Version
as at 1 April 2025

Social Security Act 2018

Public Act	2018 No 32
Date of assent	28 September 2018
Commencement	see section 2

Contents

		Page
1	Title	22
2	Commencement	22
	Part 1 **General provisions**	
3	Purpose of this Act	24
4	Principles	25
5	Guide to this Act	25
6	Definitions are in dictionary in Schedule 2	27
7	Minister may give MSD binding directions	27
8	Determinations person is single or in de facto relationship	28
9	Interpretation: references to old law, and using it as a guide	29
10	Comparative tables of old and new provisions	30
11	Transitional, savings, and related provisions	30
12	Act binds the Crown	30
13	Status of guides or outlines	30
14	Status of examples	31

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Social Development.

Part 2
Assistance

Subpart 1—Introduction

15	What this Part does	34
16	Residential requirement	34
17	Rates	35
17A	Guide to specified abatement exemptions	35
18	General limitation on receiving more than 1 benefit	36
19	General limitation on receiving benefit: persons unlawfully resident or present in New Zealand and persons holding temporary entry class visa	36

Subpart 2—Jobseeker support

20	Jobseeker support: requirements	36
21	What is work gap	37
22	When person is available for work	37
23	Jobseeker support: age requirement	37
24	Jobseeker support: no or minimum income	38
25	Jobseeker support: discretionary grant on ground of hardship	38
26	Jobseeker support: ineligibility	38
27	Jobseeker support: on ground of health condition, injury, or disability: application must include certificate	39
28	Jobseeker support: on ground of health condition, injury, or disability: medical examination	39

Subpart 3—Sole parent support

29	Sole parent support: requirements	39
30	What is sole parent requirement	40
31	When dependent child may be regarded as applicant's child	40
32	Sole parent support: situation of split care	41
33	Expiry of sole parent support, and replacement with jobseeker support, when youngest dependent child turns 14 years old	41

Subpart 4—Supported living payment

Supported living payment on ground of restricted work capacity or total blindness

34	Supported living payment: on ground of restricted work capacity or total blindness: requirements	42
35	When person has restricted work capacity	42
36	Supported living payment: on ground of restricted work capacity or total blindness: ineligibility	43
37	Supported living payment: on ground of restricted work capacity or total blindness: medical examination	43
38	Supported living payment: on ground of restricted work capacity or total blindness: payment not apportioned in specified cases	43

39 Supported living payment: on ground of restricted work capacity: encouraging open employment 44

Supported living payment on ground of caring for another person

40 Supported living payment: on ground of caring for another person: requirements 44
41 Supported living payment: on ground of caring for another person: application must include certificate 45
42 Supported living payment: on ground of caring for another person: medical examination 45

Subpart 5—Orphan's benefit

43 Orphan's benefit: requirements 46
44 Who is eligible caregiver 46
45 Orphan's benefit to be used for benefit of child 46

Subpart 6—Unsupported child's benefit

46 Unsupported child's benefit: requirements 47
47 Who is eligible caregiver 47
48 Unsupported child's benefit to be used for benefit of child 47

Subpart 7—Youth payment

49 Youth payment: requirements 48
50 When person is study ready 48
51 Youth payment: no or minimum income 48
52 When person has parental support gap 49
53 Youth payment: discretionary grant on ground of hardship 49
54 Youth payment: continuation after turning 18 years old 49
55 Youth payment: incentive payments 50

Subpart 8—Young parent payment

56 Young parent payment: requirements 50
57 When person is study ready 50
58 Young parent payment: no or minimum income 51
59 When person has parental support gap 51
60 Young parent payment: discretionary grant on ground of hardship 52
61 Young parent payment: continuation after turning 20 years old 52
62 Young parent payment: incentive payments 52

Subpart 9—Emergency benefit

63 Emergency benefit: discretionary grant on ground of hardship 53
64 Emergency benefit: grant during epidemic in New Zealand 53

Subpart 10—Accommodation supplement

65 Accommodation supplement: discretionary grant 54
66 Social housing exclusion 55
67 Other funding exclusion 56

68 Accommodation supplement: special rules for joint tenants who are in relationship 57
69 Accommodation supplement: refusal, reduction, or cancellation of grant in certain circumstances 58

Subpart 11—Winter energy payment

70 Winter energy payment: purpose 59
71 Winter energy payment: interpretation 59
72 Winter energy payment: requirements 59
73 Winter energy payment: election not to receive 60
74 Winter energy payment: instalments, rates, and payment 61
75 Winter energy payment: termination on review 61

Subpart 12—Childcare assistance

76 Childcare assistance: purpose 62
77 Childcare assistance: eligibility 62

Subpart 13—Child disability allowance

78 Child disability allowance: discretionary grant 62
79 Meaning of child with a serious disability 62
80 Child disability allowance: MSD may require medical certificate 63
81 Child disability allowance: MSD may require medical examination 63
82 Child disability allowance: payment 63
83 Child disability allowance: not payable with other assistance or pension 63

Subpart 14—Disability allowance

84 Meaning of disability 64
85 Disability allowance: discretionary grant 64
86 Disability allowance: excluded expenses 65
87 Disability allowance: refusal, reduction, or cancellation of grant in certain circumstances 65
88 Disability allowance: medical examination 66
89 Special disability allowance: entitlement in special circumstances 66

Subpart 15—Funeral grants

90 Funeral grant: general eligibility and definitions 66
91 Funeral grant: eligibility if deceased person has dependants 67
92 Funeral grant: eligibility if deceased person has no dependants 68
93 Funeral grant: eligibility if deceased person is child 68
94 Funeral grant: restrictions on payment 68

Subpart 16—Hardship assistance

95 Temporary additional support: purpose 69
96 Temporary additional support: requirements 69
97 Temporary additional support: refusal, reduction, or cancellation of grant in certain circumstances 70

98 Interpretation 70

Subpart 17—Special assistance

99 Overseas epidemics affecting visitors to New Zealand: Minister may give overseas epidemic management notice 71
100 Special assistance for visitors affected by overseas epidemics 71
101 Approved special assistance programmes 72
102 Special assistance: status of, and access to, notices *[Repealed]* 73

Subpart 18—Extended payment of benefits for children aged 18 years or over who continue education

103 Provisions relating to children aged 18 years or over who continue education 73

Part 3
Obligations

Subpart 1—Introduction

Guide to this Part

104 What this Part does 77
105 Failure to comply with obligation under this Part 77

Subpart 2—MSD's obligations

Steps to make people affected aware of their obligations, etc

106 MSD must make people affected aware of their obligations, consequences of non-compliance, and their review and appeal rights 78

Steps to explain overseas absence rules

107 MSD must explain rules relating to absence from New Zealand 78

Steps to assist compliance with overseas pensions obligations

108 MSD must assist in relation to obtaining overseas pension, etc 78

Subpart 3—Beneficiaries' obligations

Beneficiaries: general and specific obligations

109 Outline of beneficiary's general and specific obligations 79
110 When obligations apply 79

General obligations: holding, and giving details of, bank account

111 Beneficiary must hold, and give MSD details of, bank account 80

General obligations: supplying tax file number

112 Beneficiary must supply tax file number 80

General obligations: notification of change of circumstances

113 Beneficiary must notify change of circumstances 81

Specific obligations: notification of absence from New Zealand

114 Obligation to notify absence from New Zealand 83

Specific obligations: work ability assessment

115 Obligation to undergo work ability assessment 83
116 Persons subject to work ability assessment 83
117 Persons not subject to work ability assessment 84
118 Work ability assessment 84
119 Person who fails to comply with requirement to undergo work ability assessment is subject to sanction 84

Specific obligations: work preparation

120 Work-preparation obligations 85
121 Persons subject to work-preparation obligations 85
122 Persons not subject to work-preparation obligations 86
123 Persons subject to work-preparation obligations if sufficient capacity to comply 86
124 General obligation to take all steps to prepare for employment 86
125 Work-preparation obligations as required by MSD 86
126 Person who fails to comply with work-preparation obligation subject to sanction 87

Specific obligations: social obligations in relation to dependent children

127 Obligations in relation to dependent children 87
128 Obligations of beneficiary in relation to dependent children 87
129 Obligations of spouse or partner of beneficiary in relation to dependent children of beneficiary 88
130 Obligations of spouse or partner of beneficiary in relation to dependent children of spouse or partner 88
131 Attendance of dependent child aged 3 to 5 years at early childhood education programme 88
132 Attendance of dependent child aged 5 or 6 years at early childhood education programme or registered school 89
133 Attendance of dependent child aged 6 to 15 years at registered school 89
134 Health care enrolment and compliance with core health checks 89
135 Interviews and reporting 90
136 Person who fails to comply with obligations in relation to dependent children is subject to sanction 90
137 Definitions and attendance: regulations made under section 430 90

Specific obligations: work-test obligations

138 Work-test obligations 90
139 Purpose of sections 140 to 154 91
140 Persons subject to work-test obligations 91

141 Jobseeker support: work capacity determination and work test 92
142 Person not subject to work-test obligations 92
143 Time when work-test obligation applies 93
144 General obligation to be available for suitable employment, etc 93
145 Meaning of suitable employment 93
146 Work-test obligations as required by MSD 93
147 Obligation to undertake and pass drug test 94
148 Compliant drug test defined 95
149 Failing drug test 95
150 Use of drug test result 95
151 Costs of drug test 95
152 Definitions for drug-testing provisions 95
153 Person who fails to comply with work-test obligations is subject to sanction 97
154 Deemed failure to comply with work-test obligation 97

Deferral of work-test obligations

155 Deferral of work-test obligations 97
156 Effect of deferral of work-test obligations 97

Exemptions: work-preparation, work-test, and other obligations

157 Regulations may specify categories of exempt persons and grounds for exemption 98
158 MSD may grant exemption from work-preparation, work-test, or other obligation 98
159 Donors of qualifying organs exempt from work-preparation, work-test, or other obligation while recuperating 98
160 Procedure for grant of exemption 98
161 Person who fails to comply with requirement to attend interview is subject to sanction 99

Specific obligations: young person granted youth support payment

162 Obligations of young person granted youth support payment 99
163 When education obligation or training obligation begins for young parent 100

Specific obligations: social obligations of young person granted young parent payment

164 Obligations of young person granted young parent payment 101

Specific obligations: young person aged 18 or 19 years who is receiving jobseeker support and who is at significant risk of long-term welfare dependency

165 Young person aged 18 or 19 years who is receiving jobseeker support in young person's own right and who is at significant risk of long-term welfare dependency 102

Obligations of, and incentives for, young person who is spouse or partner of beneficiary

166 Young person aged 16 or 17 years who has no dependent child and who is spouse or partner of specified beneficiary 103
167 Young person aged 16 to 19 years who has dependent child and who is spouse or partner of specified beneficiary 104
168 Young person aged 18 or 19 years, who is receiving jobseeker support as spouse or partner of person granted that benefit, or who is work-tested spouse or partner of specified beneficiary, and who is at significant risk of long-term welfare dependency 106
169 Interpretation 108

Specific obligations: obligation to work with contracted service providers

170 Obligation to work with contracted service providers 108
171 Person who fails to comply with requirement under section 170(2) subject to sanction 109

General obligations: obligations in relation to overseas pensions

172 Interpretation 109
173 Applicant for benefit, etc, to take reasonable steps to obtain overseas pension 109
174 MSD may give notice requiring person to take reasonable steps to obtain overseas pension 110
175 MSD may give notice requiring person to take reasonable steps to obtain overseas pension for dependant 110
176 Failure to comply with MSD's notice given under section 174 or 175 111
177 Applicant for benefit must provide information as to rate of overseas pension 111
178 MSD may give notice requiring beneficiary to provide information as to rate of overseas pension 111
179 Failure to comply with MSD's notice given under section 178 112
180 Meaning of rate 112

Miscellaneous

181 Application of health and safety legislation, etc 112
182 Obligations suspended where MSD has exercised discretion to pay benefit while beneficiary overseas 113

Part 4
Factors affecting benefits

Subpart 1—Guide to this Part

183 What this Part does 115

Subpart 2—Factors affecting benefits

Factors affecting benefits: pre-benefit activities

184 Regulations may prescribe pre-benefit activities 116
185 MSD must explain requirements 117

Factors affecting benefits: insurance recovery

186 Benefit may be subject to repayment of insurance payment 117

Factors reducing benefits: entitlement to overseas pensions

187 Interpretation 117
188 Persons affected by receipt of overseas pension 118
189 Benefit of person affected is reduced by amount of overseas pension 119
190 MSD may enter into arrangement with person affected by receipt of overseas pension 120
191 Treatment of certain overseas benefits, pensions, and allowances that are not overseas pensions 120

Factors reducing benefits: failure to assist child support [Repealed]

192 MSD must reduce rates of benefits for sole parents for failure to assist child support *[Repealed]* 121
193 No reduction in certain cases *[Repealed]* 121
194 Additional reduction in certain cases *[Repealed]* 121

Factors affecting eligibility for benefit: shared care of dependent child

195 Shared care of dependent child 121
196 Rules for assessing which parent has greater responsibility for dependent child 122

Factors reducing benefits: compensation or damages

197 Effect of compensation or damages on application for benefit 122
198 Loss of earnings compensation under Accident Compensation Act 2001 123

Factors affecting benefit: veteran's entitlement

199 Veteran's entitlement excludes any other benefit 123
200 Exceptions to rule that veteran's entitlement excludes any other benefit 124

Factors affecting benefit: personal benefit excludes benefit on behalf

201 Personal benefit of spouse or partner excludes benefit on behalf of spouse or partner 124

Factors affecting benefit: maintenance claim

202 MSD may refuse or cancel benefit for failure to take reasonable steps to obtain maintenance 125

Factors affecting benefit: family protection claim

203 MSD may refuse or cancel benefit if family protection claim not pursued 125

Factors affecting benefit: person not ordinarily resident in New Zealand

204 MSD may refuse or cancel benefit if person not ordinarily resident in New Zealand 125

Factors affecting benefit: refugee or protected person status

205 Refugee or protected person status 126

Factors affecting benefit: hospitalisation

206 Hospitalisation 126
207 Benefit of spouse or partner increased after 13th week of hospitalisation 127

Factors affecting benefit: alcohol and drug treatment

208 Beneficiary resident in institution for treatment of alcoholism or drug addiction 128

Factors affecting benefit: issue of warrant for beneficiary's arrest

209 Benefit not payable to person who is subject to warrant of arrest 128
210 Beneficiary and offence defined for section 209 129
211 MSD must give beneficiary notice of unresolved warrant 129
212 Requirements for unresolved warrant notice 129
213 Immediate suspension of benefit at request of New Zealand Police 129
214 Beneficiary and offence defined for section 213 130
215 MSD must give beneficiary notice of immediate suspension 130
216 Effect of non-payment or suspension of benefit 131

Factors affecting benefit: custody in prison or on remand

217 Benefit not payable during custody in prison or on remand 131
218 Exceptions to rule that benefit not payable during custody in prison or on remand 132

Factors affecting benefit: absence from New Zealand

219 General rule: benefit not payable while beneficiary absent from New Zealand 132
220 Special absence rule: winter energy payment 132

Factors affecting benefit: additional dependent child

[Repealed]

221 Purpose of sections 222 to 224 *[Repealed]* 133

222 Additional dependent child must not be taken into account in certain cases *[Repealed]* 133
223 Extended application of additional dependent child rules *[Repealed]* 133
224 Limited application of additional dependent child rules *[Repealed]* 133

Factors affecting benefit: voluntary unemployment or loss of employment through misconduct, etc

225 Basic rule: no work-tested benefit for 13 weeks after leaving employment or scheme or loss of employment due to misconduct 133
226 Persons to whom basic rule applies 134
227 What happens if basic rule applies 134
228 MSD's options in case of misconduct 134
229 Interpretation 135

Factors affecting benefits: non-entitlement period, stand down, or 100% suspension of benefit

230 How non-entitlement period, etc, affects supplementary benefits, and spouse or partner 135

Part 5
Enforcement: sanctions and offences

Subpart 1—Guide to this Part

231 What this Part does 139

Subpart 2—Sanctions for breach of obligations other than young person or young parent obligations

Types of sanction

232 Sanctions for failure to comply with certain obligations under this Act 139
233 Obligations that carry sanction for failure to comply 139

Hierarchy of sanctions

234 Hierarchy of sanctions 140
235 Failure, and first, second, and third failure, defined for obligations other than young person or young parent obligations 140
236 Sanction for first failure: reduction in main benefit 141
237 Sanction for second failure: suspension of main benefit 141
238 Sanction for third failure: cancellation of main benefit 141
239 Reduction or suspension of reduced benefit 141

How number of failures is counted

240 Failures that can be counted 141
241 Meaning of continuous payment 142
242 Failures that cannot be counted 142

Special cases: variations on ordinary sanctions rules

243 Exclusion of sanction if failure is subject of prosecution under Education and Training Act 2020 143
244 Variation for failure to comply with work-test obligation to accept offer of suitable employment 143
245 Variation for breach of work-test obligation by 1 spouse or partner 143
246 Variation for breach of work-test obligation by both partners or spouses 144
247 Variation for suspension or cancellation of benefit or non-entitlement period affecting couple with 1 or more dependent children 144
248 Variation for suspension or cancellation of main benefit or non-entitlement period affecting sole parent 145

Good and sufficient reason for non-compliance

249 Good and sufficient reason for non-compliance: default by MSD 145
250 Good and sufficient reason for failure to comply with drug-testing obligation 145
251 Good and sufficient reason for failure to supervise dependent child 146

Procedure for imposing sanction

252 MSD must give notice of sanction 146
253 Notice relates to single failure 147
254 How notice of sanction may be given 147
255 Breach of obligation in relation to dependent children: additional steps before notice may be given 147
256 When reduction, suspension, or cancellation of benefit takes effect 147

Evidential drug test

257 Request for evidential drug test if sanction imposed for failing screening drug test 148
258 Effect of request for evidential drug test 148
259 Effect of failure of evidential drug test 149
260 Costs of evidential drug test 149

Recompliance

261 How person recomplies after failure to comply with obligation 149
262 Impossibility of remedying failure of work-test obligation 149
263 How person recomplies after failure to comply with drug-testing obligation 150
264 Drug testing for purposes of recompliance 150
265 Failure of drug test for purposes of recompliance constitutes third failure 151
266 Costs of drug testing for purposes of recompliance 151

Miscellaneous

267 Case management support for beneficiary in breach of obligation in relation to dependent children 151

Subpart 3—Sanctions for breach of young person or young parent obligations

Interpretation

268 Failure, and first, second, and third failure, defined for young person or young parent obligations 151

Sanctions: young person obligations

269 Sanction for failure to comply with young person obligation 152
270 Sanction for first or second failure: suspension of in-hand allowance and incentive payments 152
271 Sanction for third failure: cancellation of youth payment and incentive payments 153
272 Effect of cancellation of youth payment on accommodation supplement or temporary additional support 153
273 Effect of cancellation of youth payment on emergency benefit 154
274 Effect of cancellation of youth payment on disability allowance or child disability allowance 154
275 Sanctions for failure by young person required to receive youth services to comply with obligations: money management 154
276 Sanctions for failure by young person required to receive youth services to comply with obligations: other cases 155
277 Sanctions for failure by young spouse or partner of specified beneficiary to comply with obligations: money management 155
278 Sanctions for failure by young spouse or partner of specified beneficiary to comply with obligations: other cases 156

Sanctions: young parent obligations

279 Sanction for failure to comply with young parent obligation 157
280 Sanction for first or second failure: suspension of in-hand allowance and incentive payments 157
281 Sanction for third failure: cancellation of young parent payment and incentive payments 157
282 Effect of cancellation of young parent payment 157
283 Effect of cancellation of young parent payment on accommodation supplement or temporary additional support 158
284 Effect of cancellation of young parent payment on emergency benefit 159
285 Effect of cancellation of young parent payment on disability allowance or child disability allowance 159

How obligation satisfied

286 How young person satisfies obligation after failure to comply 159

Procedure

287 Procedure for imposing sanctions for failure to comply with young person or young parent obligation 159

Incentive payments

288 Effect of regrant of youth payment on incentive payment 159
289 MSD may cancel incentive payment 160

Subpart 4—Offences

290 Offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits 160
291 Offences: spouse or partner knowingly benefiting from excess amount obtained by beneficiary's fraud 161
292 Offence of demanding or accepting fee or other consideration in relation to grant of benefit 162
293 Offence of demanding or accepting acknowledgement or undertaking 162
294 General penalty for offences 163
295 Time for filing charging document 163

Part 6
Administration

Subpart 1—Guide to this Part

296 What this Part does 167

Subpart 2—Application, inquiry, and grant

Application

297 Application for benefit: making of, help with, lapse, and deemed receipt 168

Inquiry

298 MSD must inquire into claim for benefit 168
299 Exception during epidemic 169
300 Information gathering, disclosure, and matching 169

Grant

301 MSD decides whether to grant benefit 169
302 Immediate provisional grant, and later backdating of other benefit 169
303 After death of applicant 170

Subpart 3—Review of entitlement to, or rate of, benefit granted

304 Review of entitlement and rate payable 170
304A Grounds for review of whether person's information share child support payment is or was their weekly income 171
305 Information for review 172
306 No entitlement, or entitlement only at different rate 173
307 Benefit on another eligibility ground more appropriate 173

308 Another benefit more appropriate 173
309 Termination of winter energy payment 173
310 Certain benefits granted, or granted at rate, not taking into account certain insurance payments 174

Subpart 4—Commencement, stand downs, ending, and expiry and regrant

Commencement of benefits

311 General 174
312 If applicant paid, but claim fails for, ACC weekly compensation 174
313 Benefits subject to stand down 175
314 Work-tested benefit of applicant subject to non-entitlement period 175
315 Exemptions from stand down, and when certain benefits commence 176
316 Start and calculation of stand-down period 176
317 Minister may consent to backdating 177
318 No consent unless benefit not granted earlier because of error 177
319 Commencement of winter energy payment 178

Restoration of entitlement after suspension, reduction, cancellation, or non-entitlement

320 Effect of no longer being subject to work-test or young person obligations 178
321 Effect of no longer being subject to dependent children obligations 179
322 Effect of no longer being subject to work-preparation obligations 179
323 Effect of employment on non-entitlement period 179
324 Effect of participation in certain activities on non-entitlement period 179

Ending of benefits

325 General rule if person's entitlement to benefit ceases 180
326 After death of beneficiary receiving specified benefit 181
327 Benefits payable to sole parent who stops caring for dependent child due to sudden and uncontrollable circumstances 181
328 Supported living payment payable to beneficiary who stops caring for another person 182
329 If child ceases to be entitled to orphan's benefit or unsupported child's benefit 182
330 Supported living payment on ground of restricted work capacity or total blindness and cancelled on medical grounds 182

Expiry and regrant of specified benefits

331 Expiry date, and specified benefit, defined 182
332 General rule 183
333 Exception for specified benefit expiring in week of or before 26 December 183

334 Exemptions 183
335 MSD must notify or advise beneficiary 184
336 Requirements for regrant 184

Subpart 5—Payment of benefits, tax on benefits, debts and deductions

Payment of benefits

337 How benefits are paid 184
338 Weekly instalments 185
339 Payment generally to, or on account of, beneficiary personally 185
340 Required manner of payment: general 186
341 Required manner of payment: money management for certain payments to young people 186
342 Money management for certain payments to young people: exception if young person meets prescribed criteria for managing own payments 187
343 Review and appeal of specified determinations made by MSD under regulations 187
344 Young person beneficiaries may elect money management 187
345 Credit on payment card, etc, at end of money management 188
346 Required manner of payment: payment on death of beneficiary 188
347 Advance payment of instalments of benefit 188
348 Requirement for beneficiary, spouse or partner, or both, to undertake budgeting activity 189

Tax on benefits

349 Interpretation 189
350 MSD may pay tax on main benefit other than by tax deduction from source deduction payment 190
351 Status of amount for income tax paid by MSD 190
352 Recovery amount paid in excess of amount properly payable 191

Debts and deductions

353 Debts and deductions 191
354 Recovery of penalty from beneficiary who obtains by fraud amount in excess of entitlement 191
355 Restriction on imposing penalty under section 354: prosecution for offence 192
356 Restriction on imposing penalty under section 354: notice and period to respond 192
357 Restriction on recovering penalty under section 354: decision to be final 192
358 Recovery from spouse or partner who misleads MSD of excess amount beneficiary obtained 193

359 Recovery from spouse or partner of apportioned excess amount beneficiary obtained by fraud 193
360 Obtaining amount by fraud: meaning and proof 194
361 Recovery from spouse or partner of unapportioned excess amount beneficiary obtained by fraud 195
362 MSD's duty to recover debts 195
363 Duty unaffected by law on mistaken payments 195

Subpart 5A—Use of automated electronic systems in respect of information share child support payments

363A Use of automated electronic systems to make decisions, exercise powers, comply with obligations, and take related actions 196
363B Publication of details of arrangements for use of automated electronic systems 197
363C Variation and substitution of decisions made by automated electronic systems 198
363D Appeals and reviews unaffected 198

Subpart 6—Notices and communications, services, and preferred suppliers

Notices and communications

364 Ways MSD or person can meet requirement to give notice or other document 199

Young people services

365 Services to encourage young people to move to and remain in education, training, and employment 199

Goods or services, for beneficiaries or others, supplied by preferred suppliers

366 Preferred suppliers: contracts 200
367 Preferred suppliers: determinations 200
368 Preferred suppliers: paying them disability allowance, special assistance, or advance payment 200
369 Preferred suppliers: paying them disability allowance: exception if total benefit payments less than amount required 201
370 Preferred suppliers: paying them disability allowance: exception if allowance granted at maximum rate 202
371 Preferred suppliers: no appeal lies against MSD decisions 202
372 Preferred suppliers: transitional or savings provisions directions 203

Administration services provided by contracted service providers

373 Administration service providers: contracts 203
374 Administration service providers: contents and form of contracts 204
375 Administration service providers: adoption of existing contracts 204

376 Administration service providers: MSD to ensure information published 205
377 Conduct of provider of services in relation to young people to be treated for specified purposes as if MSD's conduct 205
378 MSD may assign contracted service provider to young person 205

Medical services

379 Minister determines rates and conditions of employment and payment 206

Subpart 7—Reciprocity agreements with other countries

Orders

380 Orders adopting reciprocity agreements 206
381 Privacy report for orders adopting agreements with mutual assistance provisions 207
382 Interpretation 208

Agreements

383 Inclusion of mutual assistance provisions in reciprocity agreements 209

Debt recovery and information exchange

384 MSD may use mutual assistance provisions to recover debts 209
385 MSD may use mutual assistance provisions to exchange information 210

Adverse action arising from discrepancy

386 Adverse action against individual if discrepancy shown by information from other country 210

Subpart 8—Prosecutions and debt-recovery proceedings, and maintenance proceedings

387 Prosecutions and debt recovery proceedings: representation and fees 211
388 Payment of benefit does not affect right to maintenance 211
389 Maintenance proceedings 212

Part 7
Reviews and appeals

Subpart 1—Guide to this Part

390 What this Part does 214

Subpart 2—Reviews by benefits review committee

Rights of review

391 Right to seek review of specified decision of MSD made under delegation 214
392 Application must be made within 3 months after date of notification or further period allowed 216

Committee

393 Benefits review committee 217

Procedure

394 How to begin, and procedure and powers for, review by benefits review committee 217

Subpart 3—Appeals to appeal authority

Restrictions on appeals

395 Appeals only against decision confirmed or varied by benefits review committee or made by chief executive personally 218

396 Authority cannot hear and determine certain appeals on medical or capacity grounds 218

Rights of appeal

397 Decision under specified social assistance enactments 218

398 Decision under reciprocity agreements 219

399 Decision to recover excess amount 219

400 Appeal must be begun within 60 working days of notification or further allowed period 221

Appeal authority

401 Social security appeal authority 222

402 Act does not affect appeals to authority under other enactments 222

Procedure

403 How to begin, and procedure and powers for, appeal to authority 223

404 Notice, and carrying into effect, of decision 223

Subpart 4—Appeals to courts

Appeals to High Court

405 Right of appeal using case stated on question of law only 223

406 Appeal must be begun, and case stated lodged, within time prescribed or allowed 224

407 How to begin, and procedure for, appeal to High Court 225

408 Orders, etc, on successful appeal 225

Appeals to Court of Appeal

409 Appeal, with Court of Appeal's leave, against High Court's determination 226

Appeals to Supreme Court

410 Appeal, with Supreme Court's leave, against High Court's or Court of Appeal's determination 226

Subpart 5—Appeals to medical board

Right of appeal

411 Right of appeal on medical grounds 226
412 Appeal must be begun within 3 months of notification or further allowed period 228

Board

413 Board 229

Procedure

414 How to apply, and procedure and powers, for appeal to board 229
415 Notice of, and carrying into effect, board's decision 229

Part 8
Other provisions

Guide to this Part

416 What this Part does 231

Benefits to be inalienable

417 Benefits cannot, in general, be assigned or charged, or pass by operation of law 232

Regulations

418 Regulations: general 232
419 Regulations: general powers not limited by special powers 234
420 Regulations: effect of duties or powers to give directions 234
421 Regulations: residential requirement 234
422 Regulations: income exemptions 235
423 Regulations: accommodation supplement 236
424 Regulations: childcare assistance 237
425 Regulations: disability allowance: special categories of eligibility 239
426 Regulations: use of disability allowance to fund specified expenses 239
427 Regulations: funeral grants: amounts and methods of payment 241
428 Regulations: temporary additional support 241
429 Regulations: participation allowance for people participating in activities 243
430 Regulations: specific obligations: obligations in relation to dependent children: definitions and attendance 244
431 Regulations: specific obligations: work-test obligations, and deferrals of, or exemptions from, specified obligations 245
432 Regulations: factors affecting benefits: pre-benefit activities 246
433 Regulations: factors affecting benefits: insurance recovery 248
434 Regulations: factors affecting benefits: overseas pensions 248
435 Regulations: factors affecting benefits: issue of warrant to arrest beneficiary 250
436 Regulations: factors affecting benefits: absence from New Zealand 251

437 Regulations: issue and use of entitlement cards 252
438 Regulations: application for benefit: making of, help with, lapse, and deemed receipt 254
439 Regulations: certain benefits granted, or granted at rate, not taking into account certain insurance payments 255
440 Regulations: exemptions from, and calculation of, stand down 256
441 Regulations: expiry and regrant of specified benefits 257
442 Regulations: payments 258
443 Regulations: payments during epidemic in New Zealand 260
444 Regulations: debts and deductions 261
445 Regulations: further provisions on deductions 263
446 Regulations: advance payment of instalments of benefit 264
447 Regulations: budgeting activities due to application for advance payment of instalments of benefit 265
448 Regulations: remittance or suspension of debt 265
449 Regulations: ways MSD or person can meet requirement to give notice or other document 266
450 Regulations: reciprocity agreements with mutual assistance provisions, and adverse action if discrepancy shown by information from other country 267
451 Regulations: how to begin, and procedure and powers for, review or appeal 268

Orders adjusting rates of benefits, etc

452 Orders in Council: discretionary increases in rates of benefits, etc 269
452A Orders in Council: mandatory annual average weekly earnings adjustment of rates of main benefits *[Repealed]* 271
453 Orders in Council: mandatory annual CPI adjustment of rates of certain benefits 271

Confirmable instruments

454 Certain orders are confirmable instruments *[Repealed]* 273

Repeals and revocations

455 Social Security Act 1964 repealed 273
456 Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 repealed 273
457 Department of Social Welfare Act 1971 repealed 274
458 Employment Services and Income Support (Integrated Administration) Act 1998 repealed 274

Consequential amendments

459 Other enactments amended consequentially 274

Schedule 1 275
Transitional, savings, and related provisions

Schedule 2 317
Dictionary

Schedule 3 349
Income and liabilities

Schedule 4 372
Rates of benefits

Schedule 5 394
Asset and income limits

Schedule 6 396
Information gathering, disclosure, and matching

Schedule 7 410
Benefits review committees

Schedule 8 412
Appeal authority

Schedule 9 419
Medical board

Schedule 10 421
Consequential amendments

Schedule 11 456
Identified changes in legislation

Schedule 12 460
Comparative tables of old and rewritten provisions

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Security Act 2018.

2 Commencement

(1) This Act comes into force on 26 November 2018.

(2) However, the following specified provisions come into force on the day after the date on which this Act receives the Royal assent:

- (a) section 7 (directions):
- (b) sections 99 to 102 (notices):
- (c) section 372 (directions):
- (d) section 380 (orders):
- (e) sections 418 to 454 (regulations, directions, notices, and orders):
- (f) clause 54 of Schedule 1 (orders):

(g) clause 68 of Schedule 1 (regulations):

(h) clauses 15 and 17 of Schedule 3 (rules):

(i) clauses 10(3) and 18 of Schedule 6 (regulations and orders).

(3) A power that is conferred by those specified provisions, and that is exercised on or after the day after the date on which this Act receives the Royal assent and before 26 November 2018, may be exercised only with effect on or after 26 November 2018.

(4) If subsections (2) and (3) are to be, or have been, relied on to exercise a power,—

(a) all other enactments relevant to the power's exercise, and that have not yet commenced, must be treated as if they had commenced; and

(b) a legal position that would be conferred or imposed by an enactment relevant to the power's exercise, and that has not yet commenced, must be treated as if it has accrued or been imposed.

(5) This section does not affect the application of the Interpretation Act 1999 to this Act.

(6) However, the following specified provisions (which relate to 2016 youth services amendments) come into force on a date that is, or is after, 26 November 2018, and is appointed by the Governor-General by Order in Council:

(a) sections 109(2)(h) and (j), 165, 168, 275, and 276:

(b) the cross-heading above section 165:

(c) paragraph (c) of the definition of **young person obligation** in section 268:

(d) section 431(1)(e)(v):

(e) clauses 69 to 76 of Schedule 1.

(7) One or more orders may be made under subsection (6) bringing different provisions into force on different dates.

(8) An order under subsection (6) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1999 No 85 s 11

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1
General provisions

Contents

		Page
3	Purpose of this Act	24
4	Principles	25
5	Guide to this Act	25
6	Definitions are in dictionary in Schedule 2	27
7	Minister may give MSD binding directions	27
8	Determinations person is single or in de facto relationship	28
9	Interpretation: references to old law, and using it as a guide	29
10	Comparative tables of old and new provisions	30
11	Transitional, savings, and related provisions	30
12	Act binds the Crown	30
13	Status of guides or outlines	30
14	Status of examples	31

3 Purpose of this Act

The purpose of this Act is—

(a) to enable the provision of financial and other support as appropriate—

(i) to help people to support themselves and their dependants while not in paid employment; and

(ii) to help people to find or retain paid employment; and

(iii) to help people for whom work is not currently appropriate—because of sickness, injury, disability, or caring responsibilities—to support themselves and their dependants:

(b) to enable in certain circumstances the provision of financial support to people to help alleviate hardship:

(c) to ensure that the financial support referred to in paragraphs (a) and (b) is provided to people taking into account—

(i) that, where appropriate, they should use the resources available to them before seeking financial support under this Act; and

(ii) any financial support that they are eligible for or already receive, otherwise than under this Act, from publicly funded sources:

(d) to provide services to encourage and help young people to move to or remain in education, training, and employment, rather than receiving financial support under this Act:

(e) to impose, on the following specified people or young people, the following specified requirements or obligations:

(i) on people seeking or receiving financial support under this Act, administrative and, where appropriate, work-related requirements; and

(ii) on young people who are seeking or receiving financial support under this Act, educational, budget management, and (where appropriate) parenting requirements; and

(iii) on people receiving certain financial support under this Act, obligations relating to the education and primary health care of their dependent children.

Compare: 1964 No 136 s 1A; 2007 No 20 s 23

4 Principles

Every person performing or exercising a duty, function, or power under this Act must have regard to the following general principles:

(a) work in paid employment offers the best opportunity for people to achieve social and economic well-being:

(b) the priority for people of working age should be to find and retain work:

(c) people for whom work may not currently be an appropriate outcome should be assisted to prepare for work in the future and develop employment-focused skills:

(d) people for whom work is not appropriate should be supported in accordance with this Act.

Compare: 1964 No 136 s 1B; 2007 No 20 s 23

5 Guide to this Act

General provisions

(1) Part 1 contains general provisions (for example, on definitions).

Assistance

(2) Part 2 contains provisions on assistance, as follows:

Main assistance

(a) jobseeker support:

(b) sole parent support:

(c) supported living payment—

(i) on the ground of restricted work capacity or total blindness; or

(ii) on the ground of caring for another person:

(d) orphan's benefit:

(e) unsupported child's benefit:

(f) youth payment:

(g) young parent payment:

(h) emergency benefit:

Supplementary assistance

(i) accommodation supplement:

(j) winter energy payment:

(k) childcare assistance:

(l) child disability allowance:

(m) disability allowance:

(n) funeral grants:

Hardship assistance

(o) temporary additional support:

Special assistance

(p) special assistance for visitors affected by overseas epidemics:

(q) approved special assistance programmes (*see* the guide in section 15).

Obligations

(3) Part 3 contains provisions on obligations (for example, MSD's obligations, and each beneficiary's obligations—*see* the guide in section 104).

Factors affecting benefits

(4) Part 4 contains provisions on factors affecting benefits (for example, insurance, entitlement to overseas pensions, shared care of a dependent child, hospitalisation, being in custody in prison or on remand, and absence from New Zealand—*see* the guide in section 183).

Enforcement, sanctions, and offences

(5) Part 5 contains provisions on enforcement, sanctions, and offences (for example, sanctions for failing to meet obligations—*see* the guide in section 231).

Administration

(6) Part 6 contains provisions on administration (for example, on applications for and granting of benefits, reviews of entitlement, when benefits commence and end or expire, how benefits are paid, tax on benefits, debts and deductions, notices and communications, and reciprocity agreements with other countries—*see* the guide in section 296).

Reviews and appeals

(7) Part 7 contains provisions on reviews and appeals (reviews by benefits review committees and appeals to the appeal authority, to the courts, or to the medical board—*see* the guide in section 390).

Other provisions

(8) Part 8 contains other provisions (for example, on powers to make regulations or orders, repeals and revocations, and consequential amendments—*see* the guide in section 416).

Definitions appear in dictionary

(9) Schedule 2 lists all terms defined for purposes of this Act, and sets out, or indicates where to find, the definitions.

Act is generally former 1964 and 1990 Acts in rewritten form

(10) The provisions of this Act, as section 9 indicates, are generally—

(a) the provisions of specified former 1964 and 1990 enactments in rewritten form; and

(b) intended to have the same effect as the corresponding provisions of those former enactments.

(11) Subsection (10) is overridden by section 9(6) (which relates to identified changes in legislation that are specified in Schedule 11, and to amendments to this Act that are made after the beginning of 26 November 2018).

Section 5(4): amended, on 1 April 2020, by section 4 of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

6 Definitions are in dictionary in Schedule 2

The dictionary in Schedule 2 defines terms used in this Act.

Compare: 1964 No 136 ss 3(1), (5), 10B(5), 11(8), 11G(1), 11H(1), 20A, 39A(1), 60H(1), 60RAB(1) and (4), 61D(1), 61E, 68A(8), 80B, 88A, 126A(1), 157; 2007 No 97 s AA 3, Part Y

7 Minister may give MSD binding directions

(1) The Minister may give MSD general or special written directions about MSD's performing or exercising any duties, functions, or powers of MSD under enactments in, or made under, either or both of this Act and the New Zealand Superannuation and Retirement Income Act 2001.

(2) Directions given under this section cannot do what is done by the following kinds of directions:

(a) preferred suppliers: transitional or savings provisions directions given under section 372:

(b) debt recovery directions given under regulations made under section 444 (*see* section 444(1), (2)(c), and (3)).

(3) MSD must, in performing or exercising a duty, function, or power, comply with all relevant current directions given under this section.

(4) A direction under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(5) *[Repealed]*

Compare: 1964 No 136 s 5

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • notify it in the *Gazette* • publish it on a website maintained by, or on behalf of, MSD • if it is amended without being replaced, also publish on that website a consolidated version of the notice as at a stated date incorporating the amendments up to that date	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 7(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 7(5): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

8 Determinations person is single or in de facto relationship

(1) This section applies to a decision by MSD so far as the decision does all or any of the following:

(a) determines (that is, grants, or refuses to grant, on any basis) an application for a benefit:

(b) reviews (and suspends, cancels, or varies, from a date determined by MSD) a benefit already granted:

(c) determines the rate of benefit (from a date, or dates, determined by MSD):

(d) grants, or refuses to grant, on any basis, a payment of a funeral grant (*see* section 90):

(e) grants or refuses to grant, on any basis, a payment under an approved special assistance programme.

(2) MSD may make a determination to regard as single, for the purposes of the decision, an applicant or a beneficiary who is married or in a civil union with the applicant's or beneficiary's spouse or partner, but—

(a) is living apart from the applicant's or beneficiary's spouse or partner; and

(b) is not in a de facto relationship.

(3) A determination under subsection (2) may include a date, determined by MSD, on which the spouses or partners must be taken for the purposes of the decision to have commenced to live apart.

(4) MSD may make a determination to regard as a party to a de facto relationship, for the purposes of the decision, any 2 people who, not being legally married or in a civil union, have entered into a de facto relationship.

(5) A determination under subsection (4), for the purposes of the decision, may include either or both of the following dates:

(a) a date, determined by MSD, on which the 2 people must be taken as having entered into the de facto relationship:

(b) a date, determined by MSD, on which the de facto relationship of the 2 people must be taken to have ended.

(6) Every determination under this section also applies for the purposes of every debt-recovery or offence provision in or under this Act.

Compare: 1964 No 136 s 63

9 Interpretation: references to old law, and using it as a guide

(1) A reference in an enactment or a document to the following former enactments or to a provision of them, is to be interpreted as a reference to this Act, or to the corresponding provision of this Act, to the extent necessary to reflect sensibly the intent of the enactment or document:

(a) the Social Security Act 1964 (except sections 69FA and 132D, Part 4, and Schedules 27 and 30, which are provisions rewritten and replaced by the Residential Care and Disability Support Services Act 2018):

(b) the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (except Part 3 and Schedule 3, which are provisions rewritten and replaced by the Artificial Limb Service Act 2018).

(2) Subsection (1) is subject to the consequential amendments in Schedule 10.

(3) The provisions of this Act—

(a) are the provisions of those former enactments in rewritten form; and

(b) are intended to have the same effect as the corresponding provisions of those former enactments.

(4) Subsection (3) is subject to subsections (5) and (6) and section 11.

(5) If the meaning of a provision of this Act that comes into force under section 2 (the **new law**) is unclear or gives rise to absurdity, the wording of a law that is repealed by section 455 or 456 and that corresponds to the new law (the **old law**) must be used to ascertain the meaning of the new law.

(6) Subsections (3) to (5) do not apply—

(a) to a new law listed in Schedule 11 (identified changes in legislation); or

(b) if a new law is affected by an amendment made after the new law's commencement under section 2, to that new law after the amendment commences.

Compare: 2007 No 97 s ZA 3(2), (3), (4), (5)

10 Comparative tables of old and new provisions

(1) Schedule 12 (comparative tables of old and rewritten provisions) sets out corresponding provisions in the following former enactments and this Act as at the beginning of 26 November 2018:

(a) the Social Security Act 1964 (except sections 69FA and 132D, Part 4, and Schedules 27 and 30, which are provisions rewritten and replaced by the Residential Care and Disability Support Services Act 2018):

(b) the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (except Part 3 and Schedule 3, which are provisions rewritten and replaced by the Artificial Limb Service Act 2018).

(2) Schedule 12 has the following 3 parts:

(a) Part A lists each provision in the Social Security Act 1964 and—

(i) indicates the corresponding provision in this Act or the Residential Care and Disability Support Services Act 2018; or

(ii) states that the provision has been omitted:

(b) Part B lists each provision in the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 and—

(i) indicates the corresponding provision in this Act or the Artificial Limb Service Act 2018; or

(ii) states that the provision has been omitted:

(c) Part C lists each provision in this Act and the corresponding provision in those former enactments, or states that the provision is new.

(3) Schedule 12—

(a) is provided to assist readers to identify corresponding provisions; but

(b) must not be interpreted as a definitive guide to the correspondence of provisions.

Compare: 2007 No 97 s ZA 6

11 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Compare: 1964 No 136 s 3C, Schedule 32

12 Act binds the Crown

This Act binds the Crown.

13 Status of guides or outlines

All guides or outlines in this Act are by way of explanation only. They do not affect the provisions specified in them.

14 Status of examples

(1) An example used in an enactment in or made under this Act is only illustrative of the provisions to which it relates. It does not limit those provisions.

(2) If an example and a provision to which it relates are inconsistent, the provision prevails.

Compare: 1964 No 136 s 3B

Part 2
Assistance

Contents

Page

Subpart 1—Introduction

15 What this Part does 34
16 Residential requirement 34
17 Rates 35
17A Guide to specified abatement exemptions 35
18 General limitation on receiving more than 1 benefit 36
19 General limitation on receiving benefit: persons unlawfully resident or present in New Zealand and persons holding temporary entry class visa 36

Subpart 2—Jobseeker support

20 Jobseeker support: requirements 36
21 What is work gap 37
22 When person is available for work 37
23 Jobseeker support: age requirement 37
24 Jobseeker support: no or minimum income 38
25 Jobseeker support: discretionary grant on ground of hardship 38
26 Jobseeker support: ineligibility 38
27 Jobseeker support: on ground of health condition, injury, or disability: application must include certificate 39
28 Jobseeker support: on ground of health condition, injury, or disability: medical examination 39

Subpart 3—Sole parent support

29 Sole parent support: requirements 39
30 What is sole parent requirement 40
31 When dependent child may be regarded as applicant's child 40
32 Sole parent support: situation of split care 41
33 Expiry of sole parent support, and replacement with jobseeker support, when youngest dependent child turns 14 years old 41

Subpart 4—Supported living payment

Supported living payment on ground of restricted work capacity or total blindness

34 Supported living payment: on ground of restricted work capacity or total blindness: requirements 42
35 When person has restricted work capacity 42
36 Supported living payment: on ground of restricted work capacity or total blindness: ineligibility 43
37 Supported living payment: on ground of restricted work capacity or total blindness: medical examination 43
38 Supported living payment: on ground of restricted work capacity or total blindness: payment not apportioned in specified cases 43
39 Supported living payment: on ground of restricted work capacity: encouraging open employment 44

Supported living payment on ground of caring for another person

40 Supported living payment: on ground of caring for another person: requirements 44
41 Supported living payment: on ground of caring for another person: application must include certificate 45
42 Supported living payment: on ground of caring for another person: medical examination 45

Subpart 5—Orphan's benefit

43 Orphan's benefit: requirements 46
44 Who is eligible caregiver 46
45 Orphan's benefit to be used for benefit of child 46

Subpart 6—Unsupported child's benefit

46 Unsupported child's benefit: requirements 47
47 Who is eligible caregiver 47
48 Unsupported child's benefit to be used for benefit of child 47

Subpart 7—Youth payment

49 Youth payment: requirements 48
50 When person is study ready 48
51 Youth payment: no or minimum income 48
52 When person has parental support gap 49
53 Youth payment: discretionary grant on ground of hardship 49
54 Youth payment: continuation after turning 18 years old 49
55 Youth payment: incentive payments 50

Subpart 8—Young parent payment

56 Young parent payment: requirements 50
57 When person is study ready 50
58 Young parent payment: no or minimum income 51

59 When person has parental support gap 51
60 Young parent payment: discretionary grant on ground of hardship 52
61 Young parent payment: continuation after turning 20 years old 52
62 Young parent payment: incentive payments 52

Subpart 9—Emergency benefit

63 Emergency benefit: discretionary grant on ground of hardship 53
64 Emergency benefit: grant during epidemic in New Zealand 53

Subpart 10—Accommodation supplement

65 Accommodation supplement: discretionary grant 54
66 Social housing exclusion 55
67 Other funding exclusion 56
68 Accommodation supplement: special rules for joint tenants who are in relationship 57
69 Accommodation supplement: refusal, reduction, or cancellation of grant in certain circumstances 58

Subpart 11—Winter energy payment

70 Winter energy payment: purpose 59
71 Winter energy payment: interpretation 59
72 Winter energy payment: requirements 59
73 Winter energy payment: election not to receive 60
74 Winter energy payment: instalments, rates, and payment 61
75 Winter energy payment: termination on review 61

Subpart 12—Childcare assistance

76 Childcare assistance: purpose 62
77 Childcare assistance: eligibility 62

Subpart 13—Child disability allowance

78 Child disability allowance: discretionary grant 62
79 Meaning of child with a serious disability 62
80 Child disability allowance: MSD may require medical certificate 63
81 Child disability allowance: MSD may require medical examination 63
82 Child disability allowance: payment 63
83 Child disability allowance: not payable with other assistance or pension 63

Subpart 14—Disability allowance

84 Meaning of disability 64
85 Disability allowance: discretionary grant 64
86 Disability allowance: excluded expenses 65
87 Disability allowance: refusal, reduction, or cancellation of grant in certain circumstances 65
88 Disability allowance: medical examination 66
89 Special disability allowance: entitlement in special circumstances 66

Subpart 15—Funeral grants

90 Funeral grant: general eligibility and definitions 66
91 Funeral grant: eligibility if deceased person has dependants 67
92 Funeral grant: eligibility if deceased person has no dependants 68
93 Funeral grant: eligibility if deceased person is child 68
94 Funeral grant: restrictions on payment 68

Subpart 16—Hardship assistance

95 Temporary additional support: purpose 69
96 Temporary additional support: requirements 69
97 Temporary additional support: refusal, reduction, or cancellation of grant in certain circumstances 70
98 Interpretation 70

Subpart 17—Special assistance

99 Overseas epidemics affecting visitors to New Zealand: Minister may give overseas epidemic management notice 71
100 Special assistance for visitors affected by overseas epidemics 71
101 Approved special assistance programmes 72
102 Special assistance: status of, and access to, notices *[Repealed]* 73

Subpart 18—Extended payment of benefits for children aged 18 years or over who continue education

103 Provisions relating to children aged 18 years or over who continue education 73

Subpart 1—Introduction

15 What this Part does

This Part—

(a) sets out the various types of assistance through which MSD provides people with financial support; and

(b) specifies the requirements for each type of assistance.

16 Residential requirement

(1) This section sets out the residential requirement that must be met by applicants for certain types of assistance under this Part.

(2) A person (**P**) meets the **residential requirement** if—

(a) P is a New Zealand citizen or holds a residence class visa under the Immigration Act 2009, and is ordinarily resident in New Zealand when P first applies for the benefit, and—

(i) has resided continuously in New Zealand for a period of at least 2 years at any one time after becoming a citizen or resident; or

(ii) is recognised as a refugee or a protected person in New Zealand under the Immigration Act 2009; or

(b) P is ordinarily resident in a country with which New Zealand has a reciprocity agreement, and P has resided continuously in New Zealand for a period of at least 2 years before applying for the benefit or before a decision on P's claim for the benefit is made.

(3) For the purposes of subsection (2)(b), New Zealand has a reciprocity agreement with another country if there is in force under section 380 an order declaring that the provisions contained in an agreement (for example, a convention) signed by New Zealand and the Government of that country set out in a schedule of the order have force and effect so far as they relate to New Zealand.

(4) This section does not limit section 204 (MSD may refuse or cancel benefit if person not ordinarily resident in New Zealand), and is subject to section 205 (refugee or protected person status).

(5) This section is also subject to any regulations made under section 421 that specify circumstances in which a person—

(a) is taken to meet the residential requirement; or

(b) must be treated, for the purposes of satisfying the residential requirement, as being resident and present in New Zealand; or

(c) must not be required to comply with the residential requirement.

Compare: 1964 No 136 s 74AA

17 Rates

(1) Assistance granted under this Part must be paid at the appropriate rate specified in Schedule 4.

(2) Subsection (1) does not apply to the following assistance granted under this Part:

(a) an emergency benefit under section 63:

(b) childcare assistance under section 77:

(c) funeral grants under section 90:

(d) temporary additional support under section 96:

(e) special assistance under subpart 17.

(3) Subsection (1) is subject to the provisions of this Act that provide for the reduction, suspension, or cancellation of assistance in certain circumstances.

Compare: 1964 No 136 ss 20G, 29A, 39B, 40I, 61(2), 61CB, 61EC, 61G(3), 61GA(3), 69C, 88M, 163, 169

17A Guide to specified abatement exemptions

(1) In this section, the **specified abatement exemptions** means—

(a) section 17(3) of the New Zealand Superannuation and Retirement Income Act 2001; and

(b) section 173(3) of the Veterans' Support Act 2014.

(2) The specified abatement exemptions ensure that a benefit (for example, an accommodation supplement) payable to a community spouse or partner (**CSP**) is not subject to abatement in respect of any income of the CSP that has been included in a means assessment—

(a) of the CSP's spouse or partner; and

(b) under the Residential Care and Disability Support Services Act 2018.

Section 17A: inserted, on 26 November 2022, by section 4 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

18 General limitation on receiving more than 1 benefit

A person is not entitled to receive at the same time, in his or her own right,—

(a) more than 1 main benefit under this Act; or

(b) a main benefit under this Act and New Zealand superannuation; or

(c) a main benefit under this Act and a veteran's pension.

Compare: 1964 No 136 s 72(a)

19 General limitation on receiving benefit: persons unlawfully resident or present in New Zealand and persons holding temporary entry class visa

(1) A person is not entitled or eligible to receive a benefit if the person is—

(a) unlawfully resident or present in New Zealand; or

(b) lawfully resident or present in New Zealand but only by virtue of holding a temporary entry class visa.

(2) This section is subject to section 205.

Compare: 1964 No 136 s 74A(1)

Subpart 2—Jobseeker support

20 Jobseeker support: requirements

A person is entitled to jobseeker support if the person—

(a) has a work gap; and

(b) is available for work; and

(c) meets the age requirement; and

(d) meets the residential requirement; and

(e) has no or minimum income.

Compare: 1964 No 136 s 88B(1), (2), (3), (4)

21 What is work gap

(1) A person (**P**) has a **work gap** if—

(a) P is not in full-time employment; or

(b) P is in employment but is losing earnings through a health condition or injury (for example, is not working at all or is working reduced hours).

(2) For the purposes of subsection (1)(b), P may treat as a loss of P's earnings a payment made to any other person who acts as P's substitute during the period of P's health condition or injury.

(3) Despite subsection (1)(a), P still has a work gap if—

(a) P is receiving jobseeker support at the rate in clause 1(c), (e), or (f) of Part 1 of Schedule 4; and

(b) during a temporary period, P engages in full-time employment; and

(c) the income from that employment and P's other income (if any) when calculated over a 52-week period is less than the amount that would, under the appropriate income test, reduce the applicable rate of jobseeker support to zero.

Compare: 1964 No 136 s 88B(1), (6), (7)

22 When person is available for work

A person (**P**) is **available for work** if P—

(a) is available for and seeking full-time employment and—

(i) is willing and able to undertake it; and

(ii) has taken reasonable steps to find it; or

(b) would satisfy paragraph (a) were it not for circumstances that would qualify P for an exemption under the regulations referred to in section 157 from some or all of the work-test obligations; or

(c) is willing and able to undertake full-time employment but, because of a health condition, injury, or disability, is limited in P's capacity to seek, undertake, or be available for it.

Compare: 1964 No 136 s 88B(1)

23 Jobseeker support: age requirement

An applicant for jobseeker support meets the **age requirement** if the applicant is—

(a) at least 18 years old, in the case of an applicant without a dependent child:

(b) at least 20 years old, in any other case.

Compare: 1964 No 136 s 88B(2)

24 Jobseeker support: no or minimum income

(1) In this subpart, a person (**P**) has **no or minimum income** if P has—

(a) no income; or

(b) income of less than the amount that would reduce the applicable rate of jobseeker support to zero.

(2) If, during a temporary period, P has enough income to reduce the applicable rate of jobseeker support to zero, but P otherwise meets the requirements for jobseeker support, P's entitlement to jobseeker support is not affected by that income.

Compare: 1964 No 136 s 88B(4), (5)

25 Jobseeker support: discretionary grant on ground of hardship

(1) MSD may grant jobseeker support to a person (**P**) who is eligible under subsection (2), (3), or (4) if P—

(a) is in hardship; and

(b) is not entitled or eligible to receive any other main benefit under this Act or New Zealand superannuation or a veteran's pension; and

(c) is unable to earn enough income to support P and P's spouse or partner (if any) and dependent children (if any).

(2) P is eligible under this subsection if P meets the requirements in section 20(a), (b), and (c).

(3) P is eligible under this subsection, during the period between the end of one academic year and the start of the next, if P is a full-time student and meets the requirements in section 20(c) and (d).

(4) P is eligible under this subsection, during the period between the end of one academic year and the start of the next, if P is a full-time student who is aged 16 or 17 years and MSD is satisfied that—

(a) P has a parental support gap (as defined in section 52(1)(a), (b), or (c), but not as defined in section 52(1)(d)); or

(b) P is in a relationship.

Compare: 1964 No 136 s 88C

26 Jobseeker support: ineligibility

A person (**P**) is not entitled to, or eligible to be granted, jobseeker support if—

(a) P is a full-time student (unless P is eligible under section 25); or

(b) P is unemployed because of P's participation, or participation by fellow members of the same union at the same place of employment, in a strike; or

(c) MSD reasonably believes that P became unemployed or took leave with or without pay from P's employment for the purpose of undertaking employment-related training.

Compare: 1964 No 136 s 88D

27 Jobseeker support: on ground of health condition, injury, or disability: application must include certificate

(1) An applicant (**A**) for jobseeker support on the ground of health condition, injury, or disability must include in the application a certificate that complies with this section.

(2) The certificate must be given by a prescribed health practitioner.

(3) The certificate must—

(a) certify that A's capacity for work is affected by health condition, injury, or disability; and

(b) indicate the nature of the health condition, injury, or disability, the extent to which A's capacity for work is affected by it, and the length of time that effect is likely to last; and

(c) contain any other information that MSD may require.

Compare: 1964 No 136 s 88E(1)–(3)

28 Jobseeker support: on ground of health condition, injury, or disability: medical examination

(1) MSD may at any time require an applicant for, or a person receiving, jobseeker support on the ground of health condition, injury or disability (**P**) to undergo an examination by a prescribed health practitioner.

(2) The prescribed health practitioner must be agreed for the purpose between P and MSD or, failing agreement, must be nominated by MSD.

(3) The prescribed health practitioner must prepare, and must send MSD a copy of, a report that indicates—

(a) whether P's capacity for work is affected by health condition, injury, or disability; and

(b) the extent to which that capacity is so affected; and

(c) how long that capacity is likely to continue to be affected.

Compare: 1964 No 136 s 88E(4), (5)

Subpart 3—Sole parent support

29 Sole parent support: requirements

A person is entitled to sole parent support if the person—

(a) meets the sole parent requirement; and

(b) either—

(i) is not in a situation of split care (*see* section 32); or

(ii) is in a situation of split care and is the 1 parent who is entitled to sole parent support (*see* section 32); and

(c) meets the residential requirement; and

(d) is aged 20 years or over.

Compare: 1964 No 136 s 20D

30 What is sole parent requirement

A person (**P**) meets the sole parent requirement if P is the mother or father of, and caring for, at least 1 dependent child aged under 14 years and—

(a) P is single; or

(b) P's spouse or partner has died; or

(c) P's marriage or civil union has been dissolved; or

(d) P is living apart from, and has lost the support of or is being inadequately maintained by, P's spouse or partner; or

(e) P has lost the regular support of P's spouse or partner because that spouse or partner—

(i) is subject to a sentence of imprisonment and is serving the sentence in a prison or is subject to release conditions that prevent that spouse or partner from undertaking employment; or

(ii) is subject to a sentence of supervision, intensive supervision, or home detention and is subject to conditions (including post-detention conditions of a sentence of home detention) that prevent that spouse or partner from undertaking employment.

Compare: 1964 No 136 s 20A

Section 30(1) and (2): replaced, on 8 November 2021, by section 4 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

31 When dependent child may be regarded as applicant's child

For the purposes of this subpart, MSD may regard a dependent child as being a child of an applicant (**A**), and A as being the mother or father of the child, if—

(a) the child is being maintained by A and was at any time maintained by A's spouse or partner; or

(b) neither an orphan's benefit nor an unsupported child's benefit is payable in respect of the child, but—

(i) section 43(2) is complied with for each of the child's parents (as that term is defined in section 43(3)); or

(ii) section 46(1) and (2) is complied with for each of the child's parents (as that term is defined in section 46(3)) for care for the child and full provision for the child's support; or

(c) the child's parents are unwilling to support the child because of circumstances MSD considers exceptional.

Compare: 1964 No 136 s 20B

32 Sole parent support: situation of split care

(1) This section applies to the parents of 2 or more dependent children if—

(a) the parents are living apart; and

(b) each parent is the principal caregiver of 1 or more of the children; and

(c) but for this section, both parents would be entitled to sole parent support.

(2) Only 1 of the 2 parents is entitled to sole parent support, and the parent who is entitled to sole parent support must be—

(a) the parent who is already receiving sole parent support in respect of any of the children; or

(b) if no parent is already receiving sole parent support in respect of any of the children, the parent who MSD considers was the principal caregiver in respect of the children immediately before the parents began living apart; or

(c) if neither parent was the principal caregiver in respect of the children before they began living apart, or MSD is unable to ascertain which parent was the principal caregiver in respect of the children immediately before they began living apart, the parent who is the principal caregiver in respect of the youngest child.

(3) This section does not apply if each parent has become the principal caregiver in respect of at least 1 child under 1 or more orders—

(a) made by a court of competent jurisdiction; and

(b) about the role of providing day-to-day care for children.

(4) In this section, **child** means a dependent child of the parents—

(a) born of their relationship; or

(b) adopted by the parents, or by 1 of the parents, during their relationship.

Compare: 1964 No 136 s 20C

33 Expiry of sole parent support, and replacement with jobseeker support, when youngest dependent child turns 14 years old

(1) This section applies to a person (**P**) who is receiving sole parent support.

(2) On the date that the youngest dependent child in P's care turns 14, P's sole parent support expires and is replaced with jobseeker support that commences on that date and is taken to be granted to P as if P had applied for it.

(3) However, if MSD reasonably believes that on that date P would not meet the conditions of entitlement to jobseeker support,—

(a) P's sole parent support expires but is not replaced under subsection (2) by jobseeker support; and

(b) MSD must instead invite P to apply for jobseeker support.

(4) Obligations or exemptions that apply to P immediately before the expiry of P's sole parent support continue after that expiry in respect of the jobseeker support to which P is transferred under subsection (2) if those obligations or exemptions are any of the following:

(a) the obligation to work with contracted service providers:

(b) work-preparation obligations:

(c) social obligations of certain assistance recipients with dependent children:

(d) the obligation to undergo a work ability assessment:

(e) work-test obligations:

(f) an exemption from work-test obligations or from obligations to prepare for employment (other than any exemption that, under regulations made under section 431, is not available to a person receiving jobseeker support).

(5) This section does not preclude a review under subpart 3 of Part 6 (review of entitlement to, or rate of, benefit granted) of whether P satisfies the conditions of entitlement to jobseeker support.

Compare: 1964 No 136 s 20H

Subpart 4—Supported living payment

Supported living payment on ground of restricted work capacity or total blindness

34 Supported living payment: on ground of restricted work capacity or total blindness: requirements

A person is entitled to the supported living payment if the person—

(a) has restricted work capacity or is totally blind; and

(b) meets the residential requirement; and

(c) is aged 16 years or over.

Compare: 1964 No 136 s 40B(1)–(1B)

35 When person has restricted work capacity

(1) A person (**P**) has restricted work capacity if P is permanently and severely restricted in P's capacity for work because of a health condition, or because of injury or disability arising (in either case) from an accident or existing from birth.

(2) P is permanently restricted in P's capacity for work if MSD is satisfied that—

(a) the restricting health condition, injury, or disability is expected to continue for at least the period set out in regulations made under section 418(1)(b); or

(b) P is not expected to live for that period because P's condition is terminal.

(3) P is severely restricted in P's capacity for work if MSD is satisfied that P is incapable of regularly working at least 15 hours a week in open employment.

Compare: 1964 No 136 s 40B(1), (2), (3)

36 Supported living payment: on ground of restricted work capacity or total blindness: ineligibility

A person (**P**) must not be granted a supported living payment if MSD is satisfied that P's restricted capacity for work or total blindness was self-inflicted and brought about by P with a view to qualifying for a benefit.

Compare: 1964 No 136 s 40B(5)

37 Supported living payment: on ground of restricted work capacity or total blindness: medical examination

(1) This section applies to a person (**P**) who is an applicant for, or who is receiving, a supported living payment on the ground of restricted work capacity or total blindness.

(2) MSD may at any time require P to undergo an examination by a prescribed health practitioner.

(3) The prescribed health practitioner must be agreed for the purpose between P and MSD or, failing agreement, must be nominated by MSD.

(4) The prescribed health practitioner must prepare, and must send MSD a copy of, a report that indicates—

(a) whether P is (or whether there is doubt about whether P is)—

(i) permanently and severely restricted in P's capacity for work; or

(ii) totally blind; and

(b) the grounds on which the opinion given in paragraph (a) is based.

(5) The report must, in the case of doubt referred to in subsection (4)(a), and may, in any other case, indicate a date for review of the permanency or severity, or both, of P's health condition, injury, or disability.

Compare: 1964 No 136 s 40C

38 Supported living payment: on ground of restricted work capacity or total blindness: payment not apportioned in specified cases

(1) This section applies to a person (**P**) who is in a relationship and who—

(a) is receiving long-term residential care in a hospital or rest home because P has a disability; and

(b) has not been means assessed under Part 6 of the Residential Care and Disability Support Services Act 2018.

(2) A supported living payment payable to P is not apportioned and must be paid at half of the appropriate rate in Part 3 of Schedule 4.

(3) A supported living payment payable to P's spouse or partner (**S**) (if S is not receiving long-term residential care in a hospital or rest home) is not apportioned and must be paid at the rate in Part 3 of Schedule 4 that would be appropriate if S were entitled to a supported living payment in S's own right and were single.

Compare: 1964 No 136 s 40I(3)–(5)

39 Supported living payment: on ground of restricted work capacity: encouraging open employment

(1) The purpose of this section is to encourage specified recipients of a supported living payment to undertake open employment in order to establish whether they can sustain that employment and cease receiving that benefit.

(2) This section applies to a person (**P**) who—

(a) is receiving a supported living payment granted on the ground of permanent and severe restriction of capacity for work; but

(b) is with MSD's agreement undertaking open employment for a period agreed with MSD in order to establish whether P can sustain open employment.

(3) The period of open employment agreed with MSD must not exceed 26 weeks (even if that employment is, or is expected to be, for a period that is longer than the agreed period).

(4) P does not lose P's entitlement to a supported living payment by reason only of working 15 or more hours a week in open employment during the agreed period.

Compare: 1964 No 136 s 40K

Supported living payment on ground of caring for another person

40 Supported living payment: on ground of caring for another person: requirements

(1) A person (**C**) is entitled to the supported living payment if—

(a) MSD is satisfied that C is required to give full-time care and attention at home to a person (**P**) who would otherwise have to receive institutional care (and who is not C's spouse or partner); and

(b) C meets the residential requirement; and

(c) C is aged—

(i) at least 18 years, in the case of an applicant without a dependent child; or

(ii) at least 20 years, in any other case.

(2) MSD may continue a payment granted under this section for a period of not more than 28 days even though P was not during that period in the full-time care of C.

(3) In this subpart, **institutional care** means care that is, or is equivalent to,—

(a) hospital care, rest home care, or residential disability care, as defined in section 4(1) of the Health and Disability Services (Safety) Act 2001; or

(b) care of the kind referred to in section 141 of the Oranga Tamariki Act 1989 (which relates to care of severely disabled children and young persons).

Compare: 1964 No 136 s 40D

41 Supported living payment: on ground of caring for another person: application must include certificate

(1) A person (**C**) who applies for a supported living payment on the ground of caring for another person (**P**) must include in the application a certificate that complies with this section.

(2) The certificate must be given by a prescribed health practitioner and must certify—

(a) that P requires C's full-time care and attention; and

(b) that, were it not for that care and attention, P would have to receive institutional care.

Compare: 1964 No 136 s 40E(1)

42 Supported living payment: on ground of caring for another person: medical examination

(1) When considering an application for, or reviewing under subpart 3 of Part 6, a supported living payment on the ground of caring for another person, MSD may require that the person being cared for be examined by a prescribed health practitioner nominated for the purpose by MSD.

(2) A prescribed health practitioner nominated under subsection (1) must assess whether the person would, were it not for the applicant's full-time care and attention, have to receive institutional care.

Compare: 1964 No 136 s 40E(2)–(3)

Subpart 5—Orphan's benefit

43 Orphan's benefit: requirements

(1) This section applies if, because of the circumstances specified in subsection (2), a child has no parent (as defined in subsection (3)) who is able to care for the child.

(2) The circumstances are that each of the child's parents (as defined in subsection (3))—

(a) is dead; or

(b) is missing; or

(c) has a long-term serious disablement.

(3) A **parent**, in relation to a child, and for the purposes only of this subpart and section 31(b)(i), means a natural parent or an adoptive parent (and so excludes, for those purposes, a step-parent) of the child.

(4) A person (**P**) is entitled to an orphan's benefit for the child if—

(a) P is an eligible caregiver of the child; and

(b) either—

(i) the child is both resident and present in New Zealand; or

(ii) P has been both resident and present in New Zealand for a continuous period of 12 months at any time.

Compare: 1964 No 136 s 28

44 Who is eligible caregiver

A person (**P**) is an eligible caregiver of a child if—

(a) P is aged 18 years or over; and

(b) P is not a parent (as defined in section 43(3)) of the child; and

(c) the child is a dependent child of P; and

(d) P is a principal caregiver or principal temporary caregiver of the child.

(e) *[Repealed]*

Compare: 1964 No 136 s 28

Section 44(d): amended, on 1 July 2021, by section 4(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Section 44(e): repealed, on 1 July 2021, by section 4(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

45 Orphan's benefit to be used for benefit of child

(1) The purpose of the orphan's benefit is to provide financial support for the cost of caring for a child who is not the caregiver's own.

(2) A caregiver who is granted an orphan's benefit must use the benefit for the benefit of the child in respect of whom it was granted, including the child's maintenance and education.

Compare: 1964 No 136 s 31

Subpart 6—Unsupported child's benefit

46 Unsupported child's benefit: requirements

(1) This section applies if, because of the circumstances specified in subsection (2), a child has no parent (as defined in subsection (3)) who is able to—

(a) care for the child; or

(b) provide fully for the child's support.

(2) The circumstances are that there has been a breakdown in the child's family.

(3) A **parent**, in relation to a child, and for the purposes only of this subpart and section 31(b)(ii), means a natural parent, an adoptive parent, or a step-parent of the child.

(4) A person (**P**) is entitled to an unsupported child's benefit for the child if—

(a) P is an eligible caregiver of the child; and

(b) either—

(i) the child is both resident and present in New Zealand; or

(ii) P has been both resident and present in New Zealand for a continuous period of 12 months at any time.

Compare: 1964 No 136 s 29

47 Who is eligible caregiver

A person (**P**) is an eligible caregiver of a child if—

(a) P is aged 18 years or over; and

(b) P is not a parent (as defined in section 46(3)) of the child; and

(c) the child is a dependent child of P; and

(d) P is a principal caregiver or principal temporary caregiver of the child.

(e) *[Repealed]*

Compare: 1964 No 136 s 29

Section 47(d): amended, on 1 July 2021, by section 5(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Section 47(e): repealed, on 1 July 2021, by section 5(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

48 Unsupported child's benefit to be used for benefit of child

(1) The purpose of the unsupported child's benefit is to provide financial support for the cost of caring for a child who is not the caregiver's own.

(2) A caregiver who is granted an unsupported child's benefit must use the benefit for the benefit of the child in respect of whom it was granted, including the child's maintenance and education.

Compare: 1964 No 136 s 31

Subpart 7—Youth payment

49 Youth payment: requirements

A person (**P**) is entitled to a youth payment if—

(a) P is aged 16 or 17 years; and

(b) P is study ready; and

(c) P has no dependent children; and

(d) P meets the residential requirement; and

(e) P has no or minimum income; and

(f) either—

(i) P has never been in a relationship and has a parental support gap; or

(ii) P is or has been in a relationship, but is not currently in a relationship with a specified beneficiary.

Compare: 1964 No 136 ss 158, 159(1), 160

50 When person is study ready

In this subpart, a person is **study ready** if the person—

(a) is undertaking or is available for full-time education or training leading to—

(i) NCEA level 2; or

(ii) an equivalent (in MSD's opinion) or higher qualification; or

(b) would be available for full-time education or training were it not for circumstances that would qualify the person for an exemption under the regulations referred to in section 157 from the obligation to undertake education or training.

Compare: 1964 No 136 s 158(2)(c)

51 Youth payment: no or minimum income

(1) In this subpart, a person (**P**) has **no or minimum income** if P has—

(a) no income; or

(b) income of less than the amount that would reduce the applicable rate of youth payment to zero.

(2) If, during a temporary period, P has enough income to reduce the applicable rate of youth payment to zero, but P otherwise meets the requirements for

a youth payment, P's entitlement to a youth payment is not affected by that income.

Compare: 1964 No 136 s 158(2)(e), (3)

52 When person has parental support gap

(1) In this subpart, a person (**P**) has a **parental support gap** if—

(a) none of P's parents (and guardians (if any)) is able to support P financially; or

(b) P's relationship with P's parents (and guardians (if any)) has broken down, and none of them is prepared to support P financially; or

(c) P was, but is no longer, subject to a CYPFA order or agreement; or

(d) MSD is otherwise satisfied that P cannot reasonably be expected to be financially dependent on P's parents or any other person.

(2) However, P does not have a parental support gap if—

(a) P has the option of living with a parent or guardian but chooses not to; and

(b) MSD is not satisfied that there are good and sufficient reasons for P's choice.

Compare: 1964 No 136 s 159(2)

53 Youth payment: discretionary grant on ground of hardship

MSD may grant a youth payment to a young person (**P**) who meets all of the requirements in section 49 except for the residential requirement if P—

(a) is in hardship; and

(b) is not entitled or eligible to receive any other main benefit under this Act or New Zealand superannuation or a veteran's pension; and

(c) is unable to earn enough income to support P and P's spouse or partner (if any).

Compare: 1964 No 136 s 161

54 Youth payment: continuation after turning 18 years old

(1) This section sets out the circumstances in which, despite section 49(a), a youth payment granted to a person (**P**) continues (if P is otherwise entitled to it) after P turns 18.

(2) If a youth payment begins less than 6 months before P turns 18, the payment continues until the close of the day that is 6 months after it began.

(3) If P is continuing in a course of education or training or approved work-based learning when P turns 18, P's youth payment continues until,—

(a) if the course is a course of secondary education or if the course ends in December, the close of the following 31 March:

(b) in any other case, the close of the day that the course ends.

(4) If subsections (2) and (3) both apply to P, P's youth payment continues until the later of the 2 dates that apply under those subsections.

(5) While a youth payment continues under subsection (2), P is not eligible to be granted—

(a) sole parent support; or

(b) an emergency benefit; or

(c) jobseeker support; or

(d) supported living payment on the ground of caring for another person.

Compare: 1964 No 136 s 162

55 Youth payment: incentive payments

(1) If a young person to whom a youth payment is payable meets the criteria prescribed for the purposes of this section by regulations made under section 418(1)(c), the person is also entitled to be paid the appropriate incentive payment stated in subpart 3 of Part 6 of Schedule 4.

(2) The entitlement in subsection (1) is subject to sections 288 and 289.

Compare: 1964 No 136 s 163(2), (3)

Subpart 8—Young parent payment

56 Young parent payment: requirements

(1) A person (**P**) is entitled to a young parent payment if—

(a) P is a parent or step-parent of at least 1 dependent child; and

(b) P is study ready; and

(c) P meets the residential requirement; and

(d) P has no or minimum income; and

(e) P falls into 1 of the following categories:

(i) P is aged 16 or 17 years, has never been in a relationship, and has a parental support gap:

(ii) P is aged 18 or 19 years and has never been in a relationship:

(iii) P is aged 16 to 19 years and is or has been in a relationship, but is not currently in a relationship with a specified beneficiary.

(2) For the purposes of subsection (1)(a), a dependent child of a young person's spouse or partner must also be treated as a dependent child of the young person.

Compare: 1964 No 136 ss 164, 165(2), 166

57 When person is study ready

In this subpart, a person is **study ready** if the person—

(a) is undertaking or is available for full-time education or training leading to—

(i) NCEA level 2; or

(ii) an equivalent (in MSD's opinion) or higher qualification; or

(b) would be available for full-time education or training were it not for circumstances—

(i) under which the obligation to undertake education or training does not, under section 163, for the time being apply to the young person; or

(ii) that would qualify the person for an exemption under the regulations referred to in section 157 from the obligation to undertake education or training.

Compare: 1964 No 136 s 164(2)(c)

58 Young parent payment: no or minimum income

(1) In this subpart, a person (**P**) has **no or minimum income** if P has—

(a) no income; or

(b) income of less than the amount that would reduce the applicable rate of young parent payment to zero.

(2) If, during a brief period, P has enough income to reduce the applicable rate of young parent payment to zero, but P otherwise meets the requirements for a young parent payment, P's entitlement to a young parent payment is not affected by that income.

Compare: 1964 No 136 s 164(2)(e), (3)

59 When person has parental support gap

In this subpart, a person (**P**) has a **parental support gap** if—

(a) P is not living with a parent or guardian and—

(i) none of P's parents (and guardians (if any)) is able to support P financially; or

(ii) P's relationship with P's parents (and guardians (if any)) has broken down and none of them is prepared to support P financially; or

(iii) P was, but is no longer, subject to a CYPFA order or agreement; or

(iv) MSD is satisfied that P cannot reasonably be expected to be financially dependent on P's parents or any other person; or

(b) P is living with or being financially supported by a parent or guardian (**F**) and the family scheme income (within the meaning of the Income Tax Act 2007) of F and the spouse or partner of F is less than the amount

that would, under sections MD 1 and MD 13 of that Act, reduce the amount of F's family tax credit entitlement under that Act to zero.

Compare: 1964 No 136 s 165(2), (3)

60 Young parent payment: discretionary grant on ground of hardship

MSD may grant a young parent payment to a young person (**P**) who meets all of the requirements in section 56 except for the residential requirement if P—

(a) is in hardship; and

(b) is not entitled or eligible to receive any other main benefit under this Act or New Zealand superannuation or a veteran's pension; and

(c) is unable to earn enough income to support P and P's spouse or partner (if any) and dependent children.

Compare: 1964 No 136 s 167

61 Young parent payment: continuation after turning 20 years old

(1) This section sets out the circumstances in which, despite section 56(1)(e), a young parent payment granted to a person (**P**) continues (if P is otherwise entitled to it) after P turns 20.

(2) If a young parent payment begins less than 6 months before P turns 20, the payment continues until the close of the day that is 6 months after it began.

(3) If P is continuing in a course of education or training or work-based learning when P turns 20, P's young parent payment continues until,—

(a) if the course is a course of secondary education or if the course ends in December, the close of the following 31 March:

(b) in any other case, the close of the day that the course ends.

(4) If subsections (2) and (3) both apply to P, P's young parent payment continues until the later of the 2 dates that apply under those subsections.

(5) While a young parent payment continues under subsection (2), P is not eligible to be granted—

(a) sole parent support; or

(b) an emergency benefit; or

(c) jobseeker support; or

(d) a supported living payment on the ground of caring for another person.

Compare: 1964 No 136 s 168

62 Young parent payment: incentive payments

(1) If a young person to whom a young parent payment is payable meets the criteria prescribed for the purposes of this section by regulations made under section 418(1)(d), the person is also entitled to be paid the appropriate incentive payment stated in subpart 3 of Part 6 of Schedule 4.

(2) The entitlement in subsection (1) is subject to sections 288 and 289.

Compare: 1964 No 136 s 169(2), (3)

Subpart 9—Emergency benefit

63 Emergency benefit: discretionary grant on ground of hardship

(1) MSD may grant an emergency benefit on the ground of hardship to a person (**P**)—

(a) who is unable to earn enough income for P or P's dependants (if any); and

(b) who is not entitled to a main benefit under this Act (other than an emergency benefit) or to New Zealand superannuation or a veteran's pension; and

(c) to whom MSD has determined not to grant 1 of the following benefits on ground of hardship: jobseeker support, youth payment, or young parent payment.

(2) Despite subsection (1)(b), MSD may grant an emergency benefit to a person (**P**) instead of or in substitution for a supported living payment, sole parent support, or jobseeker support.

(3) The rate of an emergency benefit is at the discretion of MSD.

(4) However, the rate of an emergency benefit must not exceed the rate of the **equivalent benefit**, that is, the main benefit under this Act (other than an emergency benefit) that MSD would grant to a person entitled to the benefit in circumstances similar to P's.

