

New Zealand Superannuation and Veteran’s Pension Legislation Amendment Bill

Government Bill

As reported from the Social Services and Community Committee

Commentary

Recommendation

The Social Services and Community Committee has examined the New Zealand Superannuation and Veteran’s Pension Legislation Amendment Bill and recommends that it be passed with the amendments shown.

The bill as introduced

This omnibus bill seeks to amend the New Zealand Superannuation and Retirement Income Act 2001 (NZSRI Act), the Veterans’ Support Act 2014, the Social Security Act 2018, the Income Tax Act 2007, and the Tax Administration Act 1994.

The purpose of the bill is to simplify the New Zealand superannuation and veteran’s pension schemes, which provide financial support for older people.¹ The amendments in the bill would see people assessed for entitlement based on their individual circumstances. The amount people receive as New Zealand superannuation or the veteran’s pension would continue to depend on whether they are in a relationship, live alone, or live with other people.

Currently, a person who qualifies to receive New Zealand superannuation or the veteran’s pension in their own right may choose a higher rate if they have a partner who does not qualify in their own right. We call this the non-qualified partner (NQP) rate in this commentary. The NQP rate is set at a similar level to the rate received by a

¹ The eligibility criteria for New Zealand superannuation are set out in the NZSRI Act and administered under the Social Security Act. The eligibility criteria for the veteran’s pension are included in the Veterans’ Support Act and also administered under the Social Security Act.

couple who both qualify in their own right; however, the NQP rate is subject to an income test.

This bill would remove the option to choose the NQP rate. However, if a person who is entitled to choose the NQP rate has chosen that rate prior to the commencement of the bill, that person and their partner would continue to receive it.

The bill would also stop spousal deduction of New Zealand superannuation or the veteran's pension. Currently, the amount of a person's New Zealand superannuation or veteran's pension may be reduced if their partner receives an overseas government administered pension. The person's New Zealand superannuation or veteran's pension is reduced dollar for dollar by the difference between their partner's overseas pension and that partner's New Zealand benefit. If a person's New Zealand superannuation or veteran's pension is reduced to \$0, they also lose their entitlement to any winter energy payment (WEP). Couples sometimes receive less than the standard total amount for a couple as a result of spousal deduction.

This bill would prevent recipients from having their New Zealand superannuation or veteran's pension, and WEP, entitlements reduced because their partner receives an overseas pension.

Periods of absence from New Zealand are considered when someone applies for New Zealand superannuation or the veteran's pension. There is a list of excusable reasons for absence. This bill would add humanitarian work to the list. The bill as introduced would also add self-contained mobile homes to the types of accommodation that would qualify a person for the living alone rate.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Eligibility for the non-qualified partner rate

Clause 21 would insert new Part 3 in Schedule 1AA of the New Zealand Superannuation and Retirement Income Act. We recommend an amendment to make it clear that a person who has chosen the NQP rate of New Zealand superannuation or the veteran's pension before 1 July 2020 (the commencement date of this legislation) would not be entitled to continue receiving that rate if their partner changed on or after that date.

The bill as introduced would enable a person who chose the NQP rate prior to 1 July 2020 to continue receiving that rate if their partner changed (whether once, or more than once), so long as their new partner is non-qualifying. Our amendment would ensure that only the couples covered by the NQP rate before the bill came into effect would continue to receive it.

We note that our amendment would not prevent couples from continuing to receive the NQP rate if the status of their relationship changed but the relationship continued; for example, if a de facto partner became a spouse.

Our amendment to clause 21 would insert new paragraph (ba) into clause 7(2) of Schedule 1AA of the NZSRI Act. This would bar a recipient from receiving the NQP rate if their spouse or partner stopped being their spouse or partner after the legislation commenced.

Recipients of the NQP rate who change pension type

The bill as introduced would allow a person to continue to receive the NQP rate if they switched from New Zealand superannuation to the veteran's pension on the same date, but not vice versa. An error in the bill's drafting means that a person could receive the NQP rate of a veteran's pension only if they elected to not receive a veteran's pension at that rate.

To correct this mistake, we recommend amending clause 21 (which would insert new Part 3 into Schedule 1AA of the NZSRI Act) to insert new subparagraphs (b)(i) and (ii) in clause 7(2) of new Part 3. We also recommend amending clause 32 (which would insert new Part 5 into Schedule 1 of the Veterans' Support Act) to remove sub-clause (1)(e) from clause 22 of new Part 5. Our amendment would also locate the provisions for switching between New Zealand superannuation and the veteran's pension sequentially and in the same Act, which we consider clearer.

Rates when the recipient has a dependant

The bill as introduced would not prevent a person's New Zealand superannuation or veteran's pension from being reduced because of a dependant receiving an overseas benefit or pension, or their guardian receiving one on their behalf. Although such a situation would rarely arise, we would not wish to see provision taken away from the person. We consider that this would be at odds with the bill's removal of the spousal deduction.

We recommend amending clause 37, which would replace section 189(2) of the Social Security Act and insert new sections 189(5) and (6). This would stop New Zealand superannuation, the veteran's pension, and the WEP, respectively, from being reduced if a recipient has a dependant who receives an overseas pension or benefit.

Clarifying the relationship with other legislation

We recommend inserting new clauses 4A and 24A to clarify how the NZSRI Act and the Veterans' Support Act relate to the Social Security Act. The bill as introduced would only show a reader some of the connections between these Acts. We consider that, for clarity, the bill should include more provisions explaining how these various pieces of legislation operate together.

Our proposed new clause 4A would insert section 4AA into the NZSRI Act. Section 4AA would direct a reader to the Social Security Act to find out how the provisions in the NZSRI Act are administered. Similarly, our proposed new clause 24A, which would insert section 158A into the Veterans' Support Act, would show the reader that provisions in the Veterans' Support Act are administered under the Social Security

Act. This means the Social Security Act helps to make clear how sections of the NZSRI and Veterans' Support Act operate and are applied.

Rate received when partner is hospitalised

We recommend amending both the NZSRI Act and the Social Security Act to provide for partners of long-term hospitalised individuals (people who have been in hospital for 13 weeks or more), to receive an increased rate of social security until their partner returns to the community. Our amendment would see partners receive the difference between the maximum rate for a person with a partner and the maximum single rate, regardless of whether their partner received the same kind of benefit.

