

House of Representatives

Supplementary Order Paper

Tuesday, 12 April 2005

New Zealand Superannuation Amendment Bill

Proposed amendments

Hon Steve Maharey, in Committee, to move the following amendments:

Clause 1

To insert in *subclause (1)*, after the words “New Zealand Superannuation” (line 3 on page 2), the words “and Retirement Income”.

To insert in *subclause (2)*, after the word “the” (line 5 on page 2), the words “Act that was previously called the”.

Clause 3

To add, after paragraph (c) (after line 18 on page 2), the following paragraph:

- (d) to alter the name of the principal Act to the “New Zealand Superannuation and Retirement Income Act 2001”.

Part 2 heading

To add to the *Part 2* heading after the word “Act” (line 2 on page 3), the words “, amendments to other enactments, and repeals”.

New clause 4A

To insert, after the *Part 2* heading (after line 2 on page 3), the following clause:

4A Name of principal Act changed

- (1) After the commencement of this section, the principal Act is called the New Zealand Superannuation and Retirement Income Act 2001.
- (2) Section 1 of the principal Act is consequentially amended by inserting, after the word “Superannuation”, the words “and Retirement Income”.

Clause 5

To omit from *new section 5A* of the principal Act the definition of **fees framework** (lines 11 to 14 on page 3).

To omit from *new section 5A* of the principal Act the definition of **officeholder** (lines 20 and 21 on page 3).

Clause 6

To omit from *new section 81* of the principal Act the words “**fees framework, Government, Minister, and officeholder**” (lines 32 and 33 on page 3), and substitute the words “**Government, and Minister**”.

To omit from *new section 82(2)* of the principal Act the words “with perpetual succession” (lines 6 and 7 on page 4).

To omit *new section 82(3)* of the principal Act (lines 8 and 9 on page 4), and substitute the following subsections:

- “(3) The Commissioner is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- “(4) The Crown Entities Act 2004 applies to the Commissioner except to the extent that this Act expressly applies otherwise.
- “(5) The Commissioner is the board for the purposes of **section 10** of that Act.

To omit *new sections 83 to 92* of the principal Act (line 10 on page 4 to line 9 on page 7).

To omit *new section 94* of the principal Act (lines 26 to 35 on page 8).

To omit *new sections 96 to 117* of the principal Act (line 17 on page 9 to line 30 on page 17).

To omit *new section 119* of the principal Act (lines 1 to 5 on page 18).

To omit from *new section 120(2)* of the principal Act the words “under **section 83**” (lines 18 and 19 on page 18), and substitute the words “under section 28 of the Crown Entities Act 2004”.

To insert, after *new section 121* of the principal Act (after line 36 on page 18), the following new section:

- “**122 References to New Zealand Superannuation Act 2001**
Unless the context otherwise requires, any reference to the New Zealand Superannuation Act 2001 in any enactment, rule, order, agreement, deed, or document of any other kind in force on the commencement of this section must be read as a reference to the New Zealand Superannuation and Retirement Income Act 2001.”

New clause 7A

To insert, before *clause 8* (before line 4 on page 19), the following clause:

- 7A Amendments to other enactments**
- (1) The Acts set out in **Schedule 2** are amended in the manner set out in that Schedule.
- (2) The regulations set out in **Schedule 3** are amended in the manner set out in that Schedule.

Schedule

To omit clauses 1 to 9 of *new Schedule 6* of the principal Act and the headings above clauses 1 and 2 (line 5 on page 20 to line 7 on page 23).

To omit from clause 10(1) of *new Schedule 6* of the principal Act the words “or any employee of the Commissioner” (lines 10 and 11 on page 23).

To omit clauses 11 to 13 of *new Schedule 6* of the principal Act and the heading above clause 11 (line 1 on page 24 to line 31 on page 25).

To omit clause 14 of *new Schedule 6* of the principal Act (line 33 on page 25 to line 4 on page 26), and substitute the following clause:

“14 **Ability to delegate**

Despite section 73 of the Crown Entities Act 2004, the Commissioner must not delegate the power to appoint an attorney under section 129 of the Crown Entities Act 2004 without the prior written consent of the Minister.”

To omit clauses 15 to 27 of *new Schedule 6* of the principal Act and the headings above clauses 16, 20, and 27 (line 5 on page 26 to line 26 on page 29).

New Schedules 2 and 3 added

To add, after line 26 on page 29, the following schedules:

Schedule 2

s 7A(1)

Amendments to other Acts

Child Support Act 1991 (1991 No 142)

Omit from sections 131, 240(2)(d), and 263(2)(b)(iii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Family Proceedings Act 1980 (1980 No 94)

Omit from section 101A the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Housing Restructuring Act 1992 (1992 No 76)

Omit from section 46(6) and clauses 2(a) and (b) and 9(a)(ii) of Schedule 2 the words “New Zealand Superannuation Act 2001” and substitute in each case the words “New Zealand Superannuation and Retirement Income Act 2001”.

Human Rights Act 1993 (1993 No 82)

Omit from sections 21(1)(i) and 70(5)(d) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Income Tax Act 1994 (1994 No 164)

Omit from the definitions of **living alone payment**, **New Zealand superannuation**, **New Zealand superannuitant**, and **portable New Zealand superannuation** in section OB1 the words “New Zealand Superannuation Act 2001” wherever they appear and substitute in each case where they appear the words “New Zealand Superannuation and Retirement Income Act 2001”.