(5) MSD may, on a case-by-case basis, make the grant of an emergency benefit subject to any conditions imposed by MSD.

Compare: 1964 No 136 s 61

64 Emergency benefit: grant during epidemic in New Zealand

(1) This section applies while a domestic epidemic management notice is in force, and for any period notified under subsection (3A).

(2) When this section applies, MSD may, with the written approval of the Minister, grant emergency benefits to people who would not otherwise be entitled to be granted emergency benefits.

(3) Payments made under a benefit granted under subsection (2) are subject to regulations made under section 442(2)(d).

(3A) The Minister may, by notice, apply this section for any further period after a domestic epidemic management notice expires that the Minister thinks reasonable.

(3B) A notice under subsection (3A) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) This section overrides every other provision of this Act.

Compare: 1964 No 136 s 61CC(1), (3)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 64(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 64(3A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 64(3B): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 10—Accommodation supplement

65 Accommodation supplement: discretionary grant

(1) MSD may grant a person (**P**), for the period that MSD determines, an accommodation supplement if—

(a) P has accommodation costs; and

(b) P meets the assets requirement (as set out in regulations made under section 423); and

(c) P is not excluded on either of the following grounds:

(i) the social housing exclusion:

(ii) the other funding exclusion.

(2) In this subpart, unless the context otherwise requires,—

accommodation costs, in relation to any person for any given period, means,—

(a) in relation to premises rented by the person, the amount payable by the person for rent of the premises, excluding any service costs included in that rent and any arrears:

(b) in relation to premises that are owned by the person, the total amount of all payments (including essential repairs and maintenance, local authority rates, and house insurance premiums, but excluding any service costs and any arrears) that,—

(i) subject to clause 18 of Schedule 3, are required to be made under any mortgage security for money advanced under that security to acquire the premises, or to repay advances similarly secured; or

(ii) MSD is satisfied are reasonably required to be made:

(c) in relation to a person who is a boarder or lodger in any premises, 62% of the amount paid for board or lodging (excluding any arrears):

(d) if a person is a joint tenant of, or an owner in common of, any premises with another person or other persons living in the premises, that applicant's accommodation costs are the share of the total accommodation costs of the jointly tenanted, or commonly owned, premises that MSD is satisfied the person is paying

service costs, in relation to any premises,—

(a) means the cost as reasonably determined by MSD of any services (for example, electricity supply, gas supply, telephone network connection, or broadband Internet connection) provided to or in connection with the premises for consumption or use by the occupants of the premises; but

(b) does not include the cost of water supplied to the premises.

Compare: 1964 No 136 ss 61E, 61EA, 61EC(3)

66 Social housing exclusion

(1) A person is ineligible for an accommodation supplement (on the ground of the **social housing exclusion**) if the person's accommodation costs (as defined in section 65) include—

(a) rent paid in respect of premises let by or on behalf of Kāinga Ora–Homes and Communities; or

(b) rent paid in respect of premises let by or on behalf of a registered community housing provider (but only if that person has been allocated those premises as social housing); or

(c) payments, required to be made under a mortgage security to Kāinga Ora–Homes and Communities or the Crown in right of Te Puni Kōkiri, that MSD believes are required to be made at a concessionary rate.

(2) In this section,—

Kāinga Ora–Homes and Communities means Kāinga Ora–Homes and Communities established by the Kāinga Ora–Homes and Communities Act 2019

registered community housing provider has the same meaning as in section 2 of the Public and Community Housing Management Act 1992

social housing has the same meaning as in section 2 of the Public and Community Housing Management Act 1992.

(3) In this section and section 68,—

premises, in relation to a person,—

(a) means the place that the person occupies as a home; and

(b) if the person is a boarder or lodger, includes a room, or other accommodation, that the person occupies as a home

tenant, in relation to rented premises, includes a person who pays rent, whether or not the person is a party to the tenancy agreement or lease of the premises.

Compare: 1964 No 136 ss 61E(1), 61EA(2)

Section 66(1)(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 66(1)(c): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 66(2) **Kāinga Ora–Homes and Communities**: inserted, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 66(2) **registered community housing provider**: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 66(2) **social housing**: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

67 Other funding exclusion

A person (**P**) is ineligible for an accommodation supplement (on the ground of the **other funding exclusion**) if—

(a) P is the spouse or partner of a person who is already receiving an accommodation supplement (except as provided in section 68); or

(b) P—

(i) is receiving a basic grant or an independent circumstances grant under the Student Allowances Regulations 1998 (or under other regulations made under section 645 of the Education and Training Act 2020); or

(ii) would be eligible to receive one of those grants if P were to apply for the grant; or

(iii) would be eligible to receive one of those grants were it not for the level of income of P or of P's parent or parents or spouse or partner; or

(c) P is a resident assessed as requiring care in respect of whom a funder is paying some or all of the cost of contracted care services under section 54, 55, 56, 57, or 58 of the Residential Care and Disability Support Services Act 2018; or

(d) P has a psychiatric, intellectual, physical, or sensory disability, and—

(i) P's accommodation costs are wholly or partly funded under the Pae Ora (Healthy Futures) Act 2022; or

(ii) P's care (other than care in P's own home) is funded wholly or partly under that Act; or

(e) P is receiving New Zealand superannuation or a veteran's pension and—

(i) if P is not a community spouse or partner (as defined in Schedule 2), the total income of P and P's spouse or partner (if any) is

more than the applicable amount specified in Part 2 of Schedule 5; or

(ii) if P is a community spouse or partner (as so defined), the total income of P alone (disregarding any income of P's spouse or partner who is receiving long-term residential care in a hospital or rest home) is more than the applicable amount specified in Part 2 of Schedule 5.

Compare: 1964 No 136 s 61EA(3), (4)

Section 67(b)(i): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 67(d)(i): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 67(e): replaced, on 26 November 2022, by section 5 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

68 Accommodation supplement: special rules for joint tenants who are in relationship

(1) If premises are occupied by 2 or more joint tenants that include 1 or more couples who are in a relationship, then, for the purposes of determining the rate of an accommodation supplement,—

(a) each couple is treated as 1 joint tenant; and

(b) despite the definition of accommodation costs in section 65, the accommodation costs of that 1 joint tenant are the total of the accommodation costs of both members of the couple; and

(c) the cash assets and income of that 1 joint tenant are the total of the cash assets and income respectively of both members of the couple.

(2) In this section, **cash assets**—

(a) means—

(i) money saved with a bank or other institution, money invested with a bank or other institution, or money banked with a bank or other institution:

(ii) money invested in securities, bonds, or debentures, or advanced on mortgage:

(iii) money withdrawn from a KiwiSaver scheme registered under subpart 2 of Part 4 of the Financial Markets Conduct Act 2013:

(iv) money invested in shares in a partnership or limited liability company or other incorporated or unincorporated body; but

(b) does not include any contributions to, or any member's interest in, any KiwiSaver scheme that is registered under subpart 2 of Part 4 of the Financial Markets Conduct Act 2013; and

(c) does not include any item or kind of cash assets or any amount of cash assets exempted by regulations made under section 423(1)(b).

Compare: 1964 No 136 ss 61E, 61EB

69 Accommodation supplement: refusal, reduction, or cancellation of grant in certain circumstances

(1) If MSD is satisfied that an applicant for an accommodation supplement (**A**), or A's spouse or partner, has not realised any assets available for A's personal use, MSD may—

(a) refuse to grant an accommodation supplement; or

(b) reduce the rate of any accommodation supplement already granted; or

(c) cancel any accommodation supplement already granted.

(2) For the purposes of this section and the assets requirement in regulations made under section 423 (*see* section 65(1)(b)), the assets of A include the assets of A's spouse or partner, if any.

(2A) Subsection (2) applies, without limitation, even if—

(a) A is a community spouse or partner (as defined in Schedule 2); and

(b) A's spouse or partner is receiving long-term residential care in a hospital or rest home.

(2B) However, subsection (2) does not limit section 67(c), under which a person (**P**, who may, or may not, be A's spouse or partner) is ineligible for an accommodation supplement if P is a resident assessed as requiring care in respect of whom a funder is paying some or all of the cost of contracted care services under section 54, 55, 56, 57, or 58 of the Residential Care and Disability Support Services Act 2018.

(3) For the period of 12 months after A or A's spouse or partner receives a specified lump sum payment, subsection (1) does not apply to that specified lump sum payment.

(4) This section does not limit MSD's discretion to refuse to grant, to reduce the rate of, or to cancel an accommodation supplement in accordance with the other provisions of this Act.

(5) In this section, **specified lump sum payment** means—

(a) a payment of an impairment lump sum under Schedule 1 of the Accident Compensation Act 2001; or

(b) a lump sum payment of an independence allowance under Part 4 of Schedule 1 of the Accident Insurance Act 1998.

Compare: 1964 No 136 s 61EC(4), (4A), (5)

Section 69(2): replaced, on 26 November 2022, by section 6 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Section 69(2A): inserted, on 26 November 2022, by section 6 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Section 69(2B): inserted, on 26 November 2022, by section 6 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Subpart 11—Winter energy payment

70 Winter energy payment: purpose

The purpose of the winter energy payment is to provide targeted financial assistance to help certain people meet their household heating costs during the winter period.

Compare: 1964 No 136 s 61FE

71 Winter energy payment: interpretation

In this subpart, section 220, and Part 8 of Schedule 4, unless the context otherwise requires,—

qualifying benefit means—

(a) a main benefit under this Act; or

(b) New Zealand superannuation; or

(c) veteran's pension

relevant payment date, for a person who is receiving a qualifying benefit (or a portion of it), either as the person granted that benefit or as the spouse or partner of that person, for 1 or more days during the winter period, means the date on which the person is paid a weekly or fortnightly instalment of the person's qualifying benefit (or a portion of it) for those days

winter period, for a calendar year, means the 22-week period starting on 1 May.

Compare: 1964 No 136 s 61FF

72 Winter energy payment: requirements

(1) A person is entitled to a winter energy payment for 1 or more days during the winter period if, for those days,—

(a) the person is receiving a qualifying benefit (or a portion of it), either as the person granted that benefit or as the spouse or partner of that person; and

(b) the qualifying benefit (or a portion of it) is payable to the person; and

(c) the person is not disqualified under subsection (2).

(2) However, the person is not entitled to a winter energy payment for 1 or more days during the winter period if, for those days,—

(a) the qualifying benefit is payable at a rate prescribed in respect of a person who is in a relationship, and MSD has determined under subsection (3) that the person's spouse or partner is entitled to a winter energy payment; or

(b) the rate of the person's qualifying benefit is required by section 206(2) to be reduced to the rate payable to long-term hospital patients, and the payment has been reviewed under section 304 and terminated under section 75 (*see also* section 309); or

(c) the person is aged 65 years or over, is a qualifying person as defined in section 12 of the Residential Care and Disability Support Services Act 2018, and must under section 17 of that Act pay a contribution based on income towards the cost of that person's LTR contracted care that is less than the maximum contribution (as defined in section 15(2) of that Act); or

(ca) the person is aged 50 to 64 years, is a 50+ single person as defined in section 21 of the Residential Care and Disability Support Services Act 2018, and is under section 22 of that Act liable to make a contribution based on income towards the cost of the person's LTR contracted care that is less than the maximum contribution (as defined in section 15(2) of that Act); or

(d) neither paragraph (c) nor paragraph (ca) applies to the person, and the person is—

(i) receiving, in relation to the person's disability or long-term chronic health condition, residential care services that are partly funded under the Pae Ora (Healthy Futures) Act 2022; and

(ii) contributing to the cost of those services by a payment redirected under section 339(1)(a) or (c)(i), or sections 341 and 344, of this Act; or

(e) the person has made, and not revoked, an election not to receive the payment (*see* section 73).

(3) If the qualifying benefit is payable at a rate prescribed in respect of a person who is in a relationship, MSD must determine which 1 of the spouses or partners is (as only 1 of them can be) entitled to a winter energy payment.

Compare: 1964 No 136 s 61FG

Section 72(2)(c): replaced, on 1 May 2019, by section 4 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

Section 72(2)(ca): inserted, on 1 May 2019, by section 4 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

Section 72(2)(d): replaced, on 1 May 2019, by section 4 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

Section 72(2)(d)(i): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

73 Winter energy payment: election not to receive

(1) A person entitled to a winter energy payment may make an election not to receive the payment.

(2) If the payment would be payable at a rate prescribed in respect of a person who is in a relationship, MSD must be satisfied that the election has been made by both spouses or partners.

(3) The election must be made, and may be revoked, in a form and manner approved by MSD.

(4) Unless it is revoked, the election stops the person from being entitled to the payment for any days after the election is made.

Compare: 1964 No 136 s 61FH

74 Winter energy payment: instalments, rates, and payment

(1) A winter energy payment is payable,—

(a) if the person's qualifying benefit is a main benefit under this Act, in 22 weekly instalments; or

(b) if the person's qualifying benefit is New Zealand superannuation or a veteran's pension, in 11 fortnightly instalments.

(2) The amount of an instalment is ascertained by dividing the appropriate rate per winter period set out in Part 8 of Schedule 4,—

(a) for recipients of a main benefit under this Act, by 22; or

(b) for recipients of New Zealand superannuation or a veteran's pension, by 11.

(3) However, the amount ascertained under subsection (2) must be rounded up to the nearest whole cent, and then reduced to reflect any 1 or more days of the week or fortnight covered by the instalment that are days for which—

(a) the person is not entitled to the payment; or

(b) the payment is not payable (for example, under section 220).

(4) An instalment must be paid on the relevant payment date.

(5) This section overrides sections 297, 311(1), and 338.

Compare: 1964 No 136 s 61FI

75 Winter energy payment: termination on review

MSD may terminate a winter energy payment if satisfied, after reviewing the payment under section 304 (*see also* section 309), that—

(a) the rate of the beneficiary's qualifying benefit (under section 72(1)(a)) is required by section 206 to be reduced to the rate payable to long-term hospital patients (even if MSD pays a higher rate under section 206(2)); and

(b) continuing the payment is not consistent with the purpose stated in section 70.

Compare: 1964 No 136 s 81(5)

Subpart 12—Childcare assistance

76 Childcare assistance: purpose

The purpose of childcare assistance is to provide targeted financial assistance to help certain people meet the costs of childcare.

Compare: 1964 No 136 s 61GA(1)

77 Childcare assistance: eligibility

The principal caregiver or temporary OB or UCB caregiver of a dependent child is eligible for childcare assistance at the prescribed rate if that caregiver meets the criteria and other requirements set out in regulations made under section 424.

Compare: 1964 No 136 s 61GA(2)

Section 77: amended, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Subpart 13—Child disability allowance

78 Child disability allowance: discretionary grant

(1) MSD may grant a child disability allowance for a child (**C**) if C—

(a) is a child with a serious disability; and

(b) is being cared for—

(i) in the home of C's principal caregiver or temporary OB or UCB caregiver; or

(ii) in approved weekly accommodation (and the child is cared for by C's parent or guardian during school holidays or weekends).

(2) In subsection (1), **approved weekly accommodation** means accommodation—

(a) that is operated by an approved voluntary organisation; and

(b) the cost of which C's parent or guardian is required to contribute to.

Compare: 1964 No 136 s 39A(3)

Section 78(1)(b)(i): amended, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

79 Meaning of child with a serious disability

(1) In this subpart, **child with a serious disability** means a dependent child who—

(a) has a disability; and

(b) because of that disability needs constant care and attention; and

(c) is likely to need such care and attention permanently or for a period exceeding 12 months.

(2) In determining for subsection (1)(b) whether a child needs constant care and attention, MSD must consider whether the child (**C**) requires from another person—

(a) frequent attention in connection with C's bodily functions; or

(b) substantially more attention and supervision than is normally required by a child of the same age and sex; or

(c) regular supervision in order to avoid substantial danger to C or to others.

Compare: 1964 No 136 s 39A(1), (2)

80 Child disability allowance: MSD may require medical certificate

MSD may require that an application for a child disability allowance be supported by a medical certificate that certifies whether or not, in the opinion of a prescribed health practitioner, the child is a child with a serious disability within the meaning of section 79.

Compare: 1964 No 136 s 39C(1)

81 Child disability allowance: MSD may require medical examination

Before granting a child disability allowance, MSD may require the child to be examined by a prescribed health practitioner nominated for the purpose by MSD.

Compare: 1964 No 136 s 39C(2)

82 Child disability allowance: payment

MSD may pay a child disability allowance granted under section 78(1) to the principal caregiver or temporary OB or UCB caregiver for the child or, if there is no such person, to the person for the time being having the care and control of the child.

Compare: 1964 No 136 s 39E

Section 82: amended, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

83 Child disability allowance: not payable with other assistance or pension

A child disability allowance is not payable in addition to—

(a) any benefit granted to the child under this Act (except an orphan's benefit, an unsupported child's benefit, or a disability allowance):

(b) any pension or allowance granted to the child under the Veterans' Support Act 2014 (except a children's pension):

(c) weekly compensation payable to the child under the Accident Compensation Act 2001.

Compare: 1964 No 136 s 39D

Subpart 14—Disability allowance

84 Meaning of disability

In this subpart, **disability** has the same meaning as in section 21(1)(h) of the Human Rights Act 1993.

Compare: 1964 No 136 s 69C(8)

85 Disability allowance: discretionary grant

(1) MSD may grant a disability allowance to or on account of a person who—

(a) meets the criteria for eligibility in subsection (2) (or to the dependent spouse or dependent child of that person); or

(b) falls into a special category of eligibility specified in regulations made under section 425.

(2) The criteria for eligibility are that—

(a) the person has a disability that has resulted in a reduction of the person's independent function to the extent that the person requires—

(i) ongoing support to undertake the everyday functions of life; or

(ii) ongoing supervision or treatment by a health practitioner; and

(b) the disability is likely to continue for at least 6 months; and

(c) either—

(i) the person is receiving a main benefit under this Act; or

(ii) the person's income (including the income of the person's spouse or partner and any New Zealand superannuation or veteran's pension payable to the person or the person's spouse or partner) is less than the appropriate amount in Part 3 of Schedule 5; and

(d) the person has additional expenses of an ongoing kind arising from the person's disability (subject to clause 19 of Schedule 3) and the assistance towards those expenses available under this Act or any other enactment is insufficient to meet them.

(3) Regulations made under section 425 may override subsection (1) of this section by requiring MSD to grant a disability allowance to or on account of a person who falls into a special category of eligibility specified in those regulations.

(4) In this section, **health practitioner**—

(a) has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003; and

(b) includes a person who is receiving training or gaining experience under the supervision of a health practitioner.

Compare: 1964 No 136 s 69C(1), (2), (2A), (8)

86 Disability allowance: excluded expenses

(1) A disability allowance is not payable in respect of—

(a) expenses arising from the disability of a person who is a resident assessed as requiring care in respect of whom a funder is paying some or all of the cost of contracted care services under section 54, 55, 56, 57, or 58 of the Residential Care and Disability Support Services Act 2018; or

(b) expenses arising from the disability of a person that are costs of residential care services provided to the person if—

(i) the person has a psychiatric, intellectual, physical, or sensory disability; and

(ii) the person's accommodation costs or care (other than care in the person's own home) is wholly or partly funded under the Pae Ora (Healthy Futures) Act 2022.

(2) Regulations made under section 426 (use of disability allowance to fund specified expenses) must not be inconsistent with this section.

Compare: 1964 No 136 s 69C(2B)

Section 86(b)(ii): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

87 Disability allowance: refusal, reduction, or cancellation of grant in certain circumstances

Despite anything to the contrary in section 85, MSD may refuse to grant a disability allowance or may cancel a disability allowance or may grant a disability allowance at a reduced rate if, in respect of a disability that gives rise to an application for a disability allowance, the applicant is receiving—

(a) a disablement pension under Part 3, or an entitlement under Part 4, of the Veterans' Support Act 2014; or

(b) an entitlement under the Accident Compensation Act 2001; or

(c) a pension, or a periodical allowance, that—

(i) is granted elsewhere than in New Zealand; and

(ii) is analogous to an entitlement to medical treatment or rehabilitation or other cost of disability-related items under Part 5 of the Veterans' Support Act 2014 or under the Accident Compensation Act 2001; or

(iii) is otherwise analogous to a disability allowance.

Compare: 1964 No 136 s 69C(4)

88 Disability allowance: medical examination

Before granting a disability allowance, MSD may require the applicant (or the spouse or partner or child of the applicant, whichever applies) to be examined by a prescribed health practitioner appointed by MSD.

Compare: 1964 No 136 s 69C(3)

89 Special disability allowance: entitlement in special circumstances

(1) This section applies to a person who—

(a) is in a relationship; and

(b) is receiving—

(i) New Zealand superannuation or a veteran's pension; or

(ii) a supported living payment on the ground of restricted work capacity or total blindness; or

(iii) jobseeker support; or

(iv) a related emergency benefit; and

(c) has a spouse or partner who is—

(i) a patient in a hospital and receiving a reduced benefit under section 19 of the New Zealand Superannuation and Retirement Income Act 2001 or under section 206; or

(ii) a qualifying person or a special case person, and in respect of whom a funder is paying some or all of the cost of contracted care services under section 18, 24, 26, 54, or 55 of the Residential Care and Disability Support Services Act 2018.

(2) MSD must grant a special disability allowance at the rate specified in clause 3 in Part 9 of Schedule 4 to a person to whom this section applies for the purpose of assisting with expenses arising from the hospitalisation of the person's spouse or partner.

(3) In this section, **qualifying person** and **special case person** have the same meanings as in section 5 of the Residential Care and Disability Support Services Act 2018.

Compare: 1964 No 136 s 69C(5)

Section 89(1)(c): replaced, on 9 November 2020, by section 36(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 89(3): inserted, on 9 November 2020, by section 36(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Subpart 15—Funeral grants

90 Funeral grant: general eligibility and definitions

(1) MSD may pay a funeral grant in respect of a deceased person if the person meets the criteria in section 91, 92, or 93.

(2) In this subpart, unless the context otherwise requires,—

assessable estate means the estate of a deceased person, including a deceased child; but does not include—

(a) any asset that MSD considers is impracticable to realise; or

(b) any administration expenses; or

(c) any non-assessable assets, if section 91 or 93 applies

child includes a still-born child as defined in section 4 of the Births, Deaths, Marriages, and Relationships Registration Act 2021

non-assessable assets, in relation to a deceased person, a spouse or partner, or the parents or any other person who was liable in law to maintain a deceased child on the date of death, are—

(a) that person's estate or interest, on the date of death of the deceased, in the person's own principal place of residence, including any estate or interest in the land on which it is erected, and any other buildings or improvements on that land that are used mainly for the purposes of that person's household; and

(b) chattels that the person owned or that were in the person's possession under a hire purchase agreement, a conditional sale agreement, or an agreement for lease or hire, on the date of death of the deceased, and that are—

(i) furniture, appliances, tools, ornaments, or other articles used mainly for the purposes of the deceased's household; or

(ii) motor vehicles, caravans, trailers, or boats used mainly for family purposes; and

(c) any undivided beneficial interest in common in Māori land.

(3) In sections 91 and 93, the annual income of any person is that person's estimated income for the 52-week period commencing on the day following the date of death of the deceased in respect of whom the application is made.

(4) This section is subject to section 94 (restrictions on payments).

Compare: 1964 No 136 ss 61D, 61DA, 61DB, 61DC, 61DD

Section 90(2) **child**: amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

91 Funeral grant: eligibility if deceased person has dependants

A deceased person meets the criteria in this section if—

(a) the person is survived by—

(i) a spouse or partner; or

(ii) a child or children whom the person is liable in law to maintain; or

(iii) any other dependent child or dependent children (whether dependent on the deceased or any other person) aged 16 years or 17 years of whom the deceased person was the parent; and

(b) the person's funeral expenses cannot be paid from the total of—

(i) the person's assessable estate before the payment of any other debts; and

(ii) the assets, other than non-assessable assets, of any spouse or partner who survives the deceased person in excess of the amount in clause 2 of Part 1 of Schedule 5; and

(c) the annual income of any spouse or partner who survives the deceased person is less than 52 times the appropriate amount in Part 2 of Schedule 5.

Compare: 1964 No 136 s 61DB

92 Funeral grant: eligibility if deceased person has no dependants

A deceased person meets the criteria in this section if—

(a) the person is not a child; and

(b) the person's funeral expenses cannot be paid from the person's assessable estate before the payment of any other debts.

Compare: 1964 No 136 s 61DC

93 Funeral grant: eligibility if deceased person is child

A deceased person meets the criteria in this section if—

(a) the person is a child; and

(b) the person's funeral expenses cannot be paid from the total of—

(i) the deceased person's assessable estate before the payment of any other debts; and

(ii) the combined assets, other than non-assessable assets, of the person's parents, or of any other person or persons, who were liable in law to maintain the deceased person on the date of death in excess of the amount in clause 2 of Part 1 of Schedule 5; and

(c) the combined annual income of the person's parents, or any other person or persons, who were liable in law to maintain the deceased child on the date of death is less than 52 times the appropriate amount in Part 2 of Schedule 5.

Compare: 1964 No 136 s 61DD

94 Funeral grant: restrictions on payment

A funeral grant is not payable under section 90 if—

(a) clause 64 of Schedule 1 of the Accident Compensation Act 2001 or subpart 8 of Part 5 of the Veterans' Support Act 2014 applies in respect of the deceased person; or

(b) a payment under section 174 of the Veterans' Support Act 2014 is payable in respect of the deceased person; or

(c) a payment under Part 5 of the Veterans' Support Act 2014 is payable in respect of the deceased person; or

(d) the deceased person, including a deceased child, was not ordinarily resident in New Zealand on the date of death.

Compare: 1964 No 136 s 61DA

Subpart 16—Hardship assistance

95 Temporary additional support: purpose

The purpose of temporary additional support is to provide temporary financial assistance as a last resort to alleviate the financial hardship of people whose essential costs cannot be met from their chargeable income and other resources, while ensuring that people seeking or granted that assistance take reasonable steps to reduce their costs or increase their chargeable incomes.

Compare: 1964 No 136 s 61G(1)

96 Temporary additional support: requirements

(1) A person (**P**) is entitled to temporary additional support if—

(a) P's chargeable income is less than P's essential costs; and

(b) P has cash assets of not more than the prescribed amount; and

(c) P meets any prescribed criteria and any other requirements set out in regulations made under section 428.

(2) However, temporary additional support must not be granted in respect of the cost of residential care services supplied to a person who has a psychiatric, intellectual, physical, or sensory disability if—

(a) the person's accommodation costs are wholly or partly funded under the Pae Ora (Healthy Futures) Act 2022; or

(b) the person's care (other than care in the person's own home) is wholly or partly funded under the Pae Ora (Healthy Futures) Act 2022.

(3) Temporary additional support granted under subsection (1) must be granted in the prescribed amount and for the prescribed period.

(4) This section is subject to clause 20 (how commitments for temporary additional support may be affected by debt, or health or disability, insurance payment) of Schedule 3.

Compare: 1964 No 136 s 61G(2), (3), (4)

Section 96(2)(a): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 96(2)(b): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

97 Temporary additional support: refusal, reduction, or cancellation of grant in certain circumstances

(1) This section applies in respect of an applicant for temporary additional support if MSD is at any time satisfied that a person who is the applicant, or the applicant's spouse or partner, has—

(a) arranged that person's financial affairs in order to qualify for temporary additional support; or

(b) failed to take reasonable steps to reduce that person's costs or increase that person's chargeable income; or

(c) failed to take all necessary steps to obtain any assistance towards that person's essential costs from any other source from which that person may be entitled to assistance.

(2) If this section applies, MSD may—

(a) refuse to grant temporary additional support; or

(b) grant temporary additional support at a reduced rate; or

(c) reduce the rate of temporary additional support already granted; or

(d) cancel any temporary additional support already granted.

Compare: 1964 No 136 s 61G(5), (6)

98 Interpretation

In this subpart and in section 428,—

allowable costs has the meaning prescribed in regulations made under section 428, but does not include standard costs

applicant includes a recipient of temporary additional support

cash assets has the meaning prescribed in regulations made under section 428

chargeable income has the meaning prescribed in regulations made under section 428

essential costs means the sum of a person's allowable costs and standard costs

standard costs has the same meaning as in section 428(2)(b)

tax credit means a credit of tax, or an amount, received under—

(a) subparts MA to MG and MZ of the Income Tax Act 2007; or

(b) subpart KD of the Income Tax Act 2004; or

(c) subpart KD of the Income Tax Act 1994.

Compare: 1964 No 136 s 61G(7)

Subpart 17—Special assistance

99 Overseas epidemics affecting visitors to New Zealand: Minister may give overseas epidemic management notice

(1) The Minister may, by written notice, declare that the effects of an outbreak outside New Zealand of a stated quarantinable disease are likely to cause hardship to people temporarily in New Zealand by preventing or hindering their prompt return to stated places.

(2) The notice comes into force on its commencement, and expires on the earliest of the following:

(a) the day 3 months after its commencement:

(b) a day stated in the notice:

(c) a day stated by the Minister by further written notice.

(3) Before or after the notice expires, the Minister can give a new notice in respect of the same disease.

(4) The Minister must not give the notice except on, and after considering, the written recommendation of the chief executive of the Ministry of Health.

(5) In subsection (1), **quarantinable disease** has the same meaning as in section 2(1) of the Health Act 1956.

(6) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 61CE

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must: • notify it in the *Gazette* • publish it on a website maintained by, or on behalf of, MSD • if it is amended without being replaced, also publish on that website a consolidated version of the notice as at a stated date incorporating the amendments up to that date	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 99(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

100 Special assistance for visitors affected by overseas epidemics

(1) The Minister may, in respect of any period for which an overseas epidemic management notice is in force, by written notice establish programmes of special assistance for visitors to New Zealand who are prevented or hindered from returning promptly to places stated in the notice by the outbreak outside New Zealand of the disease stated in the notice.

(2) The notice must state—

(a) the criteria for determining which people are given assistance; and

(b) any maximum amounts of assistance to be given; and

(c) if different amounts of assistance may be given to different people, the criteria for determining how much assistance people are given; and

(d) for how long assistance may be given; and

(e) any conditions subject to which assistance is to be given.

(3) The programme, and the matters stated in the notice establishing it, override every other provision of this Act.

(4) The Crown may incur, without further appropriation than this subsection, expenses or capital expenditure for the purpose of providing special assistance under this section.

(5) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 61CF, 124(1C)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • notify it in the *Gazette* • publish it on a website maintained by, or on behalf of, MSD • if it is amended without being replaced, also publish on that website a consolidated version of the notice as at a stated date incorporating the amendments up to that date	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 100(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

101 Approved special assistance programmes

(1) The Minister may from time to time, by written notice, approve and establish welfare programmes for the purpose of granting special assistance.

(2) A welfare programme approved and established by the Minister under subsection (1)—

(a) must be administered by MSD; and

(b) may provide for any specified provision of this Act to apply to the programme and to any specified class or classes of person as if the special assistance authorised by the programme were a benefit under this Act.

(3) This section is subject to clause 21 (how costs, etc, for approved programme of special assistance may be affected by debt, or health or disability, insurance payment) of Schedule 3.

(4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 124(1)(d), (1A), (1B)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • notify it in the *Gazette* • publish it on a website maintained by, or on behalf of, MSD • if it is amended without being replaced, also publish on that website a consolidated version of the notice as at a stated date incorporating the amendments up to that date	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 101(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

102 Special assistance: status of, and access to, notices

[Repealed]

Section 102: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 18—Extended payment of benefits for children aged 18 years or over who continue education

103 Provisions relating to children aged 18 years or over who continue education

(1) This section applies where a child (**C**) aged 18 years—

(a) is not financially independent; and

(b) is attending school or a tertiary educational establishment.

(2) Despite C being 18, MSD may for such period as MSD determines (expiring not later than the pay day immediately after 31 December in the year in which C turns 18)—

(a) grant or continue to pay an orphan's benefit or unsupported child's benefit in respect of C:

(b) pay any other benefit at the appropriate rate that includes C as a dependent child of the beneficiary.

Compare: 1964 No 136 s 63A

Part 3
Obligations

Contents

Page

Subpart 1—Introduction

Guide to this Part

104 What this Part does 77
105 Failure to comply with obligation under this Part 77

Subpart 2—MSD's obligations

Steps to make people affected aware of their obligations, etc

106 MSD must make people affected aware of their obligations, consequences of non-compliance, and their review and appeal rights 78

Steps to explain overseas absence rules

107 MSD must explain rules relating to absence from New Zealand 78

Steps to assist compliance with overseas pensions obligations

108 MSD must assist in relation to obtaining overseas pension, etc 78

Subpart 3—Beneficiaries' obligations

Beneficiaries: general and specific obligations

109 Outline of beneficiary's general and specific obligations 79
110 When obligations apply 79

General obligations: holding, and giving details of, bank account

111 Beneficiary must hold, and give MSD details of, bank account 80

General obligations: supplying tax file number

112 Beneficiary must supply tax file number 80

General obligations: notification of change of circumstances

113 Beneficiary must notify change of circumstances 81

Specific obligations: notification of absence from New Zealand

114 Obligation to notify absence from New Zealand 83

Specific obligations: work ability assessment

115 Obligation to undergo work ability assessment 83
116 Persons subject to work ability assessment 83
117 Persons not subject to work ability assessment 84
118 Work ability assessment 84
119 Person who fails to comply with requirement to undergo work ability assessment is subject to sanction 84

Specific obligations: work preparation

120 Work-preparation obligations 85
121 Persons subject to work-preparation obligations 85
122 Persons not subject to work-preparation obligations 86
123 Persons subject to work-preparation obligations if sufficient capacity to comply 86
124 General obligation to take all steps to prepare for employment 86
125 Work-preparation obligations as required by MSD 86
126 Person who fails to comply with work-preparation obligation subject to sanction 87

Specific obligations: social obligations in relation to dependent children

127 Obligations in relation to dependent children 87
128 Obligations of beneficiary in relation to dependent children 87
129 Obligations of spouse or partner of beneficiary in relation to dependent children of beneficiary 88
130 Obligations of spouse or partner of beneficiary in relation to dependent children of spouse or partner 88
131 Attendance of dependent child aged 3 to 5 years at early childhood education programme 88
132 Attendance of dependent child aged 5 or 6 years at early childhood education programme or registered school 89
133 Attendance of dependent child aged 6 to 15 years at registered school 89
134 Health care enrolment and compliance with core health checks 89
135 Interviews and reporting 90
136 Person who fails to comply with obligations in relation to dependent children is subject to sanction 90
137 Definitions and attendance: regulations made under section 430 90

Specific obligations: work-test obligations

138 Work-test obligations 90
139 Purpose of sections 140 to 154 91
140 Persons subject to work-test obligations 91
141 Jobseeker support: work capacity determination and work test 92
142 Person not subject to work-test obligations 92
143 Time when work-test obligation applies 93
144 General obligation to be available for suitable employment, etc 93
145 Meaning of suitable employment 93
146 Work-test obligations as required by MSD 93
147 Obligation to undertake and pass drug test 94
148 Compliant drug test defined 95
149 Failing drug test 95
150 Use of drug test result 95

151	Costs of drug test	95
152	Definitions for drug-testing provisions	95
153	Person who fails to comply with work-test obligations is subject to sanction	97
154	Deemed failure to comply with work-test obligation	97
	Deferral of work-test obligations	
155	Deferral of work-test obligations	97
156	Effect of deferral of work-test obligations	97
	Exemptions: work-preparation, work-test, and other obligations	
157	Regulations may specify categories of exempt persons and grounds for exemption	98
158	MSD may grant exemption from work-preparation, work-test, or other obligation	98
159	Donors of qualifying organs exempt from work-preparation, work-test, or other obligation while recuperating	98
160	Procedure for grant of exemption	98
161	Person who fails to comply with requirement to attend interview is subject to sanction	99
	Specific obligations: young person granted youth support payment	
162	Obligations of young person granted youth support payment	99
163	When education obligation or training obligation begins for young parent	100
	Specific obligations: social obligations of young person granted young parent payment	
164	Obligations of young person granted young parent payment	101
	Specific obligations: young person aged 18 or 19 years who is receiving jobseeker support and who is at significant risk of long-term welfare dependency	
165	Young person aged 18 or 19 years who is receiving jobseeker support in young person's own right and who is at significant risk of long-term welfare dependency	102
	Obligations of, and incentives for, young person who is spouse or partner of beneficiary	
166	Young person aged 16 or 17 years who has no dependent child and who is spouse or partner of specified beneficiary	103
167	Young person aged 16 to 19 years who has dependent child and who is spouse or partner of specified beneficiary	104
168	Young person aged 18 or 19 years, who is receiving jobseeker support as spouse or partner of person granted that benefit, or who is work-tested spouse or partner of specified beneficiary, and who is at significant risk of long-term welfare dependency	106

169 Interpretation 108

Specific obligations: obligation to work with contracted service providers

170 Obligation to work with contracted service providers 108
171 Person who fails to comply with requirement under section 170(2) subject to sanction 109

General obligations: obligations in relation to overseas pensions

172 Interpretation 109
173 Applicant for benefit, etc, to take reasonable steps to obtain overseas pension 109
174 MSD may give notice requiring person to take reasonable steps to obtain overseas pension 110
175 MSD may give notice requiring person to take reasonable steps to obtain overseas pension for dependant 110
176 Failure to comply with MSD's notice given under section 174 or 175 111
177 Applicant for benefit must provide information as to rate of overseas pension 111
178 MSD may give notice requiring beneficiary to provide information as to rate of overseas pension 111
179 Failure to comply with MSD's notice given under section 178 112
180 Meaning of rate 112

Miscellaneous

181 Application of health and safety legislation, etc 112
182 Obligations suspended where MSD has exercised discretion to pay benefit while beneficiary overseas 113

Subpart 1—Introduction

Guide to this Part

104 What this Part does

This Part sets out the obligations of—

(a) MSD:

(b) beneficiaries and their partners.

105 Failure to comply with obligation under this Part

(1) A person who is subject to an obligation under this Part and who fails to comply with that obligation without good and sufficient reason is liable to a sanction under Part 5.

(2) Subsection (1) does not apply to MSD.

Compare: 1964 No 136 s 170(5)

Subpart 2—MSD's obligations

Steps to make people affected aware of their obligations, etc

106 MSD must make people affected aware of their obligations, consequences of non-compliance, and their review and appeal rights

MSD must take reasonable and appropriate steps to make a person to whom an obligation under this Part applies—

(a) aware of that obligation; and

(b) aware of the consequences of failure to comply with that obligation and, in particular, the sanctions that may be imposed under Part 5; and

(c) aware of that person's rights under sections 391 and 397 to review and appeal decisions relating to the obligation.

Compare: 1964 No 136 ss 60GAG(2), 60R, 60RB, 100D, 105C, 172

Steps to explain overseas absence rules

107 MSD must explain rules relating to absence from New Zealand

MSD must take reasonable and appropriate steps to explain, to every person who is, or appears to MSD to be likely to be, affected by them,—

(a) the rules about absence from New Zealand contained in the following provisions:

(i) section 219 (general rule: benefit not payable while beneficiary absent from New Zealand):

(ii) regulations made under section 436 (regulations that contain exceptions, and other contrary or related provisions); and

(b) how those rules do or may affect payment of benefits.

Compare: 1964 No 136 s 77A

Steps to assist compliance with overseas pensions obligations

108 MSD must assist in relation to obtaining overseas pension, etc

MSD must take all reasonable steps to assist any person to comply with that person's obligations under sections 173 and 177.

Compare: 1964 No 136 s 69I

Subpart 3—Beneficiaries' obligations

Beneficiaries: general and specific obligations

109 Outline of beneficiary's general and specific obligations

(1) The general obligations of a beneficiary, that is, obligations that apply to all beneficiaries, are the following:

(a) the obligation to hold, and give MSD details of, a bank account (*see* section 111):

(b) the obligation to supply a tax file number (*see* section 112):

(c) the obligation to notify a change of circumstances (*see* section 113).

(2) The specific obligations that apply to some beneficiaries only, are the following:

(a) the obligation to notify absence from New Zealand (*see* section 114):

(b) the obligation to undergo work ability assessments (*see* sections 115 to 119):

(c) work-preparation obligations (*see* sections 120 to 126):

(d) obligations in relation to dependent children (*see* sections 127 to 137):

(e) work-test obligations (*see* sections 138 to 156):

(f) youth payment obligations (*see* sections 162 and 163):

(g) young parent obligations (*see* sections 164 and 169):

(h) obligations under section 165(7) of a young person aged 18 or 19 years who is receiving jobseeker support, who is at significant risk of long-term welfare dependency (*see* sections 165 and 169), and who is required under section 165(2) to receive youth services:

(i) obligations (including relating to instruction, education, training, or learning) of a young person who is the spouse or partner of a beneficiary (*see* sections 166, 167, and 169):

(j) obligations (including relating to youth services) of a young person who is the spouse or partner of a beneficiary (*see* sections 168 and 169):

(k) the obligation to work with contracted service providers (*see* sections 170 and 171):

(l) obligations in relation to overseas pensions (*see* sections 172 to 180).

110 When obligations apply

An obligation applies from the time that the benefit in question is paid, except in the case of—

(a) the applicant's or beneficiary's obligation to hold, and give MSD details of, a bank account (*see* section 111); and

(b) the section 162(1)(a) education or training obligation of a young parent who is the principal caregiver of that young parent's youngest dependent child who is under 12 months old (*see* section 163(2)).

Compare: 1964 No 136 ss 82(7), 170(3), (4)

General obligations: holding, and giving details of, bank account

111 Beneficiary must hold, and give MSD details of, bank account

(1) It is a condition of every benefit, unless MSD in a particular case determines otherwise, that the applicant or beneficiary must, by the deadline (specified by regulations made under section 438(2)(a)(ii)) for receipt by MSD of any supporting evidence reasonably required by MSD,—

(a) give MSD details of an existing suitable bank account held by the applicant or beneficiary; or

(b) open a bank account, if the applicant or beneficiary does not hold one, and give MSD details of it.

(2) **Bank account**, in this section, means an account with a bank that is a registered bank (as defined in section 2(1) of the Banking (Prudential Supervision) Act 1989), a private savings bank, a credit union, a building society, or a non-bank deposit taker (as defined in section 5 of the Non-bank Deposit Takers Act 2013).

Compare: 1964 No 136 s 82(7); 1994 No 166 s 184A(4); 2006 No 40 s 221(4)

Section 111(2): amended, on 1 July 2022, by section 300(1) of the Reserve Bank of New Zealand Act 2021 (2021 No 31).

General obligations: supplying tax file number

112 Beneficiary must supply tax file number

(1) MSD may in writing request an applicant for a benefit or a beneficiary to provide evidence, to the satisfaction of MSD, of the tax file number of the applicant or beneficiary.

(2) MSD may refuse to grant a benefit and must suspend payment of a benefit if satisfactory evidence of the tax file number of the applicant or the beneficiary is not received within 10 working days after the date on which the request is made (the **deadline**).

(3) MSD may in writing extend the deadline if an applicant or a beneficiary provides a reasonable explanation for not providing the evidence within the deadline.

(4) This section does not apply to a beneficiary who is unable to provide satisfactory evidence of the beneficiary's tax file number within the deadline or extended deadline specified because of any health condition, injury, or disability.

(5) In this section, **tax file number** has the same meaning as in section YA 1 of the Income Tax Act 2007.

Compare: 1964 No 136 s 82A

General obligations: notification of change of circumstances

113 Beneficiary must notify change of circumstances

Obligation to notify without delay change of circumstances

(1) A beneficiary must without delay notify MSD of a change in the beneficiary's circumstances if—

(a) the change affects the beneficiary's entitlement to receive a benefit; or

(b) the change affects the rate of a benefit the beneficiary receives.

Examples of change of circumstances

(2) Examples of a change in a beneficiary's circumstances include—

(a) a change in the beneficiary's relationship status, number of children, income, accommodation, or employment:

(b) a change in the relationship status, income, accommodation, or employment of the beneficiary's spouse or partner:

(c) the beneficiary or his or her spouse or partner becoming entitled to an overseas pension.

Meaning of change in beneficiary's relationship status

(3) In subsection (2)(a), a **change in the beneficiary's relationship status** means the beneficiary's—

(a) entering into a marriage, civil union, or de facto relationship; or

(b) ceasing to live together with, or separating from, a spouse or civil union partner; or

(c) ceasing to live together (as a couple in a relationship in the nature of marriage or civil union) with, or separating from, a de facto partner; or

(d) ceasing to be in a marriage, civil union, or de facto relationship, because it has ended by reason of an event not specified in paragraph (b) or (c) (for example, by dissolution, or on a spouse's or partner's death).

How subsection (1) is satisfied for information share child support payment

(4) Subsection (1) is satisfied for a change in a beneficiary's circumstances that is an information share child support payment made to a beneficiary if the payment is disclosed to MSD under a specified approved information sharing agreement.

(5) In this section,—

information share child support payment—

(a) has the meaning given to it in Schedule 2; and therefore

(b) excludes a general provisions child support payment (as that term is defined in Schedule 2)

specified approved information sharing agreement has the meaning given to it in Schedule 2.

Exception if person does not notify without delay change that is review ground

(6) However, subsection (4) does not apply if—

(a) MSD has in some way notified the beneficiary of the income charging of the payment under Schedule 3 (*see* the examples given in subsection (7)); and

(b) the beneficiary does not notify MSD without delay of a change in the beneficiary's circumstances that relates to the payment and that is or may be all or any of the review grounds specified in section 304A(1)(a) to (g).

Examples of MSD notifying beneficiary of income charging of payment

(7) For the purposes of subsection (6)(a), examples of MSD in some way notifying the beneficiary of the income charging under Schedule 3 of the payment include MSD notifying the beneficiary—

(a) that information share child support payments are, or will be, charged as income of the beneficiary under Schedule 3; or

(b) of a change in amounts or timing of information share child support payments; or

(c) of a change in how information share child support payments are charged as income of the beneficiary under Schedule 3.

Review grounds include any additional grounds prescribed by regulations

(8) For the purposes of subsection (6)(b), the review grounds specified in section 304A(1)(a) to (g) include, without limitation, any 1 or more additional grounds prescribed by regulations made under section 418(1)(ja).

Compare: 1964 No 136 s 80A

Section 113(1) heading: inserted, on 1 July 2023, by section 30(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(2) heading: inserted, on 1 July 2023, by section 30(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(3) heading: inserted, on 1 July 2023, by section 30(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(4) heading: inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(4): inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(5): inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(6) heading: inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(6): inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(7) heading: inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(7): inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(8) heading: inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 113(8): inserted, on 1 July 2023, by section 30(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Specific obligations: notification of absence from New Zealand

114 Obligation to notify absence from New Zealand

(1) A beneficiary who intends to be absent from New Zealand must before leaving New Zealand notify MSD of the beneficiary's intended absence.

(2) However, subsection (1) does not apply to a person who receives a benefit payable under—

(a) subpart 11 of Part 2 (winter energy payment); or

(b) sections 21 to 35 of the New Zealand Superannuation and Retirement Income Act 2001; or

(c) sections 176 to 196 of the Veterans' Support Act 2014; or

(d) any reciprocity agreement with another country adopted by an order made under section 380.

Compare: 1964 No 136 ss 61FJ(3), 77(6), (9)

Specific obligations: work ability assessment

115 Obligation to undergo work ability assessment

Sections 116 to 119 set out the obligation of a person to undergo a work ability assessment.

116 Persons subject to work ability assessment

The following persons must comply with a requirement under section 118 by MSD that they undergo a work ability assessment:

(a) a person who receives any of the following benefits: jobseeker support, sole parent support, a supported living payment (except as provided in section 117), or an emergency benefit; or

(b) the spouse or partner of a person listed in paragraph (a).

Compare: 1964 No 136 s 100B(1)

117 Persons not subject to work ability assessment

MSD must not require a person who receives a supported living payment on the ground of restricted work capacity to undergo a work ability assessment if, in MSD's opinion, that person—

(a) is terminally ill; or

(b) has little or no capacity for work, and the person's condition is deteriorating or not likely to improve.

Compare: 1964 No 136 s 100B(2)

118 Work ability assessment

(1) MSD may at any time require a person to whom this section applies to attend and participate in a work ability assessment to determine, or help determine, all or any of the following matters:

(a) whether the person is entitled to a benefit and, if so, what kind of benefit:

(b) if a person granted jobseeker support is subject to a work-test obligation, whether that obligation should be deferred:

(c) if a person is granted jobseeker support on the ground of health condition, injury, or disability, whether that person has the capacity for part-time work:

(d) whether the person should be exempted from a work-preparation or work-test obligation:

(e) whether the person has the capacity to comply with a work-preparation or work-test obligation:

(f) what is suitable employment for the person for the purposes of section 145:

(g) what are suitable activities for the person for the purposes of section 125(d) or 146(1)(d):

(h) what assistance and supports are necessary for the person to obtain employment.

(2) The assessment must be made in accordance with the procedure determined by MSD.

(3) A person who has been assessed under subsection (1) may be required by MSD to undergo a reassessment under that subsection as MSD thinks appropriate.

Compare: 1964 No 136 ss 100B(3), (4), 100C(1), (2)

119 Person who fails to comply with requirement to undergo work ability assessment is subject to sanction

A person (**P**) is subject to a sanction under section 236, 237, or 238 if MSD is satisfied that **P** has, without a good and sufficient reason, failed to comply

with a requirement under section 118 to attend and participate in a work ability assessment or reassessment.

Compare: 1964 No 136 s 116B(1)(d)

Specific obligations: work preparation

120 Work-preparation obligations

(1) Sections 121 to 126 set out a person's work-preparation obligations.

(2) Those obligations are intended—

(a) to facilitate the movement into ongoing employment (as their parenting responsibilities and individual circumstances allow) of beneficiaries to whom those obligations apply; and

(b) to provide opportunities for them to improve their capabilities and preparation for employment; and

(c) to improve social and economic outcomes for them and their dependent children.

Compare: 1964 No 136 s 60P

121 Persons subject to work-preparation obligations

The following persons must comply with section 124 and may be required to do any of the things set out in section 125:

(a) a person who receives sole parent support and whose youngest dependent child is under the age of 3 years:

(b) *[Repealed]*

(c) a person who is a work-tested beneficiary and who has been granted under regulations made under section 431 a deferral of that person's work-test obligations:

(d) a person who—

(i) is the spouse or partner of a person who—

(A) receives an emergency benefit or jobseeker support paid at a work-test couple rate; and

(B) has a youngest dependent child aged under 3 years; and

(ii) is not the spouse or partner of a young person to whom section 166 or 167 applies:

(e) the spouse or partner of a person who—

(i) receives a supported living payment on the ground of restricted work capacity or total blindness; and

(ii) has a youngest dependent child aged under 3 years:

(f) a person under the age of 65 granted an emergency benefit under section 17(2)(c) of the New Zealand Superannuation and Retirement Act 2001.

Compare: 1964 No 136 ss 20E(a), 40G(1), (2)(a), 60Q(1), (1A), 88G(a), 61A(1)

Section 121(b): repealed, on 8 November 2021, by section 5 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

122 Persons not subject to work-preparation obligations

The following persons are not required to comply with section 124 and must not be required to do any of the things set out in section 125:

(a) a person who is a work-tested beneficiary:

(b) a person who is currently exempted under section 158(1) from all the person's work-test obligations.

Compare: 1964 No 136 s 60Q(1)

123 Persons subject to work-preparation obligations if sufficient capacity to comply

(1) The following persons are not required to comply with section 124 but may be required to do any of the things set out in section 125 if MSD decides that the person is capable of complying with the obligation in question:

(a) a person who receives a benefit under section 34 (supported living payment on the ground of restricted work capacity or total blindness):

(b) a person who receives a benefit under section 40 (supported living payment on the ground of caring for another person).

(2) A person referred to in subsection (1)(a) or (b) may be required to attend and participate in an interview with an MSD employee or a person on behalf of MSD for the purpose of helping MSD decide whether the person is capable of complying with any of the work-preparation obligations set out in section 125.

Compare: 1964 No 136 ss 40F(a), 40H(a), 60Q(1)(bb), (bc), (1B)

124 General obligation to take all steps to prepare for employment

A person to whom this section applies must take all steps that are reasonably practicable in the person's circumstances to prepare for employment.

Compare: 1964 No 136 s 60Q(2)

125 Work-preparation obligations as required by MSD

A person to whom this section applies must, as required by MSD from time to time,—

(a) undertake planning for employment:

(b) attend and participate in an interview with an MSD employee or a person on behalf of MSD:

(c) report to MSD or a person on behalf of MSD on the person's compliance with the work-preparation obligations set out in this section, and must do so as often as, and in the manner that, MSD reasonably requires:

(d) participate in or undertake any of the following activities specified by MSD that MSD considers suitable for improving the person's work-readiness or prospects for employment:

(i) a work assessment:

(ii) a programme or seminar to increase particular skills or enhance motivation:

(iii) a work-experience or work-exploration activity:

(iv) employment-related training:

(v) an education programme:

(vi) any other activity (including rehabilitation) other than medical treatment, recognised voluntary work, or activity in the community.

Compare: 1964 No 136 s 60Q(3)

126 Person who fails to comply with work-preparation obligation subject to sanction

A person (**P**) is subject to a sanction under section 236, 237, or 238 if MSD is satisfied that P has, without a good and sufficient reason, failed to comply with a work-preparation obligation.

Compare: 1964 No 136 s 116B(1)(c)

Specific obligations: social obligations in relation to dependent children

127 Obligations in relation to dependent children

Sections 128 to 135 set out obligations in relation to the dependent children of—

(a) a beneficiary receiving certain main benefits under this Act; and

(b) the beneficiary's spouse or partner.

128 Obligations of beneficiary in relation to dependent children

A beneficiary is subject to the obligations set out in sections 131 to 135 in relation to the beneficiary's dependent children or the dependent children of the beneficiary's spouse or partner if the beneficiary—

(a) receives jobseeker support, sole parent support, a supported living payment, or an emergency benefit; and

(b) is not a young person subject to the obligations set out in section 164.

Compare: 1964 No 136 ss 20E(b), 40F(b), 40H(b), 40HA(a), 60RA(1), 61AA, 88F(8)

129 Obligations of spouse or partner of beneficiary in relation to dependent children of beneficiary

(1) The spouse or partner of a beneficiary is subject to the obligations set out in sections 131 to 135 in relation to each dependent child of the beneficiary if—

(a) the beneficiary receives jobseeker support, sole parent support, a supported living payment, or an emergency benefit; and

(b) the spouse or partner is not a young person subject to the obligations set out in section 166 or 167.

(2) Subsection (1) applies whether or not—

(a) the dependent child of the beneficiary is also the dependent child of the spouse or partner:

(b) the spouse or partner receives all or any of the benefit instead of, or as well as, the beneficiary.

Compare: 1964 No 136 ss 40G(1), (2)(b), 60RA(1)(b), (2), 88G(b)

130 Obligations of spouse or partner of beneficiary in relation to dependent children of spouse or partner

(1) The spouse or partner of a beneficiary is subject to the obligations set out in sections 131 to 135 in relation to each dependent child of the spouse or partner if—

(a) the beneficiary receives jobseeker support, sole parent support, a supported living payment, or an emergency benefit; and

(b) the spouse or partner is not a young person subject to the obligations set out in section 166 or 167.

(2) Subsection (1) applies whether or not—

(a) the dependent child of the spouse or partner is also the dependent child of the beneficiary:

(b) the spouse or partner receives all or any of the benefit instead of, or as well as, the beneficiary.

Compare: 1964 No 136 ss 40HA, 60RA(1)(b), (2), 61A(3)

131 Attendance of dependent child aged 3 to 5 years at early childhood education programme

(1) A person to whom this section applies must take all reasonable steps to ensure that each dependent child aged 3 to 5 years—

(a) is enrolled in an approved early childhood education programme (as that term is defined in regulations made under section 430); and

(b) attends that programme in the manner and to the minimum extent prescribed by regulations made under section 430.

(2) This section does not apply if the dependent child is enrolled at and regularly attends a registered school (as defined in regulations made under section 430).

Compare: 1964 No 136 s 60RA(3)(a)

132 Attendance of dependent child aged 5 or 6 years at early childhood education programme or registered school

(1) A person to whom this section applies (**A**) must take all reasonable steps to ensure that each dependent child aged 5 or 6 years either—

(a) is enrolled in an approved early childhood education programme (as defined in regulations made under section 430) and attends that programme in the manner and to the minimum extent prescribed by regulations made under section 430; or

(b) is enrolled at and regularly attends a registered school (as defined in regulations made under section 430).

(2) This section does not apply if A qualifies for an exemption from his or her work-test obligations on the active teaching out of school grounds specified by—

(a) regulation 6(2)(c) of the Social Security (Exemptions under Section 105) Regulations 1998 (as saved by clause 27 of Schedule 1); or

(b) any regulations made under section 431(1)(e).

Compare: 1964 No 136 ss 60RA(3)(b), 60RAB(2)

133 Attendance of dependent child aged 6 to 15 years at registered school

(1) A person to whom this section applies must take all reasonable steps to ensure that each dependent child aged 6 to 15 years is enrolled at and regularly attends a registered school (as defined by regulations made under section 430).

(2) This section does not apply if the child is exempted under section 38, 39, or 41 of the Education and Training Act 2020 from enrolment at a registered school.

Compare: 1964 No 136 s 60RA(3)(c)

Section 133(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

134 Health care enrolment and compliance with core health checks

(1) A person to whom this section applies must take all reasonable steps to ensure that each dependent child is enrolled with a primary health care provider (for example, a primary health organisation, or a prescribed health practitioner who is a provider of primary health care).

(2) A person to whom this section applies must take all reasonable steps to ensure that a dependent child under the age of 5 years is up to date with core checks under—

(a) the programme that immediately before 15 July 2013 was known as Well Child; or

(b) any similar programme established in its place.

Compare: 1964 No 136 s 60RA(3)(d), (e)

135 Interviews and reporting

A person to whom this section applies must, as required by MSD,—

(a) attend and participate in an interview with an MSD employee or a person on behalf of MSD:

(b) report to MSD or a person on behalf of MSD on the person's compliance with the obligations in relation to dependent children set out in sections 131 to 134, and must do so as often as, and in the manner that, MSD reasonably requires.

Compare: 1964 No 136 s 60RA(3)(f), (g)

136 Person who fails to comply with obligations in relation to dependent children is subject to sanction

(1) A person (**P**) is subject to a sanction under section 236, 237, or 238 if MSD is satisfied that P has, without a good and sufficient reason, failed to comply with an obligation in relation to dependent children under sections 131 to 135.

(2) However, P is not subject to a sanction under section 233(c) if imposition of a sanction is precluded by section 243 or 255.

Compare: 1964 No 136 s 116B(1)(b)

137 Definitions and attendance: regulations made under section 430

(1) Regulations made under section 430 may prescribe, for the purposes of sections 131 to 134, the meaning of the following terms:

(a) approved early childhood education programme:

(b) core check:

(c) registered school.

(2) Regulations made under section 430 that prescribe, for the purposes of sections 131(1)(b) and 132(1)(a), the minimum extent of, or other required manner of, attending an approved early childhood education programme may, without limitation,—

(a) prescribe, for all or any approved early childhood programmes, target numbers of hours of attendance:

(b) prescribe different minimum numbers of hours of attendance for all or any different approved early childhood programmes.

Compare: 1964 No 136 s 60RAB(1), (3), (4)

Specific obligations: work-test obligations

138 Work-test obligations

Sections 140 to 154 set out the work-test obligations.

139 Purpose of sections 140 to 154

The purpose of sections 140 to 154 is—

(a) to ensure that work-tested beneficiaries maintain an unrelenting focus on entering, retaining, or returning to, employment; and

(b) to reinforce the continuing obligation of work-tested beneficiaries to take reasonable steps to support themselves and their families; and

(c) to identify the activities that work-tested beneficiaries may be required to undertake to meet their obligations arising from work-tested benefits being paid in respect of them; and

(d) to provide a work test structure applying to all work-tested beneficiaries that is sufficiently flexible to take account of an individual beneficiary's circumstances.

Compare: 1964 No 136 s 101

140 Persons subject to work-test obligations

(1) The following persons must comply with section 144 and may be required to do any of the things set out in section 146:

(a) a person who receives jobseeker support (other than jobseeker support on the ground of health condition, injury, or disability):

(b) a person who receives jobseeker support on the ground of health condition, injury, or disability, if MSD has determined under section 141(1) that the person has the capacity to seek, undertake, and be available for part-time work:

(c) a person who—

(i) is the work-tested spouse or partner of a person who receives jobseeker support; and

(ii) is not the spouse or partner of a young person to whom section 166 or 167 applies:

(d) a work-tested sole parent support beneficiary:

(e) the work-tested spouse or partner of a person granted an emergency benefit or a supported living payment on the ground of restricted work capacity or total blindness at a work-test couple rate:

(f) a person under the age of 65 years granted an emergency benefit under section 17(2)(c) of the New Zealand Superannuation and Retirement Income Act 2001, if that person is a work-tested spouse or partner.

(2) MSD may, by notice in writing, require the spouse or partner of a person granted an emergency benefit at a work-test couple rate to comply with the work test if MSD is satisfied that it is appropriate and reasonable to require that spouse or partner to seek, undertake, and be available for—

(a) part-time work, in the case of a spouse or partner whose youngest dependent child is aged 3 years or older but under 14 years; or

(b) full-time employment, in any other case.

Compare: 1964 No 136 ss 20E(c), 88F(1), (4), 88G(c), 61A(1), (1A), (2)(b)

141 Jobseeker support: work capacity determination and work test

(1) MSD makes every determination under this subsection whether a person granted jobseeker support on the ground of health condition, injury, or disability has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work (as defined in Schedule 2).

(2) MSD—

(a) must make a determination under subsection (1) promptly after granting the person that benefit; and

(b) may make a determination under subsection (1) at any later time.

(3) A determination under subsection (1) must be made after having had regard to—

(a) the relevant certificate given under section 27, and any relevant report obtained under section 28; and

(b) any relevant work ability assessment under sections 115 to 119.

(4) The consequence of a determination under subsection (1) that the person has, while receiving that benefit, the capacity to seek, undertake, and be available for part-time work is that the person is required to comply with the work test on and after a date specified in a written notice (of the determination's making and effects) that MSD must give the person.

(5) The date specified in a written notice given under subsection (4),—

(a) in the case of a new grant of jobseeker support, may be the date on which that benefit is first paid; but

(b) in any case, must not be a date before the date on which MSD reasonably considers the person will receive the notice.

(6) MSD may at any time, whether on the application of the person or otherwise, review a determination under subsection (1) and may confirm, amend, revoke, or replace it and any related written notice given under subsection (4).

Compare: 1964 No 136 s 88F(2)–(6)

142 Person not subject to work-test obligations

A person (**P**) who is otherwise subject to a work-test obligation is not subject to that obligation if—

(a) the obligation has been deferred under regulations made under section 431; or

(b) P has been exempted from the obligation under section 158; or

(c) MSD is satisfied that P is undertaking employment of the kind required to satisfy the work test for P.

Compare: 1964 No 136 ss 88J, 102(2)

143 Time when work-test obligation applies

(1) An obligation set out in section 144 or 146 applies on—

(a) a day that is a day between Monday and Friday (inclusive); or

(b) a prescribed day of the week (*see* section 418(1)(e)).

(2) An obligation set out in section 144 or 146 applies,—

(a) in the case of a person who receives jobseeker support on the ground of health condition, injury, or disability, from the date specified in MSD's notice given under section 141(4) that the person has the capacity to seek, undertake, and be available for part-time work:

(b) in any other case, from the date on which the relevant benefit is first paid.

Compare: 1964 No 136 s 102(1), (3)

144 General obligation to be available for suitable employment, etc

A person to whom this section applies must—

(a) be available for, and take reasonable steps to obtain, suitable employment; and

(b) accept any offer of suitable employment, including temporary employment or employment that is seasonal or subsidised; and

(c) attend and participate in an interview for any opportunity of suitable employment to which the beneficiary is referred by MSD.

Compare: 1964 No 136 s 102A(1)(a)–(c)

145 Meaning of suitable employment

In section 144, **suitable employment**, in relation to a person (**P**), means employment that MSD is satisfied is suitable for P to undertake for a specific number of hours per week that MSD determines, having regard to the employment required to satisfy the work test for P.

Compare: 1964 No 136 s 3(1)

146 Work-test obligations as required by MSD

(1) A person to whom this section applies must, as required by MSD from time to time,—

(a) undertake planning for employment:

(b) attend and participate in an interview with an MSD employee or a person on behalf of MSD:

(c) report to MSD or a person on behalf of MSD on the person's compliance with the work-test obligations set out in this section or sections 144 and 147, and must do so as often as, and in the manner that, MSD reasonably requires:

(d) participate in or undertake any of the following activities specified by MSD that MSD considers suitable for improving the person's work-readiness or prospects for employment:

(i) a work assessment:

(ii) a programme or seminar to increase particular skills or enhance motivation:

(iii) a work-experience or work-exploration activity:

(iv) employment-related training:

(v) any other activity (including rehabilitation) other than medical treatment, recognised voluntary work, or activity in the community:

(e) undertake and pass a drug test in accordance with sections 147 to 151.

(2) Subsection (1)(d) applies whether or not a person is subject to a sanction for failing to comply with a work-test obligation.

(3) If MSD requires a person to undertake an activity under subsection (1)(d), MSD must take reasonable steps to arrange for the person to undertake that activity.

Compare: 1964 No 136 s 102A(1)(d)–(g), (2)–(5)

147 Obligation to undertake and pass drug test

(1) A person to whom an obligation under section 144(a), 144(c), 146(1)(d)(ii), or 146(1)(d)(iv) applies must undertake and pass a drug test by a specified date if—

(a) a potential employer or training provider requests the drug test; and

(b) the drug test is lawfully requested and undertaken; and

(c) the drug test is a compliant drug test (*see* section 148).

(2) The obligation under subsection (1) to undertake and pass a drug test is included in, forms part of, and does not arise apart from, the obligation under section 144(a), 144(c), 146(1)(d)(ii), or 146(1)(d)(iv).

(3) A drug test is lawfully requested and undertaken if it is requested and undertaken for a lawful purpose (for example, for a lawful health or safety purpose), and it does not matter that the employer or provider requesting the drug test is not authorised or required by or under this Act to compel the person to undertake it.

(4) A drug test under this section is presumed to be lawfully requested and undertaken unless the contrary is proved.

Compare: 1964 No 136 ss 102A(1A), 102B(1), (3)

148 Compliant drug test defined

A **compliant drug test** is a drug test that complies with the requirements prescribed by regulations made under section 431.

Compare: 1964 No 136 s 102B(2)

149 Failing drug test

(1) For the purposes of this Act, a person is taken to have failed an evidential drug test requested under section 257 if the person fails a screening test and waives the right to an associated evidential drug test.

(2) A potential employer or training provider may disclose, or authorise the drug test provider to disclose, to MSD that a person who has undertaken a drug test under section 147 has failed the drug test.

(3) MSD may act on the information disclosed under subsection (2) unless MSD has reason to believe that it is not reliable (for example, MSD may have evidence to the contrary).

(4) Consent of a person who has undertaken a drug test under section 147 to disclosure under subsection (2) is not required.

Compare: 1964 No 136 ss 102B(4), (5), 102C(2)

150 Use of drug test result

MSD may, in accordance with regulations made under section 431, use the result of a drug test undertaken under section 147 and disclosed to MSD under section 149.

Compare: 1964 No 136 s 102E

151 Costs of drug test

(1) MSD may, in accordance with regulations made under section 431(1)(c), reimburse a potential employer for the costs of a drug test undertaken by a person under section 147 requested by that employer.

(2) Subsection (1) does not apply to the costs of an evidential drug test if the person waives the right to the evidential drug test in the situation specified in section 149(1).

Compare: 1964 No 136 s 102C(3)–(5)

152 Definitions for drug-testing provisions

In this section and in sections 147 to 151, unless the context otherwise requires,—

controlled drug has the same meaning as in section 2(1) of the Misuse of Drugs Act 1975

drug test, for a person, means a test to detect the presence in the person's body of 1 or more controlled drugs

evidential drug test, for a person, means a drug test that, when undertaken by the person, complies with a standard that is—

(a) a standard for drug tests for evidential purposes; and

(b) a New Zealand standard, joint Australian/New Zealand standard, or other national or international standard; and

(c) prescribed (whether under sections 29 to 32 of the Standards and Accreditation Act 2015 or otherwise) in regulations made under section 418(1)(f)

fail, for a person and a drug test, means—

(a) if the drug test is a screening drug test or an evidential drug test, not to pass the drug test; or

(b) if the drug test is an evidential drug test, to waive the right to that test in the situation specified in section 149(1), and so under that section be taken for the purposes of this Act to have failed that test

pass, for a person and a drug test, means to undertake the drug test with the consequence that the drug test produces a valid result that,—

(a) if the drug test is a screening drug test, does not indicate the presence in the person's body of 1 or more controlled drugs at or above the minimum level identified in the standard (prescribed in regulations made under section 418(1)(g)) with which the test complies; and

(b) if the drug test is an evidential drug test, does not detect for evidential purposes the presence in the person's body of 1 or more controlled drugs at or above the minimum level identified in the standard (prescribed in regulations made under section 418(1)(g)) with which the test complies

screening drug test, for a person, means a drug test that—

(a) may indicate the presence in the person's body of 1 or more controlled drugs; and

(b) is quicker, less formal, and less expensive than, and is designed for use in conjunction with, an evidential drug test; and

(c) complies with a standard that is—

(i) a standard for drug tests for evidential purposes; and

(ii) a New Zealand standard, joint Australian/New Zealand standard, or other national or international standard; and

(iii) prescribed (whether under sections 29 to 32 of the Standards and Accreditation Act 2015, or otherwise) in regulations made under section 418(1)(h).

Compare: 1964 No 136 s 88A

153 Person who fails to comply with work-test obligations is subject to sanction

A person is subject to a sanction (*see* section 233(d)) for a breach of a work-test obligation under section 144 or 146 if MSD is satisfied that the person—

(a) has failed without a good and sufficient reason to comply with the obligation; or

(b) is under section 154 deemed to have failed without a good and sufficient reason to comply with the obligation.

Compare: 1964 No 136 s 116B(1)(e)–(h)

154 Deemed failure to comply with work-test obligation

A person (**P**) is deemed to have failed without a good and sufficient reason to comply with a work-test obligation under section 144 or 146 if—

(a) P, without a good and sufficient reason, fails to apply for suitable employment that requires candidates to undertake drug tests; or

(b) P is a full-time work-tested beneficiary and leaves, without a good and sufficient reason, or is dismissed for misconduct from, part-time work or employment averaging less than part-time work; or

(c) P is a part-time work-tested beneficiary who leaves, without a good and sufficient reason, or is dismissed for misconduct from, employment averaging less than part-time work.

Compare: 1964 No 136 s 116B(1)(f)–(h)

Deferral of work-test obligations

155 Deferral of work-test obligations

(1) MSD may defer a person's work-test obligations in accordance with regulations made under section 431 permitting it to do so.

(2) MSD must defer a person's work-test obligations in accordance with regulations made under section 431 requiring it to do so.

Compare: 1964 No 136 ss 88F(7), 88H, 88I(1)–(3), (5)–(7)

156 Effect of deferral of work-test obligations

(1) A person's work-test obligations are deferred for the period specified in MSD's notice of deferral and sections 106 and 138 to 146 apply to that person as if he or she were not a person subject to work-test obligations.

(2) A person whose work-test obligations are deferred in accordance with regulations made under section 431 must notify MSD as soon as practicable of any change in the person's circumstances that may affect the person's entitlement to the deferral.

Compare: 1964 No 136 ss 88J, 88K

Exemptions: work-preparation, work-test, and other obligations

157 Regulations may specify categories of exempt persons and grounds for exemption

Regulations made under section 431 may specify—

(a) categories of persons who may be exempted from some or all of a work-preparation obligation, a work-test obligation, or an obligation under section 162, 164, 166, or 167; and

(b) the grounds, and any required circumstances, for the grant of an exemption.

Compare: 1964 No 136 s 123D

158 MSD may grant exemption from work-preparation, work-test, or other obligation

(1) A person may apply to MSD for an exemption from some or all of the person's work-preparation obligations, work-test obligations, or obligations under section 162, 164, 166, or 167 and MSD may grant the exemption if satisfied that the person qualifies for an exemption under regulations made under section 431.

(2) MSD may grant the exemption for a period set by MSD, and may make the exemption subject to conditions set by MSD.

(3) A person granted an exemption under subsection (1) must notify MSD as soon as practicable of any change in the person's circumstances that may affect the person's entitlement to the exemption.

(4) MSD may from time to time require a person granted an exemption under subsection (1) to attend an interview with an MSD employee or a person on behalf of MSD.

Compare: 1964 No 136 s 105(1), (2), (4), (5), (5A)

159 Donors of qualifying organs exempt from work-preparation, work-test, or other obligation while recuperating

Sections 158, 160, and 411 are subject to sections 14 and 15 of the Compensation for Live Organ Donors Act 2016.

160 Procedure for grant of exemption

The procedure for the granting of an exemption under section 158, including the review, extension, variation, or revocation of the exemption, is prescribed in regulations made under section 431.

Compare: 1964 No 136 s 105(3), (6), (7)

161 Person who fails to comply with requirement to attend interview is subject to sanction

(1) A person (**P**) is subject to a sanction (*see* section 233(e)) if MSD is satisfied that P has failed, without a good and sufficient reason, to comply with a requirement under section 158(4) to attend an interview.

(2) However, P is not subject to a sanction under section 233(e) if P is a young person to whom subpart 3 of Part 5 applies.

Compare: 1964 No 136 ss 105(5), 116B(1)(i)

Specific obligations: young person granted youth support payment

162 Obligations of young person granted youth support payment

(1) A young person who has been granted a youth support payment must do the following things:

(a) be enrolled in and undertake to MSD's satisfaction, or be available for, a full-time course of secondary instruction or tertiary education or approved training or work-based learning leading to—

(i) NCEA level 2; or

(ii) a qualification that in MSD's opinion is equivalent to NCEA level 2; or

(iii) a higher qualification:

(b) as required by MSD, participate in and complete a budgeting programme approved by MSD for the purpose:

(c) as required by MSD, attend and participate in any interview with an MSD employee or a person on behalf of MSD:

(d) as required by a contracted service provider assigned to the person, attend and participate in any interview with that provider:

(e) as required by MSD or a contracted service provider assigned to the person, report to MSD or the service provider on the person's compliance with the obligations set out in paragraphs (a) to (d):

(f) co-operate with MSD or a contracted service provider assigned to the person, in managing the spending of the young person's youth payments or young parent payments:

(g) attend and participate in regular discussions on budgeting with an MSD employee or a contracted service provider:

(h) at budgeting discussions and otherwise as required by MSD, provide details of—

(i) the young person's accommodation costs, service costs, and other lawful debts and liabilities:

(ii) how the young person has spent the young person's youth support payments and, if applicable, young parent payments:

(i) give to MSD or to a contracted service provider assigned to the young person (within 20 working days starting on the day after the date on which MSD informs the young person of the requirement) the following information:

(i) details of the young person's accommodation costs and service costs and other lawful debts and liabilities; and

(ii) any other information reasonably required by MSD to effect money management under section 341.

(2) In this section,—

accommodation costs, in relation to any young person, has the same meaning as in section 65 except that, in relation to a person who is a boarder or lodger in any premises, it means 100% of the amount paid for board or lodging

service costs has the same meaning as in section 65.

(3) In this section and in sections 166 and 167,—

approved training means an employment-related training course approved by MSD

full-time course has the same meaning as in—

(a) regulation 2(1) of the Student Allowances Regulations 1998; or

(b) the corresponding provision of replacement regulations made under all or any of sections 645 and 646 and clause 3 of Schedule 9 of the Education and Training Act 2020.

(4) In this section and in sections 164 to 167 and 200, **work-based learning**, in relation to any person, means a course or programme undertaken (or to be undertaken), in the course of or by virtue of his or her employment, that comprises, or includes a component of, practical or on-the-job vocational learning (for example, an industry training programme or apprenticeship).

(5) A failure without good and sufficient reason to comply with obligations under this section is subject to sanctions, as provided in Part 5.

Compare: 1964 No 136 ss 157, 170(1)(a), (b), (d)–(g)

Section 162(3) **full-time course** paragraph (b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

163 When education obligation or training obligation begins for young parent

(1) This section applies to a young person—

(a) who receives a young parent payment; and

(b) who is principal caregiver of the young person's youngest dependent child.

(2) The obligation set out in section 162(1)(a) begins to apply to the young person only on the earlier of the following days:

(a) the first day on which—

(i) the child is at least 6 months old; and

(ii) a suitable place is available for the young person in a teen parent unit; and

(iii) MSD is satisfied that there are no special circumstances justifying the obligation's beginning to apply later:

(b) the day on which the child becomes 12 months old.

(3) In this section, **teen parent unit** means an educational facility for teenage parents attached to a State school (within the meaning of the Education and Training Act 2020).

Compare: 1964 No 136 s 170(4)

Section 163(3): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Specific obligations: social obligations of young person granted young parent payment

164 Obligations of young person granted young parent payment

(1) A young person who has been granted a young parent payment must also do the following things:

(a) as required by MSD, participate to MSD's satisfaction in a parenting education programme approved by MSD for the purpose:

(b) enrol each dependent child with a primary health care provider (for example, a primary health organisation, or a prescribed health practitioner who is a provider of primary health care):

(c) take all reasonable steps to ensure that each dependent child under the age of 5 years is up to date with core checks under—

(i) the programme that immediately before 15 July 2013 was known as Well Child; or

(ii) any similar programme established in its place:

(d) ensure that each dependent child under the age of 5 years attends an approved early childhood education programme or other suitable childcare while the young person is in education, training, work-based learning, or part-time work.

(2) A failure without good and sufficient reason to comply with obligations under this section is subject to sanctions, as provided in Part 5.

Compare: 1964 No 136 s 170(1)(c), (2)

Specific obligations: young person aged 18 or 19 years who is receiving jobseeker support and who is at significant risk of long-term welfare dependency

165 Young person aged 18 or 19 years who is receiving jobseeker support in young person's own right and who is at significant risk of long-term welfare dependency

(1) This section applies to a young person (**P**) aged 18 or 19 years without dependent children who is receiving jobseeker support under sections 20 to 24 in the young person's own right.

(2) If MSD determines that P is at significant risk of long-term welfare dependency (as that risk is defined in subsection (9)), MSD may require P to receive services of a kind referred to in section 373(1)(a) (**youth services**).

(3) In exercising the discretion under subsection (2), MSD may consider factors that affect MSD's ability to provide the young person with youth services (for example, funding and capacity to provide the services in the young person's area).

(4) However, before requiring the young person to receive youth services, MSD must take reasonable steps to consult the young person about—

(a) the young person's risk of long-term welfare dependency (as that risk is defined in subsection (9)); and

(b) the proposal to require the young person to receive youth services.

(5) A requirement under subsection (2) that is placed on a young person who is aged 19 years at the time the requirement is made continues—

(a) until the close of the day that is 6 months after the date on which the requirement was placed on the young person, even if the young person turns 20 during that 6-month period; or

(b) in the case of a young person who, on the day on which he or she turns 20, is continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March:

(ii) in any other case, the close of the day on which the course ends.

(6) If paragraphs (a) and (b) of subsection (5) both apply to the young person, the requirement continues until the later of the 2 dates that apply under those paragraphs.

(7) The following apply to a young person who is required to receive youth services under subsection (2) as if the person's jobseeker support, or the portion of the jobseeker support or the specified beneficiary's benefit payable to the young person under section 337, were a youth payment:

(a) the obligations in section 162(1)(b) to (i) in addition to the young person's work-test obligations or obligations under sections 121 to 125:

(b) sections 55 and 289 as if the appropriate incentive payments were those set out in clauses 8 and 9 in subpart 3 of Part 6 of Schedule 4:

(c) section 288:

(d) sections 341 and 378:

(e) regulations 4 and 5 and Part 2 of the Social Security (Criteria for Incentive Payments and Money Management) Regulations 2012 (as saved by clauses 12 and 41(3) of Schedule 1), or regulations made under section 418(1)(c), (d), (k), and (l).

(8) MSD may from time to time review a requirement placed on a young person under subsection (2) and may confirm or revoke it.

(9) In this section, **risk of long-term welfare dependency**, in relation to a person, means the risk, determined using risk factors set by the Minister for the purposes of this section and section 168 by direction under section 7, that the person will, for an indefinite period, not be able to obtain full-time employment and will be likely to remain wholly or largely dependent for the person's financial support on all or part of a main benefit under this Act.

Compare: 1964 No 136 s 171A

Obligations of, and incentives for, young person who is spouse or partner of beneficiary

166 Young person aged 16 or 17 years who has no dependent child and who is spouse or partner of specified beneficiary

(1) This section applies to a young person (**P**) who—

(a) is 16 or 17 years old; and

(b) is the spouse or partner of a specified beneficiary; and

(c) has no dependent children.