Currently, if a person is hospitalised for more than 13 weeks and their partner still lives in the community and receives the same kind of benefit, their partner will be eligible for an increased rate. This increased rate is intended to support the community partner as if they were a single person. However, there is no legislative basis to increase the rate received by the community partner if both partners receive different benefits. For example, the hospitalised person may receive New Zealand superannuation and their community partner a main benefit. In this case, the community partner would not receive an increased rate.

The closure of the NQP provision could increase the number of people receiving a different kind of benefit to their partner. Therefore, we consider it important that the bill provides for a partner of a long-term hospitalised individual to receive an increased rate, even if they receive a different kind of benefit.

Amending the NZSRI Act

Clause 17 of the bill would amend section 19 of the NZSRI Act, which sets out the hospital rates of New Zealand superannuation. Our recommendation would replace sections 19(7) and 19(7A) to ensure that a community partner of a hospitalised New Zealand superannuation recipient would receive an increased rate, no matter whether the community partner receives New Zealand superannuation, a veteran's pension, or a main benefit. We also recommend inserting new section 19(7AB), which would direct the reader to section 207 of the Social Security Act and show that a similar provision would be inserted for hospitalised recipients of a main benefit.

Amending the Social Security Act

We recommend inserting clause 37A to replace section 207(2) of the Social Security Act. This would ensure that a community partner of a hospitalised main benefit recipient would receive an increased rate, whether they receive a main benefit, New Zealand superannuation, or a veteran's pension. Our proposed new section 207(2A) would show the reader that the NZSRI Act contains a similar provision.

We consider it necessary to amend both Acts to ensure that partners of hospitalised main benefit or New Zealand superannuation recipients receive an increased rate no matter what benefit they receive.

The same income tests for main beneficiary partners should be applied to New Zealand Superannuation and the veteran's pension

The Social Security Act sets out the different income tests that apply to main benefit recipients in particular circumstances. Currently, people who receive jobseeker support or a supported living payment and have a partner receiving the veteran's pension are subject to a more onerous income test than partners of New Zealand superannuation recipients. New Zealand superannuation and the veteran's pension are identical in almost every aspect except for a few minor differences that favour veteran's pension recipients in recognition of their service to the country. A more onerous income test for partners of veteran's pension recipients is at odds with this principle.

We recommend inserting new clause 39A to amend Schedule 4 of the Social Security Act. This new clause would subject the partners of New Zealand superannuation and veteran's pension recipients to the same, and less onerous, income tests. This would mean that partners of veteran's pension recipients would have less money deducted from their jobseeker support or supported living payment.

Appendix

Committee process

The New Zealand Superannuation and Veteran's Pension Legislation Amendment Bill was referred to the committee on 17 October 2019. The closing date for submissions was 1 December 2019. We received and considered 50 submissions from interested groups and individuals. We heard oral evidence from 6 submitters at hearings in Wellington.

We received advice from the Ministry of Social Development.

Committee membership

Gareth Hughes (Chairperson)

Darroch Ball

Anahila Kanongata'a-Suisuiki

Agnes Loheni

Hon Alfred Ngaro

Maureen Pugh

Priyanca Radhakrishnan

Hon Louise Upston

Angie Warren-Clark

**New Zealand Superannuation and Veteran's Pension
Legislation Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Carmel Sepuloni

New Zealand Superannuation and Veteran's Pension Legislation Amendment Bill

Government Bill

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Amendments to Social Security Regulations 2018

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<u>49</u>	<u>Regulation 287 amended (Eligibility for SuperGold Card)</u>	<u>26</u>

50	<u>Schedule 6 amended (Number of weeks for calculating weekly income)</u>	27
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The Parliament of New Zealand enacts as follows:

1	Title This Act is the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2019 .	
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2	Commencement This Act comes into force on 1 July 2020 .	5
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Part 1

**Amendments to New Zealand Superannuation and Retirement
Income Act 2001**

3	Amendments to New Zealand Superannuation and Retirement Income Act 2001 This Part amends the New Zealand Superannuation and Retirement Income Act 2001.	10
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4	Section 4 amended (Interpretation of Part 1 and Schedule 1) In section 4(1), insert in its appropriate alphabetical order: charitable entity has the same meaning as in the Charities Act 2005	15
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4A New section 4AA inserted (Relationship of Part 1 and Schedule 1 with Social Security Act 2018)

After section 4, insert:

<u>4AA</u>	<u>Relationship of Part 1 and Schedule 1 with Social Security Act 2018</u> <u>The Social Security Act 2018 contains provisions relating to the administration, and other aspects, of New Zealand superannuation.</u>	20
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5 Section 4A amended (Meaning of living alone)

(1)	Replace section 4A(2) with:	
(2)	The first condition is that person A occupies any of the following kinds of accommodation as person A's principal residence:	25
	(a) a house or flat:	
	(b) a boat or craft moored within the following sea or waters (whether or not it travels within that sea or any of those waters from time to time):	
	(i) the territorial sea of New Zealand or any internal waters of New Zealand:	30

