



ANALYSIS

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1980, No. 158

An Act to amend the Social Security Act 1964

[21 January 1981]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Social Security Amendment Act (No. 2) 1980, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as the principal Act).

PART I

MONETARY BENEFITS

2. Deputies of members—Section 12E of the principal Act (as inserted by section 4 (1) of the Social Security Amendment Act 1973) is hereby amended by adding the following subsection:

“(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the Governor-General may, on the

recommendation of the Minister given after consultation with the Minister of Justice, appoint some other person qualified for appointment to be Deputy Chairman, to act as Chairman from time to time as required.”

3. Rates of national superannuation—(1) Section 15 (1) of the principal Act is hereby amended by repealing paragraph (a) (as substituted by section 4 (1) of the Social Security Amendment Act 1979), and substituting the following paragraph:

“(a) In the case of a married couple both of whom are entitled to receive national superannuation, a sum that will produce for each of them in March and September each year an amount which, after tax is deducted at the ordinary rate for a single person without dependants, is equal to half the amount that is 80 percent of the sum that would be paid to a married person, after tax is deducted at the ordinary rate for a married person without dependants, if he were paid at the rate of the average ordinary time weekly wage, as disclosed by the quarterly employment survey of salaries and wages conducted by the Department of Labour in the previous November and May, respectively.”

(2) Section 4 of the Social Security Amendment Act 1979 is hereby consequentially repealed.

4. Disability allowance—Section 69c (1) of the principal Act (as inserted by section 12 (1) of the Social Security Amendment Act 1975) is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Any person who is in receipt of a sickness or unemployment benefit or a related emergency benefit under section 61 of this Act and who—

“(i) Has been in receipt of that benefit for a period of not less than 26 weeks; or

“(ii) Was in receipt of a disability allowance under this section immediately before the grant of the benefit; or”.

5. Increasing rates of benefits in respect of period 9 January 1980 to 22 July 1980—(1) In respect of the period commencing on the 9th day of January 1980 and ending with the 22nd day of July 1980, the principal Act shall have effect

as if each provision of that Act specified in the first column of the First Schedule to this Act had been amended by omitting every expression set out in the second column of that Schedule opposite the reference to that provision, wherever that expression occurs, and substituting in each case the expression set out opposite to it in the third column of that Schedule.

(2) This section and the First Schedule to this Act shall be deemed to have come into force on the 9th day of January 1980.

6. Increasing rates of benefits and child supplements on and after 23 July 1980—(1) The principal Act is hereby further amended by repealing the Third to Tenth, Twelfth, Fourteenth, Sixteenth, Seventeenth, and Nineteenth Schedules (as substituted by section 13 (1) of the Social Security Amendment Act 1979) and the Eighteenth Schedule (as inserted by section 14 (1) of the Social Security Amendment Act 1979), and substituting the Third to Tenth, Twelfth, Fourteenth, and Sixteenth to Nineteenth Schedules set out in the Second Schedule to this Act.

(2) Sections 13 to 16 of, and the First to Third Schedules to, the Social Security Amendment Act 1979 are hereby consequentially repealed.

(3) This section and the Second Schedule to this Act shall be deemed to have come into force on the 23rd day of July 1980.

PART II

MEDICAL AND HOSPITAL BENEFITS AND OTHER RELATED BENEFITS

7. Interpretation—(1) Section 88 (1) of the principal Act is hereby amended by repealing the definitions of the terms “pharmaceutical benefits” (as substituted by section 20 (1) (c) of the Social Security Amendment Act 1973) and “pharmaceutical requirements”, and substituting the following definitions:

“‘Pharmaceutical benefits’ means the right of—

“(a) A person entitled to claim for himself the several benefits provided for by this Part of this Act; and

“(b) Any member under 16 years of age of that person’s family—
to have made by the Department on his behalf,

subject to any conditions for the time being specified in a direction under section 99 (1) (b) of this Act, such payment in respect of any pharmaceutical requirement supplied to that person or member under the order of a medical practitioner or dentist in the course of his practice as is for the time being prescribed in a direction under section 99 (1) (c) of this Act:

“‘Pharmaceutical requirement’ means any medicine, drug, appliance or thing for the time being specified in a direction under section 99 (1) (a) of this Act:”.

