



**THE SOCIAL SECURITY (ENTITLEMENT CARDS)
REGULATIONS 1991, AMENDMENT NO. 1**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of March 1992

Present:

THE HON. P. R. BURDON PRESIDING IN COUNCIL

PURSUANT to sections 132 and 132A of the Social Security Act 1964, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Social Security (Entitlement Cards) Regulations 1991, Amendment No. 1, and shall be read together with and deemed part of the Social Security (Entitlement Cards) Regulations 1991* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Assessable family income’, in respect of an unmarried guaranteed retirement income earner, means the assessable income of that

person, and, in respect of a married guaranteed retirement income earner, means the assessable income of that person and his or her spouse:

“ ‘Assessable income’ means assessable income within the meaning of the Income Tax Act 1976; and includes—

“(a) Fifty percent of any amount received by way of a pension under a superannuation scheme registered under the Superannuation Schemes Act 1989; and

“(b) Fifty percent of any amount received under an annuity paid on or after the 1st day of April 1990 in respect of a policy of life insurance—

“(i) Offered or entered into in New Zealand by a life insurer (as that term is defined in section 204 of the Income Tax Act 1976); or

“(ii) Offered or entered into outside of New Zealand by a life insurer (as so defined) that is resident in New Zealand within the meaning of section 241 of the Income Tax Act 1976; and

“(c) Income which is derived outside of New Zealand; and

“(d) Guaranteed retirement income:

“ ‘Guaranteed retirement income earner’ means a person entitled in his or her own right to receive guaranteed retirement income under the Social Welfare (Transitional Provisions) Act 1990:

“ ‘Ordinarily resident in New Zealand’, in relation to any person, includes a person—

“(a) Whom the Director-General is satisfied is in the process of applying for a residence permit under section 17 (2) of the Immigration Act 1987 and is applying for refugee status in New Zealand; or

“(b) Who is—

“(i) A foreign student in New Zealand to study under an assistance programme administered by the New Zealand Government; or

“(ii) A foreign student in New Zealand to study under an exchange programme approved by the New Zealand Government; or

“(iii) A foreign student in New Zealand for the time being exempted from the payment of fees at a New Zealand school under section 4A (1) of the Education Act 1989—

but does not include any person—

“(c) Unlawfully resident or present in New Zealand; or

“(d) Lawfully resident or present in New Zealand but only by virtue of—

“(i) A visitor’s permit; or

“(ii) A temporary work permit; or

“(iii) A permit to be in New Zealand for the purposes of study at a New Zealand school or university or other tertiary educational establishment, and who is not a person described in paragraph (b) of this definition.”.

3. Issue, recall, and expiry of entitlement cards—Regulation 4 (3) of the principal regulations is hereby amended by adding the words “The

commencement date of an entitlement card issued pursuant to regulation 6 (1) (e) of these regulations shall not be a date before the 1st day of September 1992”.

4. Eligibility for entitlement cards—(1) Regulation 6 (1) (d) of the principal regulations is hereby amended by revoking subparagraph (i), and substituting the following subparagraph:

“(i) Is not—

“(A) A dependent child; or

“(B) A student attending a secondary school or a private secondary school (within the meaning of the Education Act 1964), other than a student whose age would disqualify any person from entitlement to be allowed any family support credit of tax in respect of that student; and”.

(2) Regulation 6 (1) (d) (iii) of the principal regulations is hereby amended by omitting the words “a student, or”.

(3) Regulation 6 (1) of the principal regulations is hereby amended by revoking paragraph (e), and substituting the following paragraph:

“(e) A guaranteed retirement income earner whose assessable family income is less than the appropriate amount specified in the Schedule to these regulations.”

5. Ascertainment of income—(1) Regulation 8 of the principal regulations is hereby amended by inserting, after the word “income”, the words “or assessable income”.

