

## EMPLOYMENT SERVICES AND INCOME SUPPORT (INTEGRATED ADMINISTRATION) BILL

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### EXPLANATORY NOTE

#### *General Policy Statement*

This Bill is the first stage of the Government's employment initiatives and facilitates the merger of the New Zealand Employment Service, the Local Employment Coordination Unit, and the Community Employment Group (which are units of the Department of Labour) with Income Support (a unit of the Department of Social Welfare). Employment and income support services will be delivered by a new department to be established under the State Sector Act 1988. The new department will also administer programmes under other legislation.

The purpose of integration is to set up an organisation that will contribute, more effectively, to the Government's desired outcome of greater independence, through employment, for working age beneficiaries. The new department will support this outcome by reducing long-term unemployment amongst working age beneficiaries and involving job seekers in organised activities, including community work and training; and will contribute to strategies that improve outcomes for families at risk. Integration, in conjunction with other Government initiatives, will better achieve these objectives in a number of ways—

- By providing clearer signals to working-age beneficiaries that employment is the ultimate goal:
- By providing more efficient and effective services through better aligned programmes, processes, and accountabilities, including locating greater accountability for employment outcomes at a regional level:
- By improving services and reducing costs to clients through providing a “one-stop-shop” for employment and income support.

The second stage of the Government's employment initiatives will be the introduction of the community wage and associated measures.

#### *Clause by Clause Analysis*

*Clause 1* relates to the Short Title and commencement. The Bill comes into force on 1 October 1998.

*Clause 2* defines certain terms used in the Bill. The terms defined are “chief executive”, “responsible department”, and “responsible Minister” and refer,

respectively, to the chief executive of the new department, the new department, and the Minister responsible for the new department.

*Clause 3* relates to the application of employment contracts of employees of the Department of Labour or Department of Social Welfare who transfer to the new department. The transferred employees are to receive conditions of employment that are no less favourable than those that applied at the date of the transfer.

*Clause 4* makes it clear that an employee who transfers to the new department is not entitled to receive any redundancy payment or severance payment merely because of the transfer.

*Clause 5* provides that the transfer of contracts and leases that affect the New Zealand Employment Service, the Community Employment Group, the Local Employment Coordination Unit, or Income Support does not give rise to any claims against the Crown.

*Clause 6* provides for the continuation of existing legal proceedings affecting the New Zealand Employment Service, the Community Employment Group, the Local Employment Coordination Unit, or Income Support. The clause also provides for the completion of reviews under section 10A of the Social Security Act 1964 and appeals under any of sections 12J, 12Q, 12R, and 53A of that Act.

*Clause 7* provides for the continued use of brands, logos, marks, forms, and other documents in use by the New Zealand Employment Service, the Community Employment Group, the Local Employment Coordination Unit, or Income Support.

*Clause 8* preserves certain appointments made under the Social Security Act 1964 or the War Pensions Act 1954.

*Clause 9* provides for references to the New Zealand Employment Service, the Community Employment Group, the Local Employment Coordination Unit, or Income Support, and their responsible Ministers and chief executives, to be read, respectively, as references to the new agency, its responsible Minister, and its chief executive.

*Clause 10* amends other enactments. The amendments, which are mainly of a consequential nature, are set out in the Schedule.

*Clause 11* contains consequent repeals.

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*Hon Peter McCardle*

**EMPLOYMENT SERVICES AND INCOME SUPPORT  
(INTEGRATED ADMINISTRATION)**

ANALYSIS

Title	8. Saving of certain appointments
1. Short Title and commencement	9. References to functions being transferred to responsible department
2. Interpretation	10. Amendments to other Acts
3. Application of employment contracts	11. Consequential repeals
4. Transfer not sufficient to entitle employee to redundancy or severance payment	
5. Transfers of contracts and leases not to give rise to claims	SCHEDULE
6. Continuation of existing proceedings	Enactments Amended
7. Savings relating to brands, logos, marks, etc	

A BILL INTITULED

**An Act—**

- (a) To provide for the integration of employment services and income support services; and
- 5 (b) To facilitate the transfer of the administration of the Social Security Act 1964 and of functions under certain other enactments; and
- (c) To amend related enactments and to provide for related matters

10 BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement—**(1) This Act may be cited as the Employment Services and Income Support (Integrated Administration) Act 1998.

(2) This Act comes into force on 1 October 1998.

15 **2. Interpretation—**In this Act, unless the context otherwise requires,—

“Chief executive” means, subject to any enactment, the chief executive of the department that is, with the authority of the Prime Minister, for the time being

responsible for the administration of the Social Security Act 1964:

“Responsible department” means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Social Security Act 1964: 5

“Responsible Minister”, in relation to any provisions of the Social Security Act 1964, means, subject to any enactment, the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of those provisions. 10

**3. Application of employment contracts**—(1) This section applies to all employees of the Department of Social Welfare or Department of Labour who transfer (in circumstances to which section 61A of the State Sector Act 1988 applies) to the responsible department. 15

(2) The conditions of employment of the transferred employees must be no less favourable than those that the employees were entitled to receive under the employment contracts applying to them at the date of the transfer. 20

(3) **Subsection (2)** continues to apply to the conditions of employment of each transferred employee until such time as any of the conditions of employment that apply under the employment contract applying to that employee at the date of the transfer are varied. 25

(4) The conditions of employment of each transferred employee are, from the date of any such variation, to be determined in accordance with the employment contract applying to that employee in the responsible department.

(5) Nothing in **subsection (2)** continues to apply to any transferred employee who receives any subsequent appointment, whether within the responsible department or any other department. 30

**4. Transfer not sufficient to entitle employee to redundancy or severance payment**—No employee of the Department of Social Welfare or the Department of Labour who is transferred to the responsible department (in circumstances to which section 61A of the State Sector Act 1988 applies) is entitled to receive any compensation for redundancy or any severance payment because— 35  
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- (a) The position held by that employee in the Department of Social Welfare or the Department of Labour has ceased to exist; or
- 5 (b) He or she has ceased by virtue of that transfer to be an employee of the Department of Social Welfare or the Department of Labour.

**5. Transfers of contracts and leases not to give rise to claims—**(1) No person has any claim against the Crown for breach of any contract merely because the administration of the contract or the benefit of the contract is transferred (in whole or in part) to the responsible department, whether or not the person has agreed to the transfer.

10 (2) **Subsection (1)** applies whether or not the transfer involves the responsible department and its employees gaining access to any information, data, programme, intellectual property right, know-how, chattel, equipment, transmission device, or facility of the claimant or any other person.

15 (3) No person has any claim against the Crown for breach of any lease of any premises which are to be occupied or administered (in whole or in part) by the responsible department merely because of that occupation or administration of the premises by the responsible department, whether or not the person has agreed to the occupation or administration of the premises.

25 **6. Continuation of existing proceedings—**(1) If, before the commencement of this Act, the Minister of Social Welfare has, in his or her capacity as the Minister responsible for the administration of the Social Security Act 1964, initiated or become a party to any proceedings, the proceedings may be continued, completed, and enforced by or against the responsible Minister.

