

Dated at Wellington this 1st day of December 1999.
JACK ELDER, Minister of Internal Affairs.

g99406

Justice

Justices of the Peace Act 1957

Justice of the Peace Resignation

It is noted for information that

Betty Bourke of 90 Somerset Road, Wanganui has resigned her appointment as Justice of the Peace for New Zealand.

Dated at Wellington this 13th day of December 1999.

COLIN KEATING, Secretary for Justice.

g99422

Justice of the Peace Resignation

It is noted for information that

Sushi Geller of 16 Chisbury Lane, Wellington has resigned her appointment as Justice of the Peace for New Zealand.

Dated at Wellington this 14th day of December 1999.

COLIN KEATING, Secretary for Justice.

g99423

Justice of the Peace Resignation

It is noted for information that

Rosemary Petherick of 20 Tregarth Street, Wanganui has resigned her appointment as Justice of the Peace for New Zealand.

Dated at Wellington this 14th day of December 1999.

COLIN KEATING, Secretary for Justice.

g99424

Social Policy

Social Security Act 1964

Special Needs Grant Programme Amendment (No. 5)

Pursuant to section 124 (1) (d) of the Social Security Act 1964, I, Steven Maharey, Minister of Social Services and Employment, approve the following amendments to the Special Needs Grant welfare programme for special assistance (as established and approved on 18 December 1998), which are to be read with and considered part of the programme with immediate effect.

Dated this 10th day of December 1999.

STEVE MAHAREY, Minister of Social Services and Employment.

AMENDMENTS

1. Clause 4.1 of the programme is amended by adding the words "", except that section 74A of the Act does not apply to clauses 15A.1 to 15A.4."

2. The programme is amended by inserting, after clause 15.4.2, the following heading and clauses:

15A Persons released from custody under section 128A of the Immigration Act 1987

- 15A.1 The chief executive may, in the chief executive's discretion, make non-recoverable Grants on account of hardship to any of the persons—

(a) whose applications for refugee status were refused; and

(b) who were subsequently detained under the Immigration Act 1987 in a penal institution until their release on conditions by a District Court Judge under section 128A of the Immigration Act 1987 on 1 December 1999.

- 15A.2 When deciding whether to make a Grant under clause 15A.1, the following provisions of this programme do not apply and the chief executive must not take them into account, namely clause 5 (b), clause 6, clause 7.2, and clause 8.2.

- 15A.3 Grants under clause 15A.1 may be made to a person described in that clause on a weekly basis commencing from 1 December 1999 until the earliest of the following dates:

(a) if the person becomes eligible to be granted a benefit under section 74A of the Act, the date on which that occurs;

(b) the date that the person becomes liable to arrest and placement in custody under section 128A (10A) of the Immigration Act 1987;

(c) the date that section 128A of the Immigration Act 1987 ceases to apply to the person by reason of the grant to the person of a permit under that Act, or by reason of the continuation of the person's custody under section 128 of that Act.

- 15A.4 The weekly amount of a Grant under clause 15A.1—

(a) is equivalent to the appropriate amount of a community wage set out in clause 1 (a) or (b) of the Ninth Schedule of the Act; and

- (b) is subject to Income Test 3 (which applies as if the amount of a Grant were a rate of a benefit).

Definitions benefit, chief executive, community wage, Income Test 3, Social Security Act 1964, s 3; penal institution, Penal Institutions Act 1954, s 2

Explanatory Note

This note is not part of the amendments, but is intended to explain their general effect.

These amendments, to the Special Needs Grant Programme under section 124 (1) (d) of the Social Security Act 1964, allow special assistance equivalent to the single rate of a community wage to be granted on account of hardship to certain refugee claimants who were released from custody under section 128A of the Immigration Act 1987, pending the disposal of court proceedings. The Department of Work and Income administers the programme.

g99384

Note: Section 5 (2) of the Social Security Act 1964 requires a direction under section 5 (1) to be published in the *Gazette* as soon as practicable after the Minister gives it. The following direction was not published at the time it was given as a result of error.

Note that the direction (including the schedule of standard costs) has since been amended by amendments published in the *Gazette*, 1999, pages 1607 and 4104.

Direction in Relation to Special Benefit

To: The Chief Executive, Department of Work and Income.

Pursuant to section 5 of the Social Security Act 1964, I, Roger Morrison Sowry, Minister of Social Services, Work and Income, give the following direction to take effect on 12 February 1999.

I revoke effective on that date all previous Ministerial directions under that section concerning the grant of special benefit under that Act.