(2) P must do the following things:

(a) be enrolled in and undertake to MSD's satisfaction, or be available for, a full-time course of secondary instruction or tertiary education or approved training or work-based learning leading to—

(i) NCEA level 2; or

(ii) a qualification that in MSD's opinion is equivalent to NCEA level 2; or

(iii) a higher qualification:

(b) as required by MSD, participate in and complete a budgeting programme approved by MSD for the purpose:

(c) as required by MSD, attend and participate in any interview with an MSD employee or a person on behalf of MSD:

(d) as required by a contracted service provider assigned to the person, attend and participate in any interview with that provider:

(e) as required by MSD or a contracted service provider assigned to P, report to MSD or the service provider on P's compliance with the obligations set out in paragraphs (a) to (d):

(f) co-operate with MSD, or a contracted service provider assigned to P, in managing the spending of the benefit received by P, as if that benefit were a youth support benefit:

(g) attend and participate in regular discussions on budgeting with an MSD employee or a contracted service provider.

(3) If P meets the criteria prescribed in regulations made for the purposes of section 55 under section 418(1)(c), P is entitled to receive the appropriate incentive payment (if any) stated in subpart 3 of Part 6 of Schedule 4 as if he or she were receiving a youth payment.

(4) P is not subject to the work test, or to work-preparation obligations.

(5) If P is aged under 18 years when the obligations in subsection (2) start to apply to him or her, those obligations continue—

(a) until the close of the day that is 6 months after the date on which the obligations start to apply to P, even if he or she turns 18 during that 6-month period; or

(b) if P, on the day when he or she turns 18, is continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March; or

(ii) in any other case, the close of the day on which the course ends.

(6) If paragraphs (a) and (b) of subsection (5) both apply to P, those obligations continue until the later of the 2 dates that apply under those paragraphs.

(7) While P is subject to obligations under subsection (2) (being obligations to which P became subject on or after 25 October 2016), sections 341 and 342 and the obligation in section 162(1)(i) apply to P as if he or she were receiving a youth support payment.

Compare: 1964 No 136 ss 170(1)(a), (b), (d)–(g), 171(1), (4)

167 Young person aged 16 to 19 years who has dependent child and who is spouse or partner of specified beneficiary

(1) This section applies to a young person (**P**) who—

(a) is 16 to 19 years old; and

(b) is the spouse or partner of a specified beneficiary; and

(c) has 1 or more dependent children.

(2) P must do the following things:

(a) be enrolled in and undertake to MSD's satisfaction, or be available for, a full-time course of secondary instruction or tertiary education or approved training or work-based learning leading to—

(i) NCEA level 2; or

(ii) a qualification that in MSD's opinion is equivalent to NCEA level 2; or

(iii) a higher qualification:

(b) as required by MSD, participate in and complete a budgeting programme approved by MSD for the purpose:

(c) as required by MSD, attend and participate in any interview with an MSD employee or a person on behalf of MSD:

(d) as required by a contracted service provider assigned to the person, attend and participate in any interview with that provider:

(e) as required by MSD or a contracted service provider assigned to the person, report to MSD or the service provider on the person's compliance with the obligations set out in paragraphs (a) to (d):

(f) co-operate with MSD, or a contracted service provider assigned to the person, in managing the spending of the benefit received by the person, as if that benefit were a youth support benefit:

(g) attend and participate in regular discussions on budgeting with an MSD employee or a contracted service provider.

(3) P must also—

(a) as required by MSD, participate to MSD's satisfaction in a parenting education programme approved by MSD for the purpose:

(b) enrol each dependent child with a primary health care provider (for example, a primary health organisation, or a prescribed health practitioner who is a provider of primary health care):

(c) take all reasonable steps to ensure that each dependent child under the age of 5 years is up to date with core checks under—

(i) the programme that immediately before 15 July 2013 was known as Well Child; or

(ii) any similar programme established in its place:

(d) ensure that each dependent child under the age of 5 years attends an approved early childhood education programme or other suitable childcare while the young person is in education, training, work-based learning, or part-time work.

(4) If P meets the criteria prescribed in regulations made for the purposes of section 62 under section 418(1)(d), P is entitled to receive the appropriate incentive payment (if any) stated in subpart 3 of Part 6 of Schedule 4 as if he or she were receiving a young parent payment.

(5) P is not subject to the work test, or to work-preparation obligations.

(6) If P is aged under 20 years when the obligations in subsections (2) and (3) start to apply to P, those obligations continue—

(a) until the close of the day that is 6 months after the date on which the obligations started to apply to P, even if he or she turns 20 during that 6-month period; or

(b) if P, on the day on which he or she turns 20, is continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March; or

(ii) in any other case, the close of the day on which the course ends.

(7) If paragraphs (a) and (b) of subsection (6) both apply to P, those obligations continue until the later of the 2 dates that apply under those paragraphs.

(8) While P is subject to obligations under subsection (2) or (3) (being obligations to which P became subject on or after 25 October 2016), sections 341 and 342 and the obligation in section 162(1)(i) apply to P as if he or she were receiving a youth support payment.

Compare: 1964 No 136 ss 170(1)(a)–(f) and (g)(i), 170(2), 171(2), (5)

168 Young person aged 18 or 19 years, who is receiving jobseeker support as spouse or partner of person granted that benefit, or who is work-tested spouse or partner of specified beneficiary, and who is at significant risk of long-term welfare dependency

(1) This section applies to a young person (**P**) aged 18 or 19 years without dependent children who—

(a) is receiving jobseeker support under sections 20 to 24 as the spouse or partner of the person granted the benefit; or

(b) is the work-tested spouse or partner of a specified beneficiary (other than a spouse or partner described in paragraph (a)).

(2) If MSD determines that P is at significant risk of long-term welfare dependency (as that risk is defined in subsection (8)), MSD may require P to receive services of a kind referred to in section 373(1)(a) (**youth services**).

(3) In exercising the discretion under subsection (2), MSD may consider factors that affect MSD's ability to provide the young person with youth services (for example, funding and capacity to provide the services in the young person's area).

(4) However, before requiring the young person to receive youth services, MSD must take reasonable steps to consult the young person about—

(a) the young person's risk of long-term welfare dependency (as that risk is defined in subsection (8)); and

(b) the proposal to require the young person to receive youth services.

(5) A requirement under subsection (2) that is placed on a young person who is aged 19 years at the time the requirement is made continues—

(a) until the close of the day that is 6 months after the date on which the requirement was placed on the young person, even if the young person turns 20 during that 6-month period; or

(b) in the case of a young person who, on the day on which he or she turns 20, is continuing in a course of education, training, or work-based learning, until,—

(i) if the course is a course of secondary instruction or if the course ends in December, the close of the following 31 March:

(ii) in any other case, the close of the day on which the course ends.

(6) The following apply to a young person who is required to receive youth services under subsection (2) as if the person's jobseeker support, or the portion of the jobseeker support or the specified beneficiary's benefit payable to the young person under section 337, were a youth payment:

(a) the obligations in section 162(1)(b) to (i) in addition to the young person's work-test obligations or obligations under sections 124 and 125:

(b) sections 55 and 289 as if the appropriate incentive payments were those set out in clauses 8 and 9 in subpart 3 of Part 6 of Schedule 4:

(c) section 288:

(d) sections 339, 340, 341, and 378:

(e) regulations 4 and 5 and Part 2 of the Social Security (Criteria for Incentive Payments and Money Management) Regulations 2012 (as saved by clauses 12 and 41(3) of Schedule 1), or replacement regulations made under section 418(1)(c), (d), (l), and (m).

(7) MSD may from time to time review a requirement placed on a young person under subsection (2) and may confirm or revoke it.

(8) In this section, **risk of long-term welfare dependency**, in relation to a person, means the risk, determined using risk factors set by the Minister for the purposes of section 165 and this section by direction under section 7, that the person will, for an indefinite period, not be able to obtain full-time employment and will be likely to remain wholly or largely dependent for the person's financial support on all or part of a main benefit under this Act.

Compare: 1964 No 136 s 171A

169 Interpretation

In sections 164 to 167,—

approved early childhood education programme means an early childhood education programme approved by regulations made under section 424

core check means a check of a child's health and well-being that is—

(a) done under, and identified in contract or funding arrangements as an essential part of, the programme in question; and

(b) funded, directly or indirectly, through Vote Health

specified beneficiary means a person who is in a relationship and receives in his or her own right—

(a) an emergency benefit, supported living payment under section 34, or jobseeker support; or

(b) New Zealand superannuation paid at a rate specified in clause 1 of Part 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001; or

(c) a veteran's pension at the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014.

Compare: 1964 No 136 ss 60RAB(1), (4), 157

Section 169 **specified beneficiary** paragraph (b): replaced, on 9 November 2020, by section 37 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 169 **specified beneficiary** paragraph (c): replaced, on 9 November 2020, by section 37 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Specific obligations: obligation to work with contracted service providers

170 Obligation to work with contracted service providers

(1) This section applies to a person (**P**) who receives 1 of the following benefits, whether in P's own right or on behalf of P's spouse or partner:

(a) jobseeker support:

(b) sole parent support:

(c) a supported living payment:

(d) an emergency benefit.

(2) P must, when required by MSD,—

(a) attend and participate in any interview with a contracted service provider specified by MSD:

(b) attend and participate in any assessment of P undertaken on behalf of MSD by a contracted service provider specified by MSD:

(c) co-operate with a contracted service provider specified by MSD in facilitating the provision of the services that the provider has been contracted to provide in relation to P's obligations under all or any of the following:

(i) conditions of an emergency benefit that MSD imposes or determines under section 63(5):

(ii) work-preparation obligations (*see* sections 124 and 125):

(iii) obligations in relation to dependent children (*see* sections 131 to 135):

(iv) work-test obligations (*see* sections 144 and 146):

(d) report to a contracted service provider specified by MSD on P's compliance with P's obligations under this Act as often as, and in the manner that, the provider reasonably requires.

Compare: 1964 No 136 s 60GAG(1)

171 Person who fails to comply with requirement under section 170(2) subject to sanction

A person (**P**) is subject to a sanction (*see* section 233(f)) if MSD is satisfied that P has, without a good and sufficient reason, failed to comply with a requirement to take any of the steps listed in section 170(2).

Compare: 1964 No 136 s 60GAG(3)

General obligations: obligations in relation to overseas pensions

172 Interpretation

In sections 173 to 180,—

NZ benefits legislation means all or any of the following enactments:

(a) this Act:

(b) the New Zealand Superannuation and Retirement Income Act 2001:

(c) Part 6 of the Veterans' Support Act 2014

overseas pension has the same meaning given to it by section 187 for the purposes of sections 187 to 190.

173 Applicant for benefit, etc, to take reasonable steps to obtain overseas pension

(1) This section applies if—

(a) a person (**A**) is an applicant for a benefit under the NZ benefits legislation; and

(b) 1 or more of the following persons may be entitled to an overseas pension or may be granted an overseas pension:

(i) A:

(ii) A's spouse or partner:

(iii) A's dependant.

(2) If this section applies,—

(a) A and A's spouse or partner must take all reasonable steps to obtain the overseas pension to which either or both of them may be entitled or that may be granted to either or both of them; and

(b) A must take all reasonable steps to obtain the overseas pension to which A's dependant may be entitled or that may be granted to A's dependant.

Compare: 1964 No 136 s 69G(1)

174 MSD may give notice requiring person to take reasonable steps to obtain overseas pension

(1) MSD may give a notice to any of the following persons requiring that person to take all reasonable steps to obtain an overseas pension to which that person may be entitled or which that person may be granted:

(a) an applicant (**A**) for a benefit under the NZ benefits legislation:

(b) a recipient (**R**) of a benefit under the NZ benefits legislation:

(c) the spouse or partner of A or R.

(2) The notice must—

(a) be in writing; and

(b) specify that the person to whom the notice is given must take all reasonable steps to obtain the overseas pension for that person; and

(c) specify the period during which the person must take the necessary steps.

Compare: 1964 No 136 s 69G(2)

175 MSD may give notice requiring person to take reasonable steps to obtain overseas pension for dependant

(1) MSD may give a notice to any of the following persons requiring that person to take all reasonable steps to obtain an overseas pension to which his or her dependant may be entitled or which his or her dependant may be granted:

(a) an applicant for a benefit under the NZ benefits legislation:

(b) a recipient of a benefit under any of those enactments.

(2) The notice must—

(a) be in writing; and

(b) specify that the person to whom the notice is given must take all reasonable steps to obtain the overseas pension for his or her dependant; and

(c) specify the period during which the person must take the necessary steps.

Compare: 1964 No 136 s 69G(3)

176 Failure to comply with MSD's notice given under section 174 or 175

(1) This section applies if a person to whom a notice has been given under section 174 or 175 fails to comply with that notice.

(2) MSD may—

(a) in the case of an applicant for a benefit, refuse to grant the benefit:

(b) in the case of a beneficiary or his or her spouse or partner, suspend the benefit.

(3) A benefit suspended under subsection (2)(b) remains suspended until—

(a) the beneficiary or his or her spouse or partner satisfies MSD that he or she has taken all reasonable steps to obtain the overseas pension; or

(b) MSD cancels the benefit under subsection (4).

(4) MSD may, not less than 40 working days after suspension of a benefit under subsection (2)(b), cancel the benefit from the date that MSD determines.

Compare: 1964 No 136 s 69G(4), (5)

177 Applicant for benefit must provide information as to rate of overseas pension

(1) This section applies if a person (**A**) applies for a benefit under the NZ benefits legislation.

(2) A must provide MSD with information establishing to MSD's satisfaction the rate of any overseas pension that is received by any of the following persons:

(a) A:

(b) A's spouse or partner:

(c) A's dependant.

(3) MSD may refuse to grant a benefit to an applicant who has not complied with subsection (2) within 10 working days after applying for the benefit.

Compare: 1964 No 136 s 69H(1), (2)

178 MSD may give notice requiring beneficiary to provide information as to rate of overseas pension

(1) This section applies if a person (**P**) receives a benefit under the NZ benefits legislation.

(2) MSD may give P a written notice requiring P to provide MSD with information establishing to MSD's satisfaction the rate of any overseas pension that is received by any of the following persons:

(a) P:

(b) P's spouse or partner:

(c) P's dependant.

Compare: 1964 No 136 s 69H(3)

179 Failure to comply with MSD's notice given under section 178

(1) This section applies if a person to whom a notice has been given under section 178 fails to comply with that notice within 10 working days after the notice has been given.

(2) MSD may suspend the benefit, which remains suspended until—

(a) the beneficiary establishes to MSD's satisfaction the rate of the overseas pension; or

(b) MSD cancels the benefit under subsection (3).

(3) MSD may, not less than 40 working days after suspension of a benefit under subsection (2), cancel the benefit from the date that MSD determines.

Compare: 1964 No 136 s 69H(4), (5)

180 Meaning of rate

In sections 177 to 179, **rate**, in relation to an overseas pension, means the rate of that pension in the currency of the country paying that pension.

Compare: 1964 No 136 s 69H(6)

Miscellaneous

181 Application of health and safety legislation, etc

(1) This section applies if a person (**P**)—

(a) is doing work as part of a job search activity in accordance with P's work-test obligations or under section 261 or 324; or

(b) is a beneficiary and is doing work as part of an employment-related activity or activity in the community arranged by MSD.

(2) The Health and Safety at Work Act 2015 and the Human Rights Act 1993 apply to P, and to the person (**B**) providing the work that person P is doing, as if P were—

(a) a worker in B's business or undertaking; or

(b) B's employee.

(3) Except as provided in subsection (2), nothing in this Part creates or implies an employment relationship between P and B.

Compare: 1964 No 136 s 123C

182 Obligations suspended where MSD has exercised discretion to pay benefit while beneficiary overseas

(1) This section applies if MSD has exercised its discretion under any regulations made under section 436 to pay a benefit to a person (**P**) for a period of absence by P from New Zealand.

(2) During the period of absence for which the benefit is paid, P is not required to comply with his or her work-test or work-preparation obligations or young person or young parent obligations.

Part 4
Factors affecting benefits

Contents

Page

Subpart 1—Guide to this Part

183 What this Part does 115

Subpart 2—Factors affecting benefits

Factors affecting benefits: pre-benefit activities

184 Regulations may prescribe pre-benefit activities 116
185 MSD must explain requirements 117

Factors affecting benefits: insurance recovery

186 Benefit may be subject to repayment of insurance payment 117

Factors reducing benefits: entitlement to overseas pensions

187 Interpretation 117
188 Persons affected by receipt of overseas pension 118
189 Benefit of person affected is reduced by amount of overseas pension 119
190 MSD may enter into arrangement with person affected by receipt of overseas pension 120
191 Treatment of certain overseas benefits, pensions, and allowances that are not overseas pensions 120

Factors reducing benefits: failure to assist child support

[Repealed]

192 MSD must reduce rates of benefits for sole parents for failure to assist child support *[Repealed]* 121
193 No reduction in certain cases *[Repealed]* 121
194 Additional reduction in certain cases *[Repealed]* 121

Factors affecting eligibility for benefit: shared care of dependent child

195 Shared care of dependent child 121
196 Rules for assessing which parent has greater responsibility for dependent child 122

Factors reducing benefits: compensation or damages

197 Effect of compensation or damages on application for benefit 122
198 Loss of earnings compensation under Accident Compensation Act 2001 123

Factors affecting benefit: veteran's entitlement

199 Veteran's entitlement excludes any other benefit 123
200 Exceptions to rule that veteran's entitlement excludes any other benefit 124

Factors affecting benefit: personal benefit excludes benefit on behalf

201 Personal benefit of spouse or partner excludes benefit on behalf of spouse or partner 124

Factors affecting benefit: maintenance claim

202 MSD may refuse or cancel benefit for failure to take reasonable steps to obtain maintenance 125

Factors affecting benefit: family protection claim

203 MSD may refuse or cancel benefit if family protection claim not pursued 125

Factors affecting benefit: person not ordinarily resident in New Zealand

204 MSD may refuse or cancel benefit if person not ordinarily resident in New Zealand 125

Factors affecting benefit: refugee or protected person status

205 Refugee or protected person status 126

Factors affecting benefit: hospitalisation

206 Hospitalisation 126
207 Benefit of spouse or partner increased after 13th week of hospitalisation 127

Factors affecting benefit: alcohol and drug treatment

208 Beneficiary resident in institution for treatment of alcoholism or drug addiction 128

Factors affecting benefit: issue of warrant for beneficiary's arrest

209 Benefit not payable to person who is subject to warrant of arrest 128

210 Beneficiary and offence defined for section 209 129
211 MSD must give beneficiary notice of unresolved warrant 129
212 Requirements for unresolved warrant notice 129
213 Immediate suspension of benefit at request of New Zealand Police 129
214 Beneficiary and offence defined for section 213 130
215 MSD must give beneficiary notice of immediate suspension 130
216 Effect of non-payment or suspension of benefit 131

Factors affecting benefit: custody in prison or on remand

217 Benefit not payable during custody in prison or on remand 131
218 Exceptions to rule that benefit not payable during custody in prison or on remand 132

Factors affecting benefit: absence from New Zealand

219 General rule: benefit not payable while beneficiary absent from New Zealand 132
220 Special absence rule: winter energy payment 132

Factors affecting benefit: additional dependent child

[Repealed]

221 Purpose of sections 222 to 224 *[Repealed]* 133
222 Additional dependent child must not be taken into account in certain cases *[Repealed]* 133
223 Extended application of additional dependent child rules *[Repealed]* 133
224 Limited application of additional dependent child rules *[Repealed]* 133

Factors affecting benefit: voluntary unemployment or loss of employment through misconduct, etc

225 Basic rule: no work-tested benefit for 13 weeks after leaving employment or scheme or loss of employment due to misconduct 133
226 Persons to whom basic rule applies 134
227 What happens if basic rule applies 134
228 MSD's options in case of misconduct 134
229 Interpretation 135

Factors affecting benefits: non-entitlement period, stand down, or 100% suspension of benefit

230 How non-entitlement period, etc, affects supplementary benefits, and spouse or partner 135

Subpart 1—Guide to this Part

183 What this Part does

(1) This Part sets out the factors that may affect a benefit.

(2) The factors affecting a benefit are:

(a) pre-benefit activities:

(b) insurance recovery:

(c) entitlement to an overseas pension:

(d) *[Repealed]*

(e) shared care of a dependent child:

(f) compensation or damages:

(g) the grant of a veteran's entitlement:

(h) a personal benefit excluding a benefit on behalf of a spouse or partner:

(i) a maintenance claim:

(j) a family protection claim:

(k) not being ordinarily resident in New Zealand:

(l) refugee or protected person status:

(m) hospitalisation:

(n) alcohol and drug treatment:

(o) the issue of a warrant for a beneficiary's arrest:

(p) custody in prison or on remand:

(q) absence from New Zealand:

(r) *[Repealed]*

(s) voluntary unemployment or loss of employment through misconduct, etc:

(t) a non-entitlement period, stand down, or 100% suspension of benefit.

Section 183(2)(d): repealed, on 1 April 2020, by section 5 of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

Section 183(2)(r): repealed, on 8 November 2021, by section 6 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

Subpart 2—Factors affecting benefits

Factors affecting benefits: pre-benefit activities

184 Regulations may prescribe pre-benefit activities

MSD may, in accordance with regulations made under section 432,—

(a) require a person who contacts MSD requesting financial assistance under this Act or that person's spouse or partner (if any) to undertake 1 or more pre-benefit activities; and

(b) impose consequences for non-compliance, without a good and sufficient reason, with a requirement to undertake the 1 or more pre-benefit activities.

Compare: 1964 No 136 ss 11E, 11G, 11H

185 MSD must explain requirements

MSD must take reasonable and appropriate steps to make every person on whom any requirements are placed under regulations made under section 432 (the **regulations**) aware of the following:

(a) the person's obligations (as set out in the regulations) in relation to the requirements; and

(b) the consequences (as set out in the regulations) of failure to comply with the requirements; and

(c) when a requirement is to be, or has been, revoked, and when the revocation takes, or took, effect.

Compare: 1964 No 136 s 11F

Factors affecting benefits: insurance recovery

186 Benefit may be subject to repayment of insurance payment

MSD may, in accordance with regulations made under section 433, make the grant of a benefit or the rate of the benefit subject to repayment to MSD of all or part of an insurance payment of a kind or description, or that falls within a class or definition, prescribed by those regulations.

Compare: 1964 No 136 s 68A

Factors reducing benefits: entitlement to overseas pensions

187 Interpretation

In this section and in sections 188 to 190,—

NZ benefits legislation means all or any of the following enactments:

(a) this Act:

(b) Part 1 of the New Zealand Superannuation and Retirement Income Act 2001:

(c) Part 6 of the Veterans' Support Act 2014

overseas pension means a benefit, pension, or periodical allowance, or any part of it, that—

(a) is granted elsewhere than in New Zealand; and

(b) is determined by MSD to be a payment that is part of a programme that—

(i) provides benefits, pensions, or periodical allowances for any of the contingencies for which benefits, pensions, or allowances may be paid under NZ benefits legislation; and

(ii) is administered by or on behalf of the Government of the country from which the benefit, pension, or periodical allowance is received; and

(c) is not a Government occupational pension (as defined in Schedule 2); and

(d) is not determined by MSD to be in the nature of, and paid for similar purposes as,—

(i) compensation for injury or death for which payment could be made under the Accident Compensation Act 2001 if the injury or death had occurred in New Zealand after the commencement of that Act; or

(ii) a war pension or allowance granted under the Veterans' Support Act 2014 of a type that would not affect any recipient's entitlement to a benefit under sections 18 and 199 to 201 of this Act unless the pension or allowance is a pension or payment granted under Part 6 of the Veterans' Support Act 2014; or

(iii) a disability allowance; and

(e) is not determined by MSD to be attributable to any voluntary contributions made by or on behalf of the person to whom it is granted or the person's spouse, partner, or parent.

Compare: 1964 No 136 s 70(1), (1A), (1B), (2)

Section 187 **overseas pension** paragraph (e): inserted, on 9 November 2020, by section 38 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

188 Persons affected by receipt of overseas pension

A person (**P**) is a person affected by the receipt of an overseas pension if P is a person who is qualified to receive a benefit under the NZ benefits legislation and—

(a) P is entitled to receive or receives an overseas pension in respect of any of the following persons:

(i) P:

(ii) P's spouse or partner:

(iii) any dependant of P; or

(b) P's spouse or partner is entitled to receive or receives an overseas pension; or

(c) any of P's dependants is entitled to receive or receives an overseas pension.

Compare: 1964 No 136 s 70(1)(a)

189 Benefit of person affected is reduced by amount of overseas pension

(1) The rate of the benefit or benefits that would otherwise be payable under the NZ benefits legislation to a person affected by the receipt of an overseas pension must be reduced by the amount of the overseas pension as determined by MSD under regulations made under section 434.

(2) The rate of New Zealand superannuation or a veteran's pension that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension if the New Zealand superannuation or veteran's pension is payable to the person overseas under section 26 of the New Zealand Superannuation and Retirement Income Act 2001 or section 182 of the Veterans' Support Act 2014.

(3) The rate of New Zealand superannuation or a veteran's pension, or related winter energy payment, that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension that—

(a) the person is entitled to receive or receives in respect of the person's spouse or partner (as referred to in section 188(a)(ii)); or

(b) the person's spouse or partner is entitled to receive or receives (as referred to in section 188(b)).

(4) *See* clause 82 of Schedule 1 in relation to the application of subsection (3) to persons who are qualified to receive New Zealand superannuation or a veteran's pension at certain grandparented rates.

(5) The rate of New Zealand superannuation or a veteran's pension, or related winter energy payment, that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension that—

(a) the person is entitled to receive or receives in respect of any of the person's dependants (as referred to in section 188(a)(iii)); or

(b) any of the person's dependants is entitled to receive or receives (as referred to in section 188(c)).

(6) In this section, a person is qualified to receive a **related winter energy payment** if the person is entitled to receive a winter energy payment under section 72 because New Zealand superannuation or a veteran's pension is payable to the person.

Compare: 1964 No 136 s 70(1)

Section 189(2): replaced, on 9 November 2020, by section 39 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(3): inserted, on 9 November 2020, by section 39 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(4): inserted, on 9 November 2020, by section 39 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(5): inserted, on 9 November 2020, by section 39 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(6): inserted, on 9 November 2020, by section 39 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

190 MSD may enter into arrangement with person affected by receipt of overseas pension

MSD may, in accordance with regulations made under section 434, enter into an arrangement with a person affected by the receipt of an overseas pension (**P**) to pay P the rate of a benefit or benefits under the NZ benefits legislation in consideration of MSD receiving an amount that is equivalent to the amount of the overseas pension in question.

Compare: 1964 No 136 s 70(3)–(4)

191 Treatment of certain overseas benefits, pensions, and allowances that are not overseas pensions

(1) This section applies to a benefit, pension, or periodical allowance, or any part of it, that—

(a) is granted elsewhere than in New Zealand; and

(b) is administered by or on behalf of the Government of the country from which the benefit, pension, or periodical allowance is received; and

(c) is determined by MSD to be in the nature of, and paid for similar purposes as,—

(i) compensation for injury or death for which payment could be made under the Accident Compensation Act 2001 if the injury or death had occurred in New Zealand after the commencement of that Act; or

(ii) a war pension or allowance granted under the Veterans' Support Act 2014 of a type that would not affect any recipient's entitlement to a benefit under sections 18 and 199 to 201 of this Act unless the pension or allowance is a pension or payment granted under Part 6 of the Veterans' Support Act 2014; or

(iii) a disability allowance.

(2) MSD must treat a benefit, pension, or periodical allowance, or any part of it, to which this section applies as if it were in fact the relevant compensation, pension, or allowance specified in subsection (1)(c) (*see*, for example, sections 18, 87, and 199 to 201).

Compare: 1964 No 136 s 70(1)

Factors reducing benefits: failure to assist child support

[Repealed]

Heading: repealed, on 1 April 2020, by section 6(b) of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

192 MSD must reduce rates of benefits for sole parents for failure to assist child support

[Repealed]

Section 192: repealed, on 1 April 2020, by section 6(a) of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

193 No reduction in certain cases

[Repealed]

Section 193: repealed, on 1 April 2020, by section 6(a) of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

194 Additional reduction in certain cases

[Repealed]

Section 194: repealed, on 1 April 2020, by section 6(a) of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

Factors affecting eligibility for benefit: shared care of dependent child

195 Shared care of dependent child

(1) This section applies if—

(a) the parents of a dependent child live apart; and

(b) both parents receive benefits; and

(c) each parent has the primary responsibility for the care of the child for at least 40% of the time.

(2) In assessing the benefit and rate of benefit of each parent, MSD must treat the child as a dependent child in assessing the benefit and rate of the primarily responsible parent only.

(3) In subsection (2), the **primarily responsible parent** is—

(a) the parent who MSD decides has the greater responsibility for the child; or

(b) if MSD is unable to make a decision under paragraph (a), the parent who MSD decides was the child's principal caregiver immediately before the parents began living apart; or

(c) if MSD is unable to make a decision under paragraph (a) or (b), the parent who the parents agree is the primarily responsible parent.

(4) If the primarily responsible parent cannot be identified under subsection (3), MSD must not take the child into account in assessing the benefit and rate of

benefit of either parent until the parents agree who is the primarily responsible parent.

Compare: 1964 No 136 s 70B(1), (3), (4)

196 Rules for assessing which parent has greater responsibility for dependent child

For the purposes of deciding under section 195(3)(a) which parent has greater responsibility for the child, MSD must have regard primarily to the time that the child is in the care of each parent and then to the following factors:

(a) how the responsibility for decisions about the daily activities of the child is shared; and

(b) who is responsible for taking the child to and from school and supervising that child's leisure activities; and

(c) how decisions about the education or health care of the child are made; and

(d) the financial arrangements for the child's material support; and

(e) which parent pays for which expenses of the child.

Compare: 1964 No 136 s 70B(2)

Factors reducing benefits: compensation or damages

197 Effect of compensation or damages on application for benefit

(1) This section applies if—

(a) a person (**P**) applies for a benefit; and

(b) P has been paid or has a claim for compensation or damages from any other person in respect of—

(i) any disability caused by accident or disease; or

(ii) wrongful or unjustifiable dismissal.

(2) If P has been paid compensation or damages, MSD may refuse the benefit or grant a reduced benefit for the period of disability or loss of expectation of employment for which the compensation or damages have been paid or deemed by MSD to have been paid.

(3) If P has a claim for compensation or damages, MSD may grant the benefit on the condition that MSD may require P to repay MSD all or part of the benefit out of the compensation or damages that are paid to P as a result of the claim.

(4) If a benefit or part of a benefit is granted on the condition set out in subsection (3), the benefit or the part of it—

(a) constitutes a charge on the compensation or damages; and

(b) is a debt due to the Crown under regulations made under section 444 from the beneficiary or any person liable for the payment of the compensation or damages; and

(c) is subject to recovery under regulations made under section 444 from the beneficiary or any person liable for the payment of the compensation or damages.

(5) In this section, **compensation or damages**—

(a) includes any *ex gratia* payment made in settlement or on account of a claim for compensation or damages; but

(b) does not include any impairment lump sum received under Schedule 1 of the Accident Compensation Act 2001.

Compare: 1964 No 136 s 71

198 Loss of earnings compensation under Accident Compensation Act 2001

(1) This section applies if—

(a) a person (**P**) is entitled to a specified benefit as defined in subsection (3); and

(b) either of the following persons is entitled to receive or receives weekly loss of earnings compensation:

(i) P, on P's own account or in respect of P's spouse or partner or of P's dependent child:

(ii) P's spouse or partner.

(2) MSD must reduce the rate of the specified benefit payable to P by the amount of weekly loss of earnings compensation received by P or P's spouse or partner (unless this subsection does not apply because of the exception in clause 31 of Schedule 1).

(3) In this section,—

specified benefit means a main benefit under this Act, an orphan's benefit, an unsupported child's benefit, and a veteran's pension subject to abatement under section 171 of the Veterans' Support Act 2014

weekly loss of earnings compensation means weekly compensation for loss of earnings or loss of potential earning capacity payable to a person under the Accident Compensation Act 2001.

Compare: 1964 No 136 s 71A(1)–(3)

Factors affecting benefit: veteran's entitlement

199 Veteran's entitlement excludes any other benefit

(1) A person (**P**) who is granted an entitlement under the Veterans' Support Act 2014 or in respect of whom an entitlement under that Act is payable is not entitled to any other benefit under this Act.

(2) Subsection (1) is subject to section 200.

Compare: 1964 No 136 s 72(b)

200 Exceptions to rule that veteran's entitlement excludes any other benefit

(1) Section 199(1) does not apply if the entitlement under the Veterans' Support Act 2014 is any of the following:

(a) a pension or allowance granted to P on the ground of P's disablement:

(b) a pension or allowance under Part 6 of the Veterans' Support Act 2014:

(c) a surviving spouse or partner pension granted under Part 3 of the Veterans' Support Act 2014:

(d) an allowance for services rendered as an attendant on a disabled member of the New Zealand or any other Commonwealth forces or of the Emergency Reserve Corps or of the New Zealand mercantile marine.

(2) Section 199(1) does not exclude a person who is paid a children's pension under section 72 of the Veterans' Support Act 2014 from eligibility for any of the following benefits:

(a) a supported living payment on the ground of restricted work capacity or total blindness:

(b) jobseeker support on the ground of health condition, injury, or disability:

(c) a youth payment or young parent payment granted to a person who qualifies for an exemption from the obligation to undertake education or training or work-based learning (as defined in section 162(4)) on the ground of the person's health condition (for example, sickness), injury, or disability:

(d) a child disability allowance.

Compare: 1964 No 136 s 72(b)

Factors affecting benefit: personal benefit excludes benefit on behalf

201 Personal benefit of spouse or partner excludes benefit on behalf of spouse or partner

(1) This section applies to a part of a benefit if the part is payable in respect of a person's (**P's**) spouse or partner.

(2) The part must not be paid for a period when a personal benefit is payable in respect of P's spouse or partner.

(3) This section is subject to regulations made under section 442(2)(e) (regulations: payments: apportionment) for the purposes of section 337 (how benefits are paid).

Compare: 1964 No 136 s 72(c)

Factors affecting benefit: maintenance claim

202 MSD may refuse or cancel benefit for failure to take reasonable steps to obtain maintenance

(1) This section applies if MSD is satisfied an applicant has failed to take reasonable steps to obtain, or has foregone rights to, maintenance the applicant may be entitled to in respect of the applicant under the Family Proceedings Act 1980 or any other Act.

(2) MSD may refuse to grant a benefit, cancel or reduce a benefit already granted, or grant a benefit at a reduced rate.

Compare: 1964 No 136 s 74(1)(e)

Factors affecting benefit: family protection claim

203 MSD may refuse or cancel benefit if family protection claim not pursued

(1) This section applies if a person (**P**) who is a beneficiary or an applicant for a benefit, in MSD's view,—

(a) has a tenable claim under the Family Protection Act 1955 for a share of or provision out of the estate of a deceased relative; and

(b) has failed to take reasonable steps to advance that claim, including bringing or participating in court proceedings to enforce P's claim.

(2) MSD may refuse to grant the benefit, grant it at a reduced rate, or cancel a benefit already granted.

(3) MSD may intervene in court proceedings for enforcing P's claim under the Family Protection Act 1955 and may give evidence or make submissions in support of P's claim.

Compare: 1964 No 136 s 73

Factors affecting benefit: person not ordinarily resident in New Zealand

204 MSD may refuse or cancel benefit if person not ordinarily resident in New Zealand

(1) MSD may refuse to grant a benefit, cancel or reduce a benefit already granted, or grant a benefit at a reduced rate, if MSD is satisfied that the applicant, or the spouse or partner of the applicant or any person in respect of whom the benefit or any part of the benefit is or would be payable, is not ordinarily resident in New Zealand.

(2) This section does not apply to—

(a) New Zealand superannuation being paid overseas under section 26 of the New Zealand Superannuation and Retirement Income Act 2001 (*see* section 29(4A) of that Act); or

(b) New Zealand superannuation payable to a person resident in a specified Pacific country under section 31 of the New Zealand Superannuation and Retirement Income Act 2001 (*see* section 35(2) of that Act); or

(c) a veteran's pension being paid overseas under section 182 of the Veterans' Support Act 2014 (*see* section 189(3) of that Act); or

(d) a veteran's pension payable to a person resident in a specified Pacific country under section 191 of the Veterans' Support Act 2014 (*see* section 195(2) of that Act):

(e) a benefit payable under any reciprocity agreement with another country adopted by an order made under section 380.

Compare: 1964 No 136 s 74(1)(a); 2001 No 84 ss 29(4A), 35(2); 2014 No 56 ss 189(3), 195(2)

Factors affecting benefit: refugee or protected person status

205 Refugee or protected person status

(1) This section applies if MSD is satisfied that a person (**P**) is any of the following:

(a) a person lawfully present in New Zealand who is awaiting the outcome of the person's claim for recognition as a refugee or a protected person:

(b) a person who is recognised as a refugee or protected person:

(c) a person applying for a residence class visa under the Immigration Act 2009 who is compelled to remain in New Zealand because of unforeseen circumstances.

(2) MSD may grant P—

(a) an emergency benefit under section 63:

(b) temporary additional support under section 96.

(3) This section overrides section 16 (residential requirement) and section 19 (general limitation on receiving benefit: persons unlawfully resident or present in New Zealand and persons holding temporary entry class visa).

Compare: 1964 No 136 s 74A(1A), (1B)

Factors affecting benefit: hospitalisation

206 Hospitalisation

(1) The main benefit under this Act of a person (**P**) is affected by hospitalisation if P—

(a) is in hospital for a period of more than 13 weeks; and

(b) has a spouse or partner but no dependent children or is single.

(2) The rate of P's benefit after the 13th week is the rate specified in Part 12 of Schedule 4 except that MSD may pay P a higher rate after taking into account P's personal financial circumstances.

(3) The rate of benefit that is paid to P under subsection (2) is not affected by any absence or absences from hospital of P—

(a) after the 13th week of hospitalisation; and

(b) lasting no longer than 28 days.

Compare: 1964 No 136 s 75(2)–(4), (6)

207 Benefit of spouse or partner increased after 13th week of hospitalisation

(1) This section applies if—

(a) a person's (**P's**) main benefit under this Act is reduced under section 206; and

(b) P has a spouse or partner who is not in hospital or has been in hospital for less than 13 weeks; and

(c) a specified benefit is payable to or in respect of P's spouse or partner.

(2) The specified benefit of P's spouse or partner must be increased, starting on the date on which P's main benefit is reduced, by an amount equal to the difference between—

(a) the maximum rate of that specified benefit that is payable to a single person; and

(b) the maximum rate of that specified benefit that is payable to a person who has a spouse or partner and whose spouse or partner is receiving a main benefit of the kind reduced.

(2A) *See* section 19 of the New Zealand Superannuation and Retirement Income Act 2001, under which a spouse's or partner's specified benefit is similarly increased when P is the beneficiary of New Zealand superannuation that is payable, as a result of P's hospitalisation, at a reduced rate.

(3) Nothing in this section entitles a single person or a couple who are in a relationship to be paid a greater amount of benefit, as a result of hospitalisation, than would otherwise have been payable.

(4) In this section, **specified benefit** means—

(a) a main benefit under this Act; or

(b) New Zealand superannuation; or

(c) a veteran's pension.

Compare: 1964 No 136 s 75(5), (7)

Section 207(1)(c): amended, on 9 November 2020, by section 40(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 207(2): replaced, on 9 November 2020, by section 40(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 207(2A): inserted, on 9 November 2020, by section 40(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 207(4): inserted, on 9 November 2020, by section 40(3) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Factors affecting benefit: alcohol and drug treatment

208 Beneficiary resident in institution for treatment of alcoholism or drug addiction

(1) This section applies if a person (**P**) is—

(a) a beneficiary; and

(b) a resident of an institution for the treatment of alcoholism or drug addiction.

(2) The rate of any benefit payable to P while a resident of the institution is determined by MSD after taking into account P's personal financial circumstances.

(3) In subsection (1), **institution for the treatment of alcoholism or drug addiction** means a treatment centre under the Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (the **2017 Act**) (not being a psychiatric security institution within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992) or any institution that fulfils a similar purpose to a treatment centre under the 2017 Act.

Compare: 1964 No 136 s 75A

Factors affecting benefit: issue of warrant for beneficiary's arrest

209 Benefit not payable to person who is subject to warrant of arrest

(1) A benefit is not payable to a person (**P**) if MSD is satisfied that—

(a) P is a beneficiary who receives a main benefit under this Act, New Zealand superannuation, or a veteran's pension; and

(b) criminal proceedings have been commenced against P in a New Zealand court for an offence; and

(c) a warrant has been issued by a New Zealand court (or judge or registrar of a New Zealand court) for P's arrest in connection with those proceedings; and

(d) the warrant has not been resolved and at least 28 days have elapsed since the date on which the warrant was issued.

(2) However, MSD must not stop under this section payment of P's benefit unless MSD has first—

(a) followed the procedure set out in sections 211 and 212; and

(b) considered P's response, if any, to the unresolved warrant notice given under section 211.

(3) A benefit the payment of which is stopped under this section remains not payable until MSD is satisfied that P is not the subject of the warrant or that the warrant has been resolved.

(4) Nothing in this section affects the power of MSD to suspend immediately the benefit of a person under section 213.

Compare: 1964 No 136 s 75B(1), (6)

210 Beneficiary and offence defined for section 209

In section 209,—

beneficiary excludes a person who is 1 of the following:

(a) a young person (as defined in section 2(1) of the Oranga Tamariki Act 1989):

(b) a person who falls within a class, description, or kind of beneficiary that is excluded from the operation of section 209 by regulations made under section 435

offence excludes an offence of a class, description, or kind excluded from the operation of section 209 by regulations made under section 435.

Compare: 1964 No 136 s 75B(2)

211 MSD must give beneficiary notice of unresolved warrant

As soon as practicable after MSD is notified of the issue of the warrant, MSD must give P a notice for the purposes of this section (an **unresolved warrant notice**) that complies with section 212.

Compare: 1964 No 136 s 75B(3)

212 Requirements for unresolved warrant notice

(1) An unresolved warrant notice must—

(a) specify a period of 10 working days within which the person to whom the notice is delivered (**P**) may—

(i) dispute that P is the person to whom the warrant applies; or

(ii) take steps to resolve the warrant; and

(b) specify the steps that P may take to dispute that P is the subject of the warrant or to resolve the warrant; and

(c) specify the consequences if P fails to resolve the warrant within the 10-working-day period.

(2) An unresolved warrant notice that involves information supplied by the Ministry of Justice under clause 15 of Schedule 6 may be combined with a notice of adverse action given under section 181(1) of the Privacy Act 2020.

Compare: 1964 No 136 s 75B(3), (4)

Section 212(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

213 Immediate suspension of benefit at request of New Zealand Police

MSD may suspend immediately a benefit payable to a person (**P**) if—

(a) MSD is satisfied that—

(i) criminal proceedings have been commenced against P in a New Zealand court for an offence; and

(ii) a warrant has been issued in New Zealand for P's arrest in connection with those proceedings; and

(iii) the warrant has not been resolved; and

(b) the New Zealand Police has given MSD a written notice that—

(i) states that the Commissioner of Police considers on reasonable grounds that P is a risk to public safety; and

(ii) requests MSD on the ground of that risk to suspend the benefit payable to P; and

(iii) is signed by the Commissioner or by a constable who occupies a position of the level of inspector or above.

Compare: 1964 No 136 s 75B(7)

214 Beneficiary and offence defined for section 213

In section 213,—

beneficiary excludes a person who is 1 of the following:

(a) a young person (as defined in section 2(1) of the Oranga Tamariki Act 1989):

(b) a person who falls within a class, description, or kind of beneficiary that is excluded from the operation of section 213 by regulations made under section 435

offence excludes an offence of a class, description, or kind excluded from the operation of section 213 by regulations made under section 435.

Compare: 1964 No 136 s 75B(2)

215 MSD must give beneficiary notice of immediate suspension

(1) This section applies if under section 213 MSD suspends immediately a benefit payable to a person (**P**).

(2) As soon as reasonably practicable, MSD must give P a written notice that—

(a) states that the benefit has been suspended; and

(b) states the reason for the suspension; and

(c) specifies the steps that P may take to dispute that P is the subject of the warrant or to resolve the warrant.

Compare: 1964 No 136 s 75B(8)

216 Effect of non-payment or suspension of benefit

(1) The following sections apply to a benefit (as if it had been suspended under section 232) that is not payable under section 209 or is suspended under section 213:

(a) section 230:

(b) section 245:

(c) section 246:

(d) section 248.

(2) However, section 245 (which protects a spouse or partner) ceases to apply under subsection (1)(b) to the benefit at the close of the 28th day after the date on which it becomes not payable or is suspended.

(3) Subsection (1)(b) does not apply if—

(a) the person whose benefit is suspended under section 213 is not receiving a main benefit under this Act; or

(b) the spouse or partner of the person whose benefit is suspended under section 213 is receiving a main benefit under this Act in the spouse's or partner's own right.

Compare: 1964 No 136 s 75B(9), (10)

Factors affecting benefit: custody in prison or on remand

217 Benefit not payable during custody in prison or on remand

(1) A benefit is not payable to a person (**P**) for any period during which P is—

(a) in custody in prison; or

(b) in custody on remand; or

(c) an escapee from custody in prison.

(2) In this section and section 218,—

custody in prison means custody in prison under a sentence of imprisonment or preventive detention

custody on remand means custody on remand by a court pending a further appearance before a court.

(3) For the purposes of this section,—

(a) MSD may regard as time spent in custody in prison or custody on remand time spent by a beneficiary in a hospital during a period of custody; and

(b) a person does not cease to be in custody by being released for a period of 24 hours or less for a purpose authorised by the Corrections Act 2004.

Compare: 1964 No 136 s 76(1), (5), (6)

218 Exceptions to rule that benefit not payable during custody in prison or on remand

(1) MSD may continue payment to a beneficiary of New Zealand superannuation or a veteran's pension for 2 pay days after the first day of custody in prison.

(2) MSD may pay all or part of a benefit to—

(a) the spouse or partner of a person in custody in prison or of an escapee from that custody; or

(b) any responsible person for the benefit of—

(i) that spouse or partner; or

(ii) the dependent child or children of a person in custody in prison or of an escapee from that custody.

(3) MSD may pay all or part of a benefit to a beneficiary in custody on remand after taking into account the beneficiary's personal financial circumstances.

Compare: 1964 No 136 s 76(2)–(4)

Factors affecting benefit: absence from New Zealand

219 General rule: benefit not payable while beneficiary absent from New Zealand

(1) For any period during which a person is absent from New Zealand, a benefit is not payable to that person.

(2) However, this section does not apply to a benefit payable under—

(a) subpart 11 of Part 2 (winter energy payment); or

(b) sections 21 to 35 of the New Zealand Superannuation and Retirement Income Act 2001; or

(c) sections 176 to 196 of the Veterans' Support Act 2014; or

(d) any reciprocity agreement with another country adopted by an order made under section 380.

(3) This section is also subject to the exceptions, or other contrary or related provisions, contained in regulations made under section 436.

Compare: 1964 No 136 ss 61FJ(3), 77; 2001 No 84 s 35(2); 2014 No 56 s 195(2)

220 Special absence rule: winter energy payment

(1) The winter energy payment is not payable for 1 or more days while a beneficiary is absent from New Zealand unless it is so payable under subsection (2).

(2) The winter energy payment is payable to a beneficiary for up to a maximum of 28 days of any 1 or more absences (however long each absence lasts in total) of the beneficiary from New Zealand during the winter period (as defined in section 71) if—

(a) the payment would be payable to the beneficiary were it not for those days of those absences; and

(b) MSD is satisfied that those days of those absences do not affect the beneficiary's eligibility for the payment under section 72.

(3) Sections 219 and 436 do not apply to the winter energy payment.

Compare: 1964 No 136 s 61FJ(1), (2)

Section 220(2): replaced, on 1 May 2019, by section 5 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

Factors affecting benefit: additional dependent child

[Repealed]

Heading: repealed, on 8 November 2021, by section 7 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

221 Purpose of sections 222 to 224

[Repealed]

Section 221: repealed, on 8 November 2021, by section 7 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

222 Additional dependent child must not be taken into account in certain cases

[Repealed]

Section 222: repealed, on 8 November 2021, by section 7 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

223 Extended application of additional dependent child rules

[Repealed]

Section 223: repealed, on 8 November 2021, by section 7 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

224 Limited application of additional dependent child rules

[Repealed]

Section 224: repealed, on 8 November 2021, by section 7 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

Factors affecting benefit: voluntary unemployment or loss of employment through misconduct, etc

225 Basic rule: no work-tested benefit for 13 weeks after leaving employment or scheme or loss of employment due to misconduct

(1) A person is not entitled to a work-tested benefit for a period of 13 weeks after ceasing employment if MSD is satisfied that the person has—

(a) left that employment voluntarily without good and sufficient reason; or

(b) lost that employment because of misconduct as an employee.

(2) A person is not entitled to a work-tested benefit for a period of 13 weeks after ceasing to participate in a scheme if MSD is satisfied that the person—

(a) has been receiving payments under the scheme and has voluntarily ceased to participate in the scheme without good and sufficient reason; or

(b) has ceased to participate in the scheme because of misconduct.

(3) This section is subject to section 323.

Compare: 1964 No 136 s 60H(3), (4)

226 Persons to whom basic rule applies

The basic rule applies to the following persons:

(a) a work-tested beneficiary:

(b) an applicant for a benefit who would become a work-tested beneficiary if the benefit were granted:

(c) the spouse or partner of an applicant for a couple rate of benefit who would become a work-tested spouse or partner if the benefit were granted:

(d) an applicant for jobseeker support on the ground of health condition, injury, or disability who has the capacity for part-time work.

Compare: 1964 No 136 s 60H(2)

227 What happens if basic rule applies

(1) If the basic rule applies to a person (**P**),—

(a) MSD must cancel the benefit (if granted); and

(b) must not grant P the benefit in any other case; and

(c) P is not entitled, during the 13-week period, to the cancelled benefit or a work-tested benefit.

(2) However, under section 228, MSD may decide not to apply subsection (1).

(3) Subsection (1) is subject to sections 246 to 248, 320, 323, and 324.

Compare: 1964 No 136 s 60H(4), (5)

228 MSD's options in case of misconduct

(1) If the basic rule applies to a person (**P**) because of misconduct, MSD has 2 additional options:

(a) MSD may decide that the basic rule should not apply to P; or

(b) MSD may decide that the benefit should be paid to P, or paid without reduction, subject to the condition that MSD may require P to repay the benefit or part of it if a court or person or body authorised by law to determine the matter determines the misconduct to be proved.

(2) Any amount that MSD requires P to repay under subsection (1)(b) is a debt due to the Crown under regulations made under section 444 and may be recovered from P under regulations made under section 444.

Compare: 1964 No 136 s 60H(6), (7)

229 Interpretation

For the purposes of this section and sections 225 to 228,—

basic rule means the rule set out in section 225

benefit means a work-tested benefit

employment,—

(a) in the case of an applicant for a work-tested benefit, means—

(i) full-time employment; or

(ii) part-time employment if MSD is satisfied that, for a period of not less than 13 weeks preceding the termination of the employment, the income from that employment was sufficient to maintain the person; and

(b) in the case of a part-time work-tested beneficiary, means regular part-time work; and

(c) in the case of any other work-tested beneficiary, means full-time employment; but

(d) does not include redundancy

scheme means a Government-assisted scheme that MSD considers analogous to a benefit.

Compare: 1964 No 136 s 60H(1)

Factors affecting benefits: non-entitlement period, stand down, or 100% suspension of benefit

230 How non-entitlement period, etc, affects supplementary benefits, and spouse or partner

(1) This section applies while a person is subject to—

(a) a non-entitlement period; or

(b) a stand down under section 316 (start and calculation of stand-down period); or

(c) a sanction of suspension of 100% of a benefit under section 237, 270, or 280.

(2) The person is not entitled to receive—

(a) an emergency benefit; or

(b) an accommodation supplement; or

(c) temporary additional support.

(3) However, an accommodation supplement that an applicant was receiving immediately before the applicant applied for a benefit continues, despite subsections (1)(b) and (2)(b), at the same rate for the period of non-entitlement.

(4) If a person's spouse or partner is under section 316 (start and calculation of stand-down period) not entitled to a benefit, then (under this subsection, and despite any contrary provision of this Act) the person is also not entitled to the benefit.

Compare: 1964 No 136 s 80C

Part 5
Enforcement: sanctions and offences

Contents

Page

Subpart 1—Guide to this Part

231 What this Part does 139

Subpart 2—Sanctions for breach of obligations other than young person or young parent obligations

Types of sanction

232 Sanctions for failure to comply with certain obligations under this Act 139

233 Obligations that carry sanction for failure to comply 139

Hierarchy of sanctions

234 Hierarchy of sanctions 140

235 Failure, and first, second, and third failure, defined for obligations other than young person or young parent obligations 140

236 Sanction for first failure: reduction in main benefit 141

237 Sanction for second failure: suspension of main benefit 141

238 Sanction for third failure: cancellation of main benefit 141

239 Reduction or suspension of reduced benefit 141

How number of failures is counted

240 Failures that can be counted 141

241 Meaning of continuous payment 142

242 Failures that cannot be counted 142

Special cases: variations on ordinary sanctions rules

243 Exclusion of sanction if failure is subject of prosecution under Education and Training Act 2020 143

244 Variation for failure to comply with work-test obligation to accept offer of suitable employment 143

245 Variation for breach of work-test obligation by 1 spouse or partner 143
246 Variation for breach of work-test obligation by both partners or spouses 144
247 Variation for suspension or cancellation of benefit or non-entitlement period affecting couple with 1 or more dependent children 144
248 Variation for suspension or cancellation of main benefit or non-entitlement period affecting sole parent 145

Good and sufficient reason for non-compliance

249 Good and sufficient reason for non-compliance: default by MSD 145
250 Good and sufficient reason for failure to comply with drug-testing obligation 145
251 Good and sufficient reason for failure to supervise dependent child 146

Procedure for imposing sanction

252 MSD must give notice of sanction 146
253 Notice relates to single failure 147
254 How notice of sanction may be given 147
255 Breach of obligation in relation to dependent children: additional steps before notice may be given 147
256 When reduction, suspension, or cancellation of benefit takes effect 147

Evidential drug test

257 Request for evidential drug test if sanction imposed for failing screening drug test 148
258 Effect of request for evidential drug test 148
259 Effect of failure of evidential drug test 149
260 Costs of evidential drug test 149

Recompliance

261 How person recomplies after failure to comply with obligation 149
262 Impossibility of remedying failure of work-test obligation 149
263 How person recomplies after failure to comply with drug-testing obligation 150
264 Drug testing for purposes of recompliance 150
265 Failure of drug test for purposes of recompliance constitutes third failure 151
266 Costs of drug testing for purposes of recompliance 151

Miscellaneous

267 Case management support for beneficiary in breach of obligation in relation to dependent children 151

Subpart 3—Sanctions for breach of young person or young parent obligations

Interpretation

268 Failure, and first, second, and third failure, defined for young person or young parent obligations 151

Sanctions: young person obligations

269 Sanction for failure to comply with young person obligation 152
270 Sanction for first or second failure: suspension of in-hand allowance and incentive payments 152
271 Sanction for third failure: cancellation of youth payment and incentive payments 153
272 Effect of cancellation of youth payment on accommodation supplement or temporary additional support 153
273 Effect of cancellation of youth payment on emergency benefit 154
274 Effect of cancellation of youth payment on disability allowance or child disability allowance 154
275 Sanctions for failure by young person required to receive youth services to comply with obligations: money management 154
276 Sanctions for failure by young person required to receive youth services to comply with obligations: other cases 155
277 Sanctions for failure by young spouse or partner of specified beneficiary to comply with obligations: money management 155
278 Sanctions for failure by young spouse or partner of specified beneficiary to comply with obligations: other cases 156

Sanctions: young parent obligations

279 Sanction for failure to comply with young parent obligation 157
280 Sanction for first or second failure: suspension of in-hand allowance and incentive payments 157
281 Sanction for third failure: cancellation of young parent payment and incentive payments 157
282 Effect of cancellation of young parent payment 157
283 Effect of cancellation of young parent payment on accommodation supplement or temporary additional support 158
284 Effect of cancellation of young parent payment on emergency benefit 159
285 Effect of cancellation of young parent payment on disability allowance or child disability allowance 159

How obligation satisfied

286 How young person satisfies obligation after failure to comply 159

Procedure

287 Procedure for imposing sanctions for failure to comply with young person or young parent obligation 159

Incentive payments

288 Effect of regrant of youth payment on incentive payment 159
289 MSD may cancel incentive payment 160

Subpart 4—Offences

290 Offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits 160
291 Offences: spouse or partner knowingly benefiting from excess amount obtained by beneficiary's fraud 161
292 Offence of demanding or accepting fee or other consideration in relation to grant of benefit 162
293 Offence of demanding or accepting acknowledgement or undertaking 162
294 General penalty for offences 163
295 Time for filing charging document 163

Subpart 1—Guide to this Part

231 What this Part does

This Part sets out—

(a) the sanctions that may be imposed for a breach of an obligation under this Act:

(b) the offences that are created by this Act.

Subpart 2—Sanctions for breach of obligations other than young person or young parent obligations

Types of sanction

232 Sanctions for failure to comply with certain obligations under this Act

(1) MSD must under this section impose a sanction if MSD considers that a person has failed without good and sufficient reason to comply with 1 or more obligations under this Act that are specified in section 233.

(2) The sanction is 1 of the following (in accordance with section 234):

(a) reduction in a main benefit:

(b) suspension of a main benefit:

(c) cancellation of a main benefit.

Compare: 1964 No 136 s 116B

233 Obligations that carry sanction for failure to comply

The obligations referred to in section 232(1) are the following:

(a) obligation to comply with a requirement under section 118 to attend and participate in a work ability assessment or reassessment:

(b) obligation to comply with a work-preparation obligation under section 124 or 125:

(c) obligation to comply with an obligation under sections 131 to 135 in relation to dependent children:

(d) obligation to comply with a work-test obligation under section 144 or 146:

Example

A work-test obligation—

(a) under section 144(a), 144(c), 146(1)(d)(ii), or 146(1)(d)(iv); and

(b) that, under section 147(2), includes the obligation under section 147(1) to undertake and pass a drug test.

(e) obligation to comply with a requirement under section 158(4) to attend an interview:

(f) obligation to comply with a requirement under section 170(2) in relation to working with contracted service providers.

Compare: 1964 No 136 s 116B

Hierarchy of sanctions

234 Hierarchy of sanctions

The sanction that MSD must impose under section 232(1) is,—

(a) for a first failure, reduction in a main benefit:

(b) for a second failure, suspension of a main benefit:

(c) for a third failure, cancellation of a main benefit.

Compare: 1964 No 136 s 117

235 Failure, and first, second, and third failure, defined for obligations other than young person or young parent obligations

In this subpart,—

failure means a failure to comply with an obligation for which MSD must impose a sanction

first failure means the first failure to comply with an obligation for which MSD must impose a sanction

second failure means a failure that occurs after a person has recomplied with the obligation to which a first failure related

third failure means a failure that occurs after a person has recomplied with the obligation to which a second failure related.

Compare: 1964 No 136 s 117

236 Sanction for first failure: reduction in main benefit

(1) For a first failure by a person (**P**), MSD must—

(a) reduce P's main benefit by half until P recomplies; and

(b) if P fails to recomply within 4 weeks after the initial reduction takes effect, reduce P's main benefit to zero until P complies.

(2) This section is subject to sections 245 to 248 and 320 to 324.

Compare: 1964 No 136 s 117(1)(a)

237 Sanction for second failure: suspension of main benefit

(1) For a second failure by a person (**P**), MSD must suspend P's main benefit until P recomplies.

(2) This section is subject to sections 245 to 248 and 320 to 324.

Compare: 1964 No 136 s 117(1)(b)

238 Sanction for third failure: cancellation of main benefit

(1) For a third failure by a person (**P**), MSD must cancel P's main benefit.

(2) On cancellation under this section of P's main benefit,—

(a) P is not entitled to receive any main benefit under this Act for 13 weeks from the date of cancellation; and

(b) to be again entitled to a main benefit under this Act, P must apply for the benefit and establish that P is eligible for it.

(3) This section is subject to sections 245 to 248 and 320 to 324.

Compare: 1964 No 136 s 117(1)(c), (2), (3)

239 Reduction or suspension of reduced benefit

If a person's specified benefit (as defined in section 331) is reduced under section 236 or suspended under section 237, and the person is regranted a specified benefit under section 336, the reduction or suspension continues to apply to the regranted specified benefit on and after its commencement until the person recomplies.

Compare: 1964 No 136 s 117(4)

How number of failures is counted

240 Failures that can be counted

(1) A failure can be counted if it occurs during a period of continuous payment of a main benefit, whether or not it is the same benefit.

(2) For the purposes of subsection (1), MSD must treat as the same benefit:

(a) a specified benefit that expires under section 332; and

(b) a specified benefit regranted to the beneficiary under section 336.

Compare: 1964 No 136 s 119(1)(a), (1A), (3A)

241 Meaning of continuous payment

(1) For the purposes of section 240(1), 2 or more different main benefits paid to a beneficiary do not give rise to a period of continuous payment in respect of the beneficiary of those 2 or more different main benefits if—

(a) one of those 2 or more different main benefits is a youth payment or a young parent payment; and

(b) the other of, or (as the case may be) the rest of, those 2 or more different main benefits is 1 or more or all of sole parent support, supported living payment, jobseeker support, and emergency benefit.

(2) Subsection (1) does not affect section 240(1) applying (under section 287) with all necessary modifications to the imposition of sanctions under subpart 3 in respect of failures that—

(a) are failures by a young person who is receiving a youth payment or a young parent payment; and

(b) are failures, without good and sufficient reason, to comply with an obligation placed on the young person by section 162 or 164; and

(c) occur during a period of continuous payment in respect of the young person of—

(i) the same benefit (that is, a youth payment or a young parent payment); or

(ii) 2 or more different benefits (that is a youth payment and a young parent payment, in whatever sequence paid).

(3) In determining whether a main benefit has been continuously paid, MSD must disregard any period during which the benefit was cancelled or suspended because the beneficiary commenced in employment that continued for less than 10 working days.

(4) In subsection (3), **working day** means a day on which a person was required to work in the employment in question.

Compare: 1964 No 136 s 119(1A), (1B), (3), (5)

242 Failures that cannot be counted

(1) A failure cannot be counted if it occurred more than 12 months before the failure for which the calculation is made.

(2) For the purposes of subsection (1), a failure occurs on the date MSD decides that the beneficiary has failed, without a good and sufficient reason, to comply with the appropriate obligation.

(3) This section does not affect the implementation, after the 12-month period, of a sanction based on any prior calculation of the number of failures by a person to comply with the appropriate work-test obligation or other obligation imposed by this Act.

Compare: 1964 No 136 s 119(1)(b)(ii), (2), (4)

Special cases: variations on ordinary sanctions rules

243 Exclusion of sanction if failure is subject of prosecution under Education and Training Act 2020

MSD must not impose a sanction for a person's failure to comply with the obligation under section 133(1) (which relates to the attendance of a dependent child aged 6 to 15 years at a registered school) if—

(a) the failure is the subject of a prosecution against P for an offence under section 243(1) or 244(1) of the Education and Training Act 2020, as the case may be; and

(b) the prosecution has not been withdrawn before being finally resolved.

Compare: 1964 No 136 s 60RC(2)

Section 243 heading: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 243(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

244 Variation for failure to comply with work-test obligation to accept offer of suitable employment

(1) MSD must, under section 238, cancel a main benefit for any failure to comply with the work-test obligation to accept any offer of suitable employment (*see* section 144(b)).

(2) This section overrides sections 234 to 238.

Compare: 1964 No 136 s 117(1B), (1C)

245 Variation for breach of work-test obligation by 1 spouse or partner

(1) This section applies when—

(a) a main benefit is payable at a work-test couple rate; and

(b) the benefit is reduced, suspended, or cancelled under section 227 or 232; and

(c) the reduction, suspension, or cancellation results from the failure of one spouse or partner to comply with a work-test obligation or results from the application of section 227.

(2) In a case to which this section applies,—

(a) the reduction, suspension, or cancellation applies to only half the applicable rate of main benefit before any reduction on account of income; and

(b) the other spouse or partner is entitled to receive half that rate (and the appropriate income test applies to that rate, but at half the abatement rate in that test).

Compare: 1964 No 136 s 120(1)

246 Variation for breach of work-test obligation by both partners or spouses

(1) This section applies when—

(a) a main benefit is payable at a work-test couple rate; and

(b) the benefit is reduced, suspended, or cancelled under section 227 or 232; and

(c) the reduction, suspension, or cancellation results from the failure of both partners or spouses to comply with a work-test obligation or results from the application of section 227; and

(d) the couple have no dependent children.

(2) The reduction, suspension, or cancellation in respect of each spouse or partner applies to only half the applicable rate of main benefit before reduction on account of income that is payable in respect of that spouse or partner.

(3) Any amount of the main benefit payable to the spouses or partners after the reduction, suspension, or cancellation is applied is subject to the appropriate income test but at half the abatement rate in that test.

Compare: 1964 No 136 s 120(1A)

247 Variation for suspension or cancellation of benefit or non-entitlement period affecting couple with 1 or more dependent children

(1) This section applies when—

(a) a main benefit is payable at a work-test couple rate; and

(b) the benefit is reduced, suspended, or cancelled under section 227 or 232; and

(c) the reduction, suspension, or cancellation results from—

(i) the failure of both spouses or partners to comply with 1 or more specified obligations under this Act; or

(ii) the application of section 227 to both spouses or partners; and

(d) the couple have 1 or more dependent children.

(2) This section also applies when, under sections 225 and 227, a person with 1 or more dependent children who is in a relationship has not been granted a main benefit and is not entitled for a period of 13 weeks to a work-tested benefit that would be payable at the work-test couple rate.

(3) In a case to which this section applies,—

(a) the reduction, suspension, cancellation, or non-entitlement period applies to only half the applicable rate of main benefit before any reduction on account of income; and

(b) the spouses or partners are entitled to receive half that rate (and the appropriate income test applies to that rate).

(4) Subsection (3)(b) is subject to regulations made under section 442(2)(e) (regulations: payments: apportionment) for the purposes of section 337 (how benefits are paid).

Compare: 1964 No 136 s 120(2), (3)

248 Variation for suspension or cancellation of main benefit or non-entitlement period affecting sole parent

(1) This section applies when the main benefit of a person (**P**) who is a sole parent is suspended or cancelled under section 227 or 232.

(2) This section also applies when, under sections 225 and 227, a sole parent (**P**) has not been granted a main benefit and is not entitled for a period of 13 weeks to a work-tested benefit.

(3) In a case to which this section applies,—

(a) the suspension or cancellation applies to only half the applicable rate of main benefit before any reduction on account of income; and

(b) P is entitled during the period of suspension, cancellation, or non-entitlement to receive only half of that rate, and the appropriate income test applies to that rate but at half the abatement rate in that income test.

Compare: 1964 No 136 s 121

Good and sufficient reason for non-compliance

249 Good and sufficient reason for non-compliance: default by MSD

A good and sufficient reason for failure to comply with a requirement or obligation set out in section 233 includes default by MSD if—

(a) compliance was dependent on any assistance specified by MSD; and

(b) MSD failed to provide that assistance, whether at all or to the extent or in the manner specified.

Compare: 1964 No 136 s 116C(1)

250 Good and sufficient reason for failure to comply with drug-testing obligation

(1) A person (**P**) has a good and sufficient reason for not complying with a drug-testing obligation, or for failing to apply for suitable employment that requires candidates to undertake drug tests, or for both, if MSD is satisfied that P—

(a) is addicted to, or dependent on, 1 or more controlled drugs; or

(b) is undertaking addiction treatment; or

(c) is awaiting assessment for, or an opportunity to undertake, addiction treatment; or

(d) is taking, in the dosage prescribed, a controlled drug lawfully prescribed for P by a health practitioner; or

(e) falls within another ground or grounds prescribed for the purposes of this subsection by regulations made under section 418(1)(j).

(2) In subsection (1), **addiction treatment** means treatment that—

(a) is for addiction to, or dependence on, 1 or more controlled drugs; and

(b) is provided by a health practitioner, or other person, who is professionally engaged in the treatment or rehabilitation of people who are using, or have used, controlled drugs; and

(c) is of a kind approved by MSD.

Compare: 1964 No 136 s 116C(2)

251 Good and sufficient reason for failure to supervise dependent child

A good and sufficient reason for failure to comply with an obligation under section 146(1)(d) includes supervision of a dependent child during hours when it would be unreasonable to expect a dependent child of the person in question to be without that person's supervision.

Compare: 1964 No 136 s 116C(3)

Procedure for imposing sanction

252 MSD must give notice of sanction

(1) MSD must not under section 232 reduce, suspend, or cancel a benefit payable to a person (**P**) unless MSD has first given P a written notice for the purposes of this section (a **section 252 notice**) that complies with subsection (2).

(2) The notice must—

(a) state that P has failed to comply with a specified obligation under this Act; and

(b) specify the nature of P's failure to comply; and

(c) state that, on the basis of P's failure, MSD is reducing, suspending, or cancelling P's benefit; and

(d) specify the date on which the reduction, suspension, or cancellation is to take effect; and

(e) in the case of a reduction or suspension, state the nature and duration of the reduction or suspension; and

(f) state that P has 5 working days from the giving of the notice to dispute the reduction, suspension, or cancellation; and

(g) advise P to contact MSD if P wants to dispute or discuss the decision to reduce, suspend, or cancel the benefit; and

(h) contain a clear statement of P's right, under section 391, to apply for a review of the decision, and of the procedure for applying for a review.

Compare: 1964 No 136 s 113(1), (2)

253 Notice relates to single failure

(1) A notice of a sanction given to a person (**P**) may specify more than 1 instance of failure.

(2) Each specified instance may relate to the same obligation, or to 2 or more different obligations.

(3) However, for the purposes of imposing a sanction, the combined specified instances are (if at least 2 of them are not disputed by P) treated as a single failure.

Compare: 1964 No 136 ss 113(2A), 117(1AA)

254 How notice of sanction may be given

(1) MSD may give a person (**P**) a section 252 notice—

(a) by delivering it to P personally; or

(b) by delivering it to P by electronic means (with the individual's express or inferred consent) in accordance with Part 4 (Electronic transactions) of the Contract and Commercial Law Act 2017; or

(c) by leaving it—

(i) at P's usual or last known place of residence or business; or

(ii) at the address given in the most recent application or other document received by MSD from P; or

(d) by posting it in a letter addressed to P at that place of residence or business or at that address.

(2) The notice is given to P when it is delivered, left, or posted, as the case may be.

Compare: 1964 No 136 s 114

255 Breach of obligation in relation to dependent children: additional steps before notice may be given

MSD must not give a person (**P**) a section 252 notice in relation to a failure to comply with an obligation in relation to dependent children under sections 131 to 135 unless MSD is satisfied that, on at least 3 previous occasions, MSD has had communication (of any kind, and in any manner) with P in respect of P's compliance with, or an actual or potential failure of P to comply with, any obligation P has under sections 131 to 135.

Compare: 1964 No 136 s 60RC(3)

256 When reduction, suspension, or cancellation of benefit takes effect

The reduction, suspension, or cancellation of a benefit under section 232 must not take effect before the close of the 5 working days specified in the section 252 notice in accordance with section 252(2)(f).

Compare: 1964 No 136 s 113(3)

Evidential drug test

257 Request for evidential drug test if sanction imposed for failing screening drug test

(1) A person (**P**) who has failed a screening drug test and has been given a section 252 notice (the **section 252 notice**) of a sanction on the basis of failing that test may request that P's sample taken for the screening drug test be subjected to an evidential drug test.

(2) P's request for an evidential drug test—

(a) must be in writing in a form approved by MSD for the purpose; and

(b) must include the necessary consents and authorisations; and

(c) may be made only after P has disputed the sanction specified in the section 252 notice in accordance with section 252(2)(f); and

(d) must be made within a reasonable period, as specified by MSD, of disputing the sanction.

(3) In this section and in section 258, **necessary consents and authorisations** means any consent or authority—

(a) of any employer, training provider, or drug-testing provider; and

(b) that MSD specifies as necessary for arranging the evidential drug test and providing the result to MSD.

(4) This section is subject to section 149(1) (which provides that a person is taken to have failed an evidential drug test requested under this section if the person fails a screening test and waives an associated evidential drug test).

Compare: 1964 No 136 s 102D(1)–(4)

258 Effect of request for evidential drug test

(1) A request by a person (**P**) for an evidential drug test that complies with the requirements set out in section 257(2) has the following effect until the result of the test is notified to MSD:

(a) any sanction imposed on P under section 232 for failing the associated prior screening drug test is suspended:

(b) any failure for the purposes of sections 240(1) and 262 based on P failing the associated prior screening drug test is suspended:

(c) P is not liable under section 260 for the actual and reasonable costs (if any) of P's associated prior screening drug test that have been reimbursed to the employer under section 151.

(2) If a request for an evidential drug test does not comply with the requirements set out in section 257(2), MSD may proceed to impose the appropriate sanction as if the request had not been made.

(3) This section is subject to section 149(1) (which provides that a person is taken to have failed an evidential drug test requested under section 257 if the person fails a screening test and waives an associated evidential drug test).

Compare: 1964 No 136 s 102D(5), (6)

259 Effect of failure of evidential drug test

Failure of an evidential drug test that is requested by a person under section 257 must be treated for the purposes of section 233(d) as a new failure of the beneficiary's work-test obligations.

Compare: 1964 No 136 s 102D(8)

260 Costs of evidential drug test

(1) MSD must pay the actual and reasonable costs incurred by a drug-testing provider in doing an evidential drug test arranged by MSD in accordance with a request under section 257.

(2) If a person (**P**) fails an evidential drug test arranged by MSD in accordance with a request under section 257, the following are a debt due to the Crown from P for the purpose of regulations made under section 444:

(a) the actual and reasonable costs incurred by a drug-testing provider in doing that evidential drug test; and

(b) the actual and reasonable costs (if any) reimbursed to the employer under section 151 of P's associated prior screening drug test.

Compare: 1964 No 136 ss 102C(6), 102D(7), (9)

Recompliance

261 How person recomplies after failure to comply with obligation

(1) A person (**P**) recomplies after a failure to comply with an obligation if P remedies the failure.

(2) If a section 252 notice specifies more than 1 failure of the same obligation, or a failure of more than 1 obligation, P recomplies if P remedies all the failures.

(3) This section does not apply to recompliance with a drug-testing obligation.

Compare: 1964 No 136 s 122(1)

262 Impossibility of remedying failure of work-test obligation

If it is impossible to remedy a failure to comply with a work-test obligation, a person (**P**) recomplies if P undertakes, to MSD's satisfaction, an activity that is the same as, or substantially similar to, the activity that P failed to undertake under the work-test obligation in question.

Compare: 1964 No 136 s 122(2)

263 How person recomplies after failure to comply with drug-testing obligation

(1) In this section, **drug test failure** means a failure by a person (**P**) to comply with a drug-testing obligation.

(2) In the case of a first drug test failure within a 12–month period, P recomplies if P undertakes, in a manner that is satisfactory to MSD, not to use any controlled drugs (except any particular controlled drugs that are lawfully prescribed, and only at the dosage that is lawfully prescribed, for P by a health practitioner).

(3) In the case of a second drug test failure within a 12-month period of the first failure, P recomplies if P undertakes, in a manner satisfactory to MSD, to undergo drug testing in accordance with section 264.

(4) MSD must take reasonable and appropriate steps to make a person who has given an undertaking under subsection (3) aware of the following matters:

(a) the consequences of failing to comply with the undertaking; and

(b) the location of an appropriate drug-testing provider; and

(c) the matters in sections 264(5) and 266 (which relate to the costs of drug testing for the purpose of recompliance).

Compare: 1964 No 136 s 122(3), (5)

264 Drug testing for purposes of recompliance

(1) A person (**P**) who has given an undertaking under section 263(3) must comply with both subsections (2) and (3).

(2) Within 25 working days after the start date, P must attend at the location of a drug-testing provider for the purpose of undertaking a drug test that is—

(a) a screening drug test and, if P fails that test, an evidential drug test; or

(b) an evidential drug test without any associated prior screening drug test.

(3) Within 30 working days after the start date, P must provide evidence to the satisfaction of MSD that P has passed a screening drug test or evidential drug test, as the case may be.

(4) In this section, **start date** means the date of P's undertaking.

(5) A person who fails a screening drug test or an evidential drug test, or both, that is performed within the testing period may (in order to try to comply with the person's undertaking despite that failure) undertake, at the person's own expense, further drug testing within the testing period.

Compare: 1964 No 136 s 122A(1), (2), (4)

265 Failure of drug test for purposes of recompliance constitutes third failure

A person who fails a drug test stated in section 264(2)(a) or (b) must be treated, for purposes of the imposition of a sanction, as a person who has failed for a third time within a 12-month period to comply with a drug-testing obligation.

Compare: 1964 No 136 s 122A(5)

266 Costs of drug testing for purposes of recompliance

(1) MSD must pay the actual and reasonable costs of a drug test undertaken on only 1 occasion in accordance with section 264(2).

(2) Those costs are a debt due to the Crown from the beneficiary for the purpose of regulations made under section 444.

Compare: 1964 No 136 s 122A(3)

Miscellaneous

267 Case management support for beneficiary in breach of obligation in relation to dependent children

(1) This section applies if a sanction has been imposed on a person (**P**) for failure to comply with an obligation in relation to dependent children.

(2) MSD may give P a notice that MSD is to intensify its case management support for P.

(3) If MSD has given P a notice under subsection (2), P must, as reasonably required by MSD, attend and participate in any interview with an MSD employee or a person on behalf of MSD.

Compare: 1964 No 136 s 60RC(4)–(6)

Subpart 3—Sanctions for breach of young person or young parent obligations

Interpretation

268 Failure, and first, second, and third failure, defined for young person or young parent obligations

In this subpart,—

failure means a failure to comply with a young person obligation or a young parent obligation

first failure means the first failure of a young person or young parent obligation

second failure means a failure that occurs after the young person concerned has satisfied the obligation to which a first failure related

third failure means a failure that occurs after the young person concerned has satisfied the obligation to which a second failure related

young parent obligation means—

(a) an obligation, under Part 3, of a young person who is receiving a young parent payment; or

(b) an obligation under section 167 (young person aged 16 to 19 years with dependent child and who is spouse or partner of specified beneficiary)

young parent payment, in relation to a young person who is the spouse or partner of a specified beneficiary and is subject to obligations under section 167, means—

(a) a young parent payment payable under subpart 8 of Part 2; and

(b) the portion of the specified beneficiary's main benefit the young person receives

young person obligation means—

(a) an obligation, under Part 3, of a young person receiving a youth payment; or

(b) an obligation under section 166 (young person aged 16 or 17 years with no dependent child who is spouse or partner of specified beneficiary); or

(c) for the purposes only of sections 275 and 276, an obligation, under Part 3, of a young person on whom section 165(7)(a) or 168(6)(a) imposes that obligation as if the young person's jobseeker support, or the portion of the jobseeker support or the specified beneficiary's benefit payable to the young person under section 337, were a youth payment

youth payment, in relation to a young person who is a spouse or partner of a specified beneficiary and is subject to obligations under section 166, means—

(a) a youth payment payable under subpart 7 of Part 2; and

(b) the portion of the specified beneficiary's main benefit the young person receives.

Compare: 1964 No 136 s 176(3)

Sanctions: young person obligations

269 Sanction for failure to comply with young person obligation

The sanction for failure to comply with a young person obligation depends on whether the failure is a first or second failure or a third failure.

270 Sanction for first or second failure: suspension of in-hand allowance and incentive payments

(1) This section applies if MSD is satisfied that a young person (**P**) who is receiving a youth payment has, without good and sufficient reason, failed to comply with a young person obligation for a first or second time.

(2) For P's first or second failure, MSD must first suspend P's in-hand allowance and any incentive payments until P satisfies the obligation (or all the relevant obligations, if P has failed to comply with more than 1).

(3) If P has not satisfied the obligation or obligations within 4 weeks after the suspension takes effect, MSD must suspend the whole of P's youth payment and any incentive payments until P satisfies the obligation or obligations.

Compare: 1964 No 136 s 173(1)(a)

271 Sanction for third failure: cancellation of youth payment and incentive payments

(1) This section applies if MSD is satisfied that a young person (**P**) who is receiving a youth payment has, without good and sufficient reason, failed to comply with a young person obligation for a third time.

(2) For P's third failure, MSD must cancel P's youth payment and any incentive payments.

(3) On cancellation of P's youth payment under this section,—

(a) P is not entitled to receive any main benefit under this Act for 13 weeks from the date of cancellation; and

(b) to be again entitled to a main benefit under this Act, P must apply for the benefit and establish that P is eligible for it.

(4) This section is subject to sections 320 to 324.