(2) If, before the commencement of this Act,—

- 35 (a) The Director-General of Social Welfare has, in relation to the administration of the Social Security Act 1964, the Social Welfare (Transitional Provisions) Act 1990, or the War Pensions Act 1954, initiated or become a party to any proceedings; or
- (b) The Secretary for War Pensions in the Department of Social Welfare has initiated or become a party to any proceedings; or
- 40 (c) The unit of the Department of Social Welfare called Income Support (and formerly called the New

Zealand Income Support Service) has initiated or become a party to any proceedings,—  
the proceedings may be continued, completed, and enforced by or against the chief executive of the responsible department or (as the case may be) the officer of the responsible department who is the Secretary for War Pensions. 5

(3) If, before the commencement of this Act,—

(a) The chief executive of the Department of Labour has, in his or her capacity as a person exercising or performing any function, duty, or power under the Social Security Act 1964, initiated or become a party to any proceedings; or 10

(b) The unit of the Department of Labour called the New Zealand Employment Service, the Community Employment Group, or the Local Employment Coordination Unit has initiated or become a party to any proceedings,— 15

the proceedings may be continued, completed, and enforced by or against the chief executive of the responsible department.

(4) If, before the commencement of this Act, any person has applied under section 10A of the Social Security Act 1964 for a review of any decision made under that Act or the Social Welfare (Transitional Provisions) Act 1990,— 20

(a) The review may be continued and completed as if the chief executive of the responsible department was a party to the review, and the chief executive is bound by the decision made on the review; and 25

(b) If a Benefits Review Committee had not been constituted for the review before the commencement of this Act, the Committee is to consist of— 30

(i) One person referred to in section 10A (3) (a) of the Social Security Act 1964; and

(ii) Two officers of the responsible department who are appointed by the chief executive.

(5) If, before the commencement of this Act, any person has— 35

(a) Exercised a right of appeal under section 12J or section 53A of the Social Security Act 1964; or

(b) Exercised a right of appeal under section 12Q or section 12R of that Act; or 40

(c) Exercised a right of appeal under section 16A of the War Pensions Act 1954; or

(d) Exercised a right of appeal under regulation 10 of the Health Entitlement Cards Regulations 1993,—

the appeal may be continued and completed as if the chief executive of the responsible department was a party to the appeal instead of the Director-General of Social Welfare, and (subject to section 12Q or section 12R of the Social Security Act 1964) the chief executive is bound by the decision made on the appeal.

(6) If, before the commencement of this Act, any person has exercised a right of review under section 15D of the War Pensions Act 1954, the review may be continued and completed by the National Review Officer in the responsible department, and the Secretary for War Pensions in the responsible department is bound by the decision made on the review.

(7) If, before the commencement of this Act, any person has exercised a right of appeal under section 16 or section 85A of the War Pensions Act 1954, the appeal may be continued and completed as if the Secretary for War Pensions in the responsible department was a party to the appeal, and the Secretary is bound by the decision made on the appeal.

**7. Savings relating to brands, logos, marks, etc**—All names, brands, stamps, logos, emblems, marks, forms, and other representations or documents that were, immediately before the date of commencement of this Act, in use by the Department of Social Welfare for the purposes of the unit called Income Support (formerly called the New Zealand Income Support Service) or by the Department of Labour for the purposes of the unit called the New Zealand Employment Service, the Community Employment Group, or the Local Employment Coordination Unit—

(a) Continue to have effect in relation to anything done before that date; and

(b) May continue to be used, and are to have effect, for the purposes of the functions, duties, and powers of the responsible Minister, the responsible department, or chief executive of the responsible department under the Social Security Act 1964.

**8. Saving of certain appointments**—Nothing in this Act affects the appointment of any person as—

(a) A community representative on a Benefits Review Committee under section 10A (3) (a) of the Social Security Act 1964; or

- (b) A member of a medical appeal board under section 53A of the Social Security Act 1964; or
- (c) The medical member of the War Pensions Advisory Board under section 5A of the War Pensions Act 1954 or a deputy member under section 5E of that Act; or 5
- (d) A member of the War Pensions Appeal Board under section 8 of the War Pensions Act 1954 or a deputy member under section 10 of that Act; or
- (e) A nominee of the New Zealand Returned Services' Association on any War Pensions Claims Panel under section 15 of the War Pensions Act 1954. 10

**9. References to functions being transferred to responsible department—**(1) Unless the context otherwise requires, in any regulation, rule, order, agreement, deed, instrument, application, notice, direction, contract, lease, or other document whatsoever in force at the commencement of this Act,— 15

- (a) Every reference to the Director-General (or the chief executive of the Department of Social Welfare), when used in relation to the unit of the Department of Social Welfare called Income Support (formerly called the New Zealand Income Support Service), is a reference to the chief executive of the responsible department: 20
- (b) Every reference to the Secretary of Labour (or the chief executive of the Department of Labour), when used in relation to his or her functions, duties, or powers under the Social Security Act 1964 or to the unit of the Department of Labour called the New Zealand Employment Service, the Community Employment Group, or the Local Employment Coordination Unit is a reference to the chief executive of the responsible department: 25 30
- (c) Every reference to the unit of the Department of Social Welfare called Income Support (formerly called the New Zealand Income Support Service), where the unit is referred to in its own right and the reference does not apply to other units of that department, is a reference to the responsible department: 35
- (d) Every reference to the Department of Social Welfare, when used in relation to the Social Security Act 1964, the Social Welfare (Transitional Provisions) Act 1990, 40

or the War Pensions Act 1954, is a reference to the responsible department:

5 (e) Every reference to the unit of the Department of Labour called the New Zealand Employment Service, the Community Employment Group, or the Local Employment Coordination Unit, where the unit is referred to in its own right and the reference does not apply to units of that department other than a unit mentioned in this paragraph, is a reference to the responsible department.

10 (2) In sections 271 to 271I of the Social Security Act 1964 (as saved by sections 256 and 258 of the Child Support Act 1991), references to the Director-General are to be read as references to the chief executive of the responsible department.

15 (3) In sections 6, 93, 105, 112, 114, and 115 of the Family Proceedings Act 1980 (as saved by section 259 of the Child Support Act 1991), references to the Department of Social Welfare are to be read as references to the responsible department.

20 (4) In section 101A of the Family Proceedings Act 1980 (as saved by section 259 of the Child Support Act 1991), references to the Director-General of Social Welfare are to be read as references to the chief executive of the responsible department.

25 **10. Amendments to other Acts**—The Acts specified in the Schedule are amended in the manner indicated in that schedule.

**11. Consequential repeals**—The following enactments are consequentially repealed:

30 (a) Section 20 of the Department of Social Welfare Act 1971:

(b) Section 3 of the Social Security Amendment Act 1987:

(c) Section 34 of the Social Welfare (Transitional Provisions) Act 1990:

(d) The Immigration Amendment Act (No. 2) 1991:

35 (e) The Education Amendment Act (No. 3) 1991:

(f) Sections 15 (1) and 16 (1) of the Education Amendment Act 1993:

40 (g) So much of the Second Schedule of the Social Welfare (Transitional Provisions) Amendment Act (No. 2) 1993 as relates to section 2 of the Social Security Act 1964:

*Employment Services and Income Support  
(Integrated Administration)*

- (h) So much of the Second Schedule of the Department of Justice (Restructuring) Act 1995 as relates to section 36F of the Penal Institutions Act 1954:
- (i) Section 16 of the Tax Administration Amendment Act 1996:
- (j) Section 37 and the Third Schedule of the Social Security Amendment Act 1996:
- (k) Section 4 of the Social Security Amendment Act (No. 2) 1997.

