



## PARLIAMENT OF THE COOK ISLANDS

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### WELFARE AMENDMENT BILL 2019

#### EXPLANATORY NOTE

The purpose of this Bill is to amend the Welfare Act 1989. The main change made by this Bill is to raise the eligibility age for which child benefit is paid so that child benefit is payable to a child under the age of 16 years. The Bill also makes minor technical changes to remedy omissions in previous amending legislation.

- Clause 1** is the Title clause.
- Clause 2** provides that the Bill will come into force, or is deemed to have come into force, as the case requires, on 1 July 2019.
- Clause 3** is the application clause.
- Clause 4** provides that the principal Act is the Welfare Act 1989.
- Clause 5** amends section 4(1) by replacing “fourteen years” with “16 years”, so as to provide child benefit is payable in respect of each child under the age of 16 years.
- Clause 6** amends section 7(1) and section 7(4) by replacing “fourteen years” with “16 years”.
- Clause 7** amends section 19(1) definitions of **capitalised value** and **child benefit** by replacing “10 years” with “16 years”. In the Welfare Amendment Act 2006 the age was increased from 10 to 12 years, and then in Welfare Amendment Act 2018 the age was increased from 12 to 14 years. Although both of these Amendment Acts increased the age in sections 4, 7, and 27 of the principal Act, the age was not increased in section 19 of the principal Act and is presently “10 years”.
- Clause 8** amends section 27(2) by replacing “14 years” with “16 years”.
- Clause 9** validates the position in relation to amendments that should have been made to section 19 of the principal Act by the Welfare Amendment Act 2006 and the Welfare Amendment Act 2018.

Hon. Vaine Makiroa Mokoroa

[Placeholder for Crest]

**Welfare Amendment Bill 2019**

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**An Act to amend the Welfare Act 1989.**

**The Parliament of the Cook Islands enacts as follows—**

- 1 Title**  
This Act is the Welfare Amendment Bill 2019.
- 2 Commencement**  
This Act comes into force, or is deemed to have come into force, as the case requires, on 1 July 2019.
- 3 Application**  
For all purposes, this Act applies on and after 1 July 2019 and despite section 2 (which relates to commencement) any question of law must be decided accordingly.
- 4 Principal Act amended**  
This Act amends the Welfare Act 1989 (the **principal Act**).
- 5 Section 4 amended (Child benefit)**  
In section 4(1), replace “fourteen years” with “16 years”.
- 6 Section 7 amended (Period for which child benefit payable)**  
In section 7(1) and (4), replace “fourteen years” with “16 years”.

**7 Section 19 amended (Interpretation)**

- (1) In section 19(1), definition of **capitalised value**, replace “10 years” with “16 years”.
- (2) In section 19(1), definition of **child benefit**, replace “10 years” with “16 years”.

**8 Section 27 amended (Amount of advances)**

In section 27(2), replace “14 years” with “16 years”.

**9 Validations**

For all purposes, the references in the definitions of **capitalised value** and **child benefit** in section 19(1) to “10 years” must be read as if—

- (a) during the period commencing on 1 January 2006 and ending with the expiry of 30 September 2018, they were references to “12 years”; and
- (b) in the period beginning on 1 October 2018 and expiring on the commencement of this Act, they were references to “14 years”.

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This Act is administered by the Ministry of Internal Affairs.  
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