



## ANALYSIS

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1992, No. 80

### An Act to amend the Social Security Act 1964

[18 August 1992

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Social Security Amendment Act (No. 3) 1992, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as the principal Act).

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the date on which it receives the Royal assent.

(3) Sections 2, 4, and 5 of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

**2. Interpretation**—Section 3 (1) of the principal Act is hereby amended by inserting in the definition of the term “benefit” (as inserted by section 2 (1) of the Social Security Amendment Act (No. 2) 1990), after subparagraph (v) of paragraph (b), the following subparagraph:

“(va) A rent rebate certified under section 61FA of this Act:”.

**3. Accommodation benefit**—(1) Section 61E (1) (b) of the principal Act (as substituted by section 24 (1) of the Social Security Amendment Act 1987) is hereby amended by adding the words “, Housing New Zealand Limited, or the Crown in right of the Ministry of Maori Development”.

(2) Section 61E (3) of the principal Act (as so substituted) is hereby amended by adding the words “, Housing New Zealand Limited, or the Crown in right of the Ministry of Maori Development”.

(3) Section 61E (4) of the principal Act (as so substituted) is hereby amended—

(a) By inserting, after the words “Housing Corporation of New Zealand,” the words “, Housing New Zealand Limited, or the Crown in right of the Ministry of Maori Development”:

(b) By omitting, from paragraph (b), the words “that Corporation”, and substituting the words “the Housing Corporation of New Zealand, Housing New Zealand Limited, or the Crown in right of the Ministry of Maori Development”.

**4. New sections inserted**—The principal Act is hereby amended by inserting, after section 61F (as substituted by section 24 (1) of the Social Security Amendment Act 1987), the following sections:

“61FA. **Rent rebate entitlement**—(1) Subject to this section, on the application of any person who is a tenant of any premises used exclusively as a home let by the Housing Corporation of New Zealand, Housing New Zealand Limited, or the Crown in right of the Ministry of Maori Development, the Director-General may certify that the applicant is entitled to a rent rebate in accordance with and at the appropriate rate specified in an Order in Council made under section 61FB of this Act from such date and for such period as the Director-General determines.

“(2) No person who is in receipt of an accommodation benefit under section 61E (4) of this Act shall be certified as being entitled to a rent rebate under this section.

“(3) Where 2 or more persons are tenants of the same premises, the Director-General shall not certify that more than one of the persons is entitled to a rent rebate.

“(4) Where the Director-General certifies that any person is entitled to a rent rebate under this section, the amount of the rent rebate shall be credited by the Housing Corporation of New Zealand, Housing New Zealand Limited, or the Crown in right of the Ministry of Maori Development, as the case may require, to the rent due and payable from time to time by that person and, for the purposes of this Act, that person shall be

deemed to have been paid a benefit equal to the amount of the rebate on the date on which it was so credited.

“**61FB. Rate of rebate**—(1) The Governor-General may, for the purposes of section 61FA of this Act, from time to time by Order in Council,—

“(a) Specify the persons or classes of persons who may be certified as entitled to rent rebates:

“(b) Specify the rates of rent rebates.

“(2) Any such Order in Council may—

“(a) Specify different rates of rent rebates for different classes of persons:

“(b) Specify rent rebates by reference to marital status, dependent children, the location of and rent payable for premises, income and cash assets limits, or other criteria.

“(3) Every Order in Council made under subsection (1) of this section shall state the date from which it is to have effect and shall apply to rent rebates and any criteria applicable in respect of rent rebates for the period commencing on the date from which it is to have effect and ending with the day before the date of its revocation by a subsequent Order in Council. Nothing in this subsection shall authorise any payment of a rent rebate before the order is made.

“(4) Every Order in Council made under this section—

“(a) Shall be deemed to be a regulation for the purposes of the Regulations (Disallowance) Act 1989; and

“(b) Shall expire on the close of the period of 12 months commencing with the date on which it was laid before the House of Representatives pursuant to that Act, except so far as it is expressly validated and confirmed by an Act of Parliament passed before the close of that period.

“(5) Every Order in Council made under this section shall have the force of law as if it was enacted by this Act.

“(6) The validity of any Order in Council made under this section shall not be affected by reason only of the repeal of an Act of Parliament validating and confirming it.”

**5. Limitation where applicant receiving another benefit or war pension**—Section 72 (a) of the principal Act is hereby amended by inserting, after the expression “61E”, the expression “61FA,”.