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SCHEDULE  
ENACTMENTS AMENDED

Section 10

Enactment	Amendment
1964, No. 136—The Social Security Act 1964 (R.S. Vol. 32, p. 625)	<p>By repealing section 2.</p> <p>By repealing the definitions of the terms “Department” and “Director-General” in section 3 (1), and substituting, in their appropriate alphabetical order, the following definitions:</p> <p>“ ‘Chief executive’ means, subject to any enactment, the chief executive of the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act:</p> <p>“ ‘Department’ means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act:</p> <p>“ ‘Minister,’ in relation to any provisions of this Act, means, subject to any enactment, the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of those provisions:”.</p> <p>By omitting from the definition of the term “community task force project” in section 3 (1) the words “of the Department of Labour”.</p> <p>By inserting in section 3 (1), after the definition of the term “strike”, the following definition:</p> <p>“ ‘Student allowance’ means an allowance established by regulations made under section 303 of the Education Act 1989:”.</p> <p>By omitting from section 3 wherever it appears the words “Director-General”, and substituting in each case the words “chief executive”.</p> <p>By omitting from sections 3, 11 (2) (a) and (e), 21 (1), 24, 27B (2), 27C (3), 27G (2), 27H (1) and (1B), 39D, 40, 42 (1), 55 (1), 58 (1), 61 (1), 61EA (1), 61G (1), 64 (1) and (2A), 66 (1), 66B, 68, 69 (1), 69G, 69H (1)</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1964, No. 136—The Social Security Act 1964 (R.S. Vol. 32, p. 625)—<i>continued</i></p>	<p>and (3), 70 (1), (3), and (4), 71 (1), 71A (1), 72, 73 (1), 74, 75 (2), 75A, 82 (3) and (4), 83 (1), 84A, 86 (2) and (3), and 86J (1) the words “this Part of this Act” wherever they appear, and substituting in each case the words “this Act”.</p> <p>By repealing sections 3A and 10, and the Twenty-Ninth Schedule.</p> <p>By repealing section 5, and substituting the following section:</p> <p style="padding-left: 2em;"><b>“5. Chief executive to comply with directions—</b>(1) In the exercise of powers, functions, and discretions conferred on the chief executive by this Act or the Social Welfare (Transitional Provisions) Act 1990, the chief executive must comply with any general or special directions given to the chief executive in writing by the Minister.</p> <p style="padding-left: 2em;">“(2) As soon as practicable after giving a direction under subsection (1), the Minister must publish in the <i>Gazette</i> and present to the House of Representatives a copy of the direction.”</p> <p>By repealing section 10A (3) (b).</p> <p>By omitting from section 10A (3) (c) the words “In any other case, two”, and substituting the word “Two”.</p> <p>By omitting from sections 10A, 11, 11A, 11B, 12, 12I, 12J, 12K, 12L, 12M, 12O, 12P, 21, 27A, 27B, 27BA, 27G, 27H, 29A, 31, 39A, 39C, 39E, 40, 41, 44, 46, 53A, 54, 55, 56, 58, 59, 59B, 60AA, 60C, 60F, 60FA, 60FC, 60H, 60HA, 60HB, 60HC, 60HCA, 60HD, 60HE, 60J, 60JA, 60JC, 60KA, 60M, 61, 61CA, 61D, 61DB, 61DC, 61DD, 61DE, 61E, 61EA, 61EC, 61FA, 61FC, 61G, 62, 63, 63A, 64, 66, 66A, 68, 68A, 69, 69C, 69E, 69F, 69FA, 69G, 69H, 69I, 70, 70A, 70B, 71, 71A, 73, 74, 74A, 75, 75A, 76, 77, 80, 80B, 80BB, 80BC, 80BD, 80D, 81, 82, 82A, 83, 86, 86A, 86I, 132C, the Third Schedule,</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1964, No. 136—The Social Security Act 1964 (R.S. Vol. 32, p. 625)— <i>continued</i>	<p>the Sixth Schedule, the Sixteenth Schedule, the Eighteenth Schedule, and Schedule 30 the words “Director-General” wherever they appear, and substituting in each case the words “chief executive”.</p> <p>By omitting from sections 10A, 126A, and 126B the words “Department of Social Welfare” wherever they appear, and substituting in each case the word “department”.</p> <p>By omitting from sections 60HC (3) (a) and 60HD (2) the words “Department of Labour”, and substituting in each case the word “department”.</p> <p>By omitting from section 60HC (4) the words “or the chief executive of the Department of Labour”.</p> <p>By omitting from sections 60HC (8), 60J, and 60M the words “of the Department of Labour” wherever they appear.</p> <p>By repealing subsection (1) of section 60JB, and substituting the following subsection:  “(1) The chief executive must end the reduction in a person’s benefit under section 60JA if, as the case requires,—  “(a) The person complies with the request to attend and participate in a mandatory interview under section 60HA or section 60HD (6); or  “(b) The chief executive is satisfied that the person—  “(i) Has remedied the failure under section 60J for which the reduction was made; or  “(ii) Has undertaken some other activity referred to in section 60J.”</p> <p>By omitting from section 60JB (2) (b) the words “Director-General”, and substituting the words “chief executive”.</p> <p>By omitting from sections 68A (4), 82 (7) (a) (iii) and (c), 86 (1C), 124, and</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1964, No. 136—The Social Security Act 1964 (R.S. Vol. 32, p. 625)—<i>continued</i></p>	<p>126B (c) (ii) the words “Minister of Social Welfare” wherever they appear, and substituting in each case the word “Minister”.</p> <p>By omitting from section 77 (3) (a) the words “subsection (2) (a) and (b) of this section”, and substituting the expression “subsection (2)”.</p> <p>By inserting in section 86 (1), after the words “other benefit”, the words “or student allowance”.</p> <p>By inserting in paragraphs (1A) to (1D) of section 86, after the words “any benefit”, the words “or student allowance”.</p> <p>By inserting in section 86 (2), after the words “other benefit”, the words “or student allowance”.</p> <p>By inserting in section 86 (3), after the words “any benefit”, the words “or student allowance”.</p> <p>By omitting from section 124 the words “Director-General of Social Welfare” and “Director-General” wherever they appear, and substituting in each case the words “chief executive”.</p> <p>By omitting from section 124 (1) (c) the words “social welfare”, and substituting the words “income support or employment”.</p> <p>By omitting from section 126 the words “of Labour”.</p> <p>By omitting from section 126A (1) the definition of the term “chief executive”.</p> <p>By repealing subsections (3) to (5) of section 126A, and substituting the following subsections:</p> <p style="padding-left: 2em;">“(3) For the purpose of this section, the chief executive of the Department for Courts may 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, request the chief</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1964, No. 136—The Social Security Act 1964 (R.S. Vol. 32, p. 625)— <i>continued</i>	<p>executive of the latter department to supply, from information kept by that department, the last known address of any beneficiary.</p> <p>“(4) On receipt of a request made under <b>subsection (3)</b>, the chief executive of the department may supply the information requested to any officer or employee of the Department for Courts who is authorised by the chief executive of that department to receive that information.</p> <p>“(5) Information supplied under a request made under <b>subsection (3)</b> may be supplied in such form as is determined by agreement between the 2 chief executives.”</p>
1947, No. 16—The District Courts Act 1947 (R.S. Vol. 28, p. 57)	<p>By repealing sections 131A to 131G.</p> <p>By omitting from paragraph (c) of the definition of the term “employer” in section 84F the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 84L (4) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of that Act”.</p> <p>By omitting from section 84L (4) (a) the words “the Department of Social Welfare”, and substituting the words “that department”.</p>
1954, No. 51—The Penal Institutions Act 1954 (R.S. Vol. 18, p. 557)	<p>By repealing section 36F and the heading immediately above that section, and substituting the following heading and section:</p> <p style="text-align: center;"><i>“Disclosure of Inmate Information</i></p> <p><b>“36F. Inmate information may be disclosed—</b>(1) The purpose of this section is to facilitate the disclosure of</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1954, No. 51—The Penal Institutions Act 1954 (R.S. Vol. 18, p. 557)—<i>continued</i></p>	<p>information by the Department of Corrections to the department for the time being responsible for the administration of the Social Security Act 1964 ('the requesting department'), for the purpose of enabling the chief executive of the requesting department to exercise, in respect of any inmate, the power conferred by section 76 of that Act (which provides for the withdrawal of a benefit during detention in a penal institution).</p> <p>“(2) For the purpose of this section, the chief executive of the requesting department may from time to time, in accordance with arrangements made from time to time between the Secretary and the chief executive, request the Secretary to supply the information specified in <b>subsection (4)</b> in respect of inmates who are received in any institution during such period as is specified in the request.</p> <p>“(3) Every request made under <b>subsection (2)</b> must be in writing.</p> <p>“(4) The information referred to in <b>subsection (2)</b> is as follows:</p> <p>“(a) Such biographical information as is sufficient to identify the inmate:</p> <p>“(b) The name of the institution in which the inmate is or was detained:</p> <p>“(c) The date on which the inmate was received in the institution.</p> <p>“(5) On receipt of a request made under <b>subsection (2)</b>, the Secretary may supply the information requested to any officer or employee of the requesting department who is authorised in that behalf by the chief executive of that department.”</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1954, No. 54—The War Pensions Act 1954 (R.S. Vol. 15, p. 725)	<p>By repealing the definition of the term “Department”, and substituting the following definition:</p> <p>“‘Department’ means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act.”</p> <p>By omitting from section 16 (6) the words “(as defined in section 2 of the Department of Social Welfare Act 1971)”, and substituting the words “(who is a person employed in the Department of Social Welfare as a social worker)”.</p> <p>By omitting from section 16A (2) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department”.</p>
