

**Reprint
as at 26 November 2018**



Social Security Amendment Act (No 2) 2015

Public Act 2015 No 116
Date of assent 9 December 2015
Commencement see section 2

Social Security Amendment Act (No 2) 2015: repealed, on 26 November 2018, pursuant to section 455(1) of the Social Security Act 2018 (2018 No 32).

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
4 Section 3 amended (Interpretation)	2
5 Section 3C amended (Transitional and savings provisions relating to amendments to this Act)	3
6 Section 60GAE amended (Beneficiaries having additional dependent child: general)	3
7 Section 60Q amended (Certain obligations may be placed on beneficiaries and their spouses and partners)	3
8 Section 61A amended (Obligations of spouse or partner of person granted emergency benefit)	3
9 Section 61HA amended (Annual CPI adjustment of rates of certain benefits)	3
10 Section 116B amended (Failures to comply with obligations)	3
11 Amendments to various schedules	4

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Social Development.

Schedule
**Amendments to Schedules 3, 3A, 6, 9, 16, 26, and 32 of Social
Security Act 1964**

5

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Security Amendment Act (No 2) 2015.

2 Commencement

This Act comes into force on 1 April 2016, and, if any Order in Council made under section 61HA(2) of the Social Security Act 1964 comes into force on the same date, this Act comes into force immediately before that order.

3 Principal Act

This Act amends the Social Security Act 1964 (the **principal Act**).

4 Section 3 amended (Interpretation)

(1) In section 3(1), replace the definition of **part-time work** with:

part-time work means employment that is not full-time employment, but is employment—

(a) that is—

- (i) under a contract of service, whether on time or piece rates; or
- (ii) as a self-employed person in any business, profession, trade, manufacture, or undertaking; and

(b) that—

- (i) averages not less than 15 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months,—
 - (A) in relation to a person granted jobseeker support on the ground of sickness, injury, or disability; or
 - (B) for the purposes of sections 11E(2), 88F, 88H(2)(b), and 88I(2)(b); or
- (ii) averages not less than 20 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months, in any other case

(2) In section 3(1), definition of **part-time work-tested beneficiary**, paragraph (a), replace “5” with “3”.

(3) In section 3(1), definition of **work-tested sole parent support beneficiary**, paragraph (b), replace “5” with “3”.

- (4) In section 3(1), definition of **work-tested spouse or partner**, paragraph (a)(i), replace “5” with “3”.

5 Section 3C amended (Transitional and savings provisions relating to amendments to this Act)

In section 3C(2), table, after the last item, insert:

Social Security Amendment Act (No 2) 2015	Part 4
--	--------

6 Section 60GAE amended (Beneficiaries having additional dependent child: general)

In section 60GAE(2)(b), replace “5” with “3”.

7 Section 60Q amended (Certain obligations may be placed on beneficiaries and their spouses and partners)

- (1) In section 60Q(1)(a), replace “5” with “3”.
- (2) In section 60Q(1)(c)(ii), replace “5” with “3”.

8 Section 61A amended (Obligations of spouse or partner of person granted emergency benefit)

In section 61A(1A)(a), replace “aged 5 or older but under 18 years” with “aged 3 or older but under 14 years”.

9 Section 61HA amended (Annual CPI adjustment of rates of certain benefits)

- (1) After section 61HA(2), insert:

(2A) Despite subsection (2), if any rate of benefit referred to in that subsection is increased on 1 April 2016 by the Social Security Amendment Act (No 2) 2015,—

- (a) the adjustment to that rate of benefit as at 1 April 2016 required by subsection (2) is to that rate as at 31 March 2016; and
- (b) the amount by which the rate was increased by the Social Security Amendment Act (No 2) 2015 on 1 April 2016 is additional to the adjustment referred to in paragraph (a).

- (2) After section 61HA(6), insert:

(7) Subsection (2A) is repealed on 30 April 2016, and this subsection is repealed immediately after.

10 Section 116B amended (Failures to comply with obligations)

- (1) In section 116B(1)(g), replace “15 hours a week” with “part-time work”.
- (2) In section 116B(1)(h), replace “15 hours a week” with “part-time work”.

11 Amendments to various schedules

Schedules 3, 3A, 6, 9, 16, 26, and 32 are amended in the manner set out in the Schedule of this Act.

Schedule Amendments to Schedules 3, 3A, 6, 9, 16, 26, and 32 of Social Security Act 1964

s 11

Schedule 3

In clause 1, replace “\$300.98” with “\$325.98”.

Schedule 3A

In clause 1, replace “\$300.98” with “\$325.98”.

