

New Zealand



ANALYSIS

Title.	
1. Short Title.	
PART I	
AMENDMENTS AFFECTING PART II OF PRINCIPAL ACT	
2. Commencement of this Part.	
3. Certain legacies and other payments not "income" for purposes of Part II of principal Act. Repeal.	
<i>Superannuation Benefits</i>	
4. Section 13 of principal Act amended.	
<i>Age-benefits</i>	
5. Section 16 of principal Act amended.	
6. Section 17 of principal Act amended. Repeal.	
7. Section 18 of principal Act amended. Repeal.	
8. Section 19 of principal Act amended.	
9. As to limitations on rates of age-benefits granted to war pensioners.	
10. Rates of age-benefits granted to blind beneficiaries.	
11. Power to increase rates of age-benefits granted to parents of deceased members of the Forces or of the mercantile marine.	
<i>Widows' Benefits</i>	
12. Section 23 of principal Act amended.	
13. Benefits to deserted wives.	
14. Section 25 of principal Act amended.	
	<i>Orphans' Benefits</i>
	15. Section 27 of principal Act amended.
	<i>Family Benefits</i>
	16. Section 30 of principal Act amended.
	<i>Invalids' Benefits</i>
	17. Section 34 of principal Act amended. Repeal.
	18. Section 35 of principal Act amended.
	<i>Miners' Benefits</i>
	19. Section 41 of principal Act amended.
	20. Section 44 of principal Act amended.
	<i>Sickness Benefits</i>
	21. Section 46 of principal Act amended. Repeal.
	<i>Unemployment Benefits</i>
	22. Section 52 of principal Act amended.
	<i>Maori War Benefits</i>
	23. Section 57 of principal Act amended.
	<i>Benefits granted in respect of Children</i>
	24. Section 66 of principal Act amended.
	<i>General</i>
	25. Provision for adjustment of anomalies due to receipt of income subject to social security charge or national security tax. Repeal.

PART II

MISCELLANEOUS PROVISIONS

- | | |
|--|---|
| <p>26. Extending purposes for which moneys in Social Security Fund may be expended in relation to medical benefits and other benefits under Part III of principal Act.</p> <p>27. Validation of regulations as to hospital benefits.</p> | <p>28. Relief to contributory local authorities and their ratepayers on account of increase in payments to Hospital Boards for hospital benefits.</p> <p>29. Section 110 of principal Act amended.</p> <p>30. Abolishing limitation on mileage fees.</p> <p>31. Section 136 of principal Act amended. Consequential repeal.</p> |
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1943, No. 19

Title. AN ACT to amend the Social Security Act, 1938.
[25th August, 1943

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. This Act may be cited as the Social Security Amendment Act, 1943, and shall be read together with and deemed part of the Social Security Act, 1938 (hereinafter referred to as the principal Act).

1938, No. 7

PART I

AMENDMENTS AFFECTING PART II OF PRINCIPAL ACT

Commencement of this Part. 2. This Part of this Act shall be deemed to have come into force on the first day of July, nineteen hundred and forty-three.

Certain legacies and other payments not "income" for purposes of Part II of principal Act. 3. (1) Section ten of the principal Act is hereby amended by repealing paragraph (g) of the definition of the term "income" as amended by section eleven of the Finance Act (No. 4), 1940, and substituting the following paragraph:—

1940, No. 30 " (g) Any capital moneys (not exceeding in the aggregate the sum of five hundred pounds) received by way of legacy (not being a legacy to which the last preceding paragraph applies), or under any policy of life insurance (not being a policy to which paragraph (e) hereof applies), or as compensation or damages in respect of any accident causing the death of any person or causing any bodily injury, or as a compassionate grant made by the Government or by any employer on account of the death of the husband of the applicant: ".

(2) Section eleven of the Finance Act (No. 4), 1940, is hereby consequentially repealed. Repeal.
1940, No. 30

Superannuation Benefits

4. Section thirteen of the principal Act is hereby amended by omitting from subsection two the words "seventy-eight pounds", and substituting the words "eighty-four pounds ten shillings". Section 13 of
principal Act
amended.