(5) For the purposes of section 320, an approved activity for P during the period of non-entitlement is any of the following approved by MSD:

(a) if P is not already in part-time work, participation in part-time work or work experience:

(b) participation in recognised voluntary work (as defined in Schedule 2):

(c) participation in any other activity that MSD considers will enhance skills or improve motivation.

(6) This section overrides every other provision of this Act.

Compare: 1964 No 136 s 173(1)(b), (2)–(5)

272 Effect of cancellation of youth payment on accommodation supplement or temporary additional support

(1) The cancellation under section 271(2) of the youth payment payable to a young person (**P**) has the effect set out in subsections (2) to (4).

(2) If P is single, P is not entitled to receive an accommodation supplement or temporary additional support.

(3) If P is not single, and P's spouse's or partner's youth payment is not also cancelled under section 271(2),—

(a) any accommodation supplement or temporary additional support otherwise payable to P must be reduced by half and be paid to P's spouse or partner; and

(b) any accommodation supplement or temporary additional support otherwise payable to P's spouse or partner must be reduced by half.

(4) If P is not single, and the youth payment of P's spouse or partner is also cancelled under section 271(2),—

(a) P is not entitled to receive an accommodation supplement or temporary additional support otherwise payable to P; and

(b) P's spouse or partner is not entitled to receive an accommodation supplement or temporary additional support payable to P's spouse or partner.

Compare: 1964 No 136 s 175(1)

273 Effect of cancellation of youth payment on emergency benefit

A young person whose youth payment is cancelled under section 271(2) is not entitled to receive an emergency benefit.

Compare: 1964 No 136 s 175(5)

274 Effect of cancellation of youth payment on disability allowance or child disability allowance

Despite the cancellation under section 271(2) of the youth payment payable to a young person (**P**), P must be treated as continuing to receive a youth payment for the purposes of section 85(1)(a) and (2)(c)(i) and the cancellation has no effect on P's entitlement to receive a disability allowance or child disability allowance.

Compare: 1964 No 136 s 175(6)

275 Sanctions for failure by young person required to receive youth services to comply with obligations: money management

(1) This section applies to a young person—

(a) who has been required to receive youth services under section 165(2) or 168(2); and

(b) whose benefit is subject to money management under section 344; and

(c) who MSD is satisfied has, without good and sufficient reason, failed to comply with an obligation that applies to the young person under section 165(7)(a) or 168(6)(a), and that is—

(i) an obligation in section 166(2)(b) and (d) to (g); or

(ii) the work test (in the case of a work-tested beneficiary); or

(iii) a work-preparation obligation under section 124 or 125 (in the case of a beneficiary who is required to comply with section 124).

(2) MSD must treat the failure as if it were a failure to comply with an obligation under section 166, and sections 270 and 271 apply (and require MSD to impose sanctions for the failure) accordingly.

Compare: 1964 No 136 s 174AB(1), (2)

276 Sanctions for failure by young person required to receive youth services to comply with obligations: other cases

(1) This section applies to a young person—

(a) who has been required to receive youth services under section 165(2) or 168(2); and

(b) whose benefit is not subject to money management under section 344; and

(c) who MSD is satisfied has, without good and sufficient reason, failed to comply with an obligation that applies to the young person under section 165(7)(a) or 168(6)(a), and that is—

(i) an obligation in section 166(2)(b) and (d) to (g); or

(ii) the work test (in the case of a work-tested beneficiary); or

(iii) a work-preparation obligation under section 124 or 125 (in the case of a beneficiary who is required to comply with section 124).

(2) MSD must treat the young person's failure referred to in subsection (1)(c)(i), (ii), or (iii),—

(a) in the case of a young person who is subject to the work test, as a failure to comply with the work test for the purposes of sections 233 and 236 to 239; and

(b) in the case of a young person who is required to comply with section 124, as a failure to comply with a work-preparation obligation under section 124 or 125 for the purposes of sections 233 and 236 to 239.

(3) MSD must, in the case of a young person who is subject to a sanction under sections 233 and 236 to 239 for a failure that subsection (2)(a) or (b) of this section requires to be treated as having occurred:

(a) suspend the young person's incentive payments (if any) (if that sanction is a reduction or suspension of the young person's benefit) until the young person recomplies; or

(b) cancel the young person's incentive payments (if any) (if that sanction is the cancellation of the young person's benefit).

Compare: 1964 No 136 s 174AB(3), (4)

277 Sanctions for failure by young spouse or partner of specified beneficiary to comply with obligations: money management

(1) This section applies to a young person—

(a) who is—

(i) aged 16 or 17 years, without dependent children, and is the spouse or partner of a specified beneficiary; or

(ii) aged 16 to 19 years, with a dependent child or children, and is the spouse or partner of a specified beneficiary; and

(b) whose benefit is subject to money management; and

(c) who MSD is satisfied has, without good and sufficient reason, failed to comply with an obligation that applies to the young person under section 166(2) or 167(2) and (3).

(2) The sanctions in sections 270 and 271 apply (and sections 272 to 274 and 283 to 288 apply) as if the young person's benefit were a youth support payment.

Compare: 1964 No 136 s 174A(1), (2)

278 Sanctions for failure by young spouse or partner of specified beneficiary to comply with obligations: other cases

(1) This section applies to a young person—

(a) who is—

(i) aged 16 or 17 years, without dependent children, and is the spouse or partner of a specified beneficiary; or

(ii) aged 16 to 19 years, with a dependent child or children, and is the spouse or partner of a specified beneficiary; and

(b) whose benefit is not subject to money management; and

(c) who MSD is satisfied has, without good and sufficient reason, failed to comply with an obligation that applies to the young person under section 166(2) or 167(2) and (3).

(2) MSD must treat the young person's failure referred to in subsection (1)(c),—

(a) in the case of a young person who would, but for section 166(4) or 167(5), be subject to the work test, as a failure to comply with the work test for the purposes of sections 233 and 236 to 239; and

(b) in the case of a young person who would, but for section 166(4) or 167(5), be required to comply with section 124, as a failure to comply with a work-preparation obligation under section 124 or 125 for the purposes of sections 233 and 236 to 239.

(3) MSD must, in the case of a young person who is subject to a sanction under sections 233 and 236 to 239 for a failure that subsection (2)(a) or (b) of this section requires to be treated as having occurred,—

(a) suspend the young person's incentive payments (if any) (if that sanction is a reduction or suspension of the young person's benefit) until the young person recomplies; or

(b) cancel the young person's incentive payments (if any) (if that sanction is the cancellation of the young person's benefit).

Compare: 1964 No 136 s 174A(3), (4)

Sanctions: young parent obligations

279 Sanction for failure to comply with young parent obligation

The sanction for failure to comply with a young parent obligation depends on whether the failure is a first or second failure or a third failure.

280 Sanction for first or second failure: suspension of in-hand allowance and incentive payments

(1) This section applies if MSD is satisfied that a young person (**P**) who is receiving a young parent payment has, without good and sufficient reason, failed to comply with a young parent obligation for a first or second time.

(2) For P's first or second failure, MSD must first suspend P's in-hand allowance and any incentive payments until P satisfies the obligation (or all the relevant obligations, if P has failed to comply with more than 1).

(3) If P has not satisfied the obligation or obligations within 4 weeks after the suspension takes effect, MSD must suspend the whole of P's young parent payment and any incentive payments until P satisfies the obligation or obligations.

Compare: 1964 No 136 s 174(1)(a)

281 Sanction for third failure: cancellation of young parent payment and incentive payments

(1) This section applies if MSD is satisfied that a young person (**P**) who is receiving a young parent payment has, without good and sufficient reason, failed to comply with a young parent obligation for a third time.

(2) For P's third failure, MSD must cancel P's young parent payment and any incentive payments.

(3) This section overrides every other provision of this Act.

Compare: 1964 No 136 s 174(1)(b)

282 Effect of cancellation of young parent payment

(1) On cancellation of P's young parent payment under section 281(2),—

(a) P is not entitled to receive any main benefit under this Act for 13 weeks from the date of cancellation; and

(b) to be again entitled to a main benefit under this Act, P must apply for the benefit and establish that P is eligible for it.

(2) Subsection (1) is subject to subsection (3) and to sections 320 to 324 (restoration of entitlement after suspension, reduction, cancellation, or non-entitlement).

(3) However, during the period of cancellation,—

(a) P is entitled to receive half of the applicable rate of the young parent payment and only half the abatement rate in clause 11 or 12 of Part 6 of Schedule 4 (as the case requires) applies to that rate; but

(b) no incentive payments are payable; and

(c) the amounts payable must be paid to the young person, or on the young person's account, personally (*see* section 339).

(4) For the purposes of section 324, an approved activity for P during the period of non-entitlement is any of the following approved by MSD:

(a) if P is not already in part-time work, participation in part-time work or work experience:

(b) participation in recognised voluntary work (as defined in Schedule 2):

(c) participation in any other activity that MSD considers will enhance skills or improve motivation.

(5) In order to satisfy itself that a young person has established continued eligibility for a young parent payment, MSD may require the young person to comply with the requirements of section 297(1) as if applying for a young parent payment (and that section, with all necessary modifications, applies accordingly).

Compare: 1964 No 136 ss 174(2)–(5), 177(1), (2)

283 Effect of cancellation of young parent payment on accommodation supplement or temporary additional support

(1) The cancellation under section 281(2) of the young parent payment payable to a young person (**P**) affects an entitlement to an accommodation supplement or temporary additional support as provided in subsections (3) to (5).

(2) If P is a sole parent, cancellation has no effect on P's entitlement to receive any accommodation supplement or temporary additional support.

(3) If P is not single, and P's spouse's or partner's young parent payment is not also cancelled under section 281(2),—

(a) any accommodation supplement or temporary additional support otherwise payable to P must be reduced by half and be paid to P's spouse or partner; and

(b) any accommodation supplement or temporary additional support otherwise payable to P's spouse or partner must be reduced by half.

(4) If P is not single, and the young parent payment of P's spouse or partner is also cancelled under section 281(2), P and P's spouse or partner are each entitled to receive only half of any accommodation supplement or temporary additional support that would otherwise be payable to P or P's spouse or partner.

Compare: 1964 No 136 s 175(2)–(4)

284 Effect of cancellation of young parent payment on emergency benefit

A young person whose young parent payment is cancelled under section 281(2) is not entitled to receive an emergency benefit.

Compare: 1964 No 136 s 175(5)

285 Effect of cancellation of young parent payment on disability allowance or child disability allowance

Despite the cancellation under section 281(2) of the young parent payment payable to a young person (**P**), P must be treated as continuing to receive a young parent payment for the purposes of section 85(1)(a) and (2)(c)(i) and the cancellation has no effect on P's entitlement to receive any disability allowance or child disability allowance.

Compare: 1964 No 136 s 175(6)

How obligation satisfied

286 How young person satisfies obligation after failure to comply

For the purposes of sections 270, 271, 280, and 281, a young person (**P**) satisfies an obligation after failure to comply if—

(a) P remedies the failure concerned; or

(b) where in the opinion of MSD that it is not possible to remedy the failure, P undertakes to MSD's satisfaction an activity that is in MSD's opinion the same as or substantially similar to the performance of the obligation.

Compare: 1964 No 136 s 176(1)

Procedure

287 Procedure for imposing sanctions for failure to comply with young person or young parent obligation

Sections 240 to 242 (how number of failures is counted) and sections 252 to 256 (procedure for imposing sanctions) apply with all necessary modifications to the imposition of sanctions under sections 270, 271, 280, and 281.

Compare: 1964 No 136 s 176(2)

Incentive payments

288 Effect of regrant of youth payment on incentive payment

If a young person whose youth support payment has been cancelled under section 271(2) or 281(2) is again granted a youth support payment,—

(a) except as provided in paragraph (b), any incentive payments that were payable to the young person before the cancellation must be paid with the youth payment or young parent payment; but

(b) if the failure that led to the cancellation was a failure to comply with section 162(1)(a), an education incentive payment is payable only if the young person again meets the conditions of entitlement to that payment (*see* section 55 or 62, and those conditions of entitlement as they are set out in regulations made under section 418(1)(c) or (d)).

Compare: 1964 No 136 s 176(4)

289 MSD may cancel incentive payment

(1) MSD may cancel an incentive payment if satisfied that the young person concerned has intentionally acted in a way that is inconsistent with the purpose for which it was granted.

(2) On cancellation, the young person is not eligible to receive the incentive payment again until MSD decides that it may be regranted.

Compare: 1964 No 136 s 178

Subpart 4—Offences

290 Offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits

(1) A person (**P**) commits an offence if—

(a) P makes a statement knowing that it is false in a material particular; and

(b) P's statement—

(i) is made for the purpose of receiving or continuing to receive an advantage (whether for P or another person); or

(ii) results in P or another person receiving or continuing to receive an advantage.

(2) A person (**P**) commits an offence if—

(a) P wilfully does or says anything, or omits to do or say anything, for the purpose of misleading or attempting to mislead a person; and

(b) P's act, statement, or omission—

(i) is done or made for the purpose of receiving or continuing to receive an advantage (whether for P or another person); or

(ii) results in P or another person receiving or continuing to receive an advantage.

(3) In this section, **advantage** means—

(a) any benefit under this Act, Part 6 of the Veterans' Support Act 2014, or Part 1 of the New Zealand Superannuation and Retirement Income Act 2001; or

(b) any exemption from an obligation under this Act; or

(c) any payment from a Crown Bank Account in accordance with this Act; or

(d) any entitlement card issued under regulations made under section 437; or

(e) a more favourable means assessment under Part 6 (and all related provisions) of the Residential Care and Disability Support Services Act 2018 than P would otherwise have been entitled to; or

(f) a more favourable means assessment under Part 8 (and all related provisions) of the Residential Care and Disability Support Services Act 2018 than P would otherwise have been entitled to.

(4) A person who commits an offence under this section is liable on conviction to a penalty that is either or both:

(a) imprisonment for a term not exceeding 12 months:

(b) a fine not exceeding $5,000.

(5) This section does not limit section 72 of the Residential Care and Disability Support Services Act 2018.

Compare: 1964 No 136 s 127

291 Offences: spouse or partner knowingly benefiting from excess amount obtained by beneficiary's fraud

(1) A person (the **spouse or partner**) commits an offence if the person—

(a) is a spouse or partner of a person (the **beneficiary**) who obtains an excess amount by fraud; and

(b) benefits directly or indirectly from the amount or a part of it knowing that, or being reckless about whether, the amount or part is an amount or part—

(i) in excess of the amount to which the beneficiary is by law entitled or to which the beneficiary has no entitlement; and

(ii) obtained by the beneficiary by fraud.

(2) Subsection (1)(b) applies to the amount or part even if the spouse or partner—

(a) does not benefit from it knowingly; and

(b) does not know at all or exactly its value; and

(c) does not know, or (as the case requires) is not reckless about, the precise way in which it was obtained by the beneficiary by fraud.

(3) The beneficiary obtains an excess amount for the purposes of subsection (1) if the beneficiary obtains any payment, or receives any credit or advance, in excess of the amount to which the beneficiary is by law entitled or to which the beneficiary has no entitlement.

(4) The excess amount is obtained by the beneficiary by fraud for the purposes of subsection (1) if—

(a) the beneficiary obtained that amount by fraud; or

(b) the beneficiary is convicted of a specified offence in respect of obtaining that amount.

(5) In subsection (4)(b), **specified offence** means an offence against section 290 (offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits) of this Act, or an offence against all or any of the following provisions of the Crimes Act 1961:

(a) section 228 (dishonestly taking or using document):

(b) sections 240 and 241 (obtaining by deception or causing loss by deception):

(c) section 256(1) and (2) (forgery):

(d) section 257 (using forged documents):

(e) section 258 (altering, concealing, destroying, or reproducing documents with intent to deceive):

(f) section 259 (using altered or reproduced document with intent to deceive).

(6) Subsections (4) and (5) do not limit—

(a) the generality of the references in subsection (1) to fraud; or

(b) the operation of section 49 (conviction as evidence in criminal proceedings) of the Evidence Act 2006.

(7) A person who commits an offence under this section is liable on conviction to a penalty that is either or both:

(a) imprisonment for a term not exceeding 12 months:

(b) a fine not exceeding $5,000.

Compare: 1964 No 136 s 127A

292 Offence of demanding or accepting fee or other consideration in relation to grant of benefit

A person commits an offence if the person demands or accepts from any applicant for a benefit or from any other person any fee or other consideration for procuring or endeavouring to procure the grant of a benefit.

Compare: 1964 No 136 s 12(3)

293 Offence of demanding or accepting acknowledgement or undertaking

(1) A person commits an offence if the person demands or accepts from a beneficiary an acknowledgment or undertaking where that demand, acceptance, acknowledgment, or undertaking would constitute a legal or an equitable assignment of, or a charge on, a benefit if the benefit were capable of being legally assigned or charged.

(2) A person who commits an offence under this section is liable on conviction to a fine not exceeding $100.

Compare: 1964 No 136 s 84(2)

294 General penalty for offences

(1) This section applies to a person who commits an offence against this Act or any regulations made under this Act for which no penalty is provided elsewhere than in this section.

(2) The person is liable on conviction to a fine not exceeding $1,000 and, if the offence is a continuing one, to a further fine not exceeding $50 for every day or part of a day during which the offence continues.

Compare: 1964 No 136 s 129

295 Time for filing charging document

(1) The limitation period in respect of an offence against this Act or any regulations made under this Act ends on the date that is 12 months after the date on which the facts alleged in the charging document are brought to the knowledge of any officer concerned in the administration of this Act.

(2) Subsection (1) overrides section 25 of the Criminal Procedure Act 2011.

Compare: 1964 No 136 s 128

Part 6
Administration

Contents

Page

Subpart 1—Guide to this Part

296 What this Part does 167

Subpart 2—Application, inquiry, and grant

Application

297 Application for benefit: making of, help with, lapse, and deemed receipt 168

Inquiry

298 MSD must inquire into claim for benefit 168
299 Exception during epidemic 169
300 Information gathering, disclosure, and matching 169

Grant

301 MSD decides whether to grant benefit 169
302 Immediate provisional grant, and later backdating of other benefit 169
303 After death of applicant 170

Subpart 3—Review of entitlement to, or rate of, benefit granted

304 Review of entitlement and rate payable 170
304A Grounds for review of whether person's information share child support payment is or was their weekly income 171
305 Information for review 172
306 No entitlement, or entitlement only at different rate 173
307 Benefit on another eligibility ground more appropriate 173
308 Another benefit more appropriate 173
309 Termination of winter energy payment 173
310 Certain benefits granted, or granted at rate, not taking into account certain insurance payments 174

Subpart 4—Commencement, stand downs, ending, and expiry and regrant

Commencement of benefits

311 General 174
312 If applicant paid, but claim fails for, ACC weekly compensation 174
313 Benefits subject to stand down 175
314 Work-tested benefit of applicant subject to non-entitlement period 175
315 Exemptions from stand down, and when certain benefits commence 176
316 Start and calculation of stand-down period 176
317 Minister may consent to backdating 177
318 No consent unless benefit not granted earlier because of error 177
319 Commencement of winter energy payment 178

Restoration of entitlement after suspension, reduction, cancellation, or non-entitlement

320 Effect of no longer being subject to work-test or young person obligations 178
321 Effect of no longer being subject to dependent children obligations 179
322 Effect of no longer being subject to work-preparation obligations 179
323 Effect of employment on non-entitlement period 179
324 Effect of participation in certain activities on non-entitlement period 179

Ending of benefits

325 General rule if person's entitlement to benefit ceases 180
326 After death of beneficiary receiving specified benefit 181
327 Benefits payable to sole parent who stops caring for dependent child due to sudden and uncontrollable circumstances 181
328 Supported living payment payable to beneficiary who stops caring for another person 182
329 If child ceases to be entitled to orphan's benefit or unsupported child's benefit 182

330 Supported living payment on ground of restricted work capacity or total blindness and cancelled on medical grounds 182

Expiry and regrant of specified benefits

331 Expiry date, and specified benefit, defined 182
332 General rule 183
333 Exception for specified benefit expiring in week of or before 26 December 183
334 Exemptions 183
335 MSD must notify or advise beneficiary 184
336 Requirements for regrant 184

Subpart 5—Payment of benefits, tax on benefits, debts and deductions

Payment of benefits

337 How benefits are paid 184
338 Weekly instalments 185
339 Payment generally to, or on account of, beneficiary personally 185
340 Required manner of payment: general 186
341 Required manner of payment: money management for certain payments to young people 186
342 Money management for certain payments to young people: exception if young person meets prescribed criteria for managing own payments 187
343 Review and appeal of specified determinations made by MSD under regulations 187
344 Young person beneficiaries may elect money management 187
345 Credit on payment card, etc, at end of money management 188
346 Required manner of payment: payment on death of beneficiary 188
347 Advance payment of instalments of benefit 188
348 Requirement for beneficiary, spouse or partner, or both, to undertake budgeting activity 189

Tax on benefits

349 Interpretation 189
350 MSD may pay tax on main benefit other than by tax deduction from source deduction payment 190
351 Status of amount for income tax paid by MSD 190
352 Recovery amount paid in excess of amount properly payable 191

Debts and deductions

353 Debts and deductions 191
354 Recovery of penalty from beneficiary who obtains by fraud amount in excess of entitlement 191
355 Restriction on imposing penalty under section 354: prosecution for offence 192

356	Restriction on imposing penalty under section 354: notice and period to respond	192
357	Restriction on recovering penalty under section 354: decision to be final	192
358	Recovery from spouse or partner who misleads MSD of excess amount beneficiary obtained	193
359	Recovery from spouse or partner of apportioned excess amount beneficiary obtained by fraud	193
360	Obtaining amount by fraud: meaning and proof	194
361	Recovery from spouse or partner of unapportioned excess amount beneficiary obtained by fraud	195
362	MSD's duty to recover debts	195
363	Duty unaffected by law on mistaken payments	195
	Subpart 5A—Use of automated electronic systems in respect of information share child support payments	
363A	Use of automated electronic systems to make decisions, exercise powers, comply with obligations, and take related actions	196
363B	Publication of details of arrangements for use of automated electronic systems	197
363C	Variation and substitution of decisions made by automated electronic systems	198
363D	Appeals and reviews unaffected	198
	Subpart 6—Notices and communications, services, and preferred suppliers	
	Notices and communications	
364	Ways MSD or person can meet requirement to give notice or other document	199
	Young people services	
365	Services to encourage young people to move to and remain in education, training, and employment	199
	Goods or services, for beneficiaries or others, supplied by preferred suppliers	
366	Preferred suppliers: contracts	200
367	Preferred suppliers: determinations	200
368	Preferred suppliers: paying them disability allowance, special assistance, or advance payment	200
369	Preferred suppliers: paying them disability allowance: exception if total benefit payments less than amount required	201
370	Preferred suppliers: paying them disability allowance: exception if allowance granted at maximum rate	202
371	Preferred suppliers: no appeal lies against MSD decisions	202
372	Preferred suppliers: transitional or savings provisions directions	203

Administration services provided by contracted service providers

373 Administration service providers: contracts 203
374 Administration service providers: contents and form of contracts 204
375 Administration service providers: adoption of existing contracts 204
376 Administration service providers: MSD to ensure information published 205
377 Conduct of provider of services in relation to young people to be treated for specified purposes as if MSD's conduct 205
378 MSD may assign contracted service provider to young person 205

Medical services

379 Minister determines rates and conditions of employment and payment 206

Subpart 7—Reciprocity agreements with other countries

Orders

380 Orders adopting reciprocity agreements 206
381 Privacy report for orders adopting agreements with mutual assistance provisions 207
382 Interpretation 208

Agreements

383 Inclusion of mutual assistance provisions in reciprocity agreements 209

Debt recovery and information exchange

384 MSD may use mutual assistance provisions to recover debts 209
385 MSD may use mutual assistance provisions to exchange information 210

Adverse action arising from discrepancy

386 Adverse action against individual if discrepancy shown by information from other country 210

Subpart 8—Prosecutions and debt-recovery proceedings, and maintenance proceedings

387 Prosecutions and debt recovery proceedings: representation and fees 211
388 Payment of benefit does not affect right to maintenance 211
389 Maintenance proceedings 212

Subpart 1—Guide to this Part

296 What this Part does

This Part contains provisions on the following matters:

(a) how to apply for a benefit, how MSD inquires into a claim for a benefit, and the granting of a benefit:

(b) reviews by MSD of a beneficiary's past or current entitlement to a benefit or rate of benefit:

(c) how a benefit commences (for example, after a stand-down period), ends, and may expire and be regranted:

(d) how a benefit is paid, tax on benefits, and how debts can be recovered (including by way of deductions):

(da) the use of automated electronic systems to make decisions, exercise powers, comply with obligations, and take related actions:

(e) notices and communications, services, and preferred suppliers:

(f) reciprocity agreements with other countries:

(g) prosecutions for offences, debt-recovery proceedings, and maintenance proceedings.

Section 296(da): inserted, on 1 July 2023, by section 31 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Subpart 2—Application, inquiry, and grant

Application

297 Application for benefit: making of, help with, lapse, and deemed receipt

(1) An application for a benefit must be completed, may be assisted, may lapse, and is taken to have been received for benefit commencement and stand-down purposes, in accordance with regulations made under section 438.

(2) This section does not prevent MSD under section 312 (if applicant paid, but claim fails for, ACC weekly compensation) treating an application for a benefit as having been made at the later of the dates specified in section 312(2)(a) and (b).

Compare: 1964 No 136 s 11D

Inquiry

298 MSD must inquire into claim for benefit

(1) MSD must inquire into every claim for a benefit made by or on behalf of an applicant for a benefit.

(2) Subsection (1) is subject to—

(a) section 299 (inquiry: exception during epidemic):

(b) section 303 (grant: after death of applicant):

(c) regulations made under section 432(1) and (3)(e) (pre-benefit activities: consequences of non-compliance by applicant).

(3) MSD may inquire into the circumstances of a person who has been receiving a benefit as those circumstances existed—

(a) immediately before the benefit was granted; or

(b) during the period or periods that the benefit was paid.

(4) Subsection (3) does not limit—

(a) subsection (1); or

(b) subpart 3 (review of entitlement to, or rate of, benefit granted).

Compare: 1964 No 136 s 12(1), (1A)

299 Exception during epidemic

(1) This subsection applies to any period comprising—

(a) the period when a domestic epidemic management notice is in force; and

(b) a period after the notice expires that the Minister thinks reasonable in the circumstances.

(2) During a period to which subsection (1) applies, MSD may grant a benefit to a person even if the claim for it has not been at all, or has not been fully, inquired into as required by section 298.

Compare: 1964 No 136 s 61CD

300 Information gathering, disclosure, and matching

(1) Provisions on information gathering, disclosure, and matching are set out in Schedule 6.

(2) Rights of complaint are given by the following clauses of Schedule 6:

(a) clause 12 (code of conduct for information or documents requirements):

(b) clause 21 (disclosure for young person's functions or service provider's contract).

Grant

301 MSD decides whether to grant benefit

MSD must, after a claim for a benefit is made (and, if applicable, inquired into under section 298), decide whether to grant the benefit.

Compare: 1964 No 136 s 12(1)

302 Immediate provisional grant, and later backdating of other benefit

(1) This section applies to an applicant for a benefit of kind A (for example, a supported living payment on the ground of restricted work capacity or total blindness) if MSD considers—

(a) quick completion of MSD's inquiry into the applicant's claim for a benefit of kind A is unlikely (for example, quick completion is unlikely because of the need to obtain, or to obtain further, medical evidence

about whether the applicant is under section 35, because of a health condition, permanently and severely restricted in the applicant's capacity for work); but

(b) the applicant is entitled to a benefit of kind B (for example, jobseeker support).

(2) MSD may grant the applicant a benefit of kind B on the basis that a benefit of kind A will be granted retroactively if—

(a) MSD completes its inquiry into the applicant's claim to a benefit of kind A; and

(b) MSD's completed inquiry shows that the applicant is entitled to a benefit of kind A.

(3) If MSD's completed inquiry into the applicant's claim to a benefit of kind A shows that the applicant is entitled to a benefit of kind A, MSD may—

(a) grant the applicant a benefit of kind A, and commencing on the date on which it would have commenced if the inquiry had been completed before the benefit of kind B was granted; and

(b) cancel the benefit of kind B on that date.

Compare: 1964 No 136 s 12(1AA)

303 After death of applicant

(1) This section applies if an applicant for a benefit dies before MSD completes its inquiry into the claim, made by or on behalf of the applicant, for a benefit.

(2) MSD may grant the benefit as if the applicant had not died.

(3) If MSD under this section grants the benefit as if the applicant had not died, sections 90 to 94 (funeral grants) and regulations made under section 427 apply as if the applicant were receiving the benefit at the time the applicant died.

(4) This section does not limit section 346 (required manner of payment: payment on death of beneficiary).

Compare: 1964 No 136 s 62

Subpart 3—Review of entitlement to, or rate of, benefit granted

304 Review of entitlement and rate payable

Review under subpart

(1) MSD may review a benefit that has been granted to ascertain all or any of the following:

(a) whether the beneficiary is, or remains, entitled to receive the benefit, or rate of benefit, that is being paid to the beneficiary:

(b) whether the beneficiary was not entitled to receive the benefit, or rate of benefit, that was paid to the beneficiary.

Review under subpart of information share child support payments

(1A) MSD may review under this subpart whether a person's information share child support payment is or was all or any of their weekly income under Part 3A of Schedule 3, but only on all or any of the review grounds specified in section 304A(1)(a) to (g) for the purposes of this subsection.

Review grounds include any additional grounds prescribed by regulations

(1B) For the purposes of subsection (1A), the review grounds specified in section 304A(1)(a) to (g) for the purposes of subsection (1A) include, without limitation, any 1 or more additional grounds prescribed by regulations made under section 418(1)(ja).

Subpart applies to special assistance

(2) This subpart applies, so far as applicable and with all necessary modifications, to special assistance granted under a programme approved under section 100 or 101.

Review of, or appeal against, decision on review under subpart

(3) Rights to seek a review of, or to appeal against, a decision on a review under this subpart are given by the following subparts of Part 7:

(a) subpart 2 (reviews by benefits review committee):

(b) subpart 3 (appeals to appeal authority):

(c) subpart 4 (appeals to courts):

(d) subpart 5 (appeals to medical board).

(4) Subsection (3) is by way of explanation only.

Compare: 1964 No 136 ss 81(1)(a) and (b), 124(2), (2A)

Section 304(1) heading: inserted, on 1 July 2023, by section 32(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 304(1A) heading: inserted, on 1 July 2023, by section 32(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 304(1A): inserted, on 1 July 2023, by section 32(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 304(1B) heading: inserted, on 1 July 2023, by section 32(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 304(1B): inserted, on 1 July 2023, by section 32(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 304(2) heading: inserted, on 1 July 2023, by section 32(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 304(3) heading: inserted, on 1 July 2023, by section 32(4) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

304A Grounds for review of whether person's information share child support payment is or was their weekly income

(1) For the purposes of section 304(1A), the specified grounds are that MSD is satisfied of all or any of the following:

(a) the person did not receive all or any of the payment before or on the deemed receipt (as defined in clause 15D of Schedule 3):

(b) the person is or was unable to access all or any of the payment for reasons that are or include exceptional circumstances:

(c) MSD has charged under Part 3A of Schedule 3 an amount of weekly income that is not the correct amount for reasons that are or include all or any of the following:

(i) the information share is incorrect due to an error by the Commissioner or an officer of the Department (as those terms are defined in the Tax Administration Act 1994):

(ii) the information share is correct but read incorrectly by an automated electronic system:

(iii) the information share is correct but due to a person's error is inputted incorrectly into a system used by MSD:

(d) a person has been incorrectly identified, or not identified, as the proper recipient of the payment (whether that mis- or non-identification was by an automated electronic system or a person):

(e) for reasons that are or include a disruption to an automated electronic system, information about the payment is not shared with MSD on the transaction date (as defined in clause 15C of Schedule 3), with the result that the payment is charged as weekly income under Part 3A of Schedule 3 after an affected benefit payment, or other assistance payment, has been made:

(f) the person to whom the payment was made has died, and their benefit—

(i) is specified in section 326(1)(a) to (h); and

(ii) will end, or has ended, under section 326(2) or (3):

(g) any 1 or more additional grounds prescribed, for the purposes of this paragraph, by regulations made under section 418(1)(ja).

(2) In this section,—

automated electronic system means an automated electronic system used under subpart 5A

disruption, to an automated electronic system, includes, without limitation, a disruption to disclosure to MSD of all or any information used in or by the system.

Section 304A: inserted, on 1 July 2023, by section 33 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

305 Information for review

(1) MSD may for the review require the beneficiary or the beneficiary's spouse or partner to provide information, or answer questions,—

(a) in a way MSD specifies; and

(b) by a reasonable deadline MSD specifies.

(2) If the beneficiary or spouse or partner fails to comply with a requirement under subsection (1), MSD may suspend, cancel, or vary the rate of benefit from a date MSD determines.

(3) This section does not limit sections 42, 113, 290, 300, and clause 2 of Schedule 6.

Compare: 1964 No 136 s 81(1)

306 No entitlement, or entitlement only at different rate

(1) This section applies if MSD is satisfied because of the review that the beneficiary—

(a) was not or is not entitled (at all, rather than on another eligibility ground for that benefit) to receive the benefit; or

(b) was or is entitled to receive the benefit at a different rate.

(2) MSD may suspend, cancel, or vary the rate of the benefit from a date MSD reasonably determines.

Compare: 1964 No 136 s 81(2)

307 Benefit on another eligibility ground more appropriate

(1) This section applies if MSD is satisfied because of the review that the beneficiary—

(a) was granted the benefit on a stated eligibility ground for that benefit; and

(b) is more appropriately entitled to receive that benefit on another eligibility ground for that benefit.

(2) MSD may cancel the benefit as granted on the stated eligibility ground, and grant the beneficiary that benefit on the other eligibility ground commencing from the date of cancellation.

Compare: 1964 No 136 s 81(4)

308 Another benefit more appropriate

(1) This section applies if MSD is satisfied because of the review that the beneficiary is more appropriately entitled to receive another benefit.

(2) MSD may cancel the benefit, and grant the beneficiary the other benefit commencing from the date of cancellation.

Compare: 1964 No 136 s 81(3)

309 Termination of winter energy payment

After the review, MSD may terminate a winter energy payment under section 75.

310 Certain benefits granted, or granted at rate, not taking into account certain insurance payments

(1) This section applies if MSD is satisfied because of the review that the beneficiary has been granted a benefit, or has been granted a benefit at a rate, that does not take into account certain insurance payments specified in regulations made under section 439.

(2) MSD may, in accordance with those regulations, suspend, cancel, or vary the rate of, the benefit, from a date MSD determines.

(3) In this section, **benefit** includes special assistance granted under a programme approved under section 100 or 101.

(4) For the purposes of this section, the amount of an insurance payment must, to the extent MSD so determines, be reduced by the amount of any costs incurred by an applicant for a benefit or a beneficiary in obtaining receipt of that payment.

Compare: 1964 No 136 s 68A(6), (7), (8)

Subpart 4—Commencement, stand downs, ending, and expiry and regrant

Commencement of benefits

311 General

(1) A benefit commences on the later of the following dates:

(a) the date the applicant became entitled to receive the benefit; and

(b) the date the application for the benefit was received.

(2) This section is subject to—

(a) section 302 (immediate provisional grant, and later backdating of other benefit); and

(b) sections 74, 312 to 317, and 319 (which contain exceptions and special rules relating to commencement of benefits); and

(c) Part 6 of the Veterans' Support Act 2014; and

(d) Part 1 of the New Zealand Superannuation and Retirement Income Act 2001.

Compare: 1964 No 136 s 80(1); 2001 No 84 s 35(2); 2014 No 56 s 195(2)

312 If applicant paid, but claim fails for, ACC weekly compensation

(1) This section applies to a person if—

(a) a claim is made by or on behalf of the person for weekly compensation under the Accident Compensation Act 2001 in respect of incapacity of the person; and

(b) weekly compensation under that Act is paid in respect of the claim by or on behalf of—

(i) the Accident Compensation Corporation; or

(ii) an accredited employer (within the meaning of section 181 of that Act); and

(c) the person later fails to establish that claim, but would otherwise have been entitled, if that claim had been accepted, to a benefit during all or a part of the period in respect of which the compensation would have been paid.

(2) MSD may treat an application for a benefit made by or on behalf of the person as having been made on the later of the following dates:

(a) the date of first occurrence of the incapacity of the person in respect of which the claim was made under the Accident Compensation Act 2001; and

(b) the date that the person would have become entitled to that benefit.

Compare: 1964 No 136 s 80D

313 Benefits subject to stand down

(1) A benefit is subject to a stand down, and commences on a date calculated under section 316, if—

(a) the benefit is a work-tested benefit or a youth payment or a young parent payment (other than a youth payment or a young parent payment granted to a person undertaking employment-related training or who is enrolled in a course of secondary instruction) and the applicant is not subject to a non-entitlement period (as defined in Schedule 2); or

(b) the benefit is sole parent support, jobseeker support on the ground of health condition, injury, or disability, or a supported living payment.

(2) This section is subject to section 315 (exemptions from stand down) and to regulations made under section 443.

Compare: 1964 No 136 s 80(2), (3)

314 Work-tested benefit of applicant subject to non-entitlement period

(1) A work-tested benefit granted to an applicant who is subject to a non-entitlement period is subject to a stand down, and is a benefit that commences on a date calculated under section 316, if—

(a) the work-tested benefit is granted to the applicant conditionally under section 324; and

(b) the applicant is subject to the non-entitlement period because of the application of section 225; and

(c) section 225 applies to the applicant because the applicant is a person described in section 226(a).

(2) Any other work-tested benefit granted to an applicant who is subject to a non-entitlement period is a benefit that commences on the later of—

(a) the date the applicant became entitled to receive it; and

(b) the date the application for it was received.

Compare: 1964 No 136 s 80(4)

315 Exemptions from stand down, and when certain benefits commence

A benefit of a kind specified in regulations made under section 440—

(a) is not subject to a stand down; and

(b) commences as provided in those regulations.

Compare: 1964 No 136 ss 80(5), (8), (10), (13), (14), 80B

316 Start and calculation of stand-down period

(1) A benefit to which a person has become entitled, and that section 313 or 314 requires to commence on a date calculated under this section, is subject to a stand-down period that—

(a) starts on the later of—

(i) the date on which the person became entitled to the benefit; and

(ii) if, before the person applied for the benefit, the person's employment terminated or the person is given notice of termination of employment, the day after the date on which the person's employment ceased; and

(b) is calculated under regulations made under section 440.

(2) The benefit commences on the day after the stand-down period ends if the application for the benefit is received within 28 days after the date on which the person becomes entitled to the benefit, and the benefit is—

(a) sole parent support; or

(b) a supported living payment; or

(c) jobseeker support granted on the ground of health condition, injury, or disability; or

(d) jobseeker support granted to a sole parent, or to a person to whom section 30(e) (which relates to having lost the regular support of a spouse or partner who is subject to a sentence of imprisonment, etc) applies; or

(e) jobseeker support granted to a person who has recently lost the financial support of the person's spouse or partner because of death, the spouses or partners commencing to live apart, or the ending of a de facto relationship; or

(f) a youth payment; or

(g) a young parent payment.

(3) If the benefit is not one specified in subsection (2)(a) to (g), the benefit commences on the later of the following days:

(a) the day after the stand-down period ends:

(b) the day on which the application for the benefit is received.

(4) This section is subject to any regulations made under section 440, and relating to exceptional cases, for example—

(a) of delayed redundancy and retirement payments; or

(b) of seasonal workers who are made redundant after a benefit commences.

Compare: 1964 No 136 ss 80B, 80BA(1), (2)–(5)

Section 316(2)(d): amended, on 8 November 2021, by section 8 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

317 Minister may consent to backdating

(1) A benefit (or a benefit of a stated kind) may, with the Minister's consent, commence at a time—

(a) earlier than the time at which an application for it was made; but

(b) not earlier than the time at which the person to whom it is granted became eligible for it.

(2) The Minister may give consent in relation to a particular applicant, or applicants of a stated kind or description.

(3) Consent in relation to applicants of a stated kind or description does not necessarily allow all the benefits concerned to commence at the same time.

(4) If the Minister delegates to MSD the exercise of the power to consent conferred by subsection (1), its exercise by MSD (or a refusal by MSD to exercise it) is a decision under this Part for the purposes of subparts 2 to 5 of Part 7 (reviews and appeals).

Compare: 1964 No 136 ss 80AA(1), (4), (5), (6), 125G(1)

318 No consent unless benefit not granted earlier because of error

(1) The Minister must not give consent under section 317 unless satisfied that,—

(a) in the case of a particular applicant, the particular applicant—

(i) could not reasonably have been expected to apply at the earlier time because of some erroneous action or inaction by MSD; or

(ii) at or before the earlier time, tried to apply, or applied incompletely, and did not proceed because of an erroneous action or inaction by MSD; or

(b) in the case of applicants of a stated kind or description,—

(i) applicants of that kind or description could not reasonably have been expected to apply at earlier times because of an erroneous

action or inaction by MSD in relation to applicants of that kind or description; or

(ii) at earlier times, some applicants of that kind or description tried to apply, or applied incompletely, and did not proceed because of an erroneous action or inaction by MSD.

(2) Examples of erroneous action or inaction, for the purposes of subsection (1), include—

(a) giving wrong advice:

(b) failing or refusing to provide information, help, or some document or form.

(3) In this section, **action or inaction by MSD** includes action or inaction by a contracted service provider contracted under section 373(1)(a) to provide services in relation to young people.

Compare: 1964 No 136 ss 80AA(2), (4), 125G(1)

319 Commencement of winter energy payment

The winter energy payment commences in accordance with section 74.

Compare: 1964 No 136 s 61FI

Restoration of entitlement after suspension, reduction, cancellation, or non-entitlement

320 Effect of no longer being subject to work-test or young person obligations

(1) This section applies to a person whose benefit has been suspended or reduced, or who is subject to a 13-week period of non-entitlement to a main benefit, under section 225, 236, 237, 270, or 280, if the person—

(a) ceases to be a work-tested beneficiary (other than because of the imposition of that suspension, reduction, or 13-week period); or

(b) ceases to be a beneficiary who is required to comply with obligations under section 162, 164, 166, or 167 (other than because of the imposition of that suspension, reduction, or 13-week period); or

(c) obtains, under section 158, an exemption from the work test or from obligations under section 162, 164, 166, or 167.

(2) From the date on which MSD decides it is satisfied that this section applies to a person,—

(a) the period of suspension or reduction of the benefit ends; or

(b) the person is no longer subject to the 13-week period and that period lapses.

(3) If a person to whom subsection (2)(b) applies wishes to again become entitled to a main benefit under this Act, the person must apply for the benefit and establish the person's eligibility to receive it.

(4) In subsection (1), **benefit** includes part of a benefit.

Compare: 1964 No 136 s 123(1), (2), (3), (4)

321 Effect of no longer being subject to dependent children obligations

(1) This section applies to a sanction imposed on a person—

(a) under section 236, 237, or 238 (as applied by section 136); and

(b) in respect of an obligation that the person had under any of sections 131 to 135.

(2) The sanction ceases to apply to the person on the person ceasing to have that obligation.

Compare: 1964 No 136 s 123(3A)

322 Effect of no longer being subject to work-preparation obligations

(1) This section applies to a sanction imposed on a person—

(a) under section 236, 237, or 238 (as applied by section 126); and

(b) in respect of—

(i) a general obligation of the person under section 124; or

(ii) an obligation of the person under section 123 or 125 to comply with a requirement under section 125.

(2) The sanction ceases to apply to the person on the person ceasing to have that obligation.

Compare: 1964 No 136 s 123(3B)

323 Effect of employment on non-entitlement period

(1) This section applies to a person who is not entitled to (or to a part of) a main benefit under this Act for 13 weeks because of the operation of section 225 or 238.

(2) If a person to whom this section applies completes an approved period of employment, the remainder of the 13-week period lapses.

(3) **Approved period of employment**, in subsection (2), means a period of employment—

(a) of not less than 6 weeks; and

(b) approved by MSD for the purposes of this section.

Compare: 1964 No 136 s 123A

324 Effect of participation in certain activities on non-entitlement period

(1) This section applies to a person who is subject to a 13-week period of non-entitlement under section 225, 238, 271, or 282, and is participating in 1 or more **approved activities**, which are any of the following approved by MSD for the purpose:

(a) activities of the kind referred to in section 146(1)(d):

(b) recognised voluntary work (as defined in Schedule 2):

(c) part-time work (in the case of a part-time work-tested beneficiary).

(2) If a person to whom this section applies participates satisfactorily in the approved activity or activities for a continuous period of 6 weeks,—

(a) the remainder of the period of non-entitlement lapses; and

(b) if the person wishes to again become entitled to a main benefit under this Act, the person must apply for the benefit and establish the person's eligibility for it.

(3) Despite subsection (2)(b), if the person applies for a main benefit under this Act, MSD must grant the person a main benefit under this Act during the person's satisfactory participation in the approved activity or activities.

(4) Payment of a benefit granted under subsection (3) is subject to the condition that the person is liable to repay the whole of any amount paid during the non-entitlement period if the person fails—

(a) to complete a continuous period of 6 weeks of satisfactory participation in an approved activity or activities; or

(b) (if the period remaining until the end of the non-entitlement period is less than 6 weeks) to continue satisfactory participation until the end of the non-entitlement period.

(5) No obligation to repay under subsection (4) arises if the reason for the person's failure is that the person—

(a) ceases to be a work-tested beneficiary or a beneficiary who is required to comply with obligations under section 162, 164, 166, or 167; or

(b) obtains, under section 158, an exemption from the work test or from obligations under section 162, 164, 166, or 167.

(6) If the person is still entitled to the benefit at the end of the period of satisfactory participation or non-entitlement (as the case may be), payment of the benefit is no longer subject to the condition in subsection (4).

(7) Any amount the person is liable to repay under this section is a debt due to the Crown under regulations made under section 444, and subject to recovery under regulations made under section 444, from the person.

Compare: 1964 No 136 s 123B

Ending of benefits

325 General rule if person's entitlement to benefit ceases

(1) If a person's entitlement to a benefit ceases, the benefit ends on a date that is set by MSD and is—

(a) not earlier than the pay day before the date on which the person's entitlement ceases; and

(b) not later than the pay day after the date on which the person's entitlement ceases.

(2) This section is subject to sections 326 to 330.

Compare: 1964 No 136 s 80BD(1), (2)

326 After death of beneficiary receiving specified benefit

(1) This section applies to a person who, when the person died, was receiving one of the following benefits:

(a) New Zealand superannuation:

(b) a veteran's pension:

(c) sole parent support:

(d) a supported living payment:

(e) jobseeker support:

(f) a youth payment:

(g) a young parent payment:

(h) an emergency benefit related to a benefit specified in any of paragraphs (a) to (g).

(2) The benefit ends on the 28th day after the date of the death if the person leaves a spouse or partner, or a child, not entitled to a lump sum payment under—

(a) section 56 of the Accident Rehabilitation and Compensation Insurance Act 1992; or

(b) section 444 of the Accident Insurance Act 1998; or

(c) section 382 of the Accident Compensation Act 2001.

(3) In every other case, the benefit ends on a date set by MSD and that is not later than 28 days after the date of the death.

Compare: 1964 No 136 s 80BD(3), (4), (5)

327 Benefits payable to sole parent who stops caring for dependent child due to sudden and uncontrollable circumstances

(1) This section applies to a benefit, or a rate of benefit, payable to a beneficiary who—

(a) is or was a sole parent in respect of a dependent child; but

(b) stops caring for the child because of a change of circumstances that is sudden and beyond the beneficiary's control.

(2) The benefit or rate of benefit ends 28 days after the day on which the beneficiary stops caring for the child.

Compare: 1964 No 136 s 80BD(6)

328 Supported living payment payable to beneficiary who stops caring for another person

(1) This section applies to a supported living payment under section 40, or a rate of that benefit, payable to a beneficiary who stops caring for the other person concerned because that person dies, is admitted to hospital, or enters residential care.

(2) The benefit or rate of benefit ends 28 days after the day on which the beneficiary stops caring for the other person.

Compare: 1964 No 136 s 80BD(6A)

329 If child ceases to be entitled to orphan's benefit or unsupported child's benefit

If a child's entitlement to an orphan's benefit or an unsupported child's benefit ceases, the benefit ends—

(a) on the date the child ceases to be entitled to the benefit; or

(b) on a date that is set by MSD and is after, but not later than 28 days after, the date the child ceases to be entitled to the benefit.

Compare: 1964 No 136 s 80BD(7)

330 Supported living payment on ground of restricted work capacity or total blindness and cancelled on medical grounds

(1) This section applies to a supported living payment on the ground of restricted work capacity or total blindness, and that is cancelled on medical grounds.

(2) The benefit ends on a date set by MSD and that is after, but not later than 28 days after, the date of cancellation of that benefit.

Compare: 1964 No 136 s 80BD(8)

Expiry and regrant of specified benefits

331 Expiry date, and specified benefit, defined

(1) In this section and sections 332 to 336,—

expiry date, in relation to a specified benefit, means the expiry date prescribed for that specified benefit by regulations made under section 441(1)

specified benefit means a benefit that is—

(a) jobseeker support; or

(b) sole parent support, supported living payment, or emergency benefit, unless that benefit is for the time being declared not to be a specified benefit for the purposes of this section and sections 332 to 336 by regulations made under section 441(1).

(2) Regulations made under section 441(1) that declare sole parent support, supported living payment, or emergency benefit not to be a specified benefit may,

without limitation, declare not to be a specified benefit for the purposes of this section and sections 332 to 336 any of those benefits—

(a) as granted on only 1 or more specified available eligibility grounds:

(b) as granted to only 1 or more specified categories, classes, or kinds of beneficiaries.

Compare: 1964 No 136 s 80BE(5), (6)

332 General rule

(1) A beneficiary's entitlement to a specified benefit ceases not later than, and the specified benefit expires on, the expiry date for that specified benefit.

(2) This section is subject to sections 334 and 336.

Compare: 1964 No 136 s 80BE(1)

333 Exception for specified benefit expiring in week of or before 26 December

(1) This section applies to a specified benefit that expires under section 332 in the week that is, or is the week immediately before, the week that includes 26 December in a year.

(2) The benefit must continue to be paid until the first Monday after 2 January in the immediately following year.

(3) This section overrides sections 325 and 332.

Compare: 1964 No 136 s 80BE(7)

334 Exemptions

(1) MSD may in any prescribed circumstances exempt from expiry under section 332 all or any specified benefits of—

(a) an identified beneficiary; or

(b) all beneficiaries who fall within an identified class or description.

(2) The exemption must be until an identified event or situation or time, and may be on any identified conditions.

(3) MSD's exemption power is exercisable only by notice in writing copied as soon as practicable to every beneficiary concerned.

(4) In subsection (1), **prescribed circumstances** means any circumstances that are—

(a) circumstances in which an exemption from expiry may be considered; and

(b) prescribed for the purposes of this section by regulations made under section 441(1).

Compare: 1964 No 136 s 80BE(8)

335 MSD must notify or advise beneficiary

(1) MSD must, not less than 20 working days before the expiry date for a specified benefit, give the affected beneficiary a notice that states—

(a) that entitlement to that benefit will cease unless the beneficiary reapplies for that benefit and it is regranted; and

(b) the date on which entitlement to that benefit will cease; and

(c) what the beneficiary must do to reapply for that benefit, and the period within which the beneficiary must do so.

(2) Subsection (1) does not apply if, at the time that MSD is required to give a notice under that subsection, the specified benefit—

(a) is suspended because the beneficiary is undertaking temporary employment; or

(b) is not for the time being payable under this Act, for example, under—

(i) section 217 (benefit not payable during custody in prison or on remand); or

(ii) section 219 (general rule: benefit not payable while beneficiary absent from New Zealand); or

(c) is suspended under any provision of this Act other than section 237 (sanction for second failure: suspension of main benefit).

(3) However, if at any time before the expiry date for that benefit any of the circumstances described in subsection (2) no longer exist, MSD must, as soon as practicable, take reasonable steps to advise the beneficiary of the matters set out in subsection (1)(a) to (c).

Compare: 1964 No 136 s 80BE(2), (3), (4)

336 Requirements for regrant

(1) The specified benefit may be regranted if that beneficiary reapplies for it in accordance with requirements for regrant of it.

(2) The requirements for regrant of the specified benefit may be in this Act or in regulations made under section 441(1).

Compare: 1964 No 136 s 80BF(1)

Subpart 5—Payment of benefits, tax on benefits, debts and deductions

Payment of benefits

337 How benefits are paid

How benefits are paid is, in general, provided for by regulations made under section 442 or 443.

Compare: 1964 No 136 ss 3(1), 61CB, 61CC(2), 82(3), (5), (6A), (6AA), (6AB), (6AC), (6F), (6G), 83; SR 2007/229 r 5

338 Weekly instalments

(1) A benefit is payable in instalments of a number of weeks' benefit.

(2) The number of weeks' benefit is as determined from time to time by MSD.

(3) The instalments are payable on 1 or more days or dates in the month.

(4) The 1 or more days or dates in the month is or are as determined from time to time by MSD.

(5) A main benefit under this Act and the winter energy payment are payable in respect of a 7-day week.

(6) This section is subject to section 74 (winter energy payment: instalments, rates, and payment) and section 341 (required manner of payment: money management for certain payments to young people).

Compare: 1964 No 136 ss 82(1), (2A), 179(2), (3)

339 Payment generally to, or on account of, beneficiary personally

(1) All or part of an instalment of a benefit is paid to, or on account of, the beneficiary personally, or, if MSD for good cause directs,—

(a) to, or on account of, some other person authorised by the beneficiary; or

(b) for a beneficiary who lacks sufficient capacity in law, to a person appointed by MSD for the purpose of receiving it; or

(c) with or without the consent of the beneficiary—

(i) to a person in payment of the beneficiary's lawful debts or other liabilities:

(ii) to, or for the benefit of, the spouse or partner of the beneficiary or a dependent child or children of the beneficiary.

(2) Subsection (1) is subject to contrary provisions in, or in regulations made under, this Act (for example,—

(a) exceptions provided for in regulations made under section 442; and

(b) sections 341 and 344, on when certain payments to a young person are or may be subject to money management; and

(c) section 351, which requires an amount for tax paid under section 350(2) by MSD to the Commissioner of Inland Revenue to be considered to be a payment of a benefit made on account of, and received by, the beneficiary; and

(d) sections 368 to 370, on when MSD must pay a disability allowance, special assistance granted under a programme approved under section 100 or 101, or an advance payment, to a preferred supplier of goods or services).

Compare: 1964 No 136 ss 82(3), 179(9)

340 Required manner of payment: general

(1) All or part of an instalment of a benefit must be paid in a manner from time to time determined by MSD.

Example

An instalment of jobseeker support must be paid by electronic transfer of funds into the beneficiary's bank account, if that is what MSD has determined.

(2) Subsection (1) is subject to contrary provisions in, or in regulations made under, this Act (for example,—

(a) section 341, on the manner of payment of specified youth support payments; and

(b) default determinations, and exceptions, provided for in regulations made under section 442).

(3) A determination made by MSD under this section of a required manner of payment—

(a) may be reviewed under subpart 3 of this Part; but

(b) cannot be reviewed, or appealed against, under Part 7.

Compare: 1964 No 136 ss 82(4), (7), 179(9)

341 Required manner of payment: money management for certain payments to young people

(1) Regulations made under section 418(1)(k) for the purposes of this section may prescribe a manner of payment designed to assist certain young people to manage their money effectively (a **money management manner of payment**).

(2) A money management manner of payment may (but need not) include crediting an amount to a payment card, voucher, or device, that enables a young person to obtain goods or services from a particular supplier and enables the supplier to obtain payment from MSD for the goods or services.

(3) The following must be paid in a money management manner of payment:

(a) any youth support payment (including the in-hand allowance up to the maximum amount set out in clause 7 in Part 6 of Schedule 4):

(b) any WFF tax credit payable to a young person by MSD:

(c) the amount of any child disability allowance or disability allowance to which a young person is entitled:

(d) any other benefit or payment under this Act to which a young person is entitled specified for the purposes of this paragraph by the regulations made under section 418(1)(k).

(4) Subsection (3)—

(a) is subject to the exception set out in section 342; and

(b) overrides section 80KS of the Tax Administration Act 1994.

Compare: 1964 No 136 s 179(4)(a), (5), (6)

342 Money management for certain payments to young people: exception if young person meets prescribed criteria for managing own payments

(1) This section applies to a young person only if MSD considers the young person has met the criteria—

(a) for managing the young person's own payments; and

(b) stated for the purposes of this section in regulations made under section 418(1)(k).

(2) All or a part of the payments referred to in section 341(3)(a) to (d) may be paid to or on account of the young person personally (in line with section 339(1)) until a sanction is imposed on the young person under section 270, 271, 280, or 281.

Compare: 1964 No 136 s 179(7)

343 Review and appeal of specified determinations made by MSD under regulations

A determination by MSD under regulations made under section 418(1)(k) for the purposes of section 342(1)(b)—

(a) may be reviewed under subpart 3 of this Part; but

(b) cannot be reviewed, or appealed against, under Part 7.

Compare: 1964 No 136 s 179(8)

344 Young person beneficiaries may elect money management

(1) A young person to whom section 166 or 167 applies may elect to have all or any amounts stated in subsection (3) payable to the young person paid in a money management manner of payment.

(2) However, the election may be made by the young person only—

(a) to the extent that regulations made under section 418(1)(l) for the purposes of this section allow; and

(b) subject to any conditions prescribed by the regulations.

(3) The amounts are—

(a) any part of a specified beneficiary's benefit:

(b) any part of any other benefit payable under regulations made under section 442(2)(e) (regulations: payments, and debts and deductions: apportionment) for the purposes of section 337 (how benefits are paid):

(c) any WFF tax credit:

(d) any child disability allowance or disability allowance:

(e) any other benefit or payment under this Act to which the young person is entitled.

(4) The young person may revoke the election at any time.

Compare: 1964 No 136 s 180

345 Credit on payment card, etc, at end of money management

(1) This section applies to a young person if—

(a) the young person ceases to be subject to a money management manner of payment; and

(b) the young person has a payment card, voucher, or device to which an amount or amounts payable to the young person have been credited for the purchase of goods or services; and

(c) the amount on the card, voucher, or device has not been fully spent.

(2) MSD may, after receiving an oral or a written application to do so made (in any form, and using any wording, that is reasonable for the purpose) by or on behalf of a young person to whom this section applies,—

(a) cancel the young person's payment card, voucher, or device; and

(b) pay the amount standing to the credit of the young person on the payment card, voucher, or device (after the deduction of any debt recoverable from the young person) to the young person under section 339.

Compare: 1964 No 136 s 179(12), (13)

346 Required manner of payment: payment on death of beneficiary

If an instalment of a benefit is payable after the beneficiary's death, that instalment may be paid,—

(a) on application by the surviving spouse or partner of the beneficiary, to that spouse or partner; or

(b) if the beneficiary has no surviving spouse or partner but has a surviving dependent child, on application by the person who has the care of the child, to that person (or to another person appointed by MSD for the purpose) for the benefit of that child and any other surviving dependent children of the beneficiary; or

(c) in any other case, in the manner in which that instalment would have been paid if the beneficiary had not died.

Compare: 1964 No 136 ss 82(3A), 132; SR 2007/229 r 6

347 Advance payment of instalments of benefit

(1) MSD may make an advance payment of all or part of 1 or more instalments of a benefit (and that are instalments that are not yet due) if, and only if,—

(a) the benefit is a main benefit, an orphan's benefit, an unsupported child's benefit, New Zealand superannuation, or a veteran's pension; and

(b) MSD is satisfied that an advance payment of the benefit would best meet the beneficiary's immediate needs; and

(c) the beneficiary has applied for an advance payment of the benefit.

(2) The beneficiary's application must be made in a manner and form specified in regulations made under section 446, and makes the beneficiary subject to section 348 (requirement for beneficiary, spouse or partner, or both, to undertake budgeting activity).

(3) The amount so paid in advance is a debt due to the Crown under regulations made under section 444, and subject to recovery under regulations made under section 444, from the beneficiary.

Compare: 1964 No 136 s 82(6)

348 Requirement for beneficiary, spouse or partner, or both, to undertake budgeting activity

(1) This section applies to a beneficiary who has applied for an advance payment under section 347 of a benefit.

(2) MSD may, in circumstances prescribed by regulations made under section 447, require the beneficiary, the beneficiary's spouse or partner, or both, to undertake to MSD's satisfaction a budgeting activity of a kind specified in regulations made under section 447.

Compare: 1964 No 136 s 82(6B)

Tax on benefits

349 Interpretation

In this section and sections 350 to 352,—

main benefit means any of the following:

(a) a main benefit as defined in section YA 1 of the Income Tax Act 2007:

(b) an income-tested benefit, as that term is defined in whichever of the following apply:

(i) section 2 of the Income Tax Act 1976; or

(ii) section OB 1 of the Income Tax Act 1994; or

(iii) section OB 1 of the Income Tax Act 2004

source deduction payment means a payment that is—

(a) within the meaning of that term in whichever of the following apply:

(i) section 2 of the Income Tax Act 1976; or

(ii) section OB 1 of the Income Tax Act 1994; or

(iii) section OB 1 of the Income Tax Act 2004; or

(b) a PAYE income payment, as that term is defined in section RD 3 of the Income Tax Act 2007 (if applicable)

specified provision, in relation to a source deduction payment, means (as the case requires)—

(a) the fourth proviso to section 343(1) of the Income Tax Act 1976; or

(b) the fourth proviso to section NC 6(1) of the Income Tax Act 1994; or

(c) section NC 6(1D) of the Income Tax Act 1994; or

(d) section NC 6(1D) of the Income Tax Act 2004; or

(e) section RD 11(3) of the Income Tax Act 2007.

Compare: 1964 No 136 s 83A(6)

Section 349 **income-tested benefit**: repealed, on 30 March 2021, by section 142 of the Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8).

Section 349 **main benefit**: inserted, on 30 March 2021, by section 142 of the Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8).

350 MSD may pay tax on main benefit other than by tax deduction from source deduction payment

(1) This section applies to a source deduction payment that is an instalment or a payment of a main benefit.

(2) MSD may, instead of making a tax deduction from the source deduction payment, pay to the Commissioner of Inland Revenue, at a time the Commissioner determines in consultation with MSD, an amount for income tax payable on that payment, that is calculated under subsection (3).

(3) The amount for income tax payable on a source deduction payment is the amount of the tax deduction that would be made, at the rate determined under the appropriate specified provision, if the payment were increased by an amount that, after the tax deduction were made, would result in an amount equal to the source deduction payment.

Compare: 1964 No 136 s 83A(1)–(3)

Section 350 heading: amended, on 30 March 2021, by section 142 of the Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8).

Section 350(1): amended, on 30 March 2021, by section 142 of the Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8).

351 Status of amount for income tax paid by MSD

An amount for income tax paid by MSD to the Commissioner under section 350(2) must,—

(a) for the purposes of this Act, be considered to be a payment of a benefit, within the meaning of that term in Schedule 2, made on account of, and received by, the person; and

(b) for the purposes of—

(i) the Income Tax Act 1976, be considered to be assessable income of the person; or

(ii) the Income Tax Act 1994, be considered to be gross income of the person; or

(iii) the Income Tax Act 2004, be considered to be income of the person; or

(iv) the Income Tax Act 2007, be considered to be income of the person.

Compare: 1964 No 136 s 83A(4)

352 Recovery amount paid in excess of amount properly payable

(1) This section applies if, as a result of the review, suspension, or cancellation of a main benefit, MSD determines that an amount for tax on the benefit has been paid under section 350(2) to the Commissioner in excess of the amount that is properly payable under section 350(2).

(2) MSD cannot recover the excess amount under regulations made under section 444, but may recover that amount by—

(a) making an adjustment to an amount later payable to the Commissioner under section 350(2) in respect of the source deduction payments for that or any other benefit payable to that beneficiary; or

(b) making other arrangements for its refund that are agreed with the Commissioner.

Compare: 1964 No 136 s 83A(5)

Section 352(1): amended, on 30 March 2021, by section 142 of the Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8).

Debts and deductions

353 Debts and deductions

The following matters are provided for by regulations made under section 444:

(a) recovery of sums (for example, identified overpayments, or penalties) specified as debts due to the Crown:

(b) issuing of deduction notices that require a debtor's payer to deduct, and pay MSD, an amount due:

(c) related matters.

Compare: 1964 No 136 ss 3(1), 83AA, 85A, 85B, 86A–86I, 124(2), (2A)

354 Recovery of penalty from beneficiary who obtains by fraud amount in excess of entitlement

(1) This section applies to a person if—

(a) the person obtained a payment, or received a credit or an advance, in excess of the amount to which the person was entitled; and

(b) in MSD's opinion, that payment, credit, or advance in excess, was obtained by fraud.

(2) MSD may recover from the person, by way of penalty that is a debt due to the Crown, an amount not exceeding 3 times the amount in excess.

(3) MSD's discretion may be exercised in respect of a particular case, or in respect of a particular class, or any particular classes, of case.

(4) This section does not relieve the person from any other liability in respect of any fraud committed by the person.

(5) A person must be taken for the purposes of this section to have obtained a payment, credit, or advance by fraud if the person—

(a) has made a statement knowing it to be false in a material particular, or has knowingly said or done anything or omitted to do or say anything for the purpose of misleading MSD in the administration of this Act, for the purpose of obtaining a payment, credit, or advance, under this Act; and

(b) has, as a result of that statement, action, or omission, received that payment, credit, or advance.

Compare: 1964 No 136 s 86(2), (2C)

355 Restriction on imposing penalty under section 354: prosecution for offence

MSD cannot impose a penalty on a person under section 354 if that person has been prosecuted and dealt with for any offence arising out of the same circumstances that gave rise to liability under that section.

Compare: 1964 No 136 s 86(2A)(b)

356 Restriction on imposing penalty under section 354: notice and period to respond

(1) MSD cannot impose a penalty on a person under section 354 unless MSD has given to the person a written notice advising—

(a) of MSD's intention to impose a penalty under section 354; and

(b) of the amount proposed to be imposed by way of penalty; and

(c) of the particulars of fact on which MSD's intention is based; and

(d) that the person has 5 working days after the date of receipt of the notice to show cause why the action should not be taken.

(2) MSD cannot impose a penalty on a person under section 354 until after the expiration of those 5 working days.

Compare: 1964 No 136 s 86(2A)(a) and (c)

357 Restriction on recovering penalty under section 354: decision to be final

MSD cannot recover a penalty imposed on a person by a decision under section 354 unless (as the case requires)—

(a) a benefits review committee review under subpart 2 of Part 7 of the decision—

(i) has not been applied for by or on behalf of the person within the time allowed (and no application has been made to allow a further time for an application for a review of that kind); or

(ii) has been completed; or

(b) an appeal authority appeal under subpart 3 of Part 7 against the decision—

(i) has not been begun by a notice of appeal being lodged by or on behalf of the person within the time allowed (and no application has been made to allow a further time for lodging a notice of an appeal of that kind); or

(ii) has been completed.

Compare: 1964 No 136 s 86(2B)

358 Recovery from spouse or partner who misleads MSD of excess amount beneficiary obtained

(1) This section applies to a beneficiary's (**B's**) spouse or partner (**S**) if, in MSD's opinion,—

(a) S makes a false statement to, or otherwise misleads, MSD in the administration of this Act, in relation to any matter; and

(b) the benefit or an instalment of benefit is, as a result of the statement or misleading, paid in excess of the amount to which B is by law entitled.

(2) The amount so paid in excess is a debt due to the Crown, and subject to recovery under section 362, from S.

(3) The excess amount may be recovered under this section from S on the basis that S is jointly and severally liable.

(4) This section therefore does not limit or affect—

(a) recovery under section 362 from B of the excess amount recoverable under this section and section 362 from S:

(b) any other civil or criminal liability of B, under any other laws, in respect of that excess amount.

Compare: 1964 No 136 s 86(3), (3A)

359 Recovery from spouse or partner of apportioned excess amount beneficiary obtained by fraud

(1) This section applies to a benefit apportioned between spouses or partners so that—

(a) one proportion of the benefit (**proportion B**) is paid to one spouse or partner (**B**); and

(b) another proportion of the benefit (**proportion S**) is paid to the other spouse or partner (**S**); and

(c) the beneficiary entitled to the benefit, for the purposes of those regulations, is either B or S.

(2) However, this section does not apply to the apportioned benefit unless—

(a) all or part of proportion B is—

(i) an amount in excess of the amount to which B is by law entitled or to which B has no entitlement; and

(ii) an amount obtained by fraud by B; and

(iii) a debt due to the Crown, and subject to recovery under section 362, from B; and

(b) all or part of proportion S either is, or is not,—

(i) an amount in excess of the amount to which S is by law entitled or to which S has no entitlement; and

(ii) an amount obtained by fraud by S; and

(iii) a debt due to the Crown, and subject to recovery under section 362, from S; and

(c) S either knew, or ought to have known (even if S did not know), of the fraud by B.

(3) S is jointly and severally liable for B's debt referred to in subsection (2)(a)(iii), and that amount is a debt due to the Crown, and subject to recovery under section 362, from S.

(4) This section does not limit or affect any civil or criminal liability under any other law—

(a) of B for, or in respect of, the debt referred to in subsection (2)(a)(iii); or

(b) of S for, or in respect of, the debt referred to in subsection (2)(b)(iii).

Compare: 1964 No 136 s 83AA(1), (2), (3)

360 Obtaining amount by fraud: meaning and proof

(1) An amount is **obtained by fraud** by a person (whether B or S) for the purposes of sections 354, 359, and 361, and clause 9 of Schedule 6 if the person—

(a) obtained that amount by—

(i) making any statement to MSD knowing the statement to be false in a material particular; or

(ii) knowingly saying or doing anything or omitting to do or say anything for the purpose of misleading MSD in administering this Act; or

(b) is convicted of a specified offence (as defined in section 291(5)) in respect of obtaining that amount.

(2) This section does not limit references to fraud in sections 354, 359, and 361, and clause 9 of Schedule 6.

(3) This section does not limit the operation of section 49 (conviction as evidence in criminal proceedings) of the Evidence Act 2006.

Compare: 1964 No 136 ss 83AA(4), (5), 86AA(2), (3)

361 Recovery from spouse or partner of unapportioned excess amount beneficiary obtained by fraud

(1) This section applies to a beneficiary's (**B's**) spouse or partner (**S**) if—

(a) B has obtained or received an amount (payment, credit, or advance)—

(i) in excess of the amount to which B was entitled; or

(ii) to which B has no entitlement; and

(b) B, in MSD's opinion, obtained that amount (payment, credit, or advance) in excess by fraud; and

(c) none of the amount in excess has been apportioned to S; and

(d) S, in MSD's opinion, either—

(i) knowingly benefited directly or indirectly from B's fraud; or

(ii) ought to have known (even if B did not know) that S was benefiting directly or indirectly from B's fraud.

(2) The amount in excess that S obtained by B's fraud is a debt due to the Crown, and subject to recovery under section 362, from S.

(3) The excess amount may be recovered under this section from S on the basis that S is jointly and severally liable.

(4) This section therefore does not limit or affect—

(a) recovery under section 362 from B of the excess amount recoverable under this section and section 362 from S:

(b) any other civil or criminal liability of B, under any other laws, in respect of that excess amount.

Compare: 1964 No 136 s 86AA

362 MSD's duty to recover debts

(1) MSD is under a duty imposed by this section to take all reasonably practicable steps to recover sums (for example, identified overpayments, or penalties) that are specified (in this Act, or in regulations made under this Act) as debts due to the Crown.

(2) The duty is subject to the exceptions specified in regulations made under section 444(2)(b).

Compare: 1964 No 136 s 86(1)

363 Duty unaffected by law on mistaken payments

Recovery under section 362 of a debt is not prevented by the following:

(a) section 74B of the Property Law Act 2007 (payments made under mistake of law or fact not always recoverable):

(b) any other law relating to payment by or under mistake.

Compare: 1964 No 136 s 86(1B)

Subpart 5A—Use of automated electronic systems in respect of information share child support payments

Subpart 5A: inserted, on 1 July 2023, by section 34 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

363A Use of automated electronic systems to make decisions, exercise powers, comply with obligations, and take related actions

MSD may approve use

(1) MSD may approve the use of an automated electronic system by a specified person to make any decision, exercise any power, comply with any obligation, or take any other related action under any specified provision.

Meanings of specified person and specified provision

(2) In this subpart,—

specified person means any of the following performing or exercising a duty, function, or power under a specified provision:

(a) the chief executive of the responsible department:

(b) a public service employee, or other person, acting under a delegation (direct or indirect) from that chief executive

specified provision has the same meaning as in clause 11 of Schedule 3.

Specified provision must be about effect of child support income

(3) The specified provision must be about how an information share child support payment is or affects any person's assets, income, or other means of any kind (however described), for the purposes of, or for any purpose related to,—

(a) a benefit; or

(b) any other assistance under this Act.

Requirements for approval

(4) MSD may approve the use of an automated electronic system only if—

(a) the system is under the responsible department's control; and

(b) MSD is satisfied that the system has the capacity to make the decision, exercise the power, comply with the obligation, or take the related action with reasonable reliability; and

(c) MSD is satisfied that the use of the system is consistent with the approved standard for MSD's use of automated electronic systems (*see* subsections (5) and (6)); and

(d) 1 or more persons are always available, as an alternative, to make the decision, exercise the power, comply with the obligation, or take the related action.

Approved standard for MSD's use of automated electronic systems

(5) MSD must ensure that there is in force at all times after the commencement of this section an approved standard for MSD's use of automated electronic systems.

(6) The standard, and any amendment, revocation, or replacement of the standard, must be—

(a) approved by MSD, in consultation with the Privacy Commissioner appointed under the Privacy Act 2020; and

(b) reviewed at least once every 3 years; and

(c) published in the *Gazette*; and

(d) published on an Internet site that—

(i) is maintained by, or on behalf of, the responsible department; and

(ii) is publicly available free of charge.

Effect of use of approved system

(7) A decision that is made, a power that is exercised, an obligation that is complied with, or a related action that is taken using an automated electronic system under this section must be treated for all purposes as if it were made, exercised, complied with, or taken (as the case may be) by a specified person authorised or required by the specified provision to make the decision, exercise the power, comply with the obligation, or take the related action.

Compare: 2018 No 4 ss 295, 296

Section 363A: inserted, on 1 July 2023, by section 34 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

363B Publication of details of arrangements for use of automated electronic systems

(1) MSD must ensure that details of any arrangements to use an automated electronic system, and any variation or revocation of the arrangements, are published as soon as practicable—

(a) in the *Gazette*; and

(b) on an Internet site that—

(i) is maintained by, or on behalf of, the responsible department; and

(ii) is publicly available free of charge.

(2) Those details must identify—

(a) the relevant decision, power, obligation, or related action to be made, exercised, complied with, or taken under the specified provision; and

(b) the automated electronic system that is to make, exercise, comply with, or take that decision, power, obligation, or related action.

(3) The use of an automated electronic system is not made invalid by reason only of a failure to publish details of it or any variation to it as soon as practicable in accordance with subsection (1).

Compare: 2018 No 4 s 297

Section 363B: inserted, on 1 July 2023, by section 34 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

363C Variation and substitution of decisions made by automated electronic systems

(1) This section applies to a decision made by an automated electronic system (the **relevant decision**).

(2) A specified person may—

(a) vary, or add to, the terms or conditions of the relevant decision; or

(b) substitute a decision for the relevant decision if the specified person is satisfied that the new decision—

(i) could have been made under the same specified provision as the relevant decision; and

(ii) is more favourable to the affected person.

(3) A specified person is not obliged to exercise any power in subsection (2) in respect of the relevant decision.

Compare: 2018 No 4 s 298

Section 363C: inserted, on 1 July 2023, by section 34 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

363D Appeals and reviews unaffected

General rule

(1) A person has the same rights of appeal or right to apply for administrative or judicial review (if any) in relation to a decision made, power exercised, obligation complied with, or other action taken by an automated electronic system as the person would have had if the decision, power, obligation, or other action had been made, exercised, complied with, or taken by a specified person.

Review under subpart 3 of Part 6 of information share child support payments

(2) However, this section is subject to sections 304(1A) and 304A (under which MSD may review under subpart 3 of Part 6 whether a person's information share child support payment is or was all or any of their weekly income under Part 3A of Schedule 3, but only on all or any of the review grounds specified in section 304A(1)(a) to (g)).

Review grounds include any additional grounds prescribed by regulations

(3) For the purposes of subsection (2), the review grounds specified in section 304A(1)(a) to (g) include, without limitation, any 1 or more additional grounds prescribed by regulations made under section 418(1)(ja).

Compare: 2018 No 4 s 299

Section 363D: inserted, on 1 July 2023, by section 34 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Subpart 6—Notices and communications, services, and preferred suppliers

Notices and communications

364 Ways MSD or person can meet requirement to give notice or other document

(1) The ways MSD or a person can meet a requirement in this Act to give to another person a written or other notice, or any other document, are specified in regulations made under section 449.

(2) This section is subject to section 254 (how notice of sanction may be given).

Compare: 1964 No 136 s 86J; 2011 No 62 s 211; 2015 No 35 s 4

Young people services

365 Services to encourage young people to move to and remain in education, training, and employment

(1) MSD may do either or both of the following things:

(a) provide services to encourage and help young people to move into or remain in education, training, and employment, rather than receiving financial support under this Act:

(b) enter (under section 373) into contracts with service providers to provide services of that kind on MSD's behalf.

(2) A young person who, on the date the young person turns 18 years old is, in MSD's opinion, continuing in a course of education or training may continue to be provided the services of the kind referred to in subsection (1)(a) until—

(a) the close of the following 31 March, if the course is one of secondary instruction or one that ends in December; or

(b) the close of the day on which the course ends, if the course is one of any other kind.

Compare: 1964 No 136 s 123E(1), (2)

Goods or services, for beneficiaries or others, supplied by preferred suppliers

366 Preferred suppliers: contracts

MSD may from time to time, on behalf of the Crown, enter into a contract with any person, body, or organisation (a **preferred supplier**) for the supply of goods or services, or classes, descriptions, or kinds of goods or services, specified in a determination under section 367,—

(a) by the preferred supplier; and

(b) for purchase by beneficiaries, other persons identified by MSD, or both.

Compare: 1964 No 136 s 125AA(3)

367 Preferred suppliers: determinations

(1) The Minister may from time to time, by written direction, determine the goods or services, or classes, descriptions, or kinds of goods or services, contracts for the supply of which may be entered into under section 366.

(2) A determination under this section must be in respect of goods or services, or classes, descriptions, or kinds of goods or services, for all or any of the following (and for no other) purposes:

(a) to meet additional expenses arising from a disability by way of a disability allowance, under section 85:

(b) to meet particular needs of a person via special assistance under a programme under section 100 or 101:

(c) to satisfy the immediate needs of a beneficiary via an advance payment of a benefit under section 347.

Compare: 1964 No 136 s 125AA(1), (2)

368 Preferred suppliers: paying them disability allowance, special assistance, or advance payment

(1) This section applies to a person if—

(a) any of the following relates to the supply of any goods or services to the person or a member of the person's family:

(i) the person's ongoing additional expenses under section 85(2)(d); or

(ii) a special assistance payment to the person under a welfare programme approved under section 100 or 101; or

(iii) the person's immediate needs under section 347; and

(b) the goods or services are of a class, description, or kind supplied by a preferred supplier under a preferred supply contract; and

(c) the preferred supplier is a preferred supplier to, or in respect of, the area in which the beneficiary resides.

(2) The person must purchase the goods or services—

(a) from a preferred supplier nominated by MSD; and

(b) at the price determined by the preferred supply contract with that supplier.

(3) The amount of the special assistance under section 100 or 101, or advance payment under section 347, for purchasing the goods or services is the lesser of—

(a) the price determined by the preferred supply contract with that supplier; and

(b) the maximum amount available under the approved welfare programme, or of advance payment of benefit, that is available to the person for that purpose.

(4) MSD must pay to that supplier, in consideration of the supply of the goods or services to the person or the person's family member,—

(a) all, or the specified part, of the disability allowance that is granted under section 85 in respect of the supply of the goods or services; or

(b) the special assistance payment under the welfare programme approved under section 100 or 101; or

(c) the advance payment under section 347.

(5) A nomination given by MSD under subsection (2) of a preferred supplier—

(a) may be given by MSD orally or in writing (but, if given orally, must as soon as practicable be confirmed in writing by MSD); and

(b) may from time to time be amended, revoked, or replaced, by MSD, to recognise changes in preferred suppliers or preferred supply contracts ending without also being replaced.

(6) **Preferred supply contract**, in this section and section 370, means a contract MSD has entered into under section 366 (preferred suppliers: contracts) with a supplier of goods or services.

(7) This section is subject to sections 369 and 370 (which are disability allowance exceptions).

