

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

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AS REPORTED FROM THE GOVERNMENT  
ADMINISTRATION COMMITTEE

## **COMMENTARY**

### **Recommendation**

The Government Administration Committee has examined the Employment Services and Income Support (Integrated Administration) Bill and recommends by majority that it be passed with the amendments shown.

### **Conduct of the examination**

The Employment Services and Income Support (Integrated Administration) Bill is a Government bill. It was introduced into the House on 31 March 1998 and referred to the Government Administration Committee subsequent to its second reading on 31 March 1998. The committee called for submissions on the bill and the closing date for submissions was 15 May 1998. We received six submissions of which four were heard. We met on 14 and 21 May, 18 and 25 June, and 23 and 30 July 1998 to consider and hear evidence on the bill. In total, we spent 1 hour and 18 minutes hearing evidence and 1 hour and 52 minutes considering the bill. Advice was received from the Department of Labour, the Department of Social Welfare, and the Ministry of Education.

### **Background**

This bill is the first stage of the Government's employment and social welfare 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). The Social Security Amendment Bill (No. 5), which introduces the concept of the 'community wage', was the second stage of the Government's employment and social welfare initiatives. That legislation has already been enacted. Stage three of the Government's initiatives is represented by the Social Security (Work Test) Amendment Bill. That bill introduces the concept of 'organised activity' or activity that assists beneficiaries to find paid

work and establishes a sanctions regime for beneficiaries who refuse to participate in the workforce.

The Employment Services and Income Support (Integrated Administration) Bill provides for the Government's employment and income support services to be delivered by the Department of Work and Income. The new department will also administer programmes under other legislation. Throughout the bill the new department is referred to as the 'responsible department', rather than by its legal name. This definition allows flexibility and avoids the need to amend the legislation if the department changes its name. The new department has been added to the Schedule of the State Sector Act 1988 by Order in Council. The Executive Council approved the relevant order in June 1998. We understand that a chief executive (Christine Rankin) for the proposed new department has already been selected and appointed by the State Services Commissioner.

### **Issues raised in submissions**

We received six submissions on the bill. The issues raised in submissions can be divided into two types, those that directly addressed provisions contained within the bill and those that were outside the scope of the proposed legislation.

#### **Issues outside scope of the bill**

Most submissions commented on issues outside the scope of the bill. For example, community work, consultation on employment policy and resourcing the new department. As these issues are outside the scope of the bill we have not discussed them in this report. Many of these issues were addressed by the Social Services Committee during its consideration of the Social Security (Work Test) Amendment Bill. For further information concerning the nature and substance of the issues raised, we refer interested parties to the proceedings of that committee as well as the text of the submissions we received, all of which are now publicly available.

#### **Integrating two specialist functions in one department**

New Zealand has a high number of government departments compared to other similar OECD countries. A hallmark of recent public sector reform has been the specialisation of departments and agencies in one particular area of service delivery or policy work. Four submissions argued that the provision of employment services and income support services are two separate specialist functions and should not be merged. They suggested that the merger will not enhance employment opportunities for beneficiaries. The merger will erode the neutrality of employment staff given their ability to order penalties. Transferring responsibility for administering the Social Security Act 1964 will result in bureaucratic confusion and delays in case management.

A majority of us consider that the integration of the New Zealand Employment Service, the Community Employment Group, the Local Employment Coordination Unit and Income Support is a key strategy underpinning the Government's desired employment outcomes. The objective is to deliver seamless assistance to clients. The service delivery issues raised by the submissions will be for the management of the new department to address. A minority of us are concerned at the different customer focus cultures that will be brought to the new department. We are concerned that different cultures operating in the one department will result in negative consequences for those who use its services.

#### **Private sector provision of services**

The New Zealand Employers Federation submitted that the bill should allow contestability in the provision and delivery of employment services. Placement

services in particular could be delivered by the private sector where the discipline of competition would encourage innovative ideas and rigorous case management to ensure placements are successful. We note that the bill does not address the issue raised by the submission. Where statutory functions and powers exist, the State Sector Act constrains to whom they can be delegated. A minority of us would be concerned at any move by the Government to privatise the provision of employment services to beneficiaries and by the thought of enterprises profiting from the difficult circumstances many beneficiaries live under. We note the difficulties experienced in Australia in the delivery of similar services by the private sector.