<ul style="list-style-type: none"> <li style="margin-left: 40px;">(ii) any waters within New Zealand that are a lake, estuary, lagoon, river, stream, creek, or other waters: <li style="margin-left: 20px;">(c) a hotel room or motel unit: <li style="margin-left: 20px;">(d) a room in a boarding house: <li style="margin-left: 20px;">(e) a unit of accommodation in a caravan park: <li style="margin-left: 20px;">(f) a mobile home (whether or not it is in a caravan park and whether or not it travels from time to time) that the chief executive is satisfied is sufficiently self-contained to be reasonably habitable as a residence: <li style="margin-left: 20px;">(g) any other accommodation of a kind prescribed by regulations made under section 35A(1). 	5
<ul style="list-style-type: none"> (2) Repeal section 4A(6). (3) In section 4A(7), after “waters”, insert “of New Zealand”. 	
<p>6 Cross-heading above section 7 replaced</p> <p>Replace the cross-heading above section 7 with:</p>	
<i>Preliminary and general provisions</i>	15
<p>7 Section 8 amended (Residential qualification for New Zealand superannuation)</p> <p>In section 8(c), delete “also”.</p>	
<p>8 Section 9 replaced (Periods of absence that are not counted)</p> <p>Replace section 9 with:</p>	20
<p>9 Treatment of various periods of absence</p> <ul style="list-style-type: none"> (1) For the purposes of section 8(b) and (c)(i), a person must be treated as having been both resident and present in New Zealand during a period of absence from New Zealand if the chief executive is satisfied that— <ul style="list-style-type: none"> (a) the person was ordinarily resident in New Zealand during the period; and (b) the person— <ul style="list-style-type: none"> (i) was absent for the purpose of obtaining special medical or surgical treatment or vocational training and that there were good and sufficient reasons for the person leaving New Zealand to obtain that special treatment or training; or (ii) while absent, served as a mariner on board a ship registered or owned in New Zealand and engaged in trading to and from New Zealand; or (iii) while absent, served in any capacity as a member of any naval, military, or air force of any Commonwealth country or served in 	25
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	connection with any war in which New Zealand forces were involved as a member of any organisation attached to any of those forces; or	
	(iv) while absent, was engaged in eligible charitable work.	
(2)	For the purposes of this section, a person is engaged in eligible charitable work if the person is engaged in—	5
	(a) full-time voluntary work that—	
	(i) is humanitarian work; and	
	(ii) is carried out for an entity that is, or is affiliated with or closely related to, a charitable entity that has as its principal function the giving of aid and assistance to less advantaged communities in 1 or more countries; and	10
	(b) any capacity as an accredited volunteer appointed by Volunteer Services Abroad Incorporated.	
(3)	In this section,—	15
	entity has the same meaning as in the Charities Act 2005	
	voluntary work includes work that the chief executive is satisfied is remunerated by nothing more than an insubstantial allowance or a token payment	
	Volunteer Service Abroad Incorporated means the body incorporated under the Incorporated Societies Act 1908 on 8 April 1963 as Volunteer Service Abroad Inc.	20
9	Section 10 amended (Periods of absence as missionary also not counted)	
(1)	Replace the heading to section 10 with “ Treatment of periods of absence as missionary ”.	
(2)	Replace section 10(1) and (2) with:	25
(1)	For the purposes of section 8(b) and (c)(i), a person must be treated as having been both resident and present in New Zealand during a period of absence from New Zealand if the chief executive is satisfied that—	
	(a) immediately before the period, the person was ordinarily resident in New Zealand (<i>see clause 5 of Schedule 1AA</i> in relation to absences commencing before 1 July 2020); and	30
	(b) one or both of the following apply in relation to the person's absence:	
	(i) while absent, the person was engaged in missionary work:	
	(ii) the person was absent with the person's spouse or partner who was engaged in missionary work; and	35
	(c) the missionary work was carried out for a charitable entity affiliated with a religious body (<i>see clause 5 of Schedule 1AA</i> in relation to the application of this paragraph to missionary work that began before 1 July 2020).	

- (2) A person is not to be regarded as ending a period of absence referred to in this section merely because the person visited New Zealand during the absence if the arrangement under which the person, or the person's spouse or partner, was engaged in missionary work continued during the visit.

10 New section 10A inserted (Treatment of periods of absence if New Zealand income tax withheld on overseas earnings) 5

After section 10, insert:

10A Treatment of periods of absence if New Zealand income tax withheld on overseas earnings

- (1) For the purposes of section 8(b) and (c)(i), a person must be treated as having been both resident and present in New Zealand during a period of absence from New Zealand if the chief executive is satisfied that one or both of the following apply in relation to the person's absence: 10
- (a) while absent, the person was employed outside New Zealand and the person's employer (or any other relevant person) made specified payments with respect to the person's period of employment: 15
 - (b) the person was absent with the person's spouse or partner who was employed outside New Zealand and the spouse's or partner's employer (or any other relevant person) made specified payments with respect to the spouse's or partner's period of employment. 20
- (2) This section applies in relation to a person's period of employment, whether or not the person's employer (or any other relevant person) failed to pay to the Commissioner of Inland Revenue a deducted or withheld amount of tax, if the chief executive is satisfied that—
- (a) the person's employer (or any other relevant person) deducted or withheld tax from specified payments with respect to the person's period of employment; and 25
 - (b) the person did not contribute to the employer's (or any other relevant person's) failure to pay that tax to the Commissioner.
- (3) For the purposes of this section, an employer (or any other relevant person) makes a **specified payment** with respect to a person's period of employment if the employer (or any other relevant person) makes— 30
- (a) PAYE income payments (as that term is used in the Income Tax Act 2007) from which the person, the person's employer, or any other relevant person must withhold an amount of tax under the PAYE rules as defined in that Act; or 35
 - (b) source deduction payments (as that term is used in the Income Tax Act 2004) from which the person, the person's employer, or any other relevant person must withhold an amount of tax under the PAYE rules as defined in that Act; or 40

- (c) source deduction payments (as that term is used in the Income Tax Act 1994) from which the person, the person's employer, or any other relevant person must make a tax deduction under the PAYE rules as defined in that Act; or
- (d) source deduction payments (as that term is used in the Income Tax Act 1976) from which person, the person's employer, or any other relevant person must make a tax deduction under Part 11 of that Act; or 5
- (e) source deduction payments (as that term is used in the Income Tax Assessment Act 1957) from which person, the person's employer, or any other relevant person must make a tax deduction under Part 2 of that Act. 10
- (4) *See* **clause 6 of Schedule 1AA** in relation to the application of this section before **1 July 2020**.
- 11 Section 12 replaced (Standard rates of New Zealand superannuation)**
- Replace section 12 with: 15
- 12 Rates of New Zealand superannuation**
- The rate of New Zealand superannuation payable to any a person is the appropriate rate specified in Schedule 1.
- 12 Section 15 amended (Annual adjustment of standard rates of New Zealand superannuation)** 20
- (1) Replace the heading to section 15 with “**Annual adjustment of rates**”.
- (2) In section 15(2), replace “paragraphs (a), (b), and (c) of clause 1 and paragraph (b) of clause 2 of Schedule 1” with “**clause 1 of Part 1 of Schedule 1, and clause 1(b) of Part 2 of that schedule**”.
- (3) Replace section 15(3)(b) with: 25
- (b) so that the rate of New Zealand superannuation specified in **clause 1(b) of Part 2 of Schedule 1** preserves its proportional relationship (after the deduction of standard tax) to the rates specified in **clause 1 of Part 1 of that schedule**.
- (4) After section 15(6), insert: 30
- (7) *See* section 452 of the Social Security Act 2018 under which rates of New Zealand superannuation may be adjusted by Order in Council (including rates not required to be adjusted under this section).
- 13 Section 16 amended (Annual adjustment of New Zealand superannuation: relationship to net average wage)** 35
- (1) In section 16(1)(a), replace “65%” with “66%”.
- (2) In section 16(2), replace “Injury Prevention, Rehabilitation, and Compensation Act 2001” with “Accident Compensation Act 2001”.