Compare: 1964 No 136 ss 69C(7A)–(7BA), 82(6AA)–(6AC), 124(1BA)–(1BBA)

369 Preferred suppliers: paying them disability allowance: exception if total benefit payments less than amount required

(1) This section applies if—

(a) a preferred supplier is required under section 368(4)(a) to be paid, on a pay day, an amount that is all or the specified part of a disability allowance granted under section 85 to a person in respect of the supply of the goods or services; and

(b) the person's net total benefit payments due to be paid on that pay day (after deducting any reduction or deduction required to be made from the person's benefit payments for another purpose (for example, under an attachment order or a deduction notice)) are less than the amount required to pay the preferred supplier on that pay day.

(2) MSD—

(a) is not required by section 368(4)(a) to pay to the preferred supplier on the pay day referred to in subsection (1) of this section all, or the specified part, of the person's disability allowance due on that pay day; and

(b) may pay the amount due to the preferred supplier on 1 or more later pay days from amounts of disability allowance or other benefit payments due to the person on those 1 or more later pay days.

(3) Non-payment, or deferred payment, under this section does not reduce any amounts due to the preferred supplier from the person under, or make MSD or the Crown liable for breaching, the person's contract of purchase.

Compare: 1964 No 136 s 69C(7BB), (7BC)

370 Preferred suppliers: paying them disability allowance: exception if allowance granted at maximum rate

(1) This section applies if the disability allowance granted to the person to whom section 368(4)(a) applies is granted at the maximum appropriate rate specified in Part 9 of Schedule 4.

(2) MSD may determine in writing that, despite section 368(2),—

(a) all, or the specified part, of the disability allowance that is granted under section 85 in respect of the supply of the goods or services must be paid to the person for use only to purchase any 1 or more of the goods or services that the person chooses and that are goods or services in respect of the supply of which the disability allowance is granted; and

(b) if the goods or services that the person chooses and purchases under paragraph (a) are goods or services supplied by the nominated preferred supplier under the preferred supply contract, the person must purchase them from that supplier at the price determined by that contract.

Compare: 1964 No 136 s 69C(7C)

371 Preferred suppliers: no appeal lies against MSD decisions

An MSD decision under sections 368 to 370—

(a) may be reviewed under subpart 3 of this Part; but

(b) cannot be reviewed, or appealed against, under Part 7.

Compare: 1964 No 136 ss 69C(7D), 82(4), 124(1BC)

372 Preferred suppliers: transitional or savings provisions directions

(1) The Minister may from time to time give to MSD under this section written directions that set out transitional or savings provisions that apply—

(a) to persons receiving assistance under this Act in respect of goods or services that would be affected by a contract with a preferred supplier in respect of those goods or services; and

(b) at, or within a specified period after, the time or times when a contract under section 366 (including, without limitation, one that varies or replaces all or any of an earlier contract of that kind) takes effect.

(2) A direction given under this section—

(a) overrides sections 347, 367(2)(b), and 368 to 370; and

(b) must be complied with by MSD; and

(c) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) *[Repealed]*

Compare: 1964 No 136 s 125AA(5), (6)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • notify it in the *Gazette* • publish it on a website maintained by, or on behalf of, MSD • if it is amended without being replaced, also publish on that website a consolidated version of the notice as at a stated date incorporating the amendments up to that date	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 372(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 372(3): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Administration services provided by contracted service providers

373 Administration service providers: contracts

(1) MSD may from time to time, on behalf of the Crown, enter into a contract with any person, body, or organisation (a **contracted service provider**) for the provision by the contracted service provider of services—

(a) that, in relation to young people, are—

(i) services of either or both of the following kinds:

(A) services of the kind referred to in section 365(1)(a) (that is, services to encourage and help young people to move into

or remain in education, training, and employment, rather than receiving financial support under this Act):

(B) services in relation to financial support for young people; and

(ii) services of a kind or description stated for the purposes of this paragraph by regulations made under section 418(1)(m); and

(b) that, in relation to people other than young people, are services in relation to all or any of Parts 1 to 6 (and that may, but need not, be services of a kind or description stated for the purposes of this paragraph by regulations made under section 418(1)(m)).

(2) MSD must not enter into a contract with a person, body, or organisation for the provision of services of a kind stated in subsection (1) unless MSD is satisfied that the person, body, or organisation—

(a) is suitable to provide the services specified in the contract; and

(b) is suitable to work with people to whom the services relate in providing those services; and

(c) has the powers and capacity to enter into and perform a contract for those services.

Compare: 1964 No 136 s 125A

374 Administration service providers: contents and form of contracts

(1) A contract under section 373—

(a) must set out the responsibilities of the contracted service provider and MSD in respect of each of the services the provider is to provide under the contract; and

(b) must require the provider to co-operate with MSD; and

(c) must contain all terms and conditions (if any) stated for the purposes of that section by regulations made under section 418(1)(n).

(2) The contract must be in writing.

(3) Subsection (1) is subject to section 373.

Compare: 1964 No 136 s 125B

375 Administration service providers: adoption of existing contracts

(1) This section applies to a contract that MSD entered into with another party before 27 July 2012 (which is the date on which section 21 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 came into force).

(2) MSD may agree in writing with the other party to the contract that this Act applies to the contract (to the extent that it was capable of being entered into under section 373) as if it had been entered into under section 373.

(3) After an agreement under this section takes effect, this Act applies to the contract (to the extent that it was capable of being entered into under section 373) as if it had been entered into under section 373.

Compare: 1964 No 136 s 125E

376 Administration service providers: MSD to ensure information published

MSD must, not later than 1 October in every year, ensure there is published the following information:

(a) a general description of—

(i) the services provided by contracted service providers during the year ending on 30 June in that year; and

(ii) the contracted service providers; and

(b) details of the providers concerned.

Compare: 1964 No 136 s 125F

377 Conduct of provider of services in relation to young people to be treated for specified purposes as if MSD's conduct

Action or inaction by a contracted service provider contracted under section 373(1)(a) to provide services in relation to young people, and that is action or inaction in respect of the provision of those services, must be treated for the purposes of the following provisions as if it were action or inaction by MSD:

(a) section 113 (beneficiary must notify change of circumstances):

(b) sections 317 and 318 (Minister may consent to backdating):

(c) any provisions about debts caused wholly or partly by errors to which debtors did not intentionally contribute, and in regulations made under section 444.

Compare: 1964 No 136 s 125G

378 MSD may assign contracted service provider to young person

MSD may assign a contracted service provider to a young person—

(a) at a time—

(i) after the young person has contacted MSD for financial assistance; and

(ii) at which MSD considers the most appropriate financial assistance for the young person is likely to be a youth support payment; or

(b) at the time, or at a time after, the youth support payment is payable to the young person; or

(c) at a time when the young person is the spouse or partner of a specified beneficiary, or of a beneficiary, and has obligations under—

(i) section 166 (young person aged 16 or 17 years with no dependent child and who is spouse or partner of specified beneficiary); or

(ii) section 167 (young person aged 16 to 19 years with dependent child and who is spouse or partner of beneficiary).

Compare: 1964 No 136 s 181

Medical services

379 Minister determines rates and conditions of employment and payment

The following matters are to be at rates, and subject to conditions, determined by the Minister:

(a) the employment for the purposes of this Act of prescribed health practitioners—

(i) paid only by fees or commission; or

(ii) engaged for a specified period under a contract for services:

(b) the payment of those fees (including mileage allowances in connection with that employment).

Compare: SR 2007/229 r 8

Subpart 7—Reciprocity agreements with other countries

Orders

380 Orders adopting reciprocity agreements

(1) The purpose of this section is to enable effect to be given in New Zealand law to an agreement (for example, a Convention), or an alteration to an agreement, with the Government of another country providing for reciprocity in respect of matters relating to social security monetary benefits (a **reciprocity agreement**).

(2) The Governor-General may, by Order in Council, do all or any of the following:

(a) declare all or any provisions of, or of an alteration to, a reciprocity agreement (being provisions set out in a schedule of the order) have force and effect so far as they relate to New Zealand:

(b) declare that the following enactments (and any regulations or orders made, and in force, under the following Acts) have effect subject to any modifications required for the purpose of giving effect to the agreement or alteration:

(i) this Act:

(ii) Part 6 of the Veterans' Support Act 2014:

(iii) Part 1 of the New Zealand Superannuation and Retirement Income Act 2001:

(c) revoke a previous order that applied in respect of, or in respect of an alteration to, a reciprocity agreement if the agreement or alteration is no longer in force or if, on the commencement of the order, the previous order is intended to be no longer in force.

(3) The Governor-General may, by the same or a later Order in Council, specify the date on which an order made under subsection (2) is to come into force (which may be a date before, on, or after the date on which the order is made under subsection (2)).

(4) This section is subject to section 381.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1990 No 26 s 19(1), (2)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 380(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

381 Privacy report for orders adopting agreements with mutual assistance provisions

(1) This section applies to a reciprocity agreement, or an alteration to a reciprocity agreement, that contains a mutual assistance provision—

(a) for the Governments of New Zealand and the other country to—

(i) provide each other with assistance in the recovery of social security debts; or

(ii) supply each other with information for social security purposes; and

(b) that does not relate solely to the recovery of moneys paid under the agreement in excess of that to which the recipient was entitled under that agreement.

(2) No order may be made under section 380 in respect of the agreement or alteration unless the Privacy Commissioner has first presented to the Minister and to the Minister of Justice a report on the following matters:

(a) whether the mutual assistance provision complies with the information privacy principles set out in section 22 of the Privacy Act 2020, having regard to—

(i) whether the objective of the provision relates to a matter of significant public importance:

(ii) whether the use of the provision to achieve that objective will result in significant and quantifiable monetary savings, or in other comparable benefits to society:

(iii) whether the use of an alternative means of achieving that objective would give either of the results referred to in paragraph (ii):

(iv) whether the public interest in allowing the provision to proceed outweighs the public interest in adhering to the information privacy principles that the provision would otherwise contravene:

(v) whether the provision involves information matching on a scale that is excessive, having regard to—

(A) the number of agencies that will be involved; and

(B) the amount of detail about an individual that will be matched under the provision:

(vi) whether the provision will comply with the information matching rules in Schedule 6 of the Privacy Act 2020:

(b) if the mutual assistance provision is one for the Governments of New Zealand and the other country to supply each other with information for social security purposes, the adequacy of the privacy protection given in the other country to information about any individual that may be supplied by New Zealand under the provision.

Compare: 1990 No 26 s 19(2A), (2B)

Section 381(2)(a): replaced, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

382 Interpretation

In this subpart,—

competent institution means an institution of a party that is responsible for the application of the reciprocity agreement

party means a Government that has entered into a reciprocity agreement

reciprocity agreement means an agreement (for example, a Convention), or an alteration to an agreement, with the Government of another country providing for reciprocity in respect of matters relating to social security monetary benefits

requested institution means the competent institution of a party to which a request is made by the competent institution of the other party

requesting institution means the competent institution of a party that makes a request to the competent institution of the other party

social security debt,—

(a) in relation to New Zealand, means an amount that is subject to recovery from a person under regulations made under section 444; and

(b) in relation to any other country, means an amount that may be recovered from a person—

(i) under the laws relating to social security in that country; or

(ii) for taxation or other contribution levied specifically for social security under the laws of that country

social security laws, in relation to a party, means the laws of that party—

(a) relating to social security; or

(b) relating to taxation, or any other contribution, levied specifically for social security

social security purposes include all or any of the following purposes:

(a) the administration of the social security laws of a party:

(b) the collection of the social security debts of a party:

(c) the maintenance of the social security laws of a party (for example, the prevention, detection, prosecution, and punishment of offences under the social security laws of a party):

(d) the enforcement of any social security laws of a party imposing a pecuniary penalty:

(e) the conduct of any proceedings under the social security laws of a party before any court or tribunal.

Compare: 1990 No 26 ss 2(1), 19A(1), 19D(7)

Agreements

383 Inclusion of mutual assistance provisions in reciprocity agreements

Reciprocity agreements with other countries may contain and include mutual assistance provisions if those provisions being contained and included in those agreements are not inconsistent with regulations made under section 450.

Compare: 1990 No 26 ss 2(1), 19A, 19B, 19C

Debt recovery and information exchange

384 MSD may use mutual assistance provisions to recover debts

(1) This section applies if an order is made under section 380 in respect of a reciprocity agreement that contains a provision for the Governments of New Zealand and the other country to provide each other with assistance in the recovery of social security debts.

(2) A social security debt of the other country may, under and subject to the provision and to the extent that the debt has not been recovered in the other country, be recovered by MSD under regulations made under section 444 as if it were a debt due to the Crown.

(3) A certificate signed by an authorised officer of the competent institution of the other country and to the effect that the debt is of a kind that New Zealand may under the agreement provide assistance to recover is, in the absence of proof to the contrary, sufficient evidence for the purposes of subsection (2) of the existence of the debt.

(4) Any amount recovered under subsection (2) is trust money for the purposes of the Public Finance Act 1989.

Compare: 1990 No 26 s 19D(1), (2)

385 MSD may use mutual assistance provisions to exchange information

(1) This section applies if an order is made under section 380 in respect of a reciprocity agreement that contains a provision for the Governments of New Zealand and the other country to supply each other with information for social security purposes.

(2) MSD may supply any information in MSD's possession about a person to, or receive information about a person from, the competent institution of the other country under, and subject to, the provision.

(3) MSD may from time to time, in accordance with arrangements made in an agreement with the Commissioner of Inland Revenue, supply any information received from the competent institution of the other country to the Commissioner for either or both of the following purposes:

(a) making an assessment of the tax due by any person under the taxation laws of the requesting party (which, in this subsection, means the party to whom information is supplied by the requested institution of the other party):

(b) detecting tax fraud or tax evasion under the laws of the requesting party:

(4) Sections 179, 180, and 182 to 185 of the Privacy Act 2020 apply in respect of the provision as if the provision were an authorised information matching programme (as that term is defined in section 177 of the Privacy Act 2020) and MSD were the only specified agency involved in that programme.

Compare: 1990 No 26 s 19D(3)(a), (b), (e)

Section 385(4): replaced, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Adverse action arising from discrepancy

386 Adverse action against individual if discrepancy shown by information from other country

(1) This section applies if information received by MSD from the competent institution of the other country under a mutual assistance provision for information exchange has produced a discrepancy, and as a result MSD proposes to take an adverse action against an individual.

(2) In this section, expressions defined in section 177 of the Privacy Act 2020 have the meanings so defined, with all necessary modifications.

(3) The processes to be followed (if MSD proposes, as a result of the discrepancy, to take an adverse action against the individual) are set out in regulations made under section 450.

Compare: 1990 No 26 s 19D(3)(c), (d), (4), (4A), (4B), (4C), (5), (6), (7)

Section 386(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Subpart 8—Prosecutions and debt-recovery proceedings, and maintenance proceedings

387 Prosecutions and debt recovery proceedings: representation and fees

(1) This subsection applies to proceedings in respect of—

(a) offences under this Act or under regulations made under this Act; or

(b) recovery, required by regulations made under section 444, of a debt due to the Crown.

(2) In any proceedings to which subsection (1) applies,—

(a) any MSD employee authorised either generally or specifically by MSD for the purpose may appear on behalf of MSD; and

(b) the fact that an MSD employee appears on behalf of MSD is sufficient evidence of the MSD employee's authority to do so.

(3) Any proceedings to which subsection (1) applies that are commenced by an authorised MSD employee may be continued by the same or any other authorised MSD employee.

(4) No court fees are payable in connection with any proceedings to which subsection (1) applies.

Compare: SR 2007/229 r 9

388 Payment of benefit does not affect right to maintenance

Any entitlement to, or payment of, a benefit under this Act, does not—

(a) take away, or restrict, a person's liability under an Act (for example, the Family Proceedings Act 1980, or the Child Support Act 1991) to maintain or support any other person; or

(b) affect a court's power to make a maintenance order under any Act; or

(c) affect the Commissioner of Inland Revenue's power under the Child Support Act 1991 to make an assessment of child support or domestic maintenance, or to accept a voluntary agreement; or

(d) affect a court's power to make an order under the Child Support Act 1991.

Compare: 1964 No 136 s 84A

389 Maintenance proceedings

(1) This section applies to proceedings under the Family Proceedings Act 1980 or the Child Support Act 1991 for, or relating to, all or any of the following during all or any part of a period in which a benefit is payable to a beneficiary:

(a) the maintenance of the beneficiary; or

(b) the payment of child support for a child of the beneficiary; or

(c) the establishment of the paternity of a child of the beneficiary.

(2) An MSD employee may, without special appointment, as if that employee were the beneficiary, institute the proceedings, or appear personally or by agent in the proceedings.

(3) The proceedings under the Family Proceedings Act 1980 for, or relating to, the maintenance of the beneficiary during all or any part of a period in which a benefit is payable to the beneficiary may, without limitation, be proceedings under section 61CA of the Social Security Act 1964 (Family Proceedings Act 1980 maintenance payable to the Crown) (as that section is saved by clause 49 of Schedule 1).

(4) This section does not limit section 202 (factors affecting benefit: maintenance claim).

Compare: 1964 No 136 s 61C

Part 7
Reviews and appeals

Contents

Page

Subpart 1—Guide to this Part

390 What this Part does 214

Subpart 2—Reviews by benefits review committee

Rights of review

391 Right to seek review of specified decision of MSD made under delegation 214

392 Application must be made within 3 months after date of notification or further period allowed 216

Committee

393 Benefits review committee 217

Procedure

394 How to begin, and procedure and powers for, review by benefits review committee 217

Subpart 3—Appeals to appeal authority

Restrictions on appeals

395 Appeals only against decision confirmed or varied by benefits review committee or made by chief executive personally 218
396 Authority cannot hear and determine certain appeals on medical or capacity grounds 218

Rights of appeal

397 Decision under specified social assistance enactments 218
398 Decision under reciprocity agreements 219
399 Decision to recover excess amount 219
400 Appeal must be begun within 60 working days of notification or further allowed period 221

Appeal authority

401 Social security appeal authority 222
402 Act does not affect appeals to authority under other enactments 222

Procedure

403 How to begin, and procedure and powers for, appeal to authority 223
404 Notice, and carrying into effect, of decision 223

Subpart 4—Appeals to courts

Appeals to High Court

405 Right of appeal using case stated on question of law only 223
406 Appeal must be begun, and case stated lodged, within time prescribed or allowed 224
407 How to begin, and procedure for, appeal to High Court 225
408 Orders, etc, on successful appeal 225

Appeals to Court of Appeal

409 Appeal, with Court of Appeal's leave, against High Court's determination 226

Appeals to Supreme Court

410 Appeal, with Supreme Court's leave, against High Court's or Court of Appeal's determination 226

Subpart 5—Appeals to medical board

Right of appeal

411 Right of appeal on medical grounds 226
412 Appeal must be begun within 3 months of notification or further allowed period 228

Board

413 Board 229

Procedure

414 How to apply, and procedure and powers, for appeal to board 229
415 Notice of, and carrying into effect, board's decision 229

Subpart 1—Guide to this Part

390 What this Part does

This Part contains provisions on the following reviews and appeals:

Reviews by benefits review committee

(a) reviews by a benefits review committee, begun by a specified applicant, of a specified decision of MSD made under a delegation:

Appeals to appeal authority

(b) appeals to the appeal authority, begun by a specified appellant, against a specified decision confirmed or varied by a benefits review committee or made by the chief executive personally:

Appeals to courts

(c) appeals to the High Court, using a case stated by the appeal authority on a question of law only, begun by a specified appellant, against a determination by the authority:

(d) appeals to the Court of Appeal, begun by a party to an appeal to the High Court, and with the Court of Appeal's leave, against the determination of an appeal to the High Court:

(e) appeals to the Supreme Court, begun by an application under the Senior Courts Act 2016 for its leave to appeal to it, against the determination of an appeal to the High Court or to the Court of Appeal:

Appeals to medical board

(f) appeals to the medical board, begun by a specified appellant, against a specified decision of MSD made on, or involving, medical or capacity grounds.

Subpart 2—Reviews by benefits review committee

Rights of review

391 Right to seek review of specified decision of MSD made under delegation

(1) A person may make an application to MSD for a review by a benefits review committee of a decision of MSD, but only if—

(a) the person and the decision are of kinds specified in the same row of the following table; and

(b) the decision is made in the exercise of a function, power, or discretion conferred by a delegation; and

(c) the decision is made in relation to the person or estate; and

(d) the decision is not one that section 340(3)(b), 343(b), 371(b), or 396 prevents from being appealed to the appeal authority (for example, because that kind of decision is appealable to the medical board).

Row	Person who may make application for review	Decision to be reviewed
Decision under specified social assistance enactment		
1	An applicant or a beneficiary	A decision of MSD made under an enactment referred to in section 397(1)(a) to (g)
Decision under mutual assistance provisions in reciprocity agreement		
2	An applicant or beneficiary or other person	A decision of MSD made using a power under section 384 (MSD may use mutual assistance provisions to recover debts) (referred to in section 398)
Decision to recover from spouse or partner who misleads MSD excess amount beneficiary obtained		
3	A beneficiary's spouse or partner	A decision of MSD— (a) to recover, from a spouse or partner who misleads MSD, an excess amount the beneficiary obtained; and (b) made under regulations made under section 444 (referred to in section 399(1)); and (c) that includes the decisions in row 1 of the table in section 399(1)
Decision to recover from spouse or partner apportioned excess amount beneficiary obtained by fraud		
4	A beneficiary's spouse or partner	A decision of MSD— (a) to recover from a spouse or partner an apportioned excess amount the beneficiary obtained by fraud; and (b) made under regulations made under section 444 (referred to in section 399(1)); and (c) that includes the decisions in row 2 of the table in section 399(1)
Decision to recover from spouse or partner unapportioned excess amount beneficiary obtained by fraud		
5	A beneficiary's spouse or partner	A decision of MSD— (a) to recover from a spouse or partner an unapportioned excess amount the beneficiary obtained by fraud; and (b) made under regulations made under section 444 (referred to in section 399(1)); and (c) that includes the decision in row 3 of the table in section 399(1)

Row	Person who may make application for review	Decision to be reviewed
Decision to recover excess amount from deceased beneficiary's estate		
6	The personal representative of a deceased beneficiary	A decision of MSD— (a) to recover from the estate of the deceased beneficiary an excess amount the beneficiary obtained; and (b) made under regulations made under section 444 (referred to in row 4 of the table in section 399(1))
Decision to recover excess amount from deceased spouse's or partner's estate		
7	The personal representative of a beneficiary's deceased spouse or partner	A decision of MSD— (a) to recover from the estate of the beneficiary's deceased spouse or partner an excess amount the beneficiary obtained; and (b) made under regulations made under section 444 (referred to in section 399(1)); and (c) that includes the decision in row 5 of the table in section 399(1)

(2) For the purposes of subsection (1)(c), a decision is not made in relation to a person or an estate by reason only that the decision has an economic or other effect on the person or estate.

Compare: 1964 No 136 s 10A(1), (1A)

392 Application must be made within 3 months after date of notification or further period allowed

(1) The application for review must be made within—

(a) 3 months after the date of receiving notification of the decision; or

(b) a further period the committee has under this section allowed.

(2) An applicant for review is treated as receiving notification of the decision in line with regulations made under section 449 if—

(a) a decision is made in respect of which an application for review lies to the committee; and

(b) notice of the decision is given to the applicant in a way prescribed by those regulations; and

(c) the notice is (in the absence of evidence to the contrary) taken to have been received by the applicant as provided by those regulations.

(3) The committee may allow a further period within which the application must be made if—

(a) the application is not to be, or has not been, made within that 3-month period; and

(b) the committee is asked, before or after the end of that 3-month period, to allow a further period; and

(c) the committee considers there is good and sufficient reason for the delay.

Compare: 1964 No 136 ss 10A(1B), 12K(11)

Committee

393 Benefits review committee

(1) Every benefits review committee is established, and operates, in accordance with Schedule 7.

(2) MSD must refer an application made under section 391 to the appropriate benefits review committee.

(3) In determining what benefits review committee is the appropriate benefits review committee, MSD must have regard to—

(a) the location of the MSD office in which was made the decision of MSD that is the subject of the application; and

(b) the location of the applicant's usual or last known place of residence; and

(c) how the applicant can conveniently, and at minimum expense, attend in person, or otherwise take part in, a review hearing.

(4) The appropriate benefits review committee may be the benefits review committee of an MSD office other than the MSD office in which was made the decision of MSD that is the subject of the application.

Example

The decision of MSD that is the subject of the application was made in the MSD office at a location. Afterwards, the applicant moves away from that location. The benefits review committee of the MSD office of a location nearer to the applicant's new usual place of residence is appropriate because it enables the applicant conveniently, and at minimum expense, to attend in person, or otherwise take part in, a review hearing.

Compare: 1964 No 136 s 10A(2)

Procedure

394 How to begin, and procedure and powers for, review by benefits review committee

Regulations made under section 451 provide for the following matters:

(a) how to begin, and the procedure on, a review:

(b) the benefits review committee's power to deal with (for example, confirm, vary, revoke, or refer back for reconsideration) the decision reviewed:

(c) related matters specified in that section.

Compare: 1964 No 136 ss 10A(1A), (1B), (8), (9), 12K(11)

Subpart 3—Appeals to appeal authority

Restrictions on appeals

395 Appeals only against decision confirmed or varied by benefits review committee or made by chief executive personally

No decision can be appealed against under section 397, 398, or 399 unless the decision—

(a) has been confirmed or varied by a benefits review committee; or

(b) was made by the chief executive personally (not under a delegation of the chief executive's functions or powers).

Compare: 1964 No 136 s 12J(16)

396 Authority cannot hear and determine certain appeals on medical or capacity grounds

(1) The appeal authority must not, despite sections 397, 398, and 399, hear and determine any appeal on medical grounds, grounds relating to incapacity, or grounds relating to capacity for work, against any decision of MSD in respect of—

(a) jobseeker support on the ground of health condition, injury, or disability; or

(b) a supported living payment on the ground of restricted work capacity or total blindness (*see* rows 11 and 12 of the table in section 411); or

(c) a child disability allowance under section 78; or

(d) a veteran's pension under section 164 of the Veterans' Support Act 2014.

(2) No appeal lies under section 397(1)(a) against—

(a) a decision under section 155 against which an appeal lies under row 7 or 8 of the table in section 411 to the medical board; or

(b) a decision under section 250(1)(a) against which an appeal lies under row 10 of the table in section 411 to the medical board.

Compare: 1964 No 136 s 12J(2), (3), (17)

Rights of appeal

397 Decision under specified social assistance enactments

(1) An applicant or beneficiary may appeal to the appeal authority against any decision or determination of MSD made in relation to the applicant or beneficiary under—

(a) any provisions of (or of any regulations made for the purposes of any provisions of) Parts 1 to 6 and Schedules 1 to 5; or

(b) a special assistance programme approved by the Minister under section 100 or 101; or

(c) any regulations in force under section 437 (regulations: issue and use of entitlement cards); or

(d) any provisions of, or of regulations made under, the Residential Care and Disability Support Services Act 2018; or

(e) Part 6 of the Veterans' Support Act 2014, subject to section 175(2) of that Act; or

(f) Part 1 of the New Zealand Superannuation and Retirement Income Act 2001; or

(g) the Family Benefits (Home Ownership) Act 1964.

(2) Subsection (1)(d) applies to a person in relation to whom a decision is made under any provisions of, or of regulations made under, the Residential Care and Disability Support Services Act 2018, as if the person were a beneficiary.

(3) For the purposes of subsection (1), a decision or determination is not made in relation to an applicant or a beneficiary by reason only that the decision or determination has an economic or other effect on the applicant or beneficiary.

(4) This section is subject to provisions to the contrary in this Act (for example, sections 340(3)(b), 343(b), and 371(b)).

Compare: 1964 No 136 s 12J(1), (4), (5)

398 Decision under reciprocity agreements

An applicant or beneficiary or other person may appeal to the appeal authority against a decision that was made in relation to that person by MSD under the power conferred by section 384 (MSD may use mutual assistance provisions to recover debts).

Compare: 1964 No 136 s 12J(7)

399 Decision to recover excess amount

(1) A person specified in a row of the following table may appeal to the appeal authority against a decision that is—

(a) of the kind specified in that row; and

(b) made in relation to the person or estate.

Row	Person who may appeal	Decision of MSD that may be appealed
Decision to recover from spouse or partner who misleads MSD excess amount beneficiary obtained		
1	A beneficiary's (**B's**) spouse or partner (**S**)	A decision of MSD— (a) to recover from S an amount in excess of the amount to which B was by law entitled; and

Row	Person who may appeal	Decision of MSD that may be appealed
		(b) made under regulations made under section 444; and (c) that includes the decision that, in MSD's opinion, S has made a false statement to or otherwise misled MSD, in relation to any matter; and (d) that includes the decision that, as a result of S making a false statement to or otherwise misleading MSD, the benefit or an instalment of benefit was paid in excess of the amount to which B was by law entitled; and (e) that is not a decision or determination of MSD that relates only to the temporary deferral, rate, or method or methods of debt recovery from B
Decision to recover from spouse or partner apportioned excess amount beneficiary obtained by fraud		
2	A beneficiary's (**B's**) spouse or partner (**S**)	A decision of MSD— (a) to recover from B an amount in excess of the amount to which S was by law entitled; and (b) made under regulations made under section 444; and (c) that includes the decision that all or part of proportion B (as referred to in regulations made under section 444) is an amount in excess of the amount to which B is by law entitled or to which B has no entitlement, and an amount obtained by fraud by B; and (d) that includes the decision that S either knew, or ought to have known (even if S did not know), of the fraud by B; and (e) that is not a decision or determination of MSD that relates only to the temporary deferral, rate, or method or methods of debt recovery from B
Decision to recover from spouse or partner unapportioned excess amount beneficiary obtained by fraud		
3	A beneficiary's (**B's**) spouse or partner (**S**)	A decision of MSD— (a) to recover from S an unapportioned amount in excess of the amount to which B was by law entitled or to which B has no entitlement; and (b) made under regulations made under section 444; and (c) that, for the purposes of S's right of appeal under this row, includes the decision that B obtained by fraud an amount in excess of the amount to

Row	Person who may appeal	Decision of MSD that may be appealed
		which B was by law entitled or to which B has no entitlement; and
		(d) that is not a decision or determination of MSD that relates only to the temporary deferral, rate, or method or methods of debt recovery from B
Decision to recover excess amount from deceased beneficiary's estate		
4	The personal representative of a deceased beneficiary (**B**)	A decision of MSD— (a) to recover from B's estate an amount in excess of the amount to which B was by law entitled; and (b) made under regulations made under section 444
Decision to recover excess amount from deceased spouse's or partner's estate		
5	The personal representative of a beneficiary's (**B's**) deceased spouse or partner (**S**)	A decision of MSD— (a) to recover from S's estate an amount in excess of the amount to which B was by law entitled; and (b) made under regulations made under section 444; and (c) that, for the purposes of the personal representative's right of appeal under this row, includes the decision that B was paid an amount in excess of the amount to which B was by law entitled

(2) A reference in this section to a decision to recover an amount from a person or estate includes (without limitation, and except as expressly provided in this section) all related decisions on all or any of the temporary deferral, rate, or method or methods, of debt recovery from the person or estate.

Compare: 1964 No 136 s 12J(6), (8)–(15)

400 Appeal must be begun within 60 working days of notification or further allowed period

(1) An appeal under section 397, 398, or 399 must be begun within—

(a) 60 working days after the date on which the appellant receives notification of—

(i) the confirmation or variation (if the appeal is against a decision specified in section 395(a)); or

(ii) the decision (if the appeal is against a decision specified in section 395(b)); or

(b) a further period the appeal authority has under this section allowed.

(2) An appellant is treated as receiving notification of the decision in line with regulations made under section 449 if—

(a) a decision is made in respect of which an appeal lies to the authority; and

(b) notice of the decision is given to the appellant in a way prescribed by those regulations; and

(c) the notice is (in the absence of evidence to the contrary) taken to have been received by the appellant as provided by those regulations.

(3) The appeal authority may allow a further period within which the appeal must be begun if—

(a) the appeal is not to be, or has not been, begun within the period of 60 working days; and

(b) an application is made to it, before or after the end of the period of 60 working days, to allow a further period; and

(c) the appeal authority considers there is good and sufficient reason for the delay.

Compare: 1964 No 136 s 12K(1)–(3), (11)

Section 400 heading: amended, on 26 November 2018, by section 306(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 400(1)(a): amended, on 26 November 2018, by section 306(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 400(3)(a): amended, on 26 November 2018, by section 306(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 400(3)(b): amended, on 26 November 2018, by section 306(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Appeal authority

401 Social security appeal authority

(1) The social security appeal authority (and every special social security appeal authority, if any) is established and operates under Schedule 8.

(2) The appeal authority sits as a judicial authority to hear and determine appeals under section 397, 398, or 399.

(3) In hearing and determining an appeal, the authority has all the duties, functions, and powers that MSD had in respect of the same matter.

(4) Proceedings before the authority must not be held invalid for want of form.

Compare: 1964 No 136 ss 12A–12I, 12K(9), 12M(6)

402 Act does not affect appeals to authority under other enactments

This Act does not affect appeals under other enactments to the appeal authority (or appeals in respect of determinations by the appeal authority of those appeals), for example,—

(a) appeals under section 133, and in accordance with regulations made under section 136, of the Public and Community Housing Management Act 1992; or

(b) appeals provided for by regulations made, or deemed to have been made, under section 102(1)(i) of the Pae Ora (Healthy Futures) Act 2022.

Section 402(a): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 402(b): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Procedure

403 How to begin, and procedure and powers for, appeal to authority

(1) The authority's procedure, and the authority's powers to deal with (for example, confirm, vary, revoke, or refer back to MSD for reconsideration) the decision appealed, on an appeal under this Act, are—

(a) as provided by this Act (and especially by sections 395 to 404 and Schedule 8) and regulations made under section 451; and

(b) for matters not provided for by this Act or those regulations, or practice notes issued under clause 10D of Schedule 8, as the authority may determine.

(2) Forms for use in the authority may be approved by the chief executive of the Ministry of Justice after consulting the chairperson of the authority.

Compare: 1964 No 136 ss 12K(10), 12M(6)

Section 403(1)(b): amended, on 26 November 2018, by section 307(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 403(2): inserted, on 29 October 2019, by section 307(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

404 Notice, and carrying into effect, of decision

(1) On the determination of an appeal, the authority's Secretary must send to the chief executive and to the appellant a memorandum of—

(a) the authority's determination; and

(b) the authority's reasons for the authority's determination.

(2) The chief executive must promptly take all necessary steps to carry into effect the authority's determination.

Compare: 1964 No 136 s 12P

Subpart 4—Appeals to courts

Appeals to High Court

405 Right of appeal using case stated on question of law only

A party to a proceeding before the authority may appeal to the High Court, by way of a case stated by the authority for the court's opinion on a question of law only, against a determination—

(a) made by the authority in the proceeding; and

(b) that the party considers involves an error of law.

Examples

An error of law that is a mistake about the meaning or application of a provision of this Act (for example, departing from the Act's plain words by reasoning using not facts but hypothetical examples, as in *Chief Executive of Ministry for Social Development v Morgan* [2015] NZCA 453 at [25]).

An error of law that (in accordance with *Bryson v Three Foot Six Ltd* [2005] 3 NZLR 721 (SCNZ), paras [24]–[26]) is a determination that—

(a) there is no evidence to support; or

(b) is inconsistent with, and contradictory of, the evidence; or

(c) contradicts the only true and reasonable conclusion of fact available on the evidence.

Compare: 1964 No 136 s 12Q(1)

406 Appeal must be begun, and case stated lodged, within time prescribed or allowed

(1) An appellant must begin an appeal within—

(a) 10 working days after the date of the determination; or

(b) a further period the High Court, or a High Court Judge, has under subsection (4) allowed.

(2) The appellant's case stated must be lodged within—

(a) 10 working days after the date on which the appeal is begun; or

(b) a further period the authority's chairperson or deputy chairperson has under subsection (3) allowed; or

(c) a further period the High Court, or a High Court Judge, has under subsection (4) allowed.

(3) The authority's chairperson or deputy chairperson may allow a further period within which the appellant's case stated must be lodged if—

(a) the appellant's case stated is not to be, or has not been, lodged within the period of 10 working days; and

(b) the chairperson or deputy chairperson is asked, before or after the end of the period of 10 working days, to allow a further period; and

(c) the chairperson or deputy chairperson considers there is good and sufficient reason for the delay.

(4) The High Court or a High Court Judge may allow a period further to one prescribed or allowed under subsection (1)(a) or (b) or subsection (2)(a), (b), or (c) if—

(a) the appellant's appeal or case stated is not to be, or has not been, begun or lodged within that prescribed or allowed period; and

(b) the appellant makes an application to the court or Judge, before or after the end of that prescribed or allowed period, to allow a further period; and

(c) the court or Judge considers there is good and sufficient reason for the delay.

(5) The authority's chairperson or deputy chairperson may certify that an appeal has not been prosecuted by an appellant if the appellant's case stated has not been lodged within the period prescribed, or within a further period allowed, under subsection (2)(a), (b), or (c).

Compare: 1964 No 136 s 12Q(3), (4), (8), (9)

Section 406(1)(a): amended, on 26 November 2018, by section 308(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(2)(a): amended, on 26 November 2018, by section 308(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(2)(b): amended, on 26 November 2018, by section 308(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(3): amended, on 26 November 2018, by section 308(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(3)(a): amended, on 26 November 2018, by section 308(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(3)(b): amended, on 26 November 2018, by section 308(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(3)(b): amended, on 26 November 2018, by section 308(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(3)(c): amended, on 26 November 2018, by section 308(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 406(5): amended, on 26 November 2018, by section 308(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

407 How to begin, and procedure for, appeal to High Court

(1) Regulations made under section 451 provide for—

(a) how to begin, and the procedure on, an appeal:

(b) related matters specified in that section.

(2) The appeal is, subject to regulations made under section 451, dealt with under rules of court.

Compare: 1908 No 89 Schedule 2 r 21.14; 1964 No 136 ss 12I(2), 12K, 12L, 12M, 12O, 12OA, 12Q(3), (4), (6), (7), (8), (9), (10), 12R; 2011 No 81 s 306

408 Orders, etc, on successful appeal

(1) This section applies if the High Court allows the appeal.

(2) The High Court may exercise any power that the authority could have exercised under section 403 if it had allowed the appeal.

(3) This section does not affect rules of court relating to the court's powers to deal with (for example, confirm, vary, revoke, or refer back for reconsideration) the decision appealed.

Compare: 1964 No 136 s 12Q(10); 2011 No 81 s 307

Appeals to Court of Appeal

409 Appeal, with Court of Appeal's leave, against High Court's determination

(1) This section applies to a determination of the High Court made in a proceeding that is an appeal under section 405.

(2) Subpart 8 (appeals on a question of law) of Part 6 (appeals) of the Criminal Procedure Act 2011 applies to the determination—

(a) as far as applicable with the necessary modifications; and

(b) as if the determination had been made under section 300 (first appeal court to determine appeal) of that Act (for example, so that the applicable right of appeal is stated in section 303 of that Act (right of appeal against determination of first appeal court)).

Compare: 1964 No 136 s 12R

Appeals to Supreme Court

410 Appeal, with Supreme Court's leave, against High Court's or Court of Appeal's determination

(1) This section applies to a determination that is—

(a) a determination of the High Court made in a proceeding that is an appeal under section 405; or

(b) a determination of the Court of Appeal made in a proceeding that is an appeal under section 409.

(2) Any party to the proceeding specified in subsection (1)(a) or (b) may apply, in accordance with the Senior Courts Act 2016, to the Supreme Court for leave to appeal against the determination.

(3) This section is by way of explanation only.

Compare: 1964 No 136 s 12S

Subpart 5—Appeals to medical board

Right of appeal

411 Right of appeal on medical grounds

Any applicant or beneficiary may appeal to the medical board against a decision of MSD that is—

(a) made in relation to the applicant or beneficiary; and

(b) of a kind specified in a row of the following table.

Row	Assistance or obligations	Decision to be appealed
1	Any benefit	Determination— (a) made in reliance on a work ability assessment by a health practitioner under section 118 (work ability assessment); and (b) whether the person assessed is entitled to a benefit and, if so, what kind of benefit
2	Jobseeker support—on the ground of health condition, injury, or disability	Decision that a claim for this benefit is declined, or that this benefit is cancelled, in either case on medical grounds or on grounds relating to a person's capacity for work
3	Jobseeker support—on the ground of health condition, injury, or disability	Determination under section 141(1) that a beneficiary has, while receiving this benefit, the capacity to seek, undertake, and be available for part-time work, and so is required to comply with the work test on and after a date specified in a notice given under section 141(4)
4	Jobseeker support—on the ground of health condition, injury, or disability	Decision to confirm, amend, revoke, or replace under section 141(6) a determination, and that results in a determination under section 141(1) that a beneficiary has, while receiving this benefit, the capacity to seek, undertake, and be available for part-time work, and so is required to comply with the work test on and after a date specified in a notice given under section 141(4)
5	Jobseeker support—on the ground of health condition, injury, or disability	Determination— (a) made in reliance on a work ability assessment by a health practitioner under section 118 (work ability assessment); and (b) whether the person assessed, being a person receiving this benefit, has for the purposes of section 141(1) the capacity to seek, undertake, and be available for part-time work (*see also* section 155)
6	Jobseeker support—except on the ground of health condition, injury, or disability	Determination— (a) made in reliance on a work ability assessment by a health practitioner under section 118 (work ability assessment); and (b) whether the person assessed, being a person receiving this benefit, is entitled on an application or on MSD's own initiative, to deferral of work-test obligations under section 155
7	Jobseeker support—except on the ground of health condition, injury, or disability	Decision to decline under section 155 on medical grounds an application— (a) made by a beneficiary granted this benefit; and (b) made under section 155; and

Row	Assistance or obligations	Decision to be appealed
		(c) for deferral of all or any of the beneficiary's work-test obligations
8	Jobseeker support—on any ground	Decision on medical grounds under section 155 to revoke a deferral granted under section 155 of all or any of the beneficiary's work-test obligations
9	Work-test obligations or work-preparation obligations	Determination— (a) made in reliance on a work ability assessment by a health practitioner under section 118 (work ability assessment); and (b) whether the person assessed, being a person who is subject to work-test obligations or work-preparation obligations, has the capacity to meet those obligations
10	Drug-testing obligation	Decision under section 250(1)(a) to the effect that a beneficiary does not have a good and sufficient reason, on the ground that the beneficiary is addicted to, or dependent on, controlled drugs, for either or both— (a) not complying with a drug-testing obligation: (b) failing to apply for suitable employment that requires candidates to undertake drug tests
11	Supported living payment—on the ground of restricted work capacity or total blindness	Decision that a claim for this benefit is declined, or that this benefit is cancelled, in either case on medical grounds
12	Supported living payment—on the ground of restricted work capacity or total blindness	Decision under section 123(1)(a) that a person receiving this benefit has the capacity to comply with obligations under section 125
13	Child disability allowance	Decision that a claim for this benefit is declined, or that this benefit is cancelled, in either case on the ground that the child is not a child with a serious disability (as defined in section 79)
14	Veteran's pension under section 164 of the Veterans' Support Act 2014	Decision to decline a claim for, or to cancel, this benefit, in either case on the ground of the applicant's or beneficiary's mental or physical infirmity

Compare: 1964 No 136 s 10B(1)

412 Appeal must be begun within 3 months of notification or further allowed period

(1) An appeal to the medical board under section 411 must be begun within—

(a) 3 months after the date on which the applicant receives notification of the decision; or

(b) a further period the board has under this section allowed.

(2) An appellant is treated as receiving notification of the decision in line with regulations made under section 449 if—

(a) a decision is made in respect of which an appeal lies to the board; and

(b) notice of the decision is given to the appellant in a way prescribed by those regulations; and

(c) the notice is (in the absence of evidence to the contrary) taken to have been received by the appellant as provided by those regulations.

(3) The board may allow a further period within which the appeal may be begun if—

(a) the appeal is not to be, or has not been, begun within that 3-month period; and

(b) an application is made to it, either before or after the end of that 3-month period, to allow a further period; and

(c) the board considers there is good and sufficient reason for the delay.

Compare: 1964 No 136 s 10B(2)

Board

413 Board

The board is established and operates under Schedule 9.

Compare: 1964 No 136 s 10B(4)

Procedure

414 How to apply, and procedure and powers, for appeal to board

Regulations made under section 451 provide for—

(a) how to apply for, and the procedure on, an appeal; and

(b) the board's powers to deal with (for example, confirm, vary, revoke, or refer back to MSD for reconsideration) the decision appealed:

(c) related matters specified in that section.

Compare: 1964 No 136 s 10B(2)

415 Notice of, and carrying into effect, board's decision

(1) On the determination of an appeal under section 411, the Board must send to the chief executive and to the appellant a memorandum of—

(a) the board's decision; and

(b) the board's reasons for the board's decision.

(2) The chief executive is bound by the board's decision.

Compare: 1964 No 136 s 10B(3)

Part 8
Other provisions

Contents

		Page
	Guide to this Part	
416	What this Part does	231
	Benefits to be inalienable	
417	Benefits cannot, in general, be assigned or charged, or pass by operation of law	232
	Regulations	
418	Regulations: general	232
419	Regulations: general powers not limited by special powers	234
420	Regulations: effect of duties or powers to give directions	234
421	Regulations: residential requirement	234
422	Regulations: income exemptions	235
423	Regulations: accommodation supplement	236
424	Regulations: childcare assistance	237
425	Regulations: disability allowance: special categories of eligibility	239
426	Regulations: use of disability allowance to fund specified expenses	239
427	Regulations: funeral grants: amounts and methods of payment	241
428	Regulations: temporary additional support	241
429	Regulations: participation allowance for people participating in activities	243
430	Regulations: specific obligations: obligations in relation to dependent children: definitions and attendance	244
431	Regulations: specific obligations: work-test obligations, and deferrals of, or exemptions from, specified obligations	245
432	Regulations: factors affecting benefits: pre-benefit activities	246
433	Regulations: factors affecting benefits: insurance recovery	248
434	Regulations: factors affecting benefits: overseas pensions	248
435	Regulations: factors affecting benefits: issue of warrant to arrest beneficiary	250
436	Regulations: factors affecting benefits: absence from New Zealand	251
437	Regulations: issue and use of entitlement cards	252
438	Regulations: application for benefit: making of, help with, lapse, and deemed receipt	254
439	Regulations: certain benefits granted, or granted at rate, not taking into account certain insurance payments	255
440	Regulations: exemptions from, and calculation of, stand down	256
441	Regulations: expiry and regrant of specified benefits	257
442	Regulations: payments	258

443 Regulations: payments during epidemic in New Zealand 260
444 Regulations: debts and deductions 261
445 Regulations: further provisions on deductions 263
446 Regulations: advance payment of instalments of benefit 264
447 Regulations: budgeting activities due to application for advance payment of instalments of benefit 265
448 Regulations: remittance or suspension of debt 265
449 Regulations: ways MSD or person can meet requirement to give notice or other document 266
450 Regulations: reciprocity agreements with mutual assistance provisions, and adverse action if discrepancy shown by information from other country 267
451 Regulations: how to begin, and procedure and powers for, review or appeal 268

Orders adjusting rates of benefits, etc

452 Orders in Council: discretionary increases in rates of benefits, etc 269
452A Orders in Council: mandatory annual average weekly earnings adjustment of rates of main benefits *[Repealed]* 271
453 Orders in Council: mandatory annual CPI adjustment of rates of certain benefits 271

Confirmable instruments

454 Certain orders are confirmable instruments *[Repealed]* 273

Repeals and revocations

455 Social Security Act 1964 repealed 273
456 Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 repealed 273
457 Department of Social Welfare Act 1971 repealed 274
458 Employment Services and Income Support (Integrated Administration) Act 1998 repealed 274

Consequential amendments

459 Other enactments amended consequentially 274

Guide to this Part

416 What this Part does

This Part contains provisions on the following matters:

(a) benefits being, in general, inalienable (unable to be assigned or charged, or to pass by operation of law):

(b) powers to make regulations:

(c) powers to make orders adjusting rates of benefits, etc:

(d) confirmable instruments (which are revoked, or invalid for their past operation, if not confirmed by an Act of Parliament):

(e) repeals of former Acts, and related revocations of regulations made by Order in Council, or other Orders in Council:

(f) consequential amendments made by this Act to other enactments.

Benefits to be inalienable

417 Benefits cannot, in general, be assigned or charged, or pass by operation of law

(1) No benefit is capable of being assigned or charged, or of passing to any other person by operation of law.

(2) Subsection (1) is overridden by contrary provisions in, or in regulations made under or for the purposes of, the following enactments:

(a) sections 337 to 350, 366 to 372, 442, and 443:

(b) Family Benefits (Home Ownership) Act 1964:

(c) Child Support Act 1991:

(d) Student Loan Scheme Act 2011.

(3) This section does not limit section 293 (offence of demanding or accepting acknowledgment or undertaking).

Compare: 1964 No 136 s 84(1)

Regulations

418 Regulations: general

Regulations for purposes of specified provisions

(1) The Governor-General may, by Order in Council, make regulations for the purposes of all or any of the following provisions:

Part 2—Assistance

(a) sections 27, 28, 37, 41, 42, 80, 81, 88, 134, 164, 167, and 379 (prescription, for provision's purposes, of health practitioners acting within their scope of practice (*see* the definition in Schedule 2 of prescribed health practitioner)):

(b) section 35(2)(a) (supported living payment: on ground of restricted work capacity or total blindness: when does person have restricted work capacity: period prescribed):

(c) section 55(1) (youth payment: incentive payments):

(d) section 62(1) (young parent payment: incentive payments):

Part 3—Obligations

(e) section 143(1)(b) (time when work-test obligation applies):

(f) section 152, definition of evidential drug test, paragraph (c):

(g) section 152, definition of pass, paragraphs (a) and (b):

(h) section 152, definition of screening drug test, paragraph (c)(iii):

(i) *[Repealed]*

Part 5—Enforcement: sanctions and offences

(j) section 250(1)(e) (excuse of good and sufficient reason: failure to comply with drug-testing obligation):

Part 6—Administration

(ja) section 304A(1)(g) (additional grounds for review of whether person's information share child support payment is or was all or any of their weekly income):

(k) sections 341(1) and (3)(d) and 342(1)(b) (which relate to youth support payments):

(l) section 344(2) (young person beneficiaries may elect money management):

(m) section 373(1)(a)(ii) and (b) (administration service providers: contracts):

(n) section 374(1)(c) (administration service providers: contents and form of contracts):

Schedules

(na) paragraph (j) of the definition of general provisions child support payment in Schedule 2 (additional kinds of payments that are general provisions child support payments):

(o) clause 11 of Schedule 3, definition of appropriate number of weeks, paragraph (b) (calculation of income: interpretation):

(p) clause 10(3) of Schedule 6 (code of conduct: relationship with Privacy Act 2020 code of practice):

(q) clause 20(2) of Schedule 6 (disclosure of information about people to whom service provider's contract applies).

Regulations for other matters contemplated, necessary for administration, or necessary for giving full effect

(2) The Governor-General may, by Order in Council, make regulations providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 418(1)(i): repealed, on 1 April 2020, by section 7 of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

Subpart 418(1)(ja): inserted, on 1 July 2023, by section 35(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Subpart 418(1)(na): inserted, on 1 July 2023, by section 35(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Section 418(1)(p): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 418(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

419 Regulations: general powers not limited by special powers

A power in section 418 is not limited by any other powers or duties in this Act to make regulations or rules by Order in Council, or to make other Orders in Council.

Compare: 1964 No 136 ss 11B(5), 123D, 132AB, 132A(1), 132AC(1), 132C(1), 132D, 132F(1)

420 Regulations: effect of duties or powers to give directions

A power in this Part to make any Orders in Council is not limited by any power or duty in or under this Act to give directions.

421 Regulations: residential requirement

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 16 that specify circumstances in which a person—

(a) is taken to meet the residential requirement; or

(b) must be treated, for the purposes of satisfying the residential requirement, as being resident and present in New Zealand; or

(c) must not be required to comply with the residential requirement.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 74AA, 78(1), 79

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 421(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

422 Regulations: income exemptions

(1) The Governor-General may, by Order in Council, make regulations for the purposes of clause 9 of Schedule 3 (exclusion of amounts, items, payments, or income from specified source, declared not to be income).

(2) Regulations made under subsection (1) may (without limitation) authorise MSD,—

(a) in calculating the rate of benefit, to take no account of specified income for a specified period and that is up to, in total, a specified maximum amount:

(b) in calculating the rate of benefit, to disregard all or part of the income of a severely disabled person derived from personal effort:

(c) in calculating the income of a person for the purpose of determining the rate of benefit, to take no account of a redundancy or retirement payment.

(3) Regulations made under subsection (1) have effect in respect of any income specified in the regulations on and after a date—

(a) specified in the regulations; and

(b) earlier than, the same as, or later than, the date on which the regulations are made.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 3(1), definition of income, paragraph (f)(vii), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), 3(3), 66, 66A, 66B, 68, 132AA, Schedule 10

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 422(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

423 Regulations: accommodation supplement

(1) The Governor-General may, by Order in Council, make regulations that, for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4,—

(a) set out the assets requirement (*see* section 65(1)(b)):

(b) exempt any item or kind of cash assets or any amount of cash assets from the definition of cash assets in section 68(2):

(c) define Area 1, Area 2, Area 3, and Area 4 (*see* the definitions of those terms in Schedule 2, and *see also* section 454(1)(a) (certain orders are confirmable instruments)):

(d) prescribe 1 or more base rates of accommodation supplement, and how each prescribed base rate is to be assessed:

(e) provide for required income-based reductions to the assessed base rate amount of accommodation supplement (including any circumstances when specified income may be disregarded):

(f) require MSD to round up (for example, to the nearest amount in complete single dollars, or in complete multiple dollar amounts) assessed amounts of accommodation supplement.

(2) Regulations made under subsection (1)(b) have effect in respect of any cash assets specified in the regulations on and after a date—

(a) specified in the regulations; and

(b) earlier than, the same as, or later than the date on which the regulations are made.

(3) For the purposes of regulations made under subsection (1)(e), the following must be treated as $1 a week of income:

(a) every $100 of cash assets over $5,400 held by—

(i) a person who is in a relationship; or

(ii) a single person who has a dependent child or children; and

(b) every $100 of cash assets over $2,700 held by any other person.

(4) Regulations under this section—

(a) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) if they are made under subsection (1)(c), must be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019).

Compare: 1964 No 136 ss 61E, 61EC(2), 61I(1), (3)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 423(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

424 Regulations: childcare assistance

(1) The Governor-General may, by Order in Council, make regulations for the purposes of subpart 12 of Part 2.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) prescribe eligibility criteria for receiving childcare assistance, including by prescribing that childcare assistance may be paid for the following kinds of childcare facilities or programmes:

(i) childcare facilities or programmes prescribed by the regulations:

(ii) other childcare facilities or programmes that MSD has approved in accordance with, and applying criteria and for a period specified in, the regulations:

(b) prescribe the kinds of childcare assistance to be provided, which may differ depending on the purposes of the childcare and the age of the child, or in any other prescribed circumstances:

(c) prescribe the amounts of childcare assistance to be paid, which may differ depending on the kind of assistance to be provided, the income of the principal caregiver or temporary OB or UCB caregiver, the income of that caregiver's spouse or partner, the number of dependent children in the family, and the kind of childcare, or in any other prescribed circumstances:

(d) define the kinds of income, benefits, credits, and receipts to be treated as income for the purposes of subpart 12 of Part 2, including any limits on the extent to which any income, benefit, credit, or receipt of that kind is to be treated as income for those purposes:

(e) prescribe the number of hours a week for the weeks during the year for which childcare assistance is available, which may differ depending on the purposes of the childcare or the principal caregiver's or temporary OB or UCB caregiver's activity, employment, or study, or whether the assistance is granted for the school term or during school holidays, or in any other prescribed circumstances:

(f) provide for childcare assistance to be available to keep a child's place open in a childcare facility or programme during temporary absence:

(g) regulate the method of application for, and payment of, childcare assistance (which may include provision for payment to be made directly to a childcare facility or provider of a programme, and subject to any conditions specified in the regulations):

(h) provide for the recovery of any overpayments of assistance from a childcare facility or the provider of a programme or from the person granted the assistance:

(i) prescribe transitional arrangements.

(3) Eligibility criteria prescribed, or provided for, under subsection (2)(a) may (without limitation) include criteria based on—

(a) the income of—

(i) the principal caregiver or temporary OB or UCB caregiver; and

(ii) that caregiver's spouse or partner:

(b) the age of the dependent child and whether the child attends school:

(c) whether any of the following people has a disability or serious illness:

(i) the dependent child:

(ii) the principal caregiver or temporary OB or UCB caregiver of the dependent child:

(iii) any of the other dependent children of that caregiver (whether that person is the principal caregiver or temporary OB or UCB caregiver of any of those other dependent children):

(d) whether there is another person available to care for the child:

(e) whether the principal caregiver or temporary OB or UCB caregiver is undertaking employment or is engaged in—

(i) an employment-related activity arranged or approved by MSD; or

(ii) an approved course of study; or

(iii) an approved rehabilitation programme.

(4) Regulations made under subsection (2)(d) that narrow (including, without limitation, by exempting from) the kinds of income, benefits, credits, and receipts to be treated as income have effect in respect of any income, benefits, credits, and receipts specified in the regulations on and after a date that is—

(a) a date that is specified in the regulations; and

(b) a date before, on, or after the date on which the regulations are made.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132AC

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 424(2)(c): amended, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Section 424(2)(e): amended, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Section 424(3)(a): replaced, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Section 424(3)(c): replaced, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Section 424(3)(e): amended, on 1 July 2021, by section 8 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Section 424(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

425 Regulations: disability allowance: special categories of eligibility

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 85(1)(b).

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 69C(6), (7)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 425(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

426 Regulations: use of disability allowance to fund specified expenses

(1) The Governor-General may, by Order in Council, make regulations relating to the use of a disability allowance to fund specified expenses.

(2) Regulations made under subsection (1) must be not inconsistent with section 86 (disability allowance: excluded expenses), but otherwise may (without limitation) do all or any of the following:

(a) specify classes, descriptions, or kinds of expenses that—

(i) must not be funded by way of a disability allowance; or

(ii) may be funded by way of a disability allowance only to an extent specified in the regulations, or only subject to compliance with conditions specified in the regulations, or both:

(b) provide for transitional and savings provisions relating to use of a disability allowance to fund specified expenses.

(3) Regulations made under subsection (1) that do what is stated in subsection (2)(a)(ii) may specify maximum funded proportions, amounts, numbers, or frequencies relating to all or any of the expenses concerned.

(4) Transitional or savings provisions under subsection (2)(b) may (without limitation) provide for all or any of the following:

(a) separate transitional or savings provisions for all or any specified people to or on account of whom a disability allowance is payable immediately before the commencement of this section:

(b) separate transitional or savings provisions for all or any specified expenses to which the regulations apply (when they, or any regulations amending them or made under subsection (2)(b), come into force):

(c) specified transitional or savings provisions to have effect at a time, or on the occurrence of an event (for example, at the end of any existing contractual arrangements), specified by the Minister by a written notice.

(5) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) regulations under this section:

(b) a notice under subsection (4)(c).

Compare: 1964 No 136 s 132AD

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)(a)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)(b)		
Publication	The maker must: • publish it on a website maintained by, or on behalf of, MSD • if it is amended without being replaced, also publish on that website a consolidated version of the notice as at a stated date incorporating the amendments up to that date	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 426(4)(c): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 426(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

427 Regulations: funeral grants: amounts and methods of payment

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 90.

(2) Regulations made under subsection (1) may do all or any of the following:

(a) specify the amount of, or how MSD must assess the amount of, a funeral grant:

(b) specify the method or methods of making payments of funeral grants.

(3) Regulations made under subsection (2)(a) may (without limitation) provide that the grant, for a person who meets the criteria in section 91, 92, or 93, is of an amount, not exceeding a specified maximum amount, that MSD determines is appropriate to meet the deceased person's reasonable funeral expenses.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 61D, 61DA, 61DB, 61DC, 61DD, 61DE

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 427(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

428 Regulations: temporary additional support

(1) The Governor-General may, by Order in Council, make regulations for the purposes of subpart 16 of Part 2.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) prescribe or provide for the setting of eligibility criteria for receiving temporary additional support:

(b) prescribe amounts for standard living costs that must be met from chargeable income (**standard costs**), or 1 or more means of calculating amounts of standard costs, which may differ depending on whether—

(i) the applicant or the applicant's spouse or partner, or both of them, is or are receiving any benefits or tax credits (and, if so, the kind and amount of them):

(ii) the applicant's spouse or partner is lawfully or unlawfully in New Zealand:

(iii) the applicant has a spouse or partner, or the applicant has dependent children (and, if so, the number and ages of the applicant's dependent children):

(c) define the kinds of costs that are allowable costs, including any limits on the extent to which any such costs are allowable costs:

(d) define the kinds of income, benefits, credits, and receipts that are chargeable income, and any limits on the extent to which any income, benefit, credit, or receipt of that kind is chargeable income:

(e) prescribe amounts of temporary additional support that may be granted or 1 or more means for calculating those amounts, which may differ depending on whether the applicant is in any prescribed circumstances (for example, whether the applicant has a dependent spouse or partner, a dependent child, or both):

(f) define the kinds of assets that are cash assets, including any limits on the extent to which any such assets are cash assets, and prescribe 1 or more cash asset limits, which may differ depending on whether the applicant is in any prescribed circumstances (for example, whether the applicant has a dependent spouse or partner, a dependent child, or both):

(g) prescribe the period or periods for which temporary additional support may be granted:

(h) authorise the payment of temporary additional support in a lump sum up to a specified maximum amount in any prescribed circumstances.

(3) For the purposes of any calculation made under subpart 16 of Part 2 or any regulations made under subsection (1), the allowable costs, cash assets, and chargeable income of an applicant include the allowable costs, cash assets, and chargeable income of the applicant's spouse or partner.

(4) Regulations made under subsection (2)(f) that narrow (for example, exempt any specified item, amount, or kind, of cash assets from) the definition of cash assets have effect in respect of any cash assets specified in the regulations on and after a date that is—

(a) a date that is specified in the regulations; and

(b) a date before, on, or after the date on which the regulations are made.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132AB

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 428(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

429 Regulations: participation allowance for people participating in activities

(1) The Governor-General may, by Order in Council, make regulations to provide for persons participating in activities under this Act to receive allowances of the nature and kind set out in the regulations.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) provide for different allowances to be paid in respect of different activities and categories of person (including any exclusions from those activities and categories):

(b) set conditions for the receipt of allowances:

(c) prescribe the rates of allowances, including providing for all or any of the following:

(i) different rates for different activities and different categories of person:

(ii) maximum total allowances that may be granted to any person for any particular period:

(iii) a total allowance made up of separate allowances granted for different reasons, or in respect of different activities or purposes, and a method or methods of calculating it:

(d) set all or any of the periods for payment of allowances.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132F

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 429(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

430 Regulations: specific obligations: obligations in relation to dependent children: definitions and attendance

(1) The Governor-General may, by Order in Council, make regulations for either or both of the following purposes:

(a) defining (in full, or by reference to other enactments, and as contemplated by section 137(1)) the terms approved early childhood education programme, core check, and registered school, for the purposes of sections 131 to 134; and

(b) prescribing, for the purposes of sections 131(1)(b), 132(1)(a), and 137(2), the minimum extent of, or other required manner of, attending an approved early childhood education programme.

(2) Regulations made under subsection (1)(a) may, without limitation, define an approved early childhood education programme to be or include an early childhood education programme approved by MSD having regard to all relevant approval criteria (if any) prescribed by the Minister by a written notice.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) If the regulations authorise the Minister to prescribe criteria by notice as referred to in subsection (2),—

(a) a notice made under those regulations is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) the regulations must contain a statement to that effect.

Compare: 1964 No 136 s 60RAB(1), (3), (4)

Legislation Act 2019 requirements for secondary legislation referred to in subsection (3)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)(a)		
Publication	The maker must: • notify it in the *Gazette* • publish it on a website maintained by, or on behalf of, MSD • if it is amended without being replaced, also publish on that website a consolidated version of the notice as at a stated date incorporating the amendments up to that date	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 430(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 430(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

431 Regulations: specific obligations: work-test obligations, and deferrals of, or exemptions from, specified obligations

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing requirements a drug test must comply with to be a compliant drug test under section 148:

(b) prescribing, for the purposes of section 150, how MSD may use the result of a drug test undertaken under section 147 and disclosed to MSD under section 149:

(c) prescribing, for the purposes of section 151, how MSD may reimburse a potential employer for the costs of a drug test under section 147 requested by that employer:

(d) prescribing, for the purposes of sections 155 and 156, how MSD may or must defer a person's work-test obligations (including, without limitation, how a deferral of a person's work-test obligations may be reviewed, extended, varied, or revoked):

(e) specifying the categories of people who may be granted an exemption under sections 157 and 158, on grounds (and in any required circumstances) specified in the regulations, from some or all of their—

(i) work-preparation obligations under sections 121 to 125:

(ii) work-test obligations:

(iii) obligations under section 162 (obligations of young person granted youth support payment):

(iv) obligations under section 164 (obligations of young person granted young parent payment):

(v) obligations under section 165 (obligations of young person aged 18 or 19 years who is receiving jobseeker support in young person's own right and who is at significant risk of long-term welfare dependency):

(vi) obligations under section 166 (young person aged 16 or 17 years who has no dependent child and who is spouse or partner of specified beneficiary):

(vii) obligations under section 167 (young person aged 16 to 19 years who has dependent child and who is spouse or partner of specified beneficiary):

(f) prescribing the procedure for the granting, and for the review, extension, variation, or revocation, of an exemption of that kind.

(2) Regulations made under subsection (1)(d) may authorise a required or permitted deferral of a person's work-test obligations to be granted—

(a) for a period set by MSD; or

(b) on conditions set by MSD; or

(c) both for a period, and on conditions, set by MSD.

(3) The purpose of exemption regulations made under subsection (1)(e) is to specify the grounds on which, and any circumstances in which, it would be inappropriate for the people concerned to be subject to, and liable to sanctions for failing to meet, the obligations concerned.

(4) Exemption regulations made under subsection (1)(e) may be made only on the Minister's recommendation.

(5) The Minister must, before making a recommendation that particular exemption regulations be made under subsection (1)(e),—

(a) have regard to the purpose and principles specified in sections 3 and 4, to the purposes of the obligations concerned, and to the purpose of the regulations; and

(b) be satisfied that each exemption provided for in them is not broader than is reasonably necessary to address the matters that gave rise to the regulations.

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 88F(7), 88H, 88I(1)–(3), (5)–(7), 102B(2), 102C(1), (3)–(6), 102E, 105(3)–(7), 123D

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 431(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

432 Regulations: factors affecting benefits: pre-benefit activities

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for the purposes of sections 184 and 185.

(2) The Minister must not recommend the making of regulations made under subsection (1) stating pre-benefit activities unless, in the Minister's opinion, each pre-benefit activity concerned is likely to—

(a) increase the awareness of the people undertaking it of opportunities for employment; or

(b) strengthen incentives for the people undertaking it to move into employment; or

(c) facilitate the movement of the people undertaking it into employment.

(3) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) specify the applicants, and applicants' spouses or partners who can, for applications for benefits specified, be required to do pre-benefit activities:

(b) state kinds of pre-benefit activities that may be required under section 184:

(c) provide for MSD to require a person who contacts MSD requesting financial assistance under this Act or that person's spouse or partner (if any) to undertake 1 or more stated pre-benefit activities that comply with any requirements specified in the regulations:

(d) provide for the form, and revocation, of requirements to undertake stated pre-benefit activities:

(e) specify the consequences MSD may impose for non-compliance, without a good and sufficient reason, with a requirement to undertake stated pre-benefit activities.

(4) The consequences referred to in subsection (3)(e) may be or include lapse of an application for the benefit concerned, or a specified reduction of not more than half of the rate of the benefit concerned or of any other specified benefit to which the applicant and the applicant's spouse or partner would, apart from the regulations, be entitled.

(5) Subsection (4) overrides any contrary provision of this Act.

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 11E, 11G, 11H, 132J

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 432(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

433 Regulations: factors affecting benefits: insurance recovery

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 186.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) provide that the grant of a benefit or the rate of benefit is subject to repayment to MSD of all or part of an insurance payment of a kind or description, or that falls within a class or definition, prescribed by the regulations:

(b) provide that the amount of an income-related insurance payment, a debt insurance payment, or a health or disability insurance payment must, to the extent that MSD determines, be treated as being reduced by the amount of any costs incurred—

(i) by an applicant for a benefit or a beneficiary; and

(ii) to obtain the payment:

(c) provide that a benefit, or part of a benefit, subject to repayment under the regulations,—

(i) constitutes a charge on the amount of the insurance payment paid to the recipient; and

(ii) is a debt due to the Crown under regulations made under section 444; and

(iii) is recoverable under regulations made under section 444.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 68A(5), (7), (8)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 433(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

434 Regulations: factors affecting benefits: overseas pensions

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) providing for the determination by MSD of the amount of an overseas pension to be deducted under section 189(1) from a benefit or benefits,

and the date when the deductions will begin, which may be a date before, on, or after the date of the determination:

(b) providing that the currency exchange rate to be used by MSD for the purposes of the determination referred to in paragraph (a) must be one of the following:

(i) the average of the currency exchange rates (or, as the circumstances require, averages of different currency exchange rates) between the country paying the overseas pension and New Zealand during a period specified in the regulations; or

(ii) any one of the currency exchange rates that occurs between the country paying the overseas pension and New Zealand within a period specified in the regulations; or

(iii) whichever of the methods specified in subparagraphs (i) and (ii) is the more favourable to the overseas pensioner:

(c) prescribing the kinds of currency exchange rates that are to be used for the purposes of paragraph (b):

(d) providing that the period referred to in paragraph (b) may be a different period from the period to which the payment of the overseas pension relates and a different period from the period to which the payment of the benefit relates:

(e) prescribing, for the purposes of the determination referred to in paragraph (a), the kinds of bank fees that may be taken into account and the manner in which they may be taken into account:

(f) providing that a determination made under paragraph (a), and made in accordance with regulations made under paragraphs (b) to (e), must be conclusive:

(g) regulating the making, implementation, and variation of arrangements under section 190.

(2) Regulations made under subsection (1)(g) may (without limitation) include provisions—

(a) prescribing the categories of overseas pensioners with whom MSD may make the arrangements:

(b) prescribing requirements that must be fulfilled before the arrangements can be entered into:

(c) providing that MSD must cancel or revoke an arrangement (including, without limitation, if the overseas pensioner fails to comply with any conditions that are to be included in the arrangements, and that are prescribed under this paragraph):

(d) prescribing methods that may be specified in the arrangements for payment to MSD, and receipt by MSD, of an amount equivalent to the

amount of the overseas pension that the overseas pensioner receives, including (without limitation) direct deduction from the overseas pensioner's bank account:

(e) providing that the regulations do not apply (in whole or in part) to any arrangements that are in force when regulations made under this section are made.

(3) Regulations made under subsection (1)(g) apply, unless those regulations provide otherwise, to arrangements that are in force when the regulations are made and, in that case,—

(a) the regulations prevail over the arrangements to the extent that there is any inconsistency between the regulations and the arrangements; and

(b) the arrangements are taken to be modified to the extent necessary to give effect to the regulations.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 70(2), 132C

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 434(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

435 Regulations: factors affecting benefits: issue of warrant to arrest beneficiary

(1) The Governor-General may, by Order in Council, make regulations for the purposes of sections 209 to 216.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) prescribe classes, descriptions, or kinds of offences excluded from the operation of section 209 or 213:

(b) prescribe a class, description, or kind of person—

(i) excluded from the operation of all of the provisions of section 209 or 213; and

(ii) therefore not a beneficiary as defined in section 210 or 214:

(c) provide for any other matters contemplated by sections 209 to 216, necessary for their administration, or necessary for giving them full effect.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132L

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 435(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

436 Regulations: factors affecting benefits: absence from New Zealand

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 219.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) prescribe exceptions to the general rule in section 219, and that the regulations require MSD, or give MSD discretion, to apply in a particular case, for example,—

(i) because a beneficiary who intends to be absent from New Zealand has not performed the duty imposed by section 114(1) to notify MSD, before leaving New Zealand, of the beneficiary's intended absence, but has, after leaving New Zealand, notified MSD of the beneficiary's absence as required by regulations made under paragraph (b); or

(ii) because a beneficiary's absence from New Zealand, and failure to notify MSD of the absence until after the beneficiary has left New Zealand, or returned to New Zealand after the absence, in a particular case, is justified for 1 or more humanitarian reasons (as that term is defined by the regulations):

(b) require beneficiaries who have not performed the duty imposed by section 114(1) and who are of kinds specified in the regulations to notify MSD of their absences from New Zealand, and provide that, despite section 219 and other provisions of the regulations, their benefits are payable from the date of notification of their absence from New Zealand:

(c) authorise MSD, in its discretion, if a benefit is under the regulations payable on and after a date in respect of a beneficiary's absence from New Zealand, to pay that benefit to the beneficiary for—

(i) a period starting on that date, and of a duration specified in the regulations; or

(ii) a longer period, if MSD is satisfied payment of the benefit complies with any applicable criteria prescribed by the regulations.

(3) Regulations made under subsection (1) do not apply to a benefit payable under—

(a) subpart 11 of Part 2 (winter energy payment); or

(b) sections 21 to 35 of the New Zealand Superannuation and Retirement Income Act 2001; or

(c) sections 176 to 196 of the Veterans' Support Act 2014; or

(d) any reciprocity agreement with another country adopted by an order made under section 380.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 77

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 436(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

437 Regulations: issue and use of entitlement cards

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) providing for the issue of entitlement cards to various classes of people:

(b) prescribing the classes of people eligible to be issued with entitlement cards:

(c) providing for cardholders' photographs to be affixed to or imaged into a category of entitlement cards and prescribing procedures, requirements, and other matters in relation to those photographs:

(d) prescribing and regulating the use of entitlement cards (including, without limitation, conditions of use, time limits on validity and expiry dates, and obligations to return expired entitlement cards to MSD):

(e) prescribing offences relating to the improper use of entitlement cards or for their non-return after their expiry, and the amounts of maximum fines that may be imposed in respect of those offences.

(2) Regulations made under subsection (1)(d) prescribing and regulating the use of entitlement cards may (without limitation) provide for or relate to their use—

(a) to obtain payment of any benefit, allowance, or payment under this Act:

(b) to obtain any payment or exemption from payment in consideration of services supplied to the holder of the entitlement card, or the holder's dependent spouse or partner or child, whether those services are supplied under this Act, any other Act, or otherwise:

(c) as evidence that the holder or a dependent spouse or partner or child of the holder is exempt from any obligation under this Act or any regulations made under this Act.

(3) Regulations made under subsection (1)(e) prescribing offences and penalties cannot prescribe—

(a) an offence for improper use of an entitlement card that is conduct that constitutes an offence under section 290 (offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits):

(b) a maximum fine of an amount exceeding $1,000 and, if the offence is a continuing one, a further amount exceeding $50 for every day or part of a day during which the offence has continued (*see also* section 294).

(4) Regulations made under subsection (1) may provide for entitlement cards to have all or any of a magnetic stripe or a barcode on them, or a microchip embedded in them, which may contain all or any of the following information:

(a) the cardholder's name:

(b) an identifying number assigned by MSD to the cardholder:

(c) a number or code indicating the cardholder's class of eligibility for the card:

(d) an identifying number assigned to the card:

(e) the commencement and expiry dates of the card:

(f) a code number for mailing purposes.

(5) An Order in Council providing for the embedding of microchips in entitlement cards cannot be made under this section except on the recommendation of the Minister.

(6) The Minister must not recommend the making of an Order in Council referred to in subsection (5) unless satisfied adequate consultation about the privacy and security of the information to be contained in the microchip has taken place (to ensure privacy and personal information are fully protected) with—

(a) the Public Service Commission; and

(b) the Privacy Commissioner; and

(c) any other State agency, department, or organisation the Minister thinks relevant.

(7) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132A

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 437(6)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 437(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

438 Regulations: application for benefit: making of, help with, lapse, and deemed receipt

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 297.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) specify the deadlines for receipt by MSD of the following:

(i) an application form completed to MSD's satisfaction:

(ii) supporting evidence reasonably required by MSD:

(b) specify exceptions to those specified deadlines:

(c) allow MSD to extend those prescribed deadlines:

(d) provide for lapse of an application, or prohibit grant of a benefit, or both, unless those prescribed deadlines (if applicable, as they are extended by MSD under the regulations) are met:

(e) provide for a duly completed and timely application to be taken for commencement of benefit purposes and stand-down period purposes to have been received on the date of first contact by or on behalf of the applicant:

(f) provide for all reasonable help in te reo Māori to be given by an employee of the State services (as defined in section 5 of the Public Service Act 2020), without fee or other consideration, in connection with an application for a benefit, if—

(i) the applicant is a Maori (within the meaning of section 4 of the Maori Land Act 1993), and asks for help of that kind; and

(ii) the employee has the necessary knowledge of te reo Māori:

(g) provide that an application need not refer to a particular kind of benefit:

(h) provide that an application does not, by referring to a particular kind of benefit, prevent MSD from granting any other kind or kinds of benefit:

(i) authorise MSD to require as supporting evidence, if MSD considers that the appropriate benefit for an applicant is a youth support payment, evidence of the applicant's specified costs:

(j) authorise MSD to waive a requirement to complete an application form or some or all of a requirement to provide supporting evidence:

(k) provide for travelling expenses and allowances for any applicant or beneficiary who has to be absent from that person's regular place of residence for a purpose approved by MSD (for example, to be medically examined by, or at the, direction of MSD):

(l) authorise MSD, in MSD's discretion, to make advance payments to the applicant or beneficiary for meals and accommodation during the period of necessary absence, or to pay a refund, in MSD's discretion, for actual and reasonable out-of-pocket expenses for the period of necessary absence:

(m) provide for MSD, in any special case, and despite other regulations, to authorise payment of travelling expenses in respect of any applicant or beneficiary, or applicants or beneficiaries of any description, at rates and subject to conditions determined by MSD:

(n) provide for receipt and deadline requirements for claims for refunds, and allow MSD to extend the deadline in any special circumstances.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 11D; SR 2007/229 r 4

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 438(2)(f): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 438(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

439 Regulations: certain benefits granted, or granted at rate, not taking into account certain insurance payments

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 310.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) specify the insurance payments and benefits or kinds of benefits to which the regulations apply:

(b) authorise MSD to suspend, cancel, or vary the rate of, the benefit, from a date MSD determines.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 68A(6), (7), (8)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 439(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

440 Regulations: exemptions from, and calculation of, stand down

(1) The Governor-General may, by Order in Council, make regulations for the purposes of sections 315 and 316(1)(b) and (4).

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) exempt benefits specified in the regulations, on any grounds and in any circumstances (and subject to any conditions) specified in the regulations, from a stand down:

(b) provide that those benefits commence on a date specified in the regulations:

(c) provide for a benefit to commence on the day on which it is granted if—

(i) the person has become eligible for the benefit while receiving another benefit; and

(ii) the benefit is granted instead of that other benefit:

(d) provide for a benefit to commence on the same day as another benefit commences if they are both applied for, or under regulations made under section 438 are taken to have been applied for, at the same time:

(e) specify how a stand-down period (for a benefit to which section 316 applies) is calculated, both in general, and in exceptional cases (for example, of delayed redundancy and retirement payments, or of seasonal workers made redundant after a benefit commences):

(f) provide for a person who is entitled to a benefit to which section 316 applies to elect to have the person's average income calculated by reference to a period of 52 weeks instead of 26 weeks:

(g) provide that a person of a kind specified in the regulations is entitled to receive the benefit applied for on a provisional basis and to have the stand-down period calculated as if the person's average income did not include an amount the person is entitled to receive, but has not yet received:

(h) provide that a payment to which paragraph (g) applies is a debt due to the Crown under regulations made under section 444, and subject to recovery under those regulations, from the person.

(3) The purpose of exemption regulations made under subsections (1) and (2)(a) is to specify the grounds on which, and circumstances in which, it would be inappropriate for the people concerned to be subject to a stand down.

(4) Exemption regulations made under subsections (1) and (2)(a) may be made only on the Minister's recommendation.

(5) The Minister must, before making a recommendation that particular exemption regulations be made under subsections (1) and (2)(a),—

(a) have regard to the purpose and principles specified in sections 3 and 4, to the purposes of the stand down concerned, and to the purpose of the regulations; and

(b) be satisfied that each exemption provided for in them is not broader than is reasonably necessary to address the matters that gave rise to the regulations.

