



ANALYSIS

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| <p>Title</p> <p>1. Short Title</p> | <p>2. Effect of absence of person from the Cook Islands</p> |
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1991-92, No. 34

An Act to amend the Welfare Act 1989

(9 April 1992)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Welfare Amendment Act 1991-92 and shall be read together with and deemed part of the Welfare Act 1989 (hereinafter referred to as "the principal Act").

2. Effect of absence of person from the Cook Islands - The principal Act is amended by repealing Section 40, and substituting it with the following new section -

"40. Persons over sixty years of age entitled to a pension. (1) Every person residing in the Cook Islands who is of the age of sixty years or more and who is qualified by the provisions of this section shall on making application for payment of a pension be entitled to a pension as provided in this Act.

(2) No person shall be qualified to receive a pension unless -

- (a) in the case of a person who was not born in the Cook Islands neither of whose parents is a Cook Islands Maori, he has actually resided whether continuously or intermittently in the Cook Islands, for a total of twenty years during his life; or
- (b) in the case of a person either of whose parents is a Cook Islands Maori, he has actually resided whether continuously or intermittently in the Cook Islands for a total of ten years during his life; and

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(c) has actually resided in the Cook Islands for a continuous period of not less than one year immediately preceding his application to receive a pension.

(3) For the purposes of subsection (2), actual residence in the Cook Islands shall not be deemed to have been interrupted if the applicant satisfies the Secretary that

- (a) during the whole of the applicant's absence, the applicant's family and his usual place of abode was in the Cook Islands; or
- (b) the absence was in respect of service by the applicant in any of Her Majesty's military forces or in any organisation attached to such forces; or
- (c) the absence was for the purpose of the applicant attending weddings, traditional haircutting ceremonies, family reunions, 21st birthday celebrations and to undergo medical or surgical treatment and the Secretary is satisfied that there was good and sufficient reason for the applicant leaving the Cook Islands to obtain such treatment;
- (d) the absence was for a period of less than 6 months.

(4) In computing for the purposes of this section the period of actual residence of an applicant in the Cook Islands, any period of absence allowed under subsection (3) shall be counted as a period of actual residence and not as a period of absence therefrom.

(5) Payment to any person who is in receipt of a pension shall cease upon that person being absent from the Cook Islands for any continuous period in excess of 6 months.

(6) Any person whose pension ceases to be paid pursuant to subsection (5) may reapply for payment to him of a pension if he again becomes qualified to receive a pension.

(7) Notwithstanding anything to the contrary in this Part, no person shall be entitled to receive a pension under this section, where that person receives any pension from any other country or territory outside the Cook Islands where, in the opinion of the Secretary, the pension is substantially of the same nature as an Old Age Pension under this Part.

This Act is administered by the Department of
Internal Affairs