14 Cross-heading above section 17 replaced

Replace the cross-heading above section 17 with:

Effect of long-term residential care or hospitalisation

15 Section 17 amended (Entitlement to benefits for spouses or partners of persons in long-term residential care in hospital or rest home)

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(1) After section 17(2), insert:

(2A) *See* section 89 of the Social Security Act 2018, under which a person to whom this section applies may be entitled to a special disability allowance for the purpose of assisting with expenses arising from the hospitalisation of the person's spouse or partner.

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(2) After section 17(3), insert:

(4) This section applies despite anything to the contrary in this Act (except sections 19 and 21 to 35).

16 Section 18 replaced (Single living alone rate for spouses or partners of persons in long-term residential care in hospital or rest home)

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Replace section 18 with:

18 Appropriate rate for spouses or partners of persons in long-term residential care in hospital or rest home

The appropriate rate of New Zealand superannuation to which a person who is living alone is entitled under section 17(2)(a) or (b) is the single living alone rate.

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17 Section 19 amended (Hospital rates of New Zealand superannuation)

(1) In section 19(1), replace "provided" with "operated".

(2) In section 19(4), replace "stated" with "specified".

(3) After section 19(4), insert:

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(4A) The chief executive may pay to any patient referred to in subsection (4) a higher rate than the rate specified in **clause 3 of Part 1 of Schedule 1** after having regard to the patient's personal financial circumstances.

(4) In section 19(5), replace "22(2)" with "24".

(5) Replace section 19(6) with:

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(6) *See* section 89 of the Social Security Act 2018, under which the spouse or partner of a patient referred to in subsection (4) or (5) may be entitled to a special disability allowance for the purpose of assisting with expenses arising from the patient's hospitalisation.

(6) Replace section 19(7) with:

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- (7) ~~If the New Zealand superannuation of a person who is married or in a civil union or in a de facto relationship is reduced because of the operation of subsection (4), any New Zealand superannuation payable to the person's spouse or partner must be increased, on the date on which the reduction takes effect, by the specified amount.~~ 5
- (7A) ~~The **specified amount** is an amount equal to the difference between—~~
- ~~(a) the maximum rate of New Zealand superannuation payable to a single person; and~~
 - ~~(b) the maximum rate of New Zealand superannuation payable to a person who is married or in a civil union or in a de facto relationship and whose spouse or partner is receiving New Zealand superannuation.~~ 10
- (7) If the New Zealand superannuation of a person who is married or in a civil union or in a de facto relationship is reduced under this section, any specified benefit of the person's spouse or partner must be increased, starting on the date on which the person's New Zealand superannuation is reduced, by the amount specified in **subsection (7A)**. 15
- (7A) The amount by which the specified benefit of the person's spouse or partner must be increased is an amount equal to the difference between—
- (a) the maximum rate of that benefit payable to a single person; and
 - (b) the maximum rate of that benefit payable to a person who is married or in a civil union or in a de facto relationship and whose spouse or partner is receiving New Zealand superannuation. 20
- (7AB) See section 207 of the Social Security Act 2018, under which the specified benefit of a person's spouse or partner is similarly increased when the person is the beneficiary of a main benefit that is payable, as a result of the person's hospitalisation, at a reduced rate. 25
- (7B) **Subsection (7)** does not apply if the person's spouse or partner is also in hospital and has been for more than 13 weeks.
- (6A) In section 19(9), after “New Zealand superannuation”, insert “or of another specified benefit”. 30
- (7) In section 19(10), replace “the Social Security Act 2018 or in the Residential Care and Disability Support Services Act 2018” with “this Act (other than sections 21 to 35), the Social Security Act 2018, or the Residential Care and Disability Support Services Act 2018”.
- (8) After section 19(10), insert: 35
- (11) In this section, **specified benefit** means—
- (a) New Zealand superannuation; or
 - (b) a veteran's pension; or
 - (c) a main benefit.

18	Section 20 repealed (Special disability allowance)	
	Repeal section 20.	
19	Section 26A amended (Calculation of amount of New Zealand superannuation payable overseas)	
	Replace section 26A(2) to (4) with:	5
(2)	For the purposes of subsection (1), a person must be treated as having resided in New Zealand during a period of absence from New Zealand if section 9 , 10, or 10A requires the person to be treated as having been resident and present in New Zealand during the period.	
20	New section 35A and cross-heading inserted	10
	After section 35, insert:	
	<i>Miscellaneous provisions</i>	
35A	Regulations	
(1)	The Governor-General may, by Order in Council, make regulations for the purposes of section 4A(2)(g) .	15
(2)	The Governor-General may, by Order in Council, make regulations providing for any other matters contemplated by this Part, necessary for its administration, or necessary for giving it full effect.	
21	Schedule 1AA amended	
	In Schedule 1AA, after Part 2, insert:	20
	Part 3	
	Provisions relating to New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2019	
4	Definitions	
	In this Part,—	25
	amending Act means the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2019	
	commencement date means 1 July 2020	
	non-standard couple rate means either of the following kinds of rate:	
(a)	a rate specified in clause 2 of Schedule 1 before the commencement date (which is the date on which that clause is repealed):	30
(b)	the relationship (partner not receiving superannuation or pension) rate	
	old law relating to employment of a person's spouse or partner means—	

- (a) section 12(3) of this Act (as in force immediately before the commencement date); or
- (b) section 172(4) and (5) of the Veterans' Support Act 2014 (as in force immediately before the commencement date)

relationship (partner not receiving superannuation or pension) rate means the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014. 5

Treatment of periods of absence for purposes of residential qualification

5 Residence and presence when engaged in missionary work

- (1) For the purposes of **section 10(1)(a)** (as inserted by the amending Act), a person who was absent from New Zealand for a period that began before the commencement date is taken to have been ordinarily resident in New Zealand immediately before that period if the person was born in New Zealand. 10
- (2) **Section 10(1)(c)** (as inserted by the amending Act) does not apply to missionary work that began before the commencement date. 15

6 Residence and presence when in overseas employment

- (1) **Section 10A** (as inserted by the amending Act) extends to a person who made an application for New Zealand superannuation or a veteran's pension, before the commencement date, that is finally determined on or after that date.
- (2) Anything done during the period of validation (for example, the granting or payment of New Zealand superannuation or a veteran's pension) that was not validly done, but would have been validly done had **section 10A** (as inserted by the amending Act) been in force when the thing was done is validated. 20
- (3) In this clause, **period of validation** means the period beginning on 26 November 2018 and ending with the close of 30 June 2020. 25