(2) Section 20 (1) (c) of the Social Security Amendment Act 1973 is hereby consequentially repealed.

8. Fixing prices for pharmaceutical requirements—

(1) Section 99 of the principal Act (as substituted by section 23 of the Social Security Amendment Act 1973) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Minister may from time to time, by direction, specify all or any of the following matters:

“(a) The medicines, drugs, appliances, and things in respect of which the Department will make payments to persons who supply them to—

“(i) Persons entitled to claim and claiming pharmaceutical benefits; or

“(ii) Any other persons for supply in the course of the rendering of a service by those other persons that is the subject of any other benefit provided for by this Part of this Act to persons so entitled and so claiming:

“(b) Any terms and conditions that must be complied with before the Department will make payments in respect of pharmaceutical requirements, or make payments at a particular rate in respect of pharmaceutical requirements, as aforesaid:

“(c) The payments to be made as aforesaid for pharmaceutical requirements.”

(2) Section 99 (2) of the principal Act is hereby consequentially amended by repealing paragraph (b).

SCHEDULES

FIRST SCHEDULE

Section 5 (1)

AMENDMENTS TO PRINCIPAL ACT INCREASING RATES OF BENEFITS IN RESPECT OF PERIOD 9 JANUARY 1980 TO 22 JULY 1980

Provisions Amended	Expressions Omitted	Expressions Substituted
	\$	\$
Third Schedule—		
Clause 1	2,710.76	2,954.64
Clause 2	2,710.76	2,954.64
Fourth Schedule	1,344.20	1,463.80
Sixth Schedule—		
Clause 1 (a)	2,062.32	2,247.96
Clause 1 (b)	2,710.76	2,954.64
Clause 1 (c)	2,258.88	2,462.20
Clause 1 (d)	2,258.88	2,462.20
Clause 1 (e)	2,258.88	2,462.20
Clause 2	3,870.88	4,074.20
	451.88	492.44
Seventh Schedule—		
Clause 1 (a)	2,258.88	2,462.20
Clause 1 (b)	2,710.76	2,954.64
Clause 2	2,627.56	2,871.44
Eighth Schedule—		
Clause 1 (a)	39.66	43.23
Clause 1 (b)	52.13	56.82
Clause 1 (c)	43.44	47.35
Clause 1 (d)	43.44	47.35
Clause 1 (e)	43.44	47.35
Clause 1 (f)	43.44	47.35
Clause 2	34.75	37.88
Ninth Schedule—		
Clause 1 (a)	39.66	43.23
Clause 1 (b)	52.13	56.82
Clause 1 (c)	43.44	47.35
Clause 2	34.75	37.88
Fourteenth Schedule—		
Clause 1 (a) (i)	1,495.00	1,657.76
Clause 2 (a) (i)	28.75	31.88
Sixteenth Schedule—		
Clause 1	2,710.76	2,954.64
Clause 2	2,710.76	2,954.64
Seventeenth Schedule—		
Clause 1	2,062.32	2,247.96
Clause 2	2,710.76	2,954.64
Clause 3	2,258.88	2,462.20
Clause 4	2,258.88	2,462.20

Section 6 (1)

SECOND SCHEDULE

NEW THIRD TO TENTH, TWELFTH, FOURTEENTH, AND SIXTEENTH TO
NINETEENTH SCHEDULES TO PRINCIPAL ACT*(Effective on and after 23 July 1980)*

Sections 21, 24

"THIRD SCHEDULE

RATES OF WIDOW'S BENEFITS

1. To a beneficiary without dependent children \$3,196.96 a year, diminished by 40c for every complete \$1 of the total annual income of the beneficiary in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of her total annual income in excess of \$2,080 a year.
2. To a beneficiary with 1 or more dependent children \$3,196.96 a year, increased, in the discretion of the Commission, by a child supplement not exceeding the appropriate amount specified in the Fourteenth Schedule to this Act, and diminished by 40c for every complete \$1 of the total annual income of the beneficiary in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of her total annual income in excess of \$2,080 a year:

Provided that in computing for the purposes of this clause the income of a widow, the Commission may, in its discretion, disregard as income some or all of that part of her personal earnings (not exceeding \$20 a week) used to meet the cost of placing a dependent child or children of the beneficiary in a day care centre registered under the Child Care Centre Regulations 1960, or in any other day care facility approved by the Commission for the purpose.