1956, No. 65—The Health Act 1965 (R.S. Vol. 31, p. 467)	<p>By omitting from section 22C (2) (d) the words “Department of Social Welfare”, and substituting the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p>
1969, No. 52—The Administration Act 1969 (R.S. Vol. 19, p. 1)	<p>By omitting from section 65 (2) and (3) the words “Social Security Commission” wherever they appear, and substituting in each case the words “the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p>
1973, No. 5—The Rates Rebates Act 1973 (R.S. Vol. 24, p. 719)	<p>By omitting from paragraph (d) (iii) of the definition of the term “income” in section 2 the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p>
1980, No. 94—The Family Proceedings Act 1980 (R.S. Vol. 28, p. 545)	<p>By omitting from section 91 (1) the words “Department of Social Welfare”, and substituting the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 101B the words “Director-General of Social Welfare”,</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1980, No. 94—The Family Proceedings Act 1980 (R.S. Vol. 28, p. 545)— <i>continued</i>	and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.
1987, No. 200—The Finance Act 1987 (R.S. Vol. 37, p. 190)	By repealing section 10.
1987, No. 74—The Immigration Act 1987 (R.S. Vol. 33, p. 163)	<p>By repealing section 141A, and substituting the following section:</p> <p>“141A. <b>Disclosure of immigration information</b>—(1) In this section, unless the context otherwise requires, the term ‘benefit’ has the same meaning as in section 3 (1) of the Social Security Act 1964; and includes—</p> <p>“(a) A lump sum payable under section 61DB or section 61DC or section 61DD of that Act:</p> <p>“(b) Any special assistance granted out of the Crown Bank Account from money appropriated by Parliament under section 124 (1) (d) or (da) of that Act.</p> <p>“(2) The purpose of this section is to facilitate the disclosure of information by the Department of Labour to the department for the time being responsible for the administration of the Social Security Act 1964 for the purposes of verifying—</p> <p>“(a) The entitlement or eligibility of any person to or for any benefit; or</p> <p>“(b) The amount of any benefit to which any person is or was entitled or for which any person is or was eligible.</p> <p>“(3) For the purpose of this section, the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 may from time to time, in accordance with arrangements made from time to time between that chief executive and</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1987, No. 74—The Immigration Act 1987 (R.S. Vol. 33, p. 163)—<i>continued</i></p>	<p>the chief executive of the Department of Labour, request the chief executive of the Department of Labour to supply, in respect of the following persons, the information specified in <b>subsection (4)</b>:</p> <p>“(a) Persons whom the chief executive of the Department of Labour believes are in New Zealand unlawfully:</p> <p>“(b) Persons who are in New Zealand lawfully but only by virtue of being the holder of a temporary permit of whatever type.</p> <p>“(4) The information referred to in <b>subsection (3)</b> is as follows:</p> <p>“(a) The person’s full name:</p> <p>“(b) Any aliases known to be used by the person:</p> <p>“(c) The person’s date of birth:</p> <p>“(d) The person’s nationality:</p> <p>“(e) The person’s address (if known):</p> <p>“(f) The expiry date of any permit granted to the person.</p> <p>“(5) On receipt of a request made under <b>subsection (3)</b>, the chief executive of the Department of Labour may, for the purpose of this section, supply the information requested to any officer or employee or agent of the department for the time being responsible for the administration of the Social Security Act 1964 who is authorised for the purpose by the chief executive of that department”.</p> <p>“(6) Information supplied pursuant to a request made under <b>subsection (3)</b> may be supplied in such form as is determined by agreement between the chief executive of the Department of Labour and the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)</p>	<p>By repealing section 226A, and substituting the following sections:</p> <p>“226A. <b>Disclosure of enrolment information by institutions</b>—(1) In this section, unless the context otherwise requires,—</p> <p>“ ‘Allowance’ means an allowance established by regulations made under section 303:</p> <p>“ ‘Benefit’ means a sickness benefit under section 54 of the Social Security Act 1964, an unemployment benefit under section 58 of that Act, a young job seeker’s allowance under section 59B of that Act, a training benefit under section 60A of that Act, or an independent youth benefit under section 60F of that Act:</p> <p>“ ‘Chief executive’ means the chief executive of the department:</p> <p>“ ‘Department’ means the department for the time being responsible for the administration of the Social Security Act 1964 and for the administration of Part XXV:</p> <p>“ ‘Specified period’ means any period specified in a notice under subsection (3).</p> <p>“(2) The purpose of this section is to facilitate the disclosure of information by institutions to the department, in order to verify—</p> <p>“(a) The entitlement or eligibility of any person to or for any benefit or allowance; or</p> <p>“(b) The amount of any benefit or allowance to which any person is or was entitled or for which any person is or was eligible.</p> <p>“(3) For the purpose of this section, the chief executive may from time to time, in accordance with arrangements under the Privacy Act 1993 previously agreed</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>between the chief executive and any institution (or, where they are unable to agree, in accordance with arrangements under that Act settled by the Privacy Commissioner appointed under the Privacy Act 1993), by notice in writing or electronically require the institution to supply all or any of the information set out in <b>subsection (5)</b>, in respect of people—</p> <p>“(a) Who are (or were in any specified period) enrolled as full-time students at the institution; or</p> <p>“(b) Whose name and date of birth (being the name and date of birth of any person who is, or was during any specified period, receiving a benefit or allowance) is supplied to the institution by the chief executive, together with the notice.</p> <p>“(4) A notice under <b>subsection (3)</b> may require the institution to supply the information specified in the notice either immediately or at specified times during the academic year, or both, and in the latter case may require the institution to supply at those times only details of any changes to the information the institution has previously supplied under this section.</p> <p>“(5) The details referred to in <b>subsection (3)</b> are—</p> <p>“(a) Their—</p> <p>    “(i) Full names and addresses; and</p> <p>    “(ii) Their dates of birth:</p> <p>“(b) Details of their recognised courses of study or parts of the courses in which they are so enrolled:</p> <p>“(c) If, during the specified period, they enrolled for any such course or ceased to be so enrolled or ceased to be</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>enrolled as a full-time student, the details of each such event and the respective dates on which the event occurred:</p> <p>“(d) Details of their academic performance in any such course:</p> <p>“(e) Details of their citizenship or residency status in New Zealand:</p> <p>“(f) Details of any allowances granted to the person by the institution on behalf of the Secretary in any academic year before the 1999 academic year.</p> <p>“(6) As soon as possible after the time or times specified in a requirement under <b>subsection (3)</b>, an institution must supply the information required to the chief executive or any employee or agent of the department authorised by the chief executive to receive such information.</p> <p>“(7) Information supplied by an institution under <b>subsection (6)</b> must be in a form previously agreed between the institution and the chief executive under the Privacy Act 1993 (or, where they are unable to agree, in a form settled by the Privacy Commissioner appointed under the Privacy Act 1993.