Generally abolished rate for person with non-qualifying spouse or partner

7 General

- (1) A rate specified in **clause 1 of Part 2 of Schedule 1** is the appropriate rate of New Zealand superannuation payable to a person only if—
 - (a) the person is married or in a civil union or in a de facto relationship; and 30
 - (b) immediately before the commencement date, an election of the person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate was in effect (*see clauses 8 to 10*); and
 - (c) the person is not barred from receiving New Zealand superannuation at a rate specified in **clause 1 of Part 2 of Schedule 1**. 35
- (2) A person is **barred** from receiving New Zealand superannuation at a rate specified in **clause 1 of Part 2 of Schedule 1** if,—

- (a) at any time on or after the commencement date, the person's spouse or partner is entitled to receive New Zealand superannuation or a veteran's pension; or
- (b) at any time on or after the commencement date, the person elects to no longer receive ~~New Zealand superannuation at that rate and does not elect, on the same date, to receive a veteran's pension at the relationship (partner not receiving superannuation or pension) rate; or~~ 5
- (i) New Zealand superannuation at the rate specified in that clause and does not elect, on the same date, to receive a veteran's pension at the relationship (partner not receiving superannuation or pension) rate; or 10
- (ii) a veteran's pension at the relationship (partner not receiving superannuation or pension) rate and does not elect, on the same date, to receive New Zealand superannuation at the rate specified in that clause; or 15
- (ba) at any time on or after the commencement date, the person who was the person's spouse or partner immediately before the commencement date—
- (i) ceases to be the person's spouse and does not, on the date of ceasing to be the person's spouse, become the person's civil union partner; or 20
- (ii) ceases to be the person's civil union partner and does not, on the date of ceasing to be the person's civil union partner, become the person's spouse; or
- (iii) ceases to be the person's de facto partner and does not, on the date of ceasing to be person's de facto partner, become the person's spouse or civil union partner; or 25
- (c) on a specified date, the person was or is absent from New Zealand and, because of that absence,—
- (i) is not authorised under Part 1 of this Act or Part 6 of the Veterans' Support Act 2014 to be paid New Zealand superannuation or a veteran's pension for that date; or 30
- (ii) is authorised to be paid New Zealand superannuation or a veteran's pension for that date but only at a reduced rate; or
- (d) on a specified date, the person was or is in custody in prison, in custody on remand, or an escapee from prison, and both of the following apply: 35
- (i) because of the operation of section 217 of the Social Security Act 2018, New Zealand superannuation or a veteran's pension is not payable to the person for that date:
- (ii) the person, the person's spouse or partner, or another person is not authorised under section 218 of the Social Security Act 2018 to be 40

	paid all or any part of the New Zealand superannuation or veteran's pension for that date.	
(3)	In subclause (1)(b), non-standard couple rate means any of the following kinds of rate:	
	(a) a rate specified in clause 2 of Schedule 1 before the commencement date (which is the date on which that clause was repealed):	5
	(b) the relationship (partner not receiving superannuation or pension) rate:	
	(c) a rate specified in clause 2 of Schedule 1 of the Social Welfare (Transitional Provisions) Act 1990 before the repeal of that schedule on 14 April 2003:	10
	(d) a rate specified in clause 2(b) of Schedule 11 of the War Pensions Act 1954 before the repeal of that schedule on 7 December 2014.	
(4)	In this clause, specified date means the close of 30 June 2020 or any time after that date.	
(3)	In this clause, —	15
	non-standard couple rate means any of the following kinds of rate:	
	(a) a rate specified in clause 2 of Schedule 1 before the commencement date (which is the date on which that clause was repealed):	
	(b) the relationship (partner not receiving superannuation or pension) rate:	
	(c) a rate specified in clause 2 of Schedule 1 of the Social Welfare (Transitional Provisions) Act 1990 before the repeal of that schedule on 15 April 2003:	20
	(d) a rate specified in clause 2(b) of Schedule 11 of the War Pensions Act 1954 before the repeal of that schedule on 7 December 2014	
	specified date means the close of 30 June 2020 or any time after that date.	25
8	Treatment of elections	
(1)	For the purposes of clause 7(1)(b) of this schedule and clause 22(1)(d) of Schedule 1 of the Veterans' Support Act 2014, an election of a person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate must be treated as being in effect immediately before the commencement date if—	30
	(a) an election to receive New Zealand superannuation, or a veteran's pension, at the non-standard couple rate was made before the commencement date; and	
	(b) the person who made the election did not, after making it,—	35
	(i) cease to be entitled to receive New Zealand superannuation at a non-standard couple rate or a standard couple rate because the person ceased to be married or in a civil union or in a de facto relationship; or	

- (ii) cease to be entitled to receive New Zealand superannuation at a non-standard couple rate because the person's spouse or partner became entitled to receive New Zealand superannuation or a veteran's pension; or
 - (iii) elect to receive New Zealand superannuation, or a veteran's pension, at a standard couple rate; and
 - (c) the old law relating to employment of the person's spouse or partner did not operate to prevent the election being in effect immediately before the commencement date.
- (2) Nothing in this clause limits **clause 9 or 10**.
- (3) In this clause,—
- non-standard couple rate** has the same meaning as in **clause 7(3)**
- standard couple rate** means a rate, other than a non-standard couple rate, of New Zealand superannuation or of a veteran's pension prescribed before the commencement date for a person who is married or in a civil union or in a de facto relationship.
- 9 When elections included in pending applications take effect**
- (1) This clause applies to an election of a person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate that is included in a pending application for New Zealand superannuation or a veteran's pension.
- (2) For the purposes of **clause 7(1)(b)** of this schedule and **clause 22(1)(d) of Schedule 1** of the Veterans' Support Act 2014, the election may be treated as being in effect immediately before the commencement date only if the New Zealand superannuation or veteran's pension commences on or before that date. (*See* section 11 of this Act, section 168 of the Veterans' Support Act 2014, and section 317 of the Social Security Act 2018.)
- (3) The election must be treated as taking effect,—
- (a) except as provided by **paragraph (b)**, on the date on which the New Zealand superannuation or veteran's pension commences; or
 - (b) if the old law relating to employment of the person's spouse or partner applied to the election, on the date on which the New Zealand superannuation or veteran's pension commences or the date determined under that old law (whichever is the later).
- (4) **Subclause (3)** applies only to the extent that it treats the election as taking effect before the commencement date.
- (5) In this clause, **pending application** means an application for New Zealand superannuation or a veteran's pension that,—
- (a) immediately before the commencement date, had not been finally determined or withdrawn; and

- (b) on or after the commencement date, is finally determined by granting the application.

