



ANALYSIS

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1991, No. 77

An Act to amend the Social Welfare (Transitional Provisions) Act 1990 [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 Welfare (Transitional Provisions) Amendment Act (No. 2) 1991, and shall be read together with and deemed part of the Social Welfare (Transitional Provisions) Act 1990 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 7 (2) and 9 (2) of this Act, this Act shall come into force on the 1st day of April 1992.

2. Reversion of name to national superannuation—

(1) The principal Act is hereby amended by omitting the words "guaranteed retirement income" wherever they occur, and substituting in each case the words "national superannuation".

(2) On and after the commencement of this section, every reference in any enactment, regulations, Order in Council, rule, bylaw, or other document whatever to guaranteed retirement income or a guaranteed retirement income earner shall be read, respectively, as a reference to national superannuation or to a national superannuitant.

3. National superannuation—The principal Act is hereby amended by repealing section 3, and substituting the following section:

“3. Subject to the provisions of this Part of this Act and of the Social Security Act 1964, every person shall be entitled to receive national superannuation who attains the age of—

“(a) 60 years, if he or she was born before the 1st day of April 1932:

“(b) 61 years, if he or she was born on or after the 1st day of April 1932 and before the 1st day of July 1932:

“(c) 61 years and 3 months, if he or she was born on or after the 1st day of July 1932 and before the 1st day of October 1932:

“(d) 61 years and 6 months, if he or she was born on or after the 1st day of October 1932 and before the 1st day of January 1933:

“(e) 61 years and 9 months, if he or she was born on or after the 1st day of January 1933 and before the 1st day of April 1933:

“(f) 62 years, if he or she was born on or after the 1st day of April 1933 and before the 1st day of July 1933:

“(g) 62 years and 3 months, if he or she was born on or after the 1st day of July 1933 and before the 1st day of October 1933:

“(h) 62 years and 6 months, if he or she was born on or after the 1st day of October 1933 and before the 1st day of January 1934:

“(i) 62 years and 9 months, if he or she was born on or after the 1st day of January 1934 and before the 1st day of April 1934:

“(j) 63 years, if he or she was born on or after the 1st day of April 1934 and before the 1st day of July 1934:

“(k) 63 years and 3 months, if he or she was born on or after the 1st day of July 1934 and before the 1st day of October 1934:

“(l) 63 years and 6 months, if he or she was born on or after the 1st day of October 1934 and before the 1st day of January 1935:

“(m) 63 years and 9 months, if he or she was born on or after the 1st day of January 1935 and before the 1st day of April 1935:

“(n) 64 years, if he or she was born on or after the 1st day of April 1935 and before the 1st day of July 1935:

“(o) 64 years and 3 months, if he or she was born on or after the 1st day of July 1935 and before the 1st day of October 1935:

“(p) 64 years and 6 months, if he or she was born on or after the 1st day of October 1935 and before the 1st day of January 1936:

“(q) 64 years and 9 months, if he or she was born on or after the 1st day of January 1936 and before the 1st day of April 1936:

“(r) 65 years, if he or she was born on or after the 1st day of April 1936.

“(2) In this section—

“(a) 3 months equals 13 weeks; and

“(b) 6 months equals 26 weeks; and

“(c) 9 months equals 39 weeks.”

4. Rates of national superannuation—Section 6 of the principal Act is hereby amended by omitting the word “First” in both places where it occurs, and substituting in each case the word “Fourth”.

5. Entitlement to veteran’s pension—(1) Section 8 (2) of the principal Act is hereby amended by inserting, after the words “on account of his or her own service,” the words “or would have been entitled to receive it had he or she been alive,”.

(2) Section 8 (3) of the principal Act (as amended by section 2 (1) of the Social Welfare (Transitional Provisions) Amendment Act 1990) is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Is qualified to receive a pension under Part II, Part IV, or Part V of the War Pensions Act 1954 at a rate not less than 70 percent of the maximum rate of pension that would be payable in respect of total disablement; or”.

6. Payment overseas of national superannuation and veteran’s pension—(1) Section 17 (1) of the principal Act is hereby amended by adding to the proviso the words “or clause 1 of the Fourth Schedule to this Act, as the case may be”.

