



ANALYSIS

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1991, No. 78

An Act to amend the Social Security Act 1964

[1 August 1991]

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

1. Short Title and commencement—(1) This Act may be cited as the Social Security Amendment Act (No. 2) 1991, 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 sections 5 (2), 18 (3), and 23 (2) of this Act, this Act shall come into force on the 1st day of August 1991.

2. Interpretation—Section 3 (1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Assessable income’ means assessable income within the meaning of the Income Tax Act 1976; and includes—

“(a) Fifty percent of any amount received under a superannuation scheme registered under the Superannuation Schemes Act 1989; and

“(b) Fifty percent of any amount received under an annuity paid on or after the 1st day of April 1990 in respect of a policy of life insurance—

“(i) Offered or entered into in New Zealand by a life insurer (as that term is defined in section 204 of the Income Tax Act 1976); or

“(ii) Offered or entered into outside of New Zealand by a life insurer (as so defined) that is resident in New Zealand within the meaning of section 241 of the Income Tax Act 1976; and

“(c) Income which is derived outside of New Zealand—

but does not include guaranteed retirement income:

“ ‘Community task force project’ means a project that is approved by the Secretary of Labour for the purposes of section 60M of this Act:”.

3. Review of decisions—Section 10A of the principal Act (as inserted by section 4 of the Social Security Amendment Act 1987) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Minister shall establish at least 1 district review committee for every district of the Department.”

4. Domestic purposes benefits for sole parents—(1) Section 27B (2) of the principal Act (as substituted by section 11 (2) of the Social Security Amendment Act 1987) is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The applicant either—

“(i) Is or has been legally married; or

“(ii) Has attained the age of 18 years; and”.

(2) Notwithstanding the provisions of section 27B (2) (a) of the principal Act (as substituted by subsection (1) of this section), a person who is under the age of 18 years but who would

otherwise be entitled to receive a domestic purposes benefit, shall be entitled to receive a domestic purposes benefit if he or she was a sole parent in receipt of a benefit immediately before the commencement of this section.

5. Split custody—(1) The principal Act is hereby amended by inserting, after section 27B, the following section:

“27BA. (1) If the parents of 2 or more dependent children—

“(a) Are living apart; and

“(b) Each parent is the principal caregiver of 1 or more of the children; and

“(c) Both parents are otherwise entitled to a domestic purposes benefit—

only 1 parent shall be entitled to a domestic purposes benefit in respect of the children.

“(2) The parent entitled to a domestic purposes benefit under subsection (1) of this section shall be—

“(a) The parent already receiving a domestic purposes benefit in respect of any of the children; or

“(b) The parent whom the Director-General considers was the principal caregiver in respect of the children immediately before the parents began living apart, if no parent is already receiving a domestic purposes benefit in respect of any of the children; or

“(c) The parent who is the principal caregiver in respect of the youngest child, if neither parent was the principal caregiver in respect of the children before they began living apart, or the Director-General is unable to ascertain which parent was the principal caregiver in respect of the children immediately before they began living apart.

“(3) This section shall not apply where each parent has become the principal caregiver in respect of at least 1 child pursuant to a custody order or orders made by a Court of competent jurisdiction.

“(4) This section shall apply only to a person who applies for a domestic purposes benefit on or after the 1st day of October 1991, or where the Department was not notified before the 1st day of October 1991 that each parent was the principal caregiver in respect of 1 or more of the children.

“(5) In this section ‘child’ means a dependent child of the parents born of their relationship or adopted by the parents or (if they were legally married) by 1 of the parents during their marriage; and ‘children’ has a corresponding meaning.”

(2) This section shall come into force on the 1st day of October 1991.

6. Interpretation—(1) Section 271 of the principal Act (as amended by section 5 of the Social Security Amendment Act (No. 2) 1990) is hereby amended by repealing paragraph (c) (iv) of the definition of the term “benefit”, and substituting the following:

“(iv) An unemployment benefit granted under section 58 of this Act:

“(d) An emergency benefit granted under section 61 of this Act where the applicant is a sole parent and application for the benefit was made on or after the 1st day of August 1991—”.

(2) Section 271 of the principal Act (as inserted by section 7 of the Social Security Amendment Act 1980) is hereby amended by adding the following subsection:

“(5) For the avoidance of doubt, it is hereby declared that every parent (other than the beneficiary) of a dependent child aged 16 years or 17 years in the care of a beneficiary is liable in law to maintain that child.”