Income Tax Act 2004 (2004 No 35)

Omit from the definitions of **living alone payment**, **New Zealand superannuation**, **New Zealand superannuitant**, and **portable New Zealand superannuation**, in section OB1 the words “New

Zealand Superannuation Act 2001” wherever they appear and substitute in each case the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from Schedule 21 the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

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

Omit from the definition of **New Zealand superannuation qualification age** in section 6(1) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

New Zealand Superannuation Amendment Act 2005 (2005 No 17)

Insert in section 1(1), after the words “New Zealand Superannuation”, the words “and Retirement Income”.

Insert in section 1(2), after the words “New Zealand Superannuation”, the words “and Retirement Income”.

Social Security Act 1964 (1964 No 136)

Omit from the definitions of **benefit, income, income-tested benefit, and New Zealand superannuation** in section 3(1) the words “New Zealand Superannuation Act 2001” wherever they appear and substitute in each case the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from sections 3(3), 11(2)(a) and (f), 12J(1)(ca), 61G(1), 61H(1)(ca), 64(1) and (2A), 69G(1), (2), and (3), 69H(1) and (3), 70(1), (3), (3C), and (4), 71(1), 74(1), 74A(5), 75(8), 77(1), 80(1), 83(2), 85A(f), 86(2), 127(a), and 132B(2)(c) the words “New Zealand Superannuation Act 2001” wherever they appear and substitute in each case the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from the definition of **income** in section 69FA(1) the words “New Zealand Superannuation Act 2001” and substitute in each case the words “New Zealand Superannuation and Retirement Income Act 2001”.

Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101)

Omit from the heading to section 12 the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from section 12 the words “New Zealand Superannuation Act 2001” wherever they appear and substitute in each case the words “New Zealand Superannuation and Retirement Income Act 2001”.

Social Security (Working for Families) Amendment Act 2004 (2004 No 51)

Omit from Schedule 3 the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Social Welfare (Transitional Provisions) Act 1990 (1990 No 26)

Omit from section 19(1)(b) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

War Pensions Act 1954 (1954 No 54)

Omit from the definition of **New Zealand superannuation** in section 67(1) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from section 70(4) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Schedule 3

s 7A(2)

Amendments to regulations

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

Omit from regulation 5(3)(ii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Customs and Excise Regulations 1996 (SR 1996/232)

Omit from regulation 81A(2)(b)(ii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

District Courts Fees Regulations 2001 (SR 2001/106)

Omit from regulation 4A(3)(b)(ii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Health Entitlement Cards Regulations 1993 (SR 1993/169)

Omit from paragraph (a) of the definition of **net income** in regulation 2(1) the words “Social Welfare (Transitional Provisions) Act 1990” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from the definition of “**superannuitant**” in regulation 2(1) the words “Social Welfare (Transitional Provisions) Act 1990” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from regulation 8(1)(a)(vi) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

High Court Fees Regulations 2001 (SR 2001/310)

Omit from regulation 6(3)(b)(ii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

New Zealand Superannuation (Political Commitment) Order 2003 (SR 2003/278)

Omit from the headings to clauses 3 and 4 the words “**New Zealand Superannuation Act 2001**” and substitute the words “**New Zealand Superannuation and Retirement Income Act 2001**”.

Omit from clauses 3 and 4 the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Sheriffs’ Fees Regulations 1988 (SR 1988/34)

Omit from regulation 2A(3)(b)(ii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Social Security (Monetary Benefits) Regulations 1971 (SR 1971/167)

Omit from the definition of “**benefit or monetary benefit**” in regulation 2 the words “that Part of the Act” and substitute the words “Part 1 of the New Zealand Superannuation and Retirement Income Act 2001”.

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

Omit from the Schedule the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Social Security (Rates of Benefits and Allowances) Order 2005 (SR 2005/42)

Omit from the heading to clause 6 the words “**New Zealand Superannuation Act 2001**” and substitute the words “**New Zealand Superannuation and Retirement Income Act 2001**”.

Omit from clause 6 the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Omit from the heading to Schedule 2 the words “**New Zealand Superannuation Act 2001**” and substitute the words “**New Zealand Superannuation and Retirement Income Act 2001**”.

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

Omit from clause 4(c) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Social Welfare (Reciprocity with the Netherlands) Order 2003 (SR 2003/216)

Omit from clause 4(c) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Student Allowances Regulations 1998 (SR 1998/277)

Omit from paragraph (c)(iii) of the definition of **supported child** in regulation 2(1), the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Summary Instalment Orders (District Courts) Rules 1970 (SR 1970/271)

Omit from rule 33A(3)(b)(ii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Supreme Court Fees Regulations 2003 (SR 2003/359)

Omit from regulation 5(3)(b)(ii) the words “New Zealand Superannuation Act 2001” and substitute the words “New Zealand Superannuation and Retirement Income Act 2001”.

Explanatory note

This Supplementary Order Paper—

- amends the New Zealand Superannuation Amendment Bill by including amendments that will alter the name of the principal Act from the “New Zealand Superannuation Act 2001” to the “New Zealand Superannuation and Retirement Income Act 2001”;
- makes consequential amendments to other enactments;
- amends the New Zealand Superannuation Amendment Bill by omitting provisions that are now unnecessary as a consequence of the passage of the Crown Entities Act 2004.