Dated this 10th day of February 1999.

ROGER SOWRY, Minister of Social Services, Work and Income.

DIRECTION

Grants of Special Benefit

In the exercise of your discretion to grant a special benefit under section 61G of the Act, and without derogating from your duty to have regard to the particular financial circumstances and commitments of the applicant, you must have regard to the following matters.

1. General principles

- 1.1 That the intention of a special benefit under the Act is to alleviate financial hardship and that a special benefit should not be granted unless without the grant, the applicant or a person dependent upon the applicant would suffer financial hardship.
- 1.2 That a special benefit should not normally be granted unless the applicant's Deficiency of Income over his or her expenditure and commitments is reasonably substantial, and that Deficiency is likely to continue for a period that justifies special benefit being granted.
- 1.3 That a special benefit should be considered only in respect of costs of the applicant that are essential and not reasonably avoidable.
- 1.4 THAT in considering any application for special benefit, consideration should be given to—
 - (a) The applicant's ability to meet the Deficiency from the applicant's own resources; and
 - (b) The assistance that is or might be available to the applicant from other sources to meet the applicant's Deficiency. In particular, when considering—
 - (c) An application for a special benefit by a full-time student or the student's dependent spouse, you should take into account the availability of financial support during the academic year under the student allowance or student loan schemes; or
 - (d) An application for special benefit for the costs of any essential health services or disability services (as those terms are defined in the Health and Disability Services Act 1993), you should take into account the assistance available under that Act,—

and special benefit should not normally be considered for expenses normally covered by the assistance available under those schemes or that Act unless the applicant has extraordinary expenses and has exhausted his or her entitlements under those schemes or that Act.

2. Definitions

- 2.1 In this direction, unless the context otherwise requires:

"Accommodation costs" has the meaning in section 61E of the Act:

"the Act" means the Social Security Act 1964;

"Allowable costs", in relation to an applicant and subject to section 68A of the Act, means any regular essential expenses reckoned on a weekly basis arising out of the special circumstances of the applicant and his or her spouse (if any) which cannot readily be avoided or varied, and include—

- (a) The applicant's actual accommodation costs including arrears, provided that any arrears incurred while the person was in receipt of accommodation benefit, accommodation supplement, rent rebate allowance, or tenure protection allowance under the Act are not to be included; and
- (b) Hire purchase and other types of regular payments for a washing machine or a refrigerator or a television set or for household furniture where the acquisition of that item was essential; and
- (c) Disability related expenses, being expenses of a kind for which a disability allowance would be payable under section 69C of the Act (but not including any counselling costs in excess of the amount made available by way of disability allowance under the Act); and
- (d) Motor vehicle repayments and reasonable running costs where—
 - (i) The vehicle is required for the transport of the applicant or his or her spouse to and from employment; or
 - (ii) The applicant or a member of his or her family suffers chronic illness or has a disability and the vehicle is required for that person's transport,—

and no suitable public transport is available;

- (e) Motor vehicle repayments for an applicant who is a beneficiary where—

- (i) There is no public transport available; and

- (ii) The agreement to acquire the vehicle on terms was entered into prior to the applicant applying for the benefit;

- (f) The costs of public transport to and from employment;

