

Short-Form Departmental Disclosure Statement

Social Security Amendment Bill (No 3)

A short form disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

There was no original disclosure statement for this Bill.

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.

13 March 2015

Significant Legislative Features

Offences, penalties and court jurisdictions

1. Do the proposed amendments create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

Privacy issues

2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?	NO
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Compulsory acquisition of private property

3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?	YES
<p>Clause 5A replaces section 79 of the Social Security Act 1964 to clarify that section 79 of the Act only applies to a person who, with respect to a period of overseas employment, had tax deducted or withheld under New Zealand's PAYE rules (including the equivalent rules in earlier tax legislation).</p> <p>Clause 5A comes into force with retrospective effect via Clause 7(2).</p> <p>Clause 6A amends Schedule 6 of the Social Security Act 1964 to clarify that the \$20 personal earnings exemption only applies to beneficiaries granted Supported Living Payment due to total blindness or permanent and severe restriction in capacity for work because of sickness, injury or disability.</p> <p>Clause 6A comes into force with retrospective effect via Clause 7(3).</p> <p>Clause 6B amends Schedule 18 of the Social Security Act 1964 to reinstate the income threshold for non-beneficiary sole parents receiving Accommodation Supplement that applied before 15 July 2013.</p> <p>Clause 6B comes into force with retrospective effect via Clause 7(4).</p> <p>Clause 8 preserves the rights of the successful appellant of the benefit of the Social Security Appeal Authority decision.</p> <p>The retrospective provisions are considered necessary to:</p> <ul style="list-style-type: none"> • ensure the Government policy intent is upheld • validate current operational practice and understanding by the Ministry of Social Development • avoid financial costs to the Crown that were not anticipated. <p>The provisions do not result in the retrospective creation of criminal offences.</p> <p>There is no loss of entitlement as the amendments reinstate and clarify current practice.</p> <p>The position of the successful appellant is protected by Clause 8. This conforms to the principle that legislation should not deprive individuals of their right to benefit from the judgments they obtain in proceedings brought under earlier law, or to continue proceedings asserting rights and duties under that law.</p>	

Strict liability or reversal of the burden of proof for offences

6. Do the proposed amendments:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

7. Do the proposed amendments create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

8. Do the proposed amendments 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
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Powers to make delegated legislation

9. Do the proposed amendments 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
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10. Do the proposed amendments create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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