit (other than New Zealand superannuation, a veteran’s pension, an orphan’s benefit, or an unsupported child’s benefit)” with “a main benefit under this Act”. 5
- (23) In Schedule 22, repeal clause 2.

*Reorganising headings and relocating
section 53A*

10

- 56 Amendments to make clearer principal Act’s structure**
The principal Act is amended in the manner indicated in **Part 1 of Schedule 2**.

Part 2

**Consequential amendments, and
transitional and savings provisions**

15

Overview

- 57 Overview of Part**
- (1) This **Part** contains consequential amendments to the principal Act and to other enactments, and transitional and savings provisions, related to the substantive amendments to the principal Act contained in **Part 1**. 20
- (2) In particular, this **Part**,—
- (a) changes legislative references to reflect the new benefit categories; and 25
 - (b) provides for transfers from existing benefits to new benefits (*see sections 131 and 132* inserting **section 3C** and **Schedule 32** of the principal Act); and
 - (c) makes consequential amendments related to substantive amendments making clearer the principal Act’s structure (*see sections 129 and 130* and **Parts 2 and 3 of Schedule 2**). 30
- (3) Some amendments or provisions in this **Part** relate to provisions of the principal Act that are inserted or amended on 15 October 2012 by section 2(2) and Parts 3 and 4 of the So- 35

~~cial Security (Youth Support and Work Focus) Amendment Act 2012.~~

Consequential amendments: work-test couple rate

- 58 Consequential amendments to principal Act** 5
- (1) In section 3(1), definition of **work-tested spouse or partner**, paragraph (b)(i), replace “married” with “couple”.
- (2) In section 3(1), definition of **work-tested spouse or partner**, paragraph (b)(ii)(A), replace “work-tested married” with “work-test couple”. 10
- (3) In section 3(5), replace “married” with “couple”.
- (4) In section 60H(2)(b), replace “married” with “couple”.
- (5) In section 61A(1)(a) and (1A), replace “married” with “couple”.
- (6) In section 120(1), (1A), and (2), replace “married” with “couple”. 15
- 59 Consequential amendments to other enactments**
- (1) In the Accident Compensation Act 2001, section 252(5), replace “married” with “couple”.
- (2) In the Child Support Act 1991, section 30(3) and (4)(a), replace “married” with “couple”. 20
- (3) In the Child Support Act 1991, section 30(5), definition of **gross married rate of invalid’s benefit**, replace “married” with “couple”.
- (4) In the Child Support Act 1991, section 30(5), definition of **gross married rate of unemployment benefit**, replace “married” with “couple”. 25

Consequential amendments: status of examples

- 60 Consequential amendments to enactments made under principal Act** 30
- The following are consequentially revoked:
- (a) regulation 3A of the Social Security (Long-term Residential Care) Regulations 2005:

- (b) regulation 5 of the Social Security (Temporary Additional Support) Regulations 2005.

Consequential amendments: pre-benefit activities

- 61 Section 11D amended (Application process for benefits)** 5
In section 11D(12), replace “section 96A” with “**sections 11E, 11G, and 11H**”.
- 62 Section 132J amended (Regulations stating pre-benefit activities)**
In section 132J(1), replace “section 96A” with “**sections 11E, 11G, and 11H**”. 10
- 63 Social Security (Pre-benefit Activities) Regulations 2012 amended**
- (1) This section amends the Social Security (Pre-benefit Activities) Regulations 2012. 15
- (2) In regulation 3, replace “section 96A(13)” with “**section 11E(3)**”.

Consequential amendments: Sole parent support

- 64 Section 3 amended (Interpretation)**
- (1) In section 3(1), definition of **income-tested benefit**, repeal paragraph (j). 20
- (2) In section 3(1), definition of **part-time work-tested beneficiary**, repeal paragraph (a)(iii).
- (3) In section 3(1), definition of **work-tested beneficiary** (as replaced on 15 October 2012 by section 33(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012), repeal paragraph (b)(iii). 25
- (3A) In section 3(1), definition of **work-tested benefit** (as so replaced), paragraph (a),—
- (a) replace “a work-tested domestic purposes beneficiary,” 30
with “a work-tested sole parent support beneficiary,”;
and
- (b) delete “or a work-tested widow’s beneficiary,”.

- (4) In section 3(1), definition of **work-tested benefit** (as so replaced), paragraph (c), replace “a domestic purposes benefit under section 27B or 27C; and” with “sole parent support under **section 20D**”.
- (5) In section 3(1), definition of **work-tested benefit** (as so replaced), repeal paragraph (e). 5
- (6) In section 3(1), repeal the definition of **work-tested domestic purposes beneficiary** (as so replaced).
- (7) In section 3(1), insert in its appropriate alphabetical order:
 “**work-tested sole parent support beneficiary** means a person— 10
 “(a) who has been granted sole parent support under **section 20D**; and
 “(b) whose youngest dependent child is aged 5 years or older”. 15
- (8) In section 3(1), repeal the definition of **work-tested widow’s beneficiary** (as inserted on 15 October 2012 by section 33(5) of the Social Security (Youth Support and Work Focus) Amendment Act 2012).
- 65 Section 60GAE amended (Beneficiaries having additional dependent child: general) 20**
- (1) In section 60GAE(1)(a) (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012), delete “a widow’s benefit,”.
- (2) In section 60GAE(2) (as so inserted), replace “**work-tested domestic purposes beneficiary**,” with “**work-tested sole parent support beneficiary**, and”. 25
- (3) In section 60GAE(2) (as so inserted), delete “, and **work-tested widow’s beneficiary**”.
- 66 Section 60Q amended (Certain obligations may be placed on beneficiaries and their spouses and partners) 30**
- (1) In section 60Q(1)(a) (as replaced on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012), replace “a benefit under section 21 (the widow’s benefit)” with “a benefit under **section 20D** (sole parent support)”. 35

- (2) Repeal section 60Q(1)(b) (as so replaced).
- 67 Section 61 amended (Chief executive may grant emergency benefit in cases of hardship)**
In section 61(1), first and second provisos, replace “a domestic purposes benefit, a widow’s benefit,” with “sole parent support,” in each place. 5
- 68 Section 70A amended (Rates of benefits for sole parents may be reduced)**
Replace section 70A(1)(b)(i) and (ii) with:
“(i) sole parent support under **section 20D**; or”. 10
- 69 Section 74AA amended (Residential requirements for certain benefits)**
In section 74AA(2),—
(a) delete “a domestic purposes benefit,”; and
(b) replace “a widow’s benefit” with “sole parent support”. 15
- 70 Section 80B amended (Interpretation)**
In section 80B, definition of **income**, insert in its appropriate alphabetical order:
“(ac) the amount of any sole parent support received by the person:”. 20
- 71 Section 82 amended (Payment of benefits)**
In section 82(2A), delete “, and a widow’s benefit”.
- 72 Section 162 amended (Youth payment: continuation after age 18)**
Replace section 162(2)(a) and (b) with: 25
“(a) sole parent support:”.
- 73 Section 168 amended (Young parent payment: continuation after age 19)**
Replace section 168(2)(a) and (b) with: 30
“(a) sole parent support:”.

74 Schedule 3 amended

- (1) In the Schedule 3 heading, replace “ss 21, 24” with “**s 3C**”.
- (2) In the Schedule 3 heading, replace “**Rates of widows’ benefits**” with “**Rates of generally abolished former widows’ benefits under section 21 as saved by clause 3 of Schedule 32 for reciprocity agreement applicants or recipients**”. 5

75 New Schedule 3A inserted

- (1) After Schedule 3, insert the **Schedule 3A** set out in **Schedule 1** of this Act.
- (2) In section 3(1), definition of **dependent child**, paragraph (d), after “3,” insert “**3A**,”. 10
- (3) In section 61H(1)(d), after “3,” insert “**3A**,”.
- (4) In section 61HA(2), after “3,” insert “**3A**,”.

76 Schedule 10 amended

- (1) In the heading to Schedule 10, replace “**New Zealand Superannuation payable under section 16, invalids’, widows’, domestic purposes, and sickness**” with “**stated**”. 15
- (2) In Schedule 10, item specifying maximum rate, replace “in any other case” with “in the case of New Zealand Superannuation, supported living payment on the ground of sickness, injury, disability, or total blindness, or sole parent support”. 20

77 Schedule 16 amended

- (1) In the Schedule 16 heading, replace “ss 27B, 27C, 27H” with “**s 3C**”.
- (2) In the Schedule 16 heading, replace “**Rates of domestic purposes benefits**” with “**Rates of generally abolished former DPB for solo parents under section 27B as saved by clause 3 of Schedule 32 for reciprocity agreement applicants or recipients**”. 25

78 Schedule 18 amended 30

- In Schedule 18, Part 1, clause 3, replace “a widow’s benefit or a domestic purposes benefit” with “sole parent support”.

- 79 Other consequential amendments to principal Act**
- (1) In the following provisions, replace “a domestic purposes benefit” with “sole parent support”:
- (a) section 3(1), definition of **income-tested benefit**, paragraph (b): 5
 - (b) section 60GAE(1)(a) (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012):
 - (c) section 80(5)(b):
 - (d) section 82(2A). 10
- (2) In the following provisions, replace “domestic purposes beneficiary” with “sole parent support beneficiary”:
- (a) section 3(1), definition of **part-time work-tested beneficiary**, paragraph (a)(ii):
 - (c) section 3(1), definition of ~~work tested benefit~~, paragraphs (a) and **work-tested benefit**, paragraph (c). 15
- (2A) In section 3(1), definition of **work-tested beneficiary** (as replaced on 15 October 2012 by section 33(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012), paragraph (b)(ii), replace “domestic purposes beneficiary; or” with “sole parent support beneficiary”. 20
- (3) In the following provisions, replace “a widow’s benefit, a domestic purposes benefit,” with “sole parent support,”:
- (a) section 61E(1), definition of **beneficiary**, paragraph (a):
 - (b) section 66(1): 25
 - (c) section 69C(1)(a):
 - (d) section 80(2)(b).
- (4) In section 80(14)(a), replace “a widow’s benefit, a domestic purposes benefit,” with “sole parent ~~support~~ support,”.
- 80 Consequential amendments to other enactments** 30
- The enactments specified in **Schedule 3** are amended in the manner indicated in that schedule.

*Consequential amendments:
supported living payment benefit*

- 81 Section 3(1) amended (Interpretation)**
- (1) In section 3(1), definition of **work-test married rate**, paragraph (b)(ii), replace “42(2)” with “**401(5)**”. 5
- (2) In section 3(1), definition of **work-tested spouse or partner**, paragraph (b)(iii)(C), replace “42(2)” with “**401(5)**”.
- 82 Section 39A amended (Child disability allowance)**
In section 39A(1), replace “39F” with “39E”.
- 83 Section 43 amended (Subsidy on earnings of blind beneficiaries)** 10
In section 43, replace “section 42” with “**section 40I**”.
- 84 Section 70A amended (Rates of benefits for sole parents may be reduced)**
- Replace section 70A(1)(b)(iii) with: 15
- “(iii) a supported living payment on the ground of sickness, injury, disability, or total blindness, under **section 40B**; or”.
- 85 Section 80 amended (Commencement of benefits)**
- In section 80(5)(ca)(i), replace “congenital defect” with “existing from birth”. 20
- 86 Section 80B amended (Interpretation)**
- In section 80B, definition of **income**, insert in its appropriate alphabetical order:
- “(ad) the amount of any supported living payment received 25
by the person.”.
- 87 Section 157 amended (Interpretation)**
- (1) In section 157, definition of **specified beneficiary**, repeal paragraph (a).

- (2) In section 157, definition of **specified beneficiary**, paragraph (b), replace “invalid’s benefit” with “supported living payment”.

88 Schedule 6 amended

- (1) In the Schedule 6 heading, replace “**invalids**” with “**supported living payment**”. 5
- (2) In the Schedule 6 heading, replace “ss 42, 43” with “**ss 40I, 40J**”.
- (3) In Schedule 6, clause 1(f), after “children”, insert “receiving a supported living payment under **section 40B** on the ground of sickness, injury, disability, or total blindness”. 10
- (4) In Schedule 6, after clause 1(g), insert:
- | | |
|--|---|
| (h) To a beneficiary (with or without dependent children) receiving a supported living payment under section 40D on the ground of caring for a patient requiring care, if the beneficiary is married or 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 | \$214.79 a week, subject to Income Test 1 |
|--|---|

(4A) In Schedule 6, clause 2, replace “invalid” with “beneficiary”.

- (5) In Schedule 6, after clause 2, insert:
- 3 Despite paragraphs (e), (g), and **(h)** of clause 1, 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 by virtue of this clause must not exceed \$214.79 a week.

89 Schedule 17 repealed

15

- (1) Repeal Schedule 17.
- (2) In section 61H(1)(d), replace “17 to” with “18,”.
- (3) In section 61HA(2), delete “17,”.

