

1981/90



**THE SOCIAL SECURITY (CONTRIBUTION TOWARDS
COST OF DOMESTIC PURPOSES BENEFIT)
REGULATIONS 1981**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 6th day of April 1981

Present:

THE RIGHT HON. D. MACINTYRE PRESIDING IN COUNCIL

PURSUANT to section 132 of the Social Security Act 1964, His 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 (Contribution Towards Cost of Domestic Purposes Benefit) Regulations 1981.

(2) These regulations shall come into force on the 9th day of April 1981.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Social Security Act 1964:

Terms defined in section 271 of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) have the meanings so defined.

3. Prescribed forms—(1) Every notice of the grant of a benefit required by section 27L (1) of the Act to be given to a liable parent shall be in form 1 in the Schedule to these regulations.

(2) Every notice of the required contribution required by section 27N (2) of the Act to be given to a liable parent shall be in form 2 in the Schedule to these regulations.

4. Powers of Commission in respect of forms—Notwithstanding anything in regulation 3 of these regulations, for the purpose of fully informing the liable parent of his or her rights and obligations and

assisting the liable parent to exercise and perform those rights and obligations, and for the purpose of facilitating the proper administration of sections 271 to 271z of the Act, the Commission may—

- (a) Provide such additional forms as it thinks fit;
- (b) Combine the forms set out in the Schedule to these regulations into one composite form, with or without—
 - (i) The incorporation of any additional form; or
 - (ii) Any duplicate of any such composite form or any part of such form; or
 - (iii) Any detachable part intended to be returned to or retained by any person;
- (c) Alter the layout and presentation of either or both of the forms in the Schedule to these regulations so as to accommodate computer operations, but without materially altering any of the wording contained in those forms.

Reg. 3

SCHEDULE

PRESCRIBED FORMS

Form 1

NOTICE TO PARENT OF LIABILITY TO CONTRIBUTE TOWARDS A DOMESTIC PURPOSES BENEFIT

Section 27L, Social Security Act 1964

To: [Name and address of liable parent]

This is to tell you that the Social Security Commission has granted a Domestic Purposes Benefit to [Name and address of beneficiary], the weekly benefit being \$.....

The Beneficiary has satisfied the Social Security Commission that you are liable in law to maintain the child or children named below who are being cared for by the beneficiary:

Each child's names	Date born
.....
.....
.....
.....

Under section 27K of the Social Security Act 1964, you are required to contribute towards the cost of the benefit. The amount of your contribution is to be the smallest of the following amounts:

- (a) The amount of the benefit as stated above; or
- (b) The sum of \$20 for each of the children named above, plus a further sum of \$20 so long as any one of those children is under the age of 5 years; or
- (c) One-third of your weekly income after tax at the 'S' rate; or
- (d) The whole of your weekly income after deduction of the following:
 - (i) Taxation at the 'S' rate; and
 - (ii) Whichever of the allowances set out in subparagraphs (ii)

SCHEDULE—*continued*

to (vi) of clause 2 (c) of the Twentieth Schedule to the Social Security Act 1964 you are entitled to.

Under section 27M of the Social Security Act 1964, you are required to send to the office of the Department of Social Welfare at the address shown below either—

- (a) A statement of your gross earnings for the year ending on the 31st day of March last; or
- (b) A certificate issued by the Commissioner of Inland Revenue of your assessable income as determined by him for that year.

Alternatively, you may request the Commission to determine your gross earnings on the basis of your current salary or wages.

In any case, you must also supply the following further information which is required by the Commission for the purposes of calculating your contribution.

.....

.....

.....

You must send all this information to the office of the Department of Social Welfare at by

If you do not comply with this requirement by that date, the Commission will determine, as best it can on the information available to it, your likely gross earnings, and this figure will be taken to be correct unless you show that it is wrong.

Dated at this day of 19....

Signed
Acting under general delegation for
the Social Security Commission.