### **Staff transfer process**

Clause 3 of the bill 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 applied at the date of transfer. The Public Service Association (PSA) submitted that the provisions currently in the bill are inadequate to provide certainty for staff. This is particularly in relation to the power to transfer employees of departments, terms and conditions of employment, application of collective contracts, continuity of employment and continuation of existing proceedings. The PSA submission recommended replacing clause 3 with provisions based on those in the Ministry of Agriculture and Forestry (Restructuring) Act 1997 and the Terralink NZ Limited (Transfer of Employees) Act 1996.

We note that clause 3 was designed to meet the particular circumstances of merging components of separate government departments and to deliver a particular policy objective. That objective is to protect the overall terms and conditions of staff while at the same time avoiding locking the new department into the detail of contracts that may not suit the new situation of a transferred staff member. However, after hearing evidence from the PSA, we believe that the clause could be made clearer. In particular, the effect of the transfer on existing contracts, both collective and individual.

We consider that clause 3 should make it clear that all contracts applying to staff transferred to the new department become contracts with the new department for the same duration, and that the 'no less favourable' test continues to apply in respect of any changes to the contract necessitated by the change in employment circumstances arising out of the transfer. We recommend that the bill be amended accordingly. We also consider that a new clause 3A should be included, which deems that the employment of transferred employees is continuous for any relevant purpose, and recommend that the bill be amended accordingly.

A minority of us would have liked the transfer process to be strengthened further. Our preference would have been to have the full content of the transfer process set out in the legislation. We consider that reliance on provisions from section 61A of the State Sector Act, which are included in the bill, to transfer staff is an untidy way of achieving the transfer. While we support the inclusion of the provisions, we note that they do not adequately safeguard the interests of all staff involved in the transfer process.

### **Continuation of existing proceedings**

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. We have identified a potential gap arising under this provision. The intent of clause 6 was to carry over

the liabilities of existing agencies into the new department. This was done by focusing on any 'proceedings' which have been commenced. We consider that a new provision should be included ensuring that all liabilities of existing agencies are carried over into the new department, whether or not proceedings have commenced. We recommend that the bill be amended accordingly.

### **Amendments to the Schedule**

We have identified the need for a number of amendments to the Social Security Act 1964 and other Acts. These amendments comprise further consequential amendments and changes to consequential amendments. Some result from the recent passing of the Social Security Amendment Act 1998. This Act amended sections of the Social Security Act and various other Acts and the Employment Services and Income Support (Integrated Administration) Bill needs to take account of these changes. In addition the 1998 Act also requires amendment by the bill. Some other amendments result from minor changes that are required and were discovered since the introduction of the legislation into the House. Acts affected by amendments to the Schedule include the Social Security Act 1964, the Social Security Amendment Act 1998, the Education Act 1989, Accident Rehabilitation Compensation and Insurance Act 1992, the War Pensions Act 1954, and the Family Benefits (Home Ownership) Act 1964.

### **Conclusion**

A minority of us have a number of concerns that were not adequately addressed at the select committee. We would like to know how many staff face redundancy or job loss as a result of the integration of agencies and formation of the new department. We are concerned that all beneficiaries, including superannuitants, will be serviced through Work and Income New Zealand. It is unclear how the department will be able to service such a diverse population. We would also like to know the cost of the integration and the affect of it on the delivery of services. For instance, we still do not have a clear picture as to whether Income Support and New Zealand Employment Service branches will in future operate from the same premises in all locations, and how the two functions will be divided within each 'one stop shop.' We look forward to being advised of the Minister's intentions when this report is debated in the House.

