

# **War Pensions Amendment Bill (No 2)**

Government Bill

As reported from the committee of the whole House

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## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (unanimous)

<b>Subject to this Act,</b>	Text struck out unanimously
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#### New (unanimous)

<b>Subject to this Act,</b>	Text inserted unanimously
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*(Subject to this Act,)* Words struck out unanimously

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Hon George Hawkins

## War Pensions Amendment Bill (No 2)

### Government Bill

#### Contents

1	Title	74D	Abatement
2	Commencement		<i>Payment overseas of veterans' pensions</i>
	<b>Part 1</b>		
	<b>Amendments to principal Act</b>		
3	Application of Act	74E	Effect of absence from New Zealand on veteran's pension
4	Act divided into Parts	74F	First 26 weeks of certain temporary absences
4A	War Pensions Appeal Boards	74G	Absences up to 2 years for medical treatment
4B	Pensions for members of mercantile marine and their dependants in respect of disablement or death resulting from Second World War	74H	Absences up to 52 weeks with aid agencies
4C	Pensions for members of Emergency Reserve Corps and their dependants in respect of disablement or death attributable to their service	74I	Date absence commences
		74J	Payment overseas of veteran's pension
5	New Part 6 inserted	74K	Applications after leaving New Zealand
	<b>Part 6</b>	74L	Date of commencement of payment overseas
	<b>Veterans' pensions</b>	74M	Relationship with other benefit provisions
67	Interpretation	74N	Specified Pacific country
68	Administration of veterans' pensions	74O	Entitlement to be paid veteran's pension in specified Pacific country
69	Delegation of Secretary's powers	74P	Rates of payment of veteran's pension payable to people resident in specified Pacific countries
	<i>Entitlement</i>	74Q	Commencement and termination of payments
70	Entitlement to veteran's pension	74R	Effect on other benefits
70A	Service in connection with any emergency	74S	Application of this Act and Social Security Act 1964
71	Veteran's ability to earn employment income	74T	Certain former economic pensioners may be paid up to the full rate of veteran's pension overseas
72	Medical examination of applicant for veteran's pension	74U	Living alone payments
73	Commencement of veteran's pension	74V	Commencement of living alone payments
74	Rates of veteran's pensions	74W	Transitional provision for existing veteran's pension entitlements
74A	Lump sum payments on death		
74B	Persons formerly receiving certain pensions or allowance entitled to veteran's pension		
74C	Annual adjustment of rates of veterans' pensions		

5AA	Rates of pensions and allowances may be increased by Order in Council	<b>Schedule 1</b>
5A	Death of claimant for pension	<b>Schedules 11 to 13 added to principal Act</b>
6	New Schedules 11 to 13 inserted	<b>Schedule 2</b>
	<b>Part 2</b>	<b>Consequential amendments to other Acts</b>
	<b>Miscellaneous provisions</b>	<b>Schedule 3</b>
7	Consequential amendments	<b>Consequential amendments to regulations</b>
8	Consequential repeals	<b>Schedule 4</b>
		<b>Acts consequentially repealed</b>

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

**1 Title**

- (1) This Act is the War Pensions Amendment Act **(No 2) 2001**.
- (2) In this Act, the War Pensions Act 1954<sup>1</sup> is called “the principal Act”.

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<sup>1</sup> 1954 No 54

**2 Commencement**

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

**Part 1**

**Amendments to principal Act**

**3 Application of Act**

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Section 1A of the principal Act is amended by omitting the words “of this Act” in the first place where those words appear, and substituting the words “or **Part 6**”.

**4 Act divided into Parts**

Section 3 of the principal Act is amended by inserting, after the item relating to Part V, the following item:

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“Part 6—Veterans’ pensions. (**Sections 67 to 74W.**)”

**New (unanimous)**

**4A War Pensions Appeal Boards**

Section 8 of the principal Act is amended by repealing subsection (7).

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## New (unanimous)

- 4B Pensions for members of mercantile marine and their dependants in respect of disablement or death resulting from Second World War**  
 Section 62(2) of the principal Act is amended by omitting the words “Parts V and VI”, and substituting the expression “Part V”. 5
- 4C Pensions for members of Emergency Reserve Corps and their dependants in respect of disablement or death attributable to their service**  
 Section 65(2) of the principal Act is amended by omitting the words “Parts IV, VA, and VI”, and substituting the expression “Part IV”. 10
- 5 New Part 6 inserted**  
 The principal Act is amended by inserting, after Part V, the following Part: 15
- “Part 6  
 “Veterans’ pensions**
- “67 Interpretation**
- “(1) In this Part and in Schedules 11 to 13, unless the context otherwise requires,—** 20
- “Department** means the New Zealand Defence Force (as defined in section 2(1) of the Defence Act 1990)
- “dependent child**, in relation to any person, means a child—
- “(a) whose care is primarily the responsibility of that person; and** 25
- “(b) who is being maintained as a member of that person’s family; and**
- “(c) who is financially dependent on that person; and**
- “(d) who is not a child in respect of whom payments are being made under section 363 of the Children, Young Persons, and Their Families Act 1989** 30
- “employment income** means any salary, wage, allowance, bonus, gratuity, extra salary, compensation for loss of office

or employment, emolument (of whatever kind), or other benefit in money, for, or in connection with, the employment or service of the person; and—

“(a) includes—

“(i) subject to **paragraph (b)**, any expenditure on account of an employee (within the meaning of section OB 1 of the Income Tax Act 1994); and 5

“(ii) any benefit of a kind referred to in section CH 2 of the Income Tax Act 1994; and

“(iii) in the case of a person who, in the relevant period, has been provided, in respect of any office or position held by the person, with board or lodging, or the use of a house or quarters, or has been paid an allowance instead of being provided with board or lodging, or with the use of a house or quarters, the value of those benefits (and the value of the benefits is to be determined, in the case of a dispute, by the Secretary); but 10 15

“(b) does not include any employer superannuation contribution (within the meaning of section OB 1 of the Income Tax Act 1994) 20

**New (unanimous)**

“**income** has the same meaning as in section 3(1) of the Social Security Act 1964

“**Income Test 3** means that the applicable rate of veterans’ pension must be reduced by 70 cents for every \$1 of the combined income of the person in receipt of a veteran’s pension and his or her spouse in excess of \$80 per week 25

“**New Zealand superannuation** means New Zealand superannuation paid or payable under the New Zealand Superannuation Act 2001 30

**New (unanimous)**

“**ordinarily resident**, in relation to any person, does not include being unlawfully resident in New Zealand

“**Secretary** means the Secretary for War Pensions; and includes any person for the time being authorised to exercise

or perform any of the powers, duties, or functions of the Secretary

“**spouse** means the husband or wife of an applicant or person in receipt of a veteran’s pension, as the case may require.

- “(2) Unless the context otherwise requires, any word or expression used in this Part or in **Schedules 11 to 13**, but not defined in this Part, has the same meaning as it has in section 2 of this Act or in section 3(1) of the Social Security Act 1964.

Compare: 1990 No 26 s 2

“68 **Administration of veterans’ pensions** 10

- “(1) This Part is administered in the Department.

- “(2) Nothing in the other Parts of this Act or the War Pensions Regulations 1956 apply to this Part or affect the administration of veterans’ pensions, except as otherwise expressly provided in this Part. 15

- “(3) In the application of any of the provisions of the Social Welfare (Transitional Provisions) Act 1990 or of the Social Security Act 1964 relating to veterans’ pensions or the payment of veterans’ pensions, references to the chief executive and department must be read, respectively, as references to the Secretary and to the Department. 20

- “(4) Nothing in **subsection (3)** requires the Secretary to issue a separate code of conduct under section 11B of the Social Security Act 1964 for the purposes of the administration of this Part.

