

## **Social Security Amendment Bill (No 2)**

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Law Reform (Epidemic Preparedness) Bill as reported from the Government Administration Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- The Epidemic Preparedness Bill, comprising Part 1
- The Health Amendment Bill, comprising clauses 16 to 24A and the Schedule
- The Immigration Amendment Bill (No 2), comprising clauses 27 to 30
- The Parole Amendment Bill, comprising clauses 33 to 38
- The Sentencing Amendment Bill (No 2), comprising clauses 41 to 44
- This Bill, comprising clauses 45 to 48
- The Summary Proceedings Amendment Bill (No 2), comprising clauses 51 and 52.

## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

{*Subject to this Act,*}

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

---

*Hon Pete Hodgson*

## **Social Security Amendment Bill (No 2)**

Government Bill

### **Contents**

	Page
1 Title	1
2 Commencement	1
. . . . .	
45 Principal Act amended	1
46 Interpretation	2
47 New heading and sections 61CB to 61CF inserted	2
<i>Epidemics</i>	
61CB Payment of benefits during epidemic in New Zealand	2
61CC Granting of emergency benefits during epidemic in New Zealand	4
61CD During epidemic benefits may be granted without normal investigations	4
61CE Overseas epidemics affecting visitors to New Zealand	4
61CF Special assistance for visitors affected by overseas epidemics	5
48 Money payable out of Crown Bank Account	5
. . . . .	

---

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

**1 Title**

This Act is the Social Security Amendment Act (No 2) **2006**.

**2 Commencement**

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

5

**45 Principal Act amended**

**Sections 46 to 48** amend the Social Security Act 1964.

**46 Interpretation**

Section 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**domestic epidemic management notice** means a notice under **section (5/1) 6(1) of the Law Reform (Epidemic Preparedness) Act 2006** ((or a notice under **section 6(2)** of that Act that is ancillary to such a notice)) stating that the application of this Act is modified in order to deal with the practical (*consequences*) effects of the outbreak of the (*infectious*) disease referred to in the notice

“**overseas epidemic management notice** means a notice under **section 61CE**”.

**47 New heading and sections 61CB to 61CF inserted**

The following heading and sections are inserted after section 61CA:

*“Epidemics*

**“61CB Payment of benefits during epidemic in New Zealand**

“(1) This subsection applies to any period comprising—

“(a) the period when a domestic epidemic management notice is in force; and

“(b) a period after the notice expires that the Minister thinks reasonable in the circumstances.

“(2) During a period to which **subsection (1)** applies, the chief executive may, with the written approval of the Minister and within any limits stated in the approval, do any or all of the following:

“(a) cause benefits to be paid to people who would not otherwise be entitled to be paid benefits because—

“(i) their benefits are subject to a stand down period; or

“(ii) their benefits, or payments of their benefits, are suspended:

“(b) reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people whose benefits,—

“(i) were cancelled or terminated within the 8 weeks before the commencement of the domestic epidemic management notice concerned; or

“(ii) are cancelled or terminated while the notice is in force:

- “(c) as the case requires, grant benefits to or reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people who—
- “(i) were subject to a non-entitlement period on the commencement of the domestic epidemic management notice concerned; or 5
- “(ii) become subject to a non-entitlement period while the notice is in force:
- “(d) cause payments under benefits to be made to people at a rate— 10
- “(i) higher than a lower rate to which they would otherwise be entitled (being a lower rate resulting from one or more of the following:
- “(A) a reduction or variation of a rate of benefit: 15
- “(B) a suspension of a benefit or payments under a benefit:
- “(C) a direct deduction from payments under a benefit; or
- “(D) a sanction, penalty, or non-entitlement period, imposed on a spouse or partner); 20
- but
- “(ii) not higher than the maximum rate to which they would otherwise be entitled:
- “(e) refrain from exercising a power to cancel, suspend, vary, or terminate benefits or payments under benefits, in circumstances where the holders satisfy the normal criteria for cancellation, suspension, variation, or termination of benefits or payments: 25
- “(f) refrain from cancelling, suspending, or terminating benefits in circumstances where this Act requires them to be cancelled, suspended, or terminated. 30
- “(3) A benefit granted or reinstated under **paragraph (b) or paragraph (c) of subsection (2)** must be treated as having ended when the period concerned expires, unless its holder has or has again become entitled to be granted it. 35
- “(4) **Subsection (2)** overrides every provision of this Act to the contrary.

