

SOCIAL WELFARE ACTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Department of Social Welfare Act 1971, the Disabled Persons Community Welfare Act 1975, the Social Security Act 1964, and the War Pensions Act 1954.

Clause 1 relates to the Short Title.

PART I

AMENDMENT TO DEPARTMENT OF SOCIAL WELFARE ACT 1971

Clause 2 provides for *clauses 3 and 4* to be read together with and deemed part of the Department of Social Welfare Act 1971.

Clause 3 amends section 7k (2) of the Department of Social Welfare Act 1971 relating to the appointment of members of District Executive Committees and Area Welfare Executive Committees.

At present, to be appointed to a Committee a person must reside in the social welfare district served by the Committee. The amendment provides that an appointee need not reside in the district if he or she is closely connected with the district.

Clause 4 validates any invalid appointment of a member to a District Executive Committee or Area Welfare Executive Committee which would have been valid if the amendment made by *clause 3* had been in force when the appointment was made.

PART II

AMENDMENTS TO DISABLED PERSONS COMMUNITY WELFARE ACT 1975

Clause 5 provides for *clauses 6 to 8* to be read together with and deemed part of the Disabled Persons Community Welfare Act 1975.

Clauses 6 and 7 abolish the Advisory Council for the Community Welfare of Disabled Persons.

Clause 8 deletes a reference to the Ministry of Works and Development, which has been abolished.

No. 82-1

Price
incl. GST \$5.70

PART III

AMENDMENTS TO SOCIAL SECURITY ACT 1964

Clause 9 provides for *clauses 10 to 35* and the Schedule to be read together with and deemed part of the Social Security Act 1964.

Clause 10 amends the definition of the term “income” in section 3 (1) of the principal Act to provide for the change of name of a widow’s pension, under the War Pensions Act 1954, to surviving spouse’s pension.

Clause 11, subclause (1) amends section 27₁ of the principal Act to provide for paternity orders made under the Family Proceedings Act 1980 or Domestic Proceedings Act 1968 to be conclusive evidence of paternity in liable parent objection proceedings.

Subclause (2) provides for the situation where the original applicant for the paternity order fails to have the application reheard by allowing any officer of the Department to be heard in the paternity rehearing as if that officer were an applicant for the order, but without prejudice to the rights of the original applicant.

Clause 12 amends section 27_k of the principal Act to provide for suspension and revival of the requirement to make liable parent contributions when a rehearing order has been made in respect of a paternity order or when an appeal is pending.

Clause 13 amends section 27_M of the principal Act.

That section provides that where a liable parent cannot or does not supply a statement of the liable parent’s income the Director-General of Social Welfare must determine, as best he or she can on the information available, the liable parent’s income for the then current income year.

The amendment gives the Director-General a discretion as to whether or not to so calculate the income.

Clause 14, subclause (1) amends section 27_N of the principal Act relating to the assessment of liable parent contributions.

The amendment provides that if the Director-General has decided not to determine a liable parent’s income (pursuant to the amendment made by *clause 13*) the liable parent contribution is to be calculated without taking income into account.

Subclause (2) makes it clear that notice of the required contribution need not be given if the liable parent’s whereabouts are unknown.

Clause 15 amends section 27_o of the principal Act to make it clear that where liable parent contributions are suspended during objection proceedings, a finding that the objector is liable is to apply retrospectively to the period of suspension unless the Court for special reasons orders otherwise.

Clause 16 amends section 27_P of the principal Act, relating to objections against liable parent contributions, by replacing 3 grounds of objection with 1 ground to take account of the new Twentieth Schedule to the principal Act relating to the calculation of contributions.

Clause 17 amends section 27_s of the principal Act relating to the findings of the Court after hearing objections.

Subclause (1) makes it clear that under section 27_s (2) of the principal Act the Court is concerned only with the degree of liability of a liable parent and not the question of whether an objector is liable in law to maintain a child.

Subclause (2) replaces 3 subsections with 1 subsection to take account of the new Twentieth Schedule to the principal Act relating to the calculation of liable parent contributions.

Clause 18 amends section 27z of the principal Act relating to deduction notices against employers of liable parents.

The amendment provides that notwithstanding that a current contribution is no longer payable, a deduction notice may be issued to recover arrears of liable parent contributions at an amount not greater than the contribution that was payable by the liable parent immediately before liability ceased.

Clause 19 amends section 28 of the principal Act relating to orphans' benefits.

Subclause (1) makes it clear that non-entitlement to an orphan's benefit by virtue of a child being maintained in a public hospital or in a home registered under the Children and Young Persons Act 1974 or the Disabled Persons Community Welfare Act 1975 applies only where no parent of the child is prepared to maintain, or can reasonably be compelled to maintain, the child and none of the persons caring for the child is either a parent or a person who qualifies for a benefit (other than an orphan's benefit) under the principal Act in respect of the child.

Subclause (2) provides that notwithstanding the provisions of section 28 (as amended by *subclause (1)*) entitlement to an orphan's benefit is not to be affected if a child is being temporarily maintained in a public hospital for a period not exceeding 13 weeks.

Clause 20 amends section 32 of the principal Act relating to family benefits.

At present a family benefit is payable in respect of a child under the age of 15 years.

The amendment provides that, on and after 1 January 1989, a family benefit is payable in respect of a child under the age of 16 years who is not in full employment (as defined in section 3 (1) of the principal Act—see section 2 (3) of the Social Security Amendment Act 1986).

Clause 21 amends section 35 of the principal Act relating to the period for which family benefit is payable. At present, subject to section 32, family benefit in respect of a child ceases to be payable on the day after the day on which the child attains the age of 15 years.

The amendment provides that, on and after 1 January 1989, family benefit will cease to be payable on the day after the day on which the child—

- (a) Attains the age of 16 years; or
 - (b) Having attained the age of 15 years, commences full employment—
- whichever first occurs.

Clause 22 amends section 61DC of the principal Act relating to the payment of a lump sum after death to the surviving spouse and children of a deceased person.

The amendment provides for the section to apply in respect of a child of a deceased person where the child of the deceased person was born after the date of death.

Clause 23 amends sections 61DC, 61DD, and 61DE of the principal Act relating to lump sum payments on death.

Subclause (1) increases the lump sum payment on death from \$1,260 to \$1,416 for a surviving spouse, and from \$630 to \$708 for each surviving child.

Subclause (2) increases the maximum amount payable towards an unmarried person's funeral expenses from \$630 to \$708.

Subclause (3) increases the lump sum payment on the death of a child from \$630 to \$708.

The increases are to apply in respect of persons who die on or after 1 October 1988.

Clause 24 amends section 61E of the principal Act to provide that an accommodation benefit is not to be paid to any person who has cash assets exceeding—

- (a) \$16,200 in the case of—
 - (i) A married person living with a spouse; or
 - (ii) A single person having the care of a dependent child;
- (b) \$8,100 in any other case.

Clause 25, which comes into force on 1 November 1988, amends section 61F of the principal Act relating to rates of accommodation benefit.

At present, for the purposes of the Eighteenth Schedule—

- (a) Every \$100 of cash assets over \$5,000 held by a married beneficiary or married non-beneficiary living with a spouse or by a single beneficiary or single non-beneficiary with dependent children; and
- (b) Every \$100 of cash assets over \$2,500 held by any other beneficiary or non-beneficiary—

is deemed to be \$1 a week of income.

The amendment increases the amount of \$5,000 to \$5,400 and the amount of \$2,500 to \$2,700.

Clause 26 amends section 61H of the principal Act under which various benefits and allowances may be increased by Order in Council.

The amendment extends the operation of the section to include lump sum payments on death, advances for repair or maintenance of homes, and income and cash asset tests.

Clause 27 amends section 71A of the principal Act relating to earnings related accident compensation to provide that any such compensation payable to a dependent child will not affect a parent's entitlement to a social security benefit.

Clause 28 amends section 77 of the principal Act relating to the effect on benefits of a beneficiary's absence from New Zealand.

Subclause (1): Section 77 provides that a benefit is not payable if a beneficiary is absent from New Zealand. The section also sets out various exceptions to that rule.

The amendment provides that the rule is to be subject to any agreement entered into by the Government of New Zealand with the Government of any other country.

Subclause (2) provides that where section 77 refers to an absence due to circumstances beyond the beneficiary's control and to the duty of a beneficiary to advise of a proposed absence from New Zealand, and the beneficiary is a child, the term "beneficiary" means the person to whom the benefit is payable (usually a parent).

Clause 29 amends section 82 of the principal Act to enable the direct crediting of social security benefits to registered credit unions.

Clause 30 amends section 124 of the principal Act to formalise the transfer of the administration of the medical treatment overseas programme from the Department of Social Welfare to the Department of Health.

Clause 31, which is deemed to have come into force on 1 October 1988, amends section 125 of the principal Act which relates to advances to beneficiaries and war pensioners for the repair or maintenance of homes and the conversion or replacement of domestic heating equipment.

The amendment provides that an advance may be made to a beneficiary or war pensioner who occupies premises as a home on land which is Maori freehold land in respect of which the beneficiary or war pensioner has a legal or equitable estate or interest.

It is also provided that notice of a charge may be registered against Maori freehold land without the consent of any person.

In addition the maximum advance for the repair or maintenance of homes is increased from \$2,100 to \$2,361.

Clause 32 reduces, on and after 1 January 1989, the maximum rate of unemployment benefit payable to an unmarried beneficiary under the age of 18 years without dependent children from \$108.63 a week to \$80 a week.

The reduction will not affect any person who—

- (a) On 31 December 1988 was receiving an unemployment, invalid's, sickness, or domestic purposes benefit, or was receiving a training allowance by virtue of enrolment in an access training scheme recognised by the Director-General for the purposes of this paragraph; and
- (b) Has not since that date ceased receiving such a benefit or allowance, otherwise than as a result of the temporary suspension of an unemployment benefit.