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KEY TO SYMBOLS USED IN REPRINTED BILL  
AS REPORTED FROM A SELECT COMMITTEE

*Struck Out (Majority)*

Subject to this Act,

Text struck out by a majority

*New (Majority)*

Subject to this Act,

Text inserted by a majority

<Subject to this Act,>

Words struck out by a majority

<Subject to this Act,>

Words inserted by a majority

*Hon Peter McCardle*

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

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ANALYSIS

Title	7. Savings relating to brands, logos, marks, etc
1. Short Title and commencement	8. Saving of certain appointments
2. Interpretation	9. References to functions being trans- ferred to responsible department
3. Application of employment contracts	10. Amendments to other Acts
3A. Employment to be continuous	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	
6. Continuation of existing proceedings	

SCHEDULE  
Enactments Amended

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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

*Struck Out (Majority)*

**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. 30

(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.

*New (Majority)*

**3. Application of employment contracts**—(1) This section and **section 3A** apply to any employee of the Department of Social Welfare or Department of Labour who transfers (in  
5 circumstances to which section 61A of the State Sector Act 1988 applies) to the responsible department (which employee is, in this section and in **section 3A**, a “transferred employee”).

(2) Unless a transferred employee’s employment contract otherwise provides and subject to **subsection (3)**, the transferred  
10 employee’s employment contract continues to apply to that employee, on and from the date the employee transfers to the responsible department, on the same terms and conditions (including the period of the contract)—

(a) As if it were a contract that had been made in respect of  
15 the responsible department; and

(b) As if it were binding on both that employee and on the chief executive of the responsible department, and on any other party to that contract.

(3) If there is a change to an employee’s duties or location  
20 arising out of his or her transfer to the responsible department, the conditions of employment of that employee may be varied by agreement to reflect that change but the conditions of employment (as so varied) must be no less favourable than those that the employee was entitled to receive under the  
25 employment contract applying to the employee at the date of the transfer.

(4) **Subsections (2) and (3)** continue to apply to the conditions of employment of each transferred employee to whom this section applies until such time as any of the conditions of  
30 employment that apply under the employment contract applying to that employee at the date of the transfer are subsequently varied (otherwise than for the purpose referred to in **subsection (3)**).

(5) The conditions of employment of each such transferred  
35 employee are, on and from the date of any subsequent variation referred to in **subsection (4)**, to be determined in accordance with the employment contract applying to that employee in the responsible department.



*New (Majority)*

(6) Nothing in **subsection (2) or subsection (3)** continues to apply to any transferred employee who receives any subsequent appointment, whether within the responsible department or any other department.

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**3A. Employment to be continuous**—For the purposes of any provisions of a transferred employee's employment contract relating to continuity of service, that employee's transfer from the Department of Social Welfare or Department of Labour to the responsible department is insufficient by itself to break his or her employment.

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**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—

15

(a) The position held by that employee in the Department of Social Welfare or the Department of Labour has ceased to exist; or

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(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.

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(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.

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(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.

5       **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  
10 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,—

15       (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

20       (b) The Secretary for War Pensions in the Department of  
Social Welfare has initiated or become a party to any  
proceedings; or

25       (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.

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

30       (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

35       (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,—

40 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,—

- (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 5
- (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— 10
  - (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. 15

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

- (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 20
- (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,— 25

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. 30

(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. 35

(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. 40

*New (Majority)*

- (8) If, before the commencement of this Act, any person was entitled, or claimed to be entitled, to issue any proceedings, apply for or exercise any right of review, or to exercise any right of appeal, referred to in any of **subsections (1) to (7)**,—
- 5 (a) That person may, after the commencement of this Act, commence the proceedings, review, or appeal as if (as the case requires) the responsible Minister, or the chief executive of the responsible department, or the
- 10 officer of the responsible department who is the Secretary for War Pensions, was the appropriate person in respect of whom the proceedings, review, or appeal relates:
- 15 (b) The provisions of **subsections (1) to (7)** apply to any such proceedings, review, or appeal commenced under **paragraph (a)** as if they had been commenced prior to the commencement of this Act:
- 20 (c) No such proceedings, review, or appeal may be commenced in respect of any person other than the responsible Minister, chief executive, or officer specified in **paragraph (a)**.

**7. Savings relating to brands, logos, marks, etc—**All names, brands, stamps, logos, emblems, marks, forms, and other representations or documents that were, immediately

25 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

30 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
- 35 (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 5
- (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 10
- (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. 15

**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,— 20

- (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: 25
- (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: 30 35
- (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 40

does not apply to other units of that department, is a reference to the responsible department:

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

10 (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.

