

House of Representatives
Supplementary Order Paper

Thursday, 21 March 2013

Social Security (Benefit Categories and
Work Focus) Amendment Bill

Proposed amendments

Hon Paula Bennett, in Committee, to move the following amendments:

Part 1
Substantive amendments

Clause 7

In *clause 7*, after “before” (line 10 on page 15), insert “the”.

In *clause 7*, after “**131**” (line 11 on page 15), insert “of this Act”.

Clause 9: new section 11E(2)

In *clause 9, new section 11E(2)*, replace “work),” (line 8 on page 17) with “work)”.

Clause 9: new section 11G(1)

In *clause 9, new section 11G(1)*, definition of **applicant**, replace “**applicant**,” (line 1 on page 19) with “**applicant**”.

Clause 11: heading to new section 20C

In *clause 11*, the heading to *new section 20C*, replace “**Split**” (line 17 on page 22) with “**Sole parent support: split**”.

Clause 16: new section 40C(3)

In *clause 16, new section 40C(3)*, delete “(as the case may be)” (lines 17 and 18 on page 27).

In *clause 16, new section 40C(3)(a)*, after “work; or” (line 20 on page 27), insert “(as the case may be)”.

Clause 16: new section 40D(1)

In *clause 16, new section 40D(1)*, replace “**section 40E**” (line 35 on page 27) with “**sections 40E, 40H, and 40HA**”.

Clause 24(2): new section 60Q(1A)

In *clause 24(2), new section 60Q(1A)*, replace “**subsection (1)**” (line 1 on page 35) with “subsection (1)”.

Clause 28(3): new section 69C(7BC)

In *clause 28(3), new section 69C(7BC)*, after “deferred payment,” (line 30 on page 43), insert “under”.

Clause 30: new section 75B

In *clause 30, new section 75B(1)*, replace “**(1A)**,” (line 11 on page 45) with “**(1A)**”.

In *clause 30, new section 75B(8)*, delete “of this section” (line 3 on page 48).

Clause 31(2): new section 77(8)(a)

In *clause 31(2), new section 77(8)(a)*, after “as” (line 32 on page 50), insert “the term humanitarian reasons is”.

Clause 31A: new section 77A

In *clause 31A, new section 77A*, replace “77,” (line 18 on page 51) with “77”.

In *clause 31A, new section 77A(a)*, replace “of,” (line 19 on page 51) with “, of”.

Clause 36: new section 80BF(3)

In *clause 36, new section 80BF(3)*, replace “**80BE**” (line 30 on page 55) with “**80BE(5)**”.

Clause 38(3)

In *clause 38(3)*, replace “and subsections (6) to **(6AB) and (6F) and (6G)**” (lines 18 and 19 on page 59) with “, and subsections (6) to **(6AB), (6F), and (6G)** of this section”.

Clause 39

In *clause 39, new definition of fail*, replace “means” (line 4 on page 60) with “means,”.

In *clause 39, new definition of pass*, replace “that” (line 13 on page 60) with “that,”.

Clause 40: new sections 88E and 88L(2)

In *clause 40, new section 88E(2)(b)*, delete “and” (line 25 on page 63).

In *clause 40, new section 88E(5)(c)*, replace “whether and,” (line 22 on page 64) with “whether, and”.

In *clause 40, new section 88L(2)*, replace “instalments,” (line 29 on page 68) with “instalments”.

Clause 41: new section 100B

In *clause 41, new section 100B(2)*, replace “supporting” (lines 5 and 6 on page 70) with “supported”.

In *clause 41, new section 100B(3)(c)*, replace “capacity” (line 38 on page 70) with “limited capacity to meet those obligations”.

Clause 43: new sections 102B to 102D

In *clause 43, new section 102B(1)*, after “, and” (line 18 on page 72), insert “that is”.

In *clause 43, new section 102B(4)*, replace “**(1)**” (line 19 on page 73) with “**(1),**”.

In *clause 43, new section 102C(1)*, replace “obligation” (line 27 on page 73) with “obligation,”.

In *clause 43, new section 102D(3)(b)*, replace “suspension” (line 33 on page 75) with “suspension,”.

In *clause 43, new section 102D(6)(a), (b), and (c) and (9)(b)*, replace “earlier” (lines 25, 29, and 33 on page 76 and line 12 on page 77) with “prior”.

Clause 48: new section 122A

In *clause 48, new section 122A(1)*, replace “**122(2)(b)**” (line 21 on page 86) with “**122(3)(b)**”.

In *clause 48, new section 122A(3)*, replace “**(b),**” (line 6 on page 87) with “**(b)**”.

Clause 49: new section 124(1BBA)

In *clause 49, new section 124(1BBA)*, replace “**(11B)**” (line 16 on page 88) with “**(1BB)**”.