Clause 33 provides for the correction of drafting errors in the Eighteenth Schedule to the principal Act relating to the rates of accommodation benefit payable in the period 23 June 1987 to 31 October 1988.

Clause 34, which comes into force on 1 November 1988, repeals the Eighteenth Schedule to the principal Act, relating to the rates of accommodation benefit, and substitutes a new Schedule.

The new Schedule omits spent Parts and corrects some drafting errors.

Clause 35 amends the Twentieth Schedule to the principal Act to make it clear that in calculating a liable parent's weekly income there is to be included the weekly amount of any monetary benefit payable to the liable parent under Part I of the principal Act, other than family benefit or an orphan's benefit.

PART IV

AMENDMENTS TO WAR PENSIONS ACT 1954

Clause 36 provides for *clauses 37 to 51* to be read together with and deemed part of the War Pensions Act 1954, and provides for those clauses to come into force on 1 April 1989.

Clause 37 amends section 2 of the principal Act.

Subclause (1) repeals the definition of the term "Board" as War Pensions Boards are abolished by this Bill.

Subclause (2) inserts 2 new definitions.

The first definition defines the term "Advisory Board", being the War Pensions Advisory Board established under the new section 5A set out in *clause 39* of the Bill.

The second definition defines the term "claims panel", being a claims panel established under the new section 15 set out in *clause 42* of the Bill.

Clause 38 inserts a new section 4A in the principal Act to enable the Secretary for War Pensions to delegate to officials and employees of the Department of

Social Welfare the Secretary's powers, functions, and discretions under the principal Act, other than the powers, functions, and discretions conferred by sections 14 (2) to (5), 16 (4), 19, 21 to 27, 48, 66A, and 85 of the principal Act and the power of delegation.

(The powers, functions, and discretions conferred on the Secretary by the above-mentioned sections may be delegated to district claims panels and national review officers under the new section 15A set out in *clause 42* of the Bill.)

Clause 39 inserts new sections 5A to 5I in the principal Act to establish a War Pensions Advisory Board.

New section 5A establishes the Advisory Board, sets out its membership, and declares it to be a body corporate.

The Board is to consist of—

“(a) The Secretary for War Pensions:

“(b) The Dominion President for the time being of the New Zealand Returned Services' Association (Incorporated):

“(c) A medical member (who must be a registered medical practitioner) appointed by the Minister.”

New section 5B provides that the appointed member (medical member) is to hold office during the Minister's pleasure, but shall not hold office for a continuous period of more than 3 years without reappointment.

New section 5C provides for extraordinary vacancies.

New section 5D provides for a presiding member.

New section 5E provides for deputies of members.

New section 5F provides for meetings of the Board.

New section 5G provides for secretarial and administrative services to be supplied to the Board by the Department of Social Welfare.

New section 5H provides for the payment of fees and travelling allowances.

New section 5I sets out the powers and functions of the Board.

The Board is to have the following powers and functions:

- (a) On its own initiative or at the request of the Minister to advise the Minister on policies to be applied in respect of war pensions and allowances:
- (b) To approve guidelines for the determination and assessment of war pensions to be used by medical examiners and claims panels established under the new section 15 set out in *clause 42*:
- (c) Generally to consider and advise on any other matter which assists the administration of war pensions or that the Minister refers to it:
- (d) To administer the War Pensions Medical Research Trust Fund established under section 18I of the principal Act:
- (e) To consider applications for payments from the War Pensions Medical Research Trust Fund, and to determine the persons to whom grants, awards, or fellowships are to be made under section 18I of the principal Act:
- (f) Such other powers and functions as may be conferred or imposed on it by the principal Act or any other enactment:
- (g) To make rules for the conduct of its own business.

Clause 40 abolishes War Pensions Boards and transfers their functions and powers to the Secretary for War Pensions. (Under *clause 42* those functions and powers will usually be exercised by district claims panels and national review officers, pursuant to a delegation from the Secretary for War Pensions, with a right of appeal to a War Pensions Appeal Board).

Clause 41 amends section 8 of the principal Act which relates to War Pensions Appeal Boards.

The amendments remove the requirement to appoint an additional member where an appeal is made against decisions under section 16 (1) (c), section 66A, or section 67 of the principal Act.

Instead it is provided that where such an appeal is heard the medical practitioner representing the members of the forces must be present.

Clause 42 repeals sections 14 and 15 of the principal Act, relating to claims for pensions and allowances, and substitutes new sections 14, 15, and 15A to 15E.

Basically the new sections provide for claims to be considered by district claims panels under a delegation from the Secretary for War Pensions.

Decisions by district claims panels are subject to review by a national review officer, also acting under a delegation from the Secretary for War Pensions.

The right of appeal to a War Pensions Appeal Board is retained.

New section 14 provides for claims for pensions or allowances to be considered by the Secretary for War Pensions instead of a War Pensions Board.

New section 15 establishes a district claims panel for each district of the Department of Social Welfare.

Each district claims panel is to consist of—

- (a) An officer of the Department appointed from time to time by the Secretary for War Pensions; and
- (b) A person appointed from time to time by the Secretary for War Pensions on the nomination of the Dominion Executive Committee of the New Zealand Returned Services' Association (Incorporated).

New section 15A empowers the Secretary for War Pensions to delegate certain powers to district claims panels and national review officers.

New section 15B provides that where a district claims panel is to consider a claim pursuant to a delegation—

- (a) Every provision of the principal Act relating to claims for war pensions or allowances, so far as it is relevant to the claim, shall, with the necessary modifications, apply to and in respect of the consideration and determination of the claim;
- (b) The claims panel may require the claimant to undergo such medical examinations or assessments as may be reasonably necessary to enable the claims panel to consider the claim fairly;
- (c) The claims panel may require the claimant to attend and give evidence before the panel in support of the claim, and may accept evidence in person from the claimant or any other person whom the claimant wishes to present in support of the claim;
- (d) The claimant is to have the right to appear and be heard before the claims panel or to be represented by counsel or any other duly authorised representative.

Every decision of a claims panel must be unanimous.

If there is no unanimity between the members of a claims panel on any claim, each member is to make a written record of the member's opinion and the reasons for that opinion.

In any such case the claim, together with each member's written opinion on the claim and all other relevant information, is to be forwarded to a national review officer appointed under the new section 15c for consideration.

New section 15c empowers the Secretary for War Pensions to appoint one or more officials or employees of the Department to be a national review officer.

New section 15D provides for the review of decisions of district claims panels.

Any claimant who is dissatisfied with the decision of any claims panel may, within 3 months after being notified of the decision, apply to a national review officer for the decision to be reviewed.

On receiving such an application or on receiving written opinions pursuant to the new section 15B(4), the national review officer must review the decision or consider the claim, as the case may require.

On reviewing a decision following an application the national review officer may—

- (a) Confirm the decision; or
- (b) Amend or reverse the decision; or
- (c) Make such other decision as is appropriate to the circumstances of the case.

On considering a claim forwarded under the new section 15B(4) the national review officer, after taking into account the opinions of the members of the claims panel, must consider the claim and make a decision on it.

New section 15E provides that if an application for reconsideration of a claim on the grounds of additional evidence becoming available is received, the Secretary for War Pensions or a national review officer (if so authorised) is to determine whether the application should be accepted.

Clause 43 amends section 16 of the principal Act relating to appeals to a War Pensions Appeals Board.

In addition to amendments consequential to the abolition of War Pensions Boards, the clause provides that if a person has the right to apply for a review of any decision pursuant to the new section 15D (set out in *clause 42*), an Appeal Board shall not consider an appeal until a national review officer has completed a review of the decision.

In addition, it is provided that an Appeal Board is not to make a decision on an appeal brought against any decision made under section 23 of the principal Act (relating to additional pensions in certain cases of severe disablement) unless it has first obtained and considered a report on the general circumstances of the appellant made by a social worker (as defined in section 2 of the Department of Social Welfare Act 1971) or a welfare officer employed by the New Zealand Returned Services' Association (Incorporated).

Clause 44 amends section 16A of the principal Act relating to appeals to the Social Security Appeal Authority.

In addition to amendments consequential to the abolition of War Pensions Boards, the clause provides that if a person has the right to apply for a review pursuant to the new section 15D (set out in *clause 42*), the Social Security Appeal Authority shall not consider an appeal until a national review officer has completed a review of the decision.

Clause 45 abolishes the War Pensions Medical Research Trust Board and transfers its functions and powers to the War Pensions Advisory Board established by the new section 5A of the principal Act set out in *clause 39* of the Bill.

Clauses 46 and 47 repeal sections 32 to 35, section 35A, and section 48 of the principal Act, relating to widows' pensions, and substitutes new sections.

The effect of the amendments is to rename the pension as a surviving spouse's pension and thus to make it payable to widowers as well as widows.

Clause 48 amends section 58 of the principal Act to enable economic pensions to be paid to widowers as well as widows.

Clause 49 amends the Fourth and Sixth Schedules to the principal Act. The amendments are consequential to the amendments made by *clauses 46 to 48*.

Clause 50 provides that any claim made under the principal Act before the commencement of this Bill which, on the commencement of this Bill, has not

been determined by a War Pensions Board shall be dealt with under the principal Act as amended by this Bill.

Clause 51 amends section 343 (1) of the Income Tax Act 1976 to change references to the Social Security Commission and War Pensions Boards to references to the Director-General of Social Welfare and the Secretary for War Pensions.