- “(5) If a requirement is made under section 11 of the Social Security Act 1964 relating to a veteran’s pension, the code of conduct issued under section 11B of that Act by the chief executive of the department for the time being responsible for administration of that Act applies— 25

“(a) to the Secretary as if the Secretary were the chief executive of the department; and 30

“(b) to every officer or employee of the Department engaged in the administration of veterans’ pensions as if they were officials or employees of the department.

Compare: 1990 No 26 s 2A 35

“69 **Delegation of Secretary’s powers**

- “(1) The Secretary may, either generally or particularly, delegate to the chief executive of the department for the time being

responsible for the administration of the Social Security Act 1964 any of the Secretary's powers, functions, and discretions under—

- “(a) **sections 70 to 74B**; and
  - “(b) any other provision in this Part or the Social Security Act 1964 or the Social Welfare (Transitional Provisions) Act 1990 that relates to the payment of veterans' pensions. 5
- “(2) The provisions of sections 41 and 42 of the State Sector Act 1988 apply to every delegation made under **subsection (1)** as if that delegation were made under section 41 of that Act. 10

Compare: 1990 No 26 s 2B

### *“Entitlement*

- “70 **Entitlement to veteran's pension**
- “(1) Subject to this Part and to the Social Security Act 1964, a person is entitled to receive a veteran's pension if,— 15
- “(a) in any war or emergency in which New Zealand forces have served, that person either—
    - “(i) served as a member of the forces, a member of the Mercantile Marine, or a member of the Emergency Reserve Corps; or 20
    - “(ii) served as a member of the forces or as a member of the Mercantile Marine of any Commonwealth country (other than New Zealand) outside that Commonwealth country, and was ordinarily resident in New Zealand at the commencement of that war or emergency; and 25
  - “(b) that person either—
    - “(i) has attained the age at which he or she is entitled to receive New Zealand superannuation if otherwise *(entitled)* qualified to receive it and is qualified to receive a pension under Part II, Part IV, or Part V at a rate of not less than 70% of the maximum rate of pension that would be payable for total disablement; or 30
    - “(ii) because of any mental or physical infirmity is, in the Secretary's opinion, prevented from undertaking employment and, because of that infirmity, is likely to be prevented from undertaking 35



employment permanently or for a substantial period.

- “(2) If a person is entitled to receive a veteran’s pension on account of his or her own service, or would have been entitled to receive it had he or she been alive, the spouse of that person is entitled to receive a veteran’s pension in the spouse’s own right if the spouse has attained the age at which he or she would be entitled to receive New Zealand superannuation if otherwise qualified to receive it. 5
- “(3) A person is not entitled to receive a veteran’s pension if he or she has at any time been in receipt of New Zealand superannuation unless he or she— 10
- “(a) is qualified to receive a pension under Part II, Part IV, or Part V at a rate of not less than 70% of the maximum rate of pension that would be payable for total disablement; or 15
- “(b) had elected to receive New Zealand superannuation under section 66M (as inserted by section 4 of the War Pensions Amendment Act 1986) and either,—
- “(i) before 1 April 1990, sent a written request to the Secretary to forgo national superannuation paid or payable under the Social Security Act 1964 and to receive instead a war service pension; or 20
- “(ii) on or after 1 April 1990, sent or sends a written request to the Secretary to forgo New Zealand superannuation and to receive instead a veteran’s pension. 25
- “(4) In **subsection (3), New Zealand superannuation** means—
- “(a) New Zealand superannuation paid or payable under the New Zealand Superannuation Act 2001; or 30
- “(b) New Zealand superannuation paid or payable under the Social Welfare (Transitional Provisions) Act 1990 before the commencement of the New Zealand Superannuation Act 2001; or
- “(c) national superannuation or guaranteed retirement income paid or payable, before 1 April 1994, under the Social Welfare (Transitional Provisions) Act 1990; or 35
- “(d) national superannuation paid or payable, before 1 April 1990, under the Social Security Act 1964. 40

Compare: 1990 No 26 s 8

**New (unanimous)****“70A Service in connection with any emergency**

If any question arises as to whether or not any member of the forces while on service was serving in connection with an emergency for the purposes of this Part, that question must be referred to and be decided by the Minister (as defined in section 2(1)).

**“71 Veteran’s ability to earn employment income**

“(1) This section applies to a person who—

- “(a) is in receipt of a veteran’s pension; and
- “(b) qualified to receive that pension under either—
  - “(i) **section 70(1)(b)(ii)**; or
  - “(ii) section 8(1)(b)(ii) of the Social Welfare (Transitional Provisions) Act 1990 (as in force immediately before the commencement of this Part); and

**New (unanimous)**

“(c) has not attained the age at which he or she would be entitled to receive New Zealand superannuation if otherwise qualified to receive it.

“(2) A person to whom this section applies will not cease to be entitled to receive a veteran’s pension merely because that person, at any time, is no longer prevented from undertaking employment because of a mental or physical infirmity.

“(3) This section applies despite **section 70(1)(b)(ii)**, but is subject to **section 74D**.

**“72 Medical examination of applicant for veteran’s pension**

“(1) The Secretary, in his or her discretion, may require any applicant for a veteran’s pension or any person in receipt of a veteran’s pension to submit himself or herself to a medical practitioner nominated by the Secretary for the purpose of a medical examination.

- “(2) The medical practitioner must certify—
- “(a) whether, in his or her opinion, the applicant or person in receipt of a veteran’s pension is prevented from undertaking employment as a result of a mental or physical infirmity; and 5
  - “(b) the estimated duration of that condition.
- “(3) The medical practitioner must state the grounds upon which his or her opinion is founded.
- Compare: 1990 No 26 s 9
- “73 **Commencement of veteran’s pension** 10
- “(1) A veteran’s pension commences on the later of—
- “(a) the date on which the applicant became entitled to receive it; or
  - “(b) the date on which the Department received the application for it. 15
- “(2) Despite **subsection (1)**, a person’s application for a veteran’s pension is deemed to have been received on 1 April 1990 if—
- “(a) the person applied or applies for the veteran’s pension after 6 March 1995; and
  - “(b) the service qualifying that person for a veteran’s pension under **section 70(1)(a)** was solely with the Japan section of the Second New Zealand Expeditionary Force on or after 14 August 1945 and before 28 April 1952. 20
- “(3) Nothing in **subsection (2)** limits **section 70(3)**. 25
- Compare: 1990 No 26 s 10
- “74 **Rates of veteran’s pensions**
- “(1) The rate of a veteran’s pension is the appropriate rate specified in **Schedule 11**.
- “(2) A married person whose spouse is not entitled to receive a veteran’s pension may elect to receive the appropriate rate specified in either **clause 1 or clause 2** of that schedule. 30
- “(3) However, an election to receive a veteran’s pension under **clause 2 of Schedule 11** does not take effect until the employment has ceased if— 35
- “(a) that married person’s spouse is or was in employment under a contract of service; and

