



Social Welfare (Reciprocity with the Netherlands) Amendment Order 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 10th day of September 2007

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the Social Welfare (Reciprocity with the Netherlands) Amendment Order 2007.

2 Commencement

This order comes into force on 1 November 2007.

3 Principal order amended

This order amends the Social Welfare (Reciprocity with the Netherlands) Order 2003.

4 Agreement, notes, and protocol adopted

- (1) Clause 3(1) is amended by omitting “(2) and (3),” and substituting “(2), (3), and (4),”.
- (2) Clause 3 is amended by adding the following subclause:
“(4) The provisions contained in the diplomatic notes between the Government of New Zealand and the Government of the Kingdom of the Netherlands (which amend the agreement referred to in subclause (1) and are set out in Schedule 4) have force and effect so far as they relate to New Zealand.”

5 New Schedule 4 added

The principal order is amended by adding the Schedule 4 set out in the schedule of this order.

Schedule
New Schedule 4 added

cl 5

Schedule 4
**Exchange of notes amending the Agreement on
Social Security between the Government of New
Zealand and the Government of the Kingdom of the
Netherlands**

cl 3(4)

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and has the honour to acknowledge receipt of the Ministry's Note DJZ/VE-632/06 of 11 July 2007, which reads as follows:

“The Ministry of Foreign Affairs presents its compliments to the Embassy of New Zealand and with reference to the Agreement on Social Security between the Government of the Kingdom of the Netherlands and the Government of New Zealand, done at The Hague on 30 June 2000 (hereinafter: the Agreement) and the meeting between the Ministry of Social Affairs and Employment of the Netherlands and the Ministry of Social Development of New Zealand, held on 9 July 2004 at Amstelveen, has the honour to inform the Embassy of the following.

The Ministry would like to propose the following amendments to the Agreement:

1. After Article 13 insert:
“Article 13A—Treatment of Netherlands holiday allowance
Holiday allowance as defined in Article 28 of the Netherlands General Old Age Pensions Act shall not and never has been directly deductible from New Zealand benefits under the social security laws of New Zealand.”
2. Add to Article 14, paragraph 2 the words “, but shall not be entitled to receive any supplementary benefits under the Supplementary Benefits Act of 6 November 1986”.
3. Add to Article 17, paragraph 2 the words “, but shall not be entitled to receive any supplementary benefits under the Supplementary Benefits Act of 6 November 1986”.

Schedule 4—*continued*

If this proposal is acceptable to the Government of New Zealand, the Ministry proposes that this Note and the affirmative Note in reply of the Embassy shall constitute an Amendment to the Agreement between the Kingdom of the Netherlands and New Zealand, which shall come into effect on the first day of the second month following the date on which the Kingdom of the Netherlands and New Zealand have notified each other in writing that their constitutionally required procedures have been complied with.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of New Zealand the assurances of its highest consideration.”

The Embassy of New Zealand has the honour to inform the Ministry of Foreign Affairs that the proposal is acceptable to the Government of New Zealand and the Ministry’s Note and this reply shall constitute and Amendment to the Agreement between the Kingdom of the Netherlands and New Zealand, which shall come into effect on the first day of the second month following the date on which the Kingdom of the Netherlands and New Zealand have notified each other in writing that their constitutionally required procedures have been complied with.

The Embassy of New Zealand avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

Embassy of New Zealand
The Hague
18 July 2007

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 November 2007, amends the Social Welfare (Reciprocity with the Netherlands) Order 2003 (the **principal order**).

By way of background, the principal order contains and gives effect to an agreement relating to social welfare reciprocity between the Government of New Zealand (**New Zealand**) and the Government of the Kingdom of the Netherlands (the **Netherlands**) made on 30 June 2000 (the **agreement**).

This order amends the principal order to give effect to alterations to the agreement that were proposed by the Netherlands on 11 July 2007 and accepted by New Zealand on 18 July 2007. The alterations to the agreement are set out in new *Schedule 4* of the principal order (*clause 5* and the *Schedule* refer).

The alterations to the agreement—

- clarify that a holiday allowance as defined in Article 28 of the Netherlands General Old Age Pensions Act is not directly deductible from New Zealand benefits under New Zealand social security laws; and
- remove certain entitlements to a supplementary benefit (under the Netherlands Supplementary Benefits Act of 6 November 1986). (Those affected by this change are New Zealand residents who would, if resident in the Netherlands, be entitled to receive a Netherlands sickness benefit or invalidity benefit.)

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 13 September 2007.

This order is administered by the Ministry of Social Development.