Hon. Dr Michael Cullen

SOCIAL WELFARE ACTS AMENDMENT

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A BILL INTITULED

An Act to amend certain Acts administered by the Department of Social Welfare

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

1. Short Title—This Act may be cited as the Social Welfare Acts Amendment Act 1988. 5

PART I

AMENDMENT TO DEPARTMENT OF SOCIAL WELFARE ACT 1971

2. Sections to be read with Department of Social Welfare Act 1971—This section and sections 3 and 4 of this Act shall be read together with and deemed part of the Department of Social Welfare Act 1971* (in sections 3 and 4 of this Act referred to as the principal Act). 10

*1971, No. 60

Amendments: 1981, No. 63; 1985, No. 159, s. 28; 1987, No. 106, ss. 30, 31

3. District Executive Committees and Area Welfare Executive Committees—Section 7K (2) (c) of the principal Act (as inserted by section 31 of the Social Security Amendment Act 1987) is hereby amended by inserting, after the words "resident in", the words "or closely connected with". 15

4. Validation of appointments—Every invalid appointment of a person under section 7K (2) (c) of the principal Act, before the commencement of this section, which would have 20

been valid if **section 3** of this Act had been in force on the date of appointment is hereby validated and confirmed.

PART II

AMENDMENTS TO DISABLED PERSONS COMMUNITY WELFARE
ACT 1975

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5. Sections to be read with Disabled Persons Community Welfare Act 1975—This section and **sections 6 to 8** of this Act shall be read together with and deemed part of the Disabled Persons Community Welfare Act 1975* (in **sections 6 to 8** of this Act referred to as the principal Act).

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*1975, No. 122

Amendments: 1982, No. 68; 1984, No. 20

6. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Advisory Council”.

7. Abolition of Advisory Council for the Community Welfare of Disabled Persons—Part I (sections 6 to 9) of the principal Act is hereby repealed.

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8. Inspection—(1) Section 22 (1) of the principal Act is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraph:

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“(b) Officer of the Department of Health or of an area health board authorised by the Director-General of Health—”.

(2) So much of the Schedule to the Area Health Boards Act 1983 as relates to section 22 (1) (b) of the principal Act is hereby
25 consequentially repealed.

PART III

AMENDMENTS TO SOCIAL SECURITY ACT 1964

9. Sections to be read with Social Security Act 1964—This section, **sections 10 to 35** of, and the Schedule to, this Act shall be read together with and deemed part of the Social Security Act 1964* (in **sections 10 to 35** of this Act referred to as the principal Act).

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*R.S. Vol. 13, p. 403

Amendments: 1983, No. 138; 1984, No. 8; 1984, No. 19; 1985, No. 111; 1985, No. 159; 1986, No. 39; 1987, No. 106; 1988, No. 138

10. Interpretation—Section 3 (1) of the principal Act is hereby amended by omitting from paragraph (d) (iii) of the
35 definition of the term “income” (as substituted by section 3 (1)

of the Social Security Amendment Act 1984) the word “widow”, and substituting the words “surviving spouse”.

11. Interpretation—(1) Section 27i (2) of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) is hereby amended by repealing paragraph (e), and substituting the following paragraph: 5

“(e) A Court has, under the Family Proceedings Act 1980 or the Domestic Proceedings Act 1968, made a paternity order against him, which order shall, for the purposes of this Act, be deemed to be conclusive 10 evidence of his paternity of that child; or”.

(2) Section 27i of the principal Act (as so inserted) is hereby amended by adding the following subsection:

“(6) Where—

“(a) A liable parent is identified as the father of a child under 15 subsection (2) (e) of this section; and

“(b) An order is made under section 173 of the Family Proceedings Act 1980 that the application for a paternity order be reheard; and

“(c) The original applicant for that paternity order fails, 20 within 3 months after the making of the order for rehearing, to take sufficient steps to have the paternity order application reheard—

any officer of the Department, without special appointment, may appear personally or by agent in the proceedings for rehearing of the application for the paternity order as if that officer were an applicant for that order, but without prejudice to the rights of the original applicant.” 25

12. Contributions to be suspended while paternity order suspended—Section 27k of the principal Act (as so 30 inserted) is hereby amended by adding the following subsection:

“(5) Where a liable parent has been identified as the father of the child under section 27i (2) (e) of this Act and the paternity order is suspended as a result of an order of the Court under 35 section 173 or section 174 of the Family Proceedings Act 1980, the requirement to contribute imposed by subsection (1) of this section shall be suspended while the paternity order remains suspended, but, on the termination of the suspension, shall be revived retrospectively to the commencement of the period of 40 suspension unless the Court, on the application of the liable parent, for special reasons orders otherwise.”

13. Liable parent to notify total income—(1) Section 27_M of the principal Act (as so inserted) is hereby amended by repealing subsection (5), and substituting the following subsection:

- 5 “(5) Except in a case to which subsections (3) and (4) of this section applies, if the liable parent cannot or does not comply with subsection (1) of this section, or if the liable parent’s whereabouts are unknown, the Director-General may, in the Director-General’s discretion, determine as best as he or she
10 can on the information available to the Director-General, the likely total income of the liable parent for the then current income year; and any such determination shall be deemed for the purposes of calculating the contribution to be correct unless the contrary is proved.”
- 15 (2) Section 17 (1) (f) and (g) of the Social Security Amendment Act 1987 are hereby consequentially repealed.

14. Assessment of contribution—(1) Section 27_N of the principal Act (as so inserted) is hereby amended by inserting, after subsection (1), the following subsection:

- 20 “(1A) If the Director-General, pursuant to section 27_M (5) of this Act, has decided not to determine a liable parent’s total income, the Director-General shall calculate the contribution to be paid by the liable parent in accordance with the provisions of section 27_K of, and the Twentieth Schedule to, this Act as if
25 clause 3 (c) of that Schedule were omitted.”
- (2) Section 27_N (2) of the principal Act (as so inserted) is hereby amended by adding the following proviso:
“Provided that such a notice need not be given if the liable parent’s whereabouts are unknown.”

30 **15. Notice of objection**—Section 27_O of the principal Act (as so inserted) is hereby amended by inserting, after subsection (2), the following subsection:

- “**(2A)** If, on the final determination of the objection, the Court finds that the objector is liable to pay a contribution that
35 finding shall apply retrospectively to any period during which liability was suspended under subsection (2) of this section, unless the Court for special reasons orders otherwise.”

16. Grounds on which objection may be made—

- 40 (1) Section 27_P of the principal Act (as so inserted) is hereby amended by repealing paragraphs (d), (e), and (f), and substituting the following paragraph:

“(d) That the contribution has not been correctly calculated in accordance with the Twentieth Schedule to this Act.”

(2) Section 29 (7) of the Social Security Amendment Act 1987 is hereby consequentially repealed. 5

17. Findings of Court—(1) Section 27s of the principal Act (as so inserted) is hereby amended by omitting from subsection (2) the words “or, as the case may require, that the objector is not liable in law to maintain that child”.

(2) The said section 27s (as so inserted) is hereby amended by 10 repealing subsections (4), (5), and (6), and substituting the following subsection:

“(4) If, after hearing an objection on the ground set out in section 27P (d) of this Act, the Court is satisfied that the contribution has not been correctly calculated in accordance 15 with the Twentieth Schedule to this Act it shall determine the manner in which the contribution is to be calculated in accordance with that Schedule, and shall, by order, direct the Director-General to review the contribution accordingly.”

(3) Section 29 (8) of the Social Security Amendment Act 1987 20 is hereby consequentially repealed.

18. Effect of deduction notices—Section 27z of the principal Act (as so inserted) is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding that a current contribution is no 25 longer payable, a deduction notice may be issued to recover arrears of liable parent contributions at an amount not greater than the contribution that was payable by the liable parent immediately before liability ceased.”

19. Orphans’ benefits—(1) Section 28 of the principal Act 30 (as substituted by section 7 (1) of the Social Security Amendment Act 1986) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to the provisions of this Part of this Act, where—

“(a) Both of the parents of a child are dead; or 35

“(b) The parent who was formerly responsible for the care and control of a child is dead and the other parent of the child cannot, in the Director-General’s opinion, be found; or

“(c) The parent formerly responsible for the care and control 40 of a child is an inpatient of a psychiatric hospital within the meaning of section 2 of the Mental

- Health Act 1969 and has been such an inpatient continuously for a period of at least 6 months, and the other parent of the child is dead or cannot, in the Director-General's opinion, be found; or
- 5 “(d) No parent of a child is prepared to maintain, or can reasonably be compelled to maintain, the child and none of the persons caring for the child is either a parent or a person who qualifies for a benefit (other than an orphan's benefit) under this Act in respect
- 10 of the child, and the child is not being maintained in a hospital within the meaning of section 75 (1) of this Act or in a home registered under the Children and Young Persons Act 1974 or the Disabled Persons Community Welfare Act 1975—
- 15 that child shall be entitled to receive an orphan's benefit under this Part of this Act if that child was born in New Zealand, or if both the child's parents are or were, or the last surviving one of them is or was, as the case may be, resident in New Zealand for not less than 3 years immediately before the date of the
- 20 application for an orphan's benefit or the date of death of the last surviving parent, as the case may be:
- “Provided that, if, by reason of any physical or mental defect, a child is totally incapacitated from earning a living, or for the purpose of assisting in the further education of a child
- 25 over the age of 16 years, the Director-General may, in the Director-General's discretion, as if the child had not attained that age, grant or continue a benefit under this section for such period or periods as the Director-General determines, expiring not later than the last day of the pay period that occurs nearest
- 30 to the 31st day of December in the year in which the child attains the age of 18 years.”
- (2) The said section 28 (as so substituted) is hereby amended by inserting, after subsection (2), the following subsection:
- “(2A) Notwithstanding the provisions of subsection (1) (d) of
- 35 this section, the entitlement of any child to receive an orphan's benefit shall not be affected if that child is being temporarily maintained in a hospital within the meaning of section 75 (1) of this Act for a period not exceeding 13 weeks.”
- (3) Section 19 of the Social Security Amendment Act 1987 is
- 40 hereby consequentially repealed.

20. Family benefits—(1) Section 32 (1) of the principal Act (as substituted by section 8 of the Social Security Amendment Act 1986) is hereby amended—

(a) By omitting the words “15 years” where they first occur, and substituting the words “16 years who is not in full employment”.