- “(b) the combined income of the married person and his or her spouse, during that employment, is or was enough to prevent receipt of a veteran’s pension under **clause 2** of that schedule.
- “(4) A person who has made an election under **subsection (2)** may change that election. 5  
 Compare: 1990 No 26 s 11
- “74A **Lump sum payments on death**  
 On the death of any person who is ordinarily resident in New Zealand on the date of death and who is in receipt of a veteran’s pension on that date, or on the death of the spouse of that person, the appropriate amount specified in **Schedule 12** is payable to the surviving spouse or dependent child of the person who died. 10  
 Compare: 1990 No 26 s 12 15
- “74B **Persons formerly receiving certain pensions or allowance entitled to veteran’s pension**
- “(1) Despite **section 70(1)**, every person who, immediately before 1 April 1990, was entitled to receive an economic pension or a wife’s pension or a war veteran’s allowance or a war service pension is entitled to receive a veteran’s pension under this Part. 20
- “(2) **Subclause (1)** is subject to **section 70(3)**.  
 Compare: 1990 No 26 s 13
- “74C **Annual adjustment of rates of veterans’ pensions** 25
- “(1) In this section,—  
 “CPI means the consumers price index-all groups published by Statistics New Zealand  
 “earner levy means the levy payable under section 219(1) and (2) of the Injury Prevention, Rehabilitation, and Compensation Act 2001 30  
 “standard tax means the amount of tax reckoned on a weekly basis that would be deductible in accordance with tax code ‘M’ specified in section NC 8 of the Income Tax Act 1994.
- “(2) Subject to **subsection (3)**, the rates of veterans’ pensions specified in **clauses 1 and 2(b)** of **Schedule 11** must be adjusted, by Order in Council, as at 1 April each year so that in each case 35

the new rate (after the deduction of standard tax) is the rate at that date (after the deduction of standard tax and before the adjustment under this section is made) adjusted by any percentage movement upwards in the CPI between the CPI for the quarter that ended with 31 December one year before the immediately preceding 31 December and the CPI for the quarter that ended with the immediately preceding 31 December. 5

**Struck out**

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- “(3) Subject to **subsection (4)**, every Order in Council made under **subsection (2)** must adjust the annual rates of the veterans’ pensions— 10
- “(a) so that the weekly amount (after the deduction of standard tax) payable to a married couple who are both qualified to receive a veteran’s pension is not less than 60% or more than 72.5% of the average ordinary time weekly earnings (males and females combined) as determined by the last Quarterly Employment Survey of wages published by Statistics New Zealand before 1 March in each year (after the deduction of standard tax and the earner levy payable on those earnings): 15 20
- “(b) so that the weekly amount (after the deduction of standard tax) payable to a single person who has been granted a living alone payment is 65% of the weekly amount of the veteran’s pension (after the deduction of standard tax) payable to a married couple who are both qualified to receive a veteran’s pension: 25
- “(c) so that the weekly amount (after the deduction of standard tax) payable to a single person who has not been granted a living alone payment is 60% of the weekly amount of the veteran’s pension (after the deduction of standard tax) payable to a married couple who are both qualified to receive a veteran’s pension: 30
- “(d) so that the rate of the veteran’s pension specified in **clause 2(b)** of **Schedule 11** preserves its proportional relationship (after the deduction of standard tax) to the rates specified in **clause 1** of that schedule. 35
-

## New

- “(3) Every Order in Council made under **subsection (2)** must adjust the annual rates of the veterans’ pensions so that the weekly amount (before any abatement under **section 74D** but after the deduction of standard tax) payable to—
- “(a) a married couple who are both qualified to receive a veteran’s pension is not less than 65% or more than 72.5% of the average ordinary time weekly earnings (males and females combined) as determined by the last Quarterly Employment Survey of wages published by Statistics New Zealand before 1 March in each year (after the deduction of standard tax and the earner levy payable on those earnings):
- “(b) a single person who has been granted a living alone payment is 65% of the weekly amount of the veteran’s pension (before any abatement under **section 74D** but after the deduction of standard tax) payable to a married couple who are both qualified to receive a veteran’s pension:
- “(c) a single person who has not been granted a living alone payment is 60% of the weekly amount of the veteran’s pension (before any abatement under **section 74D** but after the deduction of standard tax) payable to a married couple who are both qualified to receive a veteran’s pension.
- “(3A) Every Order in Council made under **subsection (2)** must adjust the annual rates of the veterans’ pensions so that the rate of the veteran’s pension specified in **clause 2(b) of Schedule 11** preserves its proportional relationship (before any abatement under **section 74D** or before any calculation is made under Income Test 3, as the case may be, but after the deduction of standard tax) to the rates specified in **clause 1** of that schedule.
- “(4) An adjustment under this section must not reduce the weekly amounts payable under this section.
- “(5) Section 61H(3) to (6) of the Social Security Act 1964 applies to every Order in Council made under **subsection (2)** as if that Order in Council were made under that section.
- “(6) Every Order in Council made under **subsection (2)** comes into force, or is to be deemed to come into force, on 1 April of the

calendar year in which it is made, and applies to veterans' pensions payable on and after that date.

Compare: 1990 No 26 s 13A

**“74D Abatement**

- “(1) This section applies to any person in receipt of a veteran’s pension who has not attained the age at which he or she would be entitled to receive New Zealand superannuation if otherwise (*entitled*) qualified to receive it. 5
- “(2) Income Test 3 does not apply to any person to whom this section applies. 10
- “(3) If a person to whom this section applies receives a veteran’s pension at a rate specified in **clause 1** of **Schedule 11**, the Department must, in calculating the veteran’s pension payable, reduce the amount of the pension paid and payable by—
- “(a) 30 cents for every \$1 of the employment income derived by the person (before the deduction of income tax) in excess of \$80 per week, but not in excess of \$180 per week; and 15
- “(b) 70 cents for every \$1 of the employment income derived by the person (before the deduction of income tax) in excess of \$180 per week. 20
- “(4) If a person to whom this section applies receives a veteran’s pension at a rate specified in **clause 2** of **Schedule 11**, the Department must, in calculating the veteran’s pension payable, reduce the amount of the pension paid and payable by— 25
- “(a) 30 cents for every \$1 of the combined income derived by the person and the person’s spouse in excess of \$80 per week, but not in excess of \$180 per week; and
- “(b) 70 cents for every \$1 of the combined income derived by the person and the person’s spouse in excess of \$180 per week. 30

*“Payment overseas of veterans’ pensions*

**“74E Effect of absence from New Zealand on veteran’s pension**

A person is not entitled to a veteran’s pension while that person is absent from New Zealand, except as provided in 35

**sections 74F to 74M or section 74T** or in any agreement or convention adopted under section 19 of the Social Welfare (Transitional Provisions) Act 1990.

Compare: 1990 No 26 s 17A(1)

- “74F First 26 weeks of certain temporary absences** 5
- A veteran’s pension that would otherwise be payable to a person is 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 Secretary is satisfied that the absence beyond 30 weeks is due to circumstances beyond that person’s control that he or she could not reasonably have foreseen before departure. 10
- Compare: 1990 No 26 s 17A(2) 15
- “74G Absences up to 2 years for medical treatment**
- The Secretary may, in the Secretary’s discretion, pay 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 Ministry of Health is granting assistance. 20
- Compare: 1990 No 26 s 17A(3)
- “74H Absences up to 52 weeks with aid agencies** 25
- “(1) The Secretary may pay a veteran’s pension to any person who—**
- “(a) is otherwise entitled to receive it; and
- “(b) is absent from New Zealand for a period not exceeding 52 weeks; and 30
- “(c) is engaged, while absent from New Zealand, in full-time voluntary and unpaid humanitarian work for a recognised aid agency that—
- “(i) has, as its principal function, the giving of aid and assistance to less advantaged communities in 1 or more other countries; and 35



“(ii) has not deprived another person of paid employment to engage the person to do that work on an unpaid basis.