Clause 50: new section 125AA(4)

In *clause 50, new section 125AA(4)*, replace “**section**” (line 32 on page 89) with “**sections**”.

Clause 55(3)(a)

Replace *clause 55(3)(a)* (line 18 on page 96) with:

- (a) replace “To a” with “To any other”; and

Clause 55A

Before *clause 55A(1)* (before line 4 on page 97), insert:

(1AA) In section 3(1), definition of **financially independent**, paragraph (c), replace “a benefit” with “a main benefit under this Act”.

(1AB) In section 3(1), definition of **financially independent**, paragraph (d), replace “a benefit” with “a main benefit”.

Replace *clause 55A(10)* (lines 15 and 16 on page 98) with:

(10) In section 117(2), replace “whose benefit” with “whose main benefit under this Act”.

Replace *clause 55A(20) to (22)* (line 36 on page 98 to line 5 on page 99) with:

- (20) In sections 173(2)(a) and 174(2)(a), replace “any benefit” with “a main benefit under this Act”.
- (21) In sections 173(2)(b) and 174(2)(b), replace “a benefit” with “a main benefit under this Act”.
- (22) In Schedule 18, Part 1, clause 1, definition of **base rate**, paragraphs (a), (b), (c), and (da), replace “of benefit” with “of a main benefit under this Act”.
- (22A) In Schedule 18, Part 1, clause 1, definition of **base rate**, paragraph (d), replace “of benefit” with “of a main benefit under this Act” in each place.
- (22B) In Schedule 22, clause 1, replace “a benefit (other than New Zealand superannuation, a veteran’s pension, an orphan’s benefit, or an unsupported child’s benefit)” with “a main benefit under this Act”.

Part 2

Consequential amendments, and transitional and savings provisions

Clause 57

In *clause 57*, delete *subclause (3)* (lines 31 to 35 on page 99).

Clause 64(4)

In *clause 64(4)*, after “or 27C” (line 1 on page 102), insert “; and”.

Clause 79

In *clause 79(2)(c)*, replace “**work tested benefit**, paragraphs (a) and” (lines 19 and 20 on page 105) with “**work-tested benefit**, paragraph”.

In *clause 79(4)*, replace “support” (line 33 on page 105) with “support.”.

Clause 88

Before *clause 88(5)* (before line 15 on page 107), insert:

- (4A) In Schedule 6, clause 2, replace “invalid” with “beneficiary”.

Clause 90

In *clause 90(1)(e)*, replace “43(1)” (line 11 on page 108) with “43 (as section 43 is renumbered as **section 40J** by **section 18(1)** of this Act)”.

Replace *clause 90(2)* (lines 27 to 34 on page 108) with:

- (2) In the following provisions, replace “an invalid’s benefit” with “a supported living payment on the ground of sickness, injury, disability, or total blindness”:
 - (a) section 12J(2)(a):
 - (b) section 69C(5)(a):
 - (c) section 72(b), proviso that begins “provided further that”:
 - (d) section 80(5)(ca) (except section 80(5)(ca)(ii)).

- (3) In section 80(5)(ca)(ii), replace “on the grounds”, with “or a supported living payment (in either case) on the ground”.

Clause 108A

In the heading to *clause 108A*, after “**comply with**” (line 21 on page 113), insert “**section 60HA or**”.

Clause 124

Before *clause 124(2)* (before line 15 on page 117), insert:

- (1) In section 102A(1)(g), replace “requires; and” with “requires.”

Clause 131

In *clause 131*, after “**section 7**” (line 22 on page 118), insert “of this Act”.

Schedules

Schedule 1

In *Schedule 1*, new *Schedule 3A*, replace “**s 20G**” (line 3 on page 119) with “**ss 20A, 20B, 20G**”.

Schedule 2

In *Schedule 2*, new *section 10B(1)(e)*, after “amendment,” (line 30 on page 121), insert “revocation,”.

In *Schedule 2*, new *Part 1C heading*, replace “**child’s benefits**” (line 23 on page 124) with “**child’s benefit**”.

Schedule 3

In *Schedule 3*, *Part 1*, after the item relating to the Income Tax Act 2007 (2007 No 97) (after line 16 on page 131), insert:

Minimum Wage Act 1983 (1983 No 115)

In section 4A(6) (as replaced on 1 May 2013 by section 4 of the Minimum Wage (Starting-out Wage) Amendment Act 2013), definition of **specified social security benefit**, insert in its appropriate alphabetical order:

“(ea) sole parent support.”.

Schedule 4

In *Schedule 4*, *Part 1*, after the item relating to the Income Tax Act 2007 (2007 No 97) (after line 34 on page 137), insert:

Minimum Wage Act 1983 (1983 No 115)

In section 4A(6) (as replaced on 1 May 2013 by section 4 of the Minimum Wage (Starting-out Wage) Amendment Act 2013), definition of **specified social security benefit**, insert in its appropriate alphabetical order:

“(eb) supported living payment.”.

