



## ANALYSIS

Title 1. Short Title and commencement		2. Interpretation 3. Amendments to other provisions
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 1993, No. 150

**An Act to amend the Income Tax Act 1976**
*[29 September 1993]*

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

**1. Short Title and commencement**—(1) This Act may be cited as the Income Tax Amendment Act (No. 4) 1993, and shall be read together with and deemed part of the Income Tax Act 1976 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1994.

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended—

(a) By omitting from paragraph (d) of the definition of the term “employer” (as substituted by section 2 (1) of the Income Tax Amendment Act (No. 6) 1991) the words “national superannuation”, and substituting the words “New Zealand superannuation”:

(b) By inserting in the definition of the term “income-tested benefit” (as inserted by section 2 (2) of the Income Tax Amendment Act (No. 2) 1986 and amended by section 2 (2) of the Income Tax Amendment Act (No. 3) 1993), after the expression “Social Security Act 1964”, the words “; and includes a transitional retirement benefit payable under Part I of the Social Welfare (Transitional Provisions) Act 1990”.

(2) Section 2 of the principal Act is hereby further amended by repealing the definitions of the terms “national superannuation” (as inserted by section 2 (5) of the Income Tax Amendment Act (No. 5) 1991), “national superannuitant” (as so

inserted), and “national superannuitant surcharge” (as inserted by section 2 (4) of the Income Tax Amendment Act (No. 6) 1991).

(3) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “New Zealand company”, the following definitions:

“‘New Zealand superannuation’—

“(a) Means New Zealand superannuation paid or payable under Part I of the Social Welfare (Transitional Provisions) Act 1990:

“(b) Includes—

“(i) Any living alone payment paid or payable to a New Zealand superannuitant under section 18A of the Social Welfare (Transitional Provisions) Act 1990; and

“(ii) Any national superannuation paid or payable, before the 1st day of April 1994, under Part I of the Social Welfare (Transitional Provisions) Act 1990; but

“(c) Does not include—

“(i) Portable New Zealand superannuation; or

“(ii) Any transitional retirement benefit paid or payable under Part I of the Social Welfare (Transitional Provisions) Act 1990; or

“(iii) Any supplement or benefit paid or payable under any of sections 61DB, 61DC, 61DD, 61DE, 61E, 61EA, 61FC, 61G, and 69C of the Social Security Act 1964:

“‘New Zealand superannuitant’, in relation to any income year,—

“(a) Means a person who receives New Zealand superannuation in the income year; but

“(b) Does not include a person who receives New Zealand superannuation at a rate specified in clause 2 of the First Schedule to the Social Welfare (Transitional Provisions) Act 1990:

“‘New Zealand superannuitant surcharge’, or ‘surcharge’, means the surcharge imposed by section 336c of this Act:”.

(4) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “portable national superannuation” (as inserted by section 2 (6) of the Income Tax Amendment Act (No. 5) 1991), and substituting the following definition:

“‘Portable New Zealand superannuation’ means New Zealand superannuation paid or payable overseas under section 17 of the Social Welfare (Transitional Provisions) Act 1990:”.

(5) Section 2 of the principal Act is hereby further amended by omitting from paragraph (c) of the definition of the term “salary or wages” (as substituted by section 2 (5) of the Income Tax Amendment Act (No. 6) 1991) the words “national superannuation”, and substituting the words “New Zealand superannuation”.

(6) The following enactments are hereby consequentially repealed:

- (a) Section 2 (5) and (6) of the Income Tax Amendment Act (No. 5) 1991:
- (b) Section 2 (4) of the Income Tax Amendment Act (No. 6) 1991:
- (c) Section 2 (3) of the Income Tax Amendment Act (No. 3) 1993.

**3. Amendments to other provisions**—(1) Section 336A of the principal Act (as inserted by section 8 (1) of the Income Tax Amendment Act (No. 6) 1991) is hereby amended—

- (a) By repealing the definition of the term “national superannuitant”:
- (b) By inserting, after the definition of the term “specified income”, the following definition:  
 “‘Superannuitant’ means a New Zealand superannuitant:”.

(2) The provisions specified in subsection (3) of this section are hereby amended—

- (a) By omitting the expression “national superannuation” wherever it occurs, and substituting in each case the expression “New Zealand superannuation”:
- (b) By omitting the expression “national superannuitant” wherever it occurs, and substituting in each case the expression “New Zealand superannuitant”:
- (c) By omitting the expression “national superannuitant surcharge” wherever it occurs, and substituting in each case the expression “New Zealand superannuitant surcharge”.

(3) Subsection (2) of this section applies to the following provisions:

- (a) Section 47 (1) (b) of the principal Act (as substituted by section 3 of the Income Tax Amendment Act (No. 6) 1991):

- (b) Section 50D (1) (a) and (c) of the principal Act (as inserted by section 3 (1) of the Income Tax Amendment Act (No. 3) 1988 and amended by section 4 of the Income Tax Amendment Act (No. 6) 1991):
  - (c) Section 57 (1) of the principal Act (as amended by section 5 of the Income Tax Amendment Act (No. 6) 1991):
  - (d) Section 61 (35), (36), and (64) of the principal Act (as amended by section 4 (2) of the Income Tax Amendment Act (No. 5) 1991 and section 6 of the Income Tax Amendment Act (No. 6) 1991):
  - (e) Section 65 (2) (d) of the principal Act (as substituted by section 7 (1) of the Income Tax Amendment Act (No. 6) 1991):
  - (f) Part XA (sections 336A to 336M) of the principal Act (as inserted by section 8 (1) of the Income Tax Amendment Act (No. 6) 1991 and amended by section 95 of the Student Loan Scheme Act 1992 and section 79 of the Income Tax Amendment Act (No. 3) 1993):
  - (g) Section 356 (2) (g) of the principal Act (as substituted by section 9 (2) of the Income Tax Amendment Act (No. 6) 1991):
  - (h) The definition in section 375 of the principal Act of the term “residual income tax” (as substituted by section 71 (1) of the Income Tax Amendment Act (No. 2) 1993):
  - (i) Section 394ZZU (1) of the principal Act (as inserted by section 55 of the Income Tax Amendment Act (No. 5) 1988):
  - (j) Section 432 (6) (c) (i) of the principal Act (as substituted by section 178 of, and clause 13 of Part II of the Third Schedule to, the Accident Rehabilitation and Compensation Insurance Act 1992).
- (4) Sections 4 and 6 of the Income Tax Amendment Act (No. 6) 1991 are hereby consequentially repealed.

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This Act is administered in the Inland Revenue Department.

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