(2) Section 17 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) Where the Director-General has accepted an application under subsection (3) of this section and, after the applicant left New Zealand, the applicant has been paid any instalment of national superannuation or a veteran’s pension in accordance with section 17A of this Act, no liability to repay any such instalment shall arise merely because the applicant fails to return to New Zealand within the period allowed for by the said section 17A.”

7. Effect of absence from New Zealand on guaranteed retirement income and veterans’ pensions—(1) The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. (1) Except as provided in this section or in section 17 or section 18 of this Act, or in any agreement or convention adopted under section 19 of this Act, a person shall not be entitled to guaranteed retirement income or a veteran’s pension while that person is absent from New Zealand.

“(2) Guaranteed retirement income or a veteran’s pension which would otherwise be payable to a person shall be payable in respect of the first 26 weeks of any absence from New Zealand if—

“(a) The person’s absence does not exceed 30 weeks; or

“(b) The person’s absence exceeds 30 weeks and the Director-General is satisfied that the absence beyond 30 weeks was due to circumstances beyond that person’s control which he or she could not reasonably have foreseen before departure.

“(3) The Director-General may, in the Director-General’s discretion, pay guaranteed retirement income or a veteran’s pension 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 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.

“(4) For the purposes of this section, if a person who is absent from New Zealand would have become entitled to guaranteed retirement income or a veteran’s pension 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) This section shall come into force on the 1st day of August 1991.

8. Living alone payments—Section 18A of the principal Act (as inserted by section 4(1) of the Social Welfare (Transitional Provisions) Amendment Act 1990) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The living alone payment shall be included in the appropriate rate specified in clause 1 (a) of the First Schedule to this Act or in clause 1 (a) or clause 1 (d) of the Fourth Schedule to this Act, as the case may be.”

9. First Schedule amended—(1) The First Schedule to the principal Act is hereby amended by repealing clause 2, and substituting the following clause:

“2. Alternative rate for a married person whose spouse is not entitled to receive guaranteed retirement income or a veteran’s pension—

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| “(a) To a married person with 1 or more dependent children who was in receipt of, or had applied for and was entitled to receive, guaranteed retirement income or a veteran’s pension before the 1st day of October 1991 | \$17,622.80 a year (\$338.90 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$3,120 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year. |
| “(b) To any other married person with 1 or more dependent children | \$16,752.32 a year (\$322.16 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$3,120 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year. |
| “(c) To a married person without dependent children who was in receipt of, or had applied for and was entitled to receive, guaranteed retirement income or a veteran’s pension at the alternative rate before the 1st day of October 1991 | \$17,622.80 a year (\$338.90 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$2,600 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year. |

“(d) To any other married person without dependent children \$16,752.32 a year (\$322.16 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$2,600 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year.”

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

10. New First Schedule substituted—(1) The principal Act is hereby amended by repealing the First Schedule, and substituting the First Schedule set out in the First Schedule to this Act.

(2) Section 9 of this Act is hereby consequentially repealed.

11. New Fourth Schedule—The principal Act is hereby amended by adding the Fourth Schedule set out in the Second Schedule to this Act.

SCHEDULES

FIRST SCHEDULE

Section 10 (1)

NEW FIRST SCHEDULE TO PRINCIPAL ACT

(Effective on and after 1 April 1992)

“FIRST SCHEDULE

Section 11

RATES OF VETERANS' PENSIONS

(The following rates are before the deduction of tax)

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| 1. (a) To an unmarried person who is living alone | \$11,807.64 a year (\$227.07 a week). |
| (b) To an unmarried person who is not living alone | \$10,767.64 a year (\$207.07 a week). |
| (c) To a married person . . . | \$8,811.40 a year (\$169.45 a week). |
| 2. Alternative rate for a married person whose spouse is not entitled to receive a veteran's pension— | |
| (a) To a married person with 1 or more dependent children who was in receipt of, or had applied for and was entitled to receive, a veteran's pension before the 1st day of October 1991 | \$17,622.80 a year (\$338.90 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$3,120 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year. |
| (b) To any other married person with 1 or more dependent children | \$16,752.32 a year (\$322.16 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$3,120 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year. |
| (c) To a married person without dependent children who was in receipt of, or had applied for and was entitled to receive, a veteran's pension at the alternative rate before the 1st day of October 1991 | \$17,622.80 a year (\$338.90 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$2,600 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year. |
| (d) To any other married person without dependent children | \$16,752.32 a year (\$322.16 a week) diminished by 30c for every complete \$1 of the total income of that person and his or her spouse in excess of \$2,600 a year but not in excess of \$4,160 a year, and by 70c for every \$1 of such income in excess of \$4,160 a year.” |