90 Other consequential amendments to principal Act

- (1) In the following provisions, replace “an invalid’s benefit” with “a supported living payment” in each place: 20

- (a) section 3(1), definition of **income-tested benefit**, paragraph (e):
- (b) section 3(1), definition of **work-test married rate**, paragraph (b):
- (c) section 3(1), definition of **work-tested benefit** (as replaced on 15 October 2012 by section 33(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012), paragraph (b): 5
- (d) section 3(1), definition of **work-tested spouse or partner**, paragraph (b)(i) and (iii)(C): 10
- (e) section ~~43(1)~~ 43 (as section 43 is renumbered as **section 40J** by **section 18(1)** of this Act):
- (f) section 60GAE(1)(a) (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012): 15
- (g) section 60Q(1)(c)(i) (as replaced on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012):
- (h) section 61(1), first and second provisos:
- (i) section 61E(1), definition of **beneficiary**, paragraph (a): 20
- (j) section 66(1):
- (k) section 69C(1)(a):
- (l) section 74AA(2):
- (m) section 77(4)(b):
- (n) section 80(2)(b), (5)(b), and (14)(b): 25
- (o) section 82(2A):
- (p) Schedule 30, clause 1, paragraph (a).
- (2) In the following provisions, replace “an invalid’s benefit” with “a supported living payment on the ground of sickness, injury, disability, or total blindness” in each place: 30
- (aaa) ~~section 69C(5)(a):~~
- (aab) ~~section 80(5)(ca):~~
- (a) ~~section 12J(2)(a):~~
- (b) ~~section 72(b); proviso that begins “provided further that”.~~ 35
- (2) In the following provisions, replace “an invalid’s benefit” with “a supported living payment on the ground of sickness, injury, disability, or total blindness”:
- (a) section 12J(2)(a):

- (b) section 69C(5)(a):
- (c) section 72(b), proviso that begins “provided further that”:
- (d) section 80(5)(ca) (except section 80(5)(ca)(ii)).
- (3) In section 80(5)(ca)(ii), replace “on the grounds”, with “or a supported living payment (in either case) on the ground”. 5

91 Consequential amendments to other enactments

The enactments specified in **Schedule 4** are amended in the manner indicated in that schedule.

*Consequential amendments: repeal of
section 60HA* 10

92 Consequential amendments to principal Act and to regulations made under it

- (1) In section 3(1), repeal the definition of **work preparation exercise**. 15
- (2) In section 105(1), delete “or from complying with section 60HA”.
- (3) In the heading to section 123, delete “**section 60HA or**”.
- (4) In section 123(1)(b)(ia), delete “a request under section 60HA or”. 20
- (5) In section 123(1)(b)(ii), delete “or an exemption from complying with section 60HA”.
- (6) In section 123B(5)(a), delete “a request under section 60HA or”.
- (7) In section 123B(5)(b), delete “section 60HA or”. 25
- (8) In section 123D(a), delete “or the obligation to comply with section 60HA”.
- (9) In the Social Security (Exemptions under Section 105) Regulations 1998, revoke regulation 3.

*Consequential amendments:
sickness benefit abolished* 30

93 Section 3 amended (Interpretation)

- (1) In section 3(1), definition of **income-tested benefit**, repeal paragraph (aa).

- (2) In section 3(1), definition of **part-time work-tested beneficiary**, replace paragraph (b) with:
 “(b) a person who is granted jobseeker support on the ground of sickness, injury, or disability and who, under **section 88F(4)**, must comply with the work test” 5
- (3) In section 3(1), definition of **work-tested beneficiary** (as replaced on 15 October 2012 by section 33(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012), replace paragraph (a) with:
 “(a) who is granted jobseeker support (other than jobseeker support on the ground of sickness, injury, or disability); 10
 or
 “(aa) who is granted jobseeker support on the ground of sickness, injury, or disability, and who, under **section 88F(4)**, must comply with the work test; or” 15
- (4) In section 3(1), definition of **work-tested beneficiary** (as so replaced), repeal paragraph (b)(iv).
- (5) In section 3(1), definition of **work-tested benefit** (as so replaced), paragraph (a), replace “, a work-tested sickness beneficiary,” with “or a beneficiary receiving jobseeker support on the ground of sickness, injury, or disability who is not, under **section 88F(4)**, required to comply with the work test,” 20
- (6) In section 3(1), definition of **work-tested benefit** (as so replaced), paragraph (b), replace “a sickness benefit, an emergency benefit, and” with “an emergency benefit and” 25
- (7) In section 3(1), definition of **work-tested benefit** (as so replaced), repeal paragraph (d).
- (8) In section 3(1), repeal the definition of **work-tested sickness beneficiary**.
- (9) In section 3(1), definition of **work-tested spouse or partner**, paragraph (b)(i), delete “, a sickness benefit,” 30

94 Section 12J amended (Rights of appeal)

In section 12J(2)(e), replace “a sickness benefit” with “jobseeker support on the ground of sickness, injury, or disability”.

- 95 Section 60H amended (Voluntary unemployment or loss of employment through misconduct, etc)**
Replace section 60H(2)(ab) with:
“(ab) a person who is an applicant for jobseeker support on the ground of sickness, injury, or disability if, on the grant of that benefit, the chief executive would be able to determine, under **section 88F(2)**, that the person has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work (as defined in section 3(1)); or”.
- 96 Section 61 amended (Chief executive may grant emergency benefit in cases of hardship)**
In section 61(1A), delete “a sickness benefit under section 54A or”.
- 97 Section 66 amended (Exemption of income from friendly or like society)**
In section 66(1), replace “a sickness benefit” with “jobseeker support on the ground of sickness, injury, or disability”.
- 98 Section 70A amended (Rates of benefits for sole parents may be reduced)**
Repeal section 70A(1)(b)(iv).
- 99 Section 72 amended (Limitation where applicant receiving another benefit or war pension)**
In section 72(b), second proviso, replace “a sickness benefit” with “jobseeker support on the ground of sickness, injury, or disability”.
- 100 Section 80 amended (Commencement of benefits)**
(1) In section 80(5)(c), replace “the benefit is a sickness benefit” with “the benefit is jobseeker support on the ground of sickness, injury, or disability”.
(2) In section 80(5)(c)(ii), after “a community wage”, insert “or jobseeker support (in either case)”.

- (3) In section 80(14)(a), replace “a sickness benefit” with “jobseeker support on the ground of sickness, injury, or disability”.

101 Section 102 amended (Application of work test)

Replace section 102(1) with:

- “(1) The work test applies to a person while he or she is a work-tested beneficiary, and unless subsection (2) applies, the person is subject to the obligations of the work test set out in section 102A from,—
- “(a) in the case of a person granted jobseeker support on the ground of sickness, injury, or disability, the date specified in the chief executive’s notice under **section 88F(4)**; and
 - “(b) in any other case, the date on which the work-tested benefit is first paid.”

102 Section 157 amended (Interpretation) 15

In section 157, definition of **specified beneficiary**, paragraph (b), delete “sickness benefit.”.

103 Section 162 amended (Youth payment: continuation after age 18)

Repeal section 162(2)(c). 20

104 Section 168 amended (Young parent payment: continuation after age 19)

Repeal section 168(2)(c).

105 Schedule 9 amended

In the Schedule 9 heading, delete “**and sickness benefits**”. 25

106 Schedule 10 amended

In Schedule 10, item relating to the maximum rate, replace “a sickness benefit” with “jobseeker support on the ground of sickness, injury, or disability”.

107 Other consequential amendments to principal Act

- (1) In the following provisions, delete “or a sickness benefit” in each place:
- (a) section 3(1), definition of **work-test married rate**, paragraph (a): 5
 - (b) section 61(1), first and second provisos:
 - (c) section 61E(1), definition of **beneficiary**, paragraph (a):
 - (d) section 69C(1)(a) and (5)(a).
- (2) In the following provisions, delete “a sickness benefit,”:
- (a) section 60GAE(1)(a) (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012): 10
 - (b) section 60Q(1)(c)(i) (as replaced on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012): 15
 - (c) section 74AA(2):
 - (d) section 80(5)(b):
 - (e) section 82(2A).
- (3) In section 80(2)(b), replace “a sickness benefit” with “job-seeker support on the ground of sickness, injury, or disability”. 20

108 Consequential amendments to other enactments

The enactments specified in **Schedule 5** are amended in the manner indicated in that schedule.

*Consequential amendments:
social obligations of certain
beneficiaries with dependent children* 25

108A Section 123 amended (Effect of ceasing to be subject to obligation to comply with section 60HA or work test or section 170 or 171)

- (1) In the heading to section 123, after “171”, insert “, **social obligation, or work preparation obligation**”. 30
- (2) In section 123(1)(a), after “suspended”, insert “or reduced”.
- (3) In section 123(2)(a), after “suspension”, insert “or reduction”.
- (4) After section 123(3), insert:

“(3A) A sanction imposed on a person under section 117 (as applied by **sections 60RC(1) and 116B(1)(b)**) in respect of a social obligation that the person had under **section 60RA(3)** ceases to apply to the person on the person ceasing to have that social obligation under **section 60RA(3)**. 35

“(3B) A sanction imposed on a person under section 117 (as applied by **section 116B(1)(c)**) in respect of either a general obligation of the person under section 60Q(2), or an obligation of the person under section 60Q(2) or (3) to comply with a requirement under section 60Q(3), ceases to apply to the person on the person ceasing to have that obligation.” 5

109 Section 132AC amended (Regulations relating to childcare assistance) 10

After section 132AC(1), insert:

“(5) Regulations under this section that define the term approved early childhood education programme for the purposes of all or specified provisions of those regulations also define that term for the purposes of sections **60RA(3)** and 170(2)(c).” 15

110 Section 170 amended (Youth support payments: obligations)

In section 170(2)(c), replace “in regulations under this Act” with “for the purposes of this paragraph in regulations under section 132AC”. 20

Consequential amendments: expiry and re-grant of specified benefits

111 Section 117 amended (Sanctions that may be imposed for failures) 25

Replace section 117(4) with:

“(4) If a person’s specified benefit (as defined in **section 80BE(5)**) is reduced or suspended under subsection (1) of this section and the person is re-granted a specified benefit under **section 80BF**, the reduction or suspension continues to apply to the re-granted specified benefit on and after its commencement until the person recomplies.” 30

- 112 Section 119 amended (Calculation of failure rate)**
In section 119(3A),—
- (a) replace “an unemployment” with “a specified” in each place; and
 - (b) replace “section 99AA” with “**section 80BE**”; and
 - (c) replace “section 99AB” with “**section 80BF**”.
- Consequential amendments: jobseeker support* 5
- 114 Cross-headings above sections 58 and 59B repealed**
Repeal the cross-headings above sections 58 and 59B.
- 115 Section 61 amended (Chief executive may grant emergency benefit in cases of hardship)**
In section 61(1A), replace “section 90” with “**section 88C**”. 10
- 116 Section 80B amended (Interpretation)**
In section 80B, definition of **income**, insert in its appropriate alphabetical order:
- “(ae) the amount of any jobseeker support received by the person.”. 15
- 117 Section 82 amended (Payment of benefits)**
In section 82(2A), replace “, an unemployment benefit” with “and jobseeker support”.
- 118 New cross-heading above section 88A inserted**
After the Part 2 heading, insert: 20
- “Definitions of terms in this Part”.*
- 119 Section 99A repealed (Transfer from community wage to unemployment benefit on 1 July 2001)**
Repeal section 99A.
- 120 Section 105 amended (Exemption from obligations)** 25
In section 105(5A), replace “granted an exemption” with “who is, or is deemed to be, granted an exemption under this section”.

121 Schedule 9 amended

- (1) In the Schedule 9 heading, replace “**unemployment benefits**” with “**jobseeker support**”.
- (2) In the Schedule 9 heading, replace “ss 60JA, 99” with “**ss 3C, 88M**”. 5
- (3) In Schedule 9, clause 5, replace “section 99(4)” with “**section 88M(4)**”.

122 Other consequential amendments to principal Act

- (1) In the following provisions, replace “an unemployment benefit” with “jobseeker support” in each place: 10
- (a) section 3(1), definition of **income-tested benefit**, paragraph (a):
- (b) section 3(1), definition of **work-test married rate**, paragraph (a):
- (c) section 3(1), definition of **work-tested benefit** (as replaced on 15 October 2012 by section 33(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012), paragraph (a): 15
- (d) section 3(1), definition of **work-tested spouse or partner**, paragraph (b)(i): 20
- (e) section 60GAE(1)(a) (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012):
- (f) section 60Q(1)(c)(i) (as replaced on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012): 25
- (g) section 61(1), first and second provisos:
- (h) section 61(1A):
- (i) section 61E(1), definition of **beneficiary**, paragraph (a):
- (j) section 69C(1)(a) and (5)(a): 30
- (k) section 70A(1)(b)(v):
- (l) section 74AA(2):
- (m) section 80(5)(b):
- (n) section 162(2)(e):
- (o) section 168(2)(e): 35
- (p) Schedule 18, Part 1, clause 2(b).
- (2) In the following provisions, replace “unemployment benefit” with “jobseeker support” in each place:

- (a) section 157, definition of **specified beneficiary**, paragraph (b):
- (b) Schedule 18, Part 1, clause 1, definition of **base rate**, paragraphs (e)(i), (f), (g)(i) and (iii).

123 Consequential amendments to other enactments 5
The enactments specified in **Schedule 6** are amended in the manner indicated in that schedule.

Consequential amendments: review of benefits

123A Section 11D amended (Application process for benefits) 10
In section 11D(6), after “section 81(3)”, insert “and **(4)**”.