- (g) The costs of essential childcare (after deducting any childcare subsidy or OSCAR subsidy payable under the Childcare Assistance Welfare Programme approved under section 124 (1) (d) of the Act)—
- (i) To enable the applicant or his or her spouse to take part in employment; or
 - (ii) Because the applicant or his or her spouse is seriously disabled or seriously ill;
- (h) For a person for whom a telephone is a necessity by reason of his or her—
- (i) Health or disability or family circumstances; or
 - (ii) Personal safety or security (for example, an elderly person living on his or her own, or a separated person with a protection order against the spouse); or
 - (iii) Employment (for example, an electrical worker on call 24 hours per day);—
- the basic cost of a telephone (excluding toll charges);—
- but do not include—
- (i) Any fixed charges made in respect of a line or pipe used in the domestic supply to that person of telephone services, electricity, gas, or water;
 - (j) The costs of any tuition the applicant or his or her spouse is undertaking (including stationery, books, fees, or other course related costs);
 - (j) Any payments required to be made by the applicant or his or her spouse in respect of any debt, fine, or other liability, other than the payments or repayments referred to in paragraphs (a) to (h) of this definition;
 - (j) Any fees charged by a private savings bank, a trustee savings bank, the Public Service Investment Society Limited, a registered bank or a building society or a credit union for an account held by the applicant or the applicant's spouse with that bank, building society, or credit union;
- "Cash assets", in relation to any person, mean assets of that person and his or her spouse (if any) that can be readily converted into cash and include—
- (a) Shares, stocks, debentures, bonus bonds, and other bonds;
 - (b) Bank accounts, including fixed and term deposits with any bank, friendly society, credit union, or building society;
 - (c) Money invested with or lent to any bank or other financial institution or other person;
 - (d) The net equity held in any property or land not used as the person's home;
 - (e) Building society shares;
 - (f) Mortgage investments and other long term loans;
 - (g) Bills of exchange or promissory notes;
 - (h) The applicant's share in any partnership;
- but do not include—
- (i) The motor vehicle principally used by the applicant for his or her personal use;
 - (j) A caravan, boat, or other vehicle—
 - (i) The net equity in which is less than \$2,000; or
 - (ii) Which is used by the person or a member of his or her family for day to day accommodation; - (k) The personal effects of the person and his or her spouse (if any);
- "Chargeable income", in relation to an applicant, includes—
- (a) The rate of any benefit granted under the Act disregarding any reduction in the rate payable to the applicant under any of sections 115 to 118 of the Act; and
 - (b) Where the applicant is receiving unsupported child's benefit or orphan's benefit in respect of any child, the difference between—
 - (i) The amount of that benefit; and
 - (ii) The maximum amount of family support that would be payable under the Income Tax Act 1994 in respect of a child of that age as if that child was the applicant's dependent child; and - (c) Any war pension or allowance received under the War Pensions Act 1954; and
 - (d) New Zealand superannuation, veteran's pension, or transitional retirement benefit received under the Social Welfare (Transitional Provisions) Act 1990; and
 - (e) Income, as defined in section 3 (1) of the Act; and
 - (f) The amount of any regular payments received under any welfare programme approved under section 124 (1) (d) of the Act (other than payments under the Away from Home Allowance Programme or any regular payments intended to pay or reimburse specified costs of the applicant); and
 - (g) The amount of any child support payments—
 - (i) In the case of a non-beneficiary, received by the person under the Child Support Act 1991; or
 - (ii) In the case of a beneficiary, paid to the person by the Child Support Agency pursuant to section 142 of that Act; and - (h) The living costs component of the amount of any student allowance or student loan received by the applicant,—
- and includes the chargeable income, as so defined, of his or her spouse (if any):
- "Deficiency" has the meaning in clause 3:

"Disposable income", in relation to an applicant, means the applicant's weekly chargeable income after the deduction of the applicant's allowable costs:

"Grand-parented rate", in relation to a community wage payable to a person to whom section 99 (2) of the Act applies, means the appropriate rate in the Eighth Schedule of the Act that was payable to the person immediately before 1 July 1998:

"Income", in clause 3 means income as defined in section 3 (1) of the Act:

"Living alone" has the meaning in section 18A of the Social Welfare (Transitional Provisions) Act 1990:

"Non-beneficiary" means a person who is not a beneficiary:

"Standard costs", in relation to an applicant, means the appropriate amount set out in the Schedule, being the proportion of the living costs of the applicant and his or her dependants that he or she may be expected to meet—

(a) From his or her benefit; or

(b) In the case of a non-beneficiary, from the appropriate rate of a community wage that would be payable to the applicant if he or she was entitled to that benefit,—

but do not include any of the applicant's allowable costs—

2.2 Terms otherwise defined in section 3 (1) of the Act have the meanings so defined, except where the context otherwise requires.

3. Assessment procedure

3.1 Subject to clauses 3.3 and 3.4, you should regard as justified the fixing of a special benefit at a rate that is the lesser of **a** or **b** if—

(a) The applicant has cash assets of not more than—

(i) For a unmarried person, $4 \times \text{sib}$; or

(ii) For a married person or a sole parent, $4 \times \text{mib}$; and

(b) The applicant's disposable income is less than the applicant's standard costs.

Definitions for the purposes of clause 3.1

In this clause—

a is the applicant's standard costs less the applicant's disposable income less **c**:

b is 30% of the applicant's allowable costs:

c is \$5 a week:

mib is the maximum weekly rate of invalid's benefit payable to a married couple without dependent children:

sib is the maximum weekly rate of invalid's benefit payable to an unmarried person without dependent children.

Example

An unmarried community wage beneficiary with 2 dependent children, whose weekly chargeable income is \$210.45 and whose weekly allowable costs are \$94.30.