Section 29

"FOURTH SCHEDULE

MAXIMUM RATES OF ORPHAN'S BENEFITS

- In every case \$1,583.40 a year, diminished by \$3 for every complete \$4 of the total annual income of the orphan in excess of \$260 a year.

SECOND SCHEDULE—*continued*

"FIFTH SCHEDULE

Section 34

RATES OF FAMILY BENEFITS

In respect of each child \$6 a week.

"SIXTH SCHEDULE

Sections 42, 43

RATES OF INVALIDS' BENEFITS

1. (a) To an unmarried beneficiary under the age of 18 years \$2,432.04 a year, diminished by 40c for every complete \$1 of the total annual income of the beneficiary in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of the total annual income of the beneficiary in excess of \$2,080 a year.
- (b) To any other unmarried beneficiary \$3,196.96 a year, diminished by 40c for every complete \$1 of the total annual income of the beneficiary in excess of \$1,300 but not in excess of \$2,080 a year, and by 80c for every complete \$1 of the total annual income of the beneficiary in excess of \$2,080 a year.
- (c) To a married beneficiary whose spouse is granted, in his or her own right, a benefit (other than national superannuation) under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$2,663.96 a year, diminished by 20c for every complete \$1 of the total annual income of the beneficiary and his or her spouse in excess of \$1,300 a year, but not in excess of \$2,080 a year, and by 40c for every complete \$1 of such income in excess of \$2,080 a year.
- (d) To a married beneficiary whose spouse is not granted, in his or her own right, a benefit under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$2,663.96 a year, increased by \$2,663.96 a year in respect of his or her spouse, the total rate to be diminished by 40c for every complete \$1 of the total annual income of the beneficiary and his or her spouse in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year.

SECOND SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”

- (e) To a married beneficiary whose spouse is granted, in his or her own right, national superannuation under Part I of this Act \$2,663.96 a year, diminished by 40c for every complete \$1 of the total annual income of the beneficiary and his or her spouse in excess of \$1,300 a year but not in excess of \$2,080 a year, and by 80c for every complete \$1 of such income in excess of \$2,080 a year:

Provided that if the beneficiary has the care of a dependent child or children, the rate of benefit specified in this Schedule may, in the discretion of the Commission, be increased by a child supplement not exceeding the appropriate rate specified in the Fourteenth Schedule to this Act:

Provided also that, in computing for the purposes of this clause the income of any totally blind person, the Commission shall take no account of the personal earnings of that person:

Provided further that the rates specified in paragraphs (a) and (b) of this clause shall be reduced by the amount of any family benefit payable under Part I of this Act in respect of the beneficiary.

2. Maximum amount from all sources where subsidy paid on earnings of blind invalid, in every case \$4,275.96 a year, increased by \$533 a year if the beneficiary is an unmarried person.

Sections 49, 53

“SEVENTH SCHEDULE

RATES OF MINERS' BENEFITS AND MINERS' WIDOWS' BENEFITS

1. (a) To a married miner \$2,663.96 a year, increased by \$2,663.96 a year in respect of his wife.
 (b) In any other case \$3,196.96 a year.
 2. To a miner's widow \$3,113.76 a year.

Sections 54A (3), 55

“EIGHTH SCHEDULE

RATES OF SICKNESS BENEFITS

1. (a) To an unmarried beneficiary under the age of 18 years without dependants \$46.77 a week, diminished by 8c for every complete 20c of the total weekly income of the beneficiary in excess of \$25 a week but not in excess of \$40 a week, and by 16c for every complete 20c of the total weekly income of the beneficiary in excess of \$40 a week.
 (b) To any other unmarried beneficiary \$61.48 a week, diminished by 8c for every complete 20c of the total weekly income of the beneficiary in excess of \$25 a week but not in excess of \$40 a week, and by 16c for every complete 20c of the total weekly income of the beneficiary in excess of \$40 a week.