(b) By omitting from the proviso the words “15 years”, and substituting the words “16 years”.

(2) This section shall come into force on the 1st day of January 1989.

21. Period for which family benefit payable—(1) Section 35 of the principal Act (as substituted by section 7 (1) of the Social Security Amendment Act 1983) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Subject to section 32 of this Act, a family benefit in respect of a child shall cease to be payable on the day after the day on which the child—

“(a) Attains the age of 16 years; or

“(b) Having attained the age of 15 years, commences full employment—

whichever first occurs.”

(2) Section 9 of the Social Security Amendment Act 1986 is hereby consequentially repealed.

(3) This section shall come into force on the 1st day of January 1989.

22. Payment of lump sum on death—Section 61DC of the principal Act (as inserted by section 9 (1) of the Social Security Amendment Act 1982) is hereby amended by adding the following subsection:

“(4) Notwithstanding anything in section 61D of this Act, if the child of a deceased person is born after that person’s death and if there is payable in respect of that child—

“(a) A family benefit under section 32 of this Act; or

“(b) An orphans’s benefit under section 28 of this Act; or

“(c) A child’s war pension under the War Pensions Act 1954—

the Director-General may make a payment under this section in respect of that child if the Director-General considers that the deceased person would have cared for that child on a continuous basis if he or she had survived.”

23. Increasing amounts of lump sums payable on death—(1) Section 61DC (1) of the principal Act (as so inserted and as amended by section 22(1) of the Social Security Amendment Act 1987) is hereby amended—

(a) By omitting from paragraphs (a), (b) (i), and (d) the expression "\$1,260", and substituting the expression "\$1,416":

5 (b) By omitting from paragraphs (b) (ii) and (c) the expression "\$630", and substituting the expression "\$708".

(2) Section 61DD of the principal Act (as so inserted and as amended by section 22 (2) of the Social Security Amendment Act 1987) is hereby amended by omitting the expression "\$630", and substituting the expression "\$708".

10 (3) Section 61DE of the principal Act (as substituted by section 11 of the Social Security Amendment Act (No. 2) 1985 and amended by section 23 (1) of the Social Security Amendment Act 1987) is hereby amended by omitting the expression "\$630", and substituting the expression "\$708".

15 (4) Sections 22 and 23 (1), (3), and (4) of the Social Security Amendment Act 1987 are hereby consequentially repealed.

(5) This section shall be deemed to have come into force on the 1st day of October 1988, and shall apply in respect of persons who died on or after that date.

20 (6) The provisions of the principal Act shall continue to apply in respect of persons who died before the 1st day of October 1988 as if this section had not been enacted.

24. Accommodation benefit—Section 61E of the principal Act (as substituted by section 24 (1) of the Social Security Amendment Act 1987) is hereby amended by adding the following subsection:

"(6) Notwithstanding anything to the contrary in this Act, an accommodation benefit shall not be paid to any person who has cash assets exceeding—

30 "(a) \$16,200 in the case of—

"(i) A married person living with a spouse; or

"(ii) A single person having the care of a dependent child:

"(b) \$8,100 in any other case."

35 **25. Rates of accommodation benefit**—(1) Section 61F of the principal Act (as substituted by section 24 (1) of the Social Security Amendment Act 1987) is hereby amended by inserting, after subsection (1), the following subsection:

"(1A) For the purposes of the said Eighteenth Schedule—

40 "(a) Every \$100 of cash assets over \$5,400 held by a married beneficiary or married non-beneficiary living with a spouse or by a single beneficiary or single non-beneficiary with dependent children; and

“(b) Every \$100 of cash assets over \$2,700 held by any other beneficiary or non-beneficiary— shall be deemed to be \$1 a week of income.”

(2) This section shall come into force on the 1st day of November 1988.

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26. Rates of benefits, etc., may be increased by Order in Council—(1) Section 61H of the principal Act (as inserted by section 10 of the Social Security Amendment Act 1983) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

10

“(1) The Governor-General may from time to time, by Order in Council,—

“(a) Amend sections 61DC, 61DD, 61DE, 61E, 61F (1A) (a) and (b) and 125 of this Act; and

“(b) Amend the Third to Ninth, Twelfth, Sixteenth to Nineteenth, Twenty-second, and Twenty-third Schedules to this Act—

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by increasing the amount of any benefit, allowance, lump sum payment, maximum amount of advance, cash assets test, or annual or weekly income test (but not the rate of diminution of any benefit or allowance) set out in those sections and those Schedules.

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“(2) Every Order in Council made under subsection (1) of this section shall state the date on which it comes into force (which may be a date before the date on which it was made) and shall apply to benefits, allowances, lump sum payments, advances, cash asset tests, and annual and weekly income tests payable or applicable in respect of the period commencing on the date on which it comes into force and ending with the day before the date of its revocation by a subsequent Order in Council. In respect of lump sum payments on death, the Order in Council shall state that it applies in respect of persons who die on or after such date as may be specified in the Order in Council.”

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(2) The following enactments are hereby consequentially repealed:

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(a) Section 13 of the Social Security Amendment Act (No. 2) 1985;

(b) Section 25 of the Social Security Amendment Act 1987.

27. Special provisions in respect of earnings related compensation—Section 71A (1) (a) of the principal Act (as inserted by section 21 (1) of the Social Security Amendment Act 1976) is hereby amended by inserting, after the words “or if

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any of his dependants”, the words “(other than a dependent child)”.

28. Effect of absence of beneficiary from New Zealand—(1) Section 77 of the principal Act (as substituted by section 2 (1) of the Social Security Amendment Act 1985) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Except as may be otherwise provided for in any agreement entered into by the Government of New Zealand with the Government of any other country, whether before or after the commencement of this section, an instalment of a benefit, or any part of an instalment of a benefit, that would otherwise be due for payment shall not be payable in respect of any beneficiary if the beneficiary is absent from New Zealand on the day on which payment would be due, except in accordance with this section.”

(2) The said section 77 (as so substituted) is hereby amended by adding the following subsection:

“(9) The term ‘beneficiary’ where it secondly and thirdly occurs in subsection (4) and where it secondly occurs in subsection (6) means, if the beneficiary is a child, the person to whom the benefit is for the time being payable.”

29. Payment of benefits—(1) Section 82 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsection:

“(7) It shall be a condition of every benefit payable under this Part of this Act that the applicant or beneficiary shall—

“(a) Supply the Department with particulars of an existing account held by the applicant or beneficiary with—

“(i) The Post Office Bank Limited, a private savings bank, a trustee savings bank, or the Public Service Investment Society Limited; or

“(ii) A registered bank which, on the 31st day of March 1987, was a trading bank; or

“(iii) Any other registered bank or a building society (being a registered bank or a building society approved for the purposes of this subsection by the Minister of Social Welfare after consultation with the Minister of Finance); or

“(b) Open such an account, if one is not held, and supply the Department with particulars of the account; or

“(c) Supply the Department with particulars of a current membership held by the applicant or beneficiary

with a credit union registered under Part III of the Friendly Societies and Credit Unions Act 1982 (being a credit union approved for the purposes of this subsection by the Minister of Social Welfare after consultation with the Minister of Finance)— 5
 and every instalment of the benefit may be paid by the Director-General into such account or in respect of such membership, as the case may be.”

(2) The following enactments are hereby consequentially repealed: 10

- (a) Section 14 of the Social Security Amendment Act 1982:
- (b) Section 26 of the Social Security Amendment Act 1987.

30. Money payable out of Consolidated Account—
 Section 124 (1) of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph: 15

- “(da) Any money that may be appropriated by Parliament for the purpose of granting special assistance to—
 - “(i) Any person, approved by the Minister of Health, for medical or surgical treatment outside New Zealand; and 20
 - “(ii) Any person, approved by the Minister of Health, accompanying any person who is to receive such medical or surgical treatment.”.

31. Advances to beneficiaries and war pensioners for repair or maintenance of home, etc.—(1) Section 125 of the principal Act is hereby amended by repealing subsection (2) (as substituted by section 26 (1) of the Social Security Amendment Act 1975), and substituting the following subsection: 25

“(2) Where a beneficiary occupies premises as a home on land— 30

- “(a) In respect of which the beneficiary holds an estate or interest which is registered or capable of being registered under the Land Transfer Act 1952; or
- “(b) Which is Maori freehold land (within the meaning of the Maori Affairs Act 1953) in respect of which the beneficiary has a legal or equitable estate or interest— 35

the Director-General may, in the Director-General’s discretion and subject to such terms and conditions as the Director-General may determine, make advances to the beneficiary not exceeding— 40

“(c) The sum of \$2,361 for the purpose of carrying out essential repairs to and maintenance of the premises or of providing essential services to the premises:

5 “(d) The sum of \$500 for the purpose of complying with a requirement under the Clean Air Act 1972 to convert or replace domestic heating equipment.”

(2) Section 125 (3) of the principal Act is hereby amended by adding the words “Where the land is Maori freehold land it shall not be necessary to obtain the consent of any person to
10 the registration of the charge.”

(3) Section 27 (2) of the Social Security Amendment Act 1987 is hereby consequentially repealed.

(4) This section shall be deemed to have come into force on the 1st day of October 1988.

15 **32. Rates of unemployment benefits**—(1) The Ninth Schedule to the principal Act (as substituted by section 18 (1) of the Social Security Amendment Act 1986) is hereby amended by repealing paragraph (1) (a), and substituting the following paragraph:

“1. (a) (i) To an unmarried beneficiary under the age of 18 years without dependent children who—

“ (A) On the 31st day of December 1988 was receiving an unemployment, invalid’s, sickness, or domestic purposes benefit, or was receiving a training allowance by virtue of enrolment in an access training scheme recognised by the Director-General for the purposes of this paragraph; and

“ (B) Has not since that date ceased receiving such a benefit or allowance, otherwise than as a result of the temporary suspension of an unemployment benefit

\$108.63 a week, diminished by 30¢ for each complete \$1 of the total weekly income of the beneficiary in excess of \$50 a week but not in excess of \$80 a week, and by 70¢ for each complete \$1 of such income in excess of \$80 a week.