15 (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.

20 (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.

25 (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.

30 **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:

35 (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:

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

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



SCHEDULE

Section 10

ENACTMENTS AMENDED

Enactment	Amendment
<p>1964, No. 136—The Social Security Act 1964 (R.S. Vol. 32, p. 625)</p>	<p>By repealing section 2.</p> <p>By repealing the definitions of the terms &lt;“Department” and “Director-General”&gt; &lt;“chief executive”, “Department”, and “Director-General”&gt; 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><i>Struck Out (Majority)</i></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”,</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 substituting in each case the words “chief executive”.</p> <p style="text-align: center;"><i>Struck Out (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <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), 69C, 69H (1) 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> </div> <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>“5. <b>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>“(2) As soon as practicable after giving a direction under <b>subsection (1)</b>, the Minister must publish in the <i>Gazette</i> and present to the House of Representatives a copy of the direction.”</p>

*Employment Services and Income Support  
(Integrated Administration)*

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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 style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>By omitting from sections 10A (1) and 12 (1) the words “section 10 of”, and omitting from section 12K (1B) the words “under section 10”.</p> </div> <p>By repealing section 10A (3) (b). 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, &lt;40,&gt; 41, &lt;44, 46,&gt; 53A, &lt;54, 55, 56, 58, 59, 59B, 60AA, 60C,&gt; 60F, 60FA, 60FC, 60H, 60HA, &lt;60HB,&gt; 60HC, &lt;60HCA,&gt; 60HD, 60HE, 60J, 60JA, 60JC, &lt;60KA, 60M,&gt; 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, 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>

*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 style="text-align: center;"><i>Struck Out (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <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> </div> <p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from section 11B (1) the words “pursuant to section 10”.</p> <p>By omitting from section 12J (1) the words “under section 10 of this Act”.</p> </div> <p>By omitting from section 60HC (4) the words “or the chief executive of the Department of Labour”.</p> <p>By omitting from &lt;sections 60HC (8), 60J, and 60M&gt; &lt;section 60J&gt; the words “of the Department of Labour” wherever they appear.</p> <p>By repealing subsection (1) of section 60JB, and substituting the following subsection:</p> <p style="padding-left: 2em;">“(1) The chief executive must end the reduction in a person’s benefit under section 60JA if, as the case requires,—</p> <p style="padding-left: 4em;">“(a) The person complies with the request to attend and participate in a mandatory interview under section 60HA or section 60HD (6); or</p> <p style="padding-left: 4em;">“(b) The chief executive is satisfied that the person—</p> <p style="padding-left: 6em;">“(i) Has remedied the failure under section 60J for which the reduction was made; or</p> <p style="padding-left: 6em;">“(ii) Has undertaken some other activity referred to in section 60J.”</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>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 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>

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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>“(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 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>
<p>1947, No. 16—The District Courts Act 1947 (R.S. Vol. 28, p. 57)</p>	<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>

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1954, No. 51—The Penal Institutions Act 1954 (R.S. Vol. 18, p. 557)</p>	<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 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</p>

SCHEDULE—*continued*  
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1954, No. 51—The Penal Institutions Act 1954 (R.S. Vol. 18, p. 557)— <i>continued</i>	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.”
1954, No. 54—The War Pensions Act 1954 (R.S. Vol. 15, p. 725)	By repealing the definition of the term “Department”, and substituting the following definition: “‘Department’ means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act.”
	<i>Struck Out (Majority)</i>
	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)”.
	<i>New (Majority)</i>
	By omitting from section 16 (6) the words “(as defined in section 2 of the Department of Social Welfare Act 1971)”.
1956, No. 65—The Health Act 1956 (R.S. Vol. 31, p. 467)	By omitting from section 16A (2) the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department”. 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”.

