

# Departmental Disclosure Statement

---

Social Assistance (Portability to Cook Islands, Niue and Tokelau) Bill
--

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Social Development.

The Ministry of Social Development certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

27 June 2014

**Contents**

Contents..... 2

Part One: General Policy Statement ..... 3

Part Two: Background Material and Policy Information ..... 4

Part Three: Testing of Legislative Content..... 6

Part Four: Significant Legislative Features ..... 8

## Part One: General Policy Statement

*The Social Assistance (Portability to Cook Islands, Niue and Tokelau) Legislation Bill is introduced under Standing Order 260(b), which provides that an omnibus Bill to amend more than 1 statute may be introduced if the amendments to be effected to each Act are of a similar nature in each case.*

*This Bill will give effect to the Government's policy on portability of New Zealand Superannuation and Veteran's Pension to the Cook Islands, Niue and Tokelau.*

*Eligible New Zealanders can currently receive their New Zealand Superannuation and Veterans Pension in the Cook Islands, Niue and Tokelau under the Special Portability Arrangement. However, under the Arrangement they can only apply by being resident and present in New Zealand on the date of application.*

*The Bill will amend the Arrangement to allow otherwise eligible residents of the Cook Islands, Niue and Tokelau to apply from those countries for their New Zealand Superannuation and Veterans Pension at age 65.*

*The changes take into account New Zealand's close constitutional ties with the Cook Islands, Niue and Tokelau and are part of New Zealand's commitment to support their ongoing economic and social viability.*

*The changes will allow the Cook Islands, Niue and Tokelau to attract capital and skills from their citizens who have moved to New Zealand, as well as other New Zealanders who may choose to spend their retirement years in these countries.*

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
<p><i>Review of Treatment of Overseas Pensions and Payment of New Zealand Superannuation and Veteran's Pension Overseas: Paper One – Overview, Ministry of Social Development, 24 October 2007. A copy of this paper can be found at:</i></p> <p><a href="http://www.msd.govt.nz/documents/about-msd-and-our-work/newsroom/media-releases/news/2008/pr-2008-06-12-1.doc">http://www.msd.govt.nz/documents/about-msd-and-our-work/newsroom/media-releases/news/2008/pr-2008-06-12-1.doc</a></p> <p><i>Review of Treatment of Overseas Pensions and Payment of New Zealand Superannuation and Veteran's Pension Overseas: Paper Two – Proposals, Ministry of Social Development, 24 October 2007. A copy of this paper can be found at:</i></p> <p><a href="http://www.msd.govt.nz/documents/about-msd-and-our-work/newsroom/media-releases/news/2008/pr-2008-06-12-2.pdf">http://www.msd.govt.nz/documents/about-msd-and-our-work/newsroom/media-releases/news/2008/pr-2008-06-12-2.pdf</a></p>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
--	-----------

### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
<p><i>Regulatory Impact Statement: Portability of New Zealand Superannuation to the Realm of New Zealand, 26 April 2013. A copy of the RIS can be found at:</i></p> <p><a href="http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/regulatory-impact-statements/portability-of-new-zealand-superannuation.html">http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/regulatory-impact-statements/portability-of-new-zealand-superannuation.html</a></p>	

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
---	-----------

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>
--	-----------

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
---	-----------

<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
<i>Information on the potential costs and benefits can be found at:</i> <a href="http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/regulatory-impact-statements/portability-of-new-zealand-superannuation.html">http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/regulatory-impact-statements/portability-of-new-zealand-superannuation.html</a>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
--

*The Ministry of Social Development consulted with the Ministry of Foreign Affairs and Trade and reviewed International Instruments to identify any inconsistency with New Zealand's international obligations.*

<http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/13.htm>

### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
---

*Consulted with Ministry of Social Development Legal Division and policy to be given effect by the Bill found to be consistent with government's Treaty of Waitangi obligations.*

<http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/14.htm>

### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
---	------------

*Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at <http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/bill-of-rights/>*

### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>

### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
---	-----------

### External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>NO</b>
---	-----------

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>
---	-----------

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
---	----

### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
---	----

### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
--	----

### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
--	----

### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
---	----

### Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO

### Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
---	----