

# **Social Security (Child Benefit) Amendment Bill**

Member's Bill

## **Explanatory note**

The purpose of this Bill is to restore a benefit that is necessary for the protection and development of New Zealand children. The family benefit was abolished in 1991. No comparable benefit has replaced it. A fundamental aspect of a State's obligations towards its citizenry is ensuring that all necessary provision is made for the country's children. The United Nations Convention on the Rights of the Child requires States Parties to ensure the child such protection and care as is necessary for his or her well-being. It requires them to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and to establish appropriate social programmes to provide necessary support for the child. It also requires them to recognise and realise the child's right to benefit from social security, and to recognise and assist in the implementation of the child's right to an adequate standard of living. The Bill accordingly amends the Social Security Act 1964 to make provision for a new child benefit to be paid in respect of all children in New Zealand.

*Clause 4* inserts 4 new *sections 31A to 31D* into the Social Security Act. They provide for the chief executive responsible for the Act to pay a child benefit in regular monthly instalments to the principal caregiver of every child. A new schedule specifies that the rate of the benefit is \$15.00 a week for the first child of a principal caregiver, and \$10.00 a week for each subsequent child. Children must be ordinarily resident in New Zealand to qualify, and other provisions specify the way in which the benefit commences and terminates. General provisions in Part 1 of the Act relating to all benefits will also apply to the new child benefit.

*Clause 5* amends section 61H of the Act so that the new child benefit may be included among the benefits that are subject to regular increases, based on the Consumer Price Index, by Order in Council. Clause 6 provides for *new Schedule 4A* to be included in the Act.

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*Sue Bradford*

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**Schedule  
New Schedule 4A inserted into  
principal Act**

### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

- (1) This Act is the Social Security (Child Benefit) Amendment Act **2003**.
- (2) In this Act, the Social Security Act 1964<sup>1</sup> is called "the principal Act". 5
- <sup>1</sup> 1964 No 136

#### **2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

#### **3 Purpose**

The purpose of this Act is to amend the principal Act to make provision for a benefit to be paid in respect of all children in New Zealand. 10

**4 New sections inserted**

The principal Act is amended by inserting, after section 31, the following cross heading and sections:

*“Child benefit*

- “31A **Child benefit** 5  
 Subject to this Part, on application to the chief executive by the principal caregiver of the child, a child benefit is to be paid in regular monthly instalments to the principal caregiver in respect of that child.
- “31B **Residential qualification for child benefit** 10  
 A child benefit is payable in respect of every child whom the chief executive is satisfied is ordinarily resident in New Zealand.
- “31C **Rate of child benefit** 15  
 Subject to this Part, the rate of the child benefit payable in respect of each child is the appropriate rate specified in **Schedule 4A**.
- “31D **Period for which child benefit payable**
- “(1) Subject to this section, a child benefit in respect of a child commences with effect from the date on which the child was born. 20
- “(2) The right of any beneficiary to receive a child benefit under **subsection (1)** is not affected if the application for the benefit is received by the chief executive within 6 months after the date of birth of the child. 25
- “(3) If an application is received by the chief executive on a date which is more than 6 months after the date of birth of the child, the benefit commences from a date 6 months prior to the date on which the application was received.
- “(4) A child benefit ceases to be payable with effect on the date on which the chief executive is satisfied that the person in respect of whom the benefit has been paid has ceased to be a child. 30
- “(5) If a child in respect of whom a child benefit is being paid dies, the benefit in respect of that child continues for a period of 2 weeks after the date of death of the child, unless the chief 35

executive considers that such continued payment is inappropriate or that a longer period of payment of the benefit is appropriate in all the circumstances.

- “(6) A child benefit is payable in respect of a child returning to live in New Zealand with effect from the date on which the chief executive is satisfied that the child is ordinarily resident in New Zealand. 5
- “(7) A child benefit ceases to be payable in respect of a child departing New Zealand to live overseas, with effect on the date on which the chief executive is satisfied that the child has ceased to be ordinarily resident in New Zealand.” 10

**5 Rates of benefits, etc, may be increased by Order in Council**

Section 61H(1)(d) of the principal Act is amended by inserting, after the expression “3”, the expression “, 4A”. 15

**6 New Schedule 4A inserted**

The principal Act is amended by inserting, after the Fourth Schedule, **Schedule 4A** set out in the **schedule** to this Act.

**s 6** **Schedule**  
**New Schedule 4A inserted into principal Act**

**s 31C** **Schedule 4A**  
**Rates of child benefit**

1. In respect of the first child of a principal caregiver \$15.00 a week
2. In respect of each subsequent child of the principal caregiver \$10.00 a week

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