**“61CC Granting of emergency benefits during epidemic in New Zealand**

- “(1) While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, the chief executive may, with the written approval of the Minister, cause emergency benefits to be granted to people who would not otherwise be entitled to be granted emergency benefits. 5
- “(2) Payments made under a benefit granted under **subsection (1)** are provisional only; and if the chief executive believes on reasonable grounds that its granting was not appropriate (or that too much was paid under it),— 10
- “(a) the person granted it is liable to repay the amount paid (or what the chief executive considers to be the amount of the excess); and 15
- “(b) section 85A(b) applies accordingly.
- “(3) **Subsection (1)** overrides every other provision of this Act.

**“61CD During epidemic benefits may be granted without normal investigations**

While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, a benefit may be granted to a person even if the claim for it has not been investigated, or has not been fully investigated, as required by section 12(1). 20

**“61CE Overseas epidemics affecting visitors to New Zealand** 25

- “(1) The Minister may, by notice in the *Gazette*, declare that the effects of an outbreak outside New Zealand of a stated (*infectious*) quarantinable disease are likely to cause hardship to people temporarily in New Zealand by preventing or hindering their prompt return to stated places. 30
- “(2) The notice comes into force on its commencement, and expires on the earliest of the following:
- “(a) the day 3 months after its commencement:
- “(b) a day stated in the notice:
- “(c) if the notice does not provide for its expiry, a day stated by the Minister by further notice in the *Gazette*. 35
- “(3) Before or after the notice expires, the Minister can give a new notice in respect of the same disease.

- “(4) The Minister must not give the notice except on, and after considering, the written recommendation of the chief executive of the Ministry of Health.
- “(5) In **subsection (1)**, (*infectious*) quarantinable disease has the meaning given to it by section 2(1) of the Health Act 1956. 5
- “61CF Special assistance for visitors affected by overseas epidemics**
- “(1) The Minister may, in respect of any period for which an overseas epidemic management notice is in force, by notice in the *Gazette* establish programmes of special assistance for visitors to New Zealand prevented or hindered from returning promptly to places stated in the notice by the outbreak outside New Zealand of the disease stated in the notice. 10
- “(2) The notice must state—
- “(a) the criteria by which it is to be determined which people are given assistance; and 15
- “(b) any maximum amounts of assistance to be given; and
- “(c) if different amounts of assistance may be given to different people, the criteria by which it is to be determined how much assistance people are to be given; and 20
- “(d) for how long assistance may be given; and
- “(e) any conditions subject which assistance is to be given.
- “(4) The programme, and the matters stated in the notice establishing it, override every other provision of this Act.”
- 48 Money payable out of Crown Bank Account 25**
- Section 124(2) is repealed and the following subsections are substituted:
- “(1C) There must from time to time be paid out of the Crown Bank Account, without further appropriation than this subsection, all money necessary for granting special assistance under **section 61CF**. 30
- “(2) This subsection applies to a payment made to a person out of the Crown Bank Account by way of special assistance pursuant to subsection (1)(d) or **subsection (1C)** if—
- “(a) either— 35
- “(i) it was obtained by fraud; or
- “(ii) the spouse or partner of the person made a false statement to or otherwise misled an officer

- engaged in the administration of Part 1, in relation to his or her income or other personal circumstances; and
- “(b) as a result, it exceeded the amount (if any) that, in the chief executive’s opinion, would otherwise have been paid. 5
- “(2A) Sections 81 and 86, as far as they are applicable and with any necessary modifications, apply to a payment to which **subsection (2)** applies—
- “(a) as if it were made by way of benefit under Part 1; and 10
- “(b) as if the person to whom it was made were a beneficiary entitled to a benefit of the amount (if any) that, in the chief executive’s opinion, would have been payable if (as the case may be)—
- “(i) the fraud had not occurred; or 15
- “(ii) the false statement had not been made; or
- “(iii) the officer had not been misled.”

**Struck out (unanimous)**

*Student Loan Scheme Act 1992*

- 49 Principal Act amended** 20
- Section 50** amends the Student Loan Scheme Act 1992.
- 50 Relief from penalty**
- Section 53 is amended by adding the following subsections:
- “(5) While a notice under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006** is in force, an application for relief made by electronic means or orally (whether face-to-face or by telephone) may be accepted. 25
- “(6) In **subsection (5)**, **electronic** includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic.”

---

**Social Security Amendment (No 2)**

---

**Legislative history**

6 December 2006

Divided from Law Reform (Epidemic Preparedness)  
Bill (Bill 39-2) as Bill 39-3F

---