

Instrument amending Ministerial Directions and Welfare Programmes (No 2) 2021

This instrument is made under sections 7 and 101 of the Social Security Act 2018 by the Minister for Social Development and Employment.

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Instrument

- 1 Title**
This instrument is the Instrument amending Ministerial Directions and Welfare Programmes (No 2) 2021.
 - 2 Commencement**
This instrument comes into force on 1 July 2021.
 - 3 Ministerial directions and welfare programmes amended**
This instrument amends the ministerial directions and welfare programmes specified in Schedules 1 and 2 (the **principal directions and welfare programmes**).
 - 4 Amendments**
Amend the principal directions and welfare programmes in the manner set out in Schedules 1 and 2.
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Schedule 1

Amendments to welfare programmes

Domestic Violence and Witness Protection (Relocation) Programme 2001 (as established and approved on 27 March 2002)¹

Clause 4

In subclause 4(1), definition of parent, at paragraph (c), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Guaranteed Childcare Assistance Payment Programme (as established and approved on 13 August 2012)²

Clause 6

In subclause 6(1)(b), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Orphan's and Unsupported Child's Benefit (Additional Assistance) Programme (as established and approved on 16 December 2013)³

Clause 6

In subclause 6(1), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

In subclause 6(3)(a), after “principal caregiver or his or her spouse or partner” insert “, or temporary OB or UCB caregiver, or their spouse or partner”.

In subclause 6(3)(a), replace “or his or her spouse or partner” with “, or their spouse or partner”.

In subclause 6(3)(b), replace “principal caregiver” with “principal caregiver or temporary OB or UCB caregiver” wherever it occurs.

In subclause 6(3)(b), replace “or his or her spouse or partner” with “, or their spouse or partner”.

In subclause 6(4), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Clause 7

In clause 7, after “principal caregiver or his or her spouse or partner” insert “, or temporary OB or UCB caregiver, or their spouse or partner”.

¹ New Zealand Gazette, 11 April 2002, No. 2322, page 1029.

² New Zealand Gazette, 16 August 2012, No. 5160, page 2739.

³ New Zealand Gazette, 09 January 2014, No. 145, page 37.

In clause 7, replace “or his or her spouse or partner” with “, or their spouse or partner”.

Clause 9

In subclause 9(1), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

In subclause 9(4)(a), replace “his or her spouse” with “their spouse”.

Recoverable Assistance Programme (as established and approved on 15 February 1999)⁴

Clause 3

In clause 3.1, definition of parent, at paragraph (c), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Special Needs Grants Programme (as established and approved on 18 December 1998)⁵

Clause 3

In clause 3.1, definition of parent, after “in relation to a dependent child”, insert “(except in clause 15C)”.

In clause 3.1, definition of parent, at paragraph (c), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

In clause 3, after “Definitions **child, dependent child, MSD, partner, principal caregiver, sole parent, spouse,**” insert “**temporary OB or UCB caregiver**”.

Clause 15C

After subclause 15C.8, insert new subclause 15C.9:

15C.9 In this clause, the definition of “Parent” in clause 3.1 does not apply and the following definition is substituted:

“**parent**”, in relation to a dependent child, means-

- (a) if the child is in the custody or care of only one Parent, that Parent; or
- (b) if the child is not in the custody or care of either of the child's Parents, the principal caregiver of the child,

and in a case of joint custody, in deciding whether paragraph (b) of this definition applies and which of the child's Parents ought to be considered as the child's Parent, MSD may have regard to the provisions of sections 195 and 196 of the Act to assign responsibility

⁴ New Zealand Gazette, 25 February 1999, Notice No. 1349, page 567.

⁵ New Zealand Gazette, 28 January 1999, No. 563, page 202.

for the care of the child to one or other of the child's Parents.

Special Needs (Travel Costs for Visits to Designated Health Practitioners) Programme (as established and approved on 9 October 1995)

Clause 6

In subclause 6.3, replace “or principal caregiver” with “, principal caregiver or temporary OB or UCB caregiver”.

Schedule 2

Amendments to ministerial directions

Direction in relation to Emergency Benefit and Benefits on Ground of Hardship (as established and approved on 6 October 1998)⁶

Clause 8B

In subclause 8B(1), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

In subclause 8B(2), after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Direction in relation to new-born children and hardship assistance (as established and approved on 21 day of May 2014)⁷

Clause 5

In clause 5, after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Clause 6

In clause 6, after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Clause 7

In clause 7, after “principal caregiver”, insert “or temporary OB or UCB caregiver”.

Direction in relation to Special Benefit (as established and approved on 10 day of February 1999)⁸

⁶ New Zealand Gazette, 15 October 1998, Notice No. 7368, page 4120.

⁷ New Zealand Gazette, 29 May 2014, No. 3304, page 1575.

⁸ New Zealand Gazette, 16 December 1999, No. 9385, page 4599.

Clause 2

In subclause 2.1, definition of chargeable income, at (a), replace “The rate of any benefit payable under the Act (other than an orphan's benefit, an unsupported child's benefit, the winter energy payment, or any childcare assistance payable under section 77 of the Act); and” with

“The rate of any benefit payable under the Act other than –

- (i) an orphan's benefit;
- (ii) an unsupported child's benefit;
- (iii) a holiday, birthday, or clothing allowance payable as a result of receiving the orphan's benefit or unsupported child's benefit;
- (iv) the winter energy payment; or
- (v) any childcare assistance payable under section 77 of the Act; and”

Dated at *Wellington* this *1st* day of *June* 2021



Minister for Social Development and Employment

Explanatory note

This note is not part of the instrument, but is intended to indicate its general effect.

This instrument, which comes into force on 1 July 2021, amends the specified ministerial directions and welfare programmes under section 101 of the Social Security Act 2018 in response to the removal of the ‘12 month rule’ as facilitated by the Social Security (Financial Assistance for Caregivers) Amendment Bill which also comes into force on 1 July 2021. The 12 month rule refers to the requirement that in order for a caregiver to be eligible to receive the orphan’s benefit or the unsupported child’s benefit, they must be likely to be the principal caregiver of the child for at least 1 year from the date of the application for the payment. This instrument also amends the Direction in relation to Special Benefit to exclude allowances payable as a result of receiving the orphan's benefit or unsupported child's benefit from being considered ‘chargeable income’.