“(2) The chief executive of the Ministry of Foreign Affairs and Trade must determine any question that arises as to whether an aid agency fulfils the qualifications set out in **subsection (1)**.

Compare: 1990 No 26 s 17A(3A), (3B)

“74I **Date absence commences**

If a person who is absent from New Zealand would have become entitled to a veteran’s pension during his or her absence but for **section 74E**, the person’s absence must be regarded as having commenced on the day that he or she would have become entitled to a veteran’s pension.

Compare: 1990 No 26 s 17A(4)

“74J **Payment overseas of veteran’s pension**

“(1) A person who is entitled to receive a veteran’s pension and who leaves New Zealand to reside in a country with which New Zealand has no agreement relating to the portability of veterans’ pensions is entitled, while residing in that country, to be paid 50% of the gross rate of veteran’s pension (excluding any living alone payment) that he or she would be entitled to receive if he or she resided in New Zealand.

“(2) However, if a married person whose spouse is not entitled to receive a veteran’s pension has made, or is entitled to make, an election under **section 74(2)**, that married person is only entitled to be paid, under this section, 50% of the gross rate payable under **clause 1(c) of Schedule 11**.

**New (unanimous)**

“(2A) The amount of the gross rate must, before the 50% calculation is made, be abated under **section 74D** if that section applies to the person.

“(3) A person is not entitled to receive payment overseas under this section unless,—

“(a) on the date of application for the payment, he or she is ordinarily resident and present in New Zealand and is,

- on that date, entitled to receive a veteran's pension or will be so entitled before leaving New Zealand; and
- “(b) the applicant intends to reside for more than 26 weeks in the overseas country to which the application relates, being a country with which New Zealand has no agreement relating to the portability of veterans' pensions. 5
- “(4) **Subsection (1)** applies despite sections 74(a) and 77 of the Social Security Act 1964, but subject to the provisions of this section and of **sections 74K to 74S**. 10
- Compare: 1990 No 26 s 17(1), (2)
- “**74K Applications after leaving New Zealand**
- “(1) This section applies if a person did not make an application for payment under **section 74J** while ordinarily resident and present in New Zealand because he or she left New Zealand intending to be absent for 26 weeks or less. 15
- “(2) The Secretary may accept an application for payment in accordance with **section 74J** if satisfied that the absence for more than 26 weeks is or was due to circumstances beyond the applicant's control that could not reasonably have been foreseen before leaving New Zealand. 20
- “(3) If the Secretary has accepted an application under **subsection (2)** and, after the applicant left New Zealand, the applicant has been paid any instalment of a veteran's pension in accordance with **sections 74F to 74I**, no liability to repay any of those instalments arises merely because the applicant fails to return to New Zealand within the period allowed for by those sections. 25
- Compare: 1990 No 26 s 17(3), (5)
- “**74L Date of commencement of payment overseas**
- “(1) The date of commencement of payment overseas of a veteran's pension under **section 74J** is the first pay day after the date of the applicant's departure from New Zealand. 30
- “(2) However, in the case of an application under **section 74K**, the date of commencement is the first pay day after the date on which the application was received by the Department. 35
- Compare: 1990 No 26 s 17(4)

**“74M Relationship with other benefit provisions**

- “(1) If a veteran’s pension is payable overseas in accordance with **section 74J** and is directly reduced under section 70 of the Social Security Act 1964, the amount payable is 50% of the reduced gross rate that would be payable in New Zealand. 5

**New (unanimous)**

“(1A) The amount of the reduced gross rate must, before the 50% calculation is made, be abated under **section 74D** if that section applies to the person.

- “(2) A person who is receiving a veteran’s pension overseas under **section 74J** is not entitled to receive any supplementary or special benefit, lump sum payment, or any other assistance under the Social Security Act 1964 or under any welfare programme approved under section 124(1)(d) of that Act. 10

- “(3) Despite the provisions of section 80 of the Social Security Act 1964, on the death of a person who receives a veteran’s pension overseas under **section 74J**, the benefit terminates on a date to be determined by the Secretary, being a date not more than 4 weeks after the date of death. 15

- “(4) Except as otherwise provided in this section, the provisions of the Social Security Act 1964 (other than sections 75, 75A, and 76) apply to veterans’ pensions being paid overseas under **section 74J**. 20

Compare: 1990 No 26 s 17(6)–(9)

**“74N Specified Pacific country**

- “(1) In **sections 740 to 74S**, **specified Pacific country** means a country or territory— 25

“(a) that is listed in **Schedule 13**; and

“(b) that is not a country with which New Zealand has a reciprocal agreement in force under section 19 of the Social Welfare (Transitional Provisions) Act 1990 relating to the portability of the veteran’s pension. 30

- “(2) The Governor-General may, by Order in Council, amend **Schedule 13** by—

“(a) adding the name of any Pacific country or territory; or 35

“(b) omitting the former name of a country or territory and substituting its new name.

- “(3) The Order in Council must state the date on which it takes effect, which may be a date before the date on which it is made.
- “(4) The Order in Council applies to payments of the veteran’s pension under **section 74O** payable on or after the date on which the order takes effect. 5
- “(5) Section 61H(3) to (6) of the Social Security Act 1964 applies to every Order in Council made under **subsection (2)(a)** as if it had been made under that section. 10
- Compare: 1990 No 26 s 17B
- “74O Entitlement to be paid veteran’s pension in specified Pacific country**
- “(1) A person entitled to receive a veteran’s pension is entitled to be paid the benefit in a specified Pacific country at a rate calculated under **section 74P** if **subsection (2)** or **subsection (3)** applies to the person. 15
- “(2) This subsection applies to a person—
- “(a) who intends to leave New Zealand to reside for more than 52 weeks in a specified Pacific country; and
- “(b) who is resident and present in New Zealand on the date of his or her application to be paid a veteran’s pension in a specified Pacific country; and 20
- “(c) who—
- “(i) is entitled to receive a veteran’s pension on the date of the application; or 25
- “(ii) will be entitled to receive a veteran’s pension before leaving New Zealand; and
- “(d) who is resident in a specified Pacific country when each payment of veteran’s pension is due to be made to him or her. 30
- “(3) This subsection applies to a person—
- “(a) who was, immediately before this section came into force, being paid a veteran’s pension while resident in a specified Pacific country under section 17BA of the Social Welfare (Transitional Provisions) Act 1990 as it was immediately before that date; and 35
- “(b) who is resident in a specified Pacific country when each payment of the veteran’s pension is due to be made to him or her.
- Compare: 1990 No 26 s 17BA 40

- “74P **Rates of payment of veteran’s pension payable to people resident in specified Pacific countries**
- “(1) The rate of veteran’s pension payable under **section 740** is,—
- “(a) in the case of a person who has resided in New Zealand for 20 or more years since turning 20 years, the base rate: 5
- “(b) in the case of a person who has resided in New Zealand for 10 or (~~more years,~~) more years but fewer than 20 years since turning 20 years, an amount calculated using the following formula: 10
- $$\frac{a \times b}{20}$$
- where—
- a is the base rate
- b is the whole number of years the person has resided in New Zealand since turning 20 years: 15
- “(c) in the case of a person who is resident in a specified Pacific country and was, immediately before this section came into force, being paid a veteran’s pension under section 17BA of the Social Welfare (Transitional Provisions) Act 1990 as it was immediately before that date, the higher of— 20
- “(i) the amount he or she was being paid immediately before that date (subject to abatement under section 74D if that section applies to the person); and 25
- “(ii) the appropriate amount payable under **paragraph (a) or paragraph (b)**.
- “(2) For the purposes of this section, the base rate is,— 30
- “(a) in the case of a single person, the amount stated in **clause (1)(b) of Schedule 11** (subject to abatement under section 74D if that section applies to the person); and
- “(b) in the case of a married person, the amount stated in **clause (1)(c) of that schedule** (subject to abatement under section 74D if that section applies to the person). 35
- “(3) However, if section 70 of the Social Security Act 1964 applies, that amount must be reduced by the amount deducted in accordance with that section.