- “(ii) To any other unmarried beneficiary under the age of 18 years without dependent children \$80 a week, diminished by 30¢ for each complete \$1 of the total weekly income of the beneficiary in excess of \$50 per week but not in excess of \$80 a week, and by 70¢ for each complete \$1 of such income in excess of \$80 a week.
- “(iii) To any other unmarried beneficiary of or over the age of 18 years and under the age of 20 years without dependent children \$108.63 a week, diminished by 30¢ for each complete \$1 of the total weekly income of the beneficiary in excess of \$50 a week but not in excess of \$80 a week, and by 70¢ for each complete \$1 of such income in excess of \$80 a week.”

(2) So much of the Schedule to the Social Security (Rates of Benefits) Order 1988 as relates to clause 1 (a) of the Ninth Schedule to the principal Act is hereby consequentially revoked.

(3) This section shall come into force on the 1st day of 5
January 1989.

33. Rates of accommodation benefit from 23 June 1987 to 31 October 1988—The Eighteenth Schedule to the principal Act (as substituted by section 28 (1) of the Social Security Amendment Act 1987) shall be read as if— 10

- (a) In respect of the period commencing on the 23rd day of June 1987 and ending with the 31st day of October 1988, the references in clause 2 of Part I to a beneficiary were references to a beneficiary or non-beneficiary: 15
- (b) In respect of the period commencing on the 23rd day of June 1987 and ending with the 31st day of October 1987, the reference in clause 5 of Part II to a single beneficiary was a reference to a single non-beneficiary: 20
- (c) In respect of the period commencing on the 1st day of November 1987 and ending with the 30th day of April 1988, the reference in clause 5 of Part III to a single beneficiary was a reference to a single non-beneficiary: 25
- (d) In respect of the period commencing on the 1st day of May 1988 and ending with the 31st day of October 1988, the reference in clause 5 of Part IV to a single beneficiary was a reference to a single non-beneficiary. 30

34. New Eighteenth Schedule substituted—(1) The principal Act is hereby amended by repealing the Eighteenth Schedule, and substituting the Eighteenth Schedule set out in the Schedule to this Act.

5 (2) Section 28 of, and the First Schedule to, the Social Security Amendment Act 1987 are hereby consequentially repealed.

(3) This section and the Schedule to this Act shall come into force on the 1st day of November 1988.

10 **35. Amending Twentieth Schedule**—Clause 1 of the Twentieth Schedule to the principal Act (as substituted by section 29 (1) of the Social Security Amendment Act 1987) is hereby amended by adding to the definition of the term “weekly income” the words “; and includes the weekly amount
15 of any monetary benefit payable to the liable parent under Part I of this Act, other than family benefit or an orphan’s benefit”.

PART IV

AMENDMENTS TO WAR PENSIONS ACT 1954

36. Sections to be read with War Pensions Act 1954—

20 (1) This section and sections 37 to 51 of this Act shall be read together with and deemed part of the War Pensions Act 1954* (in sections 37 to 51 of this Act referred to as the principal Act).

(2) This section and sections 37 to 51 of this Act shall come into force on the 1st day of April 1989.

*R.S. Vol. 15, p. 725

Amendments: 1986, Nos. 20, 66, 70

25 **37. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “Board”.

(2) The said section 2 (1) is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

30 “‘Advisory Board’ means the War Pensions Advisory Board established under section 5A of this Act:

“‘Claims panel’ means a district claims panel established under section 15 of this Act:”.

38. Delegation of Secretary’s powers—The principal Act
35 is hereby amended by inserting, after section 4, the following section:

“4A. (1) The Secretary may from time to time, either generally or particularly, delegate in writing to any official or employee of the Department such of the Secretary’s powers,

functions, and discretions under this Act as the Secretary determines, other than—

“(a) The powers, functions, and discretions conferred on the Secretary by sections 14 (2) to (5), 16 (4), 19, 21 to 27, 48, 66A, and 85 of this Act; and 5

“(b) The power of delegation conferred by this subsection.

“(2) Any delegation under this section may be made to—

“(a) A specified person; or

“(b) A person of a specified class; or

“(c) The holder for the time being of a specified office or 10 appointment; or

“(d) The holders for the time being of offices or appointments of a specified class.

“(3) Subject to any general or special directions given or conditions or restrictions imposed by the Secretary, the person 15 to whom any powers, functions, and discretions are delegated may exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

“(4) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in 20 accordance with its terms in the absence of proof to the contrary.

“(5) A delegation under this section shall not affect the exercise of any power, function, or discretion by the Secretary. 25

“(6) If the Secretary by whom any delegation under this section is made ceases to hold office, the delegation shall continue to have effect as if made by the Secretary's successor in office.

“(7) Every delegation under this section shall be revocable at 30 will, but any such revocation shall not take effect until it has been communicated to the delegate.

“(8) Nothing in this section or in any delegation made under this section shall limit or affect the provisions of section 5 of this 35 Act.”

39. New sections inserted—The principal Act is hereby amended by inserting, after section 5, the following section:

“5A. War Pensions Advisory Board—(1) There is hereby established a Board to be called the War Pensions Advisory Board. 40

“(2) The Advisory Board shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and do and suffer

all such acts and things as bodies corporate may lawfully do and suffer.

“(3) The Advisory Board shall consist of—

“(a) The Secretary for War Pensions:

5 “(b) The Dominion President for the time being of the New Zealand Returned Services’ Association (Incorporated);

“(c) A medical member (who shall be a registered medical practitioner) appointed by the Minister.

10 “**5B. Term of office of appointed member**—The appointed member of the Advisory Board shall hold office during the Minister’s pleasure, but shall not hold office for a continuous period of more than 3 years without reappointment.

15 “**5C. Extraordinary vacancies**—(1) The appointed member of the Advisory Board may at any time resign by written notice to the Minister.

“(2) The powers of the Advisory Board shall not be affected by any vacancy in its membership.

20 “**5D. Presiding member**—(1) The presiding member of the Advisory Board shall be the Secretary for War Pensions who shall preside at all meetings of the Advisory Board at which he or she is present.

25 “(2) In the absence of the presiding member from any meeting of the Advisory Board, the person appointed to attend the meeting in the presiding member’s place pursuant to **section 5E(1)** of this Act shall be the presiding member for that meeting.

30 “(3) In the absence from any meeting of both the presiding member and any person appointed to attend the meeting in the presiding member’s place, the members present shall appoint one of their number to be the presiding member for that meeting.

35 “**5E. Deputies of members**—(1) The Secretary for War Pensions may appoint any official or employee of the Department to attend any meeting of the Advisory Board in the Secretary’s place.

40 “(2) The Dominion President of the New Zealand Returned Services’ Association (Incorporated) may appoint an officer or the chief executive officer of that association to attend any meeting of the Advisory Board in the place of the Dominion President.

“(3) The Minister may from time to time appoint a deputy for the medical member, who shall be a registered medical practitioner; and the person appointed shall hold office at the Minister’s pleasure and may act in place of the medical member for whom he or she is the deputy while that member 5 is unable to attend any meeting of the Advisory Board.

“(4) Every person appointed under this section to deputise for a member of the Advisory Board, while so acting, shall be deemed to be a member of the Advisory Board; and the fact that any deputy attends a meeting shall be conclusive proof of 10 the deputy’s authority to do so.

“**5f. Meetings of Advisory Board**—(1) Meetings of the Advisory Board shall be held at such times and places as the Advisory Board or the presiding member may from time to time appoint. 15

“(2) At any meeting of the Advisory Board the quorum shall be 2 members.

“(3) Every matter to be decided at a meeting of the Advisory Board shall be determined by a majority of the votes of the members present and voting on it. 20

“(4) At any meeting of the Advisory Board the person for the time being acting as the presiding member shall have a deliberative vote and, if the voting is equal, shall also have a casting vote.

“(5) Subject to this Act and to the rules of the Advisory 25 Board, the Advisory Board may regulate its own procedure.

“**5g. Administrative services**—All secretarial and administrative services required for the purposes of the Advisory Board shall be supplied by the Department.

“**5h. Fees and travelling allowances**—(1) The Advisory 30 Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

“(2) There may be paid to the members of the Advisory Board (other than officials and employees of the Department), out of the Consolidated Account, from money appropriated by 35 Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and that Act shall apply accordingly.

“**5i. Functions of Advisory Board**—The Advisory Board 40 shall have the following powers and functions:

- “(a) On its own initiative or at the request of the Minister to advise the Minister on policies to be applied in respect of war pensions and allowances:
- 5 “(b) To approve guidelines for the determination and assessment of war pensions to be used by medical examiners and claims panels:
- “(c) Generally to consider and advise on any other matter which assists the administration of war pensions or that the Minister refers to it:
- 10 “(d) To administer the War Pensions Medical Research Trust Fund established under section 18I of this Act:
- “(e) To consider applications for payments from the War Pensions Medical Research Trust Fund, and to determine the persons to whom grants, awards, or
- 15 fellowships are to be made under section 18L of this Act:
- “(f) Such other powers and functions as may be conferred or imposed on it by this Act or any other enactment:
- “(g) To make rules for the conduct of its own business.”

20 **40. Abolition of War Pensions Boards**—(1) Sections 6 and 7 of the principal Act are hereby repealed.