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 80(5), (8), (10), (13), (14), 80B,80BB, Schedule 28

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 440(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

441 Regulations: expiry and regrant of specified benefits

(1) The Governor-General may, by Order in Council, make regulations for the purposes of sections 331 to 336.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) prescribe the expiry date or expiry dates for every benefit that is a specified benefit for the purposes of sections 331 to 336:

(b) declare a benefit that is sole parent support, supported living payment, or emergency benefit, not to be a specified benefit for the purposes of sections 331 to 336:

(c) specify circumstances in which MSD may consider an exemption under section 334(1) from expiry under section 332:

(d) specify, for section 336(2), requirements (not inconsistent with this Act) for the regrant of a specified benefit.

(3) Subsection (2)(a) authorises (without limitation) the regulations to prescribe the same expiry date, or 2 or more different expiry dates, for all or any combination of the following:

(a) each specified benefit for the purposes of sections 331 to 336:

(b) each specified benefit for the purposes of sections 331 to 336 insofar as that benefit is granted on each of 2 or more different specified eligibility grounds:

(c) each specified benefit for the purposes of sections 331 to 336 insofar as that benefit is (on all, or any specified, eligibility grounds) granted to a specified category, class, or kind of applicants, recipients, or beneficiaries.

(4) Subsection (2)(b) authorises (without limitation) the regulations to make a declaration in respect of sole parent support, supported living payment, or emergency benefit, as that benefit is granted in either or both of the followings ways (specified in section 331(2)(a) and (b)):

(a) that benefit as granted on only 1 or more specified available eligibility grounds:

(b) that benefit as granted to only 1 or more specified categories, classes, or kinds of beneficiaries.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132M

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 441(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

442 Regulations: payments

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 337.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) specify default determinations, and exceptions, for the purposes of section 340 (required manner of payment: general):

(b) specify when MSD may or must pay an advance payment of a benefit to a preferred supplier of goods or services:

(c) provide for redirection arrangements for requested fixed period preferred supply of goods or services:

(d) provide for payments made in respect of a benefit granted under section 64 to be provisional only, and, if MSD believes on reasonable grounds that the benefit should not have been granted (or that too much was paid in respect of it), for the person granted it to be liable to repay the amount paid (or what MSD considers to be the amount of the excess) under regulations made under section 444:

(e) provide for apportionment, between a beneficiary and spouse or partner, of all or any of the following (other than benefits specified in subsection (3)):

(i) a benefit payable at a rate prescribed for a person who is in a relationship (a **couple rate**):

(ii) any other benefits payable under this Act:

(f) provide that, when a benefit is apportioned under the regulations, the proportion paid to a person is for the purposes of the Income Tax Act 2007 income of that person.

(3) No regulations made under subsection (1) or (2)(e) can provide for apportionment of—

(a) a benefit paid under clause 5 or 6 of Part 3 (supported living payment) of Schedule 4; or

(b) a supported living payment that, under section 38(2) or (3), is not apportioned; or

(c) a youth support payment, or of any other benefit payable to a person receiving a youth support payment.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 61CC(2), 82(3), (5), (6A), (6AA), (6AB), (6AC), (6F), (6G), 83, 132; SR 2007/229 r 5

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 442(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

443 Regulations: payments during epidemic in New Zealand

(1) The Governor-General may, by Order in Council, make regulations authorising MSD, when a domestic epidemic management notice is in force, and for any further period notified by the Minister under section 64(3A), to do all or any of the following, with the written approval of the Minister and within any limits stated in the approval (and despite contrary provisions in this Act):

(a) cause benefits to be paid to people otherwise disentitled to them because of stand-down periods or suspensions of benefits:

(b) reinstate cancelled benefits:

(c) grant benefits to or reinstate the benefits of, and for any time or times MSD thinks fit make payments under them to, people who were or are subject to non-entitlement periods:

(d) cause benefits to be paid at a rate not higher than the maximum rate but higher than a lower rate to which people would otherwise be entitled (being a lower rate because of a reduction, variation, suspension, or direct deduction, or because of a sanction, penalty, or non-entitlement period, imposed on a spouse or partner):

(e) refrain from exercising a power, or from meeting a requirement in this Act, to cancel, suspend, or vary benefits or payments of benefits, in circumstances where the holders satisfy the normal criteria for, or the requirement in this Act applies and requires, cancellation, suspension, or variation of benefits or payments.

(2) Regulations made under this section override every provision of this Act to the contrary.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 3(1), 61CB

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 443(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 443(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

444 Regulations: debts and deductions

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 353.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) specify sums that are debts due to the Crown (which may, but need not, be amounts this Act states are debts due to the Crown, and subject to recovery, under regulations made under this section):

(b) prescribe exceptions to the debt-recovery duty imposed on MSD by section 362 (for example, because—

(i) a debt was caused wholly or partly by an error to which the debtor did not intentionally contribute:

(ii) debt recovery is remitted or suspended under regulations made under section 448:

(iii) MSD determines a debt is uneconomic to recover:

(iv) the Minister and the Minister of Finance have given jointly for public finance purposes generally an authorisation about debts that are to be written off):

(c) require MSD to determine, having regard to Ministerial debt recovery directions given in writing under the regulations, rates and methods of debt recovery:

(d) provide for recovery from the estate of a deceased beneficiary, from the estate of a beneficiary's deceased spouse or partner, or from both estates, an excess amount a beneficiary obtained:

(e) provide for the District Court, on application by an executor or administrator of an estate on whom a notice of assessment is served by MSD, to have jurisdiction to review, confirm or cancel, or make any other order it considers just and equitable in respect of, any MSD determination under the regulations of an excess amount (irrespective of that amount) paid to

a person, assessed by MSD under the regulations, and to be recovered under regulations made under paragraph (d) or (g):

(f) authorise the District Court to receive as evidence any statement, document, information, or matter that may in its opinion assist the court to deal effectively with the application, whether or not it would be otherwise admissible in a court of law:

(g) provide for MSD to issue a deduction notice requiring a debtor's payer to deduct, and pay MSD, an amount due.

(3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) If the regulations authorise the Minister to give debt recovery directions referred to in subsection (2)(c),—

(a) a debt recovery direction made under those regulations is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) the regulations must contain a statement to that effect.

(4) *[Repealed]*

Compare: 1964 No 136 ss 3(1), 83AA, 85A, 85B, 86, 86AA, 86A–86I, 124(2), (2A), 125G(3)

Legislation Act 2019 requirements for secondary legislation referred to in subsection (3)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)(b)		
Publication	The maker must: • notify it in the *Gazette* • publish it on a website maintained by, or on behalf of, MSD	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 444(3): replaced, on 28 October 2021, by regulation 87 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Section 444(4): inserted, on 28 October 2021, by regulation 87 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Section 444(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

445 Regulations: further provisions on deductions

(1) Regulations for the purposes of section 444(2)(g) may (without limitation) do all or any of the following:

(a) require a debtor's payer to deduct the amount due (as a lump sum, or by instalments) from a sum that is or becomes payable by the payer to the debtor:

(b) require the payer to pay to MSD by a time, or by any times, specified in the notice, the amount or amounts deducted:

(c) provide for the contents, copies, and revocation of a deduction notice:

(d) require the payer, if requested, to issue to the debtor a deductions statement:

(e) provide that the debtor is, so far as amounts are deducted, discharged from debt:

(f) provide, if the payer to whom the deduction notice is issued is a bank (as defined in the regulations), any money held by the bank to the credit of the debtor is deemed to be held in trust for the Crown, and recoverable from the bank as if it were money payable under a benefit to which the debtor was not entitled:

(g) provide that neither the debtor, nor any other person concerned, has a claim against the payer making the deduction, or the Crown, in respect of the deduction:

(h) provide any amounts deducted must be held in trust for the Crown, and are debts due to the Crown, and subject to recovery from the payer who makes the deductions, as if the amounts were money payable under a benefit to which the payer who made the deduction was not entitled:

(i) provide for offences, punishable on conviction by a fine not exceeding $2,000, for any person—

(i) failing to make any deduction required by a deduction notice; or

(ii) failing, after making a deduction, to pay the amount deducted to MSD within the time specified in the notice; or

(iii) permitting payment to or on behalf of any person, other than MSD, of any amount held in trust for the Crown under the regulations:

(j) provide for protected earnings, if a deduction notice is issued to an employer of a debtor, by prohibiting the employer, in making deductions under the deduction notice, from reducing the amount paid to the debtor by way of salary or wages in respect of any week to an amount that is less than a proportion (prescribed by the regulations) of the amount calculated as being the debtor's net ordinary weekly pay for a week (as that term is defined by the regulations):

(k) provide for variation or discharge of a deduction notice:

(l) provide that a payer to whom a deduction notice has been issued is liable to pay MSD a late deduction penalty, calculated in a manner prescribed by the regulations (but not exceeding 2% of the amount in default), if the payer fails wholly or in part to—

(i) make a deduction required to be made by the notice; or

(ii) pay an amount deducted under the notice to MSD by the time specified in the notice:

(m) provide for MSD to remit all or part of a penalty of that kind payable, and provide that a penalty of that kind payable to MSD is a debt due to the Crown, and subject to recovery from the payer, as if the penalty were money payable under a benefit to which the payer was not entitled.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 ss 3(1), 86A–86I

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 445(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

446 Regulations: advance payment of instalments of benefit

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 347.

(2) Regulations made under subsection (1) may (without limitation) specify the manner and form in which an application may be made under section 347 for advance payment of instalments of a benefit.

(3) The specified manner and form may differ depending on (without limitation) the number of times the beneficiary has applied for either or both:

(a) advance payment under section 347 of instalments of a benefit:

(b) special assistance under section 101.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132K(1)(a)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 446(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

447 Regulations: budgeting activities due to application for advance payment of instalments of benefit

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 348.

(2) Regulations made under subsection (1) may (without limitation) do either or both of the following:

(a) define the kinds, and any terms and conditions, of budgeting activities that MSD may require a person to undertake under section 348:

(b) prescribe the circumstances in which the power referred to in section 348 may be exercised.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132K(1)(b), (c)

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 447(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

448 Regulations: remittance or suspension of debt

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations requiring or permitting—

(a) the recovery of amounts recoverable under regulations made under section 444 to be suspended; or

(b) those amounts to be remitted.

(2) Regulations made under subsection (1) may require or permit the suspension of recovery of amounts, or the remission of amounts,—

(a) of a particular kind or from persons of a particular kind:

(b) of a particular value (which may differ between persons of a particular kind):

(c) in the case of suspension, for periods that may differ for amounts of a particular kind or value, or between persons of a particular kind.

(3) The Minister must not recommend the making of regulations made under subsection (1) unless satisfied that they are likely to—

(a) prevent accumulation of debt by any category of beneficiary and assist those beneficiaries to reduce their levels of debt while on a benefit; or

(b) assist any category of beneficiary to move from dependence on a benefit to self-support through employment by ensuring that those beneficiaries do not face increasing benefit debt repayments when they enter the workforce; or

(c) provide a positive incentive for beneficiaries to enter employment or stay in employment; or

(d) achieve more than 1 of the objectives set out in paragraphs (a) to (c).

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132G

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 448(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

449 Regulations: ways MSD or person can meet requirement to give notice or other document

(1) The Governor-General may, by Order in Council, make regulations for the purposes of section 364.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) provide for different ways of giving a document to an individual (other than an officer or employee in the service of the Crown in that person's official capacity), and to an officer or employee in the service of the Crown in that person's official capacity, including (without limitation) all or any of the following ways:

(i) giving personally in hard-copy form:

(ii) leaving at or posting to an address prescribed by the regulations:

(iii) giving by an electronic means (with the individual's express or inferred consent) in accordance with Part 4 of the Contract and Commercial Law Act 2017:

(b) provide when documents given in different prescribed ways are, in the absence of evidence to the contrary, taken to have been received.

(3) This section is subject to section 254 (how notice of sanction may be given), and regulations made under this section operate under sections 392(2), 400(2), and 412(2).

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 86J; 2011 No 62 s 211; 2015 No 35 s 4

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 449(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

450 Regulations: reciprocity agreements with mutual assistance provisions, and adverse action if discrepancy shown by information from other country

(1) The Governor-General may, by Order in Council, make regulations for the purposes of sections 383 and 386.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) provide that a reciprocity agreement may contain (instead of, or as well as, any other kind or kinds of mutual assistance provisions) mutual assistance provisions of kinds specified in the regulations:

(b) provide that mutual assistance provisions of kinds specified in the regulations may be included in a reciprocity agreement only if those mutual assistance provisions comply with terms and conditions that are, or are equivalent in their effect to, terms and conditions specified in the regulations:

(c) provide for the processes to be followed if MSD proposes to take an adverse action against an individual as a result of a discrepancy (for example, a unique identifier discrepancy) produced by information MSD received from the competent institution of the other country under a mutual assistance information exchange provision.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1990 No 26 ss 2(1), 19A(1), (2), (3), (4), (5), 19B, 19C, 19D(3)(c), (d), (4), (4A), (4B), (4C), (5), (6), (7)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 450(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

451 Regulations: how to begin, and procedure and powers for, review or appeal

(1) The Governor-General may, by Order in Council, make regulations for the purposes of sections 394, 403(a), 407, and 414.

(2) Regulations made under subsection (1) may (without limitation) do all or any of the following:

(a) provide for the procedure the committee, authority, court, or board must follow on the review or appeal:

(b) provide for the committee's, authority's, or board's power to deal with (for example, confirm, vary, revoke, or refer back to MSD with reasons for the referral back and related directions for reconsideration) the decision reviewed or appealed:

(c) require MSD, out of money appropriated by Parliament for the purpose, to pay the actual and reasonable travelling and accommodation expenses (if any) incurred by an appellant who appears before the appeal authority:

(d) require MSD to report to the appeal authority on an appeal, provide for required contents of the report, and require the appeal authority in determining the appeal to have regard to MSD's report on the appeal:

(e) authorise the appeal authority to receive as evidence any statement, document, information, or matter which in the authority's opinion may assist it to deal with the matters before it, whether or not it would be otherwise admissible in a court of law:

(f) authorise the appeal authority to make a costs award or order in favour of, or against, an appellant and, if the appeal authority considers it appropriate, to require MSD to pay a sum fixed by the authority to cover all or part of the costs the appeal authority has incurred in hearing and determining the appeal:

(g) provide for the procedure for appeals to the High Court by way of case stated:

(h) require an appeal to the High Court by way of case stated to be dealt with and determined (in particular, require the High Court to hear and

determine the question of law in the case stated), in accordance with rules of court that are applicable and not inconsistent with this Act and the regulations.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1908 No 89 Schedule 2 r 21.14; 1964 No 136 ss 10A(1A), (1B), (8), (9), 10B(2), 12I(2), 12K(11), 12L, 12M, 12O, 12OA, 12Q(3), (4), (6), (7), (8), (9), (10), 12R; 2011 No 81 ss 300, 303, 305, 306; 2013 No 60 s 13

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 451(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Orders adjusting rates of benefits, etc

452 Orders in Council: discretionary increases in rates of benefits, etc

(1) The Governor-General may, by Order in Council, amend a provision to which this subsection applies by increasing an amount that is—

(a) an amount specified in the provision to which this subsection applies (*see* subsection (2)); and

(b) an amount of an item to which this subsection applies (*see* subsection (3)).

(2) Subsection (1) applies to the following provisions:

(a) section 85(2)(c)(ii) and Part 3 of Schedule 5 (disability allowance):

(b) section 423(3)(a) and (b) (cash assets treated as income for required income-based reductions to the assessed base rate amount of accommodation supplement):

(c) Schedule 2, definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4:

(d) Part 1 of Schedule 4 (rates of jobseeker support):

(e) Part 2 of Schedule 4 (rates of sole parent support):

(f) Part 3 of Schedule 4, including clause 2, but excluding clauses 3 and 4 (rates of supported living payment):

(g) Part 4 of Schedule 4 (orphan's benefit):

(h) Part 5 of Schedule 4 (unsupported child's benefit):

(i) Part 6 of Schedule 4 (rates and component of youth payment and young parent payment, and criteria for incentive payments):

(j) Part 7 of Schedule 4 (accommodation supplement):

(k) Part 8 of Schedule 4 (rates of winter energy payment):

(l) Part 9 of Schedule 4 (rates of child disability allowance and disability allowance):

(m) Part 10 of Schedule 4 (rates of generally abolished former widows' benefits under section 21 of the Social Security Act 1964 as saved by clause 55 of Schedule 1 for reciprocity agreement applicants or recipients):

(n) Part 11 of Schedule 4 (rates of generally abolished former DPB for solo parents under section 27B of the Social Security Act 1964 as saved by clause 55 of Schedule 1 for reciprocity agreement applicants or recipients):

(o) Part 12 of Schedule 4 (rates of benefits payable to long-term hospital patients):

(p) Schedule 5 (asset and income limits that may be applied to certain assistance):

(q) Schedule 2 (means assessment for long-term residential care) of the Residential Care and Disability Support Services Act 2018:

(r) Schedule 1 (New Zealand superannuation entitlements) of the New Zealand Superannuation and Retirement Income Act 2001.

(3) Subsection (1) applies to an item that—

(a) is any benefit, allowance, lump sum payment, subsidy rate (*see* subsection (6)), maximum amount of any component, maximum amount of supplements, asset limit, income limit, income exemption, maximum amount of advance, cash assets test, the cash assets thresholds specified in section 423(3)(a) and (b), benefit stand-down income test, or annual or weekly income test; and

(b) is not the rate of diminution of any benefit or allowance, or the period of a benefit stand down for a given income.

(4) An Order made under subsection (1)—

(a) must state the date on which it is to have effect (which may be a date before the date on which it was made); and

(b) applies to lump sum payments on death in respect of persons who die on or after a date specified in the Order; and

(c) applies to other items as payable or applicable on or after the date on which the Order has effect (and *see also* section 454(1)(b)).

(5) Subsection (4) does not authorise any payment to be made before the date on which the Order is made.

(6) In this section, **subsidy rate** means a figure that is the first percentage figure in a particular clause of Part 7 of Schedule 4.

(7) An order under this section—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); but

(b) commences in accordance with subsections (4) and (5), even if it is not yet published.

(8) An order under this section must also be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019).

Compare: 1964 No 136 s 61H(1), (1A), (2), (7), Schedule 32, cl 3(6)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 452(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 452(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

452A Orders in Council: mandatory annual average weekly earnings adjustment of rates of main benefits

[Repealed]

Section 452A: repealed, on 22 February 2024, by section 4 of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

453 Orders in Council: mandatory annual CPI adjustment of rates of certain benefits

(1) The rates of benefits set out in the provisions to which this subsection applies must be adjusted, by Order in Council, as at 1 April each year so that in each case the new rate is the rate at that date adjusted by any percentage movement upwards in the CPI between—

(a) the CPI for the quarter ended with 31 December 1 year before the immediately preceding 31 December; and

(b) the CPI for the quarter ended with the immediately preceding 31 December.

(2) Subsection (1) applies to the following provisions:

(a) Part 1 of Schedule 4 (rates of jobseeker support):

(b) Part 2 of Schedule 4 (rates of sole parent support):

(c) Part 3 of Schedule 4, including clause 2, but excluding clauses 3 and 4 (rates of supported living payment):

(d) Part 4 of Schedule 4 (orphan's benefit):

(e) Part 5 of Schedule 4 (unsupported child's benefit):

(f) Part 6 of Schedule 4, other than any rate of incentive payment in subpart 3 of Part 6 of Schedule 4 (rates and component of youth payment and young parent payment, and criteria for incentive payments):

(g) Part 10 of Schedule 4 (rates of generally abolished former widows' benefits under section 21 of the Social Security Act 1964 as saved by clause 55 of Schedule 1 for reciprocity agreement applicants or recipients):

(h) Part 11 of Schedule 4 (rates of generally abolished former DPB for solo parents under section 27B of the Social Security Act 1964 as saved by clause 55 of Schedule 1 for reciprocity agreement applicants or recipients):

(i) Part 12 of Schedule 4 (rates of benefits payable to long-term hospital patients).

(3) An adjustment under subsection (1) also affects the maximum rate at which MSD may grant an emergency benefit (*see* section 63(4)).

(4) An adjustment under subsection (1) must not reduce the weekly amounts of benefits payable under those Parts of Schedule 4.

(5) Every Order in Council made under subsection (1)—

(a) comes into force or is considered to come into force on 1 April of the calendar year in which it is made; and

(b) applies to benefits payable on and after that date.

(6) In this section, **CPI** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

(7) An order under this section—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); but

(b) commences in accordance with subsection (5), even if it is not yet published.

Compare: 1964 No 136 s 61HA

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 453 heading: amended, on 22 February 2024, by section 5(1) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Section 453(2): replaced, on 22 February 2024, by section 5(2) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Section 453(3): replaced, on 22 February 2024, by section 5(2) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Section 453(4): amended, on 6 June 2019, by section 9(3) of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

Section 453(6): replaced, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 453(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Confirmable instruments

454 Certain orders are confirmable instruments

[Repealed]

Section 454: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Repeals and revocations

455 Social Security Act 1964 repealed

(1) The Social Security Act 1964 (1964 No 136) is repealed.

(2) Subsection (1) does not repeal sections 69FA and 132D, Part 4, and Schedules 27 and 30 of that Act (which are provisions rewritten and replaced by the Residential Care and Disability Support Services Act 2018).

(3) All regulations made by Order in Council, or other Orders in Council, made under that Act, and in force on the commencement of this section, are revoked by this subsection.

(4) Subsection (3) does not revoke orders saved by Schedule 1 or by Schedule 1 of the Residential Care and Disability Support Services Act 2018.

456 Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 repealed

(1) The Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26) is repealed.

(2) Subsection (1) does not repeal Part 3 and Schedule 3 of that Act (which are provisions rewritten and replaced by the Artificial Limb Service Act 2018).

(3) All regulations made by Order in Council, or other Orders in Council, made under that Act, and in force on the commencement of this section, are revoked by this subsection.

(4) Subsection (3) does not revoke orders saved by Schedule 1.

457 Department of Social Welfare Act 1971 repealed

(1) The Department of Social Welfare Act 1971 (1971 No 60) is repealed.

(2) Subsection (1) does not limit—

(a) section 31 (references to Child Welfare Officer to be read as references to social workers, etc) of the Adoption Act 1955 (as inserted by Schedule 10 of this Act); or

(b) clause 57 (references to Child Welfare Officers to be read as references to social workers) of Schedule 1 of this Act.

458 Employment Services and Income Support (Integrated Administration) Act 1998 repealed

The Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96) is repealed.

Consequential amendments

459 Other enactments amended consequentially

Amend the enactments listed in Schedule 10 as indicated in that schedule.

Schedule 1
Transitional, savings, and related provisions

ss 2, 11, 132, 165, 168, 198, 389, 397, 452–457, Schedules 2, 4, 6

Contents

Page

Part 1
Provisions relating to Act as enacted

Interpretation

1 Changeover and saved defined 279

General provisions (Part 1)

2 Ministerial directions 280
3 Determinations of conjugal status for benefit purposes 280

Assistance (Part 2)

4 Assistance continued 281
5 Conditions of entitlement under clause 4 281
6 Applications for or related to former assistance and that are made, but not determined, before changeover 282
7 Backdating of corresponding former benefit if application made under this Act after changeover 283
8 Jobseeker support: validation of payments when spouse's or partner's regular support lost due to sentence of imprisonment, etc 283
9 Jobseeker support: validation of eligibility if temporarily engaging in full-time employment with income less than would reduce benefit to zero 283
10 Jobseeker support: correction of reference in saving related to transfer to jobseeker support 284
11 Supported living payment: regulations prescribing minimum expected period of restricting sickness, injury, or disability 284
12 Youth payment and young parent payment: incentive payments regulations 284
13 Accommodation supplement: cash assets exemptions regulations 284
14 Accommodation supplement: regulations defining areas 284
15 Accommodation supplement: Schedule 4 amended 285
16 Saving for emergency benefit granted if analogous benefit is New Zealand superannuation or veteran's pension 285
17 Childcare assistance regulations 285
18 Temporary additional support regulations 285
19 Special benefit under Social Security (Working for Families) Amendment Act 2004 285
20 Programmes of special assistance for visitors to New Zealand 286

21	Ministerial welfare programmes	286
	Obligations (Part 3)	
22	Attendance of dependent child at recognised early childhood education programme regulations	286
23	Application of work-test obligations regulations	286
24	Maximum reimbursement amounts of costs of drug test regulations	286
25	Drug-testing obligation regulations	287
26	Participation allowance regulations	287
27	Obligations exemption regulations	287
28	Obligations of spouses or partners of specified beneficiaries: exception to section 166	287
	Factors affecting benefits (Part 4)	
29	Pre-benefit activities	287
30	Overseas pensions regulations, arrangements, and contracts	288
31	Loss of earnings compensation under Accident Compensation Act 2001	288
32	Effect on benefit of issue of warrant to arrest: validation about modification applying when benefit suspended immediately	288
33	Regulations about effect on benefit of issue of warrant to arrest	289
34	Regulations about effect of absence from New Zealand	289
	Enforcement: sanctions and offences (Part 5)	
35	Drug-testing obligations: good and sufficient reason regulations	289
36	Good and sufficient reason: failure to comply with drug-testing obligation: approvals of kinds of addiction treatment	289
	Administration (Part 6)	
37	Chief executive reviews	289
38	Elections and stand-down periods	290
39	Effect of participation in certain activities on non-entitlement period	290
40	Expiry and regrant of specified benefits regulations and exemptions	290
41	Payment of benefits	290
42	Budgeting activities regulations	291
43	Debts: excess amounts, regulations, determinations, etc	291
44	Deductions: deduction notices	292
45	Reciprocity agreement orders, etc	292
46	Preferred suppliers: contracts, determinations, directions, and nominations	293
47	Administration service providers: contracts and regulations	293
48	Providers of services in relation to young people: actions between 15 July 2013 and changeover	293
49	Family Proceedings Act 1980 maintenance payable to the Crown	294

Reviews and appeals (Part 7)

50 Benefits review committee reviews 294
51 Appeals to appeal authority 294
52 Appeals to courts 295
53 Appeals to medical board 295

Other provisions (Part 8)

54 Rates of benefits and allowances order or accommodation supplement areas order 296
55 Reciprocity agreement applicants for, or recipients of, certain DPBs for solo parents or widows' benefits 296
56 Entitlement cards regulations 298
57 References to Child Welfare Officers to be read as references to social workers 298

Schedules

58 Definition of mortgage security until commencement of Land Transfer Act 2017 298
59 Income exemption regulations 299
60 Period of income assessment regulations 299
61 Code of conduct for requirements to give information or documents 299
62 Information disclosure arrangements and determinations 299
63 Information disclosure: order and regulations 299
64 Saving of transfers, validations, other status, or saving effected or provided for by Schedule 32 of 1964 Act 300
65 Validation and savings effected or provided for by Part 2 of Social Security Amendment Act 2015 300
66 Amendments with retrospective effect in Social Security (Commencement of Benefits) Amendment Act 2015 300
67 Assistance to financially disadvantaged persons regulations made under clause 21 of Schedule 32 of 1964 Act 300

Regulations

68 Regulations for transitional and savings purposes 301

2016 youth services amendments

69 Clauses 70 to 76 amend this Act 302
70 Section 22 amended (When person is available for work) 302
71 Section 26 amended (Jobseeker support: ineligibility) 302
72 Section 121 amended (Persons subject to work-preparation obligations) 302
73 Section 140 amended (Persons subject to work-test obligations) 302
74 Section 169 amended (Interpretation) 302
75 Schedule 2 amended 302
76 Schedule 6 amended 303

Part 2
Provisions relating to Social Security (Winter Energy Payment) Amendment Act 2019

77 Purported winter energy payment for winter period for 2018 calendar year: payments contrary to section 61FG(2)(c) and (d) of Social Security Act 1964 304
78 Purported winter energy payment for winter period for 2018 calendar year: payments contrary to section 61FJ(2) of Social Security Act 1964 304

Part 3
Provision relating to Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019

79 Effect of repeal of MSD's duty to reduce rates of benefits for sole parents for failure to assist child support 305

Part 4
Provisions relating to Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020

80 Repeals and amendment 306
81 Effect of repeal or amendment of provisions ensuring COVID-19 income relief payment is income 306

Part 5
Provision relating to New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020

82 Effect of partner's or spouse's overseas pension on New Zealand superannuation and veteran's pension 306

Part 6
Provisions relating to Social Security (Financial Assistance for Caregivers) Amendment Act 2021

83 Transitional provision relating to eligibility criteria for orphan's benefit 307
84 Transitional provision relating to eligibility criteria for unsupported child's benefit 307
85 Transitional provision relating to eligibility criteria for childcare assistance 307
86 Transitional provision relating to eligibility criteria for child disability allowance 308
87 Transitional provision relating to holiday allowance 308
88 Transitional provision relating to birthday allowance 308

Part 7
Provisions relating to Social Security (Subsequent Child Policy Removal) Amendment Act 2021

89 Definitions for this Part 308
90 How MSD must decide transition period benefit application 309
91 How MSD must, after the changeover, treat existing affected caregiver 309
92 How MSD must respond to transition period change of circumstances 310

Part 8
Provisions relating to Social Security (Accommodation Supplement) Amendment Act 2022

93 Definitions for this Part 311
94 Amendments apply only to specified existing or new recipients or applicants 312

Part 9
Provisions relating to Child Support (Pass On) Acts Amendment Act 2023

95 Application of amendments 312
96 MSD must exclude as income specified child support notified to MSD 313
97 MSD must ensure beneficiary's allowable costs for temporary additional support or special benefit during specified period include certain child support liability 313
98 Regulations for transitional and savings purposes 314

Part 1
Provisions relating to Act as enacted

Schedule 1 Part 1 heading: inserted, on 12 April 2019, by section 6 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

Interpretation

1 Changeover and saved defined

In this schedule,—

changeover, for a provision of the Social Security Act 1964, means the time at which the provision is repealed by section 455(1)

saved, in relation to any arrangement, contract, decision, enactment, increase, instrument, period, reduction, or status (in each case, however described), means—

(a) continued in force only if, and as, in force immediately before the changeover; and

(b) continued in force under, and with all necessary modifications for, the enactment under which it is continued; and

(c) able to be amended, revoked, or replaced under that enactment (or by any other enactment).

General provisions (Part 1)

2 Ministerial directions

(1) Directions given under section 5 (alone, or with 1 or more related provisions) of the Social Security Act 1964 are saved as if given under section 7 (alone, or with 1 or more corresponding related provisions) of this Act.

(2) Subclause (1) is subject to subclauses (3) to (5).

(3) If the directions were given for the purposes of section 125AA(5) of the Social Security Act 1964, they are saved as if they were directions—

(a) given under section 372; and

(b) of the kind referred to in section 372(1).

(4) If the directions were given for the purposes of section 132AD(4)(c) of the Social Security Act 1964, they are saved as if they were notices—

(a) given under regulations made under section 426; and

(b) of the kind referred to in section 426(2)(b) and (4).

(5) If the directions were given for the purposes of section 60RAB(1)(b) of the Social Security Act 1964, they are saved as if they were notices—

(a) given under regulations made under section 430(1)(a); and

(b) of the kind referred to in section 430(2).

(6) A reference in the directions to a provision of the Social Security Act 1964 is to be interpreted as a reference to this Act, or to the corresponding provision of this Act, to the extent necessary to reflect sensibly the intent of the directions (*see* section 9 of this Act).

3 Determinations of conjugal status for benefit purposes

(1) This clause applies to determinations—

(a) made under section 63 of the Social Security Act 1964; and

(b) not made, or so far as they were not made, for the purposes of section 69FA or 132D, Part 4, or Schedule 27 or 30 of that Act (*see* clause 1 of Schedule 1 of the Residential Care and Disability Support Services Act 2018).

(2) The determinations specified in subclause (1) are saved as if made under section 8(2) or (4).

(3) However, the determinations specified in subclause (1) that are made under section 63(b) of the Social Security Act 1964 continue under subclause (2) as if they were determinations made under section 8(4).

Assistance (Part 2)

4 Assistance continued

(1) This clause applies to a person who, immediately before the changeover, was receiving, or had been granted, a benefit, or any other assistance, under the Social Security Act 1964 (the **former assistance**).

(2) The former assistance may be a benefit, or any other assistance, under the Social Security Act 1964 (for example, special assistance under section 124(1)(d) of that Act), whether or not entitlement to that benefit or assistance arises by virtue of an agreement or a convention given effect in relation to New Zealand by an order made under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990.

(3) After the changeover, the person is entitled to receive the benefit, or other assistance, under this Act that corresponds to the former assistance (the **corresponding assistance**), and at the appropriate rate under this Act, until the corresponding assistance ends or expires, or is for any reason cancelled.

Examples

Former assistance	Corresponding assistance
Jobseeker support on the ground of sickness, injury, or disability	Jobseeker support on the ground of health condition, injury, or disability
Supported living payment under section 40B on the ground of sickness, injury, disability, or total blindness	Supported living payment on the ground of restricted work capacity or total blindness

(4) This clause is subject to clause 5.

5 Conditions of entitlement under clause 4

(1) Entitlement to the corresponding assistance, and the rate of benefit that is being or was paid, may be reviewed under subpart 3 of Part 6.

(2) Entitlement to the corresponding assistance is subject to conditions, obligations, exemptions from obligations, failures, and related sanctions (for example, reductions, suspensions, and cancellations, and disentitlements to receive benefits for a specified period) for the former assistance and under provisions of the Social Security Act 1964, and those conditions, obligations, exemptions from obligations, failures, and related sanctions continue for the corresponding assistance, and under the corresponding provisions of this Act.

(3) Entitlement to the corresponding assistance is subject to the expiry date of the former assistance, and also to a notice given to, or requirement imposed on, the person under the Social Security Act 1964 before the changeover (for example, a notice stating that the person's entitlement to the former assistance will cease

unless the person reapplies for the former assistance and it is regranted). The notice or requirement continues in force after the changeover as if it had been given or imposed under the corresponding provisions of this Act and in respect of the corresponding assistance.

(4) Entitlement to the corresponding assistance is subject to non-entitlement periods under the Social Security Act 1964, and those non-entitlement periods continue for the corresponding assistance, and under the corresponding provisions of this Act.

(5) Entitlement to the corresponding assistance is subject to any other reductions, and to increases, in the rate of benefit, that were in place under the Social Security Act 1964 (for example, under section 61EC(4)(b), 61G(6)(c), 63, 69C(4), 70(1), 70A, 71A, 73(1), 74(1), or 75 of that Act, or under a provision of that Act requiring or permitting an income-based adjustment to a rate of benefit).

(6) Those other reductions, and increases, are saved by this subclause as if they were required or permitted, and put in place, under the corresponding provisions of this Act, and in respect of the assistance or corresponding assistance concerned.

6 Applications for or related to former assistance and that are made, but not determined, before changeover

(1) This clause applies to an application—

(a) for all or any of the following under the Social Security Act 1964:

(i) a benefit, or any other assistance, under that Act (the **former assistance**):

(ii) an advance payment under section 82(6) of a benefit:

(iii) an exemption under section 105 from, or deferral under sections 88H and 88I of, obligations:

(iv) a review by the chief executive under section 88F(6) of a determination under section 88F(2) (which is a determination about capacity to seek, undertake, and be available for part-time work); and

(b) made, but not decided or determined, before the changeover.

(2) The former assistance may be a benefit, or any other assistance, under the Social Security Act 1964 (for example, special assistance under section 124(1)(d) of that Act), whether or not entitlement to that benefit or assistance arises by virtue of an agreement or a convention given effect in relation to New Zealand by an order made under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990.

(3) After the changeover, the application is treated as one for the corresponding benefit, other assistance, advance payment, exemption or deferral, or review,

under this Act (and, if it is for a benefit, as one for which the applicant has the same date of first contact).

7 Backdating of corresponding former benefit if application made under this Act after changeover

(1) This clause applies to an application—

(a) for a benefit under this Act; and

(b) made under this Act, and after the changeover; and

(c) to the extent that the benefit is under sections 317 and 318 to be backdated and payable for a period ending both before the application is made and before the changeover.

(2) MSD may, instead of backdating for that period under sections 317 and 318 the benefit under this Act, backdate for that period and under section 80AA or 80BA(4)(b) of the Social Security Act 1964 the corresponding former benefit under that Act.

8 Jobseeker support: validation of payments when spouse's or partner's regular support lost due to sentence of imprisonment, etc

(1) This clause applies to jobseeker support under the Social Security Act 1964 that was, or is yet to be, paid—

(a) to a person to whom section 20A(d) or (e) of that Act applies; and

(b) in respect of a period—

(i) on or after 15 July 2013; and

(ii) before the changeover.

(2) That jobseeker support is payable as if—

(a) the person were a single beneficiary for clauses 1(ba) and (c) and 5A of Schedule 9 of that Act; and

(b) section 80BA(4)(b)(iv) of that Act applied to jobseeker support granted to the person.

9 Jobseeker support: validation of eligibility if temporarily engaging in full-time employment with income less than would reduce benefit to zero

(1) This clause applies to the reference in section 88B(6) of the Social Security Act 1964, as that section was in force on and after 15 July 2013 and until the changeover, to a person receiving jobseeker support at the rate in clause 1(ab) or (ba) of Schedule 9 of that Act.

(2) That reference must be taken to include, and to have always included, a reference to a person receiving jobseeker support at the rate in clause 1(c) of Schedule 9 of that Act.

10 Jobseeker support: correction of reference in saving related to transfer to jobseeker support

Clause 2(15) of Schedule 32 of the Social Security Act 1964 must be taken—

(a) to apply, and always to have applied, to a person to whom clause 2(9) of that schedule applies; and

(b) not to apply, and never to have applied, to a person to whom clause 2(6) of that schedule applies.

11 Supported living payment: regulations prescribing minimum expected period of restricting sickness, injury, or disability

(1) This clause applies to the Social Security (Supported Living Payments Benefit) Regulations 1998 made under section 132 of the Social Security Act 1964 for the purposes of section 40B(2)(a) of that Act.

(2) Those regulations are saved as if made under section 418(1)(b) for the purposes of section 35(2)(a).

(3) A sickness referred to in the regulations (as saved by this clause) is for the purposes of section 35(2)(a) treated as a health condition.

12 Youth payment and young parent payment: incentive payments regulations

(1) This clause applies to Part 1 of the Social Security (Criteria for Incentive Payments and Money Management) Regulations 2012 made under section 132 of the Social Security Act 1964 for the purposes of sections 163(2) and 169(2) of that Act.

(2) Those regulations are saved as if made under section 418(1)(c) and (d) for the purposes of sections 55(1) and 62(1).

13 Accommodation supplement: cash assets exemptions regulations

(1) This clause applies to the Social Security (Income and Cash Assets Exemptions) Regulations 2011 made under sections 132 and 132AA of the Social Security Act 1964, but only so far as they declare any specified item or amount of cash assets, or cash assets of a specified kind, not to be cash assets for that Act's purposes.

(2) Those regulations are saved as if made under section 423(1)(b) for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4.

14 Accommodation supplement: regulations defining areas

(1) This clause applies to any regulations made, before 26 November 2018, under section 61I of the Social Security Act 1964 (as inserted by subpart 4 of Part 2 of the Families Package (Income Tax and Benefits) Act 2017).

(2) The regulations are saved as if they were made under section 423(1)(c).

(3) However, for the purposes of Schedule 2, the definition of **Area 1, Area 2, Area 3, and Area 4**, paragraph (b), and of clause 15 of this schedule, the regulations are taken to have commenced on 26 November 2018.

(4) This clause does not limit or affect clause 54.

15 Accommodation supplement: Schedule 4 amended

In Schedule 4, Part 7, repeal clause 8 (which defines Area 1, Area 2, Area 3, and Area 4) on the commencement of the first regulations made under section 423(1)(c) (*see also* clause 14(3) of this schedule).

16 Saving for emergency benefit granted if analogous benefit is New Zealand superannuation or veteran's pension

(1) This clause applies to a benefit if—

(a) the benefit was an emergency benefit granted under section 61 of the Social Security Act 1964, and payable to a person immediately before the changeover; and

(b) the analogous benefit was determined under section 61(2) of that Act to be New Zealand superannuation or a veteran's pension.

(2) The benefit continues as an emergency benefit under subpart 9 of Part 2—

(a) at the rate that would apply if the analogous benefit continued to be New Zealand superannuation or a veteran's pension; and

(b) until the person no longer qualifies to receive the emergency benefit.

(3) Subclause (2)(a) applies even if the rate it requires is contrary to section 63(4) (about emergency benefits not exceeding the rate of the equivalent main benefit under this Act).

17 Childcare assistance regulations

Regulations made under section 132AC of the Social Security Act 1964 are saved as if made under section 424.

18 Temporary additional support regulations

Regulations made under section 132AB of the Social Security Act 1964 are saved as if made under section 428.

19 Special benefit under Social Security (Working for Families) Amendment Act 2004

(1) This clause applies to a special benefit—

(a) continued under section 23 of the Social Security (Working for Families) Amendment Act 2004; and

(b) payable immediately before the changeover.

(2) The special benefit continues to be payable under that section (as saved by this clause).

(3) This clause overrides section 455(1) (Social Security Act 1964 repealed).

20 Programmes of special assistance for visitors to New Zealand

(1) Overseas epidemic management notices given under section 61CE of the Social Security Act 1964 are saved as if they were given under section 99.

(2) Programmes of special assistance (to visitors to New Zealand affected by overseas epidemics) established under section 61CF of the Social Security Act 1964 are saved as if they were programmes established under section 100.

21 Ministerial welfare programmes

(1) Welfare programmes approved and established under section 124(1)(d) of the Social Security Act 1964 are saved as if they were special assistance programmes approved and established under section 101.

(2) A reference in the programmes to a provision of the Social Security Act 1964 is to be interpreted as a reference to this Act, or to the corresponding provision of this Act, to the extent necessary to reflect sensibly the intent of the programmes (*see* section 9 of this Act).

Obligations (Part 3)

22 Attendance of dependent child at recognised early childhood education programme regulations

(1) This clause applies to the Social Security (Social Obligations—Attendance at Recognised Early Childhood Education Programme) Regulations 2013 made under sections 60RA(3), 60RAB, and 132 of the Social Security Act 1964 for the purposes of section 60RA(3)(a)(ii) and (b)(i) of that Act.

(2) Those regulations are saved as if they were made under sections 137(2) and 430(1)(b) for the purposes of sections 131(1)(b) and 132(1)(a).

23 Application of work-test obligations regulations

(1) This clause applies to the Social Security (Application of Work Test Obligations) Regulations 2007 made under section 132 of the Social Security Act 1964 for the purposes of section 102(3)(b) of that Act.

(2) Those regulations are saved as if they were made under section 418(1)(e) for the purposes of section 143(1)(b).

24 Maximum reimbursement amounts of costs of drug test regulations

(1) This clause applies to the Social Security (Work Test Obligations—Drug Testing Obligations) Regulations 2013 made under section 132 (read in the light of section 102C(3) and (4)) of the Social Security Act 1964, so far as they prescribe maximum reimbursement amounts for the purposes of section 102C(3) of that Act.

(2) Those regulations are saved as if they were made under section 431(1)(c) for the purposes of section 151.

25 Drug-testing obligation regulations

Regulations made under section 132 (read in the light of sections 88A, 102C(3) and (4), and 116C(2)(e)) of the Social Security Act 1964 are saved as if they were made under section 418(1)(f), (g), and (h) for the purposes of the definitions in section 152 of evidential drug test, pass, and screening drug test.

26 Participation allowance regulations

Regulations made under section 132F of the Social Security Act 1964 are saved as if they were made under section 429.

27 Obligations exemption regulations

Regulations made under section 123D of the Social Security Act 1964 are saved as if they were made under section 431(1)(e).

28 Obligations of spouses or partners of specified beneficiaries: exception to section 166

(1) This clause applies to a young person—

(a) who is the parent or step-parent of a dependent child or dependent children; and

(b) who is the spouse or partner of a specified beneficiary (as defined in section 157 of the Social Security Act 1964 as in force immediately before 8 July 2016) who is aged 20 years or older; and

(c) who, immediately before 8 July 2016 (the date on which section 25 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 came into force), is aged 19 years.

(2) The young person is not subject to the obligations specified in section 166 of this Act.

(3) This clause applies despite section 166 of this Act, and does not affect the operation, before the changeover, of clause 26(3) and (4) of Schedule 32 of the Social Security Act 1964.

Factors affecting benefits (Part 4)

29 Pre-benefit activities

(1) Requirements and determinations made under section 11E(2) of the Social Security Act 1964 are saved as if they were made under section 184.

(2) Regulations made under section 132J of the Social Security Act 1964 are saved as if they were made under section 432.

30 Overseas pensions regulations, arrangements, and contracts

(1) Regulations made under section 132C of the Social Security Act 1964 are saved as if they were made under section 434.

(2) Arrangements entered into under section 70(3)(a) of the Social Security Act 1964 are saved as if they were entered into under section 190 and in accordance with regulations made under section 434.

(3) Contracts entered into under section 70(3A) of the Social Security Act 1964 are saved as if they were entered into for the purpose of implementing—

(a) arrangements saved by subclause (2); and

(b) arrangements entered into under section 190 and in accordance with regulations made under section 434.

31 Loss of earnings compensation under Accident Compensation Act 2001

Section 198(2) does not apply if—

(a) a person (**P**) mentioned in section 198(1)(a) is entitled to receive, and is receiving, a specified benefit as defined in section 198(3); and

(b) P was immediately before 1 July 1999 receiving a benefit under the Social Security Act 1964 that is the same as, or that corresponds to, the specified benefit, and is identified in section 71A(1) of that Act as an income-tested benefit to which section 71A of that Act applies; and

(c) P was immediately before 1 July 1999 receiving compensation for loss of earnings or loss of potential earning capacity under the Accident Rehabilitation and Compensation Insurance Act 1992; and

(d) section 71A(2) of the Social Security Act 1964 (as that section was before it was repealed and substituted by the Accident Insurance Act 1998) required the compensation payments to be brought to charge as income in the assessment of P's income-tested benefit under that Act.

Compare: 1964 No 136 s 71A(4)

32 Effect on benefit of issue of warrant to arrest: validation about modification applying when benefit suspended immediately

(1) This clause applies to section 75B(9)(b) of the Social Security Act 1964 as in force on and after 15 July 2013 and until the changeover.

(2) By way of explanation, that section 75B(9)(b) provides that section 120 of that Act (modified effect in some cases of sanctions on rate of benefit for people married or in civil union or de facto relationship) applies to a benefit that is suspended under section 75B(7) of that Act, as if the benefit had been suspended under section 117 of that Act (sanctions that may be imposed for failures).

(3) That section 75B(9)(b) must be taken to include, and to have always included, a provision to the effect that section 120 of the Social Security Act 1964 (as applied by that section 75B(9)(b)) does not apply—

(a) if the person whose benefit is suspended under section 75B(7) is not receiving a main benefit under this Act (as defined in section 3(1) of that Act); or

(b) if the spouse or partner of the person whose benefit is suspended under section 75B(7) is receiving a main benefit under this Act (as so defined) in the spouse's or partner's own right.

33 Regulations about effect on benefit of issue of warrant to arrest

Regulations made under section 132L of the Social Security Act 1964 are saved as if they were made under section 435.

34 Regulations about effect of absence from New Zealand

(1) This clause applies to the Social Security (Effect of Absence of Beneficiary from New Zealand) Regulations 2013 made under section 132 of the Social Security Act 1964 for the purposes of section 77 of that Act.

(2) Those regulations are saved as if they were made under section 436 for the purposes of section 219.

Enforcement: sanctions and offences (Part 5)

35 Drug-testing obligations: good and sufficient reason regulations

(1) This clause applies to the Social Security (Work Test Obligations—Drug Testing Obligations) Regulations 2013 made under section 132 (read in the light of section 116C(2)(e)) of the Social Security Act 1964, so far as they prescribe a ground on which a beneficiary may for the purposes of section 116B of that Act have a good and sufficient reason for specified failures.

(2) Those regulations are saved as if they were made under section 418(1)(j) for the purposes of section 250(1)(e).

36 Good and sufficient reason: failure to comply with drug-testing obligation: approvals of kinds of addiction treatment

Approvals under section 116C(2)(b)(iii) of the Social Security Act 1964 are saved as if they were given under section 250(2)(c).

Administration (Part 6)

37 Chief executive reviews

(1) Subpart 3 of Part 6, and all related provisions, of this Act apply (with all necessary modifications), and section 81 of the Social Security Act 1964 does not apply, to a benefit granted before the changeover (whether or not the benefit is continued under clause 4), if the chief executive—

(a) immediately before the changeover could have begun under section 81 of the Social Security Act 1964 (apart from, or with, section 124(2) and (2A) of that Act) a review of the benefit; and

(b) did not begin, before the changeover, and under section 81 of the Social Security Act 1964, a review of the benefit.

(2) Reviews by the chief executive begun under section 81 of the Social Security Act 1964 (apart from, or with, section 124(2) and (2A) of that Act), and not withdrawn or completed at the changeover, may be continued or completed by MSD as if they were reviews under subpart 3 of Part 6 (review of entitlement to, or rate of, benefit granted).

(3) Requirements made under section 81(1) of the Social Security Act 1964 to provide information, if not withdrawn and not met at the changeover, are saved as if they were requirements made under section 305(1) (information for review).

(4) Suspensions, terminations, or variations of rate, of benefit, and effected under section 81(1) of the Social Security Act 1964 are saved as if they were equivalent suspensions, cancellations, or variations effected under section 305(2) (information for review).

38 Elections and stand-down periods

Elections and stand-down periods under section 80BA of the Social Security Act 1964 are saved as if they were (as the case requires)—

(a) elections for the purposes of regulations made under section 440(2)(f); or

(b) stand-down periods under section 316.

39 Effect of participation in certain activities on non-entitlement period

Approvals of activities, if given under section 123B of the Social Security Act 1964, are saved as if they were given under section 324.

40 Expiry and regrant of specified benefits regulations and exemptions

(1) The Social Security (Expiry and Re-grant of Specified Benefits) Regulations 2013 made under section 132M of the Social Security Act 1964 are saved as if they were regulations made under section 441 for the purposes of sections 331, 334, and 336.

(2) An exemption under section 80BE(8) of the Social Security Act 1964 is saved as if it were an exemption under section 334(1) and (2).

41 Payment of benefits

(1) Directions given under paragraph (a) of the proviso to section 82(3) of the Social Security Act 1964 are saved as if they were decisions by MSD to make payments under section 339(1)(a) or (b).

(2) Directions given under paragraph (b) of the proviso to section 82(3) of the Social Security Act 1964 are saved as if they were decisions by MSD to make payments under section 339(1)(c).

(3) Part 2 (Money management) of the Social Security (Criteria for Incentive Payments and Money Management) Regulations 2012 made under section 132 of the Social Security Act 1964 for the purposes of sections 179 and 180 of that Act is saved as if that Part were made under section 418(1)(k) and (l) for the purposes of sections 341(1) and (3)(d), 342(1)(b), and 344(2).

(4) Determinations made under section 82(4) of the Social Security Act 1964 are saved as if they were made under section 340.

(5) Decisions made under section 82(6) of the Social Security Act 1964 to make an advance payment of a benefit are saved as if made under section 347.

(6) The Social Security (Advance Payment of Benefit) Regulations 2010, so far as they were made under section 132K(1)(a) of the Social Security Act 1964, are saved as if made under section 446 for the purposes of section 347.

(7) Decisions made under section 82(6AA) to (6AC) of the Social Security Act 1964 to make an advance payment of a benefit to a preferred supplier of goods or services (including nominations given under section 82(6AB) of that Act—*see* clause 46(4)) are saved as if they were made under section 368.

(8) Redirection arrangements made under section 82(6F) and (6G) of the Social Security Act 1964 are saved as if they were payments authorised by regulations made under section 442(2)(c).

42 Budgeting activities regulations

(1) This clause applies to the Social Security (Advance Payment of Benefit) Regulations 2010, so far as they were made under section 132K(1)(b) and (c) of the Social Security Act 1964.

(2) Those regulations are saved as if they were made under section 447 for the purposes of section 348.

43 Debts: excess amounts, regulations, determinations, etc

(1) This Act (for example, MSD's duty under section 362 to recover debts) applies to debts due to the Crown under the Social Security Act 1964, and that at the changeover are not yet recovered, as if they were specified in this Act, or in regulations made under this Act, as debts due to the Crown.

(2) Regulations made under section 444 apply to, or in respect of, an amount that a person has obtained or received—

(a) in excess of the amount to which the person is by law entitled or to which the person has no entitlement; and

(b) before or after the commencement of this clause.

(3) Regulations (providing for remittance or suspension of debt) made under section 132G of the Social Security Act 1964 are saved as if they were made under section 448.

(4) Method of recovery determinations under section 86(1BA)(a) of the Social Security Act 1964 are saved as if they were made under regulations made under section 444.

(5) Temporary deferral decisions under section 86(1BA)(b) of the Social Security Act 1964 are saved as if they were made under regulations made under section 444.

(6) Directions given under section 86(1BC) of the Social Security Act 1964 are saved as if they were given under regulations made under section 444.

(7) Assessments made under section 86(4) or (5) of the Social Security Act 1964 are saved as if they were made under regulations made under section 444.

(8) Written notices of assessments given under section 86(7) of the Social Security Act 1964, if served, are saved as if given and served under regulations made under section 444.

(9) Applications made under section 86(7) of the Social Security Act 1964, if made and not withdrawn or finally determined before the changeover, continue with all necessary modifications as if they were applications made under regulations made under section 444.

44 Deductions: deduction notices

(1) Deduction notices issued under section 86A of the Social Security Act 1964 are saved as if they were issued under regulations made under section 444.

(2) Applications made to the District Court under section 86H of the Social Security Act 1964, if not withdrawn or finally determined before the changeover, continue with all necessary modifications as if they were applications made under regulations made under section 444.

45 Reciprocity agreement orders, etc

(1) Orders made under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 are saved as if they were made under section 380.

(2) Reciprocity agreements entered into under sections 19A to 19C of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990, if in force at the changeover, continue in force with all necessary modifications as if entered into under regulations made under section 450.

(3) Agreements under section 19C(1)(d) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 between the competent institutions of the parties, if in force at the changeover, continue in force with all necessary modifications as if entered into under regulations made under section 450.

(4) Actions (recovery of social security debts, exchanges of information, and adverse actions in respect of discrepancies produced by information received) under section 19D of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990, if begun but incomplete at the changeover, may be continued and completed under regulations made under section 450 (which apply with all necessary modifications).

46 Preferred suppliers: contracts, determinations, directions, and nominations

(1) Contracts entered into under section 125AA(3) of the Social Security Act 1964 are saved as if they were entered into under section 366.

(2) Determinations made under section 125AA(1) of the Social Security Act 1964 are saved as if they were made under section 367.

(3) Directions given under sections 5 and 125AA(5) of the Social Security Act 1964 are, under clause 2(3) of this schedule, saved as if they were directions—

(a) given under section 372; and

(b) of the kind referred to in section 372(1).

(4) Nominations given under section 69C(7B) and (7BA), 82(6AB) and (6AC), or 124(1BB) and (1BBA) of the Social Security Act 1964 are saved as if they were given under section 368(2) and (5).

(5) Determinations made under section 69C(7C) of the Social Security Act 1964 are saved as if they were made under section 370.

47 Administration service providers: contracts and regulations

(1) Contracts entered into under section 125A(1) of the Social Security Act 1964 are saved as if they were entered into under section 373(1).

(2) Parts 1 and 1A of the Social Security (Contracts and Information Sharing with Service Providers) Regulations 2012 made under section 132 (for the purposes of sections 125A(1)(b) and 125B(1)(c)) of the Social Security Act 1964 are saved as if those Parts were made under sections 373(1)(a)(ii) and (b), 374(1)(c), and 418(1)(m) and (n).

48 Providers of services in relation to young people: actions between 15 July 2013 and changeover

Section 125G of the Social Security Act 1964 must be taken to have applied, on and after 15 July 2013 and until the changeover, only to a contracted service provider contracted under section 125A(1)(a) of that Act to provide services that, in relation to young people, are—

(a) services of the kind referred to in section 123E(a) of that Act; or

(b) services in relation to Part 5 of that Act.

49 Family Proceedings Act 1980 maintenance payable to the Crown

Section 61CA of the Social Security Act 1964, as in force at the changeover, continues in force (as if it had not been repealed) for the purposes of the recovery by the beneficiary, or the chief executive, on behalf of the Crown, and the payment to the Crown, of any maintenance debt (as defined in section 61CA (1) of that Act).

Reviews and appeals (Part 7)

50 Benefits review committee reviews

(1) Subpart 2 of Part 7 applies (with all necessary modifications), and the provisions of the Social Security Act 1964 about reviews by a benefits review committee do not apply, to a decision made before the changeover, and made in relation to a person who, or made in relation to an estate whose personal representative,—

(a) immediately before the changeover could have begun under section 10A of that Act (within a specified, or a further allowed, period) a review of the decision; and

(b) before the changeover did not begin under section 10A of that Act a review of the decision.

(2) Reviews begun under section 10A of the Social Security Act 1964 and not withdrawn or completed at the changeover must be completed under subpart 2 of Part 7.

(3) For the purpose of subclause (2), every benefits review committee under section 10A of the Social Security Act 1964 and existing at the changeover continues as if it were established under Schedule 7.

51 Appeals to appeal authority

(1) Subpart 3 of Part 7 applies (with all necessary modifications), and the provisions of the Social Security Act 1964 about appeals to the Social Security Appeal Authority do not apply, to a decision made before the changeover, and made in relation to an applicant, a beneficiary, or any other person who, or made in relation to an estate whose personal representative,—

(a) immediately before the changeover could have begun under sections 12J and 12K of that Act (within a specified, or a further allowed, period) an appeal against the decision; and

(b) before the changeover did not begin under sections 12J and 12K of that Act an appeal against the decision.

(2) Appeals begun under section 12K of the Social Security Act 1964 and not withdrawn or finally determined at the changeover must be completed under subpart 3 of Part 7.

(3) Every appeal authority established by or under section 12A or 12D of the Social Security Act 1964 and existing at the changeover continues as if it were established by or under Schedule 8.

(4) Despite subclause (3), members of a special appeal authority under section 12D of the Social Security Act 1964 who hold office at the changeover—

(a) have no maximum term of office under clause 4(3)(a) of Schedule 8; and

(b) cease to hold office only under clause 3 of Schedule 8 and by death, resignation, or removal from office.

52 Appeals to courts

(1) Subpart 4 of Part 7 applies (with all necessary modifications), and the provisions of the Social Security Act 1964 about appeals to courts do not apply, to a determination made before the changeover, if a party to the proceedings that resulted in the determination,—

(a) immediately before the changeover could have begun under section 12Q, 12R, or 12S of that Act (within a specified, or a further allowed, period) an appeal against the determination; and

(b) before the changeover did not begin under section 12Q, 12R, or 12S of that Act an appeal against the determination.

(2) Appeals begun under sections 12Q to 12S of the Social Security Act 1964 and not withdrawn or finally determined at the changeover must be completed under subpart 4 of Part 7.

53 Appeals to medical board

(1) Subpart 5 of Part 7 applies (with all necessary modifications), and the provisions of the Social Security Act 1964 about appeals to the Medical Board do not apply, to a decision made before the changeover, if an applicant or a beneficiary—

(a) immediately before the changeover could have begun under section 10B of that Act (within a specified, or a further allowed, period) an appeal against the decision; and

(b) before the changeover did not begin under section 10B of that Act an appeal against the decision.

(2) Appeals begun under section 10B of the Social Security Act 1964 and not withdrawn or finally determined at the changeover must be completed under subpart 5 of Part 7.

(3) For the purpose of subclause (2), every medical board established under section 10B of the Social Security Act 1964 continues after the changeover as if it were established under Schedule 9.

Other provisions (Part 8)

54 Rates of benefits and allowances order or accommodation supplement areas order

(1) This clause applies to an order made on or after the day after the date on which this Act receives the Royal assent and made before or on 25 November 2018 that is all or any of the following:

(a) an order—

(i) made under section 61H(1) (apart from, or with, clause 3(6) of Schedule 32) of the Social Security Act 1964; and

(ii) making amendments to that Act with effect before 26 November 2018:

(b) an order—

(i) made under section 61HA(2) (apart from, or with, clause 3(6) of Schedule 32) of the Social Security Act 1964; and

(ii) making amendments to that Act with effect on 1 April 2018:

(c) an order—

(i) made under section 61I(1) of the Social Security Act 1964; and

(ii) making amendments to that Act, or defining in regulations Area 1, Area 2, Area 3, and Area 4 for the purposes of Part 1K and Schedule 18 of that Act, with effect before 26 November 2018.

(2) The order is a confirmable instrument, and an annual confirmable instrument, under section 47B of the Legislation Act 2012, and section 454(2) of this Act applies to it, as if it were made under all or any of the following sections:

(a) section 423(1)(c) of this Act:

(b) section 452(1) (apart from, or with, clause 55(6) of Schedule 1) of this Act.

55 Reciprocity agreement applicants for, or recipients of, certain DPBs for solo parents or widows' benefits

Reciprocity agreement applicants may be granted former benefit as if it had not been abolished

(1) This subclause applies to a widow or widower who, immediately before 15 July 2013, was ordinarily resident in New Zealand or an overseas country and had made an application pursuant to an agreement or convention given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990 for, and had entitlement to, but had not yet in response to the application been granted,—

(a) a widow's benefit under section 21 of the Social Security Act 1964; or

(b) a domestic purposes benefit under section 27B of the Social Security Act 1964 for an applicant (as defined in section 27B(1)(f) of that Act).

(2) A widow or widower to whom subclause (1) applies may be granted the benefit in subclause (1)(a) or (b) (as the case requires) as if that benefit had not been abolished (by clause 2(1) of Schedule 32 of the Social Security Act 1964) and as if the provisions on that benefit had not been repealed, and if granted to the widow or widower that benefit commences as it would have done had those provisions not been repealed, and continues so long as—

(a) the widow or widower continues to meet the conditions of entitlement to that benefit in those provisions; and

(b) the agreement or convention, or any replacement agreement or convention, continues in force in relation to New Zealand; and

(c) the widow or widower continues to be ordinarily resident in New Zealand or the overseas country to which that agreement or convention applies.

Reciprocity agreement recipients' entitlement continues as if former benefits not abolished

(3) This subclause applies to a person who, immediately before 15 July 2013, was ordinarily resident in an overseas country and was receiving, or was granted and entitled to receive, pursuant to an agreement or a convention given effect in relation to New Zealand by an Order in Council made pursuant to section 19 of the Social Welfare (Transitional Provisions) Act 1990,—

(a) a widow's benefit under section 21 of the Social Security Act 1964; or

(b) a domestic purposes benefit under section 27B of the Social Security Act 1964 for an applicant (as defined in section 27B(1)(f) of that Act).

(4) Subclause (3) applies to a person even if the benefit in subclause (3)(a) or (b) was, immediately before 15 July 2013, 100% reduced or suspended under section 117 or another provision of the Social Security Act 1964, but in that case no benefit of the person that is continued by subclause (5) commences until the suspension or reduction would have ended, or the benefit in subclause (3)(a) or (b) would otherwise have become payable again.

(5) A person to whom subclause (3) applies is, subject to subclause (4) and to a review under subpart 3 of Part 6, entitled to the benefit in subclause (3)(a) or (b) (as the case requires) as if that benefit had not been abolished and as if the provisions on that benefit had not been repealed, and that benefit continues so long as—

(a) the person continues to meet the conditions of entitlement to that benefit in those provisions; and

(b) the agreement or convention, or any replacement agreement or convention, continues in force in relation to New Zealand; and

(c) the person continues to be ordinarily resident in New Zealand or the overseas country to which that agreement or convention applies.

Alteration, and annual CPI adjustment, of rates of saved former benefits

(6) Sections 452 and 453 authorise amendments and require adjustments to Parts 10 and 11 of Schedule 4.

Schedule 1 clause 55(6) heading: amended, on 22 February 2024, by section 6(1) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Schedule 1 clause 55(6): amended, on 22 February 2024, by section 6(2) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

56 Entitlement cards regulations

Regulations made under section 132A of the Social Security Act 1964 are saved as if they were made under section 437.

57 References to Child Welfare Officers to be read as references to social workers

(1) Every reference in any enactment, regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document in force on 1 April 1972 to a Child Welfare Officer must after 31 March 1972 be read as a reference to a social worker.

(2) Subclause (1) applies—

(a) subject to the amendments made by sections 15 to 29 of the Department of Social Welfare Act 1971; and

(b) unless the context otherwise requires.

(3) This clause does not limit the operation of section 30(a) to (c) of the Department of Social Welfare Act 1971 (which related to references to the Minister of Social Security, to the Social Security Department or to the Child Welfare Division of the Department of Education, or to the Superintendent or Deputy Superintendent of Child Welfare) at any time or times—

(a) on or after 1 April 1972; and

(b) before their repeal, on 1 October 1999, by section 14(a) of the Department of Child, Youth and Family Services Act 1999.

Compare: 1971 No 60 s 30(d)

Schedules

58 Definition of mortgage security until commencement of Land Transfer Act 2017

(1) This clause applies to the reference—

(a) in Schedule 2, the definition of mortgage security (a definition for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4 (accommodation supplement)), paragraph (b); and

(b) to subpart 6 of Part 3 of the Land Transfer Act 2017.

(2) Until the commencement of the item in Part 1 of Schedule 2 of the Land Transfer Act 2017 relating to the Social Security Act 1964, section 61E(1), definition of owner, paragraph (c), the reference to which this clause applies must be read as a reference to Part 7A of the Land Transfer Act 1952.

59 Income exemption regulations

(1) This clause applies to the Social Security (Income and Cash Assets Exemptions) Regulations 2011 made under sections 132 and 132AA of the Social Security Act 1964, but only so far as they declare any specified item or amount of income, or income from a specified source, not to be income for that Act's purposes.

(2) Those regulations are saved as if they were made under section 422 for the purposes of clause 9 of Schedule 3.

60 Period of income assessment regulations

(1) This clause applies to the Social Security (Period of Income Assessment) Regulations 1996 made under section 132, and for the purposes of section 64(2A), of the Social Security Act 1964.

(2) Those regulations are saved as if they were made under section 418(1)(o) for the purposes of paragraph (b) of the definition of appropriate number of weeks in clause 11 of Schedule 3.

61 Code of conduct for requirements to give information or documents

The code of conduct issued under sections 11(1), 11B, and 11C of the Social Security Act 1964 is saved as if it had been issued under clauses 2(4), 4, 8, and 9 of Schedule 6 (code of conduct for information or documents requirements).

62 Information disclosure arrangements and determinations

Arrangements or determinations made under section 126A or 126AC of the Social Security Act 1964 are saved as if they were arrangements or determinations made under (as the case requires) clause 13 or 15 of Schedule 6.

Schedule 1 clause 62: replaced, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

63 Information disclosure: order and regulations

(1) The Social Security (Youth Support—Authorised Agencies) Order 2012 made under section 125D of the Social Security Act 1964 is saved as if it were made under clause 18 of Schedule 6.

(2) The Social Security (Contracts and Information Sharing with Service Providers) Regulations 2012 (except Parts 1 and 1A) made under section 125C of the Social Security Act 1964 are saved as if they were made under clause 20(2) of Schedule 6 and section 418(1)(q).

64 Saving of transfers, validations, other status, or saving effected or provided for by Schedule 32 of 1964 Act

The repeal, by section 455(1) of this Act, of Schedule 32 of the Social Security Act 1964, does not affect a transfer, validation, other status, or other saving effected or provided for by that schedule.

Examples

The transfers effected by clauses 2, 4, 7, 8, 21, and 24 of Schedule 32 of the Social Security Act 1964.

The validations effected by clauses 21 to 23 of Schedule 32 of the Social Security Act 1964.

A saving of failures and sanctions provided for by clause 15 of Schedule 32 of the Social Security Act 1964.

A saving (of an information-sharing agreement made under section 123F of the Social Security Act 1964, and made before 8 July 2016 (the date on which section 18(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 came into force)) provided for by clause 25 of Schedule 32 of the Social Security Act 1964.

65 Validation and savings effected or provided for by Part 2 of Social Security Amendment Act 2015

The repeal, by section 455(1) of this Act, of the Social Security Amendment Act 2015, does not affect the validation and savings effected or provided for by Part 2 of that Act.

66 Amendments with retrospective effect in Social Security (Commencement of Benefits) Amendment Act 2015

The repeal, by section 455(1) of this Act, of the Social Security (Commencement of Benefits) Amendment Act 2015, does not affect the operation of any amendment made by, or saving or other provision of, that Act.

67 Assistance to financially disadvantaged persons regulations made under clause 21 of Schedule 32 of 1964 Act

(1) This clause applies to regulations (for provision of financial assistance to financially disadvantaged persons)—

(a) made under clause 21 of Schedule 32 of the Social Security Act 1964; and

(b) in force at the changeover.

(2) Those regulations continue in force with all necessary modifications for the purposes of the corresponding provisions of this Act, and may be amended, revoked, or replaced, as if clause 21 of Schedule 32 of that Act had not been repealed by section 455(1).

Regulations

68 Regulations for transitional and savings purposes

(1) The Governor-General may, by Order in Council made on the Minister's recommendation, make regulations prescribing transitional provisions, savings provisions, or both, for either or both of the following purposes:

(a) facilitating or ensuring the orderliness of the transition to this Act from the former enactments specified in section 9(1):

(b) ensuring that existing rights or obligations continue as part of, or despite, that transition.

(2) The Minister must not recommend the making of regulations made under subclause (1) unless satisfied that those regulations—

(a) are reasonably necessary for either or both of the purposes in subclause (1)(a) and (b); and

(b) are consistent with the purposes of this Act.

(3) The transitional provisions or savings provisions prescribed by regulations made under subclause (1) may be provisions in addition to or instead of all other provisions of this schedule (except validation provisions and clauses 69 to 76), and may—

(a) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions (including definitions) of this Act do not apply, or apply with modifications or additions:

(b) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions repealed, amended, or revoked by this Act are to continue to apply, or apply with modifications or additions, as if they had not been repealed, amended, or revoked:

(c) provide for any other matter necessary for either or both of the purposes in subclause (1)(a) and (b).

(3A) Regulations under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) Regulations made under this clause cannot be made after, and are revoked by this clause on, the beginning of 26 November 2021.

Compare: 1964 No 136 Schedule 32 cl 17

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1 clause 68(3A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2016 youth services amendments

69 Clauses 70 to 76 amend this Act

Clauses 70 to 76 amend this Act.

70 Section 22 amended (When person is available for work)

Replace section 22(b) with:

(b) would satisfy paragraph (a) were it not for circumstances that would qualify P for—

(i) an exemption under the regulations referred to in section 157 from some or all of the work-test obligations; or

(ii) a deferral of work-test obligations under the regulations referred to in section 155; or

71 Section 26 amended (Jobseeker support: ineligibility)

In section 26(a), after "unless P is eligible under section 25", insert "or P's work-test obligations are deferred under the regulations referred to in section 155 or P is granted an exemption from some or all of P's obligations under the regulations referred to in section 157".

72 Section 121 amended (Persons subject to work-preparation obligations)

In section 121(d)(ii), replace "166 or 167" with "166, 167, or 168".

73 Section 140 amended (Persons subject to work-test obligations)

In section 140(1)(c)(ii), replace "166 or 167" with "166, 167, or 168".

74 Section 169 amended (Interpretation)

In section 169, replace "167" with "168".

75 Schedule 2 amended

(1) In Schedule 2, definition of **incentive payment**,—

(a) after "62,", insert "165,"; and

(b) after "167,", insert "168,".

(2) In Schedule 2, insert in its appropriate alphabetical order:

risk of long-term welfare dependency, in relation to a person, and for the purposes of clause 16 of Schedule 6, means the risk that the person—

(a) will, for an indefinite period, not be able to obtain full-time employment; and

(b) will be likely to remain wholly or largely dependent for the person's financial support on all or part of a main benefit under this Act

(3) In Schedule 2, replace the definition of **risk of long-term welfare dependency** with:

risk of long-term welfare dependency,—

(a) in relation to a person, and for the purposes of clause 16 of Schedule 6, means the risk that the person—

(i) will, for an indefinite period, not be able to obtain full-time employment; and

(ii) will be likely to remain wholly or largely dependent for the person's financial support on all or part of a main benefit under this Act; but

(b) is defined in section 165(9) for the purposes of section 165; and

(c) is defined in section 168(8) for the purposes of section 168

(4) In Schedule 2, definition of **young person**, paragraph (b)(iii),—

(a) replace "section 167" with "section 166 or 167"; and

(b) replace "section 167(6)" with "section 165(5) or 167(6) or 168(5)".

76 Schedule 6 amended

(1) In Schedule 6, clause 16(1), after "section 365(1)(a)", insert "or assessing young people's risk of long-term welfare dependency (as that risk is defined in Schedule 2)".

(2) In Schedule 6, replace clause 16(2)(a) with:

(a) may provide to MSD any information to which subclause (1) applies and that the chief executive of the Ministry of Education considers—

(i) may facilitate the provision by MSD of services of a kind described in section 365(1)(a); or

(ii) is required for the assessment of the young people's risk of long-term welfare dependency; and

Part 2
Provisions relating to Social Security (Winter Energy Payment) Amendment Act 2019

Schedule 1 Part 2: inserted, on 12 April 2019, by section 7 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

77 Purported winter energy payment for winter period for 2018 calendar year: payments contrary to section 61FG(2)(c) and (d) of Social Security Act 1964

A purported winter energy payment made for the winter period for the 2018 calendar year is as authorised as if section 61FG(2)(c) and (d) of the Social Security Act 1964 (as in force after 30 June 2018 and until 26 November 2018) were replaced with a section 61FG(2)(c), (ca), and (d) (in force for that period and) that read as follows:

"(c) the person is aged 65 years or over, is an eligible person as defined in section 136, and is under section 139(1) and (3) liable to pay an amount towards the cost of long-term residential care provided to them in a hospital or rest home that is less than the maximum contribution (as defined in section 136); or

"(ca) the person is aged 50 to 64 years, is single, and has no dependent children, is an eligible person, and is under section 143 required to pay only a contribution based on income towards the cost of the long-term residential care provided to them in a hospital or rest home that is less than the maximum contribution (as defined in section 136); or

"(d) neither paragraph (c) nor paragraph (ca) applies to the person, and the person is—

"(i) receiving, in relation to the person's disability or long-term chronic health condition, residential care services that are partly funded under the New Zealand Public Health and Disability Act 2000; and

"(ii) contributing to the cost of those services by a payment redirected under section 82(3)(a) (but only to the extent that it refers to a payment to or on account of some other person authorised by the beneficiary), section 82(3)(b)(i), or sections 179(4)(a), (5), and (6) and 180, of this Act; or".

Schedule 1 clause 77: inserted, on 12 April 2019, by section 7 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

78 Purported winter energy payment for winter period for 2018 calendar year: payments contrary to section 61FJ(2) of Social Security Act 1964

A purported winter energy payment made for the winter period for the 2018 calendar year is as authorised as if section 61FJ(2) of the Social Security Act

1964 (as in force after 30 June 2018 and until 26 November 2018) read as follows:

"(2) The winter energy payment is payable to a beneficiary for up to a maximum of 28 days of any 1 or more absences (however long each absence lasts in total) of the beneficiary from New Zealand during the winter period if—

(a) the payment would be payable to the beneficiary were it not for those days of those absences; and

(b) the chief executive is satisfied that those days of those absences do not affect the beneficiary's eligibility for the payment under section 61FG."

Schedule 1 clause 78: inserted, on 12 April 2019, by section 7 of the Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13).

Part 3
Provision relating to Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019

Schedule 1 Part 3: inserted, on 1 April 2020, by section 10(3) of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

79 Effect of repeal of MSD's duty to reduce rates of benefits for sole parents for failure to assist child support

(1) This clause applies to a benefit referred to in section 192(1)(b) that a sole parent receives if, at the close of 31 March 2020, MSD—

(a) has reduced the benefit under section 192(2); or

(b) has reduced the benefit under section 192(2) and has further reduced the benefit under section 194.

(2) On and after 1 April 2020, the benefit is no longer subject to—

(a) the reduction under section 192(2); or

(b) the reduction under section 192(2) and the additional reduction under section 194.

(3) This clause applies even if that reduction, or that reduction and that additional reduction, would be required under the following enactments if they were not repealed or revoked on 1 April 2020:

(a) sections 192 to 194; and

(b) subpart 5 of Part 4 of the Social Security Regulations 2018.

(4) However, the repeal or revocation on 1 April 2020 of those enactments does not limit or affect any reduction or additional reduction MSD is required to make under those enactments because of their previous operation (in respect of any period, or periods, before or on 31 March 2020).

Schedule 1 clause 79: inserted, on 1 April 2020, by section 10(3) of the Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23).

Part 4
Provisions relating to Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020

Schedule 1 Part 4: inserted, on 8 June 2020, by section 6 of the Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020 (2020 No 20).

80 Repeals and amendment

(1) This clause takes effect when the COVID-19 Income Relief Payment Programme is revoked and not replaced.

(2) In Schedule 2, repeal the definitions of **COVID-19 income relief payment** and **COVID-19 Income Relief Payment Programme**.

(3) In Schedule 3, clause 8(a), delete "(but *see* clause 8A)".

(4) In Schedule 3, repeal clause 8A.

(5) In this clause, **COVID-19 Income Relief Payment Programme** has the meaning in section 4 of the Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020.

Schedule 1 clause 80: inserted, on 8 June 2020, by section 6 of the Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020 (2020 No 20).

81 Effect of repeal or amendment of provisions ensuring COVID-19 income relief payment is income

The repeal or amendment, by clause 80, of any provisions does not affect their previous operation—

(a) on or after 8 June 2020; and

(b) before they are repealed or amended by clause 80.

Schedule 1 clause 81: inserted, on 8 June 2020, by section 6 of the Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020 (2020 No 20).

Part 5
Provision relating to New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020

Schedule 1 Part 5: inserted, on 9 November 2020, by section 41 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

82 Effect of partner's or spouse's overseas pension on New Zealand superannuation and veteran's pension

Section 189(3), as inserted by the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020, does not apply in relation to a person who is qualified to receive (subject to the appropriate income test)—

(a) New Zealand superannuation at a rate specified in clause 1 of Part 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001; or

(b) a veteran's pension at the relationship (partner not receiving superannuation or pension) rate specified in regulations referred to in section 169 of the Veterans' Support Act 2014.

Schedule 1 clause 82: inserted, on 9 November 2020, by section 41 of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Part 6
Provisions relating to Social Security (Financial Assistance for Caregivers) Amendment Act 2021

Schedule 1 Part 6: inserted, on 1 July 2021, by section 14 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

83 Transitional provision relating to eligibility criteria for orphan's benefit

The amendments to section 44 and Schedule 2 that are made by the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 apply to a person—

(a) who makes an application for an orphan's benefit for a child on or after 1 July 2021; or

(b) whose application for an orphan's benefit for a child was made, but not decided under section 301, before 1 July 2021.

Schedule 1 clause 83: inserted, on 1 July 2021, by section 14 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

84 Transitional provision relating to eligibility criteria for unsupported child's benefit

The amendments to section 47 and Schedule 2 that are made by the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 apply to a person—

(a) who makes an application for an unsupported child's benefit for a child on or after 1 July 2021; or

(b) whose application for an unsupported child's benefit for a child was made, but not decided under section 301, before 1 July 2021.

Schedule 1 clause 84: inserted, on 1 July 2021, by section 14 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

85 Transitional provision relating to eligibility criteria for childcare assistance

The amendments to sections 77 and 424 that are made by the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 apply to a person—

(a) who makes an application for childcare assistance for a child on or after 1 July 2021; or

(b) whose application for childcare assistance for a child was made, but not decided under section 301, before 1 July 2021.

Schedule 1 clause 85: inserted, on 1 July 2021, by section 14 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

86 Transitional provision relating to eligibility criteria for child disability allowance

The amendments to sections 78 and 82 that are made by the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 apply to a person—

(a) who makes an application for a child disability allowance for a child on or after 1 July 2021; or

(b) whose application for a child disability allowance for a child was made, but not decided under section 301, before 1 July 2021.

Schedule 1 clause 86: inserted, on 1 July 2021, by section 14 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

87 Transitional provision relating to holiday allowance

Clauses 3(b), 4 to 8, and 14 of Part 4 or 5 of Schedule 4 (as inserted by the Social Security (Financial Assistance for Caregivers) Amendment Act 2021) apply to a caregiver who becomes entitled to the orphan's benefit or unsupported child's benefit before, on, or after 1 December 2021.

Schedule 1 clause 87: inserted, on 1 July 2021, by section 14 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

88 Transitional provision relating to birthday allowance

Clauses 3(c), 4, 5, and 9 to 14 of Part 4 or 5 of Schedule 4 (as inserted by the Social Security (Financial Assistance for Caregivers) Amendment Act 2021) apply to a caregiver who becomes entitled to the orphan's benefit or unsupported child's benefit before, on, or after 1 December 2021.