Compare: 1990 No 26 s 17C

**“74Q Commencement and termination of payments**

“(1) The commencement date of payment of a benefit paid under **section 740** is,—

“(a) in the case of a person to whom **section 740(2)** applies, the first pay day after the date of the person’s departure from New Zealand; and 5

“(b) in the case of a person to whom **section 740(3)** applies, the first pay day after the date on which this section comes into force.

“(2) When a person being paid a benefit under **section 740** dies, the benefit terminates on a date to be determined by the Secretary, being a date not more than 4 weeks after the date of death. 10

Compare: 1990 No 26 s 17D

**“74R Effect on other benefits**

A person being paid a benefit under **section 740** is not entitled to receive— 15

“(a) any supplementary or special benefit, lump sum payment, payment under a welfare programme approved under section 124(1)(d) of the Social Security Act 1964, or any other assistance under that Act; or 20

“(b) a living alone payment under **section 74U**.

Compare: 1990 No 26 s 17E

**“74S Application of this Act and Social Security Act 1964**

“(1) **Sections 74E to 74M** do not apply in respect of a veteran’s pension being paid in a specified Pacific country under **section 740**. 25

“(2) The Social Security Act 1964, except sections 74(a), 75, 75A, 76, 77, and 80, applies to a veteran’s pension being paid in a specified Pacific country under **section 740**. 30

Compare: 1990 No 26 s 17F

**“74T Certain former economic pensioners may be paid up to the full rate of veteran’s pension overseas**

Despite sections 74(a) and 77 of the Social Security Act 1964 and **sections 74J to 74M** of this Act, if, immediately before 1 April 1990, a person residing outside New Zealand was being paid an economic pension under this Act, the Secretary may pay the full rate, or any lesser percentage of the full rate (being not less than 50%), of a veteran’s pension to that 35

person while he or she remains a resident outside New Zealand.

Compare: 1990 No 26 s 18

**“74U Living alone payments**

- “(1) Any unmarried person who receives a veteran’s pension and who is living alone in his or her principal place of residence is entitled to receive a living alone payment. 5
- “(2) The living alone payment is included in the appropriate rate specified in **clause 1(a) of Schedule 11**.
- “(3) A person is considered to be living alone only if he or she— 10
- “(a) occupies a principal place of residence that is referred to in **subsection (4)**; and
- “(b) does not share that residence or household expenses (including accommodation expenses) with any person of, or over the age of, 18 years, other than— 15
- “(i) a dependent child of or over that age; or
- “(ii) a temporary visitor who stays less than 13 weeks in any period of 26 weeks.
- “(4) The principal places of residence are— 20
- “(a) a house or flat; or
- “(b) a boat or craft moored within—
- “(i) the territorial sea of New Zealand or any internal waters of New Zealand, whether or not it is from time to time travelling within that sea or any of those waters; or 25
- “(ii) any waters within New Zealand, being any lake, estuary, lagoon, river, stream, creek, or other waters, whether or not it is from time to time travelling within any of those waters; or
- “(c) a hotel room, motel unit, room in a licensed boarding-house, or unit of accommodation in a caravan park. 30
- “(5) In this section, **territorial sea of New Zealand** and **internal waters** have the same meanings as in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

Compare: 1990 No 26 s 18A

35

**“74V Commencement of living alone payments**

- “(1) Every living alone payment commences on the later of—
- “(a) the date on which the applicant becomes entitled to receive it; or
  - “(b) the date on which the application is received. 5
- “(2) However, if an application for a living alone payment is made as a result of the death of the spouse of the applicant, the living alone payment commences on—
- “(a) the date on which the applicant becomes entitled to receive it if the application is received within 28 days after the date of entitlement; or 10
  - “(b) the date on which the application is received if it is received 28 days or more after the date of entitlement.

Compare: 1990 No 26 s 18B

**“74W Transitional provision for existing veteran’s pension entitlements 15**

Every person who, immediately before the commencement of this Part, was entitled to receive a veteran’s pension, with or without a living alone payment, under the Social Welfare (Transitional Provisions) Act 1990 is entitled to receive the corresponding entitlements under this Part.” 20

**New**

**5AA Rates of pensions and allowances may be increased by Order in Council**

- (1) The heading to section 75C of the principal Act is amended by inserting, after the word “pensions”, the words “, **lump sum payments,**”. 25
- (2) Section 75C(1) of the principal Act is amended by inserting, after paragraph (a), the following paragraph:
- “(ab) **clause 2(a) of Schedule 11 and Schedule 12** by increasing the rate of any pension or lump sum payment set out in those provisions:”. 30
- (3) Section 75C(2) of the principal Act is amended by inserting, after the words “apply to pensions”, the words “, **lump sum payments,**”.



**New**

(4) Section 75C of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) The Order in Council must, for lump sum payments on death, state that it applies in respect of persons who die on or after the date that is specified in the Order in Council.”

5

**New (unanimous)****5A Death of claimant for pension**

Section 83 of the principal Act is amended by omitting the words “sections 74 and 85”, and substituting the expression “section 85”.

**6 New Schedules 11 to 13 inserted**

10

The principal Act is amended by adding **Schedules 11 to 13** as set out in **Schedule 1** of this Act.

**Part 2****Miscellaneous provisions****7 Consequential amendments**

15

(1) The Acts specified in **Schedule 2** are amended in the manner indicated in that schedule.

(2) The regulations specified in **Schedule 3** are amended in the manner indicated in that schedule.

**8 Consequential repeals**

20

The Acts specified in **Schedule 4** are consequentially repealed.

s 6

## Schedule 1

### Schedules 11 to 13 added to principal Act

Struck out

ss 74, 74U

### Schedule 11

#### Rates of Veterans' Pensions

The following rates are before deduction of tax(.):

		Entitlements under section 70(1)(b)(i) or section 70(2)	Entitlements under section 70(1)(b)(ii) or section 71	
1	(a) to an unmarried person who has been granted a living alone payment under <b>section 74U</b>	( <del>\$282.78</del> ) <u>\$288.31</u> per week	( <del>\$282.78</del> ) <u>\$288.31</u> per week, subject to <b>section 74D</b>	
	(b) to an unmarried person who has not been granted a living alone payment under <b>section 74U</b>	( <del>\$260.12</del> ) <u>\$264.90</u> per week	( <del>\$260.12</del> ) <u>\$264.90</u> per week, subject to <b>section 74D</b>	10
	(c) to a married person	( <del>\$214.38</del> ) <u>\$218.50</u> per week	( <del>\$214.38</del> ) <u>\$218.50</u> per week, subject to <b>section 74D</b>	
2	Alternative rate for a married person whose spouse is not entitled to receive New Zealand superannuation or a veteran's pension—			15
	(a) to a married person who was receiving or had applied for, and was entitled to receive, New Zealand superannuation or a veteran's pension at the alternative rate before 1 October 1991	( <del>\$428.76</del> ) <u>\$437.00</u> per week, subject to Income Test 3, or the rate specified in <b>paragraph (b)</b> , whichever is the greater	( <del>\$428.76</del> ) <u>\$437.00</u> per week, subject to <b>section 74D</b> , or the rate specified in <b>paragraph (b)</b> , whichever is the greater	20
	(b) to any other married person	( <del>\$407.34</del> ) <u>\$415.28</u> per week, subject to Income Test 3	( <del>\$407.34</del> ) <u>\$415.28</u> per week, subject to <b>section 74D</b>	