(2) The principal Act is hereby amended—

- (a) By omitting from the definition of the term “dependant” in section 2 (1) the word “Board” in both places
- 25 where it occurs, and substituting in each case the word “Secretary”:
- (b) By omitting from section 10 (1) the words “War Pensions Board or”:
- (c) By omitting from section 10 (3) the words “, subject to subsection (2) of section 7 of this Act,”:
- 30 (d) By omitting from section 11 (1) the words “War Pensions Board or”:
- (e) By omitting from section 12 the words “of any War Pensions Board or”:
- 35 (f) By omitting from section 13 the words “, the War Pensions Boards,”:
- (g) By omitting from sections 17 (3), 18 (1) and (2) (c), 19 (1), 22, 23 (1), 24, 26 (2), 27, 30 (2), 31 (3), 36 (2), 39 (3), 43 (5) and (7), 46 (1) and (2), 50, 53 (2), 54 (2), 55 (1),
- 40 59 (1), 61 (1), 66 (1), 66A (2) and (3), 66B (1) (b) and (c), 66C (1), 66D (2) (a), 66E (3), 66G (1) and (4), 66H, 67 (1) (a) and (c), 67 (2), 68 (1) (a) and (3), 69 (3), 71 (1) and (4), 72, 73, 74 (2), 75A (2), (3), (5), and (6), 76, 78, 78c, 81 (1) and (2), 85 (2), 85A (1), 86 (2), (2A), (2C), and

- (3), 87 (2), 89 (1), 94 (2), 96 (2) (a), and 97 (3) and (4) the words “a War Pensions Board” wherever they occur, and substituting in each case the words “the Secretary”:
- (h) By omitting from sections 17 (3) and 18 (2) (c) and the second proviso to section 19 (1) the word “Board” wherever it thirdly occurs, and substituting in each case the words “Secretary or Appeal Board”:
- (i) By omitting from sections 23 (2), 25 (2), 31A, 37, 41 (1), 47, 49 (2), 51 (1), 52 (1), 56 (1) and (2), 61A, 63 (1) and (2), 66J (1), 66K (1), 70, 74 (1), 75A (1), 78B, and 80B (b) the words “a War Pensions Board may, in its” wherever they occur, and substituting in each case the words “the Secretary may, in the Secretary’s”:
- (j) By omitting from sections 25 (2), 74 (3), and 75 the words “the Board may, in its” wherever they occur, and substituting in each case the words “the Secretary may, in the Secretary’s”:
- (k) By omitting from sections 26 (2), 31 (3), 39 (3), 43 (1), 46 (2), 50, 51 (1), 52 (1), 53 (1) and (2), 59 (2), 61 (1) and (3), 66G (1) and (2), 66H, 66J (1) and (2), 66K (1) and (2), 68 (1) (a), 71 (1) and (2), 72, 74 (1), 78A (1) and (2), 81 (2), 84, 84A (1), 85 (2), and 87 (2) the words “the Board” wherever they occur, and substituting in each case the words “the Secretary”:
- (l) By omitting from sections 38, 40 (b), 86 (2B), and 87 (1) the words “a War Pensions Board, in its” wherever they occur, and substituting in each case the words “the Secretary, in the Secretary’s”:
- (m) By omitting from sections 66C (2), 66G (2), 68 (4), 71 (2), and 84A (1) the words “a Board” wherever they occur, and substituting in each case the words “the Secretary”:
- (n) By omitting from sections 85 (2) (b) and (c) and 85A (1) the word “Board’s” wherever it occurs, and substituting in each case the word “Secretary’s”:
- (o) By omitting from sections 27, 46 (1), 53 (1), 59 (1), 61 (1), 73, and 81 (2) the word “it” wherever it occurs in relation to a War Pensions Board, and substituting in each case the words “the Secretary”.
- (3) Section 29 of the principal Act is hereby amended—
- (a) By omitting from subsection (1) the words “a War Pensions Board is satisfied that the services of an attendant are indispensable it may, in its”, and substituting the words “the Secretary is satisfied that

the services of an attendant are indispensable the Secretary may, in the Secretary's":

- (b) By omitting from subsection (2) the words "a War Pensions Board may, in its discretion, extend", and substituting the words "the Secretary may, in the Secretary's discretion, extend".
- (4) Section 66i of the principal Act is hereby amended—
- (a) By omitting the words "War Pensions Board", and substituting the word "Secretary":
- (b) By omitting the word "it", and substituting the words "the Secretary".
- (5) Section 77 of the principal Act is hereby amended—
- (a) By omitting the words "a War Pensions Board may, in its", and substituting the words "the Secretary may, in the Secretary's":
- (b) By omitting from paragraph (b) the word "Board", and substituting the word "Secretary":
- (c) By omitting the words "and may, in its", and substituting the words "and may, in the Secretary's".
- (6) Section 83 of the principal Act is hereby amended by omitting the words "a War Pensions Board of its investigations, the Board shall continue its investigations", and substituting the words "the Secretary of the investigation of the claim, the Secretary shall continue the investigation".
- (7) Section 87A of the principal Act is hereby amended—
- (a) By omitting the words "a War Pensions Board", and substituting the words "the Secretary":
- (b) By omitting the words "Board in its", and substituting the words "Secretary in the Secretary's":
- (c) By omitting the words "the Board" where they secondly occur, and substituting the words "the Secretary".
- (8) Section 92 (a) of the principal Act is hereby amended by omitting the words "a War Pensions Board, or an Appeal Board, or the Secretary", and substituting the words "an Appeal Board, the Secretary, a national review officer, or a claims panel".

- 41. Repealing provision for additional member of War Pensions Appeal Boards**—(1) Section 8 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:
- "(3) Two members of each Appeal Board shall be registered medical practitioners and one of those members shall be appointed as a representative of the members of the forces on

the nomination of the New Zealand Returned Services' Association (Incorporated)."

(2) The said section 8 is hereby amended—

(a) By omitting from subsection (5) the words "a War Pensions Board", and substituting the words "the Secretary":

(b) By omitting from subsection (6) (as added by section 3 (4) of the War Pensions Amendment Act 1973) the words "additional member appointed", and substituting the words "member appointed as a representative of the members of the forces":

(c) By omitting from subsection (7) (as so added) the words "additional member appointed", and substituting the words "member appointed as a representative of the members of the forces".

(3) Section 3 (2) of the War Pensions Amendment Act 1973 is hereby consequentially repealed.

42. New sections substituted—(1) The principal Act is hereby amended by repealing sections 14 and 15, and substituting the following sections:

"14. Claims for war pensions or allowances—(1) All claims for or in respect of pensions or allowances under this Act shall be made in writing in such form as may be provided by or approved by the Secretary.

"(2) A claimant for a pension for death or disablement of a member of the forces allegedly caused by or attributable to or aggravated by service may be required by the Secretary, if it is appropriate to the circumstances of the case, to produce a medical report from the claimant's or, as the case may be, the deceased member of the force's own medical practitioner which sets out with particularity the nature of the condition from which the deceased member of the forces died, or which occasions the claimant's disability; and for that purpose the claimant shall use such form as may be provided by or approved by the Secretary.

"(3) As soon as practicable after receiving a claim under this section, the Secretary shall consider it and may either—

"(a) Grant a pension or allowance in accordance with the provisions of this Act; or

"(b) Decline the claim on the grounds that the claimant is not entitled to a pension or allowance under this Act.

"(4) The claimant shall be forthwith advised of the decision to grant or decline the claim, and shall at the same time be

supplied with a written explanation of the reason or reasons for the decision.

5 “(5) If a claimant, whose right of appeal under section 16 of this Act against a decision made under **subsection (3)** of this
Secretary has not been exercised and has lapsed, satisfies the
Secretary that, because of additional evidence becoming
available or for any other reason, it is desirable in the interests
of justice that the claim should be reconsidered, the Secretary
shall accept from the claimant a fresh claim; and any such
10 claim shall be dealt with in accordance with **section 15E** of this
Act.

“**15. District claims panels**—(1) For every district of the Department there is hereby established a district claims panel.

“**(2)** Each district claims panel shall consist of—

15 “(a) An official or employee of the Department appointed from time to time by the Secretary; and

“**(b)** A person appointed from time to time by the Secretary on the nomination of the Dominion Executive Committee of the New Zealand Returned Services’
20 Association (Incorporated).

“**(3)** There may be paid to the member of the claims panel appointed under **subsection (2) (b)** of this section, out of the Consolidated Account from money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or
25 allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951 as if the panel were a statutory board within the meaning of that Act; and that Act shall apply accordingly.

“**15A. Delegation of Secretary’s powers to claims panels and national review officers**—(1) The Secretary may from
30 time to time, either generally or particularly, delegate in writing to any claims panel, or national review officer appointed under **section 15c** of this Act, such of the Secretary’s powers, functions, and discretions under sections 14 (2) to (4),
35 19, 21 to 27, 48, and 66A of this Act and (in the case of a delegation to a national review officer) sections 14 (5), 16 (4), and 85 of this Act as the Secretary determines.

“**(2)** Subject to any general or special directions given or conditions or restrictions imposed by the Secretary, the claims
40 panel or national review officer to which or to whom any powers, functions, and discretions are delegated may exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

“(3) Every claims panel or national review officer purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with its terms in the absence of proof to the contrary.

“(4) A delegation under this section shall not affect the exercise of any power, function, or discretion by the Secretary. 5

“(5) If the Secretary by whom any delegation under this section is made ceases to hold office, the delegation shall continue to have effect as if made by the Secretary’s successor in office. 10

“(6) Every delegation under this section to a specified claims panel shall continue to have effect notwithstanding any change in the membership of the panel.

“(7) Every delegation under this section shall be revocable at will, but any such revocation shall not take effect until it has been communicated to the delegate. 15

“(8) Nothing in this section or in any delegation made under this section shall limit or affect the provisions of section 5 of this Act.

