



THE SOCIAL SECURITY (CONTRIBUTION TOWARDS COST OF DOMESTIC PURPOSES BENEFIT) REGULATIONS 1987

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of August 1987

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to 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 1987.

(2) These regulations shall come into force on the 1st day of October 1987.

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 Act 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 either form 2 or form 3 in the Schedule to these regulations.

4. Powers of Director-General 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 27I to 27ZI of the Act, the Director-General may—

- (a) Provide such additional forms as the Director-General 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 any 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:
- (d) Include in any of the forms requirements for the supply of any information which the Director-General is authorised to require the supply of under the Act.

5. Revocation—The Social Security (Contribution Towards Cost of Domestic Purposes Benefit) Regulations 1981* are hereby revoked.

SCHEDULE

PRESCRIBED FORMS

Form 1

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

Sections 27K, 27L, 27M, Social Security Act 1964

To [Name and address of liable parent]

This is to tell you that the Department of Social Welfare has granted a domestic purposes benefit to [Name of beneficiary].

The Department is satisfied that you are liable in law to maintain the children named below who are being cared for by the beneficiary:

[Each child's full name] [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 maximum contribution, being:
 - (i) For the first or only child, the sum of \$.....; plus
 - (ii) For every other child, the sum of \$..... making a total in your case of \$..... per week:

OR (b) Twenty percent (one-fifth) of your before tax weekly income after deduction of the following exempt income, namely: \$..... per week if you are not living with a partner:

\$..... per week if you are living with a partner:

(Your contribution under this paragraph (b) must be at least \$.....)

OR (c) The weekly amount of domestic purposes benefit being paid to the beneficiary, which is \$.....

(These sums are in accordance with the Twentieth Schedule to the Social Security Act 1964 as set out in the Second Schedule to the Social Security Amendment Act 1987.)

Unless you are prepared to pay the maximum amount (see (a) above), you are required to provide the Department with details of your total income from the last income year.

Fill in the attached assessment form and return it to the Department by

If you do not do this, the Department will make its own calculation of how much you should pay.

Signed Director

SCHEDULE—continued

Form 2

NOTICE TO PAY A REQUIRED CONTRIBUTION TOWARDS A DOMESTIC PURPOSES BENEFIT

Section 27N, Security Act 1964

To [Name and address of liable parent]

Thank you for completing the liable parent assessment form in respect of the children

[Names of children]

being cared for by [Name of beneficiary]

The Department has calculated the contribution you are required to pay towards the cost of the domestic purposes benefit as \$..... per week.

The contribution has been fixed in accordance with [One of the following to be indicated]

- (a) Your consent to pay the maximum liability of:
 - (i) For the first or only child, the sum of \$.....; plus
 - (ii) For every other child, the sum of \$..... making a total in your case of \$..... per week:

- (b) The following calculation:

Your weekly income	\$.....
Less the appropriate amount of exempt income	\$.....
Twenty percent (one-fifth) of the balance	\$.....:

(c) The weekly amount of the domestic purposes benefit being paid, which is \$.....:

(d) The minimum contribution of \$.....
Your first payment is due on

Signed
Director .

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

SCHEDULE—*continued*Form 2—*continued*

Domestic Proceedings Act 1968 for the payment of maintenance by you in respect of that child:

- (c) That the amount taken by the Department, for the purposes of calculating the contribution, to be your weekly income, is incorrect:
- (d) That the contribution has been calculated under the wrong paragraph of clause 3 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 clause 4 or clause 5 of the Twentieth Schedule to the Social Security Act 1964 should have been applied in the calculation of the contribution but has not been so applied, or has been applied incorrectly.

If you wish to object on any of these grounds, you must give written notice to an office of the Department of Social Welfare. 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.

SCHEDULE—continued

Form 3

NOTICE TO PAY A DEFAULT ASSESSED CONTRIBUTION TOWARDS A DOMESTIC PURPOSES BENEFIT

Section 27M (5), Social Security Act 1964

To [Name and address of liable parent]

As you have failed to supply details of your income, the Department has assessed your liable parent contribution as best it can on the information available to it.

The amount of your required contribution has been assessed at \$..... per week, and your first payment is due on

If you have not paid by then, your contribution will be deducted by your employer from your earnings, or recovered by court action.

If you consider the assessment to be unreasonable, you should immediately contact the Department and supply details of your income.

Signed Director

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 Department, for the purposes of calculating the contribution, to be your weekly income, is incorrect:
(d) That the contribution has been calculated under the wrong paragraph of clause 3 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 clause 4 or clause 5 of the Twentieth Schedule to the Social Security Act 1964 should have been applied in the calculation of

SCHEDULE—*continued*Form 3—*continued*

the contribution but has not been so applied, or has been applied incorrectly.

If you wish to object on any of these grounds, you must give written notice to an office of the Department of Social Welfare. 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.

C. J. HILL,
for 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, which come into force on 1 October 1987, prescribe new forms for the purposes of the liable parent contribution scheme under which liable parents are required to contribute towards the costs of domestic purposes benefits being paid to persons caring for dependent children.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6 August 1987.

These regulations are administered in the Department of Social Welfare.