7. Invalids' benefits—(1) Section 40 of the principal Act (as substituted by section 10 of the Social Security Amendment Act 1972) is hereby amended by omitting the expression “15”, and substituting the expression “16”.

(2) Notwithstanding the provisions of section 40 of the principal Act (as amended by subsection (1) of this section), a person who is under the age of 16 years but who would otherwise be entitled to receive an invalid's benefit, shall be entitled to receive an invalid's benefit if he or she was in receipt of, or had applied for, an invalid's benefit before the 1st day of August 1991.

8. Sickness benefits—(1) Section 54 of the principal Act (as amended by section 14 (a) of the Social Security Amendment Act 1972) is hereby amended by omitting the expression “15”, and substituting the expression “16”.

(2) Notwithstanding the provisions of section 54 of the principal Act (as amended by subsection (1) of this section), a person who is under the age of 16 years but who would otherwise be entitled to receive a sickness benefit, shall be entitled to receive a sickness benefit if he or she was in receipt of, or had applied for, a sickness benefit before the 1st day of August 1991.

9. Rates of sickness benefits—Section 55 (1) of the principal Act is hereby amended by repealing the second proviso.

10. Commencement of unemployment benefit—Section 60 (3) of the principal Act (as substituted by section 15 of the Social Security Amendment Act 1991) is hereby amended by omitting the words “or section 60J”, and substituting the words “section 60J, section 60N, or section 80B”.

11. Effect of redundancy payments on entitlement to benefits—(1) Section 60I of the principal Act (as inserted by section 16 of the Social Security Amendment Act 1991) is hereby amended by repealing subsections (1) and (3).

(2) Section 60I (2) of the principal Act (as so inserted) is hereby amended by inserting, after the words “weekly amount of benefit”, the words “(including accommodation benefit)”.

(3) A person to whom section 60I (2) of the principal Act applied before the 1st day of August 1991 may apply for a reassessment of any period of non-entitlement using, as the basis of the reassessment, the provisions of the said section 60I (2) (as amended by subsection (2) of this section).

12. Effect of refusal to seek or accept employment—Section 60J of the principal Act (as so inserted) is hereby amended by omitting the words “New Zealand Employment Service” wherever they occur, and substituting in each case the words “Secretary of Labour”.

13. Effect of undertaking full employment—Section 60K of the principal Act (as so inserted) is hereby amended by inserting, after the expression “section 60J”, the expression “or section 60N”.

14. Effect of sections 60H to 60J and section 60N on entitlement to supplementary benefits and on spouses—(1) The principal Act is hereby amended by repealing section 60L (as so inserted), and substituting the following section:

“60L. (1) If an applicant for an unemployment benefit—

“(a) Is unemployed; and

“(b) Has a spouse who is unemployed but who is not entitled to a benefit due to the application of paragraph (b) of the proviso to section 58 (1) or of section 60H or section 60J or section 60N of this Act—

the rate of unemployment benefit that the applicant shall be entitled to receive during the period of non-entitlement of the spouse shall be the appropriate rate specified in clause 5 of the Ninth Schedule to this Act.

“(2) The spouse of a person who is unemployed but who is not entitled to a benefit due to the application of section 60I of this Act shall not be entitled to receive any benefit under this Part of this Act to which his or her spouse is not entitled.”

15. Community task force—The principal Act is hereby amended by inserting, after section 60L, the following sections:

“60M. **Community task force scheme**—(1) The Director-General may request any beneficiary whose rate of benefit is not subject to abatement on account of income to participate in a community task force project for a period of between 6 and 8 hours a day for 3 days a week, between Monday and Friday, for a period of not more than 26 weeks if—

“(a) The beneficiary has been in receipt of an unemployment benefit or an independent youth benefit for a continuous period of not less than 26 weeks; and

“(b) The beneficiary is not in part-time employment for more than 8 hours a week; and

“(c) The Secretary of Labour has determined that the community task force project is suitable for that person.

“(2) Any person who was in receipt of a benefit immediately before participating in a community task force project shall be entitled to continue to receive that benefit, or any other benefit which is granted to that beneficiary, during his or her participation in the project so long as he or she continues to be eligible to receive that benefit; and any further sum of up to \$15 a week that the participant receives in relation to his or her participation in the project shall be disregarded in determining the rate of benefit of the participant or his or her spouse under this Act.

“(3) The Director-General shall not request a person who has participated in 1 or more community task force projects for a total period of 26 weeks or more during the immediately preceding period of 52 weeks to participate in any community task force project.