Special Benefit Calculation

Chargeable income	\$210.45
less allowable costs	\$94.30
= disposable income	\$116.15
standard costs	\$144.89
less disposable income	\$116.15
= Deficiency	\$28.74
less c	\$5.00
= a	\$23.74
b is 30% of allowable costs (\$94.30) =	\$28.29

A special benefit that is the lesser of **a** and **b** is justified, i.e. \$23.74, subject to paragraphs 3.3 and 3.4.

3.2 Subject to clauses 3.3 and 3.4, a special benefit should be considered justified in respect of a person receiving community wage under the Act while undergoing training, and who incurs additional costs because he or she is undergoing training away from his or her usual home. The rate of the special benefit considered justified should be the lesser of—

(a) The additional weekly accommodation costs incurred; and

(b) \$100 per week.

3.3 Upon completion of the appropriate calculation set out in clauses 3.1 or 3.2, you must consider whether there is justification for increasing or decreasing the rate of special benefit paid to the applicant, or to fix or decline to fix an entitlement to special benefit, having regard to the principles set out in clause 1 and to the following matters:

(a) Whether the applicant has any special or unusual financial expenditure compared to others in a similar general position to the applicant and the extent of any such expenditure;

(b) Whether the applicant has any special or unusual reasons for any expenditure item that has caused or contributed to his or her Deficiency;

(c) The nature of the financial difficulty, and the likely duration of the Deficiency;

(d) The age and health of the applicant and his or her dependants and any special needs arising from that age or health;

(e) The ability of the applicant to improve his or her financial situation;

(f) The causes of the applicant's financial difficulty;

(g) The extent to which the basic necessities of life for the applicant or his or her dependants would be at risk if a grant of special benefit at the rate calculated, or another rate, was not made;

(h) Any other matters that in the circumstances of the particular case, you consider to be relevant.

3.4 Nothing in clauses 1 and 3 requires you to grant a special benefit, or a special benefit at any particular rate, if, in your discretion, you determine that in the circumstances of the particular case, such grant ought not to be made.

4. Application of Direction

4.1 This direction should be applied to applications for special benefit made on or after 12 February 1999 and in respect of any reviews of that benefit on or after that day.

5. Administration of the Special Benefit Programme

5.1 In administering the programme of special benefits, you are to ensure that where practicable, persons receiving special benefit under the Act receive appropriate advice with the objective that wherever possible, their need for a special benefit is eliminated or reduced within 6 months after the later of—

(a) The date of any grant of a special benefit after the date this direction takes effect; or

(b) Any review of a special benefit after that date.

5.2 Cases where special benefit is being paid at a rate of more than \$50 a week should receive priority under clause 5.1.

Schedule

Standard Costs

Qualification of Applicant	Standard Cost
1. For a person who is not a beneficiary, or who is in receipt of a community wage , at the applicable rate in the Ninth Schedule, and who is:	
(a) Unmarried aged 18 to 24 years and without dependent children:	\$62.97
(b) Unmarried aged 25 years or more without dependent children:	\$87.76
(c) Married without dependent children:	\$164.65
(d) Unmarried with 1 dependent child:	\$127.91
(e) Unmarried with 2 or more dependent children:	\$144.89
1. (f) Married with one or more dependent children:	\$170.04
2. For a person in receipt of an independent youth benefit :	\$62.97
3. For a person who is in receipt of a community wage granted under section 90 of the Act on the grounds of sickness, injury or disability who is aged 16 or 17 years and living with a parent:	\$67.97
4. For a person who is in receipt of the emergency benefit known as an emergency maintenance allowance , aged 16 or 17 years and living with a parent:	\$67.97
5. For a person in receipt of a community wage on the grounds of sickness, injury or disability at the grand-parented rate and who is:	
(a) Unmarried aged 16 or 17 years without dependent children:	\$61.57
(b) Unmarried aged 18 to 24 years without dependent children:	\$86.66
(c) Unmarried aged 25 years or more without dependent children:	\$92.78
(d) Married without dependent children:	\$192.63
(e) Unmarried with 1 dependent child:	\$127.91
(f) Unmarried with 2 or more dependent children:	\$144.89
(g) Married with 1 or more dependent children:	\$185.97
6. For a person in receipt of an invalid's benefit or a transitional retirement benefit and who is:	
(a) Unmarried aged 16 or 17 years without dependent children:	\$83.90
(b) Unmarried aged 18 or more without dependent children:	\$119.05
(c) Married without dependent children:	\$217.19
(d) Unmarried with 1 dependent child:	\$154.37
(e) Unmarried with 2 or more dependent children:	\$170.00
(f) Married with 1 or more dependent children:	\$209.41
7. For a person in receipt of a widow's benefit , or a domestic purposes benefit under section 27B of the Act (<i>sole parent</i>), or a domestic purposes benefit under section 27C of the Act (<i>woman alone</i>), and who has:	
(a) No dependent children:	\$92.78
(b) 1 dependent child:	\$127.91
(c) 2 or more dependent children:	\$144.89
8. For a person in receipt of a domestic purposes benefit under section 27G of the Act (<i>care of sick or infirm</i>) and who is:	
(a) Unmarried aged 16 or 17 years without dependent children:	\$83.90
(b) Unmarried aged 18 years and over without dependent children:	\$119.05
(c) Unmarried with 1 dependent child:	\$154.37
(d) Unmarried with 2 or more dependent children:	\$170.00
(e) Married:	\$92.78
9. For a person in receipt of New Zealand Superannuation or a veteran's pension and who is:	
(a) Unmarried without dependent children and living alone:	\$119.67
(b) Unmarried without dependent children and not living alone:	\$119.67
(c) Married without dependent children:	\$217.53
(d) Unmarried with 1 dependent child:	\$155.57