Consequential amendments: sanctions

124 Section 102A amended (Work test obligations)
(1) In section 102A(1)(g), replace “requires; and” with “requires.”
(2) Repeal section 102A(1)(h).
(3) In section 102A(3), delete “(whether or not it is included in a job seeker agreement that continues to apply to him or her under subsection (1)(h))”. 15
(4) Repeal section 102A(4).

125 Section 117 amended (Sanctions that may be imposed for failures) 20
In section 117(1), replace “section 115 or section 116A” with “**section 116B**”.

126 Section 119 amended (Calculation of failure rate) 25
In section 119(2), replace “section 115 or section 116A” with “**section 116B**”.

127 Section 122 amended (Meaning of recompliance)
In section 122, replace “section 115, or section 116A” with “**section 116B**”.

128 Section 171 amended (Obligations of spouses and partners of specified beneficiaries)

In section 171(3)(b), replace “section 116A” with “**section 116B**”.

*Effect on benefit of warrant to arrest beneficiary:
information matching* 5

128A Privacy Act 1993 amended

- (1) This section amends the Privacy Act 1993.
- (2) In Schedule 3, item relating to the Social Security Act 1964, replace “and 126AB” with “, 126AB, and **126AC**”. 10

*Consequential amendments: reorganising
headings and relocating section 53A*

129 Consequential amendments to principal Act

The principal Act is amended in the manner indicated in **Part 2 of Schedule 2**. 15

130 Consequential amendments to other enactments

The enactments specified in **Part 3 of Schedule 2** are amended in the manner indicated in that Part.

Transitional and savings provisions

131 New section 3C inserted (Transitional and savings provisions relating to amendments to this Act) 20

After section 3 (and the **section 3B** inserted by **section 7** of this Act), insert:

“3C Transitional and savings provisions relating to amendments to this Act 25

Schedule 32 contains transitional and savings provisions that affect this Act’s other provisions as from time to time amended, repealed, or repealed and replaced.”

132 New Schedule 32 inserted

After Schedule 31, insert the **Schedule 32** set out in **Schedule 7** of this Act. 30

Schedule 1

s 75(1)

New Schedule 3A

Schedule 3A

~~s 20G~~ ss 20A, 20B, 20G

Rate of sole parent support

- 1 To a beneficiary with 1 or more dependent children: \$295.37 5
a week, subject to Income Test 1.

 - 2 For the purposes of **clause 1**, the chief executive may, in his or
her discretion, disregard up to \$20 a week of the beneficiary's
personal earnings used to meet the cost of child care for any
of the beneficiary's dependent children. 10

 - 3 For the purposes of **clause 1**, the chief executive may, in his
or her discretion, treat all or any part of the income (including,
without limitation, any pension or allowance under the War
Pensions Act 1954) of the spouse or partner of an applicant
to whom **section 20A(d) or (f)** applies as if it were income 15
derived by that applicant if the chief executive—
 - (a) has had regard to its nature and the means by which it
was derived; and
 - (b) considers that treatment of it to be reasonable in the
circumstances. 20
-

Schedule 2**ss 56, 129, 130****Amendments reorganising headings and
relocating section 53A****Part 1**

Substantive amendments to principal Act 5

New Part 1 heading

Above section 1A, insert:

“Part 1

**“Purpose, principles, general definitions,
examples, and transitional and
savings provisions relating to
amendments to this Act”.** 10

Part 1 heading

Repeal the Part 1 heading.

Cross-heading above section 5 15Replace the cross-heading above section 5 (which reads “*Adminis-
tration*”) with:**“Part 1A**

**“Administration: Ministerial
directions, reviews, and appeals** 20

*“Ministerial directions”.***New cross-heading above section 10A**

Above section 10A, insert:

*“Reviews by benefits review committee”.***New section 10B and cross-heading** 25

After section 10A, insert:

*“Appeals to medical board***“10B Right of appeal on medical grounds**

**“(1) Any applicant or beneficiary affected may appeal to the Board
against a decision of the chief executive that is—** 30

**“(a) a decision that a claim for a child disability allowance
is declined, or that any such allowance is cancelled, in
either case on the ground that the child is not a child**

Part 1—*continued*

New section 10B and cross-heading—*continued*

- with a serious disability (within the meaning of section 39A(1) and (2)); or
- “(b) a decision that a claim for a supported living payment on the ground of sickness, injury, disability, or total blindness is declined, or that any such benefit is cancelled, in either case on medical grounds; or 5
- “(ba) a decision under **section 60Q(1)(bb)** that a person in receipt of a supported living payment on the ground of sickness, injury, disability, or total blindness has the capacity to comply with obligations under section 60Q(3); or 10
- “(bb) a decision under **section 60Q(1)(bc)** that a person in receipt of a supported living payment on the ground of caring for a patient requiring care has the capacity to comply with obligations under section 60Q(3); or 15
- “(c) a decision that a claim for jobseeker support on the ground of sickness, injury, or disability is declined on medical grounds or on grounds relating to a person’s capacity for work, or that a person’s jobseeker support on the ground of sickness, injury, or disability is cancelled on medical grounds or on grounds relating to the person’s capacity for work; or 20
- “(d) a determination under **section 88F(2)** that a jobseeker support beneficiary on the ground of sickness, injury, or disability has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work, and so is required to comply with the work test on and after a date specified in a notice under **section 88F(4)**; or 25
- “(e) a confirmation, amendment, revocation, or replacement under **section 88F(6)** of a determination, and that results in a determination of the kind specified in **paragraph (d)** of this subsection; or 30
- “(ea) a decision on medical grounds under **section 88I(2)** to decline an application under **section 88H(2)** by a beneficiary granted jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or 35

Part 1—*continued*New section 10B and cross-heading—*continued*

- disability) for deferral of all or any of the beneficiary’s work test obligations; or
- “(eb) a decision on medical grounds under **section 88I(7)** to revoke a deferral granted under **section 88I** of all or any work test obligations of a beneficiary granted— 5
- “(i) jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability); or
- “(ii) jobseeker support granted on the ground of sickness, injury, or disability; or 10
- “(f) any of the following made in reliance on any work ability assessment by a health practitioner under **section 100B**:
- “(i) a determination whether the person assessed is entitled to a benefit and, if so, what kind of benefit: 15
- “(ii) a determination whether the person assessed, being a person in receipt of jobseeker support (other than jobseeker support granted on the ground of sickness, injury, or disability), is entitled on an application under **section 88H**, or under **section 88I(4)**, to deferral of work test obligations under **section 88I**: 20
- “(iii) a determination whether the person assessed, being a person in receipt of jobseeker support on the ground of sickness, injury, or disability, has for the purposes of **section 88F(2)** the capacity to seek, undertake, and be available for part-time work: 25
- “(iv) a determination whether the person assessed, being a person who is subject to work test obligations or work preparation obligations under section 60Q, has the capacity to meet those obligations; or 30
- “(g) a decision under **section 116C(2)(a)** to the effect that a beneficiary does not have a good and sufficient rea- 35

Part 1—*continued*

New section 10B and cross-heading—*continued*

- son, on the ground that the beneficiary is addicted to, or dependent on, controlled drugs, for either or both:
- “(i) not complying with a drug testing obligation under **section 102B(1)**:
 - “(ii) failing to apply for suitable employment that requires candidates to undertake drug tests; or
 - “(h) a decision to decline a claim for a veteran’s pension under section 70 of the War Pensions Act 1954, or to cancel any such pension, in either case on the ground of the applicant’s or beneficiary’s mental or physical infirmity.
- “(2) An appeal under this section must be made within—
- “(a) 3 months after the decision has been communicated to that person; or
 - “(b) any further period the Board may (if it considers there is good reason for the delay) allow on application made before or after the end of that 3-month period.
- “(3) The chief executive is bound by the Board’s decision on an appeal under this section.
- “(4) The Board is to comprise 3 members to be appointed by the chief executive for the particular purpose, being medical practitioners, rehabilitation professionals (as defined in **subsection (5)**), or other persons having appropriate expertise in the fields of vocational training or vocational support for persons with sickness, injury, or disability.
- “(5) **Rehabilitation professional**, in **subsection (4)**, means a person who is—
- “(a) a person professionally engaged in the rehabilitation of persons from sickness or accident or with disabilities; or
 - “(b) a nurse; or
 - “(c) an occupational therapist; or
 - “(d) a physiotherapist; or
 - “(e) a psychologist.”

Part 1—*continued***New cross-heading above section 11**

Above section 11, insert:

“Information and information-matching”.**New cross-heading above section 11D**

Above section 11D, insert:

*“Application process, pre-benefit activities,
and investigation of claims for and grants of
benefits”*.

5

New cross-heading above section 12J

Above section 12J, insert:

“Appeals to Appeal Authority”.

10

New cross-heading above section 12Q

Above section 12Q, insert:

“Appeals to courts”.**Cross-heading above section 13**Repeal the cross-heading above section 13 (which reads “*National superannuation*”).

15

Cross-heading above section 28Replace the cross-heading above section 28 (which reads “*Orphans’ benefits*”) with:

20

**“Part 1C
“Orphans’ benefits, and
unsupported ~~child’s benefits~~ child’s
benefit”**

Part 1—*continued*

Cross-heading above section 39A

Replace the cross-heading above section 39A (which reads “*Child disability allowance*”) with:

“Part 1D

“Child disability allowance”.

5

Cross-heading above section 39F

Replace the cross-heading above section 39F (which reads “*Invalids’ benefits*”) with:

“Part 1E

“Supported living payment”.

10

Section 53A and cross-heading

Repeal section 53A and the cross-heading above section 53A (which reads “*Appeals*”).

Cross-heading above section 60GAD

Replace the cross-heading (which reads “*Further conditions of benefits*”, and was inserted on 1 April 1997 by section 16 of the Social Security Amendment Act 1996) above section 60GAD (as inserted on 15 October 2012 by section 39 of the Social Security (Youth Support and Work Focus) Amendment Act 2012) with:

“Part 1F

20

**“Administration: further conditions of
benefits, and obligations on beneficiaries”.**

Cross-heading above section 61

Replace the cross-heading above section 61 (which reads “*Emergency benefits*”) with:

25

“Part 1G

“Emergency benefits”.

New Part 1H heading

Above section 61C, insert:

“Part 1H

30

**“Administration: maintenance
proceedings, and maintenance payable to
the Crown”.**

Part 1—*continued***Cross-heading above section 61CB**

Replace the cross-heading above section 61CB (which reads “*Epidemics*”) with:

**“Part 1I
Epidemics”.** 5

Cross-heading above section 61D

Replace the cross-heading above section 61D (which reads “*Lump sum payments after death*”) with:

**“Part 1J
Funeral grants”.** 10

Cross-heading above section 61DH

Replace the cross-heading above section 61DH (which reads “*Accommodation supplement*”) with:

**“Part 1K
Accommodation supplement”.** 15

Cross-heading above section 61G

Replace the cross-heading above section 61G (which reads “*Temporary additional support*”) with:

**“Part 1L
Temporary additional support”.** 20

Cross-heading above section 61GA

Replace the cross-heading above section 61GA (which reads “*Childcare assistance*”) with:

**“Part 1M
Childcare assistance”.** 25

New Part 1N heading

Above the cross-heading above section 61H (which reads “*Alteration of rates of benefits*”), insert:

**“Part 1N
Administration: rates of benefits, and
other provisions on monetary benefits”.** 30

Part 1—*continued*

New Part 1O heading

Above section 69C, insert:

**“Part 1O
“Disability provisions”.**

New Part 1P heading

5

Above the cross-heading above section 69G (which reads “*Overseas pensions*”), insert:

**“Part 1P
“Administration: overseas pensions,
other conditions of benefits, reviews, and
payments, debts, and deductions”.**

10

New cross-heading above section 70A

Above section 70A, insert:

“Other conditions of benefits”.

New cross-heading above section 81

15

Above section 81, insert:

“Reviews, payments, debts, and deductions”.

Part 2 heading

Replace the Part 2 heading with:

**“Part 2
“Jobseeker support, and
administration: assessing work
ability, work-testing, and sanctions”.**

20

Part 1—*continued***Part 3 heading**

Replace the Part 3 heading with:

“Part 3

**“Administration: young persons services,
welfare programmes and other money payable, preferred suppliers, contracts
with administration service providers,
artificial limbs, information disclosure,
application of Human Rights Act 1993,
and offences and general penalty** 5 10

*“Young persons services”.***New cross-heading above section 124**

Above section 124, insert:

*“Welfare programmes and other money payable”***New cross-heading above section 125A** 15

Above section 125A, insert:

*“Contracts with administration service
providers”***New cross-heading above section 126** 20

Above section 126, insert:

*“Artificial limbs”***New cross-heading above section 126A**

Above section 126A, insert:

*“Information disclosure”***New cross-heading above section 126B** 25

Above section 126B, insert:

“Application of Human Rights Act 1993”

Part 1—*continued*

New cross-heading above section 127

Above section 127, insert:

“Offences and general penalty”

New Part 3A heading

Above section 132, insert:

5

“Part 3A

**“Administration: regulations and rules,
annual reports, and repeals and savings”.**

Part 2

Consequential amendments to principal Act

10

Section 3(1)

In the definition of **benefit**, paragraph (a), replace “this Part” with
“any of **Parts 1A to 1P**”.