“(4) No participant shall be requested to attend a community task force project on a day which is designated as a holiday pursuant to section 7A (2) (a) to (k), section 8, section 9, or section 10 of the Holidays Act 1981.

“(5) For the purposes only of any statutory requirements relating to health and safety of employees or workers, other than the Accident Compensation Act 1982, any beneficiary who participates in a community task force project shall be treated as the employee or worker of the sponsor of that community task force project.

“60N. **Effect of failure to participate in community task force project**—(1) If the Director-General requests a beneficiary to participate in a community task force project under section 60M of this Act and the beneficiary—

“(a) Declines without good and sufficient reason to participate in that community task force project; or

“(b) Fails without good and sufficient reason to complete his or her participation in the community task force project for the period determined by the Director-General; or

“(c) Fails without good and sufficient reason to meet any requirements of the community task force project—
the Director-General shall cancel his or her benefit; and the beneficiary shall not be entitled to receive an unemployment benefit or independent youth benefit for a period of 26 weeks from the date of cancellation.

“(2) Without limiting the generality of subsection (1) of this section, a beneficiary shall be considered to have good and sufficient reasons for declining to participate in, or not completing his or her participation in, a community task force project if—

“(a) The beneficiary produces a medical certificate issued by a medical practitioner or (in the case of any condition within the ambit of the dental profession) by a registered dentist certifying that he or she is medically unfit to participate in that project; or

“(b) The beneficiary has accepted full employment, part-time employment of not less than 8 hours a week, or temporary employment.”

16. Funeral grants—(1) The principal Act is hereby amended by repealing section 61D to section 61DF, and substituting the following sections:

“61D. **Interpretation**—(1) In sections 61DB, 61DC, and 61DD of this Act, unless the context otherwise requires,—

“‘Assessable estate’ means the estate of a deceased person, including a deceased child; but does not include—

“(a) Any asset which the Director-General considers is impracticable to realise; or

“(b) Any administration expenses; or

“(c) Any non-assessable assets, if section 61DB or section 61DD of this Act applies:

“ ‘Child’ includes a still-born child as defined in section 2 of the Births and Deaths Registration Act 1951:

“ ‘Non-assessable assets’, in relation to a deceased person, a spouse, or the parents or any other person who was liable in law to maintain a deceased child on the date of death, are—

“(a) That person’s estate or interest, on the date of death of the deceased, in his or her own principal place of residence, including any estate or interest in the land on which it is erected, and any other buildings or improvements on that land which are used principally for the purposes of that person’s household; and

“(b) Chattels which the person owned or which were in his or her possession pursuant to a hire purchase agreement or conditional sale agreement or an agreement for lease or hire, on the date of death of the deceased, and which are—

“(i) Furniture, appliances, tools, ornaments, or other articles used principally for the purposes of the deceased’s household; or

“(ii) Motor vehicles, caravans, trailers, or boats used principally for family purposes; and

“(c) Any undivided beneficial interest in common in Maori land.

“(2) In sections 61DB and 61DD of this Act, the annual income of any person shall be that person’s estimated income for the 52-week period commencing on the day following the date of death of the deceased in respect of whom the application is made.

“61DA. **Restrictions on payment of funeral grants**—
Funeral grants shall not be payable under section 61DB or section 61DC or section 61DD of this Act if—

“(a) Section 81 of the Accident Compensation Act 1982 applies in respect of the deceased; or

“(b) A payment under section 12 of the Social Welfare (Transitional Provisions) Act 1990 is payable in respect of the deceased; or

“(c) A payment under regulation 45 of the War Pensions Regulations 1956, or an analogous payment, is payable in respect of the deceased; or

“(d) The deceased person, including a deceased child, was not ordinarily resident in New Zealand on the date of death.

“61DB. **Payment of funeral grants where there is a surviving spouse or children**—If a person, other than a child, dies and the deceased person is survived by—

“(a) A spouse; or

“(b) A child or children whom he or she is liable in law to maintain; or

“(c) Any other dependent child or dependent children (whether dependent on the deceased or any other person) aged 16 years or 17 years of whom the deceased person was the parent—

the Director-General may, in the Director-General’s discretion, pay a funeral grant not exceeding \$1,000 to meet the deceased person’s reasonable funeral expenses if—

“(d) Those funeral expenses cannot be paid from the aggregate of—

“(i) The deceased’s assessable estate before the payment of any other debts; and

“(ii) The assets of any spouse who survives the deceased, other than non-assessable assets, in excess of the value of an amount equivalent to 400 percent of the maximum weekly rate of invalid’s benefit which a married couple is entitled to receive; and

“(e) The annual income of any spouse who survives the deceased would not be sufficient to disentitle a person in receipt of that income from receiving an invalid’s benefit.