SECOND SCHEDULE—*continued*"EIGHTH SCHEDULE—*continued*

- (c) To a married beneficiary whose spouse is granted, in his or her own right, a benefit (other than national superannuation) under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$51.23 a week, diminished by 4c for every complete 20c of the total weekly income of the beneficiary and his or her spouse in excess of \$25 a week but not in excess of \$40 a week, and by 8c for every complete 20c of such income in excess of \$40 a week.
- (d) To a married beneficiary whose spouse is not granted, in his or her own right, a benefit under Part I of this Act, or an economic pension, war veteran's allowance, or war service pension under the War Pensions Act 1954 \$51.23 a week, increased by \$51.23 a week in respect of his or her spouse, the total rate to be diminished by 8c for every complete 20c of the total weekly income of the beneficiary and his or her spouse in excess of \$25 a week but not in excess of \$40 a week, and by 16c for every complete 20c of such income in excess of \$40 a week.
- (e) To a married beneficiary whose spouse is granted, in his or her own right, national superannuation under Part I of this Act \$51.23 a week, diminished by 8c for every complete 20c of the total weekly income of the beneficiary and his or her spouse in excess of \$25 a week but not in excess of \$40 a week, and by 16c for every complete 20c of such income in excess of \$40 a week.
- (f) To a married person under section 54A \$51.23 a week, diminished by 8c for every complete 20c of the total weekly income of the beneficiary in excess of \$25 a week but not in excess of \$40 a week, and by 16c for every complete 20c of such income in excess of \$40 a week:

Provided that for the purposes of paragraphs (a) to (e) of this clause, if the beneficiary has the care of a dependent child or children, the rate of benefit specified in this Schedule may, in the discretion of the Commission, be increased by a child supplement not exceeding the appropriate rate specified in the Fourteenth Schedule to this Act.

Provided also that the rates specified in paragraphs (a) and (b) of this clause shall be reduced by the amount of any family benefit payable under Part I of this Act in respect of the beneficiary.

2. Maximum increase in respect of a housekeeper \$40.98 a week.

SECOND SCHEDULE—*continued*

Section 59

"NINTH SCHEDULE

MAXIMUM RATES OF UNEMPLOYMENT BENEFITS

1. (a) To an unmarried beneficiary under the age of 20 years without dependants \$46.77 a week.
- (b) To any other unmarried beneficiary \$61.48 a week.
- (c) To a married beneficiary \$51.23 a week, increased by \$51.23 a week in respect of his or her spouse.
2. Maximum increase in respect of a housekeeper \$40.98 a week:

Provided that, if the beneficiary has the care of a dependent child or children, the rate of benefit specified in this Schedule may, in the discretion of the Commission, be increased by a child supplement not exceeding the appropriate rate specified in the Fourteenth Schedule to this Act.

Section 66

"TENTH SCHEDULE

SPECIAL INCOME EXEMPTION IN RESPECT OF SICK BENEFITS FROM FRIENDLY OR LIKE SOCIETY (NATIONAL SUPERANNUATION PAYABLE UNDER SECTION 16 OF THIS ACT, INVALIDS', WIDOWS', DOMESTIC PURPOSES, AND SICKNESS BENEFITS ONLY)

Maximum rate \$2 a week in the case of a sickness benefit, and \$104 a year in any other case.

Section 69

"TWELFTH SCHEDULE

MAXIMUM INCREASE IN RATE OF BENEFIT PAYABLE TO PARENT OF DECEASED MEMBER OF FORCES OR MERCANTILE MARINE

Maximum rate \$1 a week.

SECOND SCHEDULE—*continued*

“FOURTEENTH SCHEDULE

Section 61A

CHILD SUPPLEMENTS

1. To any person receiving an emergency benefit payable otherwise than by weekly instalments, or a widow's, domestic purposes, or invalid's benefit—
 - (a) At the rate payable to an unmarried beneficiary—
 - (i) On account of first or only dependent child \$1,818.96 a year.
 - (ii) On account of each additional dependent child after the first \$208 a year.
 - (b) At the rate payable to a married beneficiary on account of each dependent child \$208 a year.

2. To any person receiving an emergency benefit payable by weekly instalments, or a sickness or unemployment benefit—
 - (a) At the rate payable to an unmarried beneficiary—
 - (i) On account of first or only dependent child \$34.98 a week.
 - (ii) On account of each additional dependent child after the first \$4 a week.
 - (b) At the rate payable to a married beneficiary—on account of each dependent child \$4 a week.”

This Act is administered in the Department of Social Welfare.