Section 12J(1)

In paragraph (a), replace “Part 1” with “**Parts 1A to 1P**”.

15

Section 12J

After section 12J(1), insert:

“(1AA) No appeal lies under subsection (1)(a) against a decision
under **section 88I(2) or (7)** against which an appeal lies under
section 10B(1)(ea) or (eb) to the medical board.”

20

Section 124

In subsection (2)(a)(ii), replace “Part 1” with “this Act”.

In subsection (2A)(a), replace “Part 1” with “**Parts 1A to 1P**”.

Part 3

Consequential amendments to other Acts

25

Income Tax Act 2007 (2007 No 97)

In section YA 1, definition of **financially independent**, paragraph
(c), replace “Part 1” with “any of **Parts 1A to 1P**”.

Part 3—*continued*

Legal Services Act 2011 (2011 No 4)

In Schedule 1, clause 2(1)(c), replace “Part 1” with “any of **Parts 1A to 1P**”.

Schedule 3

s 80

**Consequential amendments to other
enactments: Sole parent support**

Part 1

Acts amended

5

Child Support Act 1991 (1991 No 142)

In section 2(1), definition of **social security benefit**, paragraph (a), replace “a domestic purposes benefit granted under section 27B” with “sole parent support granted under **section 20D**”.

In section 2(1), definition of **social security benefit**, repeal paragraph (c)(i). 10

Income Tax Act 2007 (2007 No 97)

In section YA 1, definition of **income-tested benefit**, paragraph (a), replace “domestic purposes benefit” with “sole parent support”.

In section YA 1, definition of **income-tested benefit**, repeal paragraph (g). 15

Minimum Wage Act 1983 (1983 No 115)

In section 4A(6) (as replaced on 1 May 2013 by section 4 of the Minimum Wage (Starting-out Wage) Amendment Act 2013), definition of **specified social security benefit**, insert in its appropriate alphabetical order: 20

“(ea) sole parent support.”

Rates Rebate Act 1973 (1973 No 5)

In section 2(1), definition of **income**, paragraph (d)(vii), delete “a widow’s,”. 25

In section 2(1), definition of **income**, paragraph (d)(vii), replace “domestic purposes,” with “sole parent support,”.

Part 2

Regulations amended

Health Entitlement Cards Regulations 1993 (SR 1993/169)

30

Replace regulation 8(1)(a)(i) and (ii) with:

“(i) sole parent support.”

Part 2—*continued***Health Entitlement Cards Regulations 1993 (SR 1993/169)**—*continued*

In regulation 8(1)(a)(vi), after “instead of”, insert “sole parent support or”.

Social Security (Debt Recovery Suspension) Regulations 2007 (SR 2007/86)

In regulation 3, definition of **working-age benefit**, paragraph (c), 5
replace “a domestic purposes benefit” with “sole parent support”.

In regulation 3, definition of **working-age benefit**, revoke paragraph (g).

Social Security (Exemptions under Section 105) Regulations 1998 (SR 1998/270)

10

In the heading to regulation 7, replace “**domestic purposes**” with “**sole parent support**”.

In regulation 7(1), replace “domestic purposes” with “sole parent support”.

Social Security (Period of Income Assessment) Regulations 1996 (SR 1996/128)

15

In the Schedule, clause 1, delete “Widow’s benefit”.

In the Schedule, clause 1, replace “Domestic purposes benefit” with “Sole parent support”.

In the Schedule, clause 1, above the item relating to New Zealand Superannuation or veteran’s pension, insert: 20

“Jobseeker support paid at the rate in **clause 1(ab) or (ba)** of Schedule 9 of the Social Security Act 1964”.

Social Security (Temporary Additional Support) Regulations 2005 (SR 2005/334)

25

In regulation 4, definition of **specified benefits**, revoke paragraph (c).

In regulation 4, definition of **specified benefits**, paragraph (d), replace “a domestic purposes benefit” with “sole parent support”.

Part 2—*continued*

**Social Welfare (Reciprocity with Canada) Order 1996 (SR
1996/178)**

After clause 3(2), insert:

- “(3) A reference (however expressed) in either of the following to a widow’s benefit, or a domestic purposes benefit paid to a widow, under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** (unless the savings provisions in **clause 3 of Schedule 32** of the Social Security Act 1964 apply) be read as a reference to sole parent support under the Social Security Act 1964 for a woman or, as the case requires, a man, whose spouse or partner has died: 5 10
- “(a) a provision of the agreement set out in Schedule 1:
 - “(b) a provision of a document related to the operation on or after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with Denmark) Order 1997 (SR
1997/135)** 15

After clause 3(2), insert:

- “(3) A reference (however expressed) in either of the following to a widow’s benefit, or a domestic purposes benefit paid to a widow, under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** (unless the savings provisions in **clause 3 of Schedule 32** of the Social Security Act 1964 apply) be read as a reference to sole parent support under the Social Security Act 1964 for a woman or, as the case requires, a man, whose spouse or partner has died: 20 25
- “(a) a provision of the agreement set out in the Schedule:
 - “(b) a provision of a document related to the operation on or after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with Ireland) Order 1993 (SR
1993/251)** 30

After clause 2(2), insert:

- “(3) A reference (however expressed) in either of the following to a widow’s benefit, or a domestic purposes benefit paid to a widow, under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** (unless the savings 35

Part 2—*continued***Social Welfare (Reciprocity with Ireland) Order 1993 (SR
1993/251)—*continued***

provisions in **clause 3 of Schedule 32** of the Social Security Act 1964 apply) be read as a reference to sole parent support under the Social Security Act 1964 for a woman or, as the case requires, a man, whose spouse or partner has died:

- “(a) a provision of the agreement set out in the Schedule: 5
- “(b) a provision of a document related to the operation on or after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with Jersey and Guernsey) Order
1995 (SR 1995/44)**

After clause 2(2), insert: 10

- “(3) A reference (however expressed) in either of the following to a widow’s benefit, or a domestic purposes benefit paid to a widower, under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** (unless the savings provisions in **clause 3 of Schedule 32** of the Social Security Act 1964 apply) be read as a reference to sole parent support under the Social Security Act 1964 for a woman or, as the case requires, a man, whose spouse or partner has died: 15
- “(a) a provision of the agreement set out in the Schedule:
- “(b) a provision of a document related to the operation on or after **15 July 2013** of this order.” 20

**Social Welfare (Reciprocity with the Hellenic Republic) Order
1993 (SR 1993/347)**

After clause 2(2), insert:

- “(3) A reference (however expressed) in either of the following to a widow’s benefit, or a domestic purposes benefit paid to a widower, under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** (unless the savings provisions in **clause 3 of Schedule 32** of the Social Security Act 1964 apply) be read as a reference to sole parent support under the Social Security Act 1964 for a woman or, as the case requires, a man, whose spouse or partner has died: 25
- “(a) a provision of the agreement set out in the Schedule: 30

Part 2—*continued*

**Social Welfare (Reciprocity with the Hellenic Republic) Order
1993 (SR 1993/347)—*continued***

- “(b) a provision of a document related to the operation on or
after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with the Netherlands) Order 2003
(SR 2003/216)**

After clause 3(4), insert:

5

- “(5) A reference (however expressed) in either of the following to a
widow’s benefit, or a domestic purposes benefit paid to a wid-
ower, under the Social Security Act 1964 in relation to New
Zealand must on and after **15 July 2013** (unless the savings
provisions in **clause 3 of Schedule 32** of the Social Security
Act 1964 apply) be read as a reference to sole parent support
under the Social Security Act 1964 for a woman or, as the case
requires, a man, whose spouse or partner has died:

10

- “(a) a provision of a document set out in any of Schedules 1
to 4:

15

- “(b) a provision of a document related to the operation on or
after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with the United Kingdom) Order
1990 (SR 1990/85)**

After clause 2(2), insert:

20

- “(3) A reference (however expressed) in either of the following to a
widow’s benefit under the Social Security Act 1964 in relation
to New Zealand must on and after **15 July 2013** (unless the
savings provisions in **clause 3 of Schedule 32** of the Social
Security Act 1964 apply) be read as a reference to sole parent
support under the Social Security Act 1964 for a woman whose
spouse or partner has died:

25

- “(a) a provision of the Convention set out in the Schedule:

- “(b) a provision of a document related to the operation on or
after **15 July 2013** of this order.”

30

Part 2—*continued***Student Allowances Regulations 1998 (SR 1998/277)**

In regulation 2(1), definition of **supported child**, paragraph (c)(ii), replace “a domestic purposes benefit” with “sole parent support”.

In regulation 2(1), definition of **supported child**, paragraph (c)(ii), delete “or a widow’s benefit”.

5

In regulation 13(1)(b), replace “a domestic purposes benefit” with “sole parent support”.

In regulation 13(1), revoke paragraph (f).

Schedule 4

s 91

**Consequential amendments to other
enactments: Supported living payment**

Part 1

Acts amended

5

Accident Compensation Act 2001 (2001 No 49)

In Schedule 1, clause 42(3)(a)(ii), replace “of invalid’s benefit” with “and without dependent children of supported living payment”.

In Schedule 1, clause 42(3)(b)(ii), replace “of invalid’s benefit” with “and without dependent children of supported living payment”.

10

Child Support Act 1991 (1991 No 142)

In section 2(1), definition of **social security benefit**, paragraph (c)(ii), replace “an invalid’s benefit granted under section 40” with “a supported living payment granted under **section 40B** on the ground of sickness, injury, disability, or total blindness”.

15

In section 30(2), replace “invalid’s benefit” with “supported living payment”.

In section 30(4)(a), replace “invalid’s benefit” with “supported living payment”.

In section 30(5), definition of **gross married rate of invalid’s benefit**, replace “invalid’s benefit” with “supported living payment”.

20

In section 30(5), definition of **gross married rate of invalid’s benefit**, replace “paragraph (f)” with “clause 1(f)”.

In section 30(5), definition of **gross married rate of invalid’s benefit**, replace “invalid’s benefit” with “supported living payment”.

25

In section 30(5), definition of **gross single rate of invalid’s benefit**, replace “invalid’s benefit” with “supported living payment”.

In section 30(5), definition of **gross single rate of invalid’s benefit**, replace “paragraph (b)” with “clause 1(b)”.

In section 30(5), definition of **gross single rate of invalid’s benefit**, replace “invalid’s benefit” with “supported living payment”.

30

Income Tax Act 2007 (2007 No 97)

In section YA 1, definition of **income-tested benefit**, paragraph (d), replace “invalids’ benefit” with “supported living payment”.

Part 1—*continued***Minimum Wage Act 1983 (1983 No 115)**

In section 4A(6) (as replaced on 1 May 2013 by section 4 of the Minimum Wage (Starting-out Wage) Amendment Act 2013), definition of **specified social security benefit**, insert in its appropriate alphabetical order:

“(eb) supported living payment.”

5

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)

In section 17(2)(c), replace “an invalid’s benefit” with “a supported living payment”.

10

Rates Rebate Act 1973 (1973 No 5)

In section 2(1), definition of **income**, paragraph (d)(vii), replace “invalid’s,” with “any supported living payment.”

Part 2

Regulations amended

15

Health Entitlement Cards Regulations 1993 (SR 1993/169)

Replace regulation 8(1)(a)(iii) with:

“(ii) supported living payment.”

Social Security (Debt Recovery Suspension) Regulations 2007 (SR 2007/86)

20

In regulation 3, definition of **working-age benefit**, paragraph (f), replace “an invalid’s benefit” with “a supported living payment”.

Social Security (Exemptions under Section 105) Regulations 1998 (SR 1998/270)

In regulation 5(2)(a)(ii), replace “an invalid’s benefit under” with “a supported living payment on the ground of sickness, injury, disability, or total blindness under **section 40B** of”.

In regulation 6(2)(a)(ii), replace “an invalid’s benefit under” with “a supported living payment on the ground of sickness, injury, disability, or total blindness under **section 40B** of”.

30

Part 2—*continued*

Social Security (Invalid’s Benefit) Regulations 1998 (SR 1998/241)

In regulation 1(1), replace “Invalid’s” with “Supported Living Payments”.

After regulation 1, insert: 5

“1A Renaming of these regulations, and references to their previous name

“(1) These regulations are the Social Security (Invalid’s Benefit) Regulations 1998 as renamed on **15 July 2013** by the **Social Security (Benefit Categories and Work Focus) Amendment Act 2012**. 10

“(2) After **14 July 2013** a reference in an enactment or in a document to the Social Security (Invalid’s Benefit) Regulations 1998 must, unless the context otherwise requires, be read as a reference to the Social Security (Supported Living Payments Benefit) Regulations 1998.” 15

In regulation 2, replace “40(2)(a)” with “**40B(2)(a)**”.