</p> <p>“226B. <b>Offences concerning information requests</b>—(1) Any institution that intentionally fails or refuses to comply with <b>section 226A (6)</b> commits an offence and is liable on summary conviction to the penalty specified in <b>subsection (2)</b>.</p> <p>“(2) The maximum penalty for an offence against <b>subsection (1)</b> is a fine not exceeding \$5,000, and, where the offence is a continuing one, a fine not exceeding \$500 for each day the offence continues.”</p> <p>By repealing section 238B, and substituting the following sections:</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p><b>“238B. Disclosure of enrolment information by private training establishments—(1)</b> In this section, unless the context otherwise requires,—</p> <p>“ ‘Allowance’ means an allowance established by regulations made under section 303:</p> <p>“ ‘Benefit’ means a sickness benefit under section 54 of the Social Security Act 1964, an unemployment benefit under section 58 of that Act, a young job seeker’s allowance under section 59B of that Act, a training benefit under section 60A of that Act, or an independent youth benefit under section 60F of that Act:</p> <p>“ ‘Chief executive’ means the chief executive of the department:</p> <p>“ ‘Department’ means the department for the time being responsible for the administration of the Social Security Act 1964 and for the administration of Part XXV:</p> <p>“ ‘Specified period’, means any period specified in a notice under <b>subsection (3)</b>.</p> <p>“(2) The purpose of this section is to facilitate the disclosure of information by governing bodies of private training establishments to the department, in order to verify—</p> <p>“(a) The entitlement or eligibility of any person to or for any benefit or allowance; or</p> <p>“(b) The amount of any benefit or allowance to which any person is or was entitled or for which any person is or was eligible.</p> <p>“(3) For the purpose of this section, the chief executive may from time to time, in</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>accordance with arrangements under the Privacy Act 1993 previously agreed between the chief executive and any institution (or, where they are unable to agree, in accordance with arrangements under that Act settled by the Privacy Commissioner appointed under the Privacy Act 1993), by notice in writing or electronically require the institution to supply all or any of the information set out in <b>subsection (4)</b>, in respect of people—</p> <p>“(a) Who are (or were in any specified period) enrolled as full-time students at the private training establishment; or</p> <p>“(b) Whose name and date of birth (being the name and date of birth of any person who is, or was during any specified period, receiving a benefit or allowance) is supplied to the private training establishment by the chief executive, together with the notice.</p> <p>“(4) A notice under <b>subsection (3)</b> may require the private training establishment to supply the information specified in the notice either immediately or at specified times during the academic year, or both, and in the latter case may require the private training establishment to supply at those times only details of any changes to the information the private training establishment has previously supplied under this section.</p> <p>“(5) The details referred to in <b>subsection (3)</b> are—</p> <p>“(a) Their—</p> <p style="padding-left: 2em;">“(i) Full names and addresses; and</p> <p style="padding-left: 2em;">“(ii) Their dates of birth:</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>“(b) Details of their recognised courses of study or parts of the courses in which they are so enrolled:</p> <p>“(c) If, during the specified period, they enrolled for any such course or ceased to be so enrolled or ceased to be enrolled as a full-time student, the details of each such event and the respective dates on which the event occurred:</p> <p>“(d) Details of their academic performance in any such course:</p> <p>“(e) Details of their citizenship or residency status in New Zealand:</p> <p>“(f) Details of any allowances granted to the person by the private training establishment on behalf of the Secretary in any academic year before the 1999 academic year.</p> <p>“(6) As soon as possible after the time or times specified in a requirement under <b>subsection (3)</b>, a private training establishment must supply the information required to the chief executive or any employee or agent of the department authorised by the chief executive to receive such information.</p> <p>“(7) Information supplied by a private training establishment under <b>subsection (6)</b> must be in a form previously agreed between the private training establishment and the chief executive under the Privacy Act 1993 (or, where they are unable to agree, in a form settled by the Privacy Commissioner appointed under the Privacy Act 1993.</p> <p>“238C. <b>Offences concerning information requests</b>—(1) A private training establishment that intentionally fails or refuses to comply with <b>section 238B (6)</b> commits an offence and is liable on summary</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>conviction to the penalty specified in <b>subsection (2)</b>.</p> <p>“(2) The maximum penalty for an offence against <b>subsection (1)</b> is a fine not exceeding \$5,000, and, where the offence is a continuing one, a fine not exceeding \$500 for each day the offence continues.”</p> <p>By adding to section 303 the following subsection:</p> <p>“(4) The power to make regulations under subsection (1) includes (and is deemed always to have included) power to make regulations—</p> <p>“(a) Authorising the Secretary, for the purposes of assessing the eligibility of any person for an allowance, to take into account the income of that person’s parents or spouse:</p> <p>“(b) Defining the terms ‘parent’ and ‘spouse’ for the purposes of the regulations:</p> <p>“(c) Stating when and to what extent that income is to be taken into account.”</p> <p>By omitting from section 305 (2) the words “the chief executive officer, academic board, or Council of that tertiary institution”, and substituting the words “an employee of the Ministry”.</p> <p>By inserting in section 305 (3) (c), after the word “Secretary”, the words “(other than by an employee of the Ministry under delegation)”.</p> <p>By repealing subsections (1) and (2) of section 307, and substituting the following subsections:</p> <p>“(1) In this section, unless the context otherwise requires,—</p> <p>    “ ‘Allowance’ means an allowance established by regulations under section 303:</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>“ ‘Applicant’ means a person who has applied for or has been granted an allowance.</p> <p>“(2) For a purpose specified in <b>subsection (2A)</b>, the Secretary may require any person (whether or not an applicant) to do all or any of the following things:</p> <p>“(a) Produce to the Secretary any paper, documents, records, or things,—</p> <p>    “(i) In the person’s possession or under the person’s control; and</p> <p>    “(ii) Relevant to an applicant; and</p> <p>“(b) Allow copies of any such papers, documents, or records to be made:</p> <p>“(c) Furnish to the Secretary, or any person authorised for the purpose by the Secretary, any information or particulars—</p> <p>    “(i) Required by the Secretary or that authorised person; and</p> <p>    “(ii) Relevant to an applicant.</p> <p>“(2A) The purposes referred to in <b>subsection (2)</b> are—</p> <p>“(a) To establish the entitlement or continuing entitlement of an applicant to an allowance or to receive an allowance at a particular rate, or both:</p> <p>“(b) To establish the location or financial circumstances of an applicant who is indebted to the Crown in respect of the payment to that applicant of an allowance, or the payment to that applicant of an allowance at a rate, to which he or she was not entitled.”</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>By repealing subsection (4) of section 307, and substituting the following subsection:</p> <p style="padding-left: 2em;">“(4) A person (whether or not an applicant) who is asked questions during an investigation under subsection (3) must answer the questions.”</p> <p>By repealing 307A, and substituting the following sections:</p> <p style="padding-left: 2em;"><b>“307A. Use of student allowance information for purposes of Social Security Act 1964—(1)</b> In this section, unless the context otherwise requires,—</p> <p style="padding-left: 4em;">“‘Allowance’ means an allowance established by regulations under section 303:</p> <p style="padding-left: 4em;">“‘Allowance information’ means any information held by the Ministry about a person who has applied for or has been granted an allowance:</p> <p style="padding-left: 4em;">“‘Beneficiary’ means any person who is receiving, or has received, any benefit; and includes an applicant for a benefit:</p> <p style="padding-left: 4em;">“‘Beneficiary information’ means information held by the department about a beneficiary:</p> <p style="padding-left: 4em;">“‘Benefit’ has the same meaning as in section 3 (1) of the Social Security Act 1964; and includes—</p> <p style="padding-left: 6em;">“(a) A lump sum payable under section 61DB or section 61DC or section 61DD of that Act:</p> <p style="padding-left: 6em;">“(b) Any special assistance granted out of the Crown Bank Account from money appropriated by Parliament under section 124 (1) (d) or (da) of that Act:</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>“ ‘Department’ means the department for the time being responsible for the administration of the Social Security Act 1964:</p> <p>“ ‘Tax file number’ has the same meaning as in section OB 1 of the Income Tax Act 1994.