



ANALYSIS

Title	2. Effect of absence of beneficiary from New Zealand
1. Short Title and commencement	Zealand

 1985, No. 111

An Act to amend the Social Security Act 1964

[8 July 1985]

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

1. Short Title and commencement—(1) This Act may be cited as the Social Security Amendment Act 1985, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the 14th day of June 1985.

2. Effect of absence of beneficiary from New Zealand—

(1) The principal Act is hereby amended by repealing section 77, and substituting the following section:

“77. (1) Notwithstanding anything to the contrary in this Act or in—

“(a) Any agreement entered into by the Government of New Zealand with the Government of any other country, whether before or after the commencement of this section, providing for reciprocity in social security benefits between New Zealand and that other country; or

“(b) The provisions of any Act giving effect to any such agreement—

an instalment of a benefit, or any part of an instalment of a benefit, that would otherwise be due for payment shall not be

payable in respect of any beneficiary if the beneficiary is absent from New Zealand on the day on which payment would be due, except in accordance with this section.

“(2) If a beneficiary is absent from New Zealand for a period of 26 consecutive weeks or less any benefit (other than a sickness, unemployment, or emergency benefit) to which, but for subsection (1) of this section, the beneficiary would be entitled during the period of absence shall be payable in respect of the beneficiary.

“(3) If a beneficiary is absent from New Zealand for a period of more than 26 consecutive weeks but not more than 30 consecutive weeks any benefit (other than a sickness, unemployment, or emergency benefit) to which, but for subsection (1) of this section, the beneficiary would be entitled during the first 26 weeks of the period of absence shall be payable in respect of the beneficiary.

“(4) If a beneficiary is absent from New Zealand for more than 30 weeks and the Commission is satisfied that the period of absence beyond 30 weeks was due to circumstances beyond the beneficiary’s control which could not reasonably have been foreseen by the beneficiary before departure, the Commission, for the purposes of this section, shall regard the period of absence as having a duration of 30 weeks.

“(5) The Commission may apply the provisions of subsection (2), subsection (3), or subsection (4) of this section to any beneficiary who is in receipt of a sickness, unemployment, or emergency benefit if it is satisfied in the circumstances of the particular case that it is reasonable to do so and that the beneficiary’s absence from New Zealand will not affect the beneficiary’s eligibility for the benefit.

“(6) Before a beneficiary leaves New Zealand intending to be absent for more than 26 consecutive weeks the beneficiary shall inform an officer of the Department of the proposed absence from New Zealand and of such other details as may be reasonably required by the Commission to determine the beneficiary’s eligibility for payment of a benefit during that absence under the provisions of this section.

“(7) Nothing in this section shall affect the right of any beneficiary to receive a benefit in any of the following cases:

“(a) In the case of a family benefit, by any period or periods a child in respect of whom the benefit is payable is absent from New Zealand for the purpose of furthering the child’s education, provided the father and the mother or, as the case may be, the only parent of the child remain or remains ordinarily resident in New Zealand:

“(b) In the case of a person who is in receipt of an invalid’s benefit in respect of blindness, by any period or periods of temporary absence from New Zealand, not exceeding 2 years in the aggregate, undertaken for purposes of vocational or guide-dog training or of treatment in respect of the beneficiary’s eyes:

“(c) In the case of a person who is in receipt of a miner’s benefit, by any period or periods of temporary absence from New Zealand not exceeding 2 years in the aggregate.

“(8) For the purposes of this section, if any person, but for subsection (1) of this section, would become entitled to receive a benefit while absent from New Zealand, that person’s absence from New Zealand shall be regarded as having commenced on the date on which that entitlement would have commenced but for the absence.”

(2) Section 13 of the Social Security Amendment Act 1981 is hereby consequentially repealed.

(3) This section shall apply in respect of every period of absence from New Zealand which commenced, or which is regarded as having commenced, on or after the 14th day of June 1985. In respect of every period of absence which commenced, or which is regarded as having commenced, before that date section 77 of the principal Act shall continue to apply as if this section had not been enacted.

This Act is administered in the Department of Social Welfare.