Schedule 1 clause 88: inserted, on 1 July 2021, by section 14 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Part 7
Provisions relating to Social Security (Subsequent Child Policy Removal) Amendment Act 2021

Schedule 1 Part 7: inserted, on 11 October 2021, by section 16 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

89 Definitions for this Part

In this Part, unless the context otherwise requires,—

Amendment Act means the Social Security (Subsequent Child Policy Removal) Amendment Act 2021

changeover means the commencement, at the start of 8 November 2021, of most of the Amendment Act

removal of the policy means the changes to be made, or made, at the changeover, by the Amendment Act

transition period means the 56-day period—

(a) starting on 11 October 2021; and

(b) ending with the close of 5 December 2021.

Schedule 1 clause 89: inserted, on 11 October 2021, by section 16 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

90 How MSD must decide transition period benefit application

Transition period benefit application

(1) This clause applies to an application—

(a) for a benefit that commences on a date in the transition period; and

(b) made in the transition period; and

(c) made under section 297 of this Act.

How MSD must decide application

(2) MSD must decide the application in line with the removal of the policy.

Related provisions

(3) This clause applies—

(a) despite the rest of this Act as in force before the changeover; and

(b) whether MSD's decision is made before or after the changeover.

Schedule 1 clause 90: inserted, on 11 October 2021, by section 16 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

91 How MSD must, after the changeover, treat existing affected caregiver

Existing affected caregiver

(1) This clause applies to a person (**P**) if, immediately before the changeover, the additional dependent child rules in section 222(2) and (3)—

(a) apply to P, in relation to any dependent child or children, under section 222(2) and (3); or

(b) apply to P, in relation to any dependent child or children, under section 223; or

(c) would apply to P, in relation to any dependent child or children, but for an election that is made by MSD under section 224 and is in force.

How MSD must, after changeover, treat caregiver

(2) MSD must, after the changeover, treat P, in relation to the dependent child or children, in line with the removal of the policy.

Transfer from jobseeker support to sole parent support

(3) In particular, P's jobseeker support expires, and is replaced with sole parent support in relation to the dependent child or children, on the changeover, if, immediately before the changeover, P—

(a) receives jobseeker support; and

(b) would be eligible for sole parent support, if section 222(2) did not apply to P, in relation to the dependent child or children.

No transfer if eligible person wants to continue to receive jobseeker support

(4) However, P is not transferred to sole parent support in relation to the dependent child or children under subclause (3), and so continues to receive jobseeker support, on the changeover, if P—

(a) is, after the changeover, eligible to continue to receive jobseeker support; and

(b) has notified MSD, before the changeover, that, after the changeover, P wants, if eligible to do so, to continue to receive jobseeker support.

Related provisions

(5) This clause applies—

(a) despite the rest of this Act, and despite any applicable election made by MSD under section 224, as in force before the changeover; and

(b) whether P is entitled to receive the benefit in P's own right or as the spouse or partner of the person granted the benefit; and

(c) whether or not, immediately before the changeover, MSD has reviewed, is reviewing, or is to review, under subpart 3 of Part 6 of this Act, the benefit that P receives; and

(d) without affecting whether or how those additional dependent child rules apply, or do not apply, to P, in relation to any dependent child or children, before the changeover.

Schedule 1 clause 91: inserted, on 11 October 2021, by section 16 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

92 How MSD must respond to transition period change of circumstances

Transition period change of circumstances

(1) This clause applies to a change in a person's (**P's**) circumstances that—

(a) affects, or may affect, all or any of the following:

(i) whether P, or P's spouse or partner, is entitled to receive a benefit:

(ii) what benefit P, or P's spouse or partner, is entitled to receive:

(iii) work-preparation obligations imposed on P, or on P's spouse or partner, under sections 120 to 125:

(iv) whether P, or P's spouse or partner, falls within the definitions of any of the following terms (*see* Schedule 2):

(A) part-time work-tested beneficiary:

(B) work-tested sole parent support beneficiary:

(C) work-tested spouse or partner; and

(b) occurs in the transition period; and

(c) is made known to MSD in the transition period, and by 1 or both of the following means:

(i) P, or P's spouse or partner, notifying the change under section 113 of this Act:

(ii) use of other information available to, or held by, MSD.

How MSD must respond to change

(2) MSD must respond to the change in line with the removal of the policy.

Related provisions

(3) This clause applies—

(a) despite the rest of this Act as in force before the changeover; and

(b) whether P is entitled to receive the benefit in P's own right or as the spouse or partner of the person granted the benefit; and

(c) whether MSD's response occurs before or after the changeover; and

(d) whether MSD's response occurs in or apart from a review by MSD under subpart 3 of Part 6 of this Act.

Schedule 1 clause 92: inserted, on 11 October 2021, by section 16 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

Part 8
Provisions relating to Social Security (Accommodation Supplement) Amendment Act 2022

Schedule 1 Part 8: inserted, on 26 November 2022, by section 7(a) of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

93 Definitions for this Part

In this Part,—

amendments means the amendments made—

(a) to this Act; and

(b) by Part 1 of the Amendment Act

Amendment Act means the Social Security (Accommodation Supplement) Amendment Act 2022

commencement means the commencement of the Amendment Act.

Schedule 1 clause 93: inserted, on 26 November 2022, by section 7(a) of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

94 Amendments apply only to specified existing or new recipients or applicants

The amendments apply, after the commencement, only to—

(a) a person who, immediately before the commencement, was entitled to receive, had applied for, and was receiving an accommodation supplement:

(b) an applicant for an accommodation supplement whose application was made, but was not withdrawn or determined, before the commencement:

(c) an applicant for an accommodation supplement whose application is made after the commencement.

Schedule 1 clause 94: inserted, on 26 November 2022, by section 7(a) of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Part 9
Provisions relating to Child Support (Pass On) Acts Amendment Act 2023

Schedule 1 Part 9: inserted, on 1 July 2023, by section 36(a) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

95 Application of amendments

(1) In this clause,—

amendments means the amendments made to this Act by subpart 1 of Part 2 of the Child Support (Pass On) Acts Amendment Act 2023

formula assessment has the meaning in section 2(1) of the Child Support Act 1991.

(2) The amendments apply only to—

(a) use on or after 1 July 2023 of automated electronic systems to make decisions, exercise powers, comply with obligations, and take related actions; and

(b) income based on child support in respect of a period (whether all, or any part, of a child support year) that starts on or after 1 July 2023; and

(c) abatement on or after 1 July 2023 of youth payment or young parent payment.

(3) The child support referred to in subclause (2)(b) includes, but is not limited to, child support under a formula assessment or a voluntary agreement or an order of a court made or entered into before 1 July 2023.

(4) Child support in respect of a period (whether all, or any part, of a child support year) that starts before 1 July 2023 is subject to this Act as in force at the relevant time before 1 July 2023.

Schedule 1 clause 95: inserted, on 1 July 2023, by section 36(a) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

96 MSD must exclude as income specified child support notified to MSD

(1) In this clause,—

changeover, for a person, means—

(a) the start of 31 July 2023, if the person is in receipt of a benefit or other assistance payable in instalments of 1 week's benefit or other assistance; or

(b) the start of 2 August 2023, if the person is in receipt of a benefit or other assistance payable in instalments of 2 weeks' benefit or other assistance

income, of a person, means income of the person for the purposes of this Act.

(2) This clause applies to child support that is money received by a person if—

(a) MSD is notified of the person's receipt of the child support (for example, as a change of circumstances notified under section 113) before 1 July 2023; and

(b) the child support is income of the person for a period or periods before 1 July 2023; and

(c) MSD expects the child support to continue to be received by the person for a period or periods on or after 1 July 2023; and

(d) MSD would, if this clause had not been enacted, also treat the child support as income of the person for a period or periods on or after the changeover.

(3) MSD must, after the changeover, treat the child support as if it were not the person's income after the changeover.

(4) MSD must remove, from MSD records of the person's income, child support treated by MSD under this clause as if it were not the person's income after the changeover.

Schedule 1 clause 96: inserted, on 1 July 2023, by section 36(a) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

97 MSD must ensure beneficiary's allowable costs for temporary additional support or special benefit during specified period include certain child support liability

(1) This clause applies if, on or after 1 July 2023 and before or on 29 September 2023, MSD becomes aware in any way, from information made available to MSD by or on behalf of the beneficiary, that—

(a) a beneficiary was receiving, for all or any of that period, a benefit that is—

(i) temporary additional support; or

(ii) a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004 (as that section is saved by clause 19 of this schedule); and

(b) the beneficiary's allowable costs for that benefit did not include, but should have included, at all or any times during that period, child support required to be paid by them for the week or weeks concerned under a formula assessment under the Child Support Act 1991.

(2) MSD must review under section 304 whether, for the reason specified in subclause (1)(b), the beneficiary was not entitled to receive that benefit, or the rate of that benefit, that was paid to the beneficiary for all or any of that period.

(3) If satisfied because of the review that the beneficiary's allowable costs for that benefit did not include, but should have included, at all or any times during that period, child support of the kind referred to in subclause (1)(b), MSD must—

(a) ensure that the beneficiary's relevant allowable costs for that benefit include that support from the later of 1 July 2023 or when that support started; and

(b) suspend, cancel, or vary the rate of that benefit accordingly from a date that is within that period and that MSD reasonably determines.

Schedule 1 clause 97: inserted, on 1 July 2023, by section 36(a) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

98 Regulations for transitional and savings purposes

Power to make regulations on recommendation of relevant Minister

(1) The Governor-General may, by Order in Council made on the recommendation of the relevant Minister, make regulations prescribing transitional provisions, savings provisions, or both, related to amendments made by the Child Support (Pass On) Acts Amendment Act 2023 to the Child Support Act 1991, this Act, or the Public and Community Housing Management Act 1992.

Regulations must be for specified transitional or savings purposes

(2) The regulations must be for either or both of the following purposes:

(a) facilitating, or ensuring the orderliness of, the transition to those amendments being brought into operation:

(b) ensuring that existing rights or obligations continue as part of, or despite, that transition.

Requirements for recommendation of relevant Minister

(3) The relevant Minister who may recommend the making of regulations made under subclause (1) is—

(a) the Minister (as defined in Schedule 2 for provisions of this Act), to the extent that the regulations relate to amendments made to provisions of this Act:

(b) the Minister of Revenue, to the extent that the regulations relate to amendments made to the Child Support Act 1991:

(c) the Minister of Housing, to the extent that the regulations relate to amendments made to the Public and Community Housing Management Act 1992.

(4) The relevant Minister must not recommend the making of regulations made under subclause (1) unless satisfied that those regulations—

(a) are reasonably necessary for either or both of the purposes in subclause (2)(a) and (b); and

(b) are consistent with the purposes of those amendments.

Provisions prescribed may be in addition to or instead of specified clauses

(5) The transitional provisions or savings provisions prescribed by regulations made under subclause (1) may be provisions in addition to or instead of all or any of the following clauses:

(a) clauses 29 to 31 of Schedule 1 of the Child Support Act 1991 as inserted by the Child Support (Pass On) Acts Amendment Act 2023:

(b) clauses 95 to 97 of this Part of this schedule of this Act as inserted by the Child Support (Pass On) Acts Amendment Act 2023:

(c) clause 22 of Schedule 4 of the Public and Community Housing Management Act 1992 as inserted by the Child Support (Pass On) Acts Amendment Act 2023.

What prescribed transitional provisions or savings provisions may do

(6) The transitional provisions or savings provisions prescribed by regulations made under subclause (1) may do all or any of the following:

(a) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions (including definitions) of the relevant Act amended do not apply, or apply with modifications or additions:

(b) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions repealed, amended, or revoked by those amendments are to continue to apply, or apply with modifications or additions, as if they had not been repealed, amended, or revoked:

(c) provide for any other matter necessary for either or both of the purposes in subclause (2)(a) and (b).

Secondary legislation

(7) Regulations under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Power ends at, and any regulations made are revoked at, start of 1 July 2026

(8) Regulations made under this clause cannot be made after, and are revoked by this clause at, the start of 1 July 2026.

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1 clause 98: inserted, on 1 July 2023, by section 36(a) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2
Dictionary

ss 4, 5, 6, 141, 168, 187, 271, 282, 313, 324, 351, 418, 423, 452, Schedules 1, 4, 6

Schedule 2 heading: amended, on 8 November 2021, by section 9 of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

In this Act, unless the context otherwise requires,—

abatement rate means the rate at which a rate of benefit (for example, specified in Schedule 4) must, under the appropriate income test, be reduced on account of income

accommodation costs—

(a) is defined in section 65(2) for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4 (accommodation supplement); and

(b) is defined in section 162 (obligations of young person granted youth support payment) for the purposes of that section; but

(c) is modified, for both of those purposes, by clause 18 of Schedule 3 (how accommodation costs affected by debt insurance payment in relation to mortgage security)

action or inaction on MSD's part, in section 318, includes the meaning given to it by section 318(3)

activity in the community means an activity associated with a community project under the supervision of a sponsor who is contracted by MSD to provide the activity

addiction treatment is defined in section 250(2) for the purposes of section 250(1)

advantage is defined in section 290(3) for the purposes of section 290

allowable costs is defined in section 98 for the purposes of subpart 16 of Part 2 and section 428(2)(c)

appeal authority or **authority** means an authority that is—

(a) the social security appeal authority established under section 401(1) and clause 1 of Schedule 8; or

(b) a special social security appeal authority established under section 401(1) and clause 4 of Schedule 8

applicant,—

(a) in relation to a benefit,—

(i) means a person by whom or on whose behalf an application is made for the benefit; and

(ii) if the context so requires, includes a beneficiary; but

(b) in subpart 16 of Part 2 and section 428, is modified by section 98

application means an application for a benefit

apportioned, in relation to a benefit, and for the purposes of sections 38, 359, 361, 391, and 399, means apportioned under regulations made under section 442(1), (2)(e), and (3)

appropriate number of weeks is defined in clause 11 of Schedule 3 for the purposes of clauses 12 to 14 of Schedule 3

approved activities is defined in section 324(1) for the purposes of section 324

approved early childhood education programme—

(a) is defined in regulations made under section 430 for the purposes of sections 131 to 134 (*see also* sections 137 and 424(2)(a)(ii) and clause 22 of Schedule 1); and

(b) is defined in section 169 for the purposes of sections 164 to 167

approved period of employment is defined in section 323(3) for the purposes of section 323(2)

approved training is defined in section 162(3) for the purposes of sections 162, 166, and 167

approved weekly accommodation is defined in section 78(2) for the purposes of section 78(1)

Area 1, Area 2, Area 3, and Area 4—

(a) are defined in regulations made under section 423 for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4 (accommodation supplement); but

(b) until the commencement of the first regulations made under that section, refer to the terms defined in clause 8 of Part 7 of Schedule 4

assessable estate is defined in section 90(2) for the purposes of subpart 15 of Part 2 (funeral grants)

automated electronic system is defined in section 304A for the purposes of that section

bank account is defined in section 111(2) for the purposes of section 111(1)

base rate, of accommodation supplement, has the meaning given to it by regulations made under section 423(1)(d)

beneficiary—

(a) means a person who is—

  (i) a person who has been granted a benefit; or

  (ii) a person in respect of whom a benefit, or part of a benefit, has been granted; but

(b) is defined in clause 13(6) of Schedule 6 for the purposes of clause 13 of Schedule 6

benefit—

(a) means any of the following:

(i) a monetary benefit payable under this Act (including, without limitation, payable under a reciprocity agreement adopted by an order made under section 380) other than a funeral grant lump sum payable under section 90:

Examples

Jobseeker support

Sole parent support

Supported living payment on the ground of restricted work capacity or total blindness

Supported living payment on the ground of caring for another person

Orphan's benefit

Unsupported child's benefit

Youth payment

Young parent payment

Incentive payment

Emergency benefit

Accommodation supplement

Winter energy payment

Childcare assistance

Child disability allowance

Disability allowance

Temporary additional support

(ii) a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004 (as that section is saved by clause 19 of Schedule 1 of this Act):

(iii) New Zealand superannuation (including, without limitation, New Zealand superannuation payable under a reciprocity agreement adopted by an order made under section 380):

(iv) a veteran's pension (including, without limitation, a veteran's pension payable under a reciprocity agreement adopted by an order made under section 380):

(v) an amount for income tax that is paid under section 350(2), and that under section 351(a) must, for the purposes of this Act, be considered to be a payment of a benefit; but

(b) is defined in section 229 for the purposes of sections 225 to 229; and

(c) is defined in section 310(3) for the purposes of section 310; and

(d) is defined in clause 13(6) of Schedule 6 for the purposes of clause 13 of Schedule 6

capacity for work means, in relation to a person, the person's capacity to engage in employment, as determined having regard to any health condition, injury, or disability the person may have

cash assets—

(a) is defined in section 68 for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4 (accommodation supplement); but

(b) may be modified, for those purposes (*see* section 68(2)(c)), by regulations made under section 423(1)(b); and

(c) is defined in section 98 for the purposes of subpart 16 of Part 2 and section 428(2)(f) (temporary additional support)

ceased, in relation to a person's employment, means,—

(a) if the person received no specified termination payments in relation to the termination of the person's employment, the date on which the person's employment terminates; or

(b) if the person received specified termination payments in relation to the termination of the person's employment, a date that is the number of days (excluding Saturdays and Sundays) after the date on which the person's employment terminated that is equal to the nearest whole number produced by dividing the total amount of those payments by the amount of the person's normal daily wage or salary before termination of the person's employment

change in the beneficiary's relationship status is defined in section 113(3) for the purposes of section 113(2)(a)

changeover is defined in clause 1 of Schedule 1 for the purposes of that schedule

chargeable income is defined in section 98 for the purposes of subpart 16 of Part 2 and section 428(2)(d)

chief executive means the chief executive of the responsible department

child—

(a) means a single person under the age of 18 years, other than a person who is—

  (i) aged 16 or 17 years; and

  (ii) financially independent; but

(b) is defined in section 32(4) for the purposes of section 32 (sole parent support: situation of split care); and

(c) is defined in section 90(2) for the purposes of subpart 15 of Part 2 (funeral grants)

child support has the meaning given to it in section 2(1) of the Child Support Act 1991

child support debt recovery by reduced further payments of child support, for a person who owes an amount of child support as a debt due to the Crown, means any recovery of the amount of the debt due to the Crown—

(a) under the Child Support Act 1991; and

(b) by reduced further payments of child support that the person is entitled to receive (for example, under section 151(3) or 151AA(8) of that Act)

child support deduction, for a receiving carer who is a UCB beneficiary, means any money received by the Commissioner of Inland Revenue by way of child support that is not required to be paid to the receiving carer under the Child Support Act 1991 because that money is a deduction made under section 142(2)(c) or 143(3)(c) of that Act

child support excess payment, for a receiving carer who is a UCB beneficiary, means a payment to that receiving carer that is—

(a) money received by the Commissioner of Inland Revenue by way of child support and that is required to be paid to the receiving carer under section 142(2)(d) of the Child Support Act 1991; or

(b) a mixed child support payment

child support year has the same meaning as in section 2(1) of the Child Support Act 1991

child with a serious disability is defined in section 79 for the purposes of subpart 13 of Part 2

Commissioner of Inland Revenue means the Commissioner of Inland Revenue as defined in section 3(1) of the Tax Administration Act 1994

community spouse or partner,—

(a) in section 17A (which is a guide to specified abatement exemptions), means—

  (i) for the purposes of section 17(3) of the New Zealand Superannuation and Retirement Income Act 2001, a person to whom section 17 of that Act applies; and

  (ii) for the purposes of section 173(3) of the Veterans' Support Act 2014, a person to whom section 173 of that Act applies; and

(b) in sections 67(e) and 69(2A) and (2B), item 6A of Part 7 of Schedule 4, and item 9A of Part 2 of Schedule 5 (which are provisions about eligibility for, and the rate of, an accommodation supplement), means a person—

  (i) who is not receiving long-term residential care in a hospital or rest home; and

  (ii) whose spouse or partner—

    (A) is receiving long-term residential care in a hospital or rest home; and

(B) is, or is not, a resident assessed as requiring care in respect of whom a funder is paying some or all of the cost of contracted care services under section 54, 55, 56, 57, or 58 of the Residential Care and Disability Support Services Act 2018

compensation or damages is defined in section 197(5) for the purposes of section 197

competent institution is defined in section 382 for the purposes of subpart 7 of Part 6

contract of insurance includes a contract or an arrangement that, in MSD's opinion, is similar to a contract of insurance

contracted service provider has the same meaning as in section 373(1)

controlled drug—

(a) is defined in section 152 for the purposes of sections 147 to 152; and

(b) has, in sections 250, 263, and 411, the same meaning as in section 152

core check—

(a) is defined in regulations made under section 430 for the purpose of section 134 (*see also* section 137); and

(b) is defined in section 169 for the purposes of section 164 and 167

corresponding assistance is defined in clause 4 of Schedule 1 for the purposes of that clause

CPI is defined in section 453(6) for the purposes of section 453

custody in prison is defined in section 217(2) for the purposes of sections 217 and 218

custody on remand is defined in section 217(2) for the purposes of sections 217 and 218

CYPFA order or agreement means—

(a) an order made under section 78, 101, or 283(n) of the Oranga Tamariki Act 1989; or

(b) a sole guardianship order made under section 110 of that Act; or

(c) an agreement made under section 140 of that Act

date of first contact, in relation to a person's application for a benefit, means the date on which MSD first received from the person (or some other person acting on the person's behalf) the oral or written request for financial assistance that led to the making of the application

debt insurance payment, in section 433(2)(b) and clauses 18, 20, and 21 of Schedule 3, in relation to a person, means a payment made, or the value of any credit provided, on the occurrence of a contingency, and—

(a) under a contract of insurance or by reason of the person's membership of any society, organisation, or body whether corporate or unincorporate; and

(b) to the person or to some other person on behalf of or for the benefit of the person; and

(c) for the sole purpose of, and used for, repaying or paying any amounts on account of any debt or liability of the person that is—

  (i) in existence (whether or not due for payment) on the date on which a contingency occurs that gives rise to a right or an eligibility of the person to receive a payment under a contract of insurance, or by reason of the person's membership of any (corporate or unincorporated) society, organisation, or body; and

  (ii) not a liability in connection with the future supply of goods or services, transport, or accommodation to the person or a member of the person's family; and

(d) that must, to the extent MSD determines, be reduced by the amount of any costs incurred by the person in obtaining receipt of that payment or provision of that credit

debtor's payer, in relation to a debtor, means any of the following:

(a) a person who is or becomes liable to pay a sum of money to the debtor:

(b) the Accident Compensation Corporation (continued by section 259 of the Accident Compensation Act 2001) or an accredited employer (as defined in section 6(1) of that Act) in respect of weekly compensation payable to the debtor under that Act:

(c) a department (as defined in section 5 of the Public Service Act 2020) or an interdepartmental venture (as defined in section 5 of that Act) in respect of salary or wages payable to a debtor as an employee of the department or interdepartmental venture

deemed receipt, of an information share child support payment, has the meaning given to it in clause 15D of Schedule 3

de facto partner and **de facto relationship** have the same meanings as in sections 29 and 29A of the Interpretation Act 1999

dependent child,—

(a) in relation to a person, means any other person who—

  (i) is a child (other than a child in respect of whom payments are being made under section 363 of the Oranga Tamariki Act 1989)—

    (A) whose care is primarily the responsibility of the person; and

    (B) who is being maintained as a member of that person's family; and

(C) who is financially dependent on that person; or

(ii) is a child or a young person (as defined in section 2(1) of the Oranga Tamariki Act 1989)—

(A) of whom the person is a parent within the meaning of that Act; and

(B) to whom section 361 of that Act applies; and

(C) who, under section 362 of that Act, is placed in the charge of the person; and

(iii) is not a child in respect of whom a young parent payment is being paid in relation to a person who is not the child's parent or step-parent; and

(iv) is not a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid (but the exclusion in this paragraph applies only for the purposes of Parts 1, 2, 3, 6, 7, 11, and 12 of Schedule 4); and

(b) for the purposes of clause 1(a) and (b) of Part 8 of Schedule 4 (rates of winter energy payment), has the meaning given to it by clause 2 of Part 8 of Schedule 4

disability is defined in section 84 for the purposes of subpart 14 of Part 2

disruption, to an automated electronic system, is defined in section 304A for the purposes of that section

document means any of the following:

(a) any material, whether or not it is signed or otherwise authenticated, that bears symbols (including words and figures), images, or sounds or from which symbols, images, or sounds can be derived, including (without limitation) material that is any of the following:

(i) a label, marking, or other writing that identifies or describes a thing of which it forms part, or to which it is attached:

(ii) a book, map, plan, graph, or drawing:

(iii) a photograph, film, or negative:

(b) information electronically recorded or stored (including, without limitation, an audio or video file or recording), or information derived from that information:

(c) a copy of, or part of, a document as defined in paragraph (a) or (b)

domestic epidemic management notice means a notice given under section 8(1) of the Epidemic Preparedness Act 2006 stating that the application of this Act is modified in order to deal with the practical effects of the outbreak of the disease referred to in the notice

drug test—

(a) is defined in section 152 for the purposes of sections 147 to 152; and

(b) has, in sections 154, 250, 264, 265, and 266, the same meaning as in section 152

drug test failure is defined in section 263(1) for the purposes of section 263

drug-testing obligation, in sections 250, 261, 263, and 418(1)(j), means an obligation under section 146(1)(e) (*see also* sections 265 and 411)

employee is defined in clause 20(5) of Schedule 6 for the purposes of clause 20 of Schedule 6

employment,—

(a) means paid employment; but

(b) is defined in section 229 for the purposes of sections 225 to 229

employment required to satisfy the work test means,—

(a) for a part-time work-tested beneficiary, part-time work:

(b) for any other work-tested beneficiary, full-time employment

equivalent benefit is defined in section 63(4) for the purposes of section 63

essential costs is defined in section 98 for the purposes of subpart 16 of Part 2 and section 428

evidential drug test is defined in section 152 for the purposes of sections 147 to 152

expiry date, in relation to a specified benefit, is defined in section 331 for the purposes of sections 331 to 336

fail—

(a) is defined in section 152 for the purposes of sections 147 to 152; and

(b) in sections 258 to 260, 264, and 265, has the meaning given to it by section 152

failure—

(a) is defined in section 235 for the purposes of subpart 2 of Part 5 (*see also* the definitions, in this schedule, of first, second, and third failure); and

(b) in section 233(d), is affected by the operation of section 259; and

(c) is defined in section 268 for the purposes of subpart 3 of Part 5 (*see also* the definitions, in this schedule, of first, second, and third failure)

fees framework means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest

financially independent, in relation to a person, means—

(a) in full employment; or

(b) receiving a basic grant or an independent circumstances grant under—

  (i) the Student Allowances Regulations 1998; or

  (ii) corresponding replacement regulations made under all or any of sections 645 and 646 and clause 3 of Schedule 9 of the Education and Training Act 2020; or

(c) receiving payments under a Government-assisted scheme that MSD considers analogous to a main benefit under this Act; or

(d) receiving a main benefit under this Act

fine is defined in clause 13(6) of Schedule 6 for the purposes of clause 13 of Schedule 6

first failure—

(a) is defined in section 235 for the purposes of subpart 2 of Part 5; and

(b) is defined in section 268 for the purposes of subpart 3 of Part 5

former assistance—

(a) is defined in clause 4 of Schedule 1 for the purposes of clauses 4 and 5 of Schedule 1; and

(b) is defined in clause 6(1)(a)(i) of Schedule 1 for the purposes of clause 6 of Schedule 1

friendly society means a friendly society, or a friendly society's branch, registered under the Friendly Societies and Credit Unions Act 1982

foreign child support payment, for a person, and in relation to a country or territory outside New Zealand, means a payment that is—

(a) made to the person; and

(b) required under the laws of the country or territory; and

(c) of the same nature as child support; and

(d) the subject of an agreement (as defined in section 214 of the Child Support Act 1991) made between the government of the country or territory and the Government of New Zealand

full employment or **full-time employment**, in relation to any person, means—

(a) employment under a contract of service or an apprenticeship, and that requires the person to work, whether on time or piece rates, no less than an average of 30 hours each week; or

(b) self-employment of the person in any business, profession, trade, manufacture, or undertaking, and that is carried on for pecuniary profit for no less than an average of 30 hours each week; or

(c) employment of the person for any number of hours, and that is regarded as full-time employment for the purposes of any award, agreement, or contract relating to that employment

full-time course—

(a) is defined in section 162(3) for the purposes of sections 162, 166, and 167; and

(b) in this schedule, has the same meaning as in section 162(3)

full-time education or training, in sections 50 and 57, means a full-time course of—

(a) secondary instruction; or

(b) tertiary education; or

(c) approved training; or

(d) approved work-based learning

full-time student means a person—

(a) who is enrolled in a full-time course within the meaning of—

(i) the Student Allowances Regulations 1998; or

(ii) corresponding replacement regulations made under all or any of sections 645 and 646 and clause 3 of Schedule 9 of the Education and Training Act 2020; or

(b) who, during an academic year that has just ended or is about to end, was so enrolled, and who intends to so enrol in the next academic year

general provisions child support payment, for the purposes of this Act (for example, in clause 7A(6) of Schedule 3), and for a person, means a payment that is money received by the person that is child support and that is all or any of the following:

(a) paid to the person in a manner other than by direct credit to a bank account nominated by the person under section 148 of the Child Support Act 1991:

(b) paid to the person when, and only to the extent that, the benefit, or other assistance under this Act, that the person is receiving is—

(i) payable before the time of MSD's decision to grant the benefit or other assistance under this Act; and

(ii) subject to testing based on any person's assets, income, or other means of any kind (however described):

(c) a child support excess payment (which includes, without limitation, a mixed child support payment):

(d) a payment made under section 143(2)(b) or (3)(d) of the Child Support Act 1991:

(e) a payment made under an order made by the Family Court under section 109 of the Child Support Act 1991 (orders for provision of child support in form of lump sum):

(f) a foreign child support payment:

(g) a payment made to a receiving carer who is a person being paid, while that person is absent from New Zealand, a benefit that is any of the following:

(i) New Zealand superannuation being paid overseas under section 26 of the New Zealand Superannuation and Retirement Income Act 2001 (*see* section 29(4A) of that Act):

(ii) New Zealand superannuation payable to a person resident in a specified Pacific country under section 31 of the New Zealand Superannuation and Retirement Income Act 2001 (*see* section 35(2) of that Act):

(iii) a veteran's pension being paid overseas under section 182 of the Veterans' Support Act 2014 (*see* section 189(3) of that Act):

(iv) a veteran's pension payable to a person resident in a specified Pacific country under section 191 of the Veterans' Support Act 2014 (see section 195(2) of that Act):

(v) a benefit payable under any reciprocity agreement with another country adopted by an order made under section 380:

(h) a payment after 30 June 2023 of child support in respect of a period (whether all, or any part, of a child support year) before 1 July 2023:

(i) a payment that is not disclosed to MSD under a specified approved information sharing agreement (as that term is defined in this schedule):

(j) a child support payment of any other kind that is specified for the purposes of this paragraph by regulations made under section 418(1)(na)

goods or services, in sections 339, 341, 366 to 372, and 442, clause 41(7) of Schedule 1, and this schedule, includes goods and services

Government occupational pension, in sections 172 and 187,—

(a) means a benefit, pension, or periodical allowance paid by or on behalf of the Government of a country to a person by reason of—

(i) a period of employment, direct or indirect, by that Government of that person or that person's deceased spouse or partner or that person's deceased parent; or

(ii) a period of service to that Government (including, without limitation, service in the armed forces, service in the Police, and service as a judicial officer or other person acting judicially) by that person or that person's deceased spouse or partner or that person's deceased parent; but

(b) does not include any part of that benefit, pension, or periodical allowance that is paid by the Government of that country by reason of anything other than that period of employment or service; and

(c) does not include any part of that benefit, pension, or periodical allowance to which the Government of that country contributes by reason of anything other than that period of employment or service; and

(d) does not include a benefit, pension, or periodical allowance of the kind specified in paragraph (a) if the person would have been entitled to receive a similar benefit, pension, or periodical allowance paid by, or on behalf of, the Government of that country under a scheme or other arrangement in respect of persons who were not employees or in the service of that Government

health condition includes pregnancy after the 26th week

health or disability insurance payment, in relation to a person, means a payment made, or the value of any credit or service provided, on the occurrence of a contingency, and that is a payment, credit, or service—

(a) made or provided—

(i) under a contract of insurance, or by reason of the person's membership of any society, organisation, or body (whether corporate or unincorporate), that provides for the payment or reimbursement of the costs of health or disability care for the person or a member of the person's family; and

(ii) to the person, or to some other person on behalf of, or for the benefit of, the person or a member of the person's family; and

(b) used for paying or reimbursing those costs; and

(c) that must, to the extent MSD determines, be reduced by the amount of any costs incurred by the person in obtaining receipt of that payment

health practitioner—

(a) means a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession under the Health Practitioners Competence Assurance Act 2003; but

(b) is defined in section 85(4) for the purposes of section 85

held, in relation to personal information about a person, is defined in clause 20(5) of Schedule 6 for the purposes of clause 20 of Schedule 6

hospital—

(a) means a hospital care institution as defined in section 58(4) of the Health and Disability Services (Safety) Act 2001; but

(b) in sections 206 and 207, means a hospital operated by Health New Zealand within the meaning of section 4 of the Pae Ora (Healthy Futures) Act 2022

in a relationship, for a person, means that the person is—

(a) married; or

(b) in a civil union; or

(c) in a de facto relationship

in-hand allowance means, for the purposes of sections 270, 280, and 341, the component of a youth support payment set out in clause 7 of Part 6 of Schedule 4

incentive payment, for the purposes of sections 55, 62, 166, 167, 270, 271, 276, 280 to 282, 288, 289, 418(1)(c) and (d), 452(2)(i), and 453(2)(f), means a payment referred to in any of clauses 8 to 10 of Part 6 of Schedule 4

income has the meaning given to it by Part 2 of Schedule 3, unless that meaning is modified by other enactments in or made under this Act (for example, the following enactments:

(a) section 423(3), which requires specified amounts of cash assets to be treated as specified amounts of income for the purposes of regulations made under section 423(1)(e), providing for required income-based reductions to the assessed base rate amount of accommodation supplement:

(b) regulations made under section 424(2)(d), defining the kinds of income, benefits, credits, and receipts to be treated as income for the purposes of subpart 12 of Part 2 (childcare assistance):

(c) rules made under clause 15 of Schedule 3, on MSD's determining the income of people engaged in business or trade:

(d) clause 16(3) of Schedule 3, which modifies that meaning for the purposes of clauses 16 and 17 of Schedule 3)

income-related insurance payment, in relation to a person, means a payment, or the value of a credit or service, that, in MSD's opinion, having regard to the matters specified in clause 10 of Schedule 3, is—

(a) made or provided on the occurrence of a contingency under a contract of insurance or by reason of the person's membership of any society, organisation, or body whether corporate or unincorporate; and

(b) made or provided to the person, or to some other person on behalf of, or for the benefit of, the person or a member of the person's family; and

(c) made or provided or used for an income-related purpose

income-related purpose, in relation to a person, means the purpose of—

(a) replacing lost or diminished income; or

(b) maintaining the person or a member of the person's family; or

(c) purchasing, for the person, or for a member of the person's family, goods or services of a kind that are commonly paid for from income; or

(d) enabling the person to make payments that the person is liable to make and that are commonly made from income

income tax means income tax under the Income Tax Act 2007

Income Test 1 means that the applicable rate of benefit must be reduced—

(a) by 30 cents for every $1 of the total income of the beneficiary and the beneficiary's spouse or partner that is more than $160 a week but not more than $250 a week; and

(b) by 70 cents for every $1 of that income that is more than $250 a week

Income Test 2 means that the applicable rate of benefit must be reduced—

(a) by 15 cents for every $1 of the total income of the beneficiary and the beneficiary's spouse or partner that is more than $160 a week but not more than $250 a week; and

(b) by 35 cents for every $1 of that income that is more than $250 a week

Income Test 3 means that the applicable rate of benefit must be reduced by 70 cents for every $1 of total income of the beneficiary and the beneficiary's spouse or partner that is more than,—

(a) if the rate of benefit is a rate of New Zealand superannuation stated in clause 1 of Part 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001, $160 a week; or

(b) in any other case, $160 a week

Income Test 4 means that the applicable rate of benefit must be reduced by 35 cents for every $1 of the total income of the beneficiary and the beneficiary's spouse or partner that is more than $160 a week

information share child support payment, for the purposes of this Act (for example, in clause 7A(5) of Schedule 3), and for a person, means a payment that is—

(a) money received by the person that is child support; and

(b) not a general provisions child support payment (as that term is defined in this schedule)

institution for the treatment of alcoholism or drug addiction is defined in section 208(3) for the purposes of section 208(1)

institutional care is defined in section 40(3) for the purposes of subpart 4 of Part 2 (supported living payment)

job-search activity means an activity undertaken by a work-tested beneficiary for the purpose of seeking or obtaining employment

lawyer is defined in clause 4(7) of Schedule 6 for the purposes of clauses 4 and 9 of Schedule 6

liable parent has the same meaning as in section 2(1) of the Child Support Act 1991

living with a parent is defined in clause 8 of, for the purposes of clause 1(a)(i) of, Part 1 of Schedule 4 (rates of jobseeker support)

main benefit under this Act or **main benefit**,—

(a) means a benefit under this Act that is—

(i) jobseeker support; or

(ii) sole parent support; or

(iii) a supported living payment on the ground of restricted work capacity or total blindness, under section 34; or

(iv) a supported living payment on the ground of caring for another person, under section 40; or

(v) a youth payment; or

(vi) a young parent payment; or

(vii) an emergency benefit:

(b) is defined in section 349 for the purposes of sections 349 to 352

maintenance debt is defined in clause 49 of Schedule 1 for the purposes of that clause

Maori is defined in section 438(2)(f)(i) for the purposes of section 438(2)(f)

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

Minister, for the provisions of this Act, means (except so far as any other enactment overrides this definition) the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of those provisions

mixed child support payment, made to a receiving carer who is a UCB beneficiary, means money received by the receiving carer that is child support if—

(a) the receiving carer is—

(i) a UCB beneficiary for a child or children (the **UCB child or children**); and

(ii) caring for 1 or more children for each of whom an unsupported child's benefit is not payable (the **non-UCB child or children**); and

(b) the same liable parent is liable to pay the receiving carer child support for both of the following:

(i) the UCB child or children:

(ii) the non-UCB child or children; and

(c) the child support is from that liable parent, and may be child support for 1 or both of the following:

(i) the UCB child or children:

(ii) the non-UCB child or children

money management manner of payment, in relation to payment of a benefit, means a manner of payment, prescribed in regulations made under section 418(1)(k), that is designed to assist certain young people to manage their money effectively

mortgage security, for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4 (accommodation supplement), includes—

(a) a deferred payment disposition (which means a contract under which a person sells or agrees to sell property or provides or agrees to provide services

(whether or not possession of the property is given, or the services are provided, before all money payable under the contract has been paid) in consideration of a promise by another person to pay, or to procure the payment of, in the future and in respect of the sale or provision, a sum or sums of money exceeding in total the cash price of the property or services):

(b) money secured over a person's share or shares in any flat owning company within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017:

(c) money payable under and secured by a deferred payment licence under the Land Act 1948

MSD—

(a) means the responsible department (as defined in this schedule); but

(b) for a duty, function, or power that MSD must or may perform or exercise, means—

(i) the chief executive of the responsible department; or

(ii) a public service employee, or other person, acting under a delegation (direct or indirect) from that chief executive; and

(c) in clause 2 of Schedule 6 (power to obtain information by notice), includes (*see* clause 2(2) of Schedule 6) an MSD employee who is identified in a notice given under that clause

MSD employee means an employee—

(a) of the chief executive of the responsible department; and

(b) acting under a delegation for the purposes of this Act (direct or indirect) from that chief executive

NCEA level 2, in sections 50, 57, 162, 166, and 167, means a level 2 National Certificate of Educational Achievement issued by the New Zealand Qualifications Authority continued by section 430 of the Education and Training Act 2020

necessary consents and authorisations is defined in section 257(3) for the purposes of sections 257 and 258

New Zealand superannuation means New Zealand superannuation payable under Part 1 of the New Zealand Superannuation and Retirement Income Act 2001

non-assessable estate is defined in section 90(2) for the purposes of subpart 15 of Part 2 (funeral grants)

non-entitlement period, in relation to a person, means a period during which the person is not entitled to a benefit because the person—

(a) became voluntarily unemployed; or

(b) lost the person's employment, or position on a scheme, through misconduct; or

(c) failed to comply with the work test or a work-test obligation, or with any other obligation referred to in section 233 (obligations that carry sanction for failure to comply); or

(d) failed to comply with an obligation under section 162 (obligations of young person granted youth support payment) or 166 or 167 (obligations of young person who is spouse or partner of specified beneficiary); or

(e) failed to comply with an obligation under section 164 (obligations of young person granted young parent payment)

nurse is defined in clause 1(4) of Schedule 9 for the purposes of clause 1(3)(b) of Schedule 9

NZ benefits legislation—

(a) is defined in section 172 for the purposes of sections 173 to 180; and

(b) is defined in section 187 for the purposes of sections 187 to 190

obtained by fraud is defined in section 360 for the purposes of sections 354, 359, and 361, and clause 9 of Schedule 6

occupational therapist is defined in clause 1(5) of Schedule 9 for the purposes of clause 1(3)(c) of Schedule 9

offence—

(a) is defined in section 210 for the purposes of section 209; and

(b) is defined in section 214 for the purposes of section 213

offset child support payment, for a person, means an amount of child support that another person is liable to pay to the person, but that is not paid, or required to be paid, to the person because—

(a) the amount is offset under section 152B of the Child Support Act 1991; and

(b) the offsetting of the amount has not been reversed

open employment means employment that is—

(a) available to anyone with the required skills; and

(b) paid at not less than the rate of minimum hourly wage that applies under the Minimum Wage Act 1983; and

(c) not sheltered employment

ordinarily resident in New Zealand, in relation to a person, excludes the person's being unlawfully resident in New Zealand

overseas epidemic management notice means a notice given under section 99 (overseas epidemics affecting visitors to New Zealand)

overseas pension has the same meaning given to it by section 187 for the purposes of sections 187 to 190

overseas pensioner means a person to whom an overseas pension has been granted

parent, in relation to a child,—

(a) is defined in section 43(3) for the purposes only of—

(i) subpart 5 of Part 2 (orphan's benefit); and

(ii) section 31(b)(i) (sole parent support: when dependent child may be regarded as applicant's child); and

(b) is defined in section 46(3) for the purposes only of—

(i) subpart 6 of Part 2 (unsupported child's benefit); and

(ii) section 31(b)(ii) (sole parent support: when dependent child may be regarded as applicant's child)

parents, in relation to a young person, and for the purposes only of section 52(1)(a), (b), and (d) and subpart 7 of Part 2 (youth payment) and clause 2 of Part 6 of Schedule 4 (rates of youth payment and young parent payment),—

(a) means—

(i) the parents or guardians or other person who had the care of the young person most recently before the young person turned 16 years; and

(ii) any other parent, or guardian or former guardian, willing to have financial responsibility for the young person; but

(b) does not include—

(i) the chief executive of the department responsible for administering the Oranga Tamariki Act 1989 in his or her official capacity; or

(ii) any body or organisation approved under section 396 of that Act

part-time work means employment that is not full-time employment, but is employment—

(a) that is—

(i) under a contract of service, whether on time or piece rates; or

(ii) as a self-employed person in any business, profession, trade, manufacture, or undertaking; and

(b) that—

(i) averages not less than 15 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months,—

(A) in relation to a person granted jobseeker support on the ground of health condition, injury, or disability; or

(B) for the purposes of sections 140(1)(b), 141, 155, and 184; or

(ii) averages not less than 20 hours each week over a 3-month period of employment or over the period of employment if that period is shorter than 3 months, in any other case

part-time work-tested beneficiary means—

(a) a person with a youngest dependent child aged 3 years or older, but under 14 years, who is—

(i) a work-tested spouse or partner; or

(ii) a work-tested sole parent support beneficiary; or

(b) a person who is granted jobseeker support on the ground of health condition, injury, or disability and who, under section 140(1)(b), must comply with the work test

participation allowance means a participation allowance under regulations made under section 429

partner, in the phrase "spouse or partner" and in related contexts, means a civil union partner or de facto partner

party is defined in section 382 for the purposes of subpart 7 of Part 6

pass—

(a) is defined in section 152 for the purposes of sections 147 to 152; and

(b) in sections 146(1)(e) and 264(3), has the same meaning as in section 152

pay day means the day or date from time to time determined by MSD under section 338(4) as the date on which an instalment of a benefit falls due for payment

periodical means regular or intermittent

physiotherapist is defined in clause 1(6) of Schedule 9 for the purposes of clause 1(3)(d) of Schedule 9

pre-benefit activity means a pre-benefit activity required under section 184 and regulations made under section 432

preferred supply contract is defined in section 368(6) for the purposes of sections 368 and 370

premises is defined in section 66(3) for the purposes of sections 66 and 68

prescribed means prescribed by or under an enactment (for example, prescribed by applicable regulations made under this Act)

prescribed circumstances is defined in section 334(4) for the purposes of section 334(1)

prescribed health practitioner, for a provision, means a health practitioner—

(a) prescribed for the purposes of the provision by regulations made under section 418(1)(a); and

(b) acting within that person's scope of practice

principal caregiver, in relation to a dependent child, means a person who—

(a) is the person who, in MSD's opinion, has the primary responsibility for the day-to-day care of the child, other than on a temporary basis; and

(b) is not a body of persons (whether incorporated or unincorporated), and is not a person who is the proprietor of, or employed in,—

(i) a residence established under the Oranga Tamariki Act 1989; or

(ii) any other institution in which the child is being cared for

principal temporary caregiver, for the purposes of eligibility for the orphan's benefit or unsupported child's benefit in relation to a dependent child, means a person who, in MSD's opinion,—

(a) has the primary responsibility for the day-to-day care of the child—

(i) on a temporary basis; or

(ii) for such an unknown or uncertain period that the person is not a principal caregiver; and

(b) retains the primary responsibility for the day-to-day care of the child under paragraph (a), even if the person makes additional care arrangements for the child; and

(c) is not a body of persons (whether incorporated or unincorporated); and

(d) is not a proprietor of, or employed in,—

(i) a residence established under the Oranga Tamariki Act 1989; or

(ii) any other institution in which the child is being cared for

property is defined in clause 16(3) of Schedule 3 for the purposes of clauses 16 and 17 of Schedule 3

psychologist is defined in clause 1(7) of Schedule 9 for the purposes of clause 1(3)(e) of Schedule 9

qualifying benefit is defined in section 71 for the purposes of subpart 11 of Part 2 (winter energy payment), section 220, and Part 8 of Schedule 4

quarantinable disease is defined in section 99 for the purposes of that section

rate is defined in section 180 for the purposes of sections 177 to 179 (obligations in relation to overseas pensions)

reasonable cause is defined in clause 9(2) of Schedule 6 for the purposes of clause 9(1)(b) of Schedule 6

receiving carer has the same meaning as in section 2(1) of the Child Support Act 1991

reciprocity agreement is defined in section 382 for the purposes of subpart 7 of Part 6

recognised voluntary work means work—

(a) that is undertaken by a person for no remuneration (other than any reimbursement of direct expenses) for a non-profit community organisation or other person, and that is of benefit to the community; and

(b) that is not an activity in the community, or work undertaken as part of a work experience or work exploration activity

record is defined in clause 4(4) of Schedule 6 for the purposes of clause 4(3) of Schedule 6

registered community housing provider is defined in section 66 for the purposes of that section

registered school is defined in regulations made under section 430 for the purposes of sections 131 to 134 (*see also* section 137)

regular, in relation to work, does not include—

(a) casual employment; or

(b) employment if the agreed hours of work (as defined in section 67C of the Employment Relations Act 2000) average less than 10 hours each week calculated over a 3-month period of employment or, if that period is shorter than 3 months, over the period of the employment; or

(c) employment that is work under an availability provision that is under section 67E of the Employment Relations Act 2000 unenforceable against an employee because the employee's employment agreement does not provide for the payment of compensation to the employee for making himself or herself available to perform work under the availability provision

rehabilitation professional, in clause 1(2)(b) of Schedule 9, has the meaning given to it by clause 1(3) of Schedule 9

relevant payment date is defined in section 71 for the purposes of subpart 11 of Part 2 (winter energy payment), section 220, and Part 8 of Schedule 4

requested institution is defined in section 382 for the purposes of subpart 7 of Part 6

requesting institution is defined in section 382 for the purposes of subpart 7 of Part 6

resident, in relation to a person, does not include the person's being unlawfully resident in New Zealand

residential care services means services that are supplied to a person with a disability and that are—

(a) disability services in a residential disability care institution or rest home within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001; or

(b) supervision and support services; or

(c) hotel-type services (including the provision of sleeping facilities, meals, laundry, cleaning services and supplies, household furniture and furnishings, lighting, heating, hot water, and other household utilities); or

(d) services that support daily living (including financial management and gardening); or

(e) personal care services (including toileting, bathing, hair washing, teeth cleaning, nail care, feeding, and mobility); or

(f) services within that home intended to provide satisfying activity to the person (including the provision of educational, social, recreational, and other activities); or

(g) clinical support services, including personal health services (within the meaning of the Pae Ora (Healthy Futures) Act 2022), consultations with a medical practitioner, pharmaceuticals, incontinence aids, and other treatment costs

residential requirement is defined in section 16 for the purposes of Part 2

responsible department, for the provisions of this Act, means—

(a) the department of State (for example, a service of the department of State) that, with the Prime Minister's authority, is for the time being responsible for the administration of those provisions; or

(b) a departmental agency that, under the Public Service Act 2020, is part of that department of State, and has duties, functions, or powers relating to that administration

rest home means premises used to provide rest home care—

(a) within the meaning of section 6 of the Health and Disability Services (Safety) Act 2001; and

(b) that is therefore health care services required by that Act to be provided in accordance with section 9 of that Act

saved, in relation to any arrangement, contract, decision, enactment, increase, instrument, period, reduction, or status (in each case, however described), is defined in clause 1 of Schedule 1 for the purposes of that schedule

scheme is defined in section 229 for the purposes of sections 225 to 229

screening drug test is defined in section 152 for the purposes of sections 147 to 152

second failure—

(a) is defined in section 235 for the purposes of subpart 2 of Part 5; and

(b) is defined in section 268 for the purposes of subpart 3 of Part 5

section 252 notice has the same meaning as in section 252 (MSD must give notice of sanction)

service costs—

(a) is defined in section 65 for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4 (accommodation supplement); and

(b) is defined in section 162 (obligations of young person granted youth support payment) for the purposes of that section

sheltered employment includes employment in a sheltered workshop within the meaning of the Disabled Persons Employment Promotion Act 1960

single means not in a relationship (as that expression is defined in this schedule)

social housing is defined in section 66 for the purposes of that section

social security debt is defined in section 382 for the purposes of subpart 7 of Part 6

social security laws is defined in section 382 for the purposes of subpart 7 of Part 6

social security purposes is defined in section 382 for the purposes of subpart 7 of Part 6

sole parent means a person who is the principal caregiver in respect of a dependent child and who—

(a) is—

(i) married or in a civil union, but living apart from the person's spouse or partner; or

(ii) not married or in a civil union; and

(b) is not in a de facto relationship

source deduction payment is defined in section 349 for the purposes of sections 349 to 352

specified abatement exemptions is defined in section 17A for the purposes of that section (which is a guide to specified abatement exemptions)

specified approved information sharing agreement, for the purposes of section 113(4) and of the definitions in this schedule of information share child support payment and general provisions child support payment, means an approved information sharing agreement (as defined in section 138 of the Privacy Act 2020) between—

(a) the Inland Revenue Department (as the department responsible for the administration of the Child Support Act 1991); and

(b) the responsible department (as the department responsible for the administration of provisions of this Act)

specified beneficiary is defined in section 169 for the purposes of sections 164 to 167, 268, and 344(3)(a)

specified benefit—

(a) is defined in section 198(3) for the purposes of section 198; and

(aa) is defined in section 207(4) for the purposes of section 207; and

(b) is defined in section 331 for the purposes of sections 331 to 336

specified lump sum payment is defined in section 69(5) for the purposes of section 69

specified offence is defined in section 291(5) for the purposes of section 291(4)(b)

specified person is defined in section 363A(2) for the purposes of subpart 5A of Part 6

specified provision,—

(a) in relation to a source deduction payment, is defined in section 349 for the purposes of sections 349, 350, 351, and 352; and

(b) in relation to use of automated electronic systems to make decisions, exercise powers, comply with obligations, and take related actions, is defined in section 363A(2) for the purposes of subpart 5A of Part 6; and

(c) in relation to a reference to income for a period,—

(i) is defined in clause 11 of Schedule 3 for the purposes of clauses 12 to 14 of Schedule 3; and

(ii) is defined in clause 15C of Schedule 3 for the purposes of Part 3A of Schedule 3

specified termination payments means any of the following payments that a person receives in relation to the termination of the person's employment:

(a) a payment in lieu of notice terminating the person's employment:

(b) holiday pay:

(c) a payment in lieu of accumulated leave:

(d) a payment contingent on the completion of a fixed-term engagement:

(e) a retirement payment

spouse of a person (for example, an applicant or a beneficiary), means the person's husband or wife

stand down or **stand-down period** means a stand down, or a stand-down period, under section 316

standard costs is defined in sections 98 and 428(2)(b) for the purposes of subpart 16 of Part 2 and section 428

start date is defined in section 264(4) for the purposes of section 264

strike has the same meaning as in section 81 of the Employment Relations Act 2000

student allowance means an allowance established by regulations made under section 645 (apart from, or with, either or both of section 646 and clause 3 of Schedule 9) of the Education and Training Act 2020

subsidy rate is defined in section 452(6) for the purposes of section 452

suitable employment, in relation to a person,—

(a) means employment that MSD is satisfied is suitable for the person to undertake for a number of hours a week determined by MSD having regard to the employment required to satisfy the work test for that person; but

(b) is affected by section 18(1) (which relates to refusing to work, or to continue to work, as a sex worker) of the Prostitution Reform Act 2003

tax credit is defined in section 98 for the purposes of subpart 16 of Part 2 and section 428 (and *see also* clause 8(l) of Schedule 3, and the definition in this schedule of WFF tax credit)

tax file number is defined in section 112(5) for the purposes of section 112

teen parent unit is defined in section 163(3) for the purposes of section 163

temporary additional support is defined in clause 20(4) of Schedule 3 for the purposes of clause 20 of Schedule 3

temporary employment means full employment for a period of less than 26 weeks

temporary OB or UCB caregiver, in relation to a dependent child, means a person who—

(a) is the principal temporary caregiver of the child; and

(b) is entitled to and receiving an orphan's benefit or an unsupported child's benefit for the child (including under section 329(b))

tenant is defined in section 66(3) for the purposes of sections 66 and 68

third failure—

(a) is defined in section 235 for the purposes of subpart 2 of Part 5; and

(b) is defined in section 268 for the purposes of subpart 3 of Part 5

trust account is defined in clause 4(7) of Schedule 6 for the purposes of clause 4 of Schedule 6

UCB beneficiary has the same meaning as in section 2(1) of the Child Support Act 1991

union has the same meaning as in section 5 of the Employment Relations Act 2000

unresolved warrant notice is defined in section 211 for the purposes of sections 209 and 212

veteran's pension means a veteran's pension payable under Part 6 of the Veterans' Support Act 2014

violence is defined in section 193(2) for the purposes of section 193(1)(c)

weekly loss of earnings compensation is defined in section 198(3) for the purposes of section 198

WFF tax credit has, in sections 341(3)(b) and 344(3)(c), the same meaning as in section YA 1 of the Income Tax Act 2007

winter period is defined in section 71 for the purposes of subpart 11 of Part 2 (winter energy payment), section 220, and Part 8 of Schedule 4

work-based learning is defined in section 162(4) for the purposes of sections 162, 164 to 167, 200, and clause 8 of Part 6 of Schedule 4

work-preparation obligation means a work-preparation obligation under section 124 or 125

work test or **work-test obligations**, in relation to a person, means the person's obligations under sections 144 to 147

Example

The person's obligation under section 147(1) to undertake and pass a drug test which, under section 147(2), is included in, forms part of, and does not arise apart from, an obligation of the person under section 144(a), 144(c), 146(1)(d)(ii), or 146(1)(d)(iv).

work-test couple rate,—

(a) for jobseeker support, means a rate in Part 1 of Schedule 4 that is payable to a person who is in a relationship, other than a rate payable if the person's spouse or partner is entitled to a benefit in the spouse's or partner's own right:

(b) for a supported living payment, means a rate that is—

(i) a rate in Part 3 of Schedule 4 payable to a person who is in a relationship, other than a rate payable if the person's spouse or partner is entitled to a benefit in the spouse's or partner's own right; or

(ii) the rate payable under section 38(3) to the spouse or partner of a person receiving long-term residential care in a hospital or rest home:

(c) for an emergency benefit, means a rate that is—

(i) a rate of benefit payable to a person that includes a payment for the person's spouse or partner; or

(ii) a rate of benefit payable under section 17(2)(c) of the New Zealand Superannuation and Retirement Income Act 2001

work-tested beneficiary means a person who—

(a) is granted jobseeker support (other than jobseeker support on the ground of health condition, injury, or disability); or

(b) is granted jobseeker support on the ground of health condition, injury, or disability, and who, under section 141(4), must comply with the work test; or

(c) is a work-tested spouse or partner; or

(d) is a work-tested sole parent support beneficiary

work-tested benefit—

(a) means jobseeker support (except for a work-tested sole parent support beneficiary, or a beneficiary receiving jobseeker support on the ground of health condition, injury, or disability who, under section 142, is not required to comply with the work test); and

(b) for a work-tested spouse or partner, includes an emergency benefit and a supported living payment; and

(c) for a work-tested sole parent support beneficiary, means sole parent support under section 29

work-tested sole parent support beneficiary means a person—

(a) who has been granted sole parent support under section 29; and

(b) whose youngest dependent child is aged 3 years or older

work-tested spouse or partner means a person—

(a) who—

(i) has no dependent child under 3 years, or has no dependent child at all (and, for the purposes of this definition, a dependent child of a person

granted a benefit at a work-test couple rate is also a dependent child of that person's spouse or partner); and

(ii) is not subject to obligations under sections 166 to 169; and

(iii) has not been granted an exemption from the work test; and

(b) who—

(i) is the spouse or partner of a person granted jobseeker support or a supported living payment (being, in each case, a benefit granted at a work-test couple rate); or

(ii) both—

(A) is the spouse or partner of a person granted an emergency benefit at a work-test couple rate; and

(B) has under section 140(2) been required by MSD to comply with the work test; or

(iii) is—

(A) the spouse or partner of a person who is receiving long-term residential care in a hospital or rest home; and

(B) aged under 65 years; and

(C) receiving a supported living payment under section 38(3) or an emergency benefit under section 17(2)(c) of the New Zealand Superannuation and Retirement Income Act 2001

working day—

(a) means a day of the week other than—

(i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ii) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(iii) a day in the period commencing on 25 December in any year and ending with 15 January in the following year; and

(iv) the day observed as the anniversary day of the appropriate province; but

(b) is defined in section 241(4) for the purposes of section 241(3)

young parent obligation is defined in section 268 for the purposes of subpart 3 of Part 5

young parent payment—

(a) means a young parent payment payable under subpart 8 of Part 2; but

(b) in subpart 3 of Part 5, in relation to a young person who is a spouse or partner of a specified beneficiary and is subject to obligations under section 166, has the extended meaning provided in section 268

young person,—

(a) in sections 3(d) and 365, means a person of either of the following kinds:

(i) a person who is aged at least 15 years but is under the age of 18 years:

(ii) a person aged 18 years or over who continues to receive services of the kind referred to in section 365(1)(a):

(b) in all other cases, means a person of any of the following kinds:

(i) a person who is aged at least 16 years but is under the age of 20 years:

(ii) a person aged 20 years or over in respect of whom a young parent payment continues under section 61:

(iii) a person aged 20 years or over to whom obligations in section 167 continue to apply under section 167(6); but

(c) is defined in paragraph (a) of the definition of beneficiary in section 210 (a definition for the purposes of section 209)

young person obligation is defined in section 268 for the purposes of subpart 3 of Part 5

youth payment—

(a) means a youth payment payable under subpart 7 of Part 2; but

(b) in subpart 3 of Part 5, in relation to a young person who is a spouse or partner of a specified beneficiary and is subject to obligations under section 166, has the extended meaning provided in section 268

youth support payment means a young parent payment or youth payment.

Schedule 2 **automated electronic system**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **average ordinary time weekly earnings**: repealed, on 22 February 2024, by section 7(1) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Schedule 2 **child support**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **child support debt recovery by reduced further payments of child support**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **child support deduction**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **child support excess payment**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **child support year**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **Commissioner of Inland Revenue**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **community spouse or partner**: inserted, on 26 November 2022, by section 8 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Schedule 2 **COVID-19 income relief payment**: repealed, on 11 February 2021, by clause 80(2) of Schedule 1.

Schedule 2 **COVID-19 Income Relief Payment Programme**: repealed, on 11 February 2021, by clause 80(2) of Schedule 1.

Schedule 2 **debtor's payer** paragraph (c): replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 2 **deemed receipt**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **disruption**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **earner levies**: repealed, on 22 February 2024, by section 7(1) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Schedule 2 **financially independent** paragraph (b)(ii): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 2 **foreign child support payment**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **full-time student** paragraph (a)(ii): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 2 **general provisions child support payment**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **hospital** paragraph (b): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 2 **incentive payment**: amended, on 22 February 2024, by section 7(2) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Schedule 2 **Income Test 1** paragraph (a): amended, on 1 April 2021, by clause 3(1)(a) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 1** paragraph (a): amended, on 1 April 2021, by clause 3(1)(b) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 1** paragraph (b): amended, on 1 April 2021, by clause 3(2) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 2** paragraph (a): amended, on 1 April 2021, by clause 3(3)(a) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 2** paragraph (a): amended, on 1 April 2021, by clause 3(3)(b) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 2** paragraph (b): amended, on 1 April 2021, by clause 3(4) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 3** paragraph (a): amended, on 1 April 2021, by clause 3(5) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 3** paragraph (a): amended, on 9 November 2020, by section 42(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 2 **Income Test 3** paragraph (b): amended, on 1 April 2021, by clause 3(6) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **Income Test 4**: amended, on 1 April 2021, by clause 3(7) of the Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16).

Schedule 2 **income-tested benefit**: repealed, on 30 March 2021, by section 142 of the Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8).

Schedule 2 **information-matching programme**: repealed, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 2 **information share child support payment**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **liable parent**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **main benefit under this Act** or **main benefit**: replaced, on 30 March 2021, by section 142 of the Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8).

Schedule 2 **mixed child support payment**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **MSD** paragraph (b)(ii): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 2 **NCEA level 2**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 2 **offset child support payment**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **principal temporary caregiver**: inserted, on 1 July 2021, by section 6 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 2 **receiving carer**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **residential care services** paragraph (g): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 2 **responsible department** paragraph (b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 2 **specified abatement exemptions**: inserted, on 26 November 2022, by section 8 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Schedule 2 **specified approved information sharing agreement**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **specified benefit** paragraph (aa): inserted, on 9 November 2020, by section 42(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 2 **specified person**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **specified provision** paragraph (b): replaced, on 1 July 2023, by section 37(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **specified provision** paragraph (c): inserted, on 1 July 2023, by section 37(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **standard tax**: repealed, on 22 February 2024, by section 7(1) of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Schedule 2 **student allowance**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 2 **temporary OB or UCB caregiver**: inserted, on 1 July 2021, by section 6 of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 2 **UCB beneficiary**: inserted, on 1 July 2023, by section 37(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 2 **working day** paragraph (a)(i): amended, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Schedule 3
Income and liabilities

ss 2, 65, 85, 96, 101, 418, 422, Schedules 1, 2

Contents

Page

Part 1
Guide to, and ranking of, provisions

1 What this schedule does 350
2 Ranking of provisions in and outside this schedule 351

Part 2
Income

3 General definition of income 351
4 Income includes periodical payments, etc, for income-related purposes 351
5 Income includes specified insurance payments 352
6 Income includes specified other payments related to work ending 352
7 Income includes value of goods, etc, supplied on regular basis 353
7A Overview of how child support may be income 353
8 Income excludes specified benefits, payments, interests acquired, etc 354
8A Exception to exclusion in clause 8(a): income includes COVID-19 income relief payment *[Repealed]* 356
9 Income excludes amounts, etc, declared not to be income 356
10 Considerations for whether income-related insurance payment or income-related purpose 356

Part 3
General provisions on calculation of income

11 Interpretation 357
12 How annual income is calculated 357
13 How weekly income is calculated: general 358
14 Adjustments for likely reductions or increases 358
15 Rules on how MSD determines income of people engaged in business or trade 358

Part 3A
Special provisions on calculation of weekly income that is information share child support payment

How payment is charged as weekly income

15A How payment is charged as weekly income 361
15B Effect of non-payment of benefit or other assistance 361

Definitions

15C Interpretation 363

Receipt

15D Deemed receipt: general rule 364
15E Deemed receipt: exception 364

Payment charged as income: general rules

15F When income charging starts: general rule 365
15G When income charging ends: general rule 365

Exceptions

15H Terminal benefit 366
15I Transfer to new benefit paid in different instalments 366

Part 4
Deprivation of income or property

16 Effect of deprivation of income or property 367
17 Rules on how MSD determines deprivation of income or property 369

Part 5
Effect on liabilities of insurance payments

18 How accommodation costs affected by debt insurance payment in relation to mortgage security 370
19 How expenses for disability allowance may be affected by health or disability insurance payment 370
20 How commitments for temporary additional support may be affected by debt, or health or disability, insurance payment 371
21 How costs, etc, for approved programme of special assistance may be affected by debt, or health or disability, insurance payment 371

Part 1
Guide to, and ranking of, provisions

1 What this schedule does

This schedule contains provisions on the following matters:

(a) the ranking of income provisions in and outside this schedule:

(b) what, for the purposes of this Act, is income (including an overview of how child support may be income for the purposes of this Act):

(c) general provisions on how income is calculated:

(ca) special provisions on how weekly income is calculated if that income is information share child support payments:

(d) what may happen if an applicant for a benefit deprives the applicant of income, property, or both:

(e) how insurance payments to or for a person affect liabilities for the purposes of various benefits.

Schedule 3 clause 1(b): replaced, on 1 July 2023, by section 38 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 1(c): replaced, on 1 July 2023, by section 38 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 1(ca): inserted, on 1 July 2023, by section 38 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

2 Ranking of provisions in and outside this schedule

(1) Clause 3 is overridden by clauses 4 to 10.

(2) Clauses 4 to 10 are overridden by any contrary provisions in this Act (for example, by regulations made under section 424(2)(d), and by clause 16(3)).

(3) Regulations made (under section 422) for the purposes of clause 9 override any contrary provisions in this Act.

Compare: 1964 No 136 ss 3(1), definition of income, 68, 74(1)(d), (2)

Part 2
Income

3 General definition of income

Income, of a person, means the money value (before income tax) of a thing that—

(a) is money received, or an interest acquired, by the person; and

(b) is not an interest in capital received or acquired by the person.

Compare: 1964 No 136 s 3(1), definition of income, paragraph (a)

4 Income includes periodical payments, etc, for income-related purposes

(1) A person's income includes any periodical payments made to the person, and the value of any credits or services provided periodically to the person,—

(a) from any source for income-related purposes; and

(b) used by the person for income-related purposes.

(2) Subclause (1) applies—

(a) whether or not the payments, credits, or services are capital; and

(b) to the payments, credits, or services as calculated before the deduction (if applicable) of income tax.

(3) The contrary provisions that (under clause 2(2)) override this clause include clause 10 (which requires MSD to have regard to specified matters in consid-

ering, in respect of a person, whether a payment, credit, or service is for an income-related purpose).

Compare: 1964 No 136 s 3(1), definition of income, paragraph (b), and definition of income-related purpose

5 Income includes specified insurance payments

(1) A person's income includes the following payments made to the person:

(a) any periodical income-related insurance payments:

(b) any lump sum income-related insurance payment—

(i) made in respect of the occurrence of a contingency; and

(ii) made within a period of 10 weeks from that occurrence; and

(iii) to the extent only that it replaces income lost by the person because of that occurrence.

(2) Subclause (1) also applies to a payment referred to in subclause (1)(a) or (b) that the person would have been entitled to receive—

(a) under an accident insurance contract as defined in section 13 of the Accident Insurance Act 1998; and

(b) but for the existence of a risk sharing agreement referred to in section 185 of the Accident Insurance Act 1998 (as it read immediately before its repeal by section 7 of the Accident Insurance Amendment Act 2000).

(3) Subclause (1) applies—

(a) whether or not the payments are capital; and

(b) to the payments as calculated before the deduction (if applicable) of income tax.

(4) The contrary provisions that (under clause 2(2)) override this clause include—

(a) section 198 (loss of earnings compensation under Accident Compensation Act 2001); and

(b) clause 10 (which requires MSD to have regard to specified matters in considering, in respect of a person, whether a payment, credit, or service is an income-related insurance payment).

Compare: 1964 No 136 s 3(1), definition of income, paragraph (c)

6 Income includes specified other payments related to work ending

A person's income includes the following payments made to the person:

(a) any payment relating to a situation involving a seasonal layoff:

(b) any payment contingent on the completion of either a fixed-term engagement or an engagement to complete work specified in a contract:

(c) any payment in lieu of notice terminating employment:

(d) any payment (including holiday pay) that, if it had not been made in relation to termination of employment, would, in MSD's opinion, have been paid so as to constitute monetary remuneration of the employee:

(e) any parental leave payments paid under Part 7A of the Parental Leave and Employment Protection Act 1987:

(f) any payment in relation to termination of employment made by a company pursuant to its constitution to any of its directors.

Compare: 1964 No 136 s 3(1), definition of income, paragraph (d)

7 Income includes value of goods, etc, supplied on regular basis

(1) A person's income includes the value of any goods, services, transport, or accommodation supplied on a regular basis to the person by any other person.

(2) Subclause (1) applies to the value of the goods, services, transport, or accommodation as calculated before the deduction (if applicable) of income tax.

Compare: 1964 No 136 s 3(1), definition of income, paragraph (e)

7A Overview of how child support may be income

Interests acquired

(1) Under clause 8(m), child support that is an interest acquired by a person (rather than money received by (a payment made to) a person) is not income of the person. Examples are—

(a) an interest acquired that is an offset child support payment; or

(b) an interest acquired by way of any child support debt recovery by reduced further payments of child support.

Deductions

(2) Under clause 8(n), child support that is a child support deduction for a receiving carer who is a UCB beneficiary is not income of that person.

Money received (payments)

(3) Child support that is money received by a person is income of the person for the purposes of this Act unless it is—

Court-ordered lump sums MSD determines are capital are not income

(a) a payment that is ordered by the Family Court under section 109 of the Child Support Act 1991 (orders for provision of child support in form of lump sum) and that MSD determines, under clause 3(b) of this schedule, is an interest in capital received or acquired by the person; or

Child support excess payments are not income

(b) a child support excess payment (which includes, without limitation, a mixed child support payment) that, under clause 8(na), is not income of the person; or

Payments covered by income exemption regulations are not income

(c) a payment that, under clause 9 and income exemption regulations made under section 422, is not income of the person.

(4) A child support payment is 1 of the following (as defined in Schedule 2)—

(a) an information share child support payment; or

(b) a general provisions child support payment.

How information share child support payments are charged as income

(5) An information share child support payment that is income is subject to—

(a) general annual income provisions in Part 3 of this schedule (*see* clauses 12 and 14 (how annual income is calculated)); and

(b) special weekly income provisions in Part 3A of this schedule.

How general provisions child support payments are charged as income

(6) A general provisions child support payment that is income is subject to—

(a) general annual income provisions in Part 3 of this schedule (*see* clauses 12 and 14 (how annual income is calculated)); and

(b) general weekly income provisions in Part 3 of this schedule (*see* clauses 13 and 14 (how weekly income is calculated)).

Special provisions about cash assets or income for particular purposes

(7) This overview is about income for the purposes of the Act, and so does not affect special provisions about cash assets or income for particular purposes, for example,—

(a) accommodation supplement (*see* regulations made under section 423):

(b) childcare assistance (*see* regulations made under section 424):

(c) temporary additional support (*see* regulations made under section 428):

(d) a benefit's stand-down period (*see* regulations made under section 440).

Schedule 3 clause 7A: inserted, on 1 July 2023, by section 39 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

8 Income excludes specified benefits, payments, interests acquired, etc

A person's income excludes the following amounts or payments:

(a) any benefit, grant, allowance, or concession received by the person under this Act, Part 6 of the Veterans' Support Act 2014, or Part 1 of the New Zealand Superannuation and Retirement Income Act 2001:

(b) any pension or allowance (other than weekly income compensation or weekly compensation) under the Veterans' Support Act 2014 received by any person because of the person's own disablement:

(c) any surviving spouse or partner pension received by the person under section 66 of the Veterans' Support Act 2014:

(d) any, or any part of any, pension or other periodical allowance received by any person from the Government of any Commonwealth country (other than New Zealand) that MSD determines is analogous to a pension or allowance specified in paragraph (b) or (c):

(e) the value of any assistance of a kind approved by MSD provided to the person as a person with a health condition, injury, or disability to obtain or remain in employment:

(f) any money received by the person by way of funeral benefit from any friendly society:

(g) a participation allowance received by the person:

(h) any money paid in respect of any military decoration and received by the person as a recipient of that decoration:

(i) any money received by the person by way of an independence allowance under section 54 of the Accident Rehabilitation and Compensation Insurance Act 1992 or Part 13 or Part 4 of Schedule 1 of the Accident Insurance Act 1998, or any impairment lump sum received under Schedule 1 of the Accident Compensation Act 2001:

(j) any money received by the person under the Oranga Tamariki Act 1989 in respect of the care of a child or young person (as those terms are defined in that Act), including financial assistance received by a young person (including a young adult), a caregiver, or other person under section 386AAG or 386B of that Act:

(k) any income-related rent (within the meaning of the Public and Community Housing Management Act 1992):

(l) any tax credit or amount received by the person under—

(i) subparts MA to MG and MZ of the Income Tax Act 2007; or

(ii) subpart KD of the Income Tax Act 2004; or

(iii) subpart KD of the Income Tax Act 1994; or

(iv) Part 11A of the Income Tax Act 1976:

(m) child support that is an interest acquired by the person, for example,—

(i) an interest acquired that is an offset child support payment; or

(ii) an interest acquired by way of child support debt recovery by reduced further payments of child support:

(n) a child support deduction for a receiving carer who is a UCB beneficiary:

(na) a child support excess payment (which includes, without limitation, a mixed child support payment):

(o) any amount of output tax charged in respect of a supply of goods and services made by that person:

(p) any amount of goods and services tax payable by the Commissioner of Inland Revenue to that person.

Compare: 1964 No 136 s 3(1), definition of income, paragraph (f)(i) to (xi), (xiii), (xvi), (xviii)

Schedule 3 clause 8 heading: replaced, on 1 July 2023, by section 40(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 8: amended, on 1 July 2023, by section 40(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 8(a): amended, on 11 February 2021, by clause 80(3) of Schedule 1.

Schedule 3 clause 8(k): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Schedule 3 clause 8(m): replaced, on 1 July 2023, by section 40(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 8(n): replaced, on 1 July 2023, by section 40(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 8(na): inserted, on 1 July 2023, by section 40(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

8A Exception to exclusion in clause 8(a): income includes COVID-19 income relief payment

[Repealed]

Schedule 3 clause 8A: repealed, on 11 February 2021, by clause 80(4) of Schedule 1.

9 Income excludes amounts, etc, declared not to be income

A person's income excludes any amount, item, payment, or income from specified source, declared by regulations made under section 422 not to be income.

Compare: 1964 No 136 ss 3(1), definition of income, paragraph (f)(xii), (xiv), (xv), (xvii), 3(3), 66, 66A, 66B, 68, Schedule 10

10 Considerations for whether income-related insurance payment or income-related purpose

In considering, in respect of a person, whether a payment, credit, or service is an income-related insurance payment or (as the case may be) is for an income-related purpose, MSD must have regard to the following matters:

(a) the nature of the contingency in respect of which the payment, credit, or service was made, provided, or used:

(b) the nature of the payment, credit, or service:

(c) the manner in which, and the occasions on which, the payment, credit, or service is made, provided, or used:

(d) the manner in which the right to or eligibility for the payment, credit, or service is expressed in any contract of insurance or in any other document:

(e) whether the payment, credit, or service is required to be made or provided to any other person and, if so, the relationship between the persons:

(f) whether the person has assigned the person's right to receive the payment, credit, or service:

(g) any other matters that MSD considers, in the circumstances of the particular case, to be relevant.

Compare: 1964 No 136 s 3(1), definition of income, paragraphs (b) and (f)(xiv)(C), definition of income-related insurance payment, s 3(4)

Part 3
General provisions on calculation of income

Schedule 3 Part 3 heading: amended, on 1 July 2023, by section 41 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

11 Interpretation

In clauses 12 to 14,—

appropriate number of weeks means a number that—

(a) must not exceed 52; and

(b) is specified, for the benefit concerned, in regulations made under section 418(1)(o)

specified provision means a provision that is all or a portion of legislation in or made under all or any of the following:

(a) this Act (for example, a schedule of this Act):

(b) the New Zealand Superannuation and Retirement Income Act 2001:

(c) Part 6 of the Veterans' Support Act 2014.

Compare: 1964 No 136 s 64(1), (2), (2A)

Schedule 3 clause 11 **specified provision**: amended, on 1 July 2023, by section 42 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

12 How annual income is calculated

(1) A person's annual income, for the rate of benefit, or as referred to in a specified provision, is (unless the context otherwise requires) the person's estimated income for the 52 weeks commencing on the date on which the benefit (if granted, or regranted) will commence.

(2) The estimated annual income for the 52 weeks specified in subclause (1) is an amount equal to the income received by the person for the 52 weeks ending on the day preceding the date on which the benefit, if granted or regranted, will commence as MSD determines.

(3) The income received by the person for the 52 weeks specified in subclause (2) is or includes any information share child support payment that is charged as weekly income of the person under Part 3A of this schedule for all or any of those weeks.

Compare: 1964 No 136 s 64(1), (2)

Schedule 3 clause 12 heading: replaced, on 1 July 2023, by section 43(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 12(3): inserted, on 1 July 2023, by section 43(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

13 How weekly income is calculated: general

(1) A person's weekly income, for the rate of benefit, or as referred to in a specified provision, is (unless the context otherwise requires) the person's weekly income calculated by dividing the person's total income over the appropriate number of weeks by that number of weeks.

(2) MSD may, in calculating a person's weekly income under subclause (1), determine the period or periods to which any income relates, having regard to—

(a) the extent to which it was earned in that period or those periods; or

(b) the extent to which any other entitlement to it arose in, or in respect of, that period or those periods; or

(c) the period or periods for which it was otherwise received, acquired, paid, provided, or supplied.

(3) MSD's determination under subclause (2) is not limited to, or by, the exact time or times of the relevant earning, entitlement, receipt, acquisition, payment, provision, or supply, referred to in subclause (2)(a) to (c).

(4) Nothing in this clause applies to any information share child support payment (*see* Part 3A of this schedule).

Compare: 1964 No 136 s 64(2A), (2B)

Schedule 3 clause 13 heading: replaced, on 1 July 2023, by section 44(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 13(4): inserted, on 1 July 2023, by section 44(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

14 Adjustments for likely reductions or increases

The estimated income for the period for which the calculation under clause 12(1) or 13(1) is made is the income as calculated under clause 12(1) or 13(1), but adjusted for all (if any) of the following deductions and additions:

(a) MSD may deduct any items by which MSD is satisfied that income as so calculated is likely to be reduced:

(b) MSD may add any items by which MSD is satisfied that income as so calculated is likely to be increased.

Compare: 1964 No 136 s 64(3)

15 Rules on how MSD determines income of people engaged in business or trade

(1) The Governor-General may, by Order in Council, make rules—

(a) prescribing how MSD is to assess and determine for the purposes of this Act the income of all or any of the following:

(i) self-employed people:

(ii) people carrying on business in a partnership:

(iii) people trading as a small business:

(iv) directors of a company:

(v) people carrying on business or trade through a company of which they are—

(A) a director and a shareholder; or

(B) an employee and a shareholder; or

(C) a director, a shareholder, and an employee:

(vi) people otherwise engaged in business or trade; and

(b) prescribing the circumstances in which those rules apply.

(1A) However, neither subclause (1) nor rules made under subclause (1) apply to any information share child support payment (*see* Part 3A of this schedule).