Schedule 6

Replace clause 1(c) to (h) with:

(c)	To a single beneficiary with 1 or more dependent children	\$370.02 a week, subject to Income Test 1
(d)	To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a benefit other than a veteran’s pension	\$218.86 a week, increased by— (i) \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has not been granted a main benefit under this Act, the total rate to be subject to Income Test 2; or (ii) \$12.50 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has been granted a main benefit under this Act, the total rate to be subject to Income Test 2
(e)	To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a veteran’s pension	\$218.86 a week, increased by \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1
(f)	To a beneficiary receiving a supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness who is married, in a civil union, or in a de facto relationship, whose spouse or partner is not granted a benefit in his or her own right	\$218.86 a week, increased by \$218.86 a week in respect of his or her spouse or partner and a further \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1
(g)	To a beneficiary receiving a supported living payment under section 40D on the ground of caring for a patient requiring care, if the beneficiary is married, in a civil union, or in a de facto relationship and the beneficiary’s spouse or partner is not granted a benefit in his or her own right	\$218.86 a week, increased by \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 1

Schedule 6—continued

Replace clause 3 with:

- 3 Despite clause 1(d), (e), and (g), the rate of a supported living payment on the ground of caring for a patient requiring care under any of those paragraphs must not be less than the rates that would be payable if the beneficiary and the spouse or partner of the beneficiary were both entitled to receive the benefit on those grounds; but the rate of benefit payable under this clause must not exceed—
- (a) \$218.86 a week if the beneficiary and his or her spouse or partner have no dependent children; or
 - (b) \$243.86 a week if the beneficiary and his or her spouse have 1 or more dependent children.

Schedule 9

In clause 1(ba), replace “\$300.98” with “\$325.98”.

In clause 1(c), replace “\$300.98” with “\$325.98”.

Replace clause 1(d) to (g) with:

- | | | |
|-----|---|---|
| (d) | To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a benefit other than a veteran’s pension | \$175.10 a week, increased by— |
| | | (i) \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has not been granted a main benefit under this Act, the total rate to be subject to Income Test 4; or |
| | | (ii) \$12.50 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children and the beneficiary’s spouse or partner has been granted a main benefit under this Act, the total rate to be subject to Income Test 4 |
| (e) | To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is granted, in his or her own right, a veteran’s pension | \$175.10 a week, increased by \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 3 |
| (f) | To a beneficiary who is married, in a civil union, or in a de facto relationship, whose spouse or partner is not granted a benefit in his or her own right | \$175.10 a week, increased by \$175.10 a week in respect of his or her spouse or partner and a further \$25 a week if the beneficiary and his or her spouse or partner have 1 or more dependent children, the total rate to be subject to Income Test 3 |

In clause 5, replace “\$175.10 a week, subject to Income Test 4” with “\$175.10 a week, increased by \$12.50 a week if the beneficiary has 1 or more dependent children, the total rate to be subject to Income Test 4”.

Schedule 16

In clause 1, replace “\$300.98” with “\$325.98”.

Schedule 26

In clause 2, replace “140.08” with “165.08”.

In clause 3, replace “300.98” with “325.98”.

Replace clause 5 with:

5	For a young person who is married, in a civil union, or in a de facto relationship and has a dependent child or dependent children	175.10 a week, increased by— (i) 25 a week if the young person’s spouse or partner is not receiving a young parent payment, the total rate to be subject to clause 11; or (ii) 12.50 a week if the young person’s spouse or partner is receiving a young parent payment, the total rate to be subject to clause 11
---	--	--

Schedule 32

After Schedule 32, Part 3, insert:

Part 4	
Social Security Amendment Act (No 2) 2015	
21	Regulations for provision of financial assistance to financially disadvantaged persons
(1)	The purpose of this clause is to enable the making of regulations authorising the provision of financial assistance to any persons who are financially disadvantaged as an unintended consequence of the net effects of the amendments made by the Social Security Amendment Act (No 2) 2015, the Education Amendment Act (No 2) 2015, the Taxation (Support for Children in Hardship) Act 2015, and any related regulations or other instruments.
(2)	The chief executive may from time to time grant to a person referred to in subclause (1) financial assistance— (a) of the prescribed kind and in the prescribed amount; and (b) for the prescribed period; and (c) in accordance with the prescribed criteria; and (d) in accordance with any other requirements set out in the regulations made under subclause (3).

Schedule 32—*continued*

- (3) The Governor-General may from time to time, by Order in Council, make regulations for the purposes of this clause.
- (4) Regulations made under subclause (3) must state the date on and after which they are to have effect (which may be a date earlier than the date on which they were made).

Reprints notes

1 *General*

This is a reprint of the Social Security Amendment Act (No 2) 2015 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

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