</p> <p>“(2) During any period in which the Ministry and the department are the same department,—</p> <p>“(a) Allowance information and beneficiary information may be held on the same system or systems within that department:</p> <p>“(b) Allowance information about any person and beneficiary information about the same person may be held on the same file within that department:</p> <p>“(c) Allowance information about any person may be used by the department for the purposes of verifying—</p> <p>    “(i) The entitlement or eligibility of any person to or for any benefit; or</p> <p>    “(ii) The amount of any benefit to which any person is or was entitled or for which any person is or was eligible:</p> <p>“(d) Beneficiary information about any person may be used by the department for the purposes of verifying—</p> <p>    “(i) The entitlement or eligibility of any person to or for any allowance; or</p> <p>    “(ii) The amount of any allowance to which any person is or was entitled or for which any person is or was eligible:</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)—<i>continued</i></p>	<p>“(e) Allowance information or beneficiary information, or both, about any person may be used by the department—</p> <p style="padding-left: 2em;">“(i) For the purpose of recovering from that person any amount for which that person is indebted to the Crown; or</p> <p style="padding-left: 2em;">“(ii) For the purpose of prosecuting that person for any offence; or</p> <p style="padding-left: 2em;">“(iii) For the purpose of imposing any pecuniary penalty,—</p> <p>in respect of the payment to that person of an allowance or benefit, or the payment to that person of an allowance or benefit at a rate, to which he or she was not entitled.</p> <p>“307B. <b>Recovery of debts</b>—(1) This section applies to any person who is indebted to the Crown in respect of the payment to that person of an allowance, or the payment to that person of an allowance at a rate, to which he or she was not entitled.</p> <p>“(2) The Secretary is entitled to recover the amount of the debt—</p> <p style="padding-left: 2em;">“(a) By deduction from any allowance or from any benefit under the Social Security Act 1964 to which that person may become subsequently entitled; or</p> <p style="padding-left: 2em;">“(b) At the suit of the Secretary; or</p> <p style="padding-left: 2em;">“(c) By deduction notice under section 86A of the Social Security Act 1964.</p> <p>“(3) For the purposes of <b>subsection (2) (c)</b>, sections 86A and 86B to 86J of the Social Security Act 1964 apply with any necessary modifications.”</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1990, No. 26—The Social Welfare (Transitional Provisions) Act 1990 (R.S. Vol. 32, p. 883)	<p>By repealing section 2, and substituting the following section:</p> <p>“2. <b>Interpretation</b>—In this Act, unless the context otherwise requires,—</p> <p>“(a) ‘Minister’, in relation to any provisions of this Act, means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of those provisions; and</p> <p>“(b) Expressions otherwise defined in section 3 (1) of the Social Security Act 1964 and in section 2 of the War Pensions Act 1954 have the meanings so defined.”</p> <p>By omitting from sections 4, 8, 9, 17, 17A, 17B, 18, and 30 the words “Director-General” and “Director-General’s” wherever they appear, and substituting, respectively, in each case the words “chief executive” and “chief executive’s”.</p> <p>By repealing paragraph (a) of section 46 (1), and substituting the following paragraph:</p> <p>“(a) The chief executive of the department for the time being responsible for the administration of this Part of this Act:”.</p> <p>By repealing subclause (3) of clause 7 of the Third Schedule, and substituting the following subclause:</p> <p>“(3) The chief executive of the department for the time being responsible for the administration of Part III of this Act may appoint any employee of the department to be that person’s deputy for the purposes of attending any meeting of the Board.”</p>
1991, No. 71—The Legal Services Act 1991	<p>By omitting from paragraph (d) (iv) of the definition of the term “income” in section 2 the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1991, No. 71—The Legal Services Act 1991— <i>continued</i>	the administration of the Social Security Act 1964”.
1991, No. 142—The Child Support Act 1991	<p>By omitting from paragraph (c) of the definition of the term “financially independent” in section 2(1) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 12 (a) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 21(1)(b) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 240(2)(c) the words “Director-General of Social Welfare or any officer of the Department of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 or any officer of that department”.</p> <p>By omitting from section 240(2)(d) the words “Director-General of Social Welfare or any officer of the Department of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 or any officer of that department”.</p> <p>By omitting from section 240(6)(a) the words “Department of Social Welfare”,</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1991, No. 142—The Child Support Act 1991— <i>continued</i>	<p>and substituting the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 240 (10) the words “Director-General of Social Welfare or any officer of the Department of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 or any officer of that department”.</p> <p>By omitting from section 256 (2) the words “Director-General of Social Welfare” and “Director-General”, and substituting, respectively, the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964” and “chief executive”.</p> <p>By omitting from section 261 (1)(b) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p>
1992, No. 13—The Accident Rehabilitation and Compensation Insurance Act 1992	<p>By repealing section 78, and substituting the following section:</p> <p>“78. <b>Payments to and from department responsible for payment of benefits</b>—(1) Where any payment (including a payment under section 74) is made by the Corporation to a person who does not establish a claim to any treatment, service, rehabilitation, related transport, compensation, grant, or allowance under this Act but who establishes a claim to a benefit under Part I of the Social Security Act 1964, the department for the time being responsible for the administration of that Act (with the concurrence of the Corporation) may treat the amount so paid or so much thereof</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1992, No. 13—The Accident Rehabilitation and Compensation Insurance Act 1992—<i>continued</i></p>	<p>as it thinks fit as having been paid in respect of that benefit, and may refund to the Corporation, out of money appropriated by Parliament for the purpose, so much of the payment as is treated under this subsection as having been paid in respect of that benefit.</p> <p>“(2) Any amount that is treated under <b>subsection (1)</b> as having been paid in respect of any such benefit is deemed for all purposes to have been so paid.</p> <p>“(3) Where any payment is made under Part I of the Social Security Act 1964 to a person who establishes a claim to any treatment, service, rehabilitation, related transport, compensation, grant, or allowance under this Act, if the amount paid in respect of the benefit is in excess of the amount properly payable having regard to the compensation, the Corporation (with the concurrence of the department for the time being responsible for the administration of that Act) may treat the amount so paid or so much thereof as it thinks fit as having been paid in respect of that treatment, service, rehabilitation, related transport, compensation, grant, or allowance and may refund to that department, so much of the payment as is treated under this subsection as having been paid in respect of that treatment, service, rehabilitation, related transport, compensation, grant, or allowance.</p> <p>“(4) Any amount that is treated under <b>subsection (3)</b> as having been paid in respect of that treatment, service, rehabilitation, related transport, compensation, grant, or allowance is deemed for all purposes to have been so paid.</p> <p>“(5) Where any amount is paid by the Corporation under this section to any</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1992, No. 13—The Accident Rehabilitation and Compensation Insurance Act 1992—<i>continued</i></p>	<p>person, then, so far as the person does not establish a claim to it as treatment, service, rehabilitation, related transport, or compensation, or a grant or allowance, and the amount is not treated under subsection (1) as having been paid in respect of a benefit under Part I of the Social Security Act 1964, it constitutes a debt due to the Corporation which may be recovered by the Corporation in accordance with section 77.”</p> <p>By omitting from section 164 (2) the words “Departments of Labour, Corrections, and Social Welfare and the New Zealand Customs Service”, and substituting the words “Department of Labour, Department of Corrections, the New Zealand Customs Service, the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 165 (2) the words “Department of Social Welfare”, and substituting the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 165 (3) the words “Director-General of Social Welfare” and “Director-General”, and substituting, respectively, the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964” and “chief executive”.</p> <p>By omitting from section 165 (4) the words “Department of Social Welfare” and “Director-General of Social Welfare”, and substituting, respectively, the words “department for the time being responsible for the administration of the Social Security Act 1964” and “chief executive of that department”.</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1992, No. 13—The Accident Rehabilitation and Compensation Insurance Act 1992— <i>continued</i>	By omitting from section 165 (5) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.
