

Reprint
as at 21 January 2019



**Social Assistance (Residency Qualification) Legislation
Act 2018**

Public Act 2018 No 45
Date of assent 12 November 2018
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2

Part 1

**Amendments to New Zealand Superannuation and Retirement
Income Act 2001**

3 Principal Act	3
4 New section 5B inserted (Transitional, savings, and related provisions)	3
5B Transitional, savings, and related provisions	3
5 Section 8 amended (Residential qualification for New Zealand superannuation)	3
6 Section 31 amended (Entitlement to be paid New Zealand superannuation in specified Pacific country)	3
7 New Schedule 1AA inserted	3

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Social Development.

Part 2
Amendments to Veterans' Support Act 2014

8	Principal Act	3
9	New section 4A inserted (Transitional, savings, and related provisions)	4
4A	Transitional, savings, and related provisions	4
10	Section 6 repealed (Application of provisions of this Act)	4
11	Section 191 amended (Entitlement to be paid veteran's pension in specified Pacific country)	4
12	Section 265 amended (Regulations)	4
13	Section 277 repealed (Application, savings, and transitional provisions)	4
14	Schedule 1 amended	4

Part 1
Provisions relating to this Act as enacted

Savings relating to this Act as enacted

Transitional provisions relating to this Act as enacted

	Schedule 1	5
	New Schedule 1AA of New Zealand Superannuation and Retirement Income Act 2001 inserted	
	Schedule 2	6
	New Part 2 of Schedule 1 of Veterans' Support Act 2014 inserted	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Assistance (Residency Qualification) Legislation Act 2018.

2 Commencement

- (1) This Act comes into force on a date appointed by the Governor-General by Order in Council.
- (2) However, if this Act is not in force by the day that is 12 months after the date on which it receives the Royal assent, it comes into force on that day.

Section 2(1): this Act brought into force, on 21 January 2019, by clause 2 of the Social Assistance (Residency Qualification) Legislation Act Commencement Order 2018 (LI 2018/254).

Part 1

Amendments to New Zealand Superannuation and Retirement Income Act 2001

3 Principal Act

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

4 New section 5B inserted (Transitional, savings, and related provisions)

After section 5A, insert:

5B Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

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

Replace section 8(c) with:

- (c) has also been both resident and present for a period or periods aggregating not less than 5 years since attaining the age of 50 years in any 1 or more of—
 - (i) New Zealand:
 - (ii) the Cook Islands:
 - (iii) Niue:
 - (iv) Tokelau.

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

In section 31(4)(c), replace “, before he or she left New Zealand to reside in one of the countries or in the territory specified in paragraph (b),” with “has”.

7 New Schedule 1AA inserted

Insert the Schedule 1AA set out in Schedule 1 of this Act as the first schedule to appear after the last section of the principal Act.

Part 2

Amendments to Veterans’ Support Act 2014

8 Principal Act

This Part amends the Veterans’ Support Act 2014 (the **principal Act**).

9 New section 4A inserted (Transitional, savings, and related provisions)

After section 4, insert:

4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

10 Section 6 repealed (Application of provisions of this Act)

Repeal section 6.

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

In section 191(4)(c), replace “, before he or she left New Zealand to reside in one of the countries or in the territory specified in paragraph (b),” with “has”.

12 Section 265 amended (Regulations)

In section 265(1)(40), replace “application, savings, and transitional provisions” with “transitional, savings, and related provisions”.

13 Section 277 repealed (Application, savings, and transitional provisions)

Repeal section 277.

14 Schedule 1 amended

- (1) In the Schedule 1 heading, replace “**Application, savings, and transitional provisions**” with “**Transitional, savings, and related provisions**”.
- (2) In the Schedule 1 heading, replace “6” with “4A”.
- (3) In the Schedule 1 heading, delete “, 277”.
- (4) In Schedule 1, replace the Part 1 heading with:

Part 1
Provisions relating to this Act as enacted

Savings relating to this Act as enacted

- (5) In Schedule 1, replace the Part 2 heading with:

Transitional provisions relating to this Act as enacted

- (6) In Schedule 1, after clause 15, insert the Part 2 set out in Schedule 2 of this Act.

Schedule 1
**New Schedule 1AA of New Zealand Superannuation and Retirement
Income Act 2001 inserted**

s 7

Schedule 1AA
Transitional, savings, and related provisions

s 5B

Part 1
**Transitional, savings, and related provisions relating to Act as
enacted or as amended prior to 2018**

1 Transitional, savings, and related provisions in body of Act

In addition to the transitional, savings, and related provisions set out in this Schedule, other transitional, savings, and related provisions apply as set out in the body of this Act.

Part 2
**Provisions relating to Social Assistance (Residency Qualification)
Legislation Act 2018**

2 Interpretation

In this Part, **2018 Act** means the Social Assistance (Residency Qualification) Legislation Act 2018.

3 Application of section 8(c)

- (1) This clause applies to a person who, on or after the date on which the 2018 Act comes into force, applies for New Zealand superannuation.
- (2) In determining whether the person has met the residential qualification in section 8(c), the person's residence and presence in any of the countries or the territory before the 2018 Act came into force must be taken into account.

Schedule 2**New Part 2 of Schedule 1 of Veterans' Support Act 2014 inserted**

s 14(6)

Part 2**Provisions relating to Social Assistance (Residency Qualification)
Legislation Act 2018****16 Interpretation**

In this Part,—

2001 Act means the New Zealand Superannuation and Retirement Income Act 2001

2018 Act means the Social Assistance (Residency Qualification) Legislation Act 2018.

17 Application of section 8(c) of the New Zealand Superannuation and Retirement Income Act 2001

- (1) This clause applies to a person who, on or after the date on which the 2018 Act comes into force, applies for a veteran's pension.
- (2) In determining for the purposes of section 161(1)(b) or (2)(a), 162(1)(b) or (2)(a), or 163(1)(a) or (2)(a) of this Act whether the person is eligible to receive New Zealand superannuation and, specifically whether he or she meets the residential qualification under section 8(c) of the 2001 Act, the person's residence and presence in any of the countries or the territory before the 2018 Act came into force must be taken into account.
- (3) In determining for the purposes of section 163(1)(c) of this Act whether a veteran, had he or she not died, would have been eligible to receive New Zealand superannuation and, specifically whether the veteran would have met the residential qualification under section 8(c) of the 2001 Act, the veteran's residence and presence in any of the countries or the territory before the 2018 Act came into force must be taken into account.
- (4) In determining for the purposes of section 191(4)(c) whether a person has met the residential qualification for New Zealand superannuation under section 8(c) of the 2001 Act, the person's residence and presence in any of the countries or the territory before the 2018 Act came into force must be taken into account.

Reprints notes

1 *General*

This is a reprint of the Social Assistance (Residency Qualification) Legislation Act 2018 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Social Assistance (Residency Qualification) Legislation Act Commencement Order 2018 (LI 2018/254)