

18 September 2019

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: New Zealand Superannuation and Veterans' Pension Legislation Amendment Bill

1. We have considered whether the New Zealand Superannuation and Veterans' Pension Legislation Amendment Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 21243/16.0). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The Bill principally amends the New Zealand Superannuation and Retirement Income Act 2001, Social Security Act 2018 and Veterans' Support Act 2014 ('the principal Acts') with the objective of modernising and simplifying New Zealand Superannuation ('NZS') and Veteran's Pension ('VP') processes. The Bill also includes consequential amendments to the Income Tax Act 2014 and the Tax Administration Act 1994.
4. Specifically, the Bill:
 - a. removes the existing option for a qualifying recipient of NZS or VP to include their non-qualified partner in their rate of NZS or VP;
 - b. removes the deduction of a government-administered overseas pension received by one person from their spouse or partner's NZS or VP rate;
 - c. introduces a new provision to provide more equitable treatment of people who volunteer overseas for secular charitable organisations when calculating their length of residence requirements for superannuation;
 - d. exempts any voluntary component of a government-administered overseas pension from 'direct deduction';
 - e. extends the 'living alone rates' to include people living in self-contained mobile homes, and allows other accommodation of a kind to be prescribed by regulations;
 - f. increases the level of wage indexation required in legislation; and
 - g. makes a number of other minor technical amendments to the principal Acts.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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