REP. 19
No. s.

Age-benefits

5. Section sixteen of the principal Act is hereby amended by omitting from subsection one the words "seventy-eight pounds", and substituting the words "eighty-four pounds ten shillings". Section 16 of
principal Act
amended.

REP. 19
No. s.

6. (1) Section seventeen of the principal Act, as amended by subsection one of section twenty of the Finance Act, 1941, is hereby further amended as follows:— Section 17 of
principal Act
amended.
1941, No. 4

(a) By omitting from paragraph (b) of subsection two the words "one hundred and thirty pounds", and substituting the words "one hundred and thirty-six pounds ten shillings": REP. 19
No. s.

(b) By omitting from the proviso to the same paragraph the words "twenty-six pounds", and substituting the words "twenty-seven pounds six shillings":

(c) By omitting from the same proviso the words "one hundred and eighty-two pounds", and substituting the words "two hundred and twenty-one pounds".

(2) Subsection one of section twenty of the Finance Act, 1941, is hereby repealed. Repeal.

7. (1) Section eighteen of the principal Act, as amended by subsection two of section twenty of the Finance Act, 1941, is hereby further amended as follows:— Section 18 of
principal Act
amended.
1941, No. 4

(a) By omitting from subsection one the words "twenty-six pounds", and substituting the words "twenty-seven pounds six shillings": REP. 19
No. s.

(b) By omitting from the same subsection the words "two hundred and thirty-four pounds", and substituting the words "two hundred and sixty pounds":

(c) By omitting from subsection two the words “twenty-six pounds”, and substituting the words “twenty-seven pounds six shillings”.

Repeal,
1941, No. 4

(2) Paragraph (a) of subsection two of section twenty of the Finance Act, 1941, is hereby repealed.

Section 19 of
principal Act
amended.

8. Section nineteen of the principal Act is hereby amended as follows:—

(a) By inserting, after the words “thirteen pounds”, the words “thirteen shillings”:

(b) By omitting from the proviso to that section the words “one hundred and thirty pounds”, and substituting the words “one hundred and thirty-six pounds ten shillings”.

REP. 19
No. 8.

9. (1) Section sixty-three of the principal Act is hereby amended by adding to subsection two the following additional proviso:—

“Provided also that, in any case where the Commission in its discretion so determines, the aggregate rates prescribed by the foregoing proviso may be exceeded by an amount not exceeding the amount by which the basic rate of an age-benefit for the time being exceeds seventy-eight pounds a year.”

(2) Section sixty-three of the principal Act is hereby further amended by repealing subsection four.

As to
limitations
on rates of
age-benefits
granted to war
pensioners.

10. (1) Notwithstanding anything to the contrary in Part II of the principal Act, where the applicant for an age-benefit was in receipt of an invalid's benefit in respect of total blindness when he became qualified to receive an age-benefit, the rate of the age-benefit, together with any benefits and allowances payable to or in respect of the applicant's family, shall not be less than the aggregate rate of the benefits and allowances that would have been payable to or in respect of the applicant and his family if he had not become qualified to receive an age-benefit.

Rates of
age-benefits
granted to
blind
beneficiaries.

(2) For the purposes of this section the term “family”, in relation to any applicant, means the husband or wife, as the case may be, and the dependent children of the applicant.

11. (1) Notwithstanding anything to the contrary in Part II of the principal Act, the Commission may in its discretion increase by an amount not exceeding twenty-six pounds a year the rate of the age-benefit payable to any beneficiary who satisfies the Commission—

Power to increase rates of age-benefits granted to parents of deceased members of the Forces or of the mercantile marine. **AMD. 19 No. 2.**

(a) That the beneficiary was one of the parents of a deceased member of the Forces whose death was attributable to his service as a member of the Forces, or was one of the parents of a deceased member of the New Zealand mercantile marine whose death was attributable to the present war; and

(b) That the beneficiary would qualify under the War Pensions Act, 1915, or the War Pensions and Allowances (Mercantile Marine) Act, 1940, or under any enactment passed in amendment or extension thereof or in substitution therefor, for a pension in respect of the deceased member of the Forces, or the deceased member of the New Zealand mercantile marine, as the case may be.