Social Security (Period of Income Assessment) Regulations 1996 (SR 1996/128)

In the Schedule, clause 1, replace “Invalid’s benefit” with “Supported living payment”. 20

Social Security (Temporary Additional Support) Regulations 2005 (SR 2005/334)

In regulation 4, definition of **specified benefits**, paragraph (e), replace “an invalid’s benefit” with “a supported living payment”. 25

Social Welfare (Reciprocity with Australia) Order 2002 (SR 2002/119)

In clause 4, insert as subclause (2):

“(2) A reference (however expressed) in either of the following to an invalid’s benefit under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** be read as a reference to a supported living payment on the ground of 30

Part 2—*continued***Social Welfare (Reciprocity with Australia) Order 2002 (SR
2002/119)—*continued***

sickness, injury, disability, or total blindness under the Social Security Act 1964:

“(a) a provision of the agreement, or of the notes, referred to in clause 3:

“(b) a provision of a document related to the operation on or after **15 July 2013** of this order.” 5

**Social Welfare (Reciprocity with Canada) Order 1996 (SR
1996/178)**

In clause 3, insert in its appropriate numerical order:

“(4) A reference (however expressed) in either of the following to an invalid’s benefit under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** be read as a reference to a supported living payment on the ground of sickness, injury, disability, or total blindness under the Social Security Act 1964: 10 15

“(a) a provision of the agreement set out in Schedule 1:

“(b) a provision of a document related to the operation on or after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with Denmark) Order 1997 (SR
1997/135)** 20

In clause 3, insert in its appropriate numerical order:

“(4) A reference (however expressed) in either of the following to an invalid’s benefit under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** be read as a reference to a supported living payment on the ground of sickness, injury, disability, or total blindness under the Social Security Act 1964: 25

“(a) a provision of the agreement set out in the Schedule:

“(b) a provision of a document related to the operation on or after **15 July 2013** of this order.” 30

Part 2—*continued*

**Social Welfare (Reciprocity with the Hellenic Republic) Order
1993 (SR 1993/347)**

In clause 2, insert in its appropriate numerical order:

- “(4) A reference (however expressed) in either of the following to
an invalid’s benefit under the Social Security Act 1964 in rela- 5
tion to New Zealand must on and after **15 July 2013** be read
as a reference to a supported living payment on the ground of
sickness, injury, disability, or total blindness under the Social
Security Act 1964:
“(a) a provision of the agreement set out in the Schedule: 10
“(b) a provision of a document related to the operation on or
after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with Ireland) Order 1993 (SR
1993/251)**

In clause 2, insert in its appropriate numerical order: 15

- “(4) A reference (however expressed) in either of the following to
an invalid’s benefit under the Social Security Act 1964 in rela-
tion to New Zealand must on and after **15 July 2013** be read
as a reference to a supported living payment on the ground of
sickness, injury, disability, or total blindness under the Social 20
Security Act 1964:
“(a) a provision of the agreement set out in the Schedule:
“(b) a provision of a document related to the operation on or
after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with Jersey and Guernsey) Order 25
1995 (SR 1995/44)**

In clause 2, insert in its appropriate numerical order:

- “(4) A reference (however expressed) in either of the following to
an invalid’s benefit under the Social Security Act 1964 in rela- 30
tion to New Zealand must on and after **15 July 2013** be read
as a reference to a supported living payment on the ground of
sickness, injury, disability, or total blindness under the Social
Security Act 1964:
“(a) a provision of the agreement set out in the Schedule:

Part 2—*continued***Social Welfare (Reciprocity with Jersey and Guernsey) Order
1995 (SR 1995/44)—*continued***

- “(b) a provision of a document related to the operation on or after **15 July 2013** of this order.”

**Social Welfare (Reciprocity with the Netherlands) Order 2003
(SR 2003/216)**

In clause 3, insert in its appropriate numerical order: 5

- “(6) A reference (however expressed) in either of the following to an invalid’s benefit under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** be read as a reference to a supported living payment on the ground of sickness, injury, disability, or total blindness under the Social Security Act 1964: 10

“(a) a provision of a document set out in any of Schedules 1 to 4:

- “(b) a provision of a document related to the operation on or after **15 July 2013** of this order.” 15

**Social Welfare (Reciprocity with the United Kingdom) Order
1990 (SR 1990/85)**

In clause 2, insert in its appropriate numerical order:

- “(4) A reference (however expressed) in either of the following to an invalid’s benefit under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** be read as a reference to a supported living payment on the ground of sickness, injury, disability, or total blindness under the Social Security Act 1964: 20

“(a) a provision of the Convention set out in the Schedule: 25

- “(b) a provision of a document related to the operation on or after **15 July 2013** of this order.”

Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2(1), definition of **supported child**, paragraph (c)(ii), replace “an invalid’s benefit,” with “or a supported living payment”. 30

In regulation 13(1)(e), replace “an invalid’s benefit” with “a supported living payment”.

Part 2—*continued*

**Taxation (Abated Interim Payments of subparts MA to MF and
MZ Credit) Regulations 2002 (SR 2002/52)**

In regulation 3(1)(a), replace “an invalids’ benefit” with “a supported living payment on the ground of sickness, injury, disability, or total blindness”.

5

In regulation 3(1)(b), replace “an invalid’s benefit” with “a supported living payment on the ground of sickness, injury, disability, or total blindness”.

Schedule 5

s 108

Consequential amendments to other
enactments: Sickness benefit

Part 1

Acts amended

5

Child Support Act 1991 (1991 No 142)

In section 2(1), definition of **social security benefit**, repeal paragraph (c)(iv).

Education Act 1989 (1989 No 80)

In section 226A(1), definition of **benefit**, delete “or a sickness benefit”.

10

In section 235F(1), definition of **benefit**, delete “or a sickness benefit”.

Income Tax Act 2007 (2007 No 97)

In section YA 1, definition of **income-tested benefit**, repeal paragraph (e).

15

Part 2

Regulations amended

**Social Security (Debt Recovery Suspension) Regulations 2007
(SR 2007/86)**

20

In regulation 3, definition of **working-age benefit**, revoke paragraph (b).

**Social Security (Exemptions under Section 105) Regulations
1998 (SR 1998/270)**

Replace regulation 5(2)(g) with:

25

“(g) the person meets the criteria for jobseeker support on the sickness, injury, or disability ground in **section 88B(1)(b) or (c)** of the Act.”

Replace regulation 6(2)(e) with:

“(e) the person meets the criteria for jobseeker support on the sickness, injury, or disability ground in **section 88B(1)(b) or (c)** of the Act.”

30

Part 2—*continued*

**Social Security (Sickness Benefit—Medical Examinations)
Regulations 2010 (SR 2010/259)**

In regulation 1, replace “Sickness Benefit” with “Jobseeker Support”.

After regulation 1, insert:

**“1A Renaming of these regulations, and references to their
previous name** 5

“(1) These regulations are the Social Security (Sickness Benefit—Medical Examinations) Regulations 2010 as renamed on **15 July 2013** by the **Social Security (Benefit Categories and Work Focus) Amendment Act 2012**. 10

“(2) After **14 July 2013** a reference in an enactment or in a document to the Social Security (Sickness Benefit—Medical Examinations) Regulations 2010 must, unless the context otherwise requires, be read as a reference to the Social Security (Jobseeker Support—Medical Examinations) Regulations 2010.” 15

In the heading to regulation 4, replace “**54B(1)(d)**” with “**88E(2)(d)**”.

In regulation 4, replace “54B(1)(d)” with “**88E(2)(d)**”.

**Social Security (Temporary Additional Support) Regulations
2005 (SR 2005/334)** 20

In regulation 4, definition of **specified benefits**, revoke paragraph (b).

**Social Welfare (Reciprocity with Jersey and Guernsey) Order
1995 (SR 1995/44)**

In clause 2, insert in its appropriate numerical order:

“(5) A reference (however expressed) in either of the following to a sickness benefit under the Social Security Act 1964 in relation to New Zealand must on and after **15 July 2013** be read as a reference to jobseeker support on the ground of sickness, injury, or disability under the Social Security Act 1964: 25

“(a) a provision of the agreement set out in the Schedule: 30

“(b) a provision of a document related to the operation on or after **15 July 2013** of this order.”

Part 2—*continued***Social Welfare (Reciprocity with the United Kingdom) Order
1990 (SR 1990/85)**

In clause 2, insert in its appropriate numerical order:

- “(5) A reference (however expressed) in either of the following to
a sickness benefit under the legislation of New Zealand must 5
on and after **15 July 2013** be read as a reference to jobseeker
support on the ground of sickness, injury, or disability under
the legislation of New Zealand:
“(a) a provision of the Convention set out in the Schedule:
“(b) a provision of a document related to the operation on or 10
after **15 July 2013** of this order.”

Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2(1), definition of **supported child**, paragraph (c)(ii),
delete “a sickness benefit.”

Revoke regulation 13(1)(a). 15

Schedule 6

s 123

**Consequential amendments to other
enactments: Jobseeker support**

Part 1

Acts amended

5

Child Support Act 1991 (1991 No 142)

In section 2(1), definition of **social security benefit**, paragraph (c)(iii), replace “an unemployment benefit” with “jobseeker support”.

In section 30(3), replace “unemployment benefit” with “jobseeker support”. 10

In section 30(5), definition of **gross married rate of unemployment benefit**, replace “unemployment benefit” with “jobseeker support”.

Education Act 1989 (1989 No 80)

15

In section 226A(1), definition of **benefit**, replace “an unemployment benefit” with “jobseeker support”.

In section 235F(1), definition of **benefit**, replace “an unemployment benefit” with “jobseeker support”.

Income Tax Act 2007 (2007 No 97)

20

In section YA 1, definition of **income-tested benefit**, paragraph (f), replace “unemployment benefit” with “jobseeker support”.

Minimum Wage Act 1983 (1983 No 115)

In section 4A(6) (as replaced on 1 May 2013 by section 4 of the Minimum Wage (Starting-out Wage) Amendment Act 2013), definition of **specified social security benefit**, insert in its appropriate alphabetical order: 25

“(da) jobseeker support:”.

Part 2

Regulations amended

**Social Security (Debt Recovery Suspension) Regulations 2007
(SR 2007/86)**

In regulation 3, definition of **working-age benefit**, paragraph (a), 5
replace “an unemployment benefit” with “jobseeker support”.

**Social Security (Temporary Additional Support) Regulations
2005 (SR 2005/334)**

In regulation 4, definition of **specified benefits**, paragraph (a), re- 10
place “an unemployment benefit” with “jobseeker support”.

In regulation 10(3)(b), replace “an unemployment benefit” with “job-
seeker support”.

In regulation 13, headings to examples 1, 2, and 3, replace “**unem-
ployment beneficiary**” with “**jobseeker support beneficiary**”.

In regulation 13, examples 1, 2, and 3, replace “unemployment bene- 15
ficiary” with “jobseeker support beneficiary”.

In regulation 13, examples 1, 2, and 3, replace “unemployment bene-
fit” with “jobseeker support” in each place.

In Schedule 3, clause 2, replace “an unemployment benefit” with 20
“jobseeker support”.

**Social Welfare (Reciprocity with the United Kingdom) Order
1990 (SR 1990/85)**

In clause 2, insert in its appropriate numerical order:

“(6) A reference (however expressed) in either of the following 25
to an unemployment benefit under the legislation of New Zealand must on and after **15 July 2013** be read as a reference
to jobseeker support under the legislation of New Zealand:

“(a) a provision of the Convention set out in the Schedule:

“(b) a provision of a document related to the operation on or 30
after **15 July 2013** of this order.”

Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2(1), definition of **supported child**, paragraph (c)(ii),
replace “an unemployment benefit” with “jobseeker support”.

Part 2—*continued*

Student Allowances Regulations 1998 (SR 1998/277)—*continued*

In regulation 13(1)(ab), replace “an unemployment benefit” with “jobseeker support”.