Form 2

NOTICE TO PAY A REQUIRED CONTRIBUTION TOWARDS A DOMESTIC PURPOSES BENEFIT

Section 27N, Social Security Act 1964

To: [*Name and address of liable parent*]

This is to tell you that the Social Security Commission has now calculated the contribution that you are required to pay towards the cost of the Domestic Purposes Benefit being paid to [*Name and address of beneficiary*].

SCHEDULE—*continued*

Under section 27K of the Social Security Act 1964, the amount of your contribution is to be the smallest of the following amounts:

- | | \$ |
|--|-------|
| (a) The weekly amount of the benefit, which is ... | |
| (b) The sum of \$20 for each of the following children— | |
| | |
| | |
| | |
| plus a further sum while any of those children is under the age of 5 years— | |
| making a total of | |
| (c) One-third of your weekly income after tax at the 'S' rate, which is | |
| (d) The whole of your weekly income after deduction of the following: | |
| (i) Taxation at the 'S' rate; and | |
| (ii) Whichever of the allowances set out in subparagraphs (ii) to (vi) of clause 2 (c) of the Twentieth Schedule to the Social Security Act 1964 you are entitled to,— | |
| which is | |
| Therefore the amount of your contribution is \$..... per week. Your first payment will be due on and thereafter you must pay the sum of \$..... each | |

RIGHT OF OBJECTION

Under section 27P of the Social Security Act 1964 you have the right to object to this contribution on any one or more of the following grounds, but on no other ground:

- (a) That you are not liable in law to maintain a child named above:
- (b) That, in respect of any child named above, the contribution should be reviewed because—
 - (i) Some other person (not being the beneficiary) is also liable in law to contribute to the maintenance of that child; or
 - (ii) That child is not your child by birth or adoption; or
 - (iii) You have already provided for the maintenance of that child, whether by way of settlement of property, lump sum maintenance, or otherwise; or
 - (iv) Of any other matter that could be taken into account on an application under the Matrimonial Proceedings Act 1963 or the Domestic Proceedings Act 1968 for the payment of maintenance by you in respect of that child:
- (c) That the amount taken by the Commission, for the purposes of calculating the contribution, to be your gross earnings is incorrect:

SCHEDULE—continued

However, no objection may be made under this paragraph if the amount taken by the Commission to be your gross earnings during the relevant period is the amount stated to be the amount of your assessable income in respect of that period in a certificate issued by the Commissioner of Inland Revenue and supplied to the Commission by you:

- (d) That the contribution has been calculated under the wrong paragraph of clause 2 of the Twentieth Schedule to the Social Security Act 1964:
- (e) That the amount of the contribution, although calculated under the right paragraph of that clause, has not been correctly calculated in accordance with the provisions of that paragraph:
- (f) That the provisions of clause 3 or clause 4 or clause 5 of the Twentieth Schedule to this Act should have been applied in the calculation of the contribution but have not been so applied, or have been applied incorrectly.

If you wish to object on any of these grounds, you must give written notice to the office of the Department of Social Welfare at In your notice, you must state each ground of objection.

Even if you give notice of objection, you are still required to pay the contribution from the date shown above unless the District Court orders otherwise. However, if you give notice of objection to the Department, you may then apply to the District Court for an order to suspend payment until your objection has been dealt with.

Dated at this day of 19.....

Signed
Acting under general delegation for
the Social Security Commission.

P. G. MILLEN,
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 are made under the Social Security Act 1964. They prescribe 2 forms to be used for the purposes of the scheme, introduced by the Social Security Amendment Act 1980, whereby part of the cost of a Domestic Purposes Benefit being paid to a person who is caring for a dependent child can be recovered from any person who is liable in law to maintain that child.

Regulation 4 empowers the Commission to vary the format (but not the purport) of the forms where to do so would assist the persons involved or facilitate the proper administration of the scheme.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 April 1981.

These regulations are administered in the Department of Social Welfare.