Qualification of Applicant	Standard Cost
(e) Unmarried with 2 or more dependent children:	\$171.32
(f) Unmarried with one dependent child and not living alone:	\$155.57
(g) Unmarried with 2 or more dependent children and not living alone:	\$171.32
(h) Married with 1 or more dependent children:	\$209.73
10. For a married couple one of whom is in receipt of New Zealand Superannuation where the other is receiving a community wage on grounds of sickness, injury or disability at the grand-parented rate:	\$172.23
11. For a married couple one of whom is in receipt of New Zealand Superannuation where the other is receiving a community wage at the applicable rate in the Ninth Schedule:	\$138.71
12. For a married couple one of whom is in receipt of New Zealand Superannuation where the other is receiving an invalid's benefit or a transitional retirement benefit :	\$200.29
13. For a married couple one of whom is receiving a community wage at the grand-parented rate where the other is receiving a community wage at the applicable rate in the Ninth Schedule:	\$159.11
14. For a married couple one of whom is in receipt of an invalid's benefit or a transitional retirement benefit where the other is receiving a community wage at the grand-parented rate:	\$189.33
15. For a married couple one of whom is receiving a domestic purposes benefit under section 27G of the Act (<i>care of sick or infirm</i>) where the other is receiving a community wage at the applicable rate in the Ninth Schedule:	\$155.81
16. For a married couple one of whom is receiving a domestic purposes benefit under section 27G of the Act (<i>care of sick or infirm</i>) where the other is receiving a community wage at the grand-parented rate:	\$189.33
17. For a married couple one of whom is receiving a domestic purposes benefit under section 27G of the Act (<i>care of sick or infirm</i>) where the other is receiving an invalid's benefit or a transitional retirement benefit :	\$217.19
18. For a married person whose spouse is unlawfully in New Zealand:	The standard costs that would otherwise apply to the applicant if he or she were unmarried.

p03185

Authorities and Other Agencies of State Notices

Civil Aviation Authority of New Zealand

Civil Aviation Act 1990

Airworthiness Directives

Pursuant to section 72(3)(a) of the Civil Aviation Act 1990, and to a delegation from the Director of Civil Aviation, I, Geoffrey Neil Connor, Safety Analyst – Continuing Airworthiness, hereby issue the following airworthiness directives in respect of aircraft or aeronautical products:

DCA/AS350/52B
DCA/EC135/2A

DCA/AS355/30B
DCA/RAD/13

DCA/CESS182/135A
DCA/RAD/14

DCA/EC120/1B
DCA/RS/18

These airworthiness directives shall come into force on 17 December 1999.

These airworthiness directives may be viewed on the CAA web site (www.caa.govt.nz) or at Aviation House, 1 Market Grove, Lower Hutt.

Dated this 13th day of December 1999.

GEOFFREY N. CONNOR, Safety Analyst—Continuing Airworthiness.

a09402

Summary of Exemptions Granted by the Director of Civil Aviation

Pursuant to section 37 of the Civil Aviation Act 1990, notification is hereby given of a summary of exemptions as set out in the Schedule hereto, granted by the Director of Civil Aviation.

Schedule

99/EXE/95 – CAR 91.511 (b)

On 8 December 1999. To Ansett New Zealand Limited. From the requirement that each powered aircraft with an airworthiness certificate operated under VFR by night shall have a means of indicating rate of turn and slip, only in