“**15B. Consideration of claims, etc., by district claims panel**—(1) Where a claims panel is to consider any claim pursuant to a delegation under **section 15A** of this Act— 20

“(a) Every provision of this Act relating to claims for war pensions or allowances, so far as it is relevant to the claim, shall, with the necessary modifications, apply to and in respect of the consideration and determination of the claim: 25

“(b) The claims panel may require the claimant to undergo such medical examinations or assessments as may be reasonably necessary to enable the claims panel to consider the claim fairly: 30

“(c) The claims panel may require the claimant to attend and give evidence before the panel in support of the claim, and may accept evidence in person from the claimant or any other person whom the claimant wishes to present in support of the claim: 35

“(d) The claimant shall have the right to appear and be heard before the claims panel or to be represented by counsel or any other duly authorised representative.

“(2) Every decision of a claims panel shall be unanimous. 40

“(3) If there is no unanimity between the members of a claims panel on any claim, each member shall make a written record of the member’s opinion and the reasons for that opinion.

“**(4)** Where **subsection (3)** of this section applies, the claim, together with each member’s written opinion on the claim and all other relevant information, shall be forwarded to a national review officer appointed under **section 15c** of this Act for consideration.

“**15c. National review officers**—The Secretary may from time to time appoint one or more officials or employees of the Department to be a national review officer.

“**15d. Review of decisions of district claims panel, etc.**—**(1)** Any claimant who is dissatisfied with the decision of any claims panel may, within 3 months after being notified of the decision, apply to a national review officer for the decision to be reviewed.

“**(2)** On receiving an application under **subsection (1)** of this section or on receiving written opinions pursuant to **section 15b (4)** of this Act, the national review officer shall review the decision or consider the claim, as the case may require.

“**(3)** On reviewing a decision following an application under **subsection (1)** of this section, the national review officer may, in accordance with this Act,—

“**(a)** Confirm the decision; or

“**(b)** Amend or reverse the decision; or

“**(c)** Make such other decision as is appropriate to the circumstances of the case.

“**(4)** On considering a claim forwarded under **section 15b (4)** of this Act, the national review officer, after taking into account the opinions of the members of the claims panel, shall consider the claim and make a decision on it.

“**(5)** The provisions of **section 15b (1) (a) and (b)** (but not **section 15b (1) (c) and (d)**) of this Act, with the necessary modifications, shall apply in respect of the consideration of a claim by a national review officer under **subsection (4)** of this section.

“**15e. National review officer to determine whether fresh application on grounds of additional evidence should be accepted**—**(1)** If an application for reconsideration of a claim is received under **section 14 (5)** or **section 16 (4)** of this Act, the Secretary or a national review officer (if authorised to do so pursuant to a delegation) shall determine, in accordance with whichever of those subsections is applicable, whether the fresh application should be accepted.

“**(2)** If a fresh claim is accepted under **subsection (1)** of this section, the Secretary or national review officer, as the case may be, shall refer the claim to the appropriate claims panel for consideration and decision; and in considering and deciding

on the fresh claim it shall be dealt with in all respects as if it were an original claim.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 7 of the War Pensions Amendment Act 1963: 5
- (b) Section 2 of the War Pensions Amendment Act 1986.

43. Appeals to War Pensions Appeal Board—(1) Section 16 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the words “a War Pensions Board”, and substituting the words “the Secretary or a national review officer”:
- (b) By omitting from subsection (2) the words “of the War Pensions Board”:
- (c) By omitting from the proviso to subsection (4) the words “submitted to a War Pensions Board and”.

(2) Section 16 of the principal Act is hereby amended by adding the following subsections:

“(5) If any person has the right to apply for the review of any decision pursuant to **section 15b** of this Act, an Appeal Board shall not consider an appeal against the decision under this section until a national review officer has completed a review of the decision.

“(6) The Appeal Board shall not make a decision in respect of an appeal brought against any decision made under section 23 of this Act unless it has first obtained and considered a report on the general circumstances of the appellant made by a social worker (as defined in section 2 of the Department of Social Welfare Act 1971) or a welfare officer employed by the New Zealand Returned Services’ Association (Incorporated).”

44. Appeals to Social Security Appeal Authority— 30

(1) Section 16A (1) of the principal Act (as inserted by section 5 (1) of the War Pensions Amendment Act 1973) is hereby amended by omitting the words “a War Pensions Board or”.

(2) Section 16A (2) of the principal Act (as so inserted) is hereby amended— 35

- (a) By omitting the words “Social Security Commission”, and substituting the words “Director-General of Social Welfare”:
- (b) By omitting the words “the War Pensions Board or, if the appeal is against the decision or determination of the Secretary under section 84A or section 90 of this Act, to”.

(3) Section 16A of the principal Act (as so inserted) is hereby amended by adding the following subsection:

“(3) If any person has the right to apply for the review of any decision pursuant to section 15o of this Act, the Social Security
5 Appeal Authority shall not consider an appeal against the decision under this section until a national review officer has completed a review of the decision.”

45. Abolition of War Pensions Medical Research Trust Board and transfer of functions to War Pensions

10 **Advisory Board**—(1) The principal Act (as amended by section 2 of the War Pensions Amendment Act 1968) is hereby amended—

(a) By repealing the definition of the term “Board” in section 18A:

15 (b) By repealing sections 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18Q, and 18S:

(c) By omitting from section 18I the words “subsection (5) of section 85”, and substituting the words “section 85 (2) (e)”:

20 (d) By omitting from section 18J (1) (a) the words “subsection (5) of section 85”, and substituting the words “section 85 (2) (e)”:

(e) By omitting from sections 18J, 18K, 18L, 18M, 18O, and 18R the word “Board” wherever it occurs, and substituting in each case the words “Advisory Board”:

25 (f) By omitting from section 18L (1) (b) and (3) (b) the word “Board’s”, and substituting the words “Advisory Board’s”.

(2) The principal Act (as so amended) is hereby amended by
30 repealing section 18N, and substituting the following section:

“18N. (1) All money received by the Advisory Board or by an employee of the Department on behalf of the Advisory Board shall as soon as practicable after its receipt be paid into such bank account or accounts of the Advisory Board as the
35 Advisory Board from time to time determines.

“(2) No such money shall be withdrawn from the bank except by cheque signed by an employee of the Department approved for the purpose by the Advisory Board and countersigned by another such employee or by a member of
40 the Advisory Board approved for the purpose by the Advisory Board.”

(3) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:

| | |
|-------------------------------------|---|
| “The War Pensions Advisory Board | 1988, No. 00—The War Pensions Amendment Act 1988.” |
|-------------------------------------|---|

(4) The War Pensions Amendment Act (No. 2) 1986 is hereby
consequently repealed. 5

(5) On the commencement of this section—

(a) All real and personal property belonging to or vested in
the War Pensions Medical Research Trust Board shall
become vested in the Advisory Board subject to all
encumbrances, liens, and other interests to which it is 10
subject on the date of such commencement:

(b) All money payable to the War Pensions Medical Research
Trust Board shall become payable to the Advisory
Board:

(c) All liabilities, contracts, and engagements, and rights and 15
authorities of any nature whatever, of the War
Pensions Medical Research Trust Board shall become
liabilities, contracts, engagements, rights, and
authorities of the Advisory Board:

(d) All proceedings pending by or against the War Pensions 20
Medical Research Trust Board may be carried on,
completed, and enforced by or against the Advisory
Board.

(6) All references to the War Pensions Medical Research
Trust Board in any security or other document whatever 25
subsisting immediately before the date of commencement of
this section, or in any notice or other communication served,
given, or sent before, on, or after that date in relation to any
such security or other document shall, unless the context
otherwise requires, be read as references to the Advisory 30
Board.

**46. Pensions for surviving spouses of deceased
members—**(1) The principal Act is hereby amended by
omitting the heading before section 32 and by repealing 35
sections 32 to 35, and 35A, and substituting the following
heading and sections:

“Pensions for Surviving Spouses of Deceased Members

“32. Maximum rates of surviving spouses’ pensions—

(1) Except as provided in subsection (2) of this section; the rate of

the pension payable to the surviving spouse of a deceased member of the forces in respect of his or her death shall not exceed the appropriate rate specified in the Fourth Schedule to this Act.

- 5 “(2) Where the surviving spouse has a child or children of the member dependent upon him or her the Secretary may, in the Secretary’s discretion, increase the pension otherwise payable to the surviving spouse by a parent’s allowance at a rate not exceeding the appropriate rate specified in the said Fourth
10 Schedule.

“ (3) A parent’s allowance in respect of any child—

- “ (a) Shall commence on such day as the Secretary determines, being not earlier than the first day of the pay period in which the child is born:
15 “(b) Where the child is over the age of 16 years, may be granted or continued, as if the child had not attained that age, during any period during which a pension is payable to or on behalf of the child in accordance with section 43 of this Act:
20 “(c) In the event of the death of the child, shall continue to such day as the Secretary determines, being not later than the end of the second pay period following the pay period in which the child dies.

- “ **33. Rate of pension for surviving spouse who is a**
25 **bona fide resident of New Zealand**—Except as otherwise provided in this Act, the rate of the pension payable to the surviving spouse of a deceased member of the forces in respect of his or her death shall, if and so long as she or he is a bona fide resident of New Zealand, be the maximum appropriate
30 rate prescribed in the Fourth Schedule to this Act.

“ **34. Surviving spouse not entitled to pension in certain cases**—Notwithstanding anything to the contrary in this Act, the surviving spouse of a member of the forces shall not be entitled to a pension in respect of his or her death if—

- 35 “(a) The death of the member occurred within one year after the date of the marriage; and
“ (b) At the date of the marriage the member had not, in the opinion of the Secretary, a reasonable expectation of surviving for at least one year thereafter.

- 40 “ **35. Pensions to surviving spouses to cease on remarriage**—(1) A pension payable to the surviving spouse of a member of the forces shall cease on his or her remarriage.