New

**Schedule 11**  
**Rates of Veterans' Pensions**

ss 74, 74U

The following rates are before deduction of tax:

		Entitlements under section 70(1)(b)(i) or section 70(2)	Entitlements under section 70(1)(b)(ii) or section 71	
1	(a) to an unmarried person who has been granted a living alone payment under section 74U	\$296.49 per week	\$296.49 per week, subject to section 74D	5
	(b) to an unmarried person who has not been granted a living alone payment under section 74U	\$272.58 per week	\$272.58 per week, subject to section 74D	
	(c) to a married person	\$224.76 per week	\$224.76 per week, subject to section 74D	
2	Alternative rate for a married person whose spouse is not entitled to receive New Zealand superannuation or a veteran's pension—			10
	(a) to a married person who was receiving or had applied for, and was entitled to receive, New Zealand superannuation or a veteran's pension at the alternative rate before 1 October 1991	\$449.52 per week, subject to Income Test 3, or the rate specified in paragraph (b), whichever is the greater	\$449.52 per week, subject to section 74D, or the rate specified in paragraph (b), whichever is the greater	15
	(b) to any other married person	\$427.34 per week, subject to Income Test 3	\$427.34 per week, subject to section 74D	

## Struck out

s 74A

## Schedule 12

## Payments on death of veteran or veteran's spouse

- |   |   |   |    |
|---|---|---|----|
| 1 | (a) on the death of a person who,—  | <del>(\$10,795.61)</del> <u>\$10,992.09</u> to the  |    |
|   | (i) on the date of his or her death, was in receipt of a veteran's pension on account of his or her own service; and  | surviving spouse of that person, or, if there is no surviving spouse, to be apportioned equally between any dependent children of that person   | 5  |
|   | (ii) before 1 April 1990, was in receipt of a war veteran's allowance under the War Pensions Act 1954   |   | 10 |
|   | (b) on the death of any person who, on the date of his or her death, was in receipt of a veteran's pension on account of his or her own service   | <del>(\$4,281.56)</del> <u>\$4,359.48</u> to the surviving spouse of that person or, if there is no surviving spouse, to be apportioned equally between any dependent children of that person | 15 |
|   | (c) on the death of the spouse of any person if that person is receiving a veteran's pension on account of his or her own service and if the spouse was in receipt of a veteran's pension | <del>(\$3,264.81)</del> <u>\$3,324.23</u> to that person  | 20 |
| 2 | There is deductible from any amount payable under clause 1 the amount of any veteran's pension paid or payable in respect of the person who has died following their death.               |   | 25 |

## New

## Schedule 12 s 74A

### Payments on death of veteran or veteran's spouse

- |   |  |  |    |
|---|--|--|----|
| 1 | <p>(a) on the death of a person who,—</p> <p style="padding-left: 20px;">(i) on the date of his or her death, was in receipt of a veteran's pension on account of his or her own service; and</p> <p style="padding-left: 20px;">(ii) before 1 April 1990, was in receipt of a war veteran's allowance under the War Pensions Act 1954</p> | <p>\$11,291.07 to the surviving spouse of that person or, if there is no surviving spouse, to be apportioned equally between any dependent children of that person</p> | 5  |
|   | <p>(b) on the death of any person who, on the date of his or her death, was in receipt of a veteran's pension on account of his or her own service</p>   | <p>\$4,478.06 to the surviving spouse of that person or, if there is no surviving spouse, to be apportioned equally between any dependent children of that person</p>  | 15 |
|   | <p>(c) on the death of the spouse of any person if that person is receiving a veteran's pension on account of his or her own service and if the spouse was in receipt of a veteran's pension</p>   | <p>\$3,414.65 to that person</p>   | 20 |
| 2 | <p>There is deductible from any amount payable under clause 1 the amount of any veteran's pension paid or payable in respect of the person who has died following their death.</p>   |  | 25 |

s 74N

**Schedule 13**  
**Specified Pacific countries**

American Samoa	
Cook Islands	
Federated States of Micronesia	5
Fiji	
French Polynesia	
Guam	
Kiribati	
Marshall Islands	10
Nauru	
New Caledonia	
Niue	
Northern Mariana Islands	
Palau	15
Papua New Guinea	
Pitcairn Island	
Samoa	
Solomon Islands	
Tokelau	20
Tonga	
Tuvalu	
Vanuatu	
Wallis and Futuna	

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## Schedule 2

s 7(1)

### Consequential amendments to other Acts

#### **Child Support Act 1991** (1991 No 142)

Insert in section 131, after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”. 5

#### New (unanimous)

Insert in section 240(2)(d), after the words “that behalf”, the words “or the Secretary for War Pensions”.

Insert in section 240(2)(d), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”. 10

Insert in section 263(2)(b)(iii), after the words “the Social Security Act 1964”, the words “or **Part 6** of the War Pensions Act 1954”.

#### **Employment Services and Income Support (Integrated Administration) Act 1998** (1998 No 96) 15

Repeal so much of the Schedule as relates to sections 8, 9, 17, 17A, 17B, and 18 of the Social Welfare (Transitional Provisions) Act 1990.

#### **Family Proceedings Act 1980** (1980 No 94)

Insert in section 101A (as saved by section 259 of the Child Support Act 1991), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”. 20

#### **Housing Restructuring Act 1992** (1992 No 76)

Repeal the definition of **standard tax** in section 42(1) and substitute: 25

“**standard tax** means the amount of tax reckoned on a weekly basis that would be deductible in accordance with tax code ‘M’ specified in section NC 8 of the Income Tax Act 1994”.

#### Struck out (unanimous)

Omit from section 46(6) the words “the Social Welfare (Transitional Provisions) Act 1990” and substitute the words “**Part 6** of the War Pensions Act 1954”. 30

**Housing Restructuring Act 1992** (1992 No 76)—continued**New (unanimous)**

Insert in section 46(6), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “and **Part 6** of the War Pensions Act 1954”.

Repeal clause 9(a)(ii) of Schedule 2 and substitute:

5

“(ii) New Zealand superannuation under the New Zealand Superannuation Act 2001 or a veteran’s pension under **Part 6** of the War Pensions Act 1954; or”.

**Housing Restructuring (Income-Related Rents) Amendment Act 2000** (2000 No 22)

10

Repeal so much of Schedule 2 as relates to the Social Welfare (Transitional Provisions) Act 1990.

**Income Tax Act 1994** (1994 No 164)**New (unanimous)**

Repeal paragraph (a)(iv) of the definition of **employer** in section OB 1 and substitute:

15

“(iv) for payments of New Zealand superannuation and income-tested benefits, the chief executive of the department currently responsible for administering the Social Security Act 1964:

20

“(iva) for payments of veterans’ pensions, the Secretary for War Pensions (as defined in **section 67** of the War Pensions Act 1954) or the chief executive of the department currently responsible for making payments of veterans’ pensions:”.