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<i>New (Majority)</i>	
<p>1964, No. 32—The Family Benefits (Home Ownership) Act 1964 (R.S. Vol. 16, p. 139)</p>	<p>By inserting in section 2 (1), after the definition of the term “charge holder”, the following definition:  “‘Chief executive’ means the chief executive of the department.”.</p> <p>By repealing the definition of the term “Commission” in section 2 (1).</p> <p>By repealing the definition of the term “Department” in section 2 (1), and substituting the following definition:  “‘Department’ means the department for the time being responsible for the administration of the Social Security Act 1964.”.</p> <p>By inserting in section 2 (1), after the definition of the term “land”, the following definition:  “‘Minister’ means the Minister who 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 4 (1), and also from section 5 (1), the words “of Social Welfare”.</p> <p>By omitting from section 4 (1) the words “Social Security Commission”, and substituting the words “chief executive”.</p> <p>By omitting from sections 4, 5, 6, 6A, 7, 8, 10, 11, 13, 16, 19, 21, and 26 the word “Commission” wherever it appears, and substituting in each case the words “chief executive”.</p> <p>By omitting from section 18 (1) the words “Chairman of the Commission”, and substituting the words “chief executive”.</p> <p>By omitting from section 22 the words “any one of the Commissioners of the Social Security Commission”, and substituting</p>



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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<i>New (Majority)</i>	
1964, No. 32—The Family Benefits (Home Ownership) Act 1964 (R.S. Vol. 16, p. 139)— <i>continued</i>	the words “the chief executive, or the chief executive”.
1969, No. 52—The Administration Act 1969 (R.S. Vol. 19, p. 1)	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”.
1973, No. 5—The Rates Rebates Act 1973 (R.S. Vol. 24, p. 719)	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”.
<i>New (Majority)</i>	
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 35, p. 469)	By adding to Part I of the First Schedule the following item: “The Department of Work and Income.”
1980, No. 94—The Family Proceedings Act 1980 (R.S. Vol. 28, p. 545)	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”. By omitting from section 101B the words “Director-General of Social Welfare”, and substituting the words “chief executive of the department for the time being

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1980, No. 94—The Family Proceedings Act 1980 (R.S. Vol. 28, p. 545)—<i>continued</i></p> <p>1987, No. 200—The Finance Act 1987 (R.S. Vol. 37, p. 190)</p> <p>1987, No. 74—The Immigration Act 1987 (R.S. Vol. 33, p. 163)</p>	<p>responsible for the administration of the Social Security Act 1964”.</p> <p>By repealing section 10.</p> <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 the chief executive of the Department of</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>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> <p>By repealing section 226A, and substituting the following sections:</p> <p>“226A. <b>Disclosure of enrolment</b></p>
<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</b></p>

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)— <i>continued</i>	<p><b>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 style="text-align: center;"><i>Struck Out (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <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> </div> <p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“‘Benefit’ means a community wage under Part 2 of the Social Security Act 1964, or an independent youth benefit under section 60F of that Act:</p> </div> <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>

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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>“(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 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</p>

SCHEDULE—*continued*  
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)— <i>continued</i>	<p>has previously supplied under this section.</p> <p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(4A) A notice under <b>subsection (3)</b> may include—</p> <p>“(a) An identification number assigned by the chief executive to any person who is referred to in the notice; or</p> <p>“(b) An identification number assigned to any such person by the institution; or</p> <p>“(c) Both.</p> </div> <p>“(5) The details referred to in <b>subsection (3)</b> are—</p> <p>“(a) Their—</p> <p style="padding-left: 40px;">“(i) Full names and addresses; and</p> <p style="padding-left: 40px;">“(ii) Their dates of birth:</p> <p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(aa) Their identification numbers (being either or both of the identification numbers referred to in <b>subsection (4A)</b>):</p> </div> <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>

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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>“(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 <del>&lt;1993&gt;</del> &lt;1993&gt;), and may include coded information&gt;.</p> <p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(8) Section 104 of the Privacy Act 1993 applies as if subsection (1) of that section also provided that, in relation to the information matching programme in section 226A of the Education Act 1989, the Commissioner, before seeking a report on any of the matters in section 104 (2) (a), (d), or (e) from a tertiary institution, must first seek a report on the matter from the department for the time being responsible for administration of the Social Security Act 1964.</p> </div>

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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>“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> <p>“238B. <b>Disclosure of enrolment information by private training establishments</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 style="text-align: center;"><i>Struck Out (Majority)</i></p> <div style="border: 1px solid black; padding: 10px;"> <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> </div>