“61DC. **Payment of funeral grants where there is no surviving spouse or children**—If a person, other than a child, dies and section 61DB of this Act does not apply, the Director-General may, in the Director-General’s discretion, pay a funeral grant not exceeding \$1,000 to meet the deceased person’s reasonable funeral expenses if those funeral expenses cannot be paid from the deceased’s assessable estate before the payment of any other debts.

“61DD. **Children’s funeral grants**—If a child dies the Director-General may, in the Director-General’s discretion, pay a funeral grant not exceeding \$1,000 to meet the deceased child’s reasonable funeral expenses if—

“(a) Those funeral expenses cannot be paid from the aggregate of—

“(i) The deceased child’s assessable estate before the payment of any other debts; and

“(ii) The combined assets of the parents, or any other person or persons, who were liable in law to maintain the deceased child on the date of death, other than non-assessable assets, in excess of the *value of an amount equivalent to 400 percent of the maximum weekly rate of invalid’s benefit which a married couple is entitled to receive*; and

“(b) The combined annual income of the parents, or any other person or persons, who were liable in law to maintain the deceased child on the date of death would not be sufficient to disentitle a person in receipt of that income from receiving an invalid’s benefit.

“61DE. **Method of making payments**—(1) Any payment under section 61DB or section 61DC or section 61DD of this Act shall be made, in the Director-General’s discretion,—

“(a) To the spouse or any child of the deceased; or

“(b) To the estate of the deceased; or

“(c) To any person who has paid the deceased’s funeral expenses; or

“(d) To the appropriate funeral director; or

“(e) In the case of a deceased child, to the parent or any other person or persons who were liable in law to maintain that child immediately before the date of death.

“(2) If the quantum of the assets of a deceased person’s estate, or the income derived or to be derived by any person whose income is to be tested under section 61DB or section 61DD of this Act, has not been finally determined, and there is a doubt as to whether any funeral grant is payable under section 61DB or section 61DC or section 61DD of this Act, the Director-General, in the Director-General’s discretion, may advance any amount payable under those sections on the condition that the whole or any part of it will be repaid if it is subsequently established that there was no entitlement to all or any part of that payment.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 9 of the Social Security Amendment Act 1982:

(b) Section 7 (2) of the Social Security Amendment Act (No. 2) 1982:

(c) Sections 8 to 10 and 12 of the Social Security Amendment Act (No. 2) 1985:

(d) Section 15 of the Social Security Amendment Act (No. 2) 1988:

(e) Sections 14 (5) and 37 (6) of the Social Welfare (Transitional Provisions) Act 1990:

(f) Sections 18 to 21 of the Social Security Amendment Act 1991.

(3) Clause 2 of the Social Security (Miscellaneous Rates) Order 1990 (S.R. 1990/258) is hereby consequentially revoked.

(4) This section shall apply in respect of persons who die on or after the date of commencement of this section. In respect of persons who died before that date, the provisions of the principal Act shall continue to apply as if this section had not been enacted.

17. Conjugal status for benefit purposes—Section 63 of the principal Act (as substituted by section 17 (1) of the Social Security Amendment Act 1978) is hereby amended by inserting, after the words “or of determining the rate of any benefit,”, the words “or of the granting of any payment of a funeral grant under section 61DB of this Act or of any welfare programme approved by the Minister under section 124 (1) (d) of this Act,”.

18. Entitlement to benefits in cases of shared custody—

(1) The principal Act is hereby amended by inserting, after section 70A, the following section:

“70B. (1) If the parents of a dependent child—

“(a) Are living apart; and

“(b) Are both beneficiaries; and

“(c) Each has the primary responsibility for the care of that child for at least 40 percent of the time—

only the parent whom the Director-General is satisfied has the greater responsibility for the child shall be entitled to have that child taken into account by the Director-General in assessing that parents entitlement to a benefit and the rate of benefit payable at any one time.

“(2) In deciding which parent has the greater responsibility for the child, the Director-General shall have regard primarily to the periods the child is in the care of each parent and then to the following factors:

“(a) How the responsibility for decisions about the daily activities of the child is shared; and

“(b) Who is responsible for taking the child to and from school and supervising that child’s leisure activities; and

“(c) How decisions about the education or health care of the child are made; and

“(d) The financial arrangements for the child’s material support; and

“(e) Which parent pays for which expenses of the child.