Schedule 7 **s 132**
New Schedule 32
Schedule 32 **s 3C**
Transitional and savings provisions
related to amendments to this Act **5**
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Social Security Amendment Act 2001

1 Transfer from community wage to unemployment benefit on 1 July 2001

- (1) This clause applies to a person who, immediately before 1 July 2001, was— 5

 - (a) in receipt of a community wage on a ground other than the person’s sickness, injury, or disability; and
 - (b) either—
 - (i) fulfilling the conditions of entitlement to the community wage; or 10
 - (ii) eligible to be granted a community wage under former section 90.
- (2) On 1 July 2001, in relation to a person to whom this clause applies, the community wage becomes an unemployment benefit as if it were granted under section 89 (as in force on 1 July 2001). 15
- (3) For the avoidance of doubt, the operation of **subclause (2)** does not affect, in relation to a person to whom this clause applies and his or her spouse (if any),— 20

 - (a) the rate of benefit paid; and
 - (b) the obligations under section 97 (as in force on 1 July 2001); and
 - (c) any requirement to undertake an organised activity under former section 111; and
 - (d) any exemption from the work test under section 105; and 25
 - (e) a sanction applying under any of former sections 115 to 118.
- (4) In this clause, **former section** means a section of this Act as it was before 1 July 2001. 30

Social Security (Benefit Categories and
Work Focus) Amendment Act 2012

- 2 Transfer from DPBs for solo parents and widows' benefits to sole parent support or jobseeker support on 15 July 2013** 5
- Widows' benefits and DPBs for solo parents abolished*
- (1) The following are (subject to the savings in **clause 3**) abolished on **15 July 2013**:
- (a) domestic purposes benefits under section 27B: 10
- (b) widows' benefits under section 21. 10
- Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013*
- (2) The chief executive must after **14 July 2013** determine under this subclause, in accordance with the applicant's entitlement immediately before **15 July 2013** to the abolished benefit, an application that is either— 15
- (a) an application for a domestic purposes benefit under section 27B or for a widow's benefit under section 21, and that is made, but is not decided or determined by the chief executive, before **15 July 2013**; or 20
- (b) an application for a domestic purposes benefit under section 27B or for a widow's benefit under section 21, and that is made after **14 July 2013** but before **15 August 2013**.
- (3) If it is determined under **subclause (2)** that the applicant had an entitlement to the abolished benefit,— 25
- (a) he or she must be treated as a person to whom **subclause (6)(a)** applies if, at the close of **14 July 2013**, he or she was a person with a dependent child aged under 14 years; and 30
- (b) he or she must be treated as a person to whom **subclause (8)(a)** applies if, at the close of **14 July 2013**, he or she was a person without a dependent child aged under 14 years; but
- (c) he or she must be granted the abolished benefit in respect of a period before **15 July 2013** for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have 35

- commenced until after **14 July 2013**, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have.
- (4) If it is determined under **subclause (2)** that the applicant had no entitlement to the abolished benefit, the applicant's application may be treated,— 5
- (a) if made in respect of a person with a dependent child aged under 14 years, as an application for sole parent support; and
- (b) if made in respect of a person without a dependent child aged under 14 years, as an application for jobseeker support. 10
- (5) Requirements or consequences of failures that apply to the applicant under section 21A or 27CA at the close of **14 July 2013** continue to apply to the applicant after **14 July 2013** as if they could be, and had been, imposed under **sections 11E to 11G** in respect of an application that under **subclause (4)** is treated as an application for sole parent support or, as the case requires, jobseeker support. 15
- Transfer to sole parent support of beneficiaries with dependent child aged under 14 years* 20
- (6) This subclause applies to a person with a dependent child aged under 14 years who, immediately before **15 July 2013**,—
- (a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27B or a widow's benefit under section 21; or 25
- (b) had been granted a domestic purposes benefit under section 27B, or a widow's benefit under section 21, that was subject to a stand down period under sections 80 to 80BA. 30
- (6A) **Subclause (6)** applies to a person even if the benefit in **subclause (6)(a) or (b)** was, immediately before **15 July 2013**, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no sole parent support to which the person is transferred by **subclause (7)** commences until the suspension or reduction would have ended, or the benefit in **subclause (6)(a) or (b)** would otherwise have become payable again. 35

- (7) A person to whom **subclause (6)** applies is, subject to **subclauses (6A) and (10) to (15)** and to a review under section 81, entitled to sole parent support at the appropriate rate in **Schedule 3A** (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing— 5
- (a) on **15 July 2013**, if **subclause (6)(a)** applies to the person; or
 - (b) at the end of the stand down period referred to in **subclause (6)(b)**. 10
- Transfer to jobseeker support of beneficiaries without dependent child aged under 14 years*
- (8) This subclause applies to a person without a dependent child aged under 14 years who, immediately before **15 July 2013**,— 15
- (a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27B or a widow's benefit under section 21; or
 - (b) had been granted a domestic purposes benefit under section 27B, or a widow's benefit under section 21, that was subject to a stand down period under sections 80 to 80BA. 20
- (8A) **Subclause (8)** applies to a person even if the benefit in **subclause (8)(a) or (b)** was, immediately before **15 July 2013**, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by **subclause (9)** commences until the suspension or reduction would have ended, or the benefit in **subclause (8)(a) or (b)** would otherwise have become payable again. 25 30
- (9) A person to whom **subclause (8)** applies is, subject to **subclauses (8A) and (10AA) to (15)** and to a review under section 81, entitled to jobseeker support at the appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing— 35
- (a) on **15 July 2013**, if **subclause (8)(a)** applies to the person; or

- (b) at the end of the stand down period referred to in **sub-clause (8)(b)**.

Savings relating to transfer to sole parent or jobseeker support

- (10AA) If a person to whom **subclause (8)** applies is, immediately before **15 July 2013** and under section 80BD(6), continuing to receive a domestic purposes benefit under section 27B or a widow’s benefit under section 21(1)(a) for 8 weeks after the person stops caring for the child because of a sudden change of circumstances beyond the person’s control,—
- (a) the person is after transferring to jobseeker support not entitled to the rate of jobseeker support in **clause 1(ab)** of Schedule 9 unless immediately before **15 July 2013** he or she would have been entitled to a domestic purposes benefit for women alone under section 27C, or to a widow’s benefit on a ground specified in section 21(1)(b), (c), or (d); and
- (b) the person’s jobseeker support commences at the end of that 8-week period.
- (10) Despite **section 80BE(5)**, the **expiry date** of jobseeker support to which a person to whom **subclause (8)** applies is entitled under **subclause (9)** is the 12-month anniversary of the date on which the person’s domestic purposes benefit under section 27B, or widow’s benefit under section 21, commenced or, as the case may be, last commenced.
- (11) Obligations under sections 60Q(2), 102, and 102A, and exemptions from the work test under section 105 (other than any exemption that, under regulations made under section 123D(a), is not available to a person receiving jobseeker support), that immediately before **15 July 2013** apply to a person to whom **subclause (6)(a) or (8)(a)** applies continue after **14 July 2013** in respect of sole parent support or jobseeker support to which the person is entitled under **subclause (7) or (9)**.
- (12) A person to whom **subclause (6)** applies who at the close of **14 July 2013** is subject to an exemption under section 105 from some or all of his or her work test obligations on the ground in regulation 6(2)(d) or (e) of the Social Security (Ex-

- emptions under Section 105) Regulations 1998 is deemed to have all of his or her work test obligations deferred under **section 88I** for a period that is the same as the period for which the exemption was granted under section 105.
- (13) Failures under section 115 or 116A by a person to whom **subclause (6)(a) or (8)(a)** applies, and sanctions for those failures under section 117(1)(a) or (b), continue after **14 July 2013** and are failures or sanctions in respect of sole parent support or jobseeker support to which the person is entitled under **subclause (7) or (9)**. 5 10
- (14) A person whose domestic purposes benefit under section 27B, or widow's benefit under section 21, was cancelled before **15 July 2013** under section 117(1)(c) is not entitled to receive sole parent support or jobseeker support for 13 weeks from the date of cancellation. 15
- (15) **Subclause (14)** does not limit section 117(2)(a).
Clause does not apply to reciprocity agreement applicants or recipients
- (16) **Subclauses (2) to (15)** do not apply to a person to whom **clause 3(1) or (3)** applies. 20
- 3 Reciprocity agreement applicants for, or recipients of, certain DPBs for solo parents or widows' benefits**
Reciprocity agreement applicants may be granted former benefit as if it had not been abolished
- (1) This subclause applies to a widow or widower who, immediately before **15 July 2013**, was ordinarily resident in New Zealand or an overseas country, and had made an application pursuant to an agreement or convention given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990 for, and had entitlement to, but had not yet in response to the application been granted,— 25 30
- (a) a widow's benefit under section 21; or
- (b) a domestic purposes benefit under section 27B for an applicant as defined in section 27B(1)(f). 35
- (2) A widow or widower to whom **subclause (1)** applies may be granted the benefit in **subclause (1)(a) or (b)** (as the case

requires) as if that benefit had not been abolished and as if the provisions on that benefit had not been repealed, and if granted to the widow or widower that benefit commences as it would have done had those provisions not been repealed, and continues so long as—

- (a) the widow or widower continues to meet the conditions of entitlement to that benefit in those provisions; and
- (b) the agreement or convention, or any replacement agreement or convention, continues in force in relation to New Zealand; and
- (c) the widow or widower continues to be ordinarily resident in New Zealand or the overseas country to which that agreement or convention applies.

Reciprocity agreement recipients' entitlement continues as if former benefits not abolished

- (3) This subclause applies to a person who, immediately before **15 July 2013**, was ordinarily resident in an overseas country, and was receiving, or granted and entitled to receive, pursuant to an agreement or convention given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990,—

- (a) a widow's benefit under section 21; or
- (b) a domestic purposes benefit under section 27B for an applicant as defined in section 27B(1)(f).

- (3A) **Subclause (3)** applies to a person even if the benefit in **subclause (3)(a) or (b)** was, immediately before **15 July 2013**, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no benefit of the person that is continued by **subclause (4)** commences until the suspension or reduction would have ended, or the benefit in **subclause (3)(a) or (b)** would otherwise have become payable again.

- (4) A person to whom **subclause (3)** applies is, subject to **subclause (3A)** and to a review under section 81, entitled to the benefit in **subclause (3)(a) or (b)** (as the case requires) as if that benefit had not been abolished and as if the provisions on that benefit had not been repealed, and that benefit continues so long as—

- (a) the person continues to meet the conditions of entitlement to that benefit in those provisions; and
- (b) the agreement or convention, or any replacement agreement or convention, continues in force in relation to New Zealand; and 5
- (c) the person continues to be ordinarily resident in New Zealand or the overseas country to which that agreement or convention applies.
- Alteration, and annual CPI adjustment, of rates of saved former benefits* 10
- (5) Sections 61H and 61HA must for the purposes of **subclauses (2) and (4)** be treated as continuing to authorise amendments and require adjustments to Schedules 3 and 16 on and after **15 July 2013**.
- 4 Transfer from invalids' benefits and DPBs for care of sick or infirm to supported living payment on 15 July 2013** 15
- Invalids' benefits renamed, and DPBs under section 27G abolished*
- (1) On **15 July 2013**,—
- (a) invalids' benefits under section 40 are renamed as the supported living payment under **section 40B**: 20
- (b) domestic purposes benefits under section 27G are abolished and replaced with the supported living payment under **section 40D**.
- Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013* 25
- (2) The chief executive must after **14 July 2013** determine under this subclause, in accordance with the applicant's entitlement immediately before **15 July 2013** to the invalids' benefit, an application that is either— 30
- (a) an application for an invalid's benefit, and that is made, but not decided or determined by the chief executive, before **15 July 2013**; or
- (b) an application for an invalid's benefit, and that is made after **14 July 2013** but before **15 August 2013**. 35
- (3) If it is determined under **subclause (2)** that the applicant had an entitlement to the invalids' benefit before it was re-

- named, he or she must be treated as a person to whom **subclause (8)(a)** applies, but he or she must be granted the invalids' benefit in respect of a period before **15 July 2013** for which he or she had entitlement to the invalids' benefit unless (because of a stand down or otherwise) it would not have commenced until after **14 July 2013**, and no new benefit to which he or she is transferred by this clause commences before the invalids' benefit would have. 5
- (4) If it is determined under **subclause (2)** that the applicant had no entitlement to the invalids' benefit before it was re-named, the applicant's application may (without limiting section 11D(4)) be treated as an application for a supported living payment under **section 40B** on the ground of sickness, injury, disability, or total blindness. 10
- (5) An application for a domestic purposes benefit under section 27G made, but not decided or determined by the chief executive, before **15 July 2013**, must after **14 July 2013** be determined under this subclause in accordance with the applicant's entitlement immediately before **15 July 2013** to the abolished benefit. 15 20
- (6) If it is determined under **subclause (5)** that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom **subclause (14)(a)** applies, but he or she must be granted the abolished benefit in respect of a period before **15 July 2013** for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after **14 July 2013**, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have. 25 30
- (7) If it is determined under **subclause (5)** that the applicant had no entitlement to the abolished benefit, the applicant's application may (without limiting section 11D(4)) be treated as an application for a supported living payment under **section 40D** on the ground of caring for a patient requiring care. 35

*Transfer from invalid's benefit to supported living payment
under section 40B*

- (8) This subclause applies to a person who, immediately before
15 July 2013,—
- (a) was receiving, or had been granted and was entitled to 5
receive, an invalid's benefit; or
 - (b) had been granted an invalid's benefit that was subject to
a stand down period under sections 80 to 80BA.
- (8A) **Subclause (8)** applies to a person even if the benefit in **sub-**
clause (8)(a) or (b) was, immediately before **15 July 2013**, 10
100% reduced or suspended under section 117 or another pro-
vision of this Act, but in that case no supported living payment
to which the person is transferred by **subclause (9)** com-
mences until the suspension or reduction would have ended, or 15
the benefit in **subclause (8)(a) or (b)** would otherwise have
become payable again.
- (9) A person to whom **subclause (8)** applies is, subject to **sub-**
clauses (8A) and (10) to (13) and to a review under sec-
tion 81, entitled to a supported living payment under **sec-** 20
tion 40B at the appropriate rate in Schedule 6 (until that bene-
fit ends or expires, or is for any reason cancelled or terminated)
as if the person had applied for it, and commencing—
- (a) on **15 July 2013**, if **subclause (8)(a)** applies to the 25
person; or
 - (b) at the end of the stand down period referred to in **sub-**
clause (8)(b).

