



New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021

Public Act 2021 No 46
Date of assent 15 November 2021
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the New Zealand Superannuation and Retirement Income (Fair Residency) Amendment Act 2021.

2 Commencement

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

Part 1

Changes to New Zealand Superannuation and Retirement Income Act 2001

3 Principal Act

This Part amends the New Zealand Superannuation and Retirement Income Act 2001.

Changes to residential qualification

4 Section 8 replaced (Residential qualification for New Zealand superannuation)

Replace section 8 with:

8 Residential qualification for New Zealand superannuation

- (1) A person (A) is entitled to New Zealand superannuation only if A—
- (a) is ordinarily resident in New Zealand on the date of application for New Zealand superannuation, unless section 31(4) of this Act or section 191(4) of the Veterans’ Support Act 2014 applies; and
 - (b) meets the residency requirements in subsections (2) and (3).

- (2) Since reaching the age of 20 years, A must have been both resident and present for a period or periods totalling not less than the total time requirement calculated under subsection (4)—
- (a) in New Zealand for 10 years of the total time requirement; and
- (b) in any 1 or more of New Zealand, the Cook Islands, Niue, and Tokelau for the remaining time (if any) of the total time requirement.
- (3) Since reaching the age of 50 years, A must have been both resident and present in any 1 or more of New Zealand, the Cook Islands, Niue, and Tokelau for a period or periods totalling not less than 5 years.

How to calculate total time requirement

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

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

Example

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

5 New section 8A inserted (Special total time requirement for refugees or protected persons 45 years of age or older on relevant date)

After section 8, insert:

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

Application of this section

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

- (a) is recognised as a refugee or protected person in New Zealand; and
- (b) is 45 years of age or older on the relevant date.
- (2) For the purposes of section 8(2), A's total time requirement must be calculated under this section instead of under section 8(4).
- Requirement for persons between 45 and 55 years of age*
- (3) If A is 45 years of age or older but younger than 55 years of age on the relevant date, A's total time requirement is the lesser of the following:
- (a) the period, calculated in days, that starts on the relevant date and ends on A's 65th birthday:
- (b) the total time requirement calculated under section 8(4).

Example

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

Requirement for persons 55 years of age or older

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

Meaning of relevant date

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

Consequential amendments

6 Section 9 amended (Treatment of various periods of absence)

In section 9(1), replace “section 8(b) and (c)(i)” with “section 8(2) and (3)”.

7 Section 10 amended (Treatment of periods of absence as missionary)

In section 10(1), replace “section 8(b) and (c)(i)” with “section 8(2) and (3)”.

8 Section 10A amended (Treatment of periods of absence if New Zealand income tax withheld on overseas earnings)

In section 10A(1), replace “section 8(b) and (c)(i)” with “section 8(2) and (3)”.

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

Replace section 31(4)(c) with:

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

10 Schedule 1AA amended

- (1) In Schedule 1AA, heading to clause 3, replace “section 8(c)” with “section 8(3)”.
- (2) In Schedule 1AA, clause 3(2), replace “section 8(c)” with “section 8(3)”.

Part 2

Consequential amendments to Veterans’ Support Act 2014

11 Principal Act

This Part amends the Veterans’ Support Act 2014.

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

Replace section 191(4)(c) with:

- (c) who has met the residency requirements for New Zealand superannuation set out in section 8(2) and (3) of the New Zealand Superannuation and Retirement Income Act 2001; and

13 Schedule 1 amended

- (1) In Schedule 1, heading to clause 17, replace “section 8(c)” with “section 8(3)”.
- (2) In Schedule 1, clause 17(2), (3), and (4), replace “section 8(c)” with “section 8(3)”.

Legislative history

18 October 2018	Introduction (Bill 107–1)
1 July 2020	First reading and referral to Finance and Expenditure Committee
4 May 2021	Reported from Finance and Expenditure Committee (Bill 107–2)
9 June 2021	Second reading
4 August 2021	Committee of the whole House (Bill 107–3)
10 November 2021	Third reading
15 November 2021	Royal assent

This Act is administered by the Ministry of Social Development.