

Hon. Mr Adams-Schneider

DEPARTMENT OF SOCIAL WELFARE AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Department of Social Welfare Act 1971 and to reconstitute the Social Security Commission

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

1. Short Title—This Act may be cited as the Department of Social Welfare Amendment Act 1973 and shall be read together with and deemed part of the Department of Social Welfare Act 1971 (hereinafter referred to as the principal
10 Act).

No. 13—1

Price 5c

2. Social Security Commission—The Social Security Act 1964 as amended by section 16 of the principal Act is hereby further amended by repealing section 6 and substituting the following section:

“6. (1) There is hereby established for the purposes of this Act a Commission to be called the Social Security Commission. 5

“(2) The Commission shall consist of 7 members being—

“(a) The Director-General of Social Welfare;

“(b) An Assistant Director-General of Social Welfare; and 10

“(c) Five other members to be appointed by the Governor-General on the recommendation of the Minister of Social Welfare.

“(3) The Governor-General shall, on the recommendation of the Minister, appoint one of the members appointed pursuant to subsection (2) (c) of this section to be Chairman of the Commission.” 15

3. New sections inserted—The Social Security Act 1964 is hereby further amended by inserting after section 6, the following sections: 20

“6A. **Term of office of members of Commission**—The appointed members of the Commission shall hold office for a term of 4 years but may, from time to time, be reappointed.

“6B. **Extraordinary vacancies**—(1) Any appointed member of the Commission may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General. 25

“(2) If any appointed member dies, or resigns his office by written notice given to the Minister, or is removed from office, the vacancy shall be deemed to be an extraordinary vacancy. 30

“(3) In the case of an extraordinary vacancy, the Governor-General may appoint some person to fill the vacancy. 35

“(4) Any member appointed to fill an extraordinary vacancy shall hold office only for the unexpired portion of the term of office of his predecessor.

“(5) The powers of the Commission shall not be affected by the fact that at any time there may be less than 7 members in office. 40

“6c. **Deputies of members of Commission**—(1) In any case in which the Minister is satisfied that the Chairman or any other member of the Commission is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for the Chairman or for that other member during his incapacity. In the case of the incapacity of the Chairman his deputy may or may not be one of the other members; and if the deputy of the Chairman is one of the other members some other person may be appointed to act as the deputy of that member.

“(2) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Commission and the deputy of the Chairman shall have all the powers of the Chairman.

“(3) No appointment of a deputy and no acts done by him as such, and no acts done by the Commission while any deputy is acting as such, shall be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

“6d. **Meetings of Commission**—(1) The Commission shall sit at such times and places as it determines from time to time.

“(2) At any meeting of the Commission 4 members shall form a quorum.

“(3) The Chairman shall preside at all meetings at which he is present. In the absence of the Chairman from any meeting, the members present shall appoint one of their number to be Chairman of that meeting.

“(4) At any meeting the Chairman, or, as the case may be, the acting Chairman presiding, shall have a deliberative vote, and in the case of an equality of votes, shall also have a casting vote.

“(5) All questions arising at any meeting shall be decided by a majority of the valid votes of members recorded thereon.

“(6) In the absence from any meeting of the Director-General of Social Welfare or the Assistant Director-General the Director-General may authorise any other officer or officers of that Department to attend the meeting in their stead. While any person is attending any meeting under this subsection he shall be deemed for all purposes to be a member of the Commission. The fact that any person so attends shall be sufficient evidence of his authority to do so.

“(7) Subject to the provisions of this Act and of any regulations made thereunder, the members of the Commission may regulate their procedure in such manner as they think fit.

“6E. **Remuneration and travelling expenses**—(1) The Commission is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 5

“(2) There shall be paid to the members of the Commission and to the members of any social security committee appointed by the Minister out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if all the members of any such committee were members of a statutory Board within the meaning of that Act. 10 15

“6F. **Functions of Commission**—In addition to any other functions given to the Commission, the functions of the Commission shall be—

“(a) To advise the Minister of Social Welfare, either at his request or on its own initiative, on the following matters— 20

“(i) The changes needed in the field of social security policy and scope; and

“(ii) The activities of Government and voluntary organisations and the means by which they may best be promoted; and 25

“(iii) The administration of social security generally; and

“(iv) Public relations and information services; and 30

“(v) An other matter referred to it by the Minister;

“(b) To hear appeals from the decision of the social security committees established by section 4 of the Department of Social Welfare Amendment Act 1973. 35

“6g. **Commission to have regard to directions of Government**—In the exercise of its functions the Commission shall have regard to any representations that may be made by the Minister of Social Welfare in respect of any functions or
5 business of the Commission and shall give effect to any decision of the Government in relation thereto conveyed to the Commission in writing by the Minister.”

4. Social security committees—(1) In addition to the powers of delegation contained in section 10 of Social Security
10 Act 1964 the Minister of Social Welfare shall establish, as and where he considers necessary, appeal committees of 3 persons to be called social security committees, to hear appeals from any applicant or beneficiary affected by any decision of the Department of Social Welfare or its officers,
15 including decisions of a discretionary nature.

(2) Any decision of a social security committee is to be put into effect by the Department unless leave to appeal further has been applied for in accordance with regulations made under this Act.

20 **5. Appeals against decisions of social security committees**—
(1) The Commission shall review any decision of a social security committee appealed against on leave granted by it.
(2) Any decision given by the Commission on such an
25 appeal is to be put into effect by the Department unless it is overruled within 1 month of its being made by a written directive of the Minister.

6. Consequential repeals—Sections 7 and 9 of the Social Security Act 1964 are hereby consequentially repealed.