1992, No. 141—The Student Loan Scheme Act 1992	By omitting from section 23 the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.
1993, No. 28—The Privacy Act 1993	By repealing paragraph (e) of the definition of the term “specified agency” in section 97, and substituting the following paragraph:  <div style="margin-left: 40px;">“(e) The department for the time being responsible for the administration of the Social Security Act 1964:”.</div>
	By omitting from section 103 (1A) the words “Department of Social Welfare”, and substituting the words “department for the time being responsible for the administration of the Social Security Act 1964”.
	By omitting from the Third Schedule the expression “section 307A” where it appears opposite the words “Education Act 1989”, and substituting the expression “sections 226A and 238B”.
1994, No. 164—The Income Tax Act 1994	By omitting from section CB 5 (1) (f) the words “Department of Social Welfare”, and substituting the words “department for the time being responsible for the administration of the Social Security Act 1964”.
	By omitting from section KD 5 (8) (a) (ii) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1994, No. 164—The Income Tax Act 1994— <i>continued</i>	<p>By omitting from section KD 5 (8) (b) the words “Director-General of Social Welfare”, and substituting the words “chief executive of that department”.</p> <p>By omitting from section KD 5 (10) (c) the words “Director-General of Social Welfare” and “Director-General”, and substituting, respectively, the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964” and “chief executive”.</p> <p>By omitting from section KD 6 the words “Director-General of Social Welfare” wherever they appear, and substituting in each case the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section KD 6 the words “Director-General” wherever they appear, and substituting in each case the words “chief executive”.</p> <p>By omitting from section KD 7 the words “Director-General of Social Welfare” wherever they appear, and substituting in each case the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section KD 7 the words “Director-General” wherever they appear, and substituting in each case the words “chief executive”.</p> <p>By omitting from section KD 9 the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from the last proviso to section NC 6 (1) the words “Director-General of Social Welfare”, and substituting the</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 164—The Income Tax Act 1994—<i>continued</i></p>	<p>words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section NI 1 (2) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section NI 2 the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By inserting in section OB 1, after the definition of the term “charitable trust”, the following definition:</p> <p style="padding-left: 40px;">“‘Chief executive of the department for the time being responsible for the administration of the Social Security Act 1964’ and ‘chief executive’, in the definition of ‘financially independent’ and in Part KD, means the chief executive of that department appointed under the State Sector Act 1988; and includes any person for the time being authorised (whether by delegation by the chief executive or otherwise) to exercise or perform any of the powers or functions of the chief executive:”.</p> <p>By repealing the definition of the term “Director-General of Social Welfare” in section OB 1.</p> <p>By omitting from paragraph (a) (iv) of the definition of the term “employer” in section OB 1 the words “Director-General of Social Welfare”, and substituting the words “chief executive of the</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1994, No. 164—The Income Tax Act 1994— <i>continued</i>	<p>department for the time being responsible for the administration of the Social Security Act 1964”.</p>
	<p>By omitting from paragraph (c) of the definition of the term “financially independent” in section OB 1 the words “Director-General of Social Welfare”, and substituting the words “chief executive”.</p>
1994, No. 166—The Tax Administration Act 1994	<p>By omitting from section 33A (3) (b) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964”.</p>
	<p>By omitting from section 81 (4) (f) the words “Department of Social Welfare” and from section 81 (4) (f) (i) the words “Director-General of Social Welfare”, and substituting, respectively, the words “department for the time being responsible for the administration of the Social Security Act 1964” and “chief executive of that department”.</p>
	<p>By omitting from section 82 (1), (2), (6), (7), and (9) the words “Department of Social Welfare”, and substituting in each case the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p>
	<p>By omitting from section 82 (2) and (9) the words “Director-General of Social Welfare”, and substituting in each case the words “chief executive of that department”.</p>
	<p>By omitting from section 83 (1), (3), (5), and (7) the words “Department of Social Welfare”, and substituting in each case the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p>
	<p>By omitting from section 83 (1), (3), and (7) the words “Director-General of Social Welfare”, and substituting in each case</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 166—The Tax Administration Act 1994—<i>continued</i></p>	<p>the words “chief executive of that department”.</p> <p>By omitting from section 83 (2) the words “Director-General of Social Welfare” and “Department of Social Welfare”, and substituting, respectively, the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964” and “department”.</p> <p>By omitting from section 84 (1), (2), and (6) the words “Department of Social Welfare”, and substituting in each case the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By repealing subsection (3) of section 84, and substituting the following subsection:  “(3) Where, in relation to any qualifying person and spouse (if any), information is supplied by the Commissioner to any authorised officer of the department for the time being responsible for the administration of the Social Security Act 1964, the chief executive of that department may compare that information with any beneficiary information held by the department which relates to that qualifying person and spouse (if any).”</p> <p>By omitting from section 84 (1) (a) and (6) the words “Director-General of Social Welfare”, and substituting in each case the words “chief executive of that department”.</p> <p>By omitting from section 84 (4) the words “Director-General of Social Welfare, the Director-General”, and substituting the words “chief executive of the department for the time being responsible for the administration of the Social Security Act 1964, the chief executive”.</p> <p>By omitting from section 85 (1) the words “Department of Social Welfare” in both</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1994, No. 166—The Tax Administration Act 1994— <i>continued</i>	<p>places where they appear, and substituting (where they first appear) the words “department for the time being responsible for the administration of the Social Security Act 1964” and (where they secondly appear) the word “department”.</p> <p>By omitting from section 85 (2), (3), (4) and (6) the words “Department of Social Welfare”, and substituting in each case the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By omitting from section 85 (2) and (6) the words “Director-General of Social Welfare”, and substituting in each case the words “chief executive of that department”.</p> <p>By omitting from section 87 (4) (b) the words “Department of Social Welfare”, and substituting the words “department for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>By repealing section 225A, and substituting the following section:</p> <p>“225A. <b>Power to make interim payments of family tax credit</b>—(1) The Governor-General may from time to time, by Order in Council,—</p> <p>“(a) Specify a class of persons being paid an income-tested benefit to whom the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 may make payments under section KD 6 (1) (b) of the Income Tax Act 1994, or to whom the chief executive must cease making such payments:</p> <p>“(b) Appoint a date on which the chief executive of that department</p>

