



Social Security Amendment Act (No 2) 2001

Public Act 2001 No 44
Date of assent 7 August 2001
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Social Security Amendment Act (No 2) 2001.
- (2) In this Act, the Social Security Act 1964 is called “the principal Act”.

2 Commencement

- (1) This Act, except section 4, comes into force on the day after the date on which it receives the Royal assent.
- (2) Section 4 is deemed to have come into force on 1 July 2001.

3 Persons unlawfully resident or present in New Zealand

Section 74A of the principal Act is amended by repealing subsection (2), and substituting the following subsections:

- “(2) If subsection (3) applies to a person,—
- “(a) the rate of benefit payable to the person is the appropriate rate for an unmarried person (and not the rate for a married person); and
 - “(b) the income and assets of both the person and the person’s spouse must be taken into account as the person’s income and assets in determining the rate of benefit payable to the person.

- “(3) Subsection (2) applies to—
- “(a) a person who applies for a benefit before the commencement of this subsection, and who is married to a person who is unlawfully resident or present in New Zealand; and
 - “(b) a person, other than a person who is already in receipt of a benefit applied for before the commencement of this subsection that is being paid at the rate for a married person, who applies for a benefit on or after that date, and who is married to a person who is—
 - “(i) unlawfully resident or present in New Zealand; or
 - “(ii) lawfully resident or present in New Zealand, but only by virtue of one of the permits listed in paragraph (b) of subsection (1).
- “(4) Despite subsection (3)(b)(ii), subsection (2) does not apply to a person described in any of paragraphs (c), (d), or (e) of subsection (1).
- “(5) Subsection (2) applies despite anything in this Act or the Social Welfare (Transitional Provisions) Act 1990.”

4 Commencement of benefits

Section 80(2)(b) of the principal Act is amended by inserting, after the word “Act,”, the words “a sickness benefit,”.

Legislative history

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| 15 May 2001 | Introduction (Bill 129-1) |
| 22 May 2001 | First reading and referral to Social Services Committee |
| 13 June 2001 | Reported from Social Services Committee (Bill 129-2) |
| 24 July 2001 | Second reading |
| 1, 2 August 2001 | Committee of the whole House, third reading |
| 7 August 2001 | Royal assent |

This Act is administered in the Department of Social Welfare.