See Reprint of Statutes, Vol. VI, pp. 796, 811 1940, No. 24

(2) In this section,—

“Member of the Forces” means a member of any of His Majesty’s Forces established in New Zealand:

“Member of the New Zealand mercantile marine” has the same meaning as in the War Pensions and Allowances (Mercantile Marine) Act, 1940.

(3) For the purposes of this section a beneficiary shall be deemed to have been one of the parents of a member of the Forces or one of the parents of a member of the New Zealand mercantile marine if, irrespective of his age, the member would have been regarded as a child of the beneficiary for the purposes of section eighteen of the principal Act.

REP. 19 No. 4. Substitutn.

Widows’ Benefits

12. Section twenty-three of the principal Act is hereby amended as follows:—

Section 23 of principal Act amended.

(a) By omitting from paragraph (a) the words “fifty-two pounds”, and substituting the words “sixty-five pounds”:

REP. 19 No. 8.

- (b) By omitting from paragraph (b) the words "sixty-five pounds", and substituting the words "seventy-eight pounds":
- (c) By omitting from paragraph (b) the words "twenty-six pounds", and substituting the words "twenty-seven pounds six shillings":
- (d) By omitting from paragraph (b) the words "two hundred and thirty-four pounds", and substituting the words "two hundred and sixty pounds".

Benefits to
deserted
wives.

13. (1) Section twenty-two of the principal Act is hereby amended by repealing paragraph (a) of subsection two, and substituting the following paragraph:—

AMR 19
No. s.

“(a) Any married woman (being the mother of one or more children under sixteen years of age) who satisfies the Commission that she has been deserted by her husband and that she has taken proceedings against her husband for a maintenance order under the Destitute Persons Act, 1910:”.

(2) In this section the term “beneficiary” means a beneficiary to whom paragraph (a) of subsection two of section twenty-two of the principal Act applies, and, unless the context otherwise requires, includes an applicant to whom that paragraph applies.

(3) Where at any time while a benefit is payable to any beneficiary any amount is received by the beneficiary from her husband (whether under a maintenance order or otherwise) in respect of the maintenance of the beneficiary or of any child or children of the beneficiary, the Commission may in its discretion determine that the whole or any part of the amount so received shall be regarded as an instalment of the benefit in excess of the amount to which the beneficiary is by law entitled, and in any such case the provisions of section seventy-one of the principal Act shall apply accordingly.

(4) Where any moneys are payable under a maintenance order to the Clerk of any Magistrate’s Court in respect of the maintenance of any beneficiary or of any child or children of a beneficiary, the Commission may give notice to the Clerk of the granting of the benefit to the beneficiary, and in any such case all moneys (including arrears) received under the order

See Reprint
of Statutes,
Vol. II, p. 896

by the Clerk of that or any other Magistrate's Court after the receipt of the notice shall, without further authority than this section, be paid into the Social Security Fund.

(5) Upon the determination of any benefit in respect of which a notice has been given as aforesaid the Commission shall give notice of the determination to the Clerk of the Magistrate's Court to whom the moneys payable under the order are for the time being payable, and in any such case no moneys received under the order after the date of the receipt of the notice of determination shall be paid into the Social Security Fund unless they were due and payable before that date.

(6) Where any moneys received or payable under any maintenance order are payable into the Social Security Fund as aforesaid, the Commission shall for the purposes of the Destitute Persons Act, 1910, or any other enactment be deemed to be the person for whose benefit the moneys are payable in pursuance of the order, and may take any proceedings accordingly.

See Reprint
of Statutes.
Vol. II, p. 896

(7) Any officer of the Social Security Department, without special appointment,—

(a) May, as if he were a duly appointed Maintenance Officer, institute, or appear personally or by agent in, any proceedings under the Destitute Persons Act, 1910, for or in relation to a maintenance order in respect of the maintenance of any beneficiary or of any child of a beneficiary:

(b) May, on behalf of the Commission, appear personally or by agent in any such proceedings, whether or not any Maintenance Officer has instituted or appears in the proceedings.