“(3) If the Director-General is unable to ascertain that one parent has the greater responsibility for the child than the other, only the parent whom the Director-General ascertains was the principal caregiver in respect of the child immediately before the parents began living apart shall be entitled to have that child taken into account by the Director-General in assessing that parent’s entitlement to a benefit and the rate of benefit payable.

“(4) If the Director-General is unable to ascertain which of the parents has the greater responsibility for the child or which of them was the principal caregiver before the parents began living apart, the parents shall agree between themselves as to which of them shall be entitled to have that child taken into account by the Director-General in assessing entitlement to a benefit and the rate of benefit payable; and until the parents reach agreement the child shall not be taken into account in assessing the entitlement to a benefit of, or the rate of benefit payable to, either parent.”

(2) If—

(a) Both parents of a dependent child were in receipt of a benefit immediately before the commencement of this section; and

(b) Section 70B of the principal Act (as inserted by subsection (1) of this section) applies to those parents; and

(c) The child was taken into account in assessing both parents’ entitlement to a benefit or the rate of benefit payable to both parents—

each of the parents, in the Director-General’s discretion, shall be entitled to continue to receive the benefit at the same rate as he or she received it before the commencement of this section until a review under section 81 of the principal Act has taken place. The Director-General shall undertake that review between the 1st day of October 1991 and the 1st day of January 1993.

(3) This section shall come into force on the 1st day of October 1991.

19. Effect of absence of beneficiary from New Zealand—(1) The principal Act is hereby amended by repealing section 77, and substituting the following section:

“77. (1) Except as provided in this section or in section 17 or section 17A or section 18 of the Social Welfare (Transitional Provisions) Act 1990, or in any agreement or convention adopted under section 19 of that Act, a benefit shall not be payable while a beneficiary is absent from New Zealand.

“(2) A benefit (other than a sickness, training, unemployment, independent youth, or emergency benefit or a job search allowance) that would otherwise be payable to a beneficiary shall be payable in respect of the first 4 weeks of any absence from New Zealand if the Director-General is satisfied that—

“(a) The absence does not affect the beneficiary’s eligibility for the benefit; and

“(b) The absence does not exceed 4 weeks or that any period of absence beyond 4 weeks was due to circumstances beyond the beneficiary’s control which the beneficiary could not reasonably have foreseen before departure.

“(3) The Director-General may, in the Director-General’s discretion, pay a sickness, training, unemployment, independent youth, or emergency benefit or a job search allowance that would otherwise be payable to a beneficiary in respect of the first 4 weeks of any absence from New Zealand if the Director-General is satisfied that the requirements set out in subsection (2) (a) and (b) of this section have been met.

“(4) The Director-General may, in the Director-General’s discretion, pay a benefit to any person who would otherwise be entitled to receive it, but who is absent from New Zealand for any period or periods not exceeding 2 years in total because—

“(a) That person or his or her spouse, dependent child, or sibling is receiving medical treatment overseas for which the Department of Health is granting assistance; or

“(b) That person is receiving vocational or guide-dog training, but only if—

“(i) He or she is in receipt of an invalid’s benefit due to his or her blindness; and

“(ii) The Director-General is satisfied that the person could not obtain the training in New Zealand during the period or periods of absence.

“(5) For the purposes of this section, if a person who is absent from New Zealand would have become entitled to a benefit during his or her absence but for subsection (1) of this section, the person’s absence shall be regarded as having commenced on the day he or she would have become so entitled.”

(2) The following enactments are hereby consequentially repealed:

(a) The Social Security Amendment Act 1985:

(b) Section 20 of the Social Security Amendment Act (No. 2) 1988:

(c) Section 35 (4) of the Finance Act 1989.

(3) Any person who, immediately before the commencement of this section, was overseas and was entitled to receive a benefit pursuant to section 77 of the principal Act, shall continue to be so entitled as if this section had not been enacted.

20. Commencement and payment of benefits—Section 80 of the principal Act (as substituted by section 32 of the Social Security Amendment Act 1991) is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) In any case to which section 80B of this Act applies, the payment of a widow’s benefit, domestic purposes benefit, sickness benefit, and invalid’s benefit shall commence on—

“(a) The day after the date on which the applicant became entitled to receive it; or

“(b) The day after the date on which the application was received—

whichever is the later date.”

