

**Reprint  
as at 26 November 2018**

**Social Security Amendment Act 1994**

Public Act     1994 No 86  
Date of assent     1 October 1994

Social Security Amendment Act 1994: repealed, on 26 November 2018, pursuant to section 455(1) of the Social Security Act 2018 (2018 No 32).

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**An Act to amend the Social Security Act 1964**

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

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

**This Act is administered by the Ministry of Social Development.**

**1 Short Title and commencement**

- (1) This Act may be cited as the Social Security Amendment Act 1994, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the day after the day on which it receives the Royal assent.

**2 Application**

Except as provided in section 8 of this Act, this Act applies only in respect of—

- (a) Applications for benefits lodged on or after the date on which this Act comes into force; and
- (b) Applications for benefits lodged, but which have not been granted, before that date.

**3 Interpretation**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) The following enactments are hereby consequentially repealed:
  - (a) Section 3 of the Social Security Amendment Act 1984;
  - (b) Section 2 of the Social Security Amendment Act (No 2) 1988;
  - (c) Section 14(2) of the Social Welfare (Transitional Provisions) Act 1990;
  - (d) Section 2 of the Social Security Amendment Act (No 5) 1991;
  - (e) The Social Security Amendment Act (No 2) 1992;
  - (f) Section 2(2) of the Social Security Amendment Act (No 4) 1992;
  - (g) Section 2(4) of the Social Security Amendment Act (No 3) 1993.

**4**

*Amendment(s) incorporated in the Act(s).*

**5 Special benefit**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) The following enactments are hereby consequentially repealed:
  - (a) Section 9 of the Social Security Amendment Act 1981;
  - (b) So much of Schedule 2 to the Social Welfare (Transitional Provisions) Amendment Act (No 2) 1993 as relates to section 61G of the principal Act.

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*Amendment(s) incorporated in the Act(s).*

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*Amendment(s) incorporated in the Act(s).*

## 8 Transitional provisions

(1) In this section,—

**Benefit** includes the granting of special assistance under any welfare programme approved under section 124(1)(d) of the principal Act

**Mortgage security** and **premises** have the meanings ascribed to them in section 61E of the principal Act

**Specified period** means the period commencing on the 1st day of January 1994 and ending on the close of the day on which this Act receives the Royal assent;—

and other terms and expressions have the meanings ascribed to them in section 3 of the principal Act.

(2) Subject to subsection (3) of this section, where a beneficiary was granted a benefit at a reduced rate during the specified period by reason of any debt insurance payment or health or disability insurance payment or income-related insurance payment, as the case may be, made to the beneficiary or to some other person on behalf of or for the benefit of the beneficiary or a member of his or her family, the following provisions shall apply:

(a) The Director-General shall calculate the difference between the amount of the benefit paid during that period and the amount of the benefit that would otherwise have been payable if this Act had been in force during that period:

(b) Where the result of the calculation is a deficiency in the payment made, the Director-General shall pay the amount of the deficiency to the beneficiary without further appropriation than this section; but may apply the amount of any such deficiency in reduction of the amount of any excess in the payment made of any other benefit affected by this section:

(c) Where the result of the calculation is an excess in the payment made, the Director-General shall write off the amount of that excess under the authority of this section to the extent that it is not offset by the amount of any deficiency of payment of any other benefit affected by this section:

(d) The Director-General shall also make such adjustments as are appropriate to the rate of the benefit payable after this Act comes into force.

(3) No beneficiary—

(a) Who was granted an accommodation supplement and another benefit during the specified period; and

- (b) Whose rate of accommodation supplement or other benefit during that period was or were affected by reason of any debt insurance payment made to the beneficiary or to some other person on behalf of or for the benefit of the beneficiary, being a payment in respect of the beneficiary's mortgage security over his or her premises,—

shall have the total rate of payment that is made to him or her under that accommodation supplement and other benefit reduced by reason only of the coming into force of this Act, but nothing in this subsection shall prevent the Director-General subsequently reviewing the rate of accommodation supplement or other benefit, or both, payable to that beneficiary.

## **9 Savings**

- (1) Subject to subsection (2) of this section, every decision or determination of the Director-General made before the 1st day of January 1994 in assessing or deciding not to assess any debt insurance payment or health or disability insurance payment or income-related insurance payment, as the case may be, as income for any purpose under the principal Act is hereby confirmed and declared to be and always to have been valid.
- (2) Nothing in subsection (1) of this section affects—
- (a) Any application under section 10A of the principal Act for the review of a decision made by an applicant or a beneficiary before the 14th day of September 1994 or the decision of a review committee on any such application; or
- (b) Any appeal under section 12J of the principal Act against a decision or determination lodged by an applicant or a beneficiary before the 14th day of September 1994 or the decision of the Appeal Authority on any such appeal; or
- (c) Any proceedings in any court in relation to a decision or determination commenced by an applicant or a beneficiary before the 14th day of September 1994 or the decision of the court in any such proceedings.
- (3) In this section, terms and expressions have the meanings ascribed to them in section 3 of the principal Act.

## **Eprint notes**

### **1    *General***

This is an eprint of the Social Security Amendment Act 1994 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2    *About this eprint***

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

### **3    *Amendments incorporated in this eprint***

Social Security Act 2018 (2018 No 32): section 455(1)