Section 11

SECOND SCHEDULE

NEW FOURTH SCHEDULE TO PRINCIPAL ACT

(Effective on and after 1 April 1992)

Section 6

"FOURTH SCHEDULE

RATES OF NATIONAL SUPERANNUATION

(The following rates are before deduction of tax)

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| 1. (a) To an unmarried person who has attained the age of 70 years and who is living alone | \$11,807.64 a year (\$227.07 a week) diminished by 90c for every complete \$1 of the assessable income of that person in excess of \$4,160 a year (\$80 a week), but the amount payable shall not be less than \$4,405.70 a year (\$169.45 a fortnight). |
| (b) To an unmarried person who has attained the age of 70 years and who is not living alone | \$10,767.64 a year (\$207.07 a week) diminished by 90c for every complete \$1 of the assessable income of that person in excess of \$4,160 a year (\$80 a week), but the amount payable shall not be less than \$4,405.70 a year (\$169.45 a fortnight). |
| (c) To a married person who has attained the age of 70 years | \$8,811.40 a year (\$169.45 a week) diminished by 45c for every complete \$1 of the assessable income of that person and his or her spouse in excess of \$4,160 a year (\$80 a week), but the amount payable shall not be less than \$4,405.70 a year (\$169.45 a fortnight). |
| (d) To an unmarried person who has not attained the age of 70 years and who is living alone | \$11,807.64 a year (\$227.07 a week) diminished by 90c for every complete \$1 of the assessable income of that person in excess of \$4,160 a year (\$80 a week). |
| (e) To an unmarried person who has not attained the age of 70 years and who is not living alone | \$10,767.64 a year (\$207.07 a week) diminished by 90c for every complete \$1 of the assessable income of that person in excess of \$4,160 a year (\$80 a week). |
| (f) To a married person who has not attained the age of 70 years | \$8,811.40 a year (\$169.45 a week) diminished by 45c for every complete \$1 of the assessable income of that person and his or her spouse in excess of \$4,160 a year (\$80 a week). |

SECOND SCHEDULE—*continued*NEW FOURTH SCHEDULE TO PRINCIPAL ACT—*continued*“FOURTH SCHEDULE—*continued*”RATES OF NATIONAL SUPERANNUATION—*continued*

- (g) Rate of national superannuation payable to married person who was entitled to receive national superannuation on the 10th day of October 1988 and whose spouse, on that date, was not entitled to receive national superannuation and is not entitled to either national superannuation or a benefit in his or her own right under Part I of the Social Security Act 1964 or Part I of this Act
- The sum which is the greater of—
- (a) \$9,562.28 a year (\$183.89 a week) diminished by 45c for every complete \$1 of the assessable income of that person and his or her spouse in excess of \$4,160 a year (\$80 a week); or
- (b) The rate subject to the same abatement for the time being specified in—
- (i) Paragraph (c) of this clause if that person has attained the age of 70 years; or
- (ii) Paragraph (f) of this clause if that person has not attained the age of 70 years.
2. Alternative rate for a married person whose spouse is not entitled to receive national superannuation—
- (a) To a married person who was in receipt of, or had applied for and was entitled to receive, national superannuation before the 1st day of October 1991 \$17,622.80 a year (\$338.90 a week) diminished by 90c for every complete \$1 of the assessable income of that person and his or her spouse in excess of \$4,160 a year (\$80 a week).
- (b) To any other married person \$16,752.32 a year (\$322.16 a week) diminished by 90c for every complete \$1 of the assessable income of that person and his or her spouse in excess of \$4,160 a year (\$80 a week).”

This Act is administered in the Department of Social Welfare.