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SCHEDULE—*continued*  
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)— <i>continued</i>	<p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>“ ‘Benefit’ means a community wage under Part 2 of the Social Security Act 1964, or an independent youth benefit under section 60F of that Act:</p> </div> <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 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</p>

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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>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 style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(4A) A notice under <b>subsection (3)</b> may include—</p> <p>“(a) An identification number assigned by the chief executive to any person who is referred to in the notice; or</p> <p>“(b) An identification number assigned to any such person by the private training establishment; or</p> <p>“(c) Both.</p> </div>

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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>“(5) The details referred to in <b>subsection (3)</b> are—</p> <p>“(a) Their—</p> <p style="padding-left: 40px;">“(i) Full names and addresses; and</p> <p style="padding-left: 40px;">“(ii) Their dates of birth:</p> <p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>“(aa) Their identification numbers (being either or both of the identification numbers referred to in <b>subsection (4A)</b>):</p> </div> <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</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>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 &lt;1993&gt; &lt;1993&gt;), and may include coded information&gt;.</p> <p style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(8) Section 104 of the Privacy Act 1993 applies as if subsection (1) of that section also provided that, in relation to the information matching programme in section 226A of the Education Act 1989, the Commissioner, before seeking a report on any of the matters in section 104 (2) (a), (d), or (e) from a tertiary institution, must first seek a report on the matter from the department for the time being responsible for administration of the Social Security Act 1964.</p> </div> <p>“238C. <b>Offences concerning information requests</b>—(1) A private training establishment that intentionally fails or refuses to comply with <b>section 238a (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>

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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 style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from section 303 (2)(b) the words “prescribed by the Minister by notice in the <i>Gazette</i>”, and substituting the words “set out in those regulations”.</p> </div> <p>By adding to section 303 the following <i>&lt;sub-section&gt;</i> <i>&lt;subsections&gt;</i>:</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 style="text-align: center;"><i>New (Majority)</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(5) Until regulations under this section set out the value of allowances established by the regulations, the allowances have the annual or other value prescribed by the Minister by notice in the <i>Gazette</i>.”</p> </div> <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>

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 style="text-align: center;"><i>New (Majority)</i></p> <p>By inserting in section 305, after subsection (2), the following subsection:</p> <p style="padding-left: 40px;">“(2A) An application for a review under subsection (2) must be brought within 3 months after the person receives notification of the decision, or (if the Secretary considers there is good reason for the delay) within such further period as the Secretary may allow on application made either before or after the expiration of that period of 3 months.”</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 style="text-align: center;"><i>New (Majority)</i></p> <p>By inserting, after section 306, the following section:</p> <p style="padding-left: 40px;"><b>“306A. Disclosure of enrolment information by secondary schools—</b> The provisions of section 226A apply to any secondary school as if such a school were an institution within the meaning of that section.”</p> <p>By repealing subsections (1) and (2) of section 307, and substituting the following subsections:</p> <p style="padding-left: 40px;">“(1) In this section, unless the context otherwise requires,—</p> <p style="padding-left: 80px;">“‘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 style="padding-left: 2em;">“(i) In the person’s possession or under the person’s control; and</p> <p style="padding-left: 2em;">“(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 style="padding-left: 2em;">“(i) Required by the Secretary or that authorised person; and</p> <p style="padding-left: 2em;">“(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
1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)— <i>continued</i>	<p>By repealing subsection (4) of section 307, and substituting the following subsection:</p> <p>“(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>“307A. <b>Use of student allowance information for purposes of Social Security Act 1964</b>—(1) In this section, unless the context otherwise requires,—</p> <p>    “‘Allowance’ means an allowance established by regulations under section 303:</p> <p>    “‘Allowance information’ means any information held by the Ministry about a person who has applied for or has been granted an allowance:</p> <p>    “‘Beneficiary’ means any person who is receiving, or has received, any benefit; and includes an applicant for a benefit:</p> <p>    “‘Beneficiary information’ means information held by the department about a beneficiary:</p> <p>    “‘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>