*Employment Services and Income Support  
(Integrated Administration)*

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 166—The Tax Administration Act 1994—<i>continued</i></p>	<p>may begin to make payments under section KD 6 (1) (b) of the Income Tax Act 1994 or a date on which the chief executive must cease making such payments.</p> <p>“(2) An Order in Council made under subsection (1) may—</p> <p>“(a) Provide that the chief executive of that department may make payments, or is to cease making payments, under section KD 6 (1) (b) of the Income Tax Act 1994 to all persons receiving an income-tested benefit; or</p> <p>“(b) Specify a class of persons being paid an income-tested benefit to whom the chief executive of that department may make payments under section KD 6 (1) (b) of the Income Tax Act 1994, or must cease making such payments, by reference to one or more of the following:</p> <p style="padding-left: 2em;">“(i) The type of income-tested benefit received by the person;</p> <p style="padding-left: 2em;">“(ii) The amount of the income-tested benefit received by the person;</p> <p style="padding-left: 2em;">“(iii) The amount of the family tax credit to which the person may be entitled, as determined by the chief executive of that department;</p> <p style="padding-left: 2em;">“(iv) Any amount used or calculated by the chief executive of that department in determining the amount of family tax credit to which a person may be entitled.</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1994, No. 166—The Tax Administration Act 1994— <i>continued</i>	“(3) Every Order in Council made under subsection (1) is deemed to be a regulation for the purposes of the Regulations (Disallowance) Act 1989 and the Acts and Regulations Publication Act 1989.”
1996, No. 27—The Customs and Excise Act 1996	<p>By repealing section 280, and substituting the following section:</p> <p>“280. <b>Supply of arrival and departure information for benefit purposes</b>—(1) In this section, unless the context otherwise requires, the term ‘benefit’ has the same meaning as in section 3 (1) of the Social Security Act 1964; and includes—</p> <p>“(a) A lump sum payable under section 61DA or section 61DC or section 61DD of that Act:</p> <p>“(b) Any special assistance granted out of the Crown Bank Account from money appropriated by Parliament under section 124 (1) (d) or (da) of that Act.</p> <p>“(2) The purpose of this section is to facilitate the exchange of information between the Customs and the department for the time being responsible for the administration of the Social Security Act 1964 for the purposes of verifying—</p> <p>“(a) The entitlement or eligibility of any individual to or for any benefit; or</p> <p>“(b) The amount of any benefit to which an individual is or was entitled or for which an individual is or was eligible.</p> <p>“(3) For the purposes of this section, the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964 may from time to time, in accordance with arrangements made from time to time between that chief executive and</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1996, No. 27—The Customs and Excise Act 1996—<i>continued</i></p>	<p>the Chief Executive of the Customs, request the supply, in respect of persons who depart from New Zealand or persons who arrive in New Zealand from another country, or both, of the information specified in <b>subsection (5)</b>.</p> <p>“(4) Nothing in <b>subsection (3)</b> applies in respect of persons who are exempted, by regulations made under the Immigration Act 1987 or by virtue of any special direction under that Act, from the requirement to surrender an arrival card pursuant to section 126 (1) (a) of that Act, or, as the case may be, a departure card pursuant to section 126 (2) of that Act.</p> <p>“(5) The information referred to in <b>subsection (3)</b> is as follows:</p> <p>“(a) The person’s full name:</p> <p>“(b) The person’s date of birth:</p> <p>“(c) The person’s sex:</p> <p>“(d) The person’s passport number:</p> <p>“(e) The person’s country of citizenship:</p> <p>“(f) If the person arrived or, as the case may be, departed by aircraft, the flight number:</p> <p>“(g) If the person arrived or, as the case may be, departed by ship, the name of the ship:</p> <p>“(h) The date on which the person arrived in or, as the case may be, departed from New Zealand.</p> <p>“(6) On receipt of a request made under <b>subsection (3)</b>, the Chief Executive of the Customs may supply the information requested to any officer or employee or agent of the other department who is authorised for the purpose by the chief executive of that department.</p>

*Employment Services and Income Support  
(Integrated Administration)*

43

SCHEDULE—*continued*  
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1996, No. 27—The Customs and Excise Act 1996— <i>continued</i>	“(7) Information supplied under a request made under <b>subsection (3)</b> may be supplied in such a form as is determined by agreement between those chief executives.”