(8) All moneys paid into the Social Security Fund under this section by or on behalf of the husband of any beneficiary shall from time to time, without further appropriation than this section, be applied as follows:—

(a) In payment of the legal and other expenses incident to the recovery of those moneys;

(b) In reimbursing the Social Security Fund the amount of every benefit or instalment of a benefit paid to the beneficiary; and

(c) In payment of the balance to the beneficiary.

See Reprint
of Statutes,
Vol. II, p. 896

(9) Nothing in this section shall so operate as to take away or restrict any liability imposed by the Destitute Persons Act, 1910, on any person for the maintenance of any other person, or to affect the power of a Magistrate to make any maintenance order under that Act.

Section 25 of
principal Act
amended.

14. Section twenty-five of the principal Act is hereby amended by omitting from subsection two the words "at the rate of fifty-two pounds a year, reduced by one pound for every complete pound of her income in excess of fifty-two pounds", and substituting the words "as provided for a widow without a child or children under sixteen years of age".

Orphans' Benefits

Section 27 of
principal Act
amended.

15. Section twenty-seven of the principal Act is hereby amended by omitting from subsection one the words "thirty-nine pounds", and substituting the words "forty pounds nineteen shillings".

REP. 19
No.

Family Benefits

Section 30 of
principal Act
amended.

16. Section thirty of the principal Act is hereby amended as follows:—

REP. 19
No. 8.

(a) By omitting from subsection one and also from the proviso to that subsection the words "four shillings", and substituting in each case the words "seven shillings and sixpence":

(b) By inserting in the proviso to subsection one, after the words "five pounds", the words "five shillings".

Invalids' Benefits

Section 34 of
principal Act
amended.

17. (1) Section thirty-four of the principal Act is hereby amended as follows:—

REP. 19
No. 8.

(a) By omitting from paragraph (a) of subsection one the words "seventy-eight pounds", and substituting the words "eighty-four pounds ten shillings":

(b) By omitting from the same paragraph the words "twenty-six pounds" wherever those words occur, and substituting in each case the words "twenty-seven pounds six shillings":

(c) By omitting from paragraph (b) of subsection one the words "fifty-two pounds", and substituting the words "fifty-eight pounds ten shillings":

(d) By omitting from paragraph (c) of subsection one the words "seventy-eight pounds", and substituting the words "eighty-four pounds ten shillings":

(e) By omitting from the proviso to paragraph (b) of subsection two the words "seventy-eight pounds", and substituting the words "eighty-four pounds ten shillings":

(f) By inserting in the same proviso, after the words "five pounds", the words "two shillings and sixpence":

(g) By omitting from subsection three the words "one hundred and forty-three pounds", and substituting the words "one hundred and fifty-six pounds":

(h) By omitting from subsection four, as amended by section twenty-two of the Finance Act, 1941, No. 4, the words "two hundred and thirty-four pounds", and substituting the words "two hundred and sixty pounds".

(2) Section twenty-two of the Finance Act, 1941, is hereby repealed. Repeal.

18. Section thirty-five of the principal Act is hereby amended by omitting from the proviso the words "two hundred and twenty-one pounds", and substituting the words "two hundred and forty pounds ten shillings". Section 35 of principal Act amended.
REP. 19
No. 8.

Miners' Benefits

19. Section forty-one of the principal Act is hereby amended as follows:— Section 41 of principal Act amended.

(a) By omitting from subsection one the words "seventy-eight pounds", and substituting the words "eighty-four pounds ten shillings":

(b) By omitting from the same subsection the words "twenty-six pounds" wherever those words occur, and substituting in each case the words "twenty-seven pounds six shillings":

(c) By omitting from the proviso to the same subsection the words "two hundred and thirty-four pounds", and substituting the words "two hundred and sixty pounds". REP. 19;
No. 8.