10 When other elections not processed before commencement date take effect

- (1) This clause applies to an election of a person to receive New Zealand superannuation, or a veteran's pension, at a non-standard couple rate (other than an election to which **clause 9** applies) that, immediately before the commencement date, had been received but not yet processed by the department. 5
- (2) For the purposes of **clause 7(1)(b)** of this schedule and **clause 22(1)(d) of Schedule 1** of the Veterans' Support Act 2014, the election is to be treated as taking effect,— 10
- (a) except as provided by **paragraph (b)**, on the date on which the election was received by the department; or
- (b) if the old law relating to employment of the person's spouse or partner applied to the election, on the date on which the election was received by the department or the date determined under that old law (whichever is the later). 15
- (3) In this clause, **department**,—
- (a) in the case of an election to receive New Zealand superannuation, has the same meaning as in section 4; and
- (b) in the case of an election to receive a veteran's pension,— 20
- (i) except as provided by **subparagraph (ii)**, means Veterans' Affairs New Zealand; or
- (ii) has the same meaning as in section 4 if an applicable delegation is in force under section 160 of the Veterans' Support Act 2014.

22 Schedule 1 amended 25

- (1) In the Schedule 1 heading, delete "20".
- (2) In the Schedule 1 heading, after "32", insert ", **cl 7 of Sch 1AA**".
- (3) After the Schedule 1 heading, insert:

Part 1
Rates generally 30

- (4) In Schedule 1, clause 1(a), replace "person at the single living alone rate" with "single person who is living alone".
- (5) In Schedule 1, clause 1(b), replace "person at the single sharing accommodation rate" with "single person who is not living alone".
- (6) In Schedule 1, repeal clauses 2 and 4. 35
- (7) In Schedule 1, after clause 3, insert:

Part 2 Rates saved by Schedule 1AA

The following rates are before deduction of tax:

- 1 Rate payable under **clause 7 of Schedule 1AA** to a person who is married or in a civil union or in a de facto relationship and whose spouse or partner is not entitled to receive New Zealand superannuation or a veteran's pension—
 - (a) if, before 1 October 1991, the person was receiving (or had applied for and was entitled to receive) New Zealand superannuation, or a veteran's pension, at the alternative rate specified in clause 2 of Schedule 1 of the Social Welfare (Transitional Provisions) Act 1990 \$~~720.84~~744.54 a week (subject to Income Test 3) or the rate specified in **paragraph (b)**, whichever is the greater
 - (b) in any other case \$~~682.86~~705.26 a week (subject to Income Test 3)

Part 2 Amendments to Veterans' Support Act 2014

5

23 Amendments to Veterans' Support Act 2014

This Part amends the Veterans' Support Act 2014.

24 Section 158 amended (Interpretation)

In section 158(1), repeal the definition of **relationship (partner not receiving superannuation or pension) legacy rate**. 10

24A New section 158A inserted (Relationship of this Part with Social Security Act 2018)

After section 158, insert:

158A Relationship of this Part with Social Security Act 2018

15

The Social Security Act 2018 contains provisions relating to the administration, and other aspects, of the veteran's pension.

25 Section 159 amended (Meaning of living alone)

(1) Replace section 159(2) with:

(2) The first condition is that person A occupies any of the following kinds of accommodation as person A's principal residence: 20

(a) a house or flat:

- (b) a boat or craft moored within the following sea or waters (whether or not it travels within that sea or any of those waters from time to time):
- (i) the territorial sea of New Zealand or any internal waters of New Zealand; ~~or:~~
- (ii) any waters within New Zealand that are a lake, estuary, lagoon, river, stream, creek, or other waters: 5
- (c) a hotel room or motel unit:
- (d) a room in a boarding house:
- (e) a unit of accommodation in a caravan park:
- (f) a mobile home (whether or not it is in a caravan park and whether or not it travels from time to time) that VANZ is satisfied is sufficiently self-contained to be reasonably habitable as a residence: 10
- (g) any other accommodation of a kind prescribed by regulations made under section 265.
- (2) Repeal section 159(6). 15
- (3) In section 159(7), after “waters”, insert “of New Zealand”.
- 26 Section 169 amended (Rates of veteran's pension)**
- (1) Repeal section 169(2)(e).
- (2) Replace section 169(3) with:
- (3) The relationship (partner not receiving superannuation or pension) rate is the appropriate rate of veteran's pension payable to a person only in the circumstances specified in **clause 22 of Schedule 1**. 20
- 27 Section 170 amended (Annual adjustment of rates of veteran's pension)**
- In section 170(6)(a), replace “65%” with “66%”.
- 28 Section 171 amended (Abatement of veteran's pension)** 25
- In section 171(2)(b)(ii) ~~(as replaced by the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019)~~, delete “or the relationship (partner not receiving superannuation or pension) legacy rate”.
- 29 Section 172 repealed (Election if spouse or partner not entitled to superannuation or veteran's pension)** 30
- Repeal section 172.
- 30 Section 185 replaced (Certain absences excluded from calculation)**
- Replace section 185 with:

185 Treatment of certain absences for purposes of calculation

For the purposes of section 184, a person must be treated as having resided in New Zealand during a period of absence from New Zealand if section **9**, **10**, or **10A** of the New Zealand Superannuation and Retirement Income Act 2001 requires the person to be treated as having been resident and present in New Zealand during the period.

5

31 Section 265 amended (Regulations)

After section 265(1)(27), insert:

(27A) section 159 (forms of accommodation linked to meaning of living alone):

10

32 Schedule 1 amended

In Schedule 1, after Part 4, insert:

Part 5

Provision relating to New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2019

15

22 Generally abolished rate for veterans with non-qualifying spouse or partner

(1) The relationship (partner not receiving superannuation or pension) rate is the appropriate rate of veteran's pension payable to a person only if—

- (a) the person is a veteran; and
- (b) the person is married or in a civil union or in a de facto relationship; and
- (c) the person's spouse or partner is not entitled to New Zealand superannuation or a veteran's pension; and
- (d) immediately before **1 July 2020**, an election of the person to receive a veteran's pension, or New Zealand superannuation, at a non-standard couple rate was in effect (*see clauses 8 to 10 of Schedule 1AA* of the New Zealand Superannuation and Retirement Income Act 2001); and
- (e) ~~the person elects to no longer receive a veteran's pension at the relationship (partner not receiving superannuation or pension) rate and does not elect, on the same date, to receive New Zealand superannuation at the rate specified in **clause 1(b) of Part 2 of Schedule 1** of the New Zealand Superannuation and Retirement Income Act 2001; and~~
- (f) the person is not barred under **clause 7 of Schedule 1AA** of the New Zealand Superannuation and Retirement Income Act 2001 from receiving New Zealand superannuation at the rate specified in **clause 1(b) of Part 2 of Schedule 1** of that Act.