25

Insert in the definition of **living alone payment** in section OB 1, after the words “living alone payment paid or payable under”, the words “**section 74U** of the War Pensions Act 1954 or”.

Repeal the definition of **portable veteran’s pension** in section OB 1 and substitute:

30

“**portable veteran’s pension** means a veteran’s pension paid or payable overseas under sections 17, 17BA, or 19 of the Social Welfare (Transitional Provisions) Act 1990 or under **sections 74J to 74M, or 74O** of the War Pensions Act 1954”.



**Income Tax Act 1994** (1994 No 164)—continued

Repeal the definition of **veteran’s pension** in section OB 1 and substitute:

“**veteran’s pension** means a veteran’s pension paid or payable under Part I of the Social Welfare (Transitional Provisions) Act 1990 or **Part 6** of the War Pensions Act 1954 or section 70(3)(b) of the Social Security Act 1964, other than a portable veteran’s pension”.

**Injury Prevention, Rehabilitation, and Compensation Act 2001** (2001 No 49)

Repeal so much of Schedule 6 as relates to section 13A of the Social Welfare (Transitional Provisions) Act 1990.

**Rates Rebate Act 1973** (1973 No 5)

Insert in paragraph (d)(vii) of the definition of **income** in section 2(1), after the words “the Social Security Act 1964”, the words “or a veteran’s pension under **Part 6** of the War Pensions Act 1954”.

**Social Security Act 1964** (1964 No 136)

Repeal paragraph (b)(i) of the definition of **benefit** in section 3(1) and substitute:

“(i) New Zealand superannuation payable under the New Zealand Superannuation Act 2001 and veterans’ pensions payable under **Part 6** of the War Pensions Act 1954:”.

Repeal paragraph (b)(ii) of the definition of **benefit** in section 3(1) and substitute:

“(ii) a living alone payment payable under the New Zealand Superannuation Act 2001 and a living alone payment payable under **Part 6** of the War Pensions Act 1954:”.

Insert in paragraph (f)(i) of the definition of **income** in section 3(1), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Repeal paragraph (f) of the definition of **income-tested benefit** in section 3(1) and substitute:

**Social Security Act 1964** (1964 No 136)—continued**Struck out (unanimous)**

“(f) New Zealand superannuation at the rate in clause 2 of Schedule 1 of the New Zealand Superannuation Act 2001 or a veteran’s pension payable at the rate in **clause 2 of Schedule 11** of the War Pensions Act 1954:”.

5

**New (unanimous)**

“(f) New Zealand superannuation payable at the appropriate rate in clause 2 of Schedule 1 of the New Zealand Superannuation Act 2001 or a veteran’s pension payable—

“(i) at the appropriate rate in **clause 1 of Schedule 11** of the War Pensions Act 1954 if the pension is subject to abatement under **section 74D** of that Act; or

10

“(ii) at the appropriate rate in **clause 2 of Schedule 11** of the War Pensions Act 1954:”.

15

Repeal the definition of **veteran’s pension** in section 3(1) and substitute:

“**veteran’s pension** means a veteran’s pension payable under **Part 6** of the War Pensions Act 1954”.

**Struck out (unanimous)**

Omit from section 3(3) the words “the Social Welfare (Transitional Provisions) Act 1990” and substitute the words “**Part 6** of the War Pensions Act 1954”.

20

**New (unanimous)**

Insert in section 3(3), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

25

Insert in section 5(1), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

**Social Security Act 1964** (1964 No 136)—continued

Omit from section 10A(1)(b) the words “under that Act”.

Insert in section 11(2)(a), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Insert in section 11(2)(f), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”. 5

Insert in section 12J(1)(c), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”. 10

Omit from section 12J(2)(d) the words “section 8 of the Social Welfare (Transitional Provisions) Act 1990” and substitute the words “**section 70** of the War Pensions Act 1954”.

Omit from section 53A(1)(e) the words “section 8 of the Social Welfare (Transitional Provisions) Act 1990” and substitute the words “**section 70** of the War Pensions Act 1954”. 15

Omit from section 61DA(b) the words “section 12 of the Social Welfare (Transitional Provisions) Act 1990” and substitute the words “**section 74A** of the War Pensions Act 1954”.

**Struck out (unanimous)**

Repeal section 61H(1)(c) and substitute: 20

“(c) amend **Schedules 11 and 12** of the War Pensions Act 1954 and Schedule 4 of the Social Welfare (Transitional Provisions) Act 1990; and”.

**New (unanimous)**

Repeal section 61H(1)(c) and substitute: 25

“(c) amend the Fourth Schedule of the Social Welfare (Transitional Provisions) Act 1990; and”.

Insert in section 64(1) and (2A), in each case after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Insert in paragraph (j) of the definition of **income** in section 69E, after the words “under that Act”, the words “, other than any pension or payment payable under **Part 6** of that Act”. 30

**Social Security Act 1964** (1964 No 136)—continued**Struck out (unanimous)**

Omit from section 69G(1), (2)(a) to (d), and (3)(a) and (b) the words “the Social Welfare (Transitional Provisions) Act 1990” and substitute in each case the words “**Part 6** of the War Pensions Act 1954”.

5

**New (unanimous)**

Insert in section 69G(1), (2)(a) to (d), and (3)(a) and (b), in each case after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or under **Part 6** of the War Pensions Act 1954”.

Insert in section 69H(1) and (3), in each case after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

10

Insert in section 70(1), (1)(a), (3)(a) and (b), and (4)(a), in each case after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

**New (unanimous)**

Insert in section 70(1), after the words “section 72 of this Act”, the words “unless the pension or allowance is a pension or payment granted under **Part 6** of the War Pensions Act 1954”.

15

Insert in section 71(1), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

20

**New (unanimous)**

Insert in section 71A(1), after the words “veteran’s pension”, the words “unless the veteran’s pension would be subject to abatement under **section 74D** of the War Pensions Act 1954”.

Insert in section 72(b), after subparagraph (i), the following subparagraph:

25

“(ia) a pension or payment granted under **Part 6** of that Act; or”.

**Social Security Act 1964** (1964 No 136)—continued

Insert in section 74, after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Insert in section 74A(5), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or the New Zealand Superannuation Act 2001 or **Part 6** of the War Pensions Act 1954”.

Insert in section 75(2), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Repeal section 77(1) and substitute:

“(1) Except as provided in this section or in any agreement or convention adopted under section 19 of the Social Welfare (Transitional Provisions) Act 1990 or in sections 21 to 35 of the New Zealand Superannuation Act 2001 or in **sections 74E to 74T** of the War Pensions Act 1954, a benefit is not payable while a beneficiary is absent from New Zealand.”

Insert in section 80(1), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

**New**

Insert in section 85A(f), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Insert in section 86(2), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Insert in section 127(a), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

Insert in section 132B(2)(c), after the words “the Social Welfare (Transitional Provisions) Act 1990”, the words “or **Part 6** of the War Pensions Act 1954”.

**Social Welfare (Transitional Provisions) Act 1990**

(1990 No 26)

Repeal sections 2A, 2B, 8 to 13A, 14(3), and 17 to 18B.

**Social Welfare (Transitional Provisions) Act 1990**

(1990 No 26)—continued

Insert in section 19(1)(b), after the expression “Social Security Act 1964”, the words “and **Part 6** of the War Pensions Act 1954”.