*Transitional and savings provisions related to transfer to
supported living payment under section 40B*

- (10) Obligations under section 60Q(2), and exemptions from 30
the work test under section 105, that immediately before
15 July 2013 apply to the spouse or partner (if any) of a
person to whom **subclause (8)(a)** applies continue after
14 July 2013 in respect of a supported living payment
under **section 40B** to which the person is entitled under 35
subclause (9).
- (11) Failures under section 116A by the spouse or partner (if any)
of a person to whom **subclause (8)(a)** applies, and sanctions
for those failures under section 117(1)(a) or (b), continue after

- 14 July 2013** and are failures or sanctions in respect of a supported living payment under **section 40B** to which the person is entitled under **subclause (9)**.
- (12) A person whose invalid's benefit was cancelled before **15 July 2013** under section 117(1)(c) is not entitled to receive a supported living payment under **section 40B** for 13 weeks from the date of cancellation. 5
- (13) **Subclause (12)** does not limit section 117(2)(a).
Transfer from DPB for care of sick or infirm to supported living payment under section 40D 10
- (14) This subclause applies to a person who, immediately before **15 July 2013**,—
- (a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27G; or 15
- (b) had been granted a domestic purposes benefit under section 27G that was subject to a stand down period under sections 80 to 80BA.
- (15) **Subclause (14)(a)** applies, without limitation, to a domestic purposes benefit under section 27G that the person is entitled to continue to receive under the savings provision that is section 30(2) of the Social Security (Youth Support and Work Focus) Amendment Act 2012. 20
- (15A) **Subclause (14)** applies to a person even if the benefit in **subclause (14)(a) or (b)** was, immediately before **15 July 2013**, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no supported living payment to which the person is transferred by **subclause (16)** commences until the suspension or reduction would have ended, or the benefit in **subclause (14)(a) or (b)** would otherwise have become payable again. 25 30
- (16) A person to whom **subclause (14)** applies is, subject to **subclauses (15A) and (17)** and to a review under section 81, entitled to a supported living payment under **section 40D** at the appropriate rate in Schedule 6 as if the person had applied for it, and commencing— 35
- (a) on **15 July 2013**, if **subclause (14)(a)** applies to the person; or

- (b) at the end of the stand down period referred to in **sub-clause (14)(b)**.

Transitional and savings provisions related to transfer to supported living payment under section 40D

- (17) The following so far as they relate to a person to whom **sub-clause (14)** applies cease to exist on **15 July 2013**, but the person may if considered to have the capacity to do so be required to comply with section 60Q(3):
- (a) requests under section 60HA made before **15 July 2013**: 10
- (b) applications under section 105 to be exempted from complying with any such requests:
- (c) exemptions under section 105 arising from applications of that kind:
- (d) the imposition or effects of sanctions imposed under section 60U (as repealed on 15 October 2012 by section 40 of the Social Security (Youth Support and Work Focus) Amendment Act 2012) because of failures to comply with any such requests. 15

5 Social Security (Supported Living Payments Benefit) Regulations 1998 20

The Social Security (Supported Living Payments Benefit) Regulations 1998, as renamed and amended on **15 July 2013** by the **Social Security (Benefit Categories and Work Focus) Amendment Act 2012**, after **14 July 2014**— 25

- (a) must be treated as if they set out a period for the purposes of **section 40B(2)(a)**; and
- (b) may be further amended, revoked, or revoked and replaced, accordingly.

5A Transfer to emergency benefit of certain people 65 years old or older 30

The repeal of **subsections (1B) to (1D)** of section 61 (effected on **15 July 2013** by **section 25A(2) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2012**) does not limit or affect any transfer, or entitlement arising from a transfer, under those subsections before their repeal. 35

6 Transfer from unemployment benefit to jobseeker support on 15 July 2013

Unemployment benefit abolished

- (1) The unemployment benefit is abolished on **15 July 2013**.
Applications made, but not determined, before 15 July 2013, 5
or made after 14 July 2013 but before 15 August 2013
 - (2) The chief executive must after **14 July 2013** determine under this subclause, in accordance with the applicant’s entitlement immediately before **15 July 2013** to the abolished benefit, an application that is either— 10
 - (a) an application for the unemployment benefit, and that is made, but not decided or determined by the chief executive, before **15 July 2013**; or
 - (b) an application for the unemployment benefit, and that is made after **14 July 2013** but before **15 August 2013**. 15
 - (3) If it is determined under **subclause (2)** that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom **subclause (6)(a)** applies, but he or she must be granted the abolished benefit in respect of a period before **15 July 2013** for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after **14 July 2013**, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have. 20 25
 - (4) If it is determined under **subclause (2)** that the applicant had no entitlement to the abolished benefit, the applicant’s application may (without limiting section 11D(4)) be treated as an application for jobseeker support.
 - (5) Requirements or consequences of failures that apply to the applicant under section 96A at the close of **14 July 2013** continue to apply to the applicant after **14 July 2013** as if they could be, and had been, imposed under **sections 11E to 11G** in respect of an application that under **subclause (4)** is treated as an application for jobseeker support. 30 35
- Transfer from unemployment benefit to jobseeker support*
- (6) This subclause applies to a person who, immediately before **15 July 2013**,—

- (a) was receiving, or had been granted and was entitled to receive, an unemployment benefit; or
- (b) had been granted an unemployment benefit that was subject to a stand down period under sections 80 to 80BA. 5
- (6A) **Subclause (6)** applies to a person even if the benefit in **subclause (6)(a) or (b)** was, immediately before **15 July 2013**, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by **subclause (7)** commences until the suspension or reduction would have ended, or the benefit in **subclause (6)(a) or (b)** would otherwise have become payable again. 10
- (7) A person to whom **subclause (6)** applies is, subject to **subclauses (6A) and (8A) to (12)** and to a review under section 81, entitled to jobseeker support at the appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing— 15
- (a) on **15 July 2013**, if **subclause (6)(a)** applies to the person; or 20
- (b) at the end of the stand down period referred to in **subclause (6)(b)**.
- Savings relating to transfer to jobseeker support*
- (8A) A notice given to a person under section 99AA(2) before **15 July 2013**, and stating that the person's entitlement to the unemployment benefit will cease unless the person reapplies for that benefit and it is re-granted, continues in force after **14 July 2013** as if given under **section 80BE(2)** in respect of the jobseeker support to which the person is entitled under **subclause (7)**. 25 30
- (8) Despite **section 80BE(5)**, the expiry date of jobseeker support to which a person to whom **subclause (6)** of this clause applies is entitled under **subclause (7)** of this clause is the 12-month anniversary of the date on which the person's unemployment benefit commenced or, as the case may be, last commenced. 35

- (9) Obligations under sections 60Q(2), 97(1) and (2)(b), 102, and 102A, and exemptions from the work test under section 105, that immediately before **15 July 2013** apply to a person to whom **subclause (6)(a)** applies or to his or her spouse or partner (if any) continue after **14 July 2013** in respect of jobseeker support to which the person is entitled under **subclause (7)**. 5
- (10) Failures under section 115 or 116A by a person to whom **subclause (6)(a)** applies or by his or her spouse or partner (if any), and sanctions for those failures under section 117(1)(a) or (b), continue after **14 July 2013** and are failures or sanctions in respect of jobseeker support to which the person is entitled under **subclause (7)**. 10
- (11) A person whose unemployment benefit was cancelled before **15 July 2013** under section 117(1)(c) is not entitled to receive jobseeker support for 13 weeks from the date of cancellation. 15
- (12) **Subclause (11)** does not limit section 117(2)(a).

7 Transfer from sickness benefit to jobseeker support on 15 July 2013

Sickness benefit abolished

- (1) The sickness benefit is abolished on **15 July 2013**. 20
Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013
- (2) The chief executive must after **14 July 2013** determine under this subclause, in accordance with the applicant's entitlement immediately before **15 July 2013** to the abolished benefit, an application that is either— 25
- (a) an application for a sickness benefit, and that is made, but not decided or determined by the chief executive, before **15 July 2013**; or
- (b) an application for a sickness benefit, and that is made after **14 July 2013** but before **15 August 2013**. 30
- (3) If it is determined under **subclause (2)** that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom **subclause (5)(a)** applies, but he or she must be granted the abolished benefit in respect of a period before **15 July 2013** for which he or she had entitlement to the abolished benefit unless (because of a stand 35

down or otherwise) it would not have commenced until after **14 July 2013**, and no new benefit to which he or she is transferred by this clause commences before the abolished benefit would have.

- (4) If it is determined under **subclause (2)** that the applicant had no entitlement to the abolished benefit, the applicant's application may (without limiting section 11D(4)) be treated as an application for jobseeker support on the ground of sickness, injury, or disability. 5

Transfer from sickness benefit to jobseeker support 10

- (5) This subclause applies to a person who, immediately before **15 July 2013**,—

- (a) was receiving, or had been granted and was entitled to receive, a sickness benefit under section 54 or 54A; or
(b) had been granted a sickness benefit that was subject to a stand down period under sections 80 to 80BA. 15

- (5A) **Subclause (5)** applies to a person even if the benefit in **subclause (5)(a) or (b)** was, immediately before **15 July 2013**, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by **subclause (6)** commences until the suspension or reduction would have ended, or the benefit in **subclause (5)(a) or (b)** would otherwise have become payable again. 20

- (6) A person to whom **subclause (5)** applies is, subject to **subclauses (5A) and (7) to (13)** and to a review under section 81, entitled to jobseeker support on the ground of sickness, injury, or disability at the appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing— 25

- (a) on **15 July 2013**, if **subclause (5)(a)** applies to the person; or
(b) at the end of the stand down period referred to in **subclause (5)(b)**. 30 35

Savings relating to transfer to jobseeker support

- (7) Despite **section 80BE(5)**, the expiry date of jobseeker support to which a person to whom **subclause (5)** applies is en-

titled under **subclause (5)** is the 12-month anniversary of the date on which the person's sickness benefit commenced or, as the case may be, last commenced.

- (8) Obligations under sections 54(7), 54E, 60Q(2), 102, and 102A, and exemptions from the work test under section 105 (other than any exemption that, under regulations made under section 123D(a), is not available to a person receiving jobseeker support), that immediately before **15 July 2013** apply to a person to whom **subclause (5)(a)** applies or to his or her spouse or partner (if any) continue after **14 July 2013** in respect of jobseeker support to which the person is entitled under **subclause (6)**. 5 10
- (9) A determination, and a requirement to comply with the work test, that are made under section 54DA(1) in respect of a person to whom **subclause (5)** applies are, after **14 July 2013**, deemed to be a determination under **section 88F(2)** and notice under **section 88F(4)** in respect of that person. 15
- (10) A person to whom **subclause (5)** applies, and in respect of whom no determination and requirement under section 54DA(1) have been made before **15 July 2013**, is deemed to have been granted on **15 July 2013** a deferral under **section 88I(2)** of all his or her work test obligations for the rest of the period (which the chief executive must identify by reference to the medical evidence supplied to the chief executive before **15 July 2013**) of the beneficiary's limited capacity to engage in full-time employment because of sickness, injury, or disability. 20 25
- (11) Failures under section 115 or 116A by a person to whom **subclause (5)(a)** applies, and sanctions for those failures under section 117(1)(a) or (b), continue after **14 July 2013** and are failures or sanctions in respect of jobseeker support to which the person is entitled under **subclause (6)**. 30
- (12) A person whose sickness benefit was cancelled before **15 July 2013** under section 117(1)(c) is not entitled to receive jobseeker support for 13 weeks from the date of cancellation. 35
- (13) **Subclause (12)** does not limit section 117(2)(a).

8 Social Security (Jobseeker Support—Medical Examinations) Regulations 2010

The Social Security (Jobseeker Support—Medical Examinations) Regulations 2010, as renamed and amended on **15 July 2013** by the **Social Security (Benefit Categories and Work Focus) Amendment Act 2012**, after **14 July 2013**—

- (a) must be treated as if they specify a kind of health practitioner for the purposes of **section 88E(2)(d)**; and
- (b) may be further amended, revoked, or revoked and replaced, accordingly.

9 Transfer from DPBs for women alone to jobseeker support on 15 July 2013

DPBs for women alone abolished

- (1) Domestic purposes benefits under section 27C are abolished on **15 July 2013**.

Applications made, but not determined, before 15 July 2013, or made after 14 July 2013 but before 15 August 2013

- (2) The chief executive must after **14 July 2013** determine under this subclause, in accordance with the applicant's entitlement immediately before **15 July 2013** to the abolished benefit, an application that is either—
 - (a) an application for a domestic purposes benefit under section 27C, and that is made, but not decided or determined by the chief executive, before **15 July 2013**; or
 - (b) an application for a domestic purposes benefit under section 27C, and that is made after **14 July 2013** but before **15 August 2013**.
- (3) If it is determined under **subclause (2)** that the applicant had an entitlement to the abolished benefit, he or she must be treated as a person to whom **subclause (6)(a)** applies, but he or she must be granted the abolished benefit in respect of a period before **15 July 2013** for which he or she had entitlement to the abolished benefit unless (because of a stand down or otherwise) it would not have commenced until after **14 July 2013**, and no new benefit to which he or she is trans-

ferred by this clause commences before the abolished benefit would have.