“ (2) Notwithstanding anything to the contrary in subsection (1) of this section, on the remarriage of a surviving spouse while in

receipt of a pension under this Part of this Act the Secretary may, in the Secretary's discretion, continue the pension at such rate, not exceeding the maximum rate of pension payable to a surviving spouse, and for such period, not exceeding 2 years, as the Secretary thinks fit. Any such pension may at any time be reviewed by the Secretary.

"(3) In any case to which **subsection (2)** of this section applies the Secretary may, in the Secretary's discretion, instead of continuing the pension, pay to the surviving spouse a lump sum gratuity not exceeding 2 years' pension.

"(4) For the purposes of this Act and any other enactment a pension payable to a person under **subsection (2)** of this section shall be deemed to be a pension payable to the surviving spouse of a member of the forces.

"(5) For the purposes of this section, 'remarriage' includes a relationship which the Secretary regards as a remarriage under section 77 (a) of this Act.

"35A. Reinstatement of surviving spouse's pension—

(1) Notwithstanding anything in section 35 of this Act, where a pension payable to the surviving spouse of a member of the forces has ceased under that section because of remarriage and that remarriage has subsequently terminated or irreconcilably broken down within 5 years after the date of remarriage, the Secretary may, in the Secretary's discretion, reinstate the pension previously payable.

"(2) The rate of any pension reinstated under **subsection (1)** of this section shall be the appropriate rate specified in the Fourth Schedule to this Act as if the pension had been granted under section 32 of this Act."

(2) The following enactments are hereby consequentially repealed:

(a) So much of the Fourth Schedule to the War Pensions Amendment Act 1960 as relates to section 32 of the principal Act:

(b) Section 3 of the War Pensions Amendment Act 1975:

(c) Section 3 of the War Pensions Amendment Act 1983:

(d) Section 13 of the Social Security Amendment Act 1984.

47. Pension to surviving spouse or child of deceased member whose death not attributable to service—(1) The principal Act is hereby amended by repealing section 48, and substituting the following section:

"48. Notwithstanding anything in this Act, where any member of the forces has died, whether before or after the

commencement of this section, from any cause not attributable to his or her service as a member of the forces, and—

5 “(a) At the date of his or her death the member was in receipt of a permanent pension under this Part of this Act at a rate not less than 70 percent of the maximum rate of pension that would be payable in respect of his or her total disablement; or

10 “(b) At the date of his or her death the member was not in receipt of such a pension, but the Secretary is of the opinion that, if he or she had not died, he or she could have been granted a permanent pension at a rate not less than 70 percent of that maximum rate,—

15 the Secretary may, in the Secretary’s discretion, grant a pension to or on behalf of the surviving spouse or any dependent child or dependent children of the member in all respects as if the death of the member were attributable to his or her service.”

48. Classes of persons entitled to claim economic pension—Section 58 of the principal Act is hereby amended
20 by repealing subsections (1) and (2), and substituting the following subsections:

“(1) Claims for the grant of an economic pension under this Part of this Act may be made only by or on behalf of—

25 “(a) A member of the forces who is in receipt of a pension under Part II of this Act in respect of his or her disablement; or

“(b) The surviving spouse of a deceased member of the forces who is in receipt of a pension under Part II of this Act in respect of the death of the member; or

30 “(c) The widowed mother of a deceased member of the forces who is in receipt of a pension under Part II of this Act in respect of the death of the member; or

35 “(d) Any person who is in receipt of a pension under section 55 or section 56 of this Act in respect of his or her own disablement, or any surviving spouse or widowed mother who is in receipt of a pension under either of those sections in respect of the death of his or her spouse or her son, as the case may be, or any person who is disqualified from receiving any such pension under section 56 of this Act by reason
40 only that the pension received by him or her from an overseas Government is not less than the pension that would be payable under Part II of this Act to or in respect of a member of the New Zealand forces.

“(2) For the purposes of this section the spouse or widowed mother of a member of the forces who is officially reported as missing shall be deemed to be the surviving spouse or widowed mother, as the case may be, of a deceased member of the forces.”

5

49. Amending Fourth and Sixth Schedules—(1) The Fourth Schedule to the principal Act (as substituted by section 4 (1) of the War Pensions Amendment Act (No. 3) 1986) is hereby amended—

- (a) By omitting the word “widow” wherever it occurs, and substituting in each case the words “surviving spouse”:
 - (b) By omitting the word “mother’s” wherever it occurs, and substituting in each case the word “parent’s”.
- (2) The Sixth Schedule to the principal Act (as so substituted) is hereby amended—
- (a) By omitting from clause 2 (e) and (f) the word “widow”, and substituting in each case the words “surviving spouse”:
 - (b) By omitting from clause 2 (f) the word “mother’s”, and substituting the word “parent’s”:
 - (c) By omitting from clause 2 (i) the word “widow”, and substituting the words “surviving spouse or widowed mother”:
 - (d) By omitting from clause 2 (i) the words “her husband or son”, and substituting the words “his or her spouse or her son”.

50. Applications made before commencement of this Act—Any claim made under the principal Act before the commencement of this Act which, on the commencement of this Act, has not been determined by a War Pensions Board shall be dealt with under the principal Act as amended by this Act.

51. Amending Income Tax Act 1976—Section 343 (1) of the Income Tax Act 1976 is hereby amended by omitting from the 4th proviso (as added by section 9 (1) of the Income Tax Amendment Act (No. 2) 1986) the words “Social Security Commission established by the Social Security Act 1964 or, as the case may be, a War Pensions Board established under the War Pensions Act 1954”, and substituting the words “Director-General of Social Welfare or the Secretary for War Pensions, as the case may require”.

SCHEDULE

Section 34 (1)

NEW EIGHTEENTH SCHEDULE TO SOCIAL SECURITY ACT 1964

“EIGHTEENTH SCHEDULE

Sections 61E, 61F

ACCOMMODATION BENEFITS

PART I

PRELIMINARY

1. The ‘relevant rate of benefit’ for the purposes of this Schedule shall be the maximum weekly rate of benefit payable to a beneficiary and spouse in accordance with clause 1 (g) of the Sixth Schedule to this Act.

2. In computing for the purposes of this Schedule the income of a solo parent receiving a widow’s or domestic purposes benefit, the Director-General may disregard as income some or all of the solo parent’s earnings (not exceeding \$20 a week) used to meet the cost of placing a dependent child or children of the beneficiary in a day care centre registered under the Child Care Centre Regulations 1985 or in any other day-care facility approved by the Director-General.

3. Every accommodation benefit assessed under this Schedule shall be rounded up to the complete dollar.

PART II

RATES OF ACCOMMODATION BENEFITS

1. To a married beneficiary living with a spouse, or a single beneficiary with a dependent child or dependent children, whose accommodation cost is for rent or payments for board or lodgings

An amount, not exceeding 25 percent of the relevant rate of benefit, which is 50¢ for each complete \$1 of the amount by which accommodation cost exceeds 25 percent of the relevant rate of benefit; reduced by 25¢ for each whole \$1 a week of income up to \$80 a week of income.

2. To any other beneficiary whose accommodation cost is for rent or payments for board or lodgings

An amount, not exceeding 15 percent of the relevant rate of benefit or \$40, whichever is greater, which is 50¢ for each complete \$1 of the amount by which accommodation cost exceeds 15 percent of the relevant rate of benefit; reduced by 25¢ for each whole \$1 a week of income up to \$80 a week of income.

SCHEDULE—*continued*NEW EIGHTEENTH SCHEDULE TO SOCIAL SECURITY ACT 1964—*continued*

3. To a married beneficiary living with a spouse, or a single beneficiary with a dependent child or dependent children, whose accommodation cost is for mortgage payments
4. To any other beneficiary whose accommodation cost is for mortgage payments
5. To a married non-beneficiary living with a spouse, or a single non-beneficiary with a dependent child or dependent children, whose accommodation cost is for rent or payments for board or lodgings
- An amount, not exceeding 25 percent of the relevant rate of benefit, which is 50¢ for each complete \$1 of the amount by which accommodation cost exceeds 30 percent of the relevant rate of benefit; reduced by 25¢ for each whole \$1 a week of income up to \$80 a week of income.
- An amount, not exceeding 15 percent of the relevant rate of benefit or \$40, whichever is greater, which is 50¢ for each complete \$1 of the amount by which accommodation cost exceeds 18 percent of the relevant rate of benefit; reduced by 25¢ for each whole \$1 a week of income up to \$80 a week of income.
- An amount, not exceeding 25 percent of the relevant rate of benefit, which is 50¢ for each complete \$1 of the amount by which accommodation cost exceeds 25 percent of the relevant rate of benefit; reduced by 25¢ for each whole \$1 a week of income in excess of an amount, which is the amount to which the relevant rate of benefit would be increased in order to produce the relevant rate of benefit after paying income tax pursuant to tax code G (as specified in section 344 of the Income Tax Act 1976).

SCHEDULE—*continued*

NEW EIGHTEENTH SCHEDULE TO SOCIAL SECURITY ACT 1964—*continued*

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|--|---|
| 6. To any other non-beneficiary whose accommodation cost is for rent or payments for board or lodgings | An amount, not exceeding 15 percent of the relevant rate of benefit or \$40, whichever is greater, which is 50¢ for each complete \$1 of the amount by which accommodation cost exceeds 15 percent of the relevant rate of benefit; reduced by 25¢ for each whole \$1 a week of income in excess of an amount, which is the amount to which 60 percent of the relevant rate of benefit would be increased in order to produce 60 percent of the relevant rate of benefit after paying income tax pursuant to tax code G (as specified in section 344 of the Income Tax Act 1976). |
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PART III

MAXIMUM ADDITIONAL AMOUNT PAYABLE TO A BENEFICIARY RESIDENT IN INSTITUTION OR HOME

| | |
|--|---|
| To a beneficiary who is resident in an institution or home which provides full-time care for aged or disabled persons and who is otherwise entitled to be paid the maximum amount of accommodation benefit under this Schedule | An additional amount of not more than \$20 a week.” |
|--|---|