



ANALYSIS

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1982, No. 154

An Act to amend the Social Security Act 1964 relating to the liability of parents to contribute to the cost of domestic purposes benefits in certain cases, and to other matters

[16 December 1982]

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 and commencement—(1) This Act may be cited as the Social Security Amendment Act (No. 2) 1982, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as the principal Act).

(2) Except as provided in subsections (6) and (7) of section 7 of this Act, this Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

Contribution Towards Cost of Domestic Purposes Benefits For Solo Parents

2. Interpretation—Section 27I of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) is hereby amended by inserting in the definition of the term “benefit” in subsection (1), after the words “section 27B of this Act”, the words “, otherwise than to an applicant to whom subsection (1) (e) of that section applies”.

3. Maintenance order or agreement suspended while benefit is paid—Section 27J of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) is hereby amended—

- (a) By omitting from subsection (1), and also from subsection (2), the word “registered”;
- (b) By omitting from subsection (1) the words “beneficiary and any child”, and substituting the words “beneficiary or any child”;
- (c) By omitting from that subsection the word “from” where it first occurs, and substituting the word “on”.

4. Notice of objection—(1) Section 27O of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) If the recipient of a notice under section 27N (2) of this Act wishes to object to the contribution, he or she shall give written notice of objection to the Commission at the office of the Department nearest to his or her place of residence, and shall state the ground or grounds of objection (being a ground or grounds specified in section 27P of this Act).

“(2) Where a notice of objection has been lodged under subsection (1) of this section but the objection has not been finally determined, the objector may apply to the Court for an order that the liability imposed on the objector by section 27K of this Act be suspended, in whole or in part, pending the final determination of the objection, and the Court may make such order (if any) as it thinks just.”

(2) Section 27O of the principal Act (as so inserted) is hereby further amended by omitting from subsection (3) the words “liable parent”, and substituting the word “objector”.

(3) Section 27R of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) is hereby amended by omitting the words “liable parent” wherever they occur, and substituting in each case the word “objector”.

5. Grounds on which objection may be made—Section 27P of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) is hereby amended by inserting in paragraph (b) (iv), after the words “any other matter”, the words “(not being or relating to the financial ability of the objector to pay any contribution fixed by section 27K (1) of this Act or properly assessed in accordance with the Twentieth Schedule to this Act)”.

6. Amendments of Twentieth Schedule—(1) The Twentieth Schedule to the principal Act (as substituted by section 22 (1) of the Social Security Amendment Act 1982) is hereby amended by repealing the definition of the term “weekly income” in clause 1, and substituting the following definition:

“‘Weekly income’, in relation to a liable parent, means the liable parent’s gross earnings in an income year divided by the number of weeks over which the liable parent derived that income during that year.”

(2) The Twentieth Schedule to the principal Act (as so added) is hereby further amended by repealing subparagraphs (iv) and (v) of clause 2 (c), and substituting the following subparagraphs:

“(iv) For each child (other than a dependent child of the beneficiary) who is dependent on the liable parent,—

“(aa) The sum of \$25 less the amount (if any) payable by any other person by way of maintenance for that child; or

“(bb) The actual amount paid by the liable parent towards the maintenance of that child,—

whichever is the lesser; and

“(v) For each adult who is dependent on the liable parent,—

“(aa) The sum of \$70 less the amount (if any) payable by any other person towards the upkeep of that adult; or

“(bb) The actual amount paid by the liable parent towards the upkeep of that adult,—

whichever is the lesser; and”.

Miscellaneous Amendments

7. Amendments of Social Security Amendment Act 1982—(1) Section 4 of the Social Security Amendment Act 1982 is hereby amended by adding the following subsections:

“(3) This section shall be deemed to have come into force on the 28th day of September 1982, and shall apply in respect of persons dying on or after that date.

“(4) The provisions of the principal Act shall continue to apply in respect of persons dying before the 28th day of September 1982 as if this section had not been enacted.”

(2) Section 9 of the Social Security Amendment Act 1982 is hereby amended by adding the following subsections:

“(3) This section shall be deemed to have come into force on the 28th day of September 1982, and shall apply in respect of persons dying on or after that date.

“(4) The provisions of the principal Act shall continue to apply in respect of persons dying before the 28th day of September 1982 as if this section had not been enacted.”

(3) Section 13 (2) (b) of the Social Security Amendment Act 1982 is hereby amended by inserting, after the word “Act”, the expression “(No. 2)”.

(4) Section 15 of the Social Security Amendment Act 1982 is hereby amended by adding the following subsections:

“(3) This section shall be deemed to have come into force on the 28th day of September 1982, and shall apply in respect of persons dying on or after that date.

“(4) The provisions of the principal Act shall continue to apply in respect of persons dying before the 28th day of September 1982 as if this section had not been enacted.”

(5) Section 21 of the Social Security Amendment Act 1982 is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Section 10 (2), (3), and (4) of, and the Second Schedule to, the Social Security Amendment Act 1981 are hereby consequentially repealed.”

(6) Subsections (1) to (4) of this section shall be deemed to have come into force on the 28th day of September 1982.

(7) Subsection (5) of this section shall be deemed to have come into force on the 10th day of November 1982.

This Act is administered in the Department of Social Welfare.