(2) The said regulation 8 is hereby further amended by adding the following proviso:

“Provided that the date on which the period in respect of which a person’s income or assessable income is ascertained commences may, instead of being the date on which an entitlement card is issued or re-issued, be such other date as the Director-General determines, either generally or in respect of any particular case or class or classes of case, being a date not more than 2 years before the date of application for the issue or re-issue of the card.”

6. Applications and notices—Regulation 13 of the principal regulations is hereby amended by inserting, after subclause (2), the following subclauses:

“(2A) The Director-General may from time to time require any cardholder, and his or her spouse, to supply such relevant information or to answer such relevant questions as the Director-General reasonably considers necessary to determine—

“(a) Whether the cardholder was eligible for the card when it was issued; or

“(b) The cardholder’s continued eligibility for the card.

“(2B) If—

“(a) An applicant for an entitlement card or his or her spouse; or

“(b) A cardholder or his or her spouse—

fails to comply with any requirement made by the Director-General under subclause (2) or subclause (2A) of this regulation within such reasonable period as the Director-General specifies, the Director-General may refuse to issue or re-issue a card to the applicant or cardholder and to his or her

spouse or, if the case so requires, may recall any card issued to the cardholder and his or her spouse.”

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Social Security (Entitlement Cards) Regulations 1991.

Regulation 2 of these regulations inserts definitions of the terms “assessable family income”, “assessable income”, “guaranteed retirement income earner”, and “ordinarily resident in New Zealand”.

The first 3 new definitions are required to ascertain the eligibility of guaranteed retirement income earners for entitlement cards.

Fifty percent of any amount received by way of a pension under a superannuation scheme registered under the Superannuation Schemes Act 1989 is to be disregarded in assessing assessable income.

The new definition of “ordinarily resident in New Zealand” is included to extend eligibility for a Group 1 card, subject to the income test, to—

- (a) Persons in the process of applying for a residence permit and for refugee status;
- (b) Foreign students in New Zealand to study under an assistance programme administered by the New Zealand Government;
- (c) Foreign students in New Zealand to study under an exchange programme approved by the New Zealand Government;
- (d) Foreign students in New Zealand for the time being exempted from the payment of fees at a New Zealand school under section 4A (1) of the Education Act 1989.

Regulation 3 provides that entitlement cards for guaranteed retirement income earners are not to have a commencement date before 1 September 1992.

Regulation 4 provides for the following classes of persons to be entitled to a Group 1 card, subject to the income test:

- (a) Any student attending a secondary school or private secondary school whose age would disqualify any person from entitlement to a family support credit of tax in respect of that student. (This includes adult secondary school students).
- (b) Any student 16 years of age or over who is a full-time student at a tertiary institution and who is not a dependent child. (A full-time student aged 16 years or 17 years who is in receipt of a basic grant or an independent circumstances grant under the Student Allowances Regulations 1991 is not a dependent child).

In addition the regulation provides for the issue of Group 1 cards to guaranteed retirement income earners, subject to an assessable family income test.

Regulation 5 amends the provisions relating to ascertainment of income to include “assessable income”.

In addition, it is provided that the date on which the period in respect of which a person’s income or assessable income is ascertained commences may, instead of being the date on which an entitlement card is issued or re-issued, be such other date as the Director-General determines, either generally or in respect of any particular case or class or classes of case, being a date not more than 2 years before the date of application for the issue or re-issue of the card.

Regulation 6 empowers the Director-General of Social Welfare to require cardholders and their spouses to supply such relevant information and to answer such relevant questions as the Director-General reasonably considers necessary to determine the cardholder’s eligibility for the card.

In addition, if any applicant for a card or any cardholder, or his or her spouse, fails to comply with the Director-General's requirement under subclause (2) or subclause (2A) of regulation 13, the Director-General may refuse to issue or re-issue a card to the applicant or cardholder and to his or her spouse or, if the case so requires, may recall any card issued to the cardholder and his or her spouse.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered in the Department of Social Welfare.