20

25

30

35

(2) In this clause,—

non-standard couple rate has the same meaning as in **clause 7(3) of Schedule 1AA** of the New Zealand Superannuation and Retirement Income Act 2001

relationship (partner not receiving superannuation or pension) rate means the rate of that name referred to in section 169.

5

Part 3 Amendments to Social Security Act 2018

33 Amendments to Social Security Act 2018

This Part amends the Social Security Act 2018.

34 Section 89 amended (Special disability allowance: entitlement in special circumstances) 10

(1) Replace section 89(1)(c) with:

(c) has a spouse or partner who is—

(i) a patient in a hospital and receiving a reduced benefit under section 19 of the New Zealand Superannuation and Retirement Income Act 2001 or under section 206; or 15

(ii) a qualifying person or a special case person, and in respect of whom a funder is paying some or all of the cost of contracted care services under section 18, 24, 26, 54, or 55 of the Residential Care and Disability Support Services Act 2018. 20

(2) After section 89(2), insert:

(3) In this section, **qualifying person** and **special case person** have the same meanings as in section 5 of the Residential Care and Disability Support Services Act 2018.

35 Section 169 amended (Interpretation) 25

In section 169, definition of **specified beneficiary**, replace paragraphs (b) and (c) with:

(b) New Zealand superannuation paid at a rate specified in **clause 1 of Part 2 of Schedule 1** of the New Zealand Superannuation and Retirement Income Act 2001; or 30

(c) a veteran's pension at the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014.

36 Section 187 amended (Interpretation)

In section 187, definition of **overseas pension**, after paragraph (d), insert: 35

- (e) is not determined by MSD to be attributable to any voluntary contributions made by or on behalf of the person to whom it is granted or the person's spouse, partner, or parent.

37 Section 189 amended (Benefit of person affected is reduced by amount of overseas pension)

5

Replace section 189(2) with:

- (2) The rate of New Zealand superannuation or a veteran's pension that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension if the New Zealand superannuation or veteran's pension is payable to the person overseas under section 26 of the New Zealand Superannuation and Retirement Income Act 2001 or section 182 of the Veterans' Support Act 2014. 10
- (3) ~~The rate of any of the following benefits that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension that the person's spouse or partner is entitled to receive or receives (as referred to in section 188(b)):~~ 15
- (a) ~~New Zealand superannuation or a veteran's pension:~~
- (b) ~~a winter energy payment that the person is qualified to receive because New Zealand superannuation or a veteran's pension is payable to the person.~~ 20
- (3) The rate of New Zealand superannuation or a veteran's pension, or related winter energy payment, that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension that—
- (a) the person is entitled to receive or receives in respect of the person's spouse or partner (as referred to in section 188(a)(ii)); or 25
- (b) the person's spouse or partner is entitled to receive or receives (as referred to in section 188(b)).
- (4) *See **clause 79 of Schedule 1** in relation to the application of **subsection (3)** to persons who are qualified to receive New Zealand superannuation or a veteran's pension at certain grandparented rates.* 30
- (5) The rate of New Zealand superannuation or a veteran's pension, or related winter energy payment, that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension that—
- (a) the person is entitled to receive or receives in respect of any of the person's dependants (as referred to in section 188(a)(iii)); or 35
- (b) any of the person's dependants is entitled to receive or receives (as referred to in section 188(c)).
- (6) In this section, a person is qualified to receive a **related winter energy payment** if the person is entitled to receive a winter energy payment under section

72 because New Zealand superannuation or a veteran's pension is payable to the person.

37A Section 207 amended (Benefit of spouse or partner increased after 13th week of hospitalisation)

- (1) In section 207(1)(c), replace “main benefit under this Act” with “specified benefit”. 5
- (2) Replace section 207(2) with:
- (2) The specified benefit of P's spouse or partner must be increased, starting on the date on which P's main benefit is reduced, by an amount equal to the difference between— 10
 - (a) the maximum rate of that specified benefit that is payable to a single person; and
 - (b) the maximum rate of that specified benefit that is payable to a person who has a spouse or partner and whose spouse or partner is receiving a main benefit of the kind reduced. 15
- (2A) See section 19 of the New Zealand Superannuation and Retirement Income Act 2001, under which a spouse or partner's specified benefit is similarly increased when P is the beneficiary of New Zealand superannuation that is payable, as a result of P's hospitalisation, at a reduced rate. 20
- (3) After section 207(3), insert: 20
- (4) In this section, **specified benefit** means—
 - (a) a main benefit under this Act; or
 - (b) New Zealand superannuation; or
 - (c) a veteran's pension.

38 Schedule 1 amended 25
In Schedule 1, after Part 2, insert:

Part 3

Provision relating to New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2019

79 Effect of partner's or spouse's overseas pension on New Zealand superannuation and veteran's pension 30

Section 189(3), as inserted by the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act **2019**, does not apply in relation to a person who is qualified to receive (subject to the appropriate income test)—

- (a) New Zealand superannuation at a rate specified in **clause 1 of Part 2 of Schedule 1** of the New Zealand Superannuation and Retirement Income Act 2001; or
- (b) a veteran's pension at the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014. 5

39 Schedule 2 amended

- (1) In Schedule 2, definition of **Income Test 3**, paragraph (a), replace "clause 2" with "**clause 1 of Part 2**".
- (2) In Schedule 2, definition of **specified benefit**, after paragraph (a), insert: 10
(aa) is defined in **section 207(4)** for the purposes of section 207; and

39A Schedule 4 amended

- (1) In Schedule 4, Part 1, clause 1(h), after "superannuation", insert "or a veteran's pension".
- (2) In Schedule 4, Part 1, repeal clause 1(i). 15
- (3) In Schedule 4, Part 3, clause 1(e), after "superannuation", insert "or a veteran's pension".
- (4) In Schedule 4, Part 3, repeal clause 1(f).
- (5) In Schedule 4, Part 3, clause 5, delete "(f)".
- (6) In Schedule 4, Part 3, clause 7, delete "(f)". 20

Part 4

Amendments to other Acts enactments

Subpart 1—~~Amendments to Income Tax Act 2007~~ other Acts

Amendments to Income Tax Act 2007

- 40 Amendments to Income Tax Act 2007** 25
This subpart amends **Sections 41 and 42** amend the Income Tax Act 2007.

