

Departmental Disclosure Statement

Regulatory Systems (Social Security) Amendment Bill (No 2)
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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.

11 February 2026

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Part One: General Policy Statement

The Ministry of Social Development (MSD) must ensure its legislative framework is fit for purpose. Under section 52 of the Public Service Act 2020, the Chief Executive of MSD is responsible to the appropriate Minister for supporting that Minister to act as a good steward of the public interest, including by maintaining the currency of any legislation administered by their agency.

In order to address the responsibilities outlined above, this Bill will:

- make minor policy changes to the New Zealand Superannuation and Retirement Income Act 2001, the Social Security Act 2018 and Veterans' Support Act 2014:
- make minor technical amendments to the New Zealand Superannuation and Retirement Income Act 2001, the Social Security Act 2018, and the Veterans' Support Act 2014:
- repeal the Family Benefits (Home Ownership) Act 1964.

These changes are minor in the context of the overarching policy settings of the systems of social assistance provided for under the Acts amended. The changes are intended to improve the provision of social welfare benefits and the functioning of the overall social security system. Some of the minor technical changes will address errors and omissions found in the Social Security Act 2018, which was a rewrite of social assistance legislation including the Social Security Act 1964.

The content of this Bill is largely the same as the Regulatory Systems (Social Security) Amendment Bill, which was introduced on 30 April 2024 and was discharged from the Order Paper at First Reading on 23 July 2024, except that it has been updated to reflect changes made to the New Zealand Superannuation and Retirement Income Act 2001, the Social Security Act 2018, and the Veterans' Support Act 2014 since 23 July 2024.

Part Two: Background Material and Policy Information

Published reviews or evaluations

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?	NO
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Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
Regulatory Impact Analysis requirements do not apply due to the proposed content of the Bill being minor and technical.	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The changes are minor and technical and will have either minimal or no financial implications. They will improve the provision of social welfare benefits and the functioning of the overall social security system.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO
The legislation does not create new obligations or standards, or impact on existing obligations or standards.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

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?
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The Ministry of Social Development has consulted with its officials with expertise in international matters to consider whether the Bill is consistent with New Zealand's international obligations under its social security agreements.

Consistency with the government's Treaty of Waitangi obligations

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?

The Ministry of Social Development has consulted with its own Māori, Communities and Partnerships group.
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Consistency with the New Zealand Bill of Rights Act 1990

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?	YES
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The Bill inserts a new section 19A in the Social Security Act 2018 (SSA 2018) covering general rules about rate of benefit for a person whose spouse or partner is not entitled or eligible to receive a benefit in accordance with section 19 (unlawfully resident or present in New Zealand, or lawfully resident or present in New Zealand but only by virtue of holding a temporary entry class visa). The change will replicate section 74A of the Social Security Act 1964 in the SSA 2018 to provide greater clarity that the rate of payment to a person whose partner is unlawfully residing in New Zealand or on a temporary visa:

- is the appropriate single rate of benefit
- the income and assets of both the person and the person's partner must be taken into account.

Advice to the Attorney-General noted that this amendment *prima facie* limits the right to freedom from discrimination on the grounds of family status. However, it also noted that 'Social security legislation necessarily targets limited government assistance to those most in need of it. Assistance and obligations on those receiving it are then tailored to suit individual circumstances. Eligibility for benefits and obligations on beneficiaries are inherently discriminatory as they are based on drawing distinctions on many prohibited grounds.' The advice goes on to say that 'We consider the amendment serves an important objective in minimising the use of limited government assistance to support people who are unlawfully or temporarily in New Zealand.'

Therefore the advice concludes that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Advice provided to the Attorney-General by the Ministry of Justice is generally expected to be available on the Ministry's website upon introduction of a Bill at:

<https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports/>

Offences, penalties and court jurisdictions

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

Privacy issues

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?	NO
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External consultation

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?	NO
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Other testing of proposals

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?	NO
Due to their minor nature the policy details have not been otherwise tested or assessed.	

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
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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
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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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
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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
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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
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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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
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