



# Social Security Amendment Act 2006

Public Act 2006 No 90  
Date of assent 18 December 2006  
Commencement see section 2

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## The Parliament of New Zealand enacts as follows:

- Title**  
This Act is the Social Security Amendment Act 2006.
- Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.

### 3 Principal Act amended

This Act amends the Social Security Act 1964.

### 4 Interpretation

Section 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**domestic epidemic management notice** means a notice under section 8(1) of the Epidemic Preparedness Act 2006 stating that the application of this Act is modified in order to deal with the practical effects of the outbreak of the disease referred to in the notice

“**overseas epidemic management notice** means a notice under section 61CE”.

### 5 New heading and sections 61CB to 61CF inserted

The following heading and sections are inserted after section 61CA:

#### *“Epidemics*

#### **“61CB Payment of benefits during epidemic in New Zealand**

“(1) This subsection applies to any period comprising—

“(a) the period when a domestic epidemic management notice is in force; and

“(b) a period after the notice expires that the Minister thinks reasonable in the circumstances.

“(2) During a period to which subsection (1) applies, the chief executive may, with the written approval of the Minister and within any limits stated in the approval, do any or all of the following:

“(a) cause benefits to be paid to people who would not otherwise be entitled to be paid benefits because—

“(i) their benefits are subject to a stand down period; or

“(ii) their benefits, or payments of their benefits, are suspended:

“(b) reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people whose benefits—

“(i) were cancelled or terminated within the 8 weeks before the commencement of the domestic epidemic management notice concerned; or

- “(ii) are cancelled or terminated while the notice is in force:
  - “(c) as the case requires, grant benefits to or reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people who—
    - “(i) were subject to a non-entitlement period on the commencement of the domestic epidemic management notice concerned; or
    - “(ii) become subject to a non-entitlement period while the notice is in force:
  - “(d) cause payments under benefits to be made to people at a rate—
    - “(i) higher than a lower rate to which they would otherwise be entitled (being a lower rate resulting from one or more of the following:
      - “(A) a reduction or variation of a rate of benefit:
      - “(B) a suspension of a benefit or payments under a benefit:
      - “(C) a direct deduction from payments under a benefit:
      - “(D) a sanction, penalty, or non-entitlement period, imposed on a spouse or partner); but
    - “(ii) not higher than the maximum rate to which they would otherwise be entitled:
  - “(e) refrain from exercising a power to cancel, suspend, vary, or terminate benefits or payments under benefits, in circumstances where the holders satisfy the normal criteria for cancellation, suspension, variation, or termination of benefits or payments:
  - “(f) refrain from cancelling, suspending, or terminating benefits in circumstances where this Act requires them to be cancelled, suspended, or terminated.
- “(3) A benefit granted or reinstated under paragraph (b) or paragraph (c) of subsection (2) must be treated as having ended when the period concerned expires, unless its holder has or has again become entitled to be granted it.
- “(4) Subsection (2) overrides every provision of this Act to the contrary.

**“61CC Granting of emergency benefits during epidemic in New Zealand**

- “(1) While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, the chief executive may, with the written approval of the Minister, cause emergency benefits to be granted to people who would not otherwise be entitled to be granted emergency benefits.
- “(2) Payments made under a benefit granted under subsection (1) are provisional only; and if the chief executive believes on reasonable grounds that its granting was not appropriate (or that too much was paid under it),—
- “(a) the person granted it is liable to repay the amount paid (or what the chief executive considers to be the amount of the excess); and
- “(b) section 85A(b) applies accordingly.
- “(3) Subsection (1) overrides every other provision of this Act.

**“61CD During epidemic benefits may be granted without normal investigations**

While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, a benefit may be granted to a person even if the claim for it has not been investigated, or has not been fully investigated, as required by section 12(1).

**“61CE Overseas epidemics affecting visitors to New Zealand**

- “(1) The Minister may, by notice in the *Gazette*, declare that the effects of an outbreak outside New Zealand of a stated quarantinable disease are likely to cause hardship to people temporarily in New Zealand by preventing or hindering their prompt return to stated places.
- “(2) The notice comes into force on its commencement, and expires on the earliest of the following:
- “(a) the day 3 months after its commencement;
- “(b) a day stated in the notice;
- “(c) if the notice does not provide for its expiry, a day stated by the Minister by further notice in the *Gazette*.
- “(3) Before or after the notice expires, the Minister can give a new notice in respect of the same disease.

- “(4) The Minister must not give the notice except on, and after considering, the written recommendation of the chief executive of the Ministry of Health.
- “(5) In subsection (1), **quarantinable disease** has the meaning given to it by section 2(1) of the Health Act 1956.

**“61CF Special assistance for visitors affected by overseas epidemics**

- “(1) The Minister may, in respect of any period for which an overseas epidemic management notice is in force, by notice in the *Gazette* establish programmes of special assistance for visitors to New Zealand prevented or hindered from returning promptly to places stated in the notice by the outbreak outside New Zealand of the disease stated in the notice.
- “(2) The notice must state—
- “(a) the criteria by which it is to be determined which people are given assistance; and
  - “(b) any maximum amounts of assistance to be given; and
  - “(c) if different amounts of assistance may be given to different people, the criteria by which it is to be determined how much assistance people are to be given; and
  - “(d) for how long assistance may be given; and
  - “(e) any conditions subject which assistance is to be given.
- “(3) The programme, and the matters stated in the notice establishing it, override every other provision of this Act.”

**6 Money payable out of Crown Bank Account**

Section 124(2) is repealed and the following subsections are substituted:

- “(1C) There must from time to time be paid out of the Crown Bank Account, without further appropriation than this subsection, all money necessary for granting special assistance under section 61CF.
- “(2) This subsection applies to a payment made to a person out of the Crown Bank Account by way of special assistance pursuant to subsection (1)(d) or subsection (1C) if—
- “(a) either—
    - “(i) it was obtained by fraud; or
    - “(ii) the spouse or partner of the person made a false statement to or otherwise misled an officer

engaged in the administration of Part 1, in relation to his or her income or other personal circumstances; and

“(b) as a result, it exceeded the amount (if any) that, in the chief executive’s opinion, would otherwise have been paid.

“(2A) Sections 81 and 86, as far as they are applicable and with any necessary modifications, apply to a payment to which subsection (2) applies—

“(a) as if it were made by way of benefit under Part 1; and

“(b) as if the person to whom it was made were a beneficiary entitled to a benefit of the amount (if any) that, in the chief executive’s opinion, would have been payable if (as the case may be)—

“(i) the fraud had not occurred; or

“(ii) the false statement had not been made; or

“(iii) the officer had not been misled.”

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### Legislative history

6 December 2006

Divided from Law Reform (Epidemic Preparedness) Bill (Bill 39–2) as Bill 39–3F

12 December 2006

Third reading

18 December 2006

Royal assent

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This Act is administered by the Ministry of Social Development.

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