- (4) If it is determined under **subclause (2)** that the applicant had no entitlement to the abolished benefit, the applicant's application may (without limiting section 11D(4)) be treated as an application for jobseeker support. 5
- (5) Requirements or consequences of failures that apply to the applicant under section 27CA at the close of **14 July 2013** continue to apply to the applicant after **14 July 2013** as if they could be, and had been, imposed under **sections 11E to 11G** in respect of an application that under **subclause (4)** is treated as an application for jobseeker support. 10
- Transfer from DPBs for women alone to jobseeker support*
- (6) This subclause applies to a person who, immediately before **15 July 2013**,— 15
- (a) was receiving, or had been granted and was entitled to receive, a domestic purposes benefit under section 27C; or
- (b) had been granted a domestic purposes benefit under section 27C that was subject to a stand down period under sections 80 to 80BA. 20
- (6A) **Subclause (6)** applies to a person even if the benefit in **subclause (6)(a) or (b)** was, immediately before **15 July 2013**, 100% reduced or suspended under section 117 or another provision of this Act, but in that case no jobseeker support to which the person is transferred by **subclause (7)** commences until the ~~suspension or reduction~~ reduction or suspension would have ended, or the benefit in **subclause (6)(a) or (b)** would otherwise have become payable again. 25
- (7) A person to whom **subclause (6)** applies is, subject to **subclauses (6A) and (8) to (13)** and to a review under section 81, entitled to jobseeker support at the appropriate rate in Schedule 9 (until that benefit ends or expires, or is for any reason cancelled or terminated) as if the person had applied for it, and commencing— 30
- (a) on **15 July 2013**, if **subclause (6)(a)** applies to the person; or 35

- (b) at the end of the stand down period referred to in **subclause (6)(b)**.

Savings relating to transfer to jobseeker support

- (8) Despite **section 80BE(5)**, the **expiry date** of jobseeker support to which a person to whom **subclause (6)** applies is entitled under **subclause (7)** is the 12-month anniversary of the date on which the person's domestic purposes benefit under section 27C commenced or, as the case may be, last commenced. 5
- (9) Obligations under sections 102 and 102A, and exemptions from the work test under section 105, that immediately before **15 July 2013** apply to a person to whom **subclause (6)(a)** applies continue after **14 July 2013** in respect of jobseeker support to which the person is entitled under **subclause (7)**. 10
- (10) A person to whom **subclause (6)** applies who at the close of **14 July 2013** is subject to an exemption under section 105 from some or all of his or her work test obligations on the ground in regulation 6(2)(d) or (e) of the Social Security (Exemptions under Section 105) Regulations 1998 is deemed to have all of his or her work test obligations deferred under **section 88I** for a period that is the same as the period for which the exemption was granted under section 105. 15 20
- (11) Failures under section 115 by a person to whom **subclause (6)(a)** applies, and sanctions for those failures under section 117(1)(a) or (b), continue after **14 July 2013** and are failures or sanctions in respect of jobseeker support to which the person is entitled under **subclause (7)**. 25
- (12) A person whose domestic purposes benefit under section 27C was cancelled before **15 July 2013** under section 117(1)(c) is not entitled to receive jobseeker support for 13 weeks from the date of cancellation. 30
- (13) **Subclause (12)** does not limit section 117(2)(a).

10 Appeals, and appeal boards, under section 53A

Appeals made, but not decided, before 15 July 2013

- (1) An appeal made under section 53A but not decided before **15 July 2013** continues, and must be decided under **section** 35

10B, after **14 July 2013**, as if it had been made under **section 10B**.

Boards appointed under section 53A

- (2) Every Board appointed under section 53A for an appeal to which **subclause (1)** applies continues after **14 July 2013** as if it had been appointed, and the appeal had been made, under **section 10B**. 5

11 Temporary exemption from full-time student ineligibility ineligibility for certain transferees to jobseeker support 10

- (1) This subclause applies to a person who is a full-time student (as defined in section 3(1)) at the close of **14 July 2013**, is receiving a main benefit under this Act (as defined in **subclause (1B)**) at the close of **14 July 2013**, and is transferred to jobseeker support on **15 July 2013**—

- (a) under **clause 2(9)** in respect of a domestic purposes benefit under section 27B or 27C; or 15
 (b) under **clause 2(9)** in respect of a widow’s benefit under section 21; or
 (c) under **clause 7(6)** in respect of a sickness benefit under section 54 or 54A. 20

- (1A) This subclause applies to a person who is a full-time student (as defined in section 3(1)) at the close of **14 July 2013**, is receiving a main benefit under this Act (as defined in **subclause (1B)**) at the close of **14 July 2013**, and is transferred to jobseeker support at any time after **14 July 2013**— 25

- (a) from that main benefit (either directly, or via 1 or more other benefits); and
 (b) under **section 20H**, or after a review under section 81(1) and under section 81(3).

- (1B) **Main benefit under this Act**, in **subclauses (1) and (1A)**, means a benefit that is— 30

- (a) a widow’s benefit under section 21; or
 (b) a domestic purposes benefit under section 27B, 27C, or 27G; or
 (c) an invalid’s benefit under section 40; or 35
 (a) a sickness benefit under section 54 or 54A; or
 (d) unemployment benefit under section 89 or 90; or

- (e) an emergency benefit under section 61; or
 (f) a youth payment (under Part 5); or
 (g) a young parent payment (under Part 5).
- (2) A person to whom **subclause (1) or (1A)** applies is, for the period in **subclause (3)**,— 5
- (a) excepted from the application of the jobseeker support ineligibility ground in **section 88D(a)**; and
 (b) deemed to have been exempted under section 105, ~~subject to the exception in **subclause (4)**~~; from all his or her work test obligations or, as the case may be, work preparation obligations under section 60Q. 10
- (3) The period referred to in **subclause (2)**—
- (a) begins,—
- (i) for a person to whom **subclause (1)** applies, on **15 July 2013**: 15
- (ii) for a person to whom **subclause (1A)** applies, on the date on which the person transfers to jobseeker support under **section 20H or 81(3)**; and
- (b) ends (whether **subclause (1) or (1A)** applies to the person) at the earliest of the following times: 20
- (i) the close of **14 July 2015**;
- (ii) the time when the person's jobseeker support ends;
- (iii) the time when the person ceases to be a full-time student (as defined in section 3(1)): 25
- (iv) the time when the person's exception and exemption under this clause end under **subclause (5)**.
- (3A) Despite **subclause (3)(b)**, the chief executive may, in his or her discretion, decide that the period referred to in **subclause (2)** does not end at the time specified in **subclause (3)(b)(ii) or (iii)**. 30
- (5) The exception and exemption under **subclause (2)(a) and (b)** of a person to whom **subclause (1) or (1A)** applies end under this subclause if the chief executive is satisfied at a time before **15 July 2015** that the amount of work (if any) passed by the person in any period (for example, a semester) in a course in which the person was enrolled was equivalent to half of, or less than half of, a full-time course. 35

- (6) **Full-time course**, in **subclause (5)**, has the same meaning as in regulation 2(1) of the Student Allowance Allowances Regulations 1998.

11A Residential requirements: overseas residents' entitlements under reciprocity agreements unaffected by section 74AA(1)(c) 5

Nothing in **section 74AA(1)(c)** (as replaced on **15 July 2013**) applies on or after **15 July 2013** to a benefit granted to a person pursuant to an agreement or convention with the government of another country and at a time before **15 July 2013** when— 10

- (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 the agreement or convention set out in a schedule of the order had force and effect so far as they relate to New Zealand; and 15
- (b) the person is ordinarily resident in that country.

12 When beneficiaries can be paid benefit while overseas: travel booked before, but occurring after, 15 July 2013

- (1) This clause applies to a beneficiary's absence overseas, but only if that absence involves travel from New Zealand that— 20
- (a) occurs on or after **15 July 2013**; but
- (b) was booked before **15 July 2013**.
- (2) The chief executive may, for the purpose of avoiding any net adverse effects on the beneficiary of section 77 (as amended on **15 July 2013**), and in the chief executive's discretion, determine the beneficiary's entitlements in respect of the absence under section 77 (as in force immediately before **15 July 2013**). 25

13 Saving of failures and sanctions not saved by other clauses 30

- (1) This clause applies to a person's failure before **15 July 2013** if it is—
- (a) a failure under section 115(1)(a) (to comply with work test obligations in sections 102 and 102A); or

- (b) a failure under section 115(1)(b) (for a beneficiary granted an exemption from the work test, to attend an interview as required under section 105(5)); or
- (c) a failure before 20 August 2012 under section 115A (to comply with independent youth benefits obligations under section 60GAB); or 5
- (d) a failure under section 116A (to comply with work preparation obligations under section 60Q(2) (as replaced on 15 October 2012)); or
- (e) a failure that, under section 171(3)(a), is a failure to comply with the work test for the purposes of section 117 because it is a failure by a young person (as defined in section 157) who is the spouse or partner of a specified beneficiary (as so defined) to comply with obligations placed on that young person under section 171; or 10 15
- (f) a failure that, under section 171(3)(b), is a failure to comply with section 60Q(2) (as replaced on 15 October 2012) for the purposes of section 116A because it is a failure by a young person (as defined in section 157) who is the spouse or partner of a specified beneficiary (as so defined) to comply with obligations placed on that young person under section 171. 20
- (2) The failure and any related sanction under section 117 before **15 July 2013** both continue to count for determining the number of failures of the person, and every appropriate related sanction under section 117, after **14 July 2013**. 25
- (3) This clause does not limit any other provisions of this Schedule that save or transfer obligations, failures, or sanctions that applied to a person immediately before **15 July 2013**.
- 13A Unamended references to former benefits or amounts** 30
- (1) This clause applies to a reference only if the reference is in an enactment that is—
- (a) in force on or after **15 July 2013**; and
- (b) not an enactment that is the whole of, or a portion of, or made under, the Social Security Act 1964; and 35
- (c) not amended by the **Social Security (Benefit Categories and Work Focus) Amendment Act 2012**.

- (2) A reference in column 1 of a row of the following table to a former benefit or amount under this Act must, unless the context otherwise requires, be read as a reference to the new benefit or amount in column 2 of that row.

Column 1 Former benefit or amount	Column 2 New benefit or amount
<u>Widow's benefit under, or under section 21 of, this Act, and payable to a person with 1 or more dependent children</u>	<u>Sole parent support under section 20D (if the person has a dependent child aged under 14 years)</u>
<u>Widow's benefit under, or under section 21 of, this Act, and payable to a person with no, or with 1 or more, dependent children</u>	<u>Jobseeker support under section 88B (if the person has no dependent child aged under 14 years)</u>
<u>Domestic purposes benefit under section 27B, or payable to a person with 1 or more dependent children</u>	<u>Sole parent support under section 20D (if the person has a dependent child aged under 14 years)</u>
<u>Domestic purposes benefit under section 27B, or payable to a person with 1 or more dependent children</u>	<u>Jobseeker support under section 88B (if the person has no dependent child aged under 14 years)</u>
<u>Domestic purposes benefit under section 27C, or payable to a person, or to a woman alone, with no dependent children</u>	<u>Jobseeker support under section 88B</u>
<u>An amount in Schedule 16 (rates of domestic purposes benefits under section 27B or 27C)</u>	<u>The corresponding amount in Schedule 3A (for sole parent support)</u>
<u>An amount in Schedule 16 (rates of domestic purposes benefits under section 27B or 27C)</u>	<u>The amount in clause 1(ba) of Schedule 9 (for jobseeker support)</u>
<u>Domestic purposes benefit under section 27G, or for the care at home of the sick or infirm</u>	<u>Supported living payment under section 40D on the ground of caring for a patient requiring care</u>
<u>An amount in Schedule 17 (rates of domestic purposes benefits under section 27G)</u>	<u>The appropriate amount in Schedule 6 (rates of supported living payment benefits)</u>
<u>Invalid's benefit under, or under section 40 of, this Act</u>	<u>Supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness</u>
<u>Sickness benefit</u>	<u>Jobseeker support under section 88B</u>
<u>Unemployment benefit</u>	<u>Jobseeker support under section 88B</u>

14 Regulations for transitional and savings purposes

- (1) The Governor-General may, by Order in Council made on the Minister's recommendation, make regulations prescribing transitional provisions, savings provisions, or both, for either or both of the following purposes: 5
- (a) facilitating or ensuring the orderliness of the transition to the amendments made to this Act by the **Social Security (Benefit Categories and Work Focus) Amendment Act 2012**: 10
- (b) ensuring that existing rights or obligations continue as part of, or despite, that transition. 10
- (2) The Minister must not recommend the making of regulations under **subclause (1)** unless satisfied that those regulations— 15
- (a) are reasonably necessary for either or both of the purposes in **subsection (1)(a) and (b)**; and 15
- (b) are consistent with the purposes of this Act. 15
- (3) The transitional provisions or savings provisions prescribed by regulations under **subclause (1)** may be provisions in addition to or instead of **clauses 2 to 43 13A**, and may— 20
- (a) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions (including definitions) of those amendments to this Act do not apply, or apply with modifications or additions: 20
- (b) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions repealed, amended, or revoked by those amendments to this Act are to continue to apply, or apply with modifications or additions, as if they had not been repealed, amended, or revoked: 25 30
- (c) provide for any other matter necessary for either or both of the purposes in **subsection (1)(a) and (b)**. 30
- (4) No regulations made under this clause may be made, or continue in force, after the close of **14 July 2016**.
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**Social Security (Benefit Categories and
Work Focus) Amendment Bill**

Legislative history

17 September 2012	Introduction (Bill 67-1)
20 September 2012	First reading and referral to Social Services Committee
13 March 2013	Reported from Social Services Committee (Bill 67-2)
20 March 2013	Second reading
26 March 2013	Committee of the whole House (Bill 67-3)