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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 style="padding-left: 2em;">“(i) The entitlement or eligibility of any person to or for any benefit; or</p> <p style="padding-left: 2em;">“(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 style="padding-left: 2em;">“(i) The entitlement or eligibility of any person to or for any allowance; or</p> <p style="padding-left: 2em;">“(ii) The amount of any allowance to which any person is or was entitled or for which any person is or was eligible:</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>“(e) Allowance information or beneficiary information, or both, about any person may be used by the department—</p> <p>    “(i) For the purpose of recovering from that person any amount for which that person is indebted to the Crown; or</p> <p>    “(ii) For the purpose of prosecuting that person for any offence; or</p> <p>    “(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>    “(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>    “(b) At the suit of the Secretary; or</p> <p>    “(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>

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1990, No. 26—The Social Welfare (Transitional Provisions) Act 1990 (R.S. Vol. 32, p. 883)</p>	<p>By repealing section 2, and substituting the following section:  “2. <b>Interpretation</b>—In this Act, unless the context otherwise requires,—  “(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  “(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:  “(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:  “(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>
<p>1991, No. 71—The Legal Services Act 1991</p>	<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 the administration of the Social Security Act 1964”.</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
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”, 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</p>

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1991, No. 142—The Child Support Act 1991—<i>continued</i></p>	<p>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>
<p>1992, No. 13—The Accident Rehabilitation and Compensation Insurance Act 1992</p>	<p>By repealing section 78, and substituting the following section:</p> <p><b>“78. 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 <i>&lt;Part I of&gt;</i> 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 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</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>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 <i>&lt;Part I of&gt;</i> 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 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</p>

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SCHEDULE—*continued*  
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1992, No. 13—The Accident Rehabilitation and Compensation Insurance Act 1992—<i>continued</i></p>	<p>under <b>subsection (1)</b> as having been paid in respect of a benefit under <i>&lt;Part I of&gt;</i> 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> <p>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”.</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
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 (c) of the definition of the term “specified agency” in section 97, and substituting the following paragraph:  “(e) The department for the time being responsible for the administration of the Social Security Act 1964:”.
	<i>New (Majority)</i>
	By adding to that definition the following paragraph:  “(h) Any tertiary institution, secondary school, or private training establishment (as those terms are defined in the Education Act 1989) to which <b>section 226A or section 238a</b> of that Act applies, as from time to time notified to the Commissioner by the department for time being responsible for the administration of the Social Security Act 1964.”
	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 “ <b>sections 226A and 238a</b> ”.
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



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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 164—The Income Tax Act 1994—<i>continued</i></p>	<p>for the time being responsible for the administration of the Social Security Act 1964”.</p> <p>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”.</p> <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>

SCHEDULE—*continued*  
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1994, No. 164—The Income Tax Act 1994— <i>continued</i>	<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 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>“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</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 164—The Income Tax Act 1994—<i>continued</i></p>	<p style="text-align: center;">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 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>
<p>1994, No. 166—The Tax Administration Act 1994</p>	<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</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 166—The Tax Administration Act 1994—<i>continued</i></p>	<p>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 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</p>

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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 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 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:  “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,—  “(a) Specify a class of persons being paid an income-tested benefit to whom the chief executive of</p>

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 166—The Tax Administration Act 1994—<i>continued</i></p>	<p>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 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>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1994, No. 166—The Tax Administration Act 1994—<i>continued</i></p>	<p>“(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>“(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> <p>“(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.”</p>
<p>1996, No. 27—The Customs and Excise Act 1996</p>	<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>

*Employment Services and Income Support  
(Integrated Administration)*

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SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1996, No. 27—The Customs and Excise Act 1996—<i>continued</i></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 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</p>



SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1996, No. 27—The Customs and Excise Act 1996— <i>continued</i>	<p style="text-align: center;">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> <p>“(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.”</p>

*New (Majority)*

1998, No. 19—The Social Security Amendment Act 1998	<p>By repealing so much of Part A of Schedule 1 as relates to sections 226A and 238B of the Education Act 1989.</p> <p>By repealing so much of Part A of Schedule 1 as relates to section 78 (1) to (3) of the Accident Rehabilitation Compensation and Insurance Act 1992.</p>
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