**Struck out (unanimous)**

Repeal Schedules 1, 2, and 5.

**New (unanimous)**

Repeal the First and Second Schedules and Schedule 5.

5

**Social Welfare (Transitional Provisions) Amendment Act 1993**

(1993 No 58)

Repeal sections 3, 4, and 5.

**Social Welfare (Transitional Provisions) Amendment Act 1996**

(1996 No 21)

Repeal section 2.

Repeal so much of section 3 as relates to the First Schedule of the Social Welfare (Transitional Provisions) Act 1990.

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**Veterans' Affairs Act 1999** (1999 No 76)

Omit from the definition of the term **veterans' affairs** in section 2 the words “and veterans' pensions under the Social Welfare (Transitional Provisions) Act 1990”.

Repeal so much of the Schedule as relates to the Social Welfare (Transitional Provisions) Act 1990.

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### Schedule 3

#### Consequential amendments to regulations

s 7(2)

#### **Court of Appeal Fees Regulations 2001** (SR 2001/309)

Revoke regulation 5(3)(b)(ii), and substitute:

- “(ii) is wholly dependent for the payment of his or her living expenses on New Zealand superannuation under the New Zealand Superannuation Act 2001 or a veteran’s pension under the War Pensions Act 1954; or”.

#### **District (Court) Courts Fees Regulations 2001** (SR 2001/106)

Revoke regulation 4A(3)(b)(ii), and substitute:

- “(ii) is wholly dependent for the payment of his or her living expenses on New Zealand superannuation under the New Zealand Superannuation Act 2001 or a veteran’s pension under the War Pensions Act 1954; or”.

#### New (unanimous)

#### **Health Entitlement Cards Regulations 1993** (SR 1993/169)

Revoke regulation 8(1)(d)(v) and (vi) and substitute:

- “(v) does not receive a veteran’s pension under the War Pensions Act 1954; and

- “(vi) is not the spouse of a person who has made an election under section 12(2) of the New Zealand Superannuation Act 2001 or **section 74(2)** of the War Pensions Act 1954.”.

#### **High Court Fees Regulations 2001** (SR 2001/310)

Revoke regulation 6(3)(b)(ii), and substitute:

- “(ii) is wholly dependent for the payment of his or her living expenses on New Zealand superannuation under the New Zealand Superannuation Act 2001 or a veteran’s pension under the War Pensions Act 1954; or”.

#### **Social Security (Period of Income Assessment) Regulations 1996** (SR 1996/128)

**Social Security (Period of Income Assessment) Regulations 1996** (SR 1996/128)—continued

Omit the fourth paragraph from item 1 in the Schedule and substitute:

“New Zealand superannuation (in respect of any rate set out in clause 2 of Schedule 1 of the New Zealand Superannuation Act 2001) or veteran’s pension (in respect of any rate set out in **clause 2** of **Schedule 11** of the War Pensions Act 1954 or in respect of any rate set out in **clause 1** of that Schedule in the case of a veteran’s pension that is subject to abatement under **section 74D** of that Act”).

**Struck out (unanimous)**

**Social Welfare (Reciprocity with Australia) Order 1994** (SR 1994/264)

Insert in clause 2(2), after the expression “Social Security Act 1964”, the words “and of **Part 6** of the War Pensions Act 1954”.

**Social Welfare (Reciprocity with Australia) Amendment Order 1995** (SR 1995/242) 15

Insert in clause 3(2), after paragraph (a):

“(aa) **Part 6** of the War Pensions Act 1954; and”.

Insert in clause 4(2), after paragraph (a):

“(aa) **Part 6** of the War Pensions Act 1954; and” 20

Insert in clause 5(2), after paragraph (a):

“(aa) **Part 6** of the War Pensions Act 1954; and”.

**Social Welfare (Reciprocity with Australia) Amendment Order 1998** (SR 1998/242)

Insert in clause 3(2), after paragraph (a): 25

“(aa) **Part 6** of the War Pensions Act 1954; and”.

**New (unanimous)**

**Social Welfare (Reciprocity with Australia) Order 2002** (SR 2002/119)

Insert in clause 4, after paragraph (a):

“(aa) **Part 6** of the War Pensions Act 1954:” 30



<b>Social Welfare (Reciprocity with Canada) Order 1996</b> (SR 1996/178) Insert in clause 3(2), after paragraph (a): “(aa) <b>Part 6</b> of the War Pensions Act 1954; and”.	
<b>Social Welfare (Reciprocity with Denmark) Order 1997</b> (SR 1997/135) Insert in clause 3(2), after paragraph (a): “(aa) <b>Part 6</b> of the War Pensions Act 1954; and”.	5
<b>Social Welfare (Reciprocity with Ireland) Order 1993</b> (SR 1993/251) Insert in clause 2(2), after the expression “Social Security Act 1964”, the words “and of <b>Part 6</b> of the War Pensions Act 1954”.	10
<b>Social Welfare (Reciprocity with Jersey and Guernsey) Order 1995</b> (SR 1995/44) Insert in clause 2(2), after the expression “Social Security Act 1964”, the words “and of <b>Part 6</b> of the War Pensions Act 1954”.	15
<b>Social Welfare (Reciprocity with the Hellenic Republic) Order 1993</b> (SR 1993/347) Insert in clause 2(2), after the expression “Social Security Act 1964”, the words “and of <b>Part 6</b> of the War Pensions Act 1954”.	20
<b>Social Welfare (Reciprocity with the Netherlands) Order 1990</b> (SR 1990/359) Insert in clause 2(2), after the expression “Social Security Act 1964”, the words “and of <b>Part 6</b> of the War Pensions Act 1954”.	
<b>Social Welfare (Reciprocity with the United Kingdom) Order 1990</b> (SR 1990/85) Insert in clause 2(2), after the expression “Social Security Act 1964”, the words “and of <b>Part 6</b> of the War Pensions Act 1954”.	25
<b>Student Allowances Regulations 1998</b> (SR 1998/277) Omit paragraph (c)(iii) from the definition of the term <b>supported child</b> in regulation 2 and substitute: “(iii) New Zealand superannuation under the New Zealand Superannuation Act 2001 or a veteran’s pension under the War Pensions Act 1954 <u>or a transitional retirement benefit under the Social Welfare (Transitional Provisions) Act 1990</u> ; or”.	30
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## Schedule 4

### Acts consequentially repealed

<b>Social Welfare (Transitional Provisions) Amendment Act 1990</b> (1990 No 75)	5
<b>Social Welfare (Transitional Provisions) Amendment Act (No 2) 1990</b> (1990 No 133)	
<b>Social Welfare (Transitional Provisions) Amendment Act (No 2) 1991</b> (1991 No 77)	
<b>Social Welfare (Transitional Provisions) Amendment Act (No 3) 1991</b> (1991 No 123)	10
<b>Social Welfare (Transitional Provisions) Amendment Act 1997</b> (1997 No 65)	
<b>Social Welfare (Transitional Provisions) Amendment Act 1998</b> (1998 No 98)	15
<b>Social Welfare (Transitional Provisions—Special Portability Arrangement) Amendment Act 1999</b> (1999 No 80)	

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#### Legislative history

12 December 2001	Introduction (Bill 187–1)
2 May 2002	First reading and referral to Social Services Committee
26 November 2002	Reported from Social Services Committee
4 March 2003	Second reading
25, 27 March 2003	Committee of the whole House (Bill 187–3)

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