21. New sections inserted—The principal Act is hereby amended by inserting, after section 80A, the following sections:

“80B. Effect of high income on entitlement to benefits—(1) If an applicant for a widow’s benefit, a domestic purposes benefit, an invalid’s benefit, a sickness benefit, an unemployment benefit, a job search allowance, a training benefit, or an independent youth benefit—

“(a) Has lost his or her employment; and

“(b) Had an average income exceeding the net average wage plus \$50; and

“(c) Section 60H, section 60J, or section 60N of this Act do not apply to the applicant—

the applicant shall not be entitled to a benefit for a period commencing on the date on which the applicant's employment ceased, that period to be calculated as follows:

“(d) Three weeks, if that average income exceeded the net average wage by \$50 or more but less than \$100:

“(e) Four weeks, if that average income exceeded the net average wage by \$100 or more but less than \$150:

“(f) Six weeks, if that average income exceeded the net average wage by \$150 or more but less than \$200:

“(g) Eight weeks, if that average income exceeded the net average wage by \$200 or more but less than \$250:

“(h) Ten weeks, if that average income exceeded the net average wage by \$250 or more—

but in the case of a training benefit, any such period of non-entitlement shall be reduced by 2 weeks.

“(2) In this section—

“ ‘Average income’, in relation to an applicant, means the applicant's average weekly income, after the deduction of income tax, during the 26 weeks immediately preceding the date on which the applicant's employment ceased:

“ ‘Income’ includes unemployment benefits, domestic purposes benefits, sickness benefits, invalids' benefits, widows' benefits, emergency benefits, job search allowances, training benefits, independent youth benefits, and accommodation benefits paid under this Part of this Act.

“80c. Effect of sections 60H to 60J, section 60N, and section 80B on entitlement to supplementary benefits and on spouses—(1) Any person who is not entitled to a benefit due to the application of section 60H or section 60I or section 60J or section 60N or section 80B of this Act, shall not, during that period of non-entitlement, be entitled to receive—

“(a) An emergency benefit under section 61 of this Act; or

“(b) An accommodation benefit under section 61E of this Act;
or

“(c) A special benefit under section 61G of this Act.

“(2) The spouse of a person who is not entitled to a benefit due to the application of section 80B of this Act shall not be entitled to receive any benefit under this Part of this Act to which his or her spouse is not entitled.”

22. Regulations providing for issue and use of entitlement cards—The principal Act is hereby amended by inserting, after section 132, the following section:

“132A. Without limiting the general power to make regulations conferred by section 132 of this Act, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

“(a) Providing for the issue of entitlement cards to various classes of persons:

“(b) Prescribing the classes of persons eligible to be issued with entitlement cards:

“(c) Prescribing and regulating the use of entitlement cards, including (but not limited to)—

“(i) Their use to obtain payment of any benefit, allowance, or payment under this Act:

“(ii) Their use as evidence that the holder or a dependent spouse or child of the holder is exempt from any obligation under this Act or any regulations made under this Act:

“(iii) Their use to obtain any payment or exemption from payment in consideration of services supplied to the holder of the entitlement card, or his or her dependent spouse or child, whether those services are supplied under this Act, any other Act, or otherwise:

“(iv) Placing time limits on the validity of entitlement cards:

“(v) Placing obligations on holders to return entitlement cards to the Department:

“(vi) Any other conditions relating to their use.

“(d) Prescribing offences relating to the improper use of entitlement cards (other than a use which constitutes an offence under section 127 of this Act), or for their non-return after their expiry, and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$1,000 and, where the offence is a continuing one, a further amount not exceeding \$50 for every day or part of a day during which the offence has continued.”

23. Amending Sixth, Eighth, and Ninth Schedules—

(1) The principal Act is hereby amended—

- (a) By omitting from paragraphs (e), (f), (i), and (j) of clause 1 of the Sixth Schedule (as substituted by section 36 (1) of the Finance Act 1989 and amended by section 14 (17) of the Social Welfare (Transitional Provisions) Act 1990) the words “guaranteed retirement income or”:
 - (b) By omitting from paragraphs (e), (f), (i), and (j) of clause 1 of the Eighth Schedule (as so substituted and amended) the words “guaranteed retirement income or”:
 - (c) By omitting from paragraphs (e), (f), (i), and (j) of clause 1 of the Ninth Schedule (as so substituted and amended) the words “guaranteed retirement income or”.
- (2) This section shall come into force on the 1st day of April 1992.

This Act is administered in the Department of Social Welfare.