Schedule 6

In *Schedule 6, Part 1*, after the item relating to the Income Tax Act 2007 (2007 No 97) (after line 22 on page 147), insert:

Minimum Wage Act 1983 (1983 No 115)

In section 4A(6) (as replaced on 1 May 2013 by section 4 of the Minimum Wage (Starting-out Wage) Amendment Act 2013), definition of **specified social security benefit**, insert in its appropriate alphabetical order:

“(da) jobseeker support.”.

Schedule 7: new Schedule 32, clause 9

In *Schedule 7, new Schedule 32, clause 9(6A)*, replace “suspension or reduction” (line 17 on page 169) with “reduction or suspension”.

Schedule 7: new Schedule 32, clause 11

In *Schedule 7, new Schedule 32*, the heading to *clause 11*, replace “**ineligibility**” (line 33 on page 170) with “**ineligibility**”.

In *Schedule 7, new Schedule 32, clause 11(2)(b)*, delete “, subject to the exception in **subclause (4)**,” (lines 34 and 35 on page 171).

In *Schedule 7, new Schedule 32, clause 11(6)*, replace “Allowance” (line 35 on page 172) with “Allowances”.

Schedule 7: new Schedule 32, clause 13

In *Schedule 7, new Schedule 32, clause 13(1)(e) and (f)*, after “the spouse or partner of” (lines 7 and 14 on page 174) insert “a”.

Schedule 7: new Schedule 32, new clause 13A

In *Schedule 7, new Schedule 32*, after *clause 13* (after line 23 on page 174), insert:

13A Unamended references to former benefits or amounts

- (1) This clause applies to a reference only if the reference is in an enactment that is—
- (a) in force on or after **15 July 2013**; and
 - (b) not an enactment that is the whole of, or a portion of, or made under, the Social Security Act 1964; and
 - (c) not amended by the **Social Security (Benefit Categories and Work Focus) Amendment Act 2012**.
- (2) A reference in column 1 of a row of the following table to a former benefit or amount under this Act must, unless the context otherwise requires, be read as a reference to the new benefit or amount in column 2 of that row.

Column 1**Former benefit or amount**

Widow’s benefit under, or under section 21 of, this Act, and payable to a person with 1 or more dependent children

Column 2**New benefit or amount**

Sole parent support under **section 20D** (if the person has a dependent child aged under 14 years)

**Proposed amendments to
Social Security (Benefit Categories and Work Focus)
Amendment Bill**

SOP No 199

| Column 1 Former benefit or amount | Column 2 New benefit or amount |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Widow's benefit under, or under section 21 of, this Act, and payable to a person with no, or with 1 or more, dependent children | Jobseeker support under section 88B (if the person has no dependent child aged under 14 years) |
| Domestic purposes benefit under section 27B, or payable to a person with 1 or more dependent children | Sole parent support under section 20D (if the person has a dependent child aged under 14 years) |
| Domestic purposes benefit under section 27B, or payable to a person with 1 or more dependent children | Jobseeker support under section 88B (if the person has no dependent child aged under 14 years) |
| Domestic purposes benefit under section 27C, or payable to a person, or to a woman alone, with no dependent children | Jobseeker support under section 88B |
| An amount in Schedule 16 (rates of domestic purposes benefits under section 27B or 27C) | The corresponding amount in Schedule 3A (for sole parent support) |
| An amount in Schedule 16 (rates of domestic purposes benefits under section 27B or 27C) | The amount in clause 1(ba) of Schedule 9 (for jobseeker support) |
| Domestic purposes benefit under section 27G, or for the care at home of the sick or infirm | Supported living payment under section 40D on the ground of caring for a patient requiring care |
| An amount in Schedule 17 (rates of domestic purposes benefits under section 27G) | The appropriate amount in Schedule 6 (rates of supported living payment benefits) |
| Invalid's benefit under, or under section 40 of, this Act | Supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness |
| Sickness benefit | Jobseeker support under section 88B |
| Unemployment benefit | Jobseeker support under section 88B |

Schedule 7: new Schedule 32, clause 14(3)

In *Schedule 7, new Schedule 32, clause 14(3)*, replace "**13**" (line 10 on page 175) with "**13A**".

Explanatory note

This Supplementary Order Paper sets out amendments to the Social Security (Benefit Categories and Work Focus) Amendment Bill. The amendments—

- ensure that enactments that became law after the Social Services Committee reported the Bill back to the House on 13 March 2013 refer to Social Security Act 1964 benefit categories as replaced or renamed by the Bill:
 - provide for the effect of unamended references to abolished or renamed former benefits:
 - make drafting corrections and improvements.
-