Section 44 of
principal Act
amended.

REP. 19
No. s.

20. Section forty-four of the principal Act is hereby amended by omitting from subsection one the words “ forty-five pounds ten shillings ”, and substituting the words “ fifty-two pounds ”.

Sickness Benefits

Section 46 of
principal Act
amended.

REP. 19
No. s.

1941, No. 4

Repeal.

21. (1) Section forty-six of the principal Act is hereby amended as follows:—

(a) By inserting in paragraph (a) of subsection two, after the words “ ten shillings ”, the words “ and sixpence ”:

(b) By omitting from paragraph (b) of subsection two, as amended by section twenty-three of the Finance Act, 1941, the words “ ten shillings ”, and substituting the words “ ten shillings and sixpence ”.

(2) Section twenty-three of the Finance Act, 1941, is hereby repealed.

Unemployment Benefits

Section 52 of
principal Act
amended.

REP. 19
No. s.

22. Section fifty-two of the principal Act is hereby amended as follows:—

(a) By inserting in paragraph (a) of subsection one, after the words “ ten shillings ”, the words “ and sixpence ”:

(b) By omitting from paragraph (b) of subsection one the words “ five shillings ”, and substituting the words “ ten shillings and sixpence ”.

Maori War Benefits

Section 57 of
principal Act
amended.

REP. 19
No. s.

23. Section fifty-seven of the principal Act is hereby amended by omitting the words “ seventy-eight pounds ”, and substituting the words “ eighty-four pounds ten shillings ”.

Benefits granted in respect of Children

Section 66 of
principal Act
amended.

24. Section sixty-six of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1) For the purpose of assisting in the further education of any child over the age of sixteen years the Commission may in its discretion, as if the child had not attained that age, grant or continue any

benefit in respect of the child for such period or periods as it thinks fit, expiring not later than two years after the child has attained the age of sixteen years.”

General

25. (1) Where in considering an application for a benefit or the renewal of a benefit under Part II of the principal Act it appears to the Commission that the applicant or any other person whose income is required to be taken into account for the purposes of the application has paid or is or will be liable to pay social security charge or national security tax on the whole or on any part of his or her income for any period, the Commission, in computing the income of that person for that period, may, to such extent as may be necessary for the adjustment of any anomaly, disregard the whole or any portion of the amount so paid or payable as social security charge or national security tax.

Provision for adjustment of anomalies due to receipt of income subject to social security charge or national security tax.

(2) Section eight of the Finance Act (No. 2), 1941, is hereby repealed.

Repeal.
1941, No. 27

PART II

MISCELLANEOUS PROVISIONS

26. In addition to all other moneys payable out of the Social Security Fund in accordance with section one hundred and six of the principal Act, there may from time to time be paid out of that Fund, with the approval of the Minister of Finance, any moneys that may be appropriated by Parliament for any of the following purposes in relation to the provision of medical services and other related services in respect of which benefits are provided for by Part III of the principal Act, namely:—

Extending purposes for which moneys in Social Security Fund may be expended in relation to medical benefits and other benefits under Part III of principal Act.

- (a) The purchase, leasing, or other acquisition of any land or buildings:
- (b) The erection, alteration, extension, improvement, repair, or maintenance of any buildings:
- (c) The purchase, acquisition, replacement, alteration, extension, improvement, repair, or maintenance of any plant, equipment, materials, or furniture:

- (d) The payment of remuneration, allowances, and expenses to medical practitioners, registered nurses, pharmaceutical chemists, dentists, technicians, clerical assistants, or other persons who provide any such medical services or other related services or who are employed in connection therewith:
- (e) The making of grants or loans to assist any medical practitioners, pharmaceutical chemists, dentists, or other persons who have undertaken to provide any such medical services or other related services or any supplies in connection therewith.

Validation of regulations as to hospital benefits.

