

Social Assistance (Payment of New Zealand Superannuation and Veteran's Pensions Overseas) Amendment Bill

20 August 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

SOCIAL ASSISTANCE (PAYMENT OF NEW ZEALAND SUPERANNUATION AND VETERAN'S PENSION OVERSEAS) AMENDMENT BILL

1. We have assessed whether the Social Assistance (Payment of New Zealand Superannuation and Veteran's Pensions Overseas) Amendment Bill ("the Bill") (PCO 13170/9.2) is consistent with the New Zealand Bill of Rights Act 1990 ("Bill of Rights Act"). We understand that the Bill will be considered by the Cabinet Legislation Committee at its meeting on Thursday, 28 August 2008.

2. The Bill seeks to amend the New Zealand Superannuation and Retirement Income Act 2001, the War Pensions Act 1954, and the Social Security Act 1964 to make it easier for superannuitants and veteran's pensioners to travel or retire overseas.

3. The Bill will achieve this by allowing qualifying superannuitants and veteran's pensioners:

(i) who wish to travel to, or in, or between any overseas countries to retain their entitlement to New Zealand superannuation or veteran's pension, whether they later become resident in any country with which New Zealand has no agreement relating to reciprocity of social security monetary benefits (not being a specified Pacific country) or not;

(ii) who wish to reside in any country with which New Zealand has no agreement relating to reciprocity of social security monetary benefits (not being a specified Pacific country) to retain their entitlement to New Zealand superannuation or veteran's pension, whether they remain resident in that country, become resident in another such country or begin travelling; to receive payment of New Zealand superannuation or veteran's pension overseas based on a formula of 1/540th of the full rate for each month of residence in New Zealand between the ages of 20 and 65.

4. 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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