41 Section RD 11 amended (Reduction in certain circumstances)

- (1) Replace the heading to section RD 11 with "**Amount of tax in certain circumstances**".
- (2) Replace section RD 11(3) and the heading above section RD 11(3) with: 30
Income-tested benefits, New Zealand superannuation, and veteran's pension
- (3) Despite section RD 10(1), the amount of tax for a PAYE income payment that is a payment of any of the following benefits must be determined by the Com-

	missioner in consultation with the chief executive of the administering department:	
	(a) an income-tested benefit:	
	(b) New Zealand superannuation:	
	(c) a veteran's pension.	5
	<i>Education allowances</i>	
(3B)	Despite section RD 10(1), the amount of tax for a PAYE income payment that is a payment of an allowance under regulations made under section 303 of the Education Act 1989 must be determined by the Commissioner in consultation with the Secretary for Education.	10
42	Section YA 1 amended (Definitions)	
	In section YA 1, definition of New Zealand superannuitant , replace paragraph (b) with:	
	(b) does not include a person who receives New Zealand superannuation—	
	(i) before 1 July 2020 (which is the commencement date of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2019) at a rate specified in clause 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001; or	15
	(ii) on or after 1 July 2020 at a rate specified in clause 1 of Part 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001.	20
	<i>Amendment to Tax Administration Act 1994</i>	
43	Consequential amendment to Tax Administration Act 1994	
	Section 44 amends the Taxation Administration Act 1994.	25
44	Section 24B amended (PAYE tax codes)	
	Replace section 24B(3) and the heading above section 24B(3) with:	
	<i>Income-tested benefits, New Zealand superannuation, and veteran's pension</i>	
(3)	The amount of tax for a payment of any of the following is determined under section RD 11(3) of the Income Tax Act 2007:	30
	(a) an income-tested benefit:	
	(b) New Zealand superannuation:	
	(c) a veteran's pension.	

Education allowances

- (3B) ~~The amount of tax for a payment of an allowance under regulations made under section 303 of the Education Act 1989 is determined under **section RD 11(3B)** of the Income Tax Act 2007.~~

~~Subpart 2—Amendment to Tax Administration Act 1994~~ 5

~~43 **Amendment to Tax Administration Act 1994**~~

~~This subpart amends the Taxation Administration Act 1994.~~

~~44 **Section 24B amended (PAYE tax codes)**~~

~~Replace section 24B(3) and the heading above section 24B(3) with:~~

~~*Income-tested benefits, New Zealand superannuation, and veteran's pension*~~ 10

- ~~(3) The amount of tax for a payment of any of the following is determined under **section RD 11(3)** of the Income Tax Act 2007:~~

~~(a) an income-tested benefit:~~

~~(b) New Zealand superannuation:~~

~~(c) a veteran's pension.~~ 15

~~*Education allowances*~~

- ~~(3B) The amount of tax for a payment of an allowance under regulations made under section 303 of the Education Act 1989 is determined under **section RD 11(3B)** of the Income Tax Act 2007.~~

Subpart 2—Consequential amendments to legislative instruments 20

Amendments to Health Entitlement Cards Regulations 1993

45 **Amendments to Health Entitlement Cards Regulations 1993**

Section 46 amends the Health Entitlement Cards Regulations 1993.

46 **Regulation 8 amended (Eligibility for community services cards)**

- (1) Replace regulation 8(1)(d)(vi) with: 25

(vi) is not the spouse or partner of a person who is eligible to receive (before any reduction or apportionment under the Social Security Act 2018) New Zealand superannuation or a veteran's pension at a grandparented rate:

- (2) After regulation 8(7), insert: 30

- (8) In this regulation, **grandparented rate** means—

(a) a rate specified in **clause 1 of Part 2 of Schedule 1** of the New Zealand Superannuation and Retirement Income Act 2001; or

- (b) the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014.

Amendments to Social Security Regulations 2018

- 47 Amendments to Social Security Regulations 2018** 5
Sections 48 to 50 amend the Social Security Regulations 2018.
- 48 Regulation 236 amended (Non-qualifying spouses or partners of recipients of New Zealand superannuation or veteran's pension)**
- (1) Replace regulation 236(1) with:
- (1) This regulation applies to a person (**person A**) who is the spouse or partner of another person (**person B**) who is receiving, in person B's own right, the whole or a portion of New Zealand superannuation or a veteran's pension paid at a grandparented rate. 10
- (2) Replace regulation 236(3) and (4) with:
- (3) Person A must instead be treated for the purposes of this subpart as a person who was receiving a working-age benefit that has now been cancelled if— 15
- (a) person B elects to no longer receive New Zealand superannuation or a veteran's pension paid at a grandparented rate (as referred to in **clause 7(2)(b) of Schedule 1AA** of the New Zealand Superannuation and Retirement Income Act 2001); and 20
- (b) because of that election, the appropriate rate of benefit payable to person B is the whole or a portion of New Zealand superannuation or a veteran's pension paid at a couple rate other than a grandparented rate.
- (4) In this regulation,—
- couple rate** means a rate prescribed for a person who is in a relationship 25
- grandparented rate** means—
- (a) a rate specified in **clause 1 of Part 2 of Schedule 1** of the New Zealand Superannuation and Retirement Income Act 2001; or
- (b) the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014. 30
- 49 Regulation 287 amended (Eligibility for SuperGold Card)**
- Replace regulation 287(b) and (c) with:
- (b) is under the age of 65 years and, in accordance with regulation 191, is receiving the whole or a portion of one of the following benefits as the spouse or partner of a beneficiary of the benefit: 35

- (i) New Zealand superannuation paid at a rate specified in **clause 1 of Part 2 of Schedule 1** of the New Zealand Superannuation and Retirement Income Act 2001:
- (ii) a veteran's pension paid at the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014; or

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50 Schedule 6 amended (Number of weeks for calculating weekly income)

In Schedule 6, item 1, replace the item relating to New Zealand superannuation and veteran's pension with:

New Zealand superannuation, in respect of any rate set out in **clause 1 of Part 2 of Schedule 1** of the New Zealand Superannuation and Retirement Income Act 2001

Veteran's pension, in respect of the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014

Legislative history

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17 October 2019

Introduction (Bill 182–1)
First reading and referral to Social Services and Community
Committee