Serial number 1943/98

27. The regulations contained in the Social Security (Hospital Benefits) Regulations 1939, Amendment No. 1, are hereby validated in so far as they provide for—

- (a) Payments out of the Social Security Fund in respect of hospital treatment afforded before the making of the said regulations; and
- (b) The payment of moneys to persons by whom any charges have been paid in respect of hospital treatment afforded elsewhere than in a public hospital.

Relief to contributory local authorities and their ratepayers on account of increase in payments to Hospital Boards for hospital benefits.

See Reprint of Statutes, Vol. III, p. 743

Serial number 1939/75

Serial number 1943/98

28. (1) Where any Hospital Board has forwarded to the Minister of Health under section forty-six of the Hospitals and Charitable Institutions Act, 1926, an estimate of its receipts and expenditure for the year ending on the thirty-first day of March, nineteen hundred and forty-four, and that estimate does not take into account the total amount estimated to be received by the Board during that year under clause four of the Social Security (Hospital Benefits) Regulations 1939, as amended by the Social Security (Hospital Benefits) Regulations 1939, Amendment No. 1, the Board may, and if so required by the Minister shall, amend the estimate with the approval of the Minister so as to take into account the total amount estimated to be received as aforesaid.

(2) Where any Hospital Board amends its estimate as aforesaid after it has made an apportionment under section forty-nine of the Hospitals and Charitable Institutions Act, 1926, of its net estimated expenditure for the said year among the contributory local authorities within its district, the Board shall make

an amended apportionment under the said section forty-nine in accordance with its amended estimate; and any amended apportionment so made shall for all purposes be deemed to be substituted for the original apportionment, and shall take effect accordingly.

(3) Where in any such case the Board has under section fifty of the Hospitals and Charitable Institutions Act, 1926, fixed the amount and the due date of any instalment payable by a contributory local authority in respect of the original apportionment, the Board shall reduce the amount of the instalment in accordance with the amended apportionment, and for the purpose of computing any interest payable under subsection three of the said section fifty the reduction shall be deemed to have taken effect on the due date of the instalment.

(4) Where the contribution required from any contributory local authority for the said year is reduced by any amount by reason of any such amended apportionment the total amount of the hospital rates payable by its ratepayers for that year shall be reduced by that amount, so that the hospital rates payable by each ratepayer are reduced by the same proportion. Such reduction may be made in any of the following ways:—

(a) By making the hospital rate for the reduced amount:

(b) By making demands for reduced amounts:

(c) By making amended demands for reduced amounts in substitution for demands previously made:

(d) By granting rebates or refunds to the ratepayers.

(5) For the purposes of the last preceding subsection the expression "hospital rate" means a rate made and levied under section fifty-two of the Hospitals and Charitable Institutions Act, 1926, or, in relation to any local authority that does not make any such rate for the said year, means the general rate made by it for that year.

(6) Any contributory local authority within the meaning of the Hospitals and Charitable Institutions Act, 1926, may, pursuant to section seventy-six of the Rating Act, 1925, add an additional charge of ten per centum to all rates for the said year that are unpaid

See Reprint
of Statutes,
Vol. III, p. 725;
Vol. VII, p. 1007

on any date publicly notified in that behalf (being not earlier than the first day of March, nineteen hundred and forty-four), notwithstanding that the date so notified may be less than six months and fourteen days after the demand of the rates.

Section 110 of principal Act amended.

29. Section one hundred and ten of the principal Act is hereby amended by adding to subsection three the words " or, where no such special tax or charge is levied, that he is chargeable in that country with income-tax in respect of the salary or wages derived under those articles and that any amount payable by him in respect of any such special tax or charge or income-tax has been or will be paid ".

Abolishing limitation on mileage fees. 1941, No. 14

30. Section five of the Social Security Amendment Act, 1941, is hereby amended by repealing the proviso to subsection two.

Section 136 of principal Act amended.

31. (1) Section one hundred and thirty-six of the principal Act is hereby amended by inserting, before the words " makes any false statement ", the words " or for the purpose of obtaining any payment from the Social Security Fund, for himself or any other person ".

Consequential repeal. 1941, No. 14

(2) Section thirteen of the Social Security Amendment Act, 1941, is hereby repealed.