(2) Rules made under subclause (1) may prescribe for the purposes of this Act all or any of the following:

(a) the kinds of deduction from income allowed under the Income Tax Act 2007 that are to be disregarded in determining income, and—

(i) the circumstances in which the deductions are to be disregarded; and

(ii) whether the deductions are to be disregarded wholly or in part only:

(b) how income is to be calculated if business accounts are presented in cash or accrual form:

(c) livestock valuation methods, and their treatment, in calculating income:

(d) the extent (if any) to which, and circumstances in which, all or any of the following are to be treated as a person's income:

(i) the person's drawings from a business or trade:

(ii) goods or services supplied to the person by a business or trade:

(iii) distributions to the person from a business or trade:

(iv) income from a business or trade by the person:

(e) how it is to be determined whether a person has used assets of a business or trade for no consideration or inadequate consideration:

(f) how a person's income is to be determined if the person has used assets of a business or trade for no consideration or inadequate consideration:

(g) the extent (if any) to which depreciation or other provision for replacement of capital assets is to be—

(i) allowed as a deduction from income; or

(ii) disregarded in calculating income:

(h) the extent (if any) to which, and circumstances in which, either or both of the following are to be treated as income:

(i) distributions from a company:

(ii) retained profits of a company:

(i) the treatment of look-through companies (within the meaning of the Income Tax Act 2007).

(3) Subclause (2)(d) applies to businesses and trades however they are carried on.

(4) Subclause (3) does not limit subclause (1).

(5) Rules made under subclause (1), if those rules reduce the income of people, have effect in respect of any income specified in the rules on and after a date that is—

(a) specified in the rules; and

(b) earlier than, the same as, or later than, the date on which the rules are made.

(6) Rules under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132H

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 3 clause 15(1A): inserted, on 1 July 2023, by section 45 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 15(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 3A
Special provisions on calculation of weekly income that is information share child support payment

Schedule 3 Part 3A: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

How payment is charged as weekly income

Heading: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15A How payment is charged as weekly income

What this Part does

(1) This Part sets out how a person's information share child support payment is all or any of their weekly income—

(a) for the rate of benefit; or

(b) for a specified provision (as defined in clause 15C).

Key steps in charging payment as weekly income

(2) The key steps in charging the payment as weekly income are as follows:

(a) the payment is taken to be received at deemed receipt:

(b) deemed receipt is used to identify when income charging starts and ends:

(c) the payment amount is divided by the number of weeks the payment is charged to produce equal amounts of weekly income for each of those weeks.

Exceptions

(3) Under the exception in clause 15H (terminal benefit), which applies when the person has died, and their benefit will end, or has ended, under section 326(2) or (3), the payment is not charged as the person's weekly income.

(4) Under the exception in clause 15I (transfer to new benefit paid in different instalments), MSD may charge the payment amount—

(a) as income for other weeks; and

(b) as equal or unequal amounts of weekly income for each of those other weeks.

Schedule 3 clause 15A: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15B Effect of non-payment of benefit or other assistance

Part applies even if benefit or other assistance not payable

(1) This Part applies to a person and an income-charging period even if the person's benefit or other assistance under this Act is not payable at all or any of the following times:

(a) at or after the time of disclosure to MSD of a payment that could be charged as income in the period:

(b) at the start or end of, or at any other time or times in, the period.

Examples of benefit or other assistance not payable

The person's benefit or other assistance under this Act—

- is not payable at the start of the period; but
- is payable again later in the period.

The person's benefit or other assistance under this Act—

- is payable at the start of the period; but
- is not payable, then is payable again, later in the period.

(2) Subclause (1) applies whether or not the person's benefit or other assistance under this Act changes at the start or end of, or at any other time or times in, the period.

(3) But subclause (1)(a) does not apply (despite subclause (4)) to a person's benefit or other assistance under this Act that is not payable because it has been cancelled.

Meaning of not payable

(4) For the purposes of subclause (1), a person's benefit or other assistance under this Act is not payable (subject to subclause (3)) if all or any of the following apply:

(a) the benefit or other assistance under this Act is, in connection with a review under section 304 or otherwise, suspended, or otherwise not payable, in connection with decisions MSD has made, or is to make, about whether the person is, or remains, entitled to—

(i) the benefit or other assistance under this Act; or

(ii) the rate of benefit or other assistance under this Act that was paid to the person:

(b) the person is subject to legislation in or made under this Act that provides for the suspension, or other non-payment, in certain circumstances, of that person's benefit or other assistance under this Act.

Legislation providing for suspension or other non-payment

(5) The legislation mentioned in subclause (4)(b) includes, without limitation,—

(a) section 213 (immediate suspension of benefit at request of New Zealand Police):

(b) section 219 (general rule: benefit not payable while beneficiary absent from New Zealand):

(c) section 237 (sanction for second failure: suspension of main benefit):

(d) section 270 (sanction for first or second failure: suspension of in-hand allowance and incentive payments):

(e) section 280 (sanction for first or second failure: suspension of in-hand allowance and incentive payments):

(f) sections 331 to 336 (expiry and regrant of specified benefits):

(g) regulations made under section 436 (regulations: factors affecting benefits: absence from New Zealand):

(h) regulations made under section 441(1) (regulations: expiry and regrant of benefits).

Schedule 3 clause 15B: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Definitions

Heading: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15C Interpretation

In this Part,—

business day, for an information share child support payment, means a day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) Christmas Day, Boxing Day, New Year's Day, and 2 January; and

(d) if Christmas Day or 1 January falls on a Friday, the following Monday; and

(e) if Christmas Day or 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday

expected date of the next in-cycle payment, for an in-cycle payment made on the second business day after the 19th day of a month, means the third business day after the 19th day of the next month

in-cycle payment means an information share child support payment that is made—

(a) by the Commissioner of Inland Revenue to the receiving carer; and

(b) on the second business day after the 19th day of a month

out-of-cycle payment means an information share child support payment that is not an in-cycle payment

specified provision has the same meaning as in clause 11 of this schedule

standard income-charging period means,—

(a) if the relevant benefit or other assistance is paid in instalments of 1 week's benefit or other assistance, a period that—

(i) starts on a Monday; and

(ii) ends at the close of the first Sunday after that Monday; and

(b) if the relevant benefit or other assistance is paid in instalments of 2 weeks' benefit or other assistance, a period that—

(i) starts on a Wednesday; and

(ii) ends at the close of the second Tuesday after that Wednesday

transaction date, for an information share child support payment to a person, means the date of the business day on which a bank is to make the payment to the person by direct credit to a bank account nominated by the person under section 148 of the Child Support Act 1991, as the date of that business day is—

(a) stated in the Commissioner of Inland Revenue's instructions to the bank; and

(b) disclosed to MSD under the specified approved information sharing agreement.

Schedule 3 clause 15C: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Receipt

Heading: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15D Deemed receipt: general rule

In this Part, the **deemed receipt** of a person's information share child support payment is,—

(a) at the start of the first business day after the transaction date, if MSD makes no determination under clause 15E; or

(b) if MSD makes a determination under clause 15E, at the start of the date determined under that clause.

Schedule 3 clause 15D: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15E Deemed receipt: exception

(1) MSD may determine that a person's information share child support payment is, for the purposes of this Part, taken to be received—

(a) not at the start of the first business day after the transaction date (under the general rule in clause 15D(a)); but instead

(b) at the start of a later date.

(2) MSD must consider the day on which the person actually received the payment, and any advantage to the person of the general rule in clause 15D(a) not applying to the person, if, and when, MSD decides—

(a) whether to make a determination under this clause; and

(b) the terms of a determination made under this clause.

Schedule 3 clause 15E: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Payment charged as income: general rules

Heading: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15F When income charging starts: general rule

In-cycle payment or out-of-cycle payment

For a person's in-cycle payment or out-of-cycle payment, income charging starts as set out in item 1 or 2 of the following table:

Item	If the relevant benefit or other assistance is paid ...	income charging starts ...
1	in instalments of 1 week's benefit or other assistance	at the start of a standard income-charging period, if deemed receipt falls in that period
2	in instalments of 2 weeks' benefit or other assistance	at the start of a standard income-charging period, if deemed receipt falls in week 1 of that period *or* at the start of the next standard income-charging period, if deemed receipt falls in week 2 of a standard income-charging period

Schedule 3 clause 15F: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15G When income charging ends: general rule

In-cycle payment

(1) For a person's in-cycle payment, income charging ends as set out in item 1 or 2 of the following table:

Item	If the relevant benefit or other assistance is paid ...	income charging ends ...
1	in instalments of 1 week's benefit or other assistance	at the end of the standard income-charging period immediately before the expected date of the next in-cycle payment
2	in instalments of 2 weeks' benefit or other assistance	at the end of the 4 weeks that start on the day on which the payment starts to be charged as the person's income

Out-of-cycle payment

(2) For a person's out-of-cycle payment, income charging ends as set out in item 1 or 2 of the following table:

Item	If the relevant benefit or other assistance is paid ...	income charging ends ...
1	in instalments of 1 week's benefit or other assistance	at the end of the first Sunday before the day that— (a) is in the month after the month of deemed receipt; and (b) corresponds to the day of deemed receipt *or* at the end of the first day of the second month after the month of deemed receipt, if the month after the month of deemed receipt contains no day that corresponds to the day of deemed receipt
2	in instalments of 2 weeks' benefit or other assistance	at the end of the 4 weeks that start on the day on which the payment starts to be charged as the person's income

Schedule 3 clause 15G: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Exceptions

Heading: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15H Terminal benefit

When clause applies to payment

(1) This clause applies to the person's information share child support payment (whether an in-cycle payment or an out-of-cycle payment) if—

(a) the person has died, and their benefit—

(i) is specified in any of paragraphs (a) to (h) of section 326(1); and

(ii) will end, or has ended, under section 326(2) or (3); and

(b) the payment's deemed receipt is after the person's death.

Payment is not charged as weekly income

(2) The payment is not charged as the person's weekly income.

Relationship with clauses 15F and 15G

(3) This clause overrides clauses 15F and 15G.

Schedule 3 clause 15H: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

15I Transfer to new benefit paid in different instalments

Transfer from weekly-instalment benefit to fortnightly-instalment benefit

(1) This clause applies to a person who transfers—

(a) from a benefit or other assistance that is payable in instalments of 1 week's benefit or other assistance; and

(b) to a benefit or other assistance that is payable in instalments of 2 weeks' benefit or other assistance.

Transfer from fortnightly-instalment benefit to weekly-instalment benefit

(2) This clause also applies to a person who transfers—

(a) from a benefit or other assistance that is payable in instalments of 2 weeks' benefit or other assistance; and

(b) to a benefit or other assistance that is payable in instalments of 1 week's benefit or other assistance.

MSD may determine that payment is charged as income for other weeks

(3) MSD may determine that the person's information share child support payment is charged as the person's weekly income for a period that—

(a) MSD identifies; and

(b) is after the deemed receipt; and

(c) is 3 or more weeks, but not more than 6 weeks; and

(d) does not start or end as required by clauses 15F and 15G.

(4) In making a determination under this clause, MSD may charge the payment amount as equal or unequal amounts of weekly income.

Mandatory relevant consideration

(5) MSD must consider how MSD can best charge the payment as weekly income reasonably and conveniently if, and when, MSD decides—

(a) whether to make a determination under this clause; and

(b) the terms of a determination made under this clause.

Relationship with clauses 15F and 15G

(6) This clause overrides clauses 15F and 15G.

Schedule 3 clause 15I: inserted, on 1 July 2023, by section 46 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Part 4
Deprivation of income or property

16 Effect of deprivation of income or property

(1) This clause applies if MSD is satisfied that—

(a) deprivation of 1 or both of the following kinds has occurred:

(i) an applicant for a benefit has, directly or indirectly, deprived the applicant of income, property, or both:

(ii) the spouse or partner of an applicant for a benefit has, directly or indirectly, deprived the spouse or partner of income, property, or both; and

(b) the deprivation results in the applicant's qualifying for that benefit, any other benefit, or an increased rate of benefit.

(1A) For the purposes of this clause and of rules under clause 17, deprivation of income, property, or both, by a person who is an applicant for a benefit, or the spouse or partner of that applicant, excludes that person doing all or any of—

(a) not applying for a formula assessment of child support payable in respect of a qualifying child under the Child Support Act 1991:

(b) electing to end a formula assessment of child support payable in respect of a qualifying child under that Act:

(c) choosing not to enter into a voluntary agreement for child support in respect of a qualifying child under that Act (whether or not that voluntary agreement—

(i) is a voluntary agreement that, under section 48 of that Act, qualifies for acceptance by the Commissioner of Inland Revenue; and so

(ii) is a qualifying voluntary agreement (as defined in section 2(1) of that Act)):

(d) making under that Act an election to terminate liability under a qualifying voluntary agreement that, under section 48 of that Act, has been accepted by the Commissioner of Inland Revenue:

(e) not making, or making, any other arrangement (for example, one in respect of a qualifying child and that is not a qualifying voluntary agreement (as those terms are defined in section 2(1) of that Act)) that does or may affect whether or what child support is payable in respect of a qualifying child under that Act.

(1B) Subclause (1A) does not apply to, and does not limit the application of section 9 (UCB beneficiaries must apply for formula assessment) of the Child Support Act 1991 to,—

(a) an applicant for an unsupported child's benefit; or

(b) the spouse or partner of that applicant; or

(c) a UCB beneficiary; or

(d) the spouse or partner of that UCB beneficiary.

(2) MSD may refuse to grant a benefit, cancel or reduce a benefit already granted, or grant a benefit at a reduced rate.

(3) In this clause and clause 17,—

income excludes, for 12 months after the date of the person's receipt of the amount, an amount that—

(a) MSD considers is, or might have been, derived by a person from—

(i) an impairment lump sum under Schedule 1 of the Accident Compensation Act 2001; or

(ii) a lump sum payment of an independence allowance under Part 13 or Part 4 of Schedule 1 of the Accident Insurance Act 1998; and

(b) is paid to, and received by, the person, after (when section 74(2) of the Social Security Act 1964 commenced at) the close of 31 March 2002

property excludes, for 12 months after the date of the person's receipt of the sum or payment, a sum or payment that—

(a) was paid to, and received by, a person as—

(i) an impairment lump sum under Schedule 1 of the Accident Compensation Act 2001; or

(ii) a lump sum payment of an independence allowance under Part 13 or Part 4 of Schedule 1 of the Accident Insurance Act 1998; and

(b) is paid to, and received by, the person, after (when section 74(2) of the Social Security Act 1964 commenced at) the close of 31 March 2002.

(4) This clause—

(a) overrides any provisions to the contrary in this Act (under clause 2(3)), Part 6 of the Veterans' Support Act 2014, or the New Zealand Superannuation and Retirement Income Act 2001; but

(b) is subject to any rules prescribed by rules under clause 17.

Compare: 1964 No 136 s 74(1)(d), (2)

Schedule 3 clause 16(1A): inserted, on 1 July 2023, by section 47 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 16(1B): inserted, on 1 July 2023, by section 47 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

17 Rules on how MSD determines deprivation of income or property

(1) The Governor-General may, by Order in Council, for the purposes of clause 16 make rules—

(a) relating to the deprivation of income, property, or both; and

(b) prescribing the circumstances in which the rules apply.

(1A) Rules under this clause are subject to clause 16(1A) (under which deprivation of income, property, or both, excludes specified conduct by a person who is an applicant for a benefit, or the spouse or partner of that applicant).

(2) Rules under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 132I

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 3 clause 17(1A): inserted, on 1 July 2023, by section 48 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 clause 17(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 5
Effect on liabilities of insurance payments

18 How accommodation costs affected by debt insurance payment in relation to mortgage security

(1) This clause applies to a person if a debt insurance payment in relation to a mortgage security is made to the person, or to some other person—

(a) on the person's behalf; or

(b) for the person's benefit.

(2) For the purposes of the definition in section 65 of accommodation costs, the payments required to be made by that person under that mortgage security are taken to be reduced by the amount of the debt insurance payment.

Compare: 1964 No 136 s 68A(1)

19 How expenses for disability allowance may be affected by health or disability insurance payment

(1) This clause applies to a person if a health or disability insurance payment is made to the person, or to some other person—

(a) on the person's behalf; or

(b) for the person's benefit; or

(c) on behalf of a member of the person's family; or

(d) for the benefit of a member of the person's family.

(2) For the purposes of subpart 14 of Part 2 (disability allowance), any additional expenses of the person arising from the person's disability, or expenses arising from the hospitalisation of the person's spouse or partner, as the case may be, are taken to be reduced to the extent, if any, MSD considers appropriate.

(3) MSD must, in determining the extent of any reduction, have regard to the nature of the payment and those additional expenses or expenses.

Compare: 1964 No 136 s 68A(3)

20 How commitments for temporary additional support may be affected by debt, or health or disability, insurance payment

(1) This clause applies to a person if a debt insurance payment, or a health or disability insurance payment, is made to the person, or to some other person—

(a) on the person's behalf; or

(b) for the person's benefit; or

(c) on behalf of a member of the person's family; or

(d) for the benefit of a member of the person's family.

(2) For the purposes only of temporary additional support, the person's commitments are taken to be reduced to the extent, if any, MSD considers appropriate.

(3) MSD must, in determining the extent of any reduction, have regard to the nature of the payment and of those commitments.

(4) In this clause, **temporary additional support** means either or both of the following:

(a) temporary additional support under subpart 16 of Part 2:

(b) a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004 (as that section is saved by clause 19 of Schedule 1 of this Act).

Compare: 1964 No 136 s 68A(2)

21 How costs, etc, for approved programme of special assistance may be affected by debt, or health or disability, insurance payment

(1) This clause applies to a person if a debt insurance payment, or a health or disability insurance payment, is made to the person, or to some other person—

(a) on the person's behalf; or

(b) for the person's benefit; or

(c) on behalf of a member of the person's family; or

(d) for the benefit of a member of the person's family.

(2) For the purposes of any approved special assistance programme under section 101, the costs, expenses, and commitments of the person are taken to be reduced to the extent, if any, MSD considers appropriate having regard to the nature of the payment and those costs, expenses, and commitments.

Compare: 1964 No 136 s 68A(4)

Schedule 4
Rates of benefits

ss 17, 21, 38, 55, 62, 89, 165–168, 206, 282, 341, 370, 423, 442, 452, 453, Schedules 1, 2

Schedule 4 heading: amended, on 22 February 2024, by section 8 of the Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3).

Contents

Page

Part 1
Jobseeker support

Part 2
Sole parent support

Part 3
Supported living payment

Part 4
Orphan's benefit

Part 5
Unsupported child's benefit

Part 6
Rates and component of youth payment and young parent payment, and criteria for incentive payments

Subpart 1—Rates of youth payment and young parent payment

Subpart 2—Component

Subpart 3—Rates of incentive payments

Subpart 4—Abatement rates and income limits

Part 7
Accommodation supplement

Part 8
Winter energy payment

Part 9
Child disability allowance and disability allowance

Part 10
Rates of generally abolished former widows' benefits under section 21 of Social Security Act 1964 as saved by clause 55 of Schedule 1 of this Act for reciprocity agreement applicants or recipients

Part 11
Rates of generally abolished former DPB for solo parents under section 27B of Social Security Act 1964 as saved by clause 55 of Schedule 1 of this Act for reciprocity agreement applicants or recipients

Part 12
Rates of benefits payable to long-term hospital patients

Part 1
Jobseeker support

1	(a)	To a single beneficiary under the age of 20 years who is— (i) living with a parent (as that term is defined in clause 8); and (ii) whose benefit commenced on or after 1 July 1998	$268.13 a week, subject to Income Test 3
	(b)	To any other single beneficiary under the age of 25 years without dependent children (*see* clause 7)	$314.72 a week, subject to Income Test 3
	(c)	To any other single beneficiary without dependent children and who was on 15 July 2013 transferred to jobseeker support by clause 2(9) and (11), or by clause 10(6) and (8), of Schedule 32 of the Social Security Act 1964	$372.93 a week, subject to Income Test 1
	(d)	To any other single beneficiary without dependent children	$361.32 a week, subject to Income Test 3
	(e)	To any single beneficiary whose youngest dependent child is aged at least 14 years (including, without limitation, any such beneficiary who is a beneficiary of a kind specified in clause 4(a), (b), or (c), and *see also* MSD's discretion (to disregard specified income used to meet the cost of childcare) under clause 5)	$505.80 a week, subject to Income Test 1
	(f)	To any other single beneficiary with 1 or more dependent children	$505.80 a week, subject to Income Test 1
	(g)	To a beneficiary who is in a relationship whose spouse or partner is granted, in the spouse's or partner's own right, a main benefit under this Act	(i) $307.42 a week subject to Income Test 4 if the beneficiary and his or her spouse or partner do not have 1 or more dependent children; or (ii) $324.61 a week subject to Income Test 4 if the beneficiary and his or her spouse or partner have 1 or more dependent children
	(h)	To a beneficiary who is in a relationship whose spouse or partner is granted, in the spouse's or	(i) $307.42 a week subject to Income Test 4 if the

		partner's own right, New Zealand superannuation or a veteran's pension	beneficiary and his or her spouse or partner do not have 1 or more dependent children; or (ii) $324.61 a week subject to Income Test 4 if the beneficiary and his or her spouse or partner have 1 or more dependent children
	(j)	To a beneficiary who is in a relationship whose spouse or partner is not granted a main benefit under this Act, New Zealand superannuation, or a veteran's pension, in the spouse's or partner's own right	(i) $614.84 a week subject to Income Test 3 if the beneficiary and his or her spouse or partner do not have 1 or more dependent children; or (ii) $649.22 a week subject to Income Test 3 if the beneficiary and his or her spouse or partner have 1 or more dependent children
2	Maximum increase in respect of a housekeeper		$307.42 a week
3	Special rate of benefit (and a rate to be received by the person during the period of non-entitlement of the person's spouse or partner) for a person who has a spouse or partner who is ineligible for a benefit for a period because of— (a) the application of sections 225 to 229 (which relate to voluntary unemployment or loss of employment through misconduct, etc); or (b) the application of sections 234 to 238 (which relate to sanctions that may be imposed for failures to comply with work-test or other obligations and work-preparation interviews and exercises); or (c) a strike, either by the spouse or partner, or by fellow members of the same union at the same place of employment		(i) $307.42 a week subject to Income Test 4 if the beneficiary does not have 1 or more dependent children; or (ii) $324.61 a week subject to Income Test 4 if the beneficiary has 1 or more dependent children

4 A single beneficiary whose youngest dependent child is aged at least 14 years, referred to in clause 1(e), includes, without limitation, any such beneficiary who is—

(a) a beneficiary who (as a person with a dependent child aged under 14 years) was on 15 July 2013 transferred by clause 2(6) and (8) of Schedule 32 of the Social Security Act 1964 to sole parent support that after 14 July 2013 and under section 20H(1) and (2) of that Act expired, and was replaced with jobseeker support that commenced, on the date that the beneficiary's youngest dependent child turned 14 years old; or

(b) a beneficiary who (as a person without a dependent child aged under 14 years) was on 15 July 2013 transferred to jobseeker support by clause 2(9) and (11) of Schedule 32 of the Social Security Act 1964; or

(c) a beneficiary whose entitlement to jobseeker support arose from applying for it, and being granted it, after 14 July 2013.

5 For the purposes of clause 1(e) and of clause 1(f), MSD may disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of childcare for any of the beneficiary's dependent children.

6 A person to whom section 30(e) (which relates to having lost the regular support of a spouse or partner who is subject to a sentence of imprisonment, etc) applies is treated as a single beneficiary for the purposes of clauses 1(e) and (f) and 4.

7 In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.

8 In this Part, **living with a parent**, in relation to a person and a parent (which, in this definition, means a parent, a guardian, or a person acting as a parent),—

(a) means living in the same home as a parent of the person; but

(b) does not include a situation in which a person lives in the same home as a parent of the person if—

(i) the parent is financially dependent on the person; or

(ii) the person, at the person's own expense, provides accommodation for the parent in the home; or

(iii) the person provides a substantial degree of care to the parent; or

(iv) the home is a hostel, boardinghouse, or similar lodging, and the person and the parent pay for accommodation in it.

Schedule 4 Part 1 clause 1(a): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(b): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(c): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(d): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(e): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(f): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(g)(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(g)(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(h): amended, on 9 November 2020, by section 43(1) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 4 Part 1 clause 1(h)(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(h)(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(i): repealed, on 9 November 2020, by section 43(2) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 4 Part 1 clause 1(j)(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 1(j)(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 2: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 3(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 3(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 1 clause 6: amended, on 8 November 2021, by section 10(1) of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

Part 2
Sole parent support

1 To a beneficiary with 1 or more dependent children: $505.80 a week, subject to Income Test 1.

2 For the purposes of clause 1, MSD may disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of childcare for any of the beneficiary's dependent children.

3 For the purposes of clause 1, MSD may treat all or any part of the income (including, without limitation, any pension or allowance under the Veterans' Support Act 2014) of the spouse or partner of an applicant to whom section 30(b) or (e) applies as if it were income derived by that applicant if MSD—

(a) has had regard to its nature and the means by which it was derived; and

(b) considers that treatment of it to be reasonable in the circumstances.

4 In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.

Schedule 4 Part 2 clause 1: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 2 clause 3: amended, on 8 November 2021, by section 10(2) of the Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38).

Part 3
Supported living payment

1	(a)	To a single beneficiary under the age of 18 years without dependent children	$345.14 a week, subject to Income Test 1
	(b)	To any other single beneficiary without dependent children	$411.80 a week, subject to Income Test 1
	(c)	To a single beneficiary with 1 or more dependent children	$564.42 a week, subject to Income Test 1
	(d)	To a beneficiary who is in a relationship, whose spouse or partner is granted, in the spouse's or partner's own right, a main benefit under this Act	(i) $349.85 a week subject to Income Test 2 if the beneficiary and his or her spouse or partner do not have 1 or more dependent children; or (ii) $367.06 a week subject to Income Test 2 if the beneficiary and his or her spouse or partner have 1 or more dependent children
	(e)	To a beneficiary who is in a relationship, whose spouse or partner is granted, in the spouse's or partner's own right, New Zealand superannuation or a veteran's pension	(i) $349.85 a week subject to Income Test 2 if the beneficiary and his or her spouse or partner do not have 1 or more dependent children; or (ii) $381.10 a week subject to Income Test 2 if the beneficiary and his or her spouse or partner have 1 or more dependent children
	(g)	To a beneficiary receiving a supported living payment under section 34 on the ground of restricted work capacity or total blindness who is in a relationship, whose spouse or partner is not granted, in the spouse's or partner's own right, a main benefit under this Act or New Zealand superannuation or a veteran's pension	(i) $699.70 a week subject to Income Test 1 if the beneficiary and his or her spouse or partner do not have 1 or more dependent children; or (ii) $734.12 a week subject to Income Test 1 if the beneficiary and his or her spouse or partner have 1 or more dependent children
	(h)	To a beneficiary receiving a supported living payment under section 40 on the ground of caring for another person, if the beneficiary is in a relationship, and the beneficiary's spouse or partner is not granted, in the spouse's or partner's own right, a main benefit under this Act or New Zealand superannuation or a veteran's pension	(i) $349.85 a week subject to Income Test 1 if the beneficiary and his or her spouse or partner do not have 1 or more dependent children; or (ii) $381.10 a week subject to Income Test 1 if the beneficiary and his or her spouse or partner have 1 or more dependent children

However, in computing the income of any beneficiary receiving a supported living payment under section 34 for the purpose of this schedule, MSD must—

(a) disregard that part of the beneficiary's income (not exceeding $20 a week) earned by the beneficiary's own efforts; and

(b) disregard all of the income of a totally blind beneficiary earned by the beneficiary's own efforts.

2	Maximum amount from all sources where subsidy (that is to say, an additional allowance under clause 3) is paid on earnings of a blind beneficiary, in every case	$564.35 a week, increased by $73.05 a week if the beneficiary is a single person

3 A person (**P**) who receives a supported living payment in respect of P's total blindness and who is employed, is entitled to an additional allowance (subsidy) equal to 25% of P's average earnings for the year.

4 However, if payment of that additional allowance would result in the total amount P receives from all sources for P's own use in any year, including the value of any benefits in kind, exceeding the appropriate amount specified in clause 2, the additional allowance—

(a) must not be paid; or

(b) must be paid at a reduced rate to avoid that result.

5 A beneficiary who is in a relationship is entitled to be paid at half the appropriate rate in clause 1(d), (e), (g), or (h) and at half the abatement rate applying to that rate if the beneficiary—

(a) has a psychiatric, intellectual, physical, or mental disability; and

(b) is receiving long-term residential care in a hospital or rest home because of that disability; and

(c) has not been means assessed under Part 6 of the Residential Care and Disability Support Services Act 2018.

6 A supported living payment payable to the spouse or partner of a person to whom clause 5 applies is payable at the appropriate rate specified in clause 1(b) or (c) if that spouse or partner is not receiving long-term residential care in a hospital or rest home.

7 Despite paragraphs (d), (e), and (g) of clause 1, the rate of a supported living payment on the ground of caring for another person under any of those paragraphs must not be less than the rates that would be payable if the beneficiary and the spouse or partner of the beneficiary were both entitled to receive the benefit on those grounds; but the rate of benefit payable by virtue of this clause must not exceed—

(a) $349.85 a week if the beneficiary and the spouse or partner of the beneficiary have no dependent children; or

(b) $381.10 a week if the beneficiary and the spouse or partner of the beneficiary have 1 or more dependent children.

8 In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.

Schedule 4 Part 3 clause 1(a): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(b): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(c): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(d)(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(d)(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(e): amended, on 9 November 2020, by section 43(3) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 4 Part 3 clause 1(e)(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(e)(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(f): repealed, on 9 November 2020, by section 43(4) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 4 Part 3 clause 1(g)(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(g)(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(h)(i): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 1(h)(ii): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 2: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 2: amended, on 1 April 2022, by clause 4 of the Social Security (Rates of Benefits and Allowances) Order (No 2) 2022 (SL 2022/67).

Schedule 4 Part 3 clause 5: amended, on 9 November 2020, by section 43(5) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 4 Part 3 clause 7: amended, on 9 November 2020, by section 43(6) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Schedule 4 Part 3 clause 7(a): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 3 clause 7(b): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Part 4
Orphan's benefit

1	(a)	In respect of a child aged 14 years or over	$340.01 a week
	(b)	In respect of a child aged over 10 years and under 14 years	$317.30 a week
	(c)	In respect of a child aged over 5 years and under 10 years	$294.47 a week
	(d)	In respect of a child aged under 5 years	$292.44 a week

2 The amount specified in clause 1 must be diminished by $1 for every complete $1 of the annual income of the child (other than personal earnings of the child) in excess of 50% of the appropriate amount specified under that clause.

Allowances

3 The following allowances in respect of the child:

(a) on and after 1 July 2018, a clothing allowance; and

(b) on and after 1 December 2021, an annual holiday allowance; and

(c) on and after 1 December 2021, a birthday allowance for the child's birthday in 2022 and every year after that.

4 The allowances are in the same amount or at the same rate as the rates of payment determined under section 363(1) of the Oranga Tamariki Act 1989 for—

(a) any clothing allowance:

(b) any Christmas allowance (or any subsequent annual holiday allowance):

(c) any birthday allowance.

5 The allowances are in addition to the applicable rate in clause 1.

When caregiver is entitled to and paid holiday allowance

6 A person is entitled to the holiday allowance if the person is entitled to the orphan's benefit for the child on 25 December.

7 The holiday allowance is payable before 25 December to a person whom MSD expects to be entitled to that allowance.

8 Payment of the holiday allowance before 25 December is subject to the condition that the person is liable to repay the whole of the allowance if the person is not entitled to the allowance on 25 December.

When caregiver is entitled to and paid birthday allowance

9 A person is entitled to the birthday allowance if the person is entitled to the orphan's benefit for the child on the entitlement date.

10 The entitlement date for the birthday allowance is the date of the child's birthday.

11 However, 1 March is the entitlement date for a birthday that occurs, or would otherwise occur, on 29 February.

12 The birthday allowance is payable before the entitlement date to a person whom MSD expects to be entitled to that allowance.

13 Payment of the birthday allowance before the entitlement date is subject to the condition that the person is liable to repay the whole of the allowance if the person is not entitled to the allowance on that date.

Effect of section 329

14 For the purposes of this Part, a person is considered to be entitled to the orphan's benefit for the child if the person is being paid that benefit for the child under section 329(b).

Schedule 4 Part 4 clause 1(a): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 4 clause 1(b): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 4 clause 1(c): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 4 clause 1(d): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 4 clause 3 heading: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 3: replaced, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 4: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 5: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 6 heading: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 6: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 7: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 8: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 9 heading: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 9: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 10: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 11: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 12: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 13: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 14 heading: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 4 clause 14: inserted, on 1 July 2021, by section 7(1) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Part 5
Unsupported child's benefit

1	(a)	In respect of a child aged 14 years or over	$340.01 a week
	(b)	In respect of a child aged over 10 years and under 14 years	$317.30 a week
	(c)	In respect of a child aged over 5 years and under 10 years	$294.47 a week
	(d)	In respect of a child aged under 5 years	$292.44 a week

2 The amount specified in clause 1 must be diminished by $1 for every complete $1 of the annual income of the child (other than personal earnings of the child) in excess of 50% of the appropriate amount specified under that clause.

Allowances

3 The following allowances in respect of the child:

(a) on and after 1 July 2018, a clothing allowance; and

(b) on and after 1 December 2021, an annual holiday allowance; and

(c) on and after 1 December 2021, a birthday allowance for the child's birthday in 2022 and every year after that.

4 The allowances are in the same amount or at the same rate as the rates of payment determined under section 363(1) of the Oranga Tamariki Act 1989 for—

(a) any clothing allowance:

(b) any Christmas allowance (or any subsequent annual holiday allowance):

(c) any birthday allowance.

5 The allowances are in addition to the applicable rate in clause 1.

When caregiver is entitled to and paid holiday allowance

6 A person is entitled to the holiday allowance if the person is entitled to the unsupported child's benefit for the child on 25 December.

7 The holiday allowance is payable before 25 December to a person whom MSD expects to be entitled to that allowance.

8 Payment of the holiday allowance before 25 December is subject to the condition that the person is liable to repay the whole of the allowance if the person is not entitled to the allowance on 25 December.

When caregiver is entitled to and paid birthday allowance

9 A person is entitled to the birthday allowance if the person is entitled to the unsupported child's benefit for the child on the entitlement date.

10 The entitlement date for the birthday allowance is the date of the child's birthday.

11 However, 1 March is the entitlement date for a birthday that occurs, or would otherwise occur, on 29 February.

12 The birthday allowance is payable before the entitlement date to a person whom MSD expects to be entitled to that allowance.

13 Payment of the birthday allowance before the entitlement date is subject to the condition that the person is liable to repay the whole of the allowance if the person is not entitled to the allowance on that date.

Effect of section 329

14 For the purposes of this Part, a person is considered to be entitled to the unsupported child's benefit for the child if the person is being paid that benefit for the child under section 329(b).

Schedule 4 Part 5 clause 1(a): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 5 clause 1(b): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 5 clause 1(c): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 5 clause 1(d): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 5 clause 3 heading: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 3: replaced, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 4: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 5: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 6 heading: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 6: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 7: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 8: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 9 heading: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 9: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 10: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 11: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 12: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 13: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 14 heading: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Schedule 4 Part 5 clause 14: inserted, on 1 July 2021, by section 7(2) of the Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25).

Part 6
Rates and component of youth payment and young parent payment, and criteria for incentive payments

Subpart 1—Rates of youth payment and young parent payment

1	For a single young person without dependent children	$314.72 a week subject to clauses 11 and 11A
2	For a single young person who— • is aged 16 to 17 years; and • is living with or being financially supported by a parent or guardian; and • has a dependent child or children	$291.79 a week subject to clauses 11 and 11A
3	For any other single young person with a dependent child or children	$505.80 a week subject to clauses 11 and 11A
4	For a young person who is in a relationship and is without dependent children	$307.42 a week subject to clauses 12 and 12A
5	For a young person who is in a relationship and has a dependent child or children	(a) $324.61 a week subject to clauses 12 and 12A if the young person's spouse or partner is not receiving a main benefit under this Act; or (b) $324.61 a week subject to clauses 12 and 12A if the young person's spouse or partner is receiving a main benefit under this Act
6	In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.	

Subpart 2—Component

7	Maximum amount of in-hand allowance	$50 a week

Subpart 3—Rates of incentive payments

8	Education, training, or work-based learning incentive	$10 a week
9	Budgeting incentive	$10 a week
10	Parenting education incentive	$10 a week

Subpart 4—Abatement rates and income limits

11 The applicable rate of youth payment or young parent payment in clause 1, 2, or 3 must be reduced by $1 for every $1 of the young person's weekly income (excluding any 1 or more information share child support payments) that exceeds $276.11, but no amount of youth payment or young parent payment or incentive payment is payable if the young person's weekly income (excluding any 1 or more information share child support payments) exceeds $326.11.

11A If, after complying with clause 11, an amount of youth payment or young parent payment or incentive payment is payable, the applicable rate of youth payment or young parent payment in clause 1, 2, or 3 must also be reduced by $1 for every $1 of any of the young person's relevant weekly income (as defined in clause 11B).

11B In clause 11A, the **young person's relevant weekly income** means their weekly income—

- that is 1 or more information share child support payments; and
- that exceeds $276.11 of their weekly income that is 1 or both of—
  - any weekly income (excluding any 1 or more information share child support payments):
  - any 1 or more information share child support payments.

12 The applicable rate of youth payment or young parent payment in clause 4 or 5 must be reduced by 50 cents for every $1 of the combined weekly income of the young person and the young person's spouse or partner (excluding any 1 or more information share child support payments) that exceeds $276.11, but no amount of youth payment or young parent payment or incentive payment is payable if that combined weekly income (excluding any 1 or more information share child support payments) exceeds $376.11.

12A If, after complying with clause 12, an amount of youth payment or young parent payment or incentive payment is payable, the applicable rate of youth payment or young parent payment in clause 4 or 5 must also be reduced by 50 cents for every $1 of the relevant combined weekly income of the young person and the young person's spouse or partner (as defined in clause 12B) that exceeds $276.11.

12B In clause 12A, the **relevant combined weekly income of the young person and the young person's spouse or partner** means their combined weekly income—

- that is 1 or more information share child support payments; and
- that exceeds $276.11 of their combined weekly income that is 1 or both of—
  - any weekly income (excluding any 1 or more information share child support payments):
  - any 1 or more information share child support payments.

13 For the purposes of clause 11, 11A, 12, or 12A and a rate of young parent payment, MSD may disregard up to $20 a week of the personal earnings of the young person (excluding any that are the young person's weekly income that is 1 or more information share child support payments) used to meet the costs of childcare for any of the person's dependent children (*see* clause 6).

Schedule 4 Part 6 clause 1: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 1: amended, on 1 July 2023, by section 49(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 2: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 2: amended, on 1 July 2023, by section 49(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 3: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 3: amended, on 1 July 2023, by section 49(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 4: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 4: amended, on 1 July 2023, by section 49(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 5(a): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 5(a): amended, on 1 July 2023, by section 49(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 5(b): amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 5(b): amended, on 1 July 2023, by section 49(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 11: replaced, on 1 July 2023, by section 49(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 11: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 11A: inserted, on 1 July 2023, by section 49(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 11B: inserted, on 1 July 2023, by section 49(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 11B: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 12: replaced, on 1 July 2023, by section 49(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 12: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 12A: inserted, on 1 July 2023, by section 49(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 12A: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 12B: inserted, on 1 July 2023, by section 49(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 4 Part 6 clause 12B: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 6 clause 13: replaced, on 1 July 2023, by section 49(3) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Part 7
Accommodation supplement

1	To a person who has 1 or more dependent children and who is in a relationship, or	70% of the amount by which an applicant's weekly accommodation costs exceeds 25% of the base rate, but not more than—

	a sole parent with 2 or more dependent children, whose accommodation costs are rent or payments for board and lodgings	(a) $305 a week, if the applicant resides in Area 1: (b) $220 a week, if the applicant resides in Area 2: (c) $160 a week, if the applicant resides in Area 3: (d) $120 a week, if the applicant resides in Area 4
2	To a person who has no dependent children and who is in a relationship, or a sole parent with 1 dependent child, whose accommodation costs are rent or payments for board and lodgings	70% of the amount by which an applicant's weekly accommodation costs exceeds 25% of the base rate, but not more than— (a) $235 a week, if the applicant resides in Area 1: (b) $155 a week, if the applicant resides in Area 2: (c) $105 a week, if the applicant resides in Area 3: (d) $80 a week, if the applicant resides in Area 4
3	To any other person whose accommodation costs are rent or payments for board and lodgings	70% of the amount by which an applicant's weekly accommodation costs exceeds 25% of the base rate, but not more than— (a) $165 a week, if the applicant resides in Area 1: (b) $105 a week, if the applicant resides in Area 2: (c) $80 a week, if the applicant resides in Area 3: (d) $70 a week, if the applicant resides in Area 4
4	To a person who has 1 or more dependent children and who is in a relationship, or a sole parent with 2 or more dependent children, whose accommodation costs are the sum of payments required under any mortgage security, and other payments that the chief executive is satisfied are reasonably required to be made in respect of the person's home	70% of the amount by which an applicant's weekly accommodation costs exceeds 30% of the base rate, but not more than— (a) $305 a week, if the applicant resides in Area 1: (b) $220 a week, if the applicant resides in Area 2: (c) $160 a week, if the applicant resides in Area 3: (d) $120 a week, if the applicant resides in Area 4
5	To a person who has no dependent children and who is in a relationship, or a sole parent with 1 dependent child, whose accommodation costs are the sum of payments required under any mortgage security, and other payments that the chief executive is satisfied are reasonably required to be made in respect of the person's home	70% of the amount by which an applicant's weekly accommodation costs exceeds 30% of the base rate, but not more than— (a) $235 a week, if the applicant resides in Area 1: (b) $155 a week, if the applicant resides in Area 2: (c) $105 a week, if the applicant resides in Area 3: (d) $80 a week, if the applicant resides in Area 4
6	To any other person whose accommodation costs are the sum of payments required under any mortgage security, and other payments that the chief executive is satisfied are reasonably required to be made in respect of the person's home	70% of the amount by which an applicant's weekly accommodation costs exceeds 30% of the base rate, but not more than— (a) $165 a week, if the applicant resides in Area 1: (b) $105 a week, if the applicant resides in Area 2: (c) $80 a week, if the applicant resides in Area 3: (d) $70 a week, if the applicant resides in Area 4

6A The rate of accommodation supplement payable to a community spouse or partner (as defined in Schedule 2) is the rate in items 1 to 6 that would apply to them if they were single (and their other circumstances were unchanged).

7 In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.

8 For the purposes of subpart 10 of Part 2 and of this Part of this schedule,—

Area 1 means the following parts of New Zealand (as on 26 June 2017 defined by the Government Statistician):

Arrowtown urban area

Bombay area unit

Central Auckland urban zone

Clevedon area unit

Glenbrook area unit

Helensville South area unit

Helensville urban area

Hunua area unit

Karekare area unit

Kaukapakapa area unit

Kaukapakapa rural area unit

Kingseat area unit

Mahurangi area unit

Muriwai Beach area unit

Muriwai Valley area unit

Northern Auckland urban zone

Parakai urban area unit

Patumahoe area unit

Pokeno area unit

Pukekohe urban area

Queenstown urban area

Rewiti area unit

Riverhead area unit

Snells Beach urban area

Southern Auckland urban zone

Tahekeroa area unit

Tauranga urban area

Waiheke Island urban area

Waitakere West area unit

Waiuku urban area

Wanaka urban area

Warkworth urban area

Western Auckland urban zone

Area 2 means the following parts of New Zealand (as on 26 June 2017 defined by the Government Statistician):

Amberley urban area

Ashburton urban area

Awhitu area unit

Blenheim urban area

Brightwater urban area
Cambridge urban zone
Cape Rodney area unit
Cape Rodney South area unit
Christchurch urban area
Cromwell urban area
Darfield urban area
Great Barrier Island area unit
Hamilton urban zone
Hastings urban zone
Islands–Motutapu, Rangitoto, Rakino area unit
Kaiaua area unit
Kapiti urban area
Katikati Community urban area
Kawakawa–Orere area unit
Kawau area unit
Kerikeri urban area
Leeston urban area
Leigh area unit
Lincoln urban area
Little Barrier Island area unit
Lower Hutt urban zone
Makara–Ohariu area unit
Mangatawhiri area unit
Mangawhai area unit
Mangawhai Heads urban area
Mapua urban area
Maramarua area unit
Matakana area unit
Matamata urban area
Matheson Bay area unit
Meremere area unit
Moonshine Valley area unit
Motueka urban area
Napier urban zone
Nelson urban area
New Plymouth urban area
Ngunguru urban area
Omaha area unit
Onewhero area unit
Otaua area unit
Oxford urban area
Paparata area unit
Parakai rural area unit
Point Wells area unit

Porirua urban zone
Raglan urban area
Rakaia urban area
Rangiora urban area
Rapaura area unit
Rolleston urban area
South Head area unit
Tauhoa–Puhoi area unit
Taupo urban area
Te Awamutu urban zone
Te Kauwhata urban area
Te Puke Community urban area
Upper Hutt urban zone
Waihi Beach urban area
Wakefield urban area
Wellington urban zone
Wellsford urban area
Whangamata urban area
Whangarei urban area
Whitianga urban area
Woodend urban area

Area 3 means the following parts of New Zealand (as on 26 June 2017 defined by the Government Statistician):

Alexandra urban area
Carterton urban area
Cloustonville area unit
Coromandel urban area
Dargaville urban area
Dunedin urban area
Edgecumbe urban area
Feilding urban area
Geraldine urban area
Gisborne urban area
Greymouth urban area
Greytown urban area
Hanmer Springs area unit
Hawera urban area
Hokitika urban area
Huntly urban area
Inglewood urban area
Kaikohe urban area
Kaikoura urban area
Kaitaia urban area
Kapiti Island area unit
Kauwhata area unit
Kawakawa urban area

Levin urban area
Mana Island area unit
Mangaroa area unit
Martinborough urban area
Masterton urban area
Maungakotukutuku area unit
Methven urban area
Morrinsville urban area
Ngatea urban area
Oamaru urban area
Opiki area unit
Otaki urban area
Otorohanga urban area
Paekakariki Hill area unit
Paeroa urban area
Paihia urban area
Palmerston North urban area
Pencarrow area unit
Picton urban area
Pleasant Point urban area
Rotorua urban area
Russell area unit
Shannon urban area
Taipa Bay–Mangonui urban area
Tairua urban area
Takaka urban area
Te Aroha urban area
Temuka urban area
Thames urban area
Timaru urban area
Tokomaru area unit
Tokorangi–Hiwinui area unit
Twizel Community urban area
Waihi urban area
Waikouaiti urban area
Waipawa urban area
Waitara urban area
Whakatane urban area
Winton urban area

Area 4 means any part of New Zealand not included in Area 1, Area 2, or Area 3.

Schedule 4 Part 7 clause 6A: inserted, on 26 November 2022, by section 9 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Part 8
Winter energy payment

1	The rates of winter energy payment are as follows:		
	(a)	to a person who is single and has no dependent children	$450 per winter period
	(b)	to a person who is single and has 1 or more dependent children	$700 per winter period
	(c)	to a person who is in a relationship, and who is the 1 spouse or partner who is entitled under section 72(3)	$700 per winter period

2 For the purposes of clause 1(a) and (b), **dependent child**, in relation to a person, means any other person who—

(a) is a child—

(i) whose care is primarily the responsibility of the person; and

(ii) who is being maintained as a member of that person's family; and

(iii) who is financially dependent on that person; and

(b) may be, but need not be, a child in respect of whom payments are being made under section 363 of the Oranga Tamariki Act 1989; and

(c) may be, but need not be, a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid; and

(d) is not a child in respect of whom a young parent payment is being paid in relation to a person who is not the child's parent or step-parent.

Schedule 4 Part 8 clause 1(a): amended, on 1 May 2021, by section 36(1) of the COVID-19 Response (Taxation and Social Assistance Urgent Measures) Act 2020 (2020 No 8).

Schedule 4 Part 8 clause 1(b): amended, on 1 May 2021, by section 36(2) of the COVID-19 Response (Taxation and Social Assistance Urgent Measures) Act 2020 (2020 No 8).

Schedule 4 Part 8 clause 1(c): amended, on 1 May 2021, by section 36(3) of the COVID-19 Response (Taxation and Social Assistance Urgent Measures) Act 2020 (2020 No 8).

Part 9
Child disability allowance and disability allowance

1	Rate of child disability allowance	$60.55 a week
2	Maximum rate of disability allowance under section 85	$80.35 a week
3	Rate of special disability allowance under section 89	$50.11 a week

Schedule 4 Part 9 clause 1: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 9 clause 2: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 9 clause 3: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Part 10
Rates of generally abolished former widows' benefits under section 21 of Social Security Act 1964 as saved by clause 55 of

Schedule 1 of this Act for reciprocity agreement applicants or recipients

1	To a beneficiary with 1 or more dependent children	$505.80 a week, subject to Income Test 1
2	To a beneficiary without any dependent children	$372.93 a week, subject to Income Test 1

3 For the purposes of clause 1, MSD may disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of childcare for any of the beneficiary's dependent children.

4 In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.

Schedule 4 Part 10 clause 1: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 10 clause 2: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Part 11

Rates of generally abolished former DPB for solo parents under section 27B of Social Security Act 1964 as saved by clause 55 of Schedule 1 of this Act for reciprocity agreement applicants or recipients

1	To a beneficiary with 1 or more dependent children	$505.80 a week, subject to Income Test 1
2	To a beneficiary without any dependent children	$372.93 a week, subject to Income Test 1

3 For the purposes of clause 1, MSD may disregard up to $20 a week of the beneficiary's personal earnings used to meet the cost of childcare for any of the beneficiary's dependent children.

4 In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.

Schedule 4 Part 11 clause 1: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 4 Part 11 clause 2: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Part 12
Rates of benefits payable to long-term hospital patients

1	To a person without dependent children who is in a relationship, or a single person, who is receiving a main benefit under this Act	$56.58 a week

2 In this Part, **dependent child** (as defined in Schedule 2) excludes a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid.

Schedule 4 Part 12 clause 1: amended, on 1 April 2025, by clause 5 of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5
Asset and income limits

ss 67, 85, 91, 93, 452

Part 1
Asset limits

1	For a single person without dependent children	$1,368.68
2	For a person who is in a relationship with or without dependent children	$2,280.58
3	For a sole parent with 1 dependent child	$1,797.14
4	For any other sole parent	$1,930.47

Schedule 5 Part 1 clause 1: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 1 clause 2: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 1 clause 3: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 1 clause 4: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Part 2
Income limits

		Per week
5	For a single person aged 16 or 17 years without dependent children	$625.16
6	For any other single person without dependent children	$718.48
7	For a person who is in a relationship with or without dependent children	$1,043.60
8	For a sole parent with 1 dependent child	$871.86
9	For any other sole parent	$918.54
9A	For the purposes only of section 67(e), the income limit for a community spouse or partner (as defined in Schedule 2) is the income limit in item 5, 6, 8, or 9 that would apply to them if they were single (and their other circumstances were unchanged).	

Schedule 5 Part 2 clause 5: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 2 clause 6: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 2 clause 7: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 2 clause 8: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 2 clause 9: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 2 clause 9A: inserted, on 26 November 2022, by section 10 of the Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65).

Part 3
Disability allowance income limits

		Per week
10	For a single person aged 16 or 17 years without dependent children	$675.60
11	For any other single person without dependent children	$843.78
12	For a person who is in a relationship with or without dependent children	$1,256.07
13	For a sole parent with 1 dependent child	$942.23
14	For any other sole parent	$992.74

Schedule 5 Part 3 clause 10: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 3 clause 11: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 3 clause 12: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 3 clause 13: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 5 Part 3 clause 14: amended, on 1 April 2025, by clause 7(1) of the Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9).

Schedule 6
Information gathering, disclosure, and matching

ss 2, 212, 300, 305, 360, 418, Schedules 1, 2

Contents

		Page
	MSD obtaining information by questions	
1	Duty to answer questions asked by MSD	396
	MSD obtaining information by notice	
2	Power to obtain information	397
3	Purposes	398
4	Privilege	399
5	Offences	400
6	Power to obtain for matching purposes information from employers *[Repealed]*	400
7	Matching of information obtained from employer *[Repealed]*	400
	Code of conduct for information or documents requirements	
8	General	401
9	Matters to be included	401
10	Relationship with Privacy Act 2020 code of practice	402
11	Availability	403
12	Complaints of breach	403
	Information disclosure	
13	Beneficiary contact details for fines enforcement	403
14	Address details for birth registration purposes *[Repealed]*	404
15	Warrant to arrest information for determining effect on benefit	405
16	Disclosure for services to young people not in education or training	405
17	Purpose of clause 18	406
18	Disclosure of information relevant to young people functions	406
19	Purpose of clause 20	407
20	Disclosure of information about people to whom service provider's contract applies	408
21	Complaints of breach of requirements for disclosure	408

MSD obtaining information by questions

1 Duty to answer questions asked by MSD

(1) A person (even if not an applicant for a benefit) must answer all questions the person is asked (in any way) by MSD about all or any of the following:

(a) an applicant for a benefit:

(b) a person who is or has been receiving a benefit:

(c) a statement contained in an application for a benefit:

(d) the means, earning capacity, or economic circumstances of a person, when all or any of that information is reasonably required by MSD for the purposes of section 46 (reports as to children) or 91 (reports as to maintenance) of the Family Proceedings Act 1980:

(e) the means, earning capacity, or economic circumstances, of a person who is or may be liable to maintain either or both of the following:

(i) an applicant for a benefit, or a beneficiary:

(ii) a dependant of an applicant for a benefit, or of a beneficiary.

(2) This clause does not require the person to provide any information that would be privileged in a court of law.

(3) If a person refuses to disclose information on the ground that it is privileged under subclause (2),—

(a) MSD, that person, or any other person to whom the information relates, may apply to a District Court Judge for an order determining whether the claim of privilege is valid; and

(b) the Judge may, for the purposes of determining an application of that kind, require the information to be produced to the court.

(4) Section 290 (offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits) applies to answers to, and to omissions to answer, the questions.

Compare: 1964 No 136 s 12(2)

MSD obtaining information by notice

2 Power to obtain information

(1) MSD may for all or any of the purposes specified in clause 3, by written notice given to a person (**P**), require P, without charge, and within a period (of 5 or more working days after the notice is given), and in the manner, stated in the notice,—

(a) to give MSD information (even if the information is not contained in a document) that MSD requires; or

(b) to give MSD, and allow MSD to make copies of or take extracts from, a document (for example, a record) in or under P's custody or control; or

(c) to give MSD copies of or extracts from a document in the custody or under the control of P.

(2) **MSD**, in subclause (1), includes an MSD employee who is identified in the notice.

(3) P may, but need not, be a person who is an officer or employee—

(a) in the service of the Crown in a government department or public body (other than as an officer of a court); and

(b) acting in the person's official capacity.

(4) This clause is subject to clause 4 (privilege), and to the code of conduct under clause 8.

Compare: 1964 No 136 s 11(1)

3 Purposes

Information may be obtained under clause 2 for all or any of the following purposes:

(a) determining whether a person who has made a claim for, is receiving, or has received a benefit or payment under any of the following enactments or programmes is or was entitled to receive that benefit or that payment:

(i) this Act (for example, under a reciprocity agreement adopted by an order made under section 380):

(ii) Part 6 of the Veterans' Support Act 2014:

(iii) Part 1 of the New Zealand Superannuation and Retirement Income Act 2001:

(iv) a welfare programme approved by the Minister under section 101 of this Act:

(v) the Residential Care and Disability Support Services Act 2018:

(b) determining the rate of benefit or payment that is or was applicable to that person:

(c) determining whether a person who has been issued with, or has made a claim for, an entitlement card under regulations in force under section 437 is or was entitled to be issued with that card:

(d) conducting or reviewing a means assessment under Part 6 of the Residential Care and Disability Support Services Act 2018 (relating to payment for LTR contracted care as defined in section 10 of that Act), or determining whether a means assessment of that kind is correct:

(e) determining, under Part 8 of the Residential Care and Disability Support Services Act 2018, the amount that a person is required to pay towards the cost of the home-based disability support services supplied to that person, and whether a person who has been so assessed is entitled to that assessment:

(f) ascertaining the financial circumstances or whereabouts of a person who is indebted to the Crown under—

(i) this Act (for example, under a reciprocity agreement adopted by an order made under section 380); or

(ii) sections 27I to 27ZI (except section 27X) of, and Schedule 20 of, the Social Security Act 1964 (as preserved by section 256(1) of the Child Support Act 1991); or

(iii) section 61CA of the Social Security Act 1964 (Family Proceedings Act 1980 maintenance payable to the Crown) (as that section is saved by clause 49 of Schedule 1):

(iv) the Residential Care and Disability Support Services Act 2018:

(g) discharging MSD's functions under, or under any regulations in force under, an enactment or a programme in paragraph (a)(i) to (v).

Compare: 1964 No 136 s 11(2)

4 Privilege

(1) Clause 2 does not require a person to provide information or produce a document that would be privileged in a court of law.

(2) Subclause (1) is subject to the exception specified in subclause (3).

(3) Clause 2 requires a person to provide information, or to produce a document, even though the information or document is legally professionally privileged, if the information or document—

(a) is contained in, or is all or a part of, a record prepared by or kept in connection with a lawyer's trust account; and

(b) consists wholly or partly of, or relates wholly or partly to,—

(i) the receipts, payments, income, expenditure, or financial transactions of a specified person (whether the lawyer, the lawyer's client, or any other person); or

(ii) investment receipts (being receipts arising or accruing from any money lodged at any time with a lawyer for investment) of any person or persons (whether the lawyer, the lawyer's clients, or any other person or persons).

(4) **Record**, in subclause (3), includes a record that is an account, an audio or audiovisual record, a book, an electronic record, or a statement.

(5) If a person refuses to disclose information or a document on the ground that it is privileged under subclause (1) or (3), MSD or that person or another person to whom the information or document relates may apply to a District Court Judge for an order determining whether or not the claim of privilege is valid.

(6) The Judge may, for the purposes of determining the application, require the information or document to be produced to the court.

(7) In this clause and clause 9,—

lawyer means either or both of the following:

(a) a person who is or has been a barrister or solicitor of the High Court (whether or not the barrister or solicitor is or has been a lawyer as defined in section 6 of the Lawyers and Conveyancers Act 2006):

(b) a firm or an incorporated law firm (within the meaning of the Lawyers and Conveyancers Act 2006) in which a lawyer to whom paragraph (a) applies is or has been, or is or has been held out to be, a partner, director, or shareholder

trust account, in relation to a lawyer, has the same meaning as in section 6 of the Lawyers and Conveyancers Act 2006.

Compare: 1964 No 136 s 11(4)–(6)

5 Offences

(1) A person commits an offence if the person—

(a) refuses or fails, without reasonable excuse, to comply with a notice given under clause 2 to the extent that the person is capable of complying with it; or

(b) purports to comply with a notice given under clause 2 by knowingly or recklessly giving (or attempting to give) information (for example, information in the form of a document or record) that is false or misleading in a material particular.

(2) An offence against subclause (1)(a) is a strict liability offence, and therefore does not require the prosecution to prove that the defendant intended, or knew or was reckless about, the defendant's refusal or failure.

(3) However, in proceedings for an offence against subclause (1)(a)—

(a) the prosecutor need not assert in the charging document that the without-reasonable-excuse exception does not apply; and

(b) the burden of proving that the without-reasonable-excuse exception applies lies on the defendant.

(4) A person who commits an offence against this clause is liable on conviction to a fine not exceeding $2,000.

Compare: 1964 No 136 s 11(3)

6 Power to obtain for matching purposes information from employers

[Repealed]

Schedule 6 clause 6: repealed, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

7 Matching of information obtained from employer

[Repealed]

Schedule 6 clause 7: repealed, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Code of conduct for information or documents requirements

8 General

(1) MSD must, in consultation with the Privacy Commissioner appointed under the Privacy Act 2020, ensure there is in force at all times after the commencement of this clause a code of conduct that is issued by MSD, and that applies in respect of requirements under clause 2 for a person to give MSD information or documents.

(2) MSD must in making a requirement under clause 2 comply with every issued code of conduct.

(3) The code of conduct—

(a) must include the matters specified in clause 9; and

(b) may include restrictions on obtaining, using a requirement under clause 2, the following:

(i) specified classes of information or documents; and

(ii) information or documents from specified classes of persons or from persons in specified relationships; and

(c) must specify procedures that apply to the obtaining of information or documents under clause 2.

(4) MSD may from time to time, in consultation with the Privacy Commissioner, amend, revoke, or revoke and replace an issued code of conduct.

Compare: 1964 No 136 s 11B(1)–(3)

Schedule 6 clause 8(1): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

9 Matters to be included

(1) The code of conduct issued under clause 8 must contain the following matters:

(a) provisions that, before a requirement under clause 2 is issued to a person other than the beneficiary, and except if compliance with the provisions would prejudice the maintenance of the law, do the following:

(i) require any information or document to first be sought from a beneficiary; and

(ii) allow the beneficiary a reasonable time to provide it:

(b) a provision prohibiting a requirement under clause 2 being made in respect of a beneficiary to a person (other than the beneficiary, an employer or former employer of the beneficiary, a financial institution, or a lawyer) unless there is reasonable cause to make a requirement under that clause:

(c) a provision prohibiting a requirement under clause 2 being made to an employer in respect of any information or document that relates solely to

the marital or relationship status of an employee or former employee of that employer:

(d) provisions otherwise restricting requirements under clause 2 made to employers to specified information relating to the employment, and address, of the employers' employees or former employees.

(2) In subclause (1)(b), **reasonable cause** includes—

(a) cause to suspect that the beneficiary has committed an offence under this Act, under regulations made under this Act, or under the Residential Care and Disability Support Services Act 2018, or has obtained by fraud any payment or credit or advance under this Act:

(b) the fact that the beneficiary or a spouse or partner of that beneficiary has failed within a reasonable time, or refused, to provide any information or produce any document in accordance with a request or requirement made to that person in accordance with subclause (1)(a).

Compare: 1964 No 136 s 11C

10 Relationship with Privacy Act 2020 code of practice

(1) Nothing in the code of conduct can affect any code of practice issued by the Privacy Commissioner under Part 3 of the Privacy Act 2020 that applies to the information required under clause 2, and MSD, in consultation with the Privacy Commissioner, must amend the code of conduct to conform with any code of practice of that kind.

(2) Subclause (1) is subject to regulations made under subclause (3).

(3) The Governor-General may, on the advice of the Minister given after consultation with the Privacy Commissioner, by Order in Council, make regulations under section 418(1)(p) authorising MSD to obtain all or any of the following using a requirement under clause 2, even though the making of that requirement would otherwise be in breach of any code of practice issued by the Privacy Commissioner under Part 3 of the Privacy Act 2020:

(a) any specified class of information or document:

(b) information or documents from any specified class of persons:

(c) information or documents in any specified manner.

Compare: 1964 No 136 s 11B(4), (5)

Schedule 6 clause 10 heading: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 6 clause 10(1): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 6 clause 10(3): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

11 Availability

(1) As soon as practicable after issuing a code or an amendment to it, MSD must ensure it is published in a form accessible to the public.

(2) *[Repealed]*

Compare: 1964 No 136 s 11B(8)

Schedule 6 clause 11 heading: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 6 clause 11(2): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

12 Complaints of breach

(1) This clause applies to a person who—

(a) is required by a requirement under clause 2 to give any information or document; or

(b) is the subject of the information or document required by the requirement under clause 2.

(2) The person may make a complaint to the Privacy Commissioner that the requirement breaches the code of conduct issued under clause 8.

(3) Parts 5 and 6 of the Privacy Act 2020 apply to the complaint as if the code of conduct were a code of practice issued under Part 3 of that Act.

Compare: 1964 No 136 s 11B(6), (7)

Schedule 6 clause 12(3): replaced, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Information disclosure

13 Beneficiary contact details for fines enforcement

(1) The purpose of this clause is to enable the Ministry of Justice to locate a beneficiary who is in default in the payment of a fine (and this clause for that purpose authorises the disclosure of information by MSD, and to the Ministry of Justice).

(2) The chief executive of the Ministry of Justice may for the purpose of this clause request MSD to supply, from information kept by MSD, a beneficiary's last known address and telephone number.

(3) The request must be made in accordance with arrangements made by the chief executive of the Ministry of Justice with MSD.

(4) For each item of information to be supplied, MSD must include the date when the information was most recently updated.

(5) After receiving the request, MSD may supply the information requested—

(a) to a Ministry of Justice officer or employee whom the chief executive of the Ministry of Justice has authorised to receive that information; and

(b) in a form determined by the chief executive of the Ministry of Justice and MSD.

(5A) On or after 1 December 2020, no information may be supplied under this clause except under—

(a) an information matching agreement entered into under Part 10 of the Privacy Act 1993 and continued by clause 11 of Schedule 1 of the Privacy Act 2020; or

(b) an approved information sharing agreement entered into under subpart 1 of Part 7 of the Privacy Act 2020.

(6) In this clause, unless the context otherwise requires,—

beneficiary means a person who is all or any of the following:

(a) a person who has been granted a benefit:

(b) a person in respect of whom a benefit, or part of a benefit, has been granted:

(c) a person who was formerly receiving a benefit:

(d) a person from whom any liable parent contributions to which section 256(1) of the Child Support Act 1991 applies may be recovered:

(e) a person from whom any maintenance payment to which section 259(1) of the Child Support Act 1991 applies may be recovered

benefit means all or any of the following:

(a) a benefit as defined in Schedule 2:

(b) a lump sum (funeral grant) payable under section 90:

(c) any special assistance granted under a programme approved under section 101

fine means—

(a) a fine as defined in section 79 of the Summary Proceedings Act 1957:

(b) a fine to which section 19 of the Crimes Act 1961 applies:

(c) a fine to which section 43 or 45 of the Misuse of Drugs Amendment Act 1978 applies:

(d) any amount payable under section 138A(1) of the Sentencing Act 2002.

Compare: 1964 No 136 s 126A

Schedule 6 clause 13(5A): inserted, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

14 Address details for birth registration purposes

[Repealed]

Schedule 6 clause 14: repealed, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

15 Warrant to arrest information for determining effect on benefit

(1) The purpose of this clause is to enable MSD to implement effectively section 209 (and this clause for that purpose authorises and requires the disclosure of information by the chief executive of the Ministry of Justice and the Ministry of Justice, and to MSD).

(2) The chief executive of the Ministry of Justice must from time to time for the purpose of this clause give MSD information about relevant individuals.

(3) An individual is relevant only if a New Zealand court has (or 1 or more of its Judges or Registrars have), at least 28 days before the information is given, issued, in criminal proceedings against the individual for an offence, a warrant for the individual's arrest, and the warrant has not been executed or withdrawn.

(4) The information must be given—

(a) unless an enactment or a court's order or direction prevents the giving of the information; and

(b) in accordance with arrangements made by the chief executive of the Ministry of Justice with MSD; and

(c) in a form determined by agreement between the chief executive of the Ministry of Justice and MSD.

(5) The information given must include (without limitation)—

(a) the individual's name (including any alias), date of birth, and last known address; and

(b) the nature of the offence charged.

(6) Information given by the chief executive of the Ministry of Justice to MSD may be given by MSD to an employee who is—

(a) an MSD employee; and

(b) authorised by the chief executive to receive it.

(7) On or after 1 December 2020, no information may be given under this clause except under—

(a) an information matching agreement entered into under Part 10 of the Privacy Act 1993 and continued by clause 11 of Schedule 1 of the Privacy Act 2020; or

(b) an approved information sharing agreement entered into under subpart 1 of Part 7 of the Privacy Act 2020.

Compare: 1964 No 136 s 126AC

Schedule 6 clause 15(7): inserted, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

16 Disclosure for services to young people not in education or training

(1) MSD may enter into an agreement under subpart 1 of Part 7 of the Privacy Act 2020 with the chief executive of the Ministry of Education relating to

the sharing, for the purposes of facilitating the provision of services of a kind described in section 365(1)(a), of information about young people who have ceased to be enrolled at 1 or both of the following:

(a) a registered school (as defined in section 10(1) of the Education and Training Act 2020); or

(b) a tertiary education organisation (being an organisation as defined in section 10(1) of that Act).

(2) While the agreement is in force, the chief executive of the Ministry of Education—

(a) may provide to MSD any information to which subclause (1) applies and that the chief executive of the Ministry of Education considers may facilitate the provision by MSD of services of a kind described in section 365(1)(a); and

(b) may use national student numbers for the purpose of gathering the information.

(3) Subclause (2) overrides clause 4(1)(c) of Schedule 24 of the Education and Training Act 2020.

Compare: 1964 No 136 s 123F

Schedule 6 clause 16(1): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 6 clause 16(1)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 6 clause 16(1)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 6 clause 16(3): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

17 Purpose of clause 18

The purpose of clause 18 is to authorise local agencies (for example, schools, primary health organisations, and the New Zealand Police) to disclose relevant personal information about a young person to MSD or a contracted service provider if the agency concerned considers it relevant to the performance or exercise of duties, functions, or powers under this Act in respect of the young person.

Compare: 1964 No 136 s 125D(1)

18 Disclosure of information relevant to young people functions

(1) An agency specified by the Governor-General by Order in Council for the purposes of this subclause may, for the purposes of this clause, disclose any information about a young person to MSD, if satisfied on reasonable grounds that—

(a) subclause (3) applies to the young person; and

(b) the information will assist MSD in—

(i) performing any function, or exercising any power, related to financial support for young people; or

(ii) achieving any of the purposes of this Act.

(2) An agency specified by the Governor-General by Order in Council for the purposes of this subclause may, for the purposes of this clause, disclose any information about a young person to a contracted service provider, if satisfied on reasonable grounds that—

(a) the provider is the young person's contracted service provider; and

(b) subclause (3) applies to the young person; and

(c) the information will assist the provider in providing services under a contract under section 373.

(3) This subclause applies to a young person if the young person—

(a) has applied for or is receiving a youth support payment; or

(b) is subject to obligations under section 166 or 167; or

(c) has left or finished education, and is not or may not be in employment or training; or

(d) has left or finished training, and is not or may not be in employment.

(4) An order under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1964 No 136 s 125D(2)–(4)

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 6 clause 18(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

19 Purpose of clause 20

The purpose of clause 20 is—

(a) to authorise MSD and any contracted service provider to disclose to each other relevant personal information about persons to whom the provider's contract under section 373 applies; and

(b) to assist MSD to exercise and perform powers and functions under the provisions specified in section 373(1)(a) or, as the case requires, 373(1)(b) and the provider to provide services under the contract; and

(c) to enable the prescription of—

(i) the circumstances in which the personal information may be disclosed; and

(ii) conditions governing the disclosure of the personal information; and

(iii) conditions governing the way in which the personal information is to be dealt with by the person to whom it is disclosed.

Compare: 1964 No 136 s 125C(1)

20 Disclosure of information about people to whom service provider's contract applies

(1) This clause applies to any personal information about a person or persons to whom a contract under section 373 applies that is held by the contracted service provider concerned or MSD.

(2) For the purposes of this clause, regulations made under section 418(1)(q) may state—

(a) the circumstances in which a contracted service provider and its employees may release or disclose to MSD and MSD employees information to which this clause applies held by the contracted service provider and the conditions with which MSD and MSD employees must comply in dealing with the information; or

(b) the circumstances in which MSD and MSD employees may release or disclose to a contracted service provider and its employees information to which this clause applies held by MSD and the conditions with which the contracted service provider and its employees must comply in dealing with the information.

(3) If satisfied on reasonable grounds that its disclosure is in accordance with regulations of the kind referred to in subclause (2), MSD, an MSD employee, a contracted service provider, or an employee of a contracted service provider may release or disclose information to which this clause applies.

(4) Nothing in this clause requires MSD, MSD employees, a contracted service provider, or employees of a contracted service provider to release or disclose any information.

(5) In this clause,—

employee, in relation to a contracted service provider, includes a volunteer

held includes deemed for the purposes of the Official Information Act 1982 to be held.

Compare: 1964 No 136 s 125C(2), (3), (5)–(7)

21 Complaints of breach of requirements for disclosure

(1) A person may complain to the Privacy Commissioner if personal information relating to the person has been disclosed under an information-sharing agree-

ment under clause 16(1), on the ground that the disclosure was in breach of the agreement.

(2) A person may complain to the Privacy Commissioner if personal information relating to the person has been disclosed under clause 18 or 20, on the ground that the disclosure was in breach of—

(a) the requirements of clause 18; or

(b) regulations of the kind referred to in clause 20.

(3) Parts 5 and 6 of the Privacy Act 2020—

(a) apply to a complaint under subclause (1) as if the information sharing agreement concerned were a code of practice issued under Part 3 of that Act; and

(b) apply to a complaint under subclause (2) as if clause 18 and the regulations concerned together constituted a code of practice issued under Part 3 of that Act.

Compare: 1964 No 136 s 125I

Schedule 6 clause 21(3): replaced, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 7
Benefits review committees

s 393, Schedule 1

Contents

		Page
1	Establishment	410
2	Membership	410
3	Member to represent community's interests	410
4	Secretarial and administrative services	411
5	Quorum, and committee's decision, at meetings	411
6	MSD employee cannot act as committee member if that employee was involved in decision being reviewed	411

1 Establishment

The Minister must establish at least 1 benefits review committee for every MSD office where decisions or recommendations in relation to the matters to which this Act applies are made or were made.

Compare: 1964 No 136 s 10A(2)

2 Membership

Every benefits review committee must consist of—

(a) a person who is—

(i) appointed by the Minister; and

(ii) to represent on the committee the community's interests; and

(b) 2 MSD employees appointed by the chief executive, and—

(i) from time to time; or

(ii) in respect of the particular review.

Compare: 1964 No 136 s 10A(3)

3 Member to represent community's interests

(1) This clause applies to the member appointed under clause 2(a).

(2) The member holds office on any terms and conditions that—

(a) are not inconsistent with this Act; and

(b) the Minister thinks fit.

(3) The member—

(a) may be paid remuneration at a rate and of a kind determined in accordance with the fees framework; and

(b) is entitled to be reimbursed for actual and reasonable travelling and other expenses in accordance with the framework.

(4) The member is not, just because of membership of the committee, to be treated as employed in the service of the Crown for the purposes of—

(a) the Public Service Act 2020; or

(b) the Government Superannuation Fund Act 1956.

Compare: 1964 No 136 s 10A(4)

Schedule 7 clause 3(4)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

4 Secretarial and administrative services

All secretarial and administrative services required for the committee's purposes must be supplied by MSD.

Compare: 1964 No 136 s 10A(5)

5 Quorum, and committee's decision, at meetings

At any meeting of the committee,—

(a) the quorum is the committee's total membership; and

(b) the decision of any 2 members of the committee is the committee's decision.

Compare: 1964 No 136 s 10A(6)

6 MSD employee cannot act as committee member if that employee was involved in decision being reviewed

An MSD employee cannot act as a member of the committee if that employee was involved in the decision being reviewed.

Compare: 1964 No 136 s 10A(7)

Schedule 8
Appeal authority

ss 401, 403, Schedules 1, 2

Contents

		Page
1	Social Security Appeal Authority	412
2	Term of office of members	413
3	Extraordinary vacancies	413
4	Special appeal authorities	414
5	Appointment of temporary acting chairperson, deputy chairperson, or member	414
5A	Orderly and efficient operation	415
6	Remuneration and travelling and other expenses	415
7	Secretary to, and secretarial and administrative services for, authority	415
8	Seal	416
9	Sittings: location, quorum, and authority's decision	416
10	Sittings: in private or public	416
10A	Hearing on papers	416
10B	Use of electronic facilities to hear matters	417
10C	Authority may strike out, determine, or adjourn appeal	417
10D	Practice notes	417
10E	Online publication of information about procedures, time frames, and progress of decisions	417
11	Publication of proceedings	418
12	Authority has powers under Commissions of Inquiry Act 1908	418
13	Contempt of authority	418

1 Social Security Appeal Authority

(1) This clause establishes the Social Security Appeal Authority.

(2) The authority consists of at least 4 persons appointed by the Governor-General on the recommendation of the Minister given after consultation with the Minister of Justice.

(3) One of the members must be appointed as the authority's chairperson and another member as the authority's deputy chairperson.

(4) The deputy chairperson, when acting as the chairperson, has the same responsibilities as the chairperson.

(5) The chairperson may delegate a responsibility or function of the chairperson to the deputy chairperson.

Compare: 1964 No 136 s 12A

Schedule 8 clause 1(2): amended, on 26 November 2018, by section 309(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 8 clause 1(3): amended, on 26 November 2018, by section 309(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 8 clause 1(4): inserted, on 26 November 2018, by section 309(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 8 clause 1(5): inserted, on 26 November 2018, by section 309(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

2 Term of office of members

(1) Every member (except so far as this Act provides otherwise)—

(a) holds office for a term of up to 5 years; and

(b) may be reappointed.

(2) A member continues in office despite the expiry of his or her term of office until—

(a) the member is reappointed; or

(b) the member's successor is appointed; or

(c) the member is notified that a replacement member will not be appointed; or

(d) the member vacates or is removed from office.

(3) A member who continues in office for any period under subclause (2), unless he or she was removed from office, may act as a member during that period for the purpose of—

(a) completing any appeal partly or wholly heard by the authority before the expiry of the member's term of office:

(b) hearing any other appeal.

(4) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard.

Compare: 1964 No 136 s 12B

Schedule 8 clause 2(1)(a): amended, on 26 November 2018, by section 309(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 8 clause 2(2): replaced, on 26 November 2018, by section 309(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 8 clause 2(3): inserted, on 26 November 2018, by section 309(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 8 clause 2(4): inserted, on 26 November 2018, by section 309(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

3 Extraordinary vacancies

(1) A member may at any time be removed from office by the Governor-General for all or any of the following, proved to the Governor-General's satisfaction:

(a) inability to perform the functions of the office:

(b) bankruptcy:

(c) neglect of duty:

(d) misconduct.

(2) A member may at any time resign office by written notice to the Minister.

(3) If a member's office becomes vacant by death, resignation, or removal from office, the vacancy so created must be filled in the way in which the appointment to the vacant office was originally made.

(4) Every person appointed to fill an extraordinary vacancy holds office for the rest of the term for which that person's predecessor would have held office if the vacancy had not occurred.

(5) The authority's powers are not affected by a vacancy in its membership.

Compare: 1964 No 136 s 12C

4 Special appeal authorities

(1) The Governor-General may from time to time (by appointing their members under this clause) establish 1 or more special authorities.

(2) Each special authority consists of 3 persons appointed by the Governor-General on the recommendation of the Minister given after consultation with the Minister of Justice.

(3) Every member (except so far as this Act provides otherwise)—

(a) holds office for a term not exceeding 3 years; and

(b) may be reappointed.

(4) One member must be appointed as the authority's chairperson.

(5) Every member continues in office (despite any contrary provisions of this Act) until that member's successor comes into office, unless that member vacates office earlier under clause 3 (which applies with all necessary modifications).

Compare: 1964 No 136 s 12D

5 Appointment of temporary acting chairperson, deputy chairperson, or member

(1) If the chairperson, the deputy chairperson, or a member becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson, the deputy chairperson, or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister after consultation with the Minister of Justice, may appoint a suitable person as the acting chairperson, the acting deputy chairperson, or an acting member for the period or purpose stated in the appointment.

(2) No person may be appointed as the acting chairperson, the acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position.

(3) The acting chairperson, acting deputy chairperson, or acting member is, while acting in that position, to be treated as the chairperson, deputy chairperson, or member of the authority.

(4) No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.

Schedule 8 clause 5: replaced, on 26 November 2018, by section 309(6) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

5A Orderly and efficient operation

The chairperson of the authority is responsible for making any arrangements as are practicable to ensure that he or she and each member perform their functions—

(a) in an orderly and efficient manner; and

(b) in a way that achieves the purposes of this Act.

Schedule 8 clause 5A: inserted, on 26 November 2018, by section 309(6) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

6 Remuneration and travelling and other expenses

(1) The authority is, for the purposes of the fees framework, a statutory body in which the Crown has an interest.

(2) Members—

(a) may be paid remuneration at a rate and of a kind determined in accordance with the fees framework; and

(b) are entitled to be reimbursed for actual and reasonable travelling and other expenses in accordance with the framework.

Compare: 1964 No 136 s 12F

7 Secretary to, and secretarial and administrative services for, authority

The chief executive of the Ministry of Justice must—

(a) designate an officer of the Ministry of Justice to be secretary to the authority; and

(b) provide the secretarial and administrative services necessary to enable the authority to discharge its functions.

Compare: 1964 No 136 s 12G

8 Seal

(1) The authority must have a seal.

(2) The authority's seal must be judicially noticed—

(a) by all courts or persons acting judicially; and

(b) for all purposes.

Compare: 1964 No 136 s 12H

9 Sittings: location, quorum, and authority's decision

(1) Each sitting of the authority is to be held in the place it considers convenient having regard to the nature of the matters to be decided.

(2) The presence of the chairperson or deputy chairperson and 1 other member is necessary to constitute a sitting of the authority.

(3) The decision of a majority of the members present at a sitting of the authority is the decision of the authority.

(4) If those members are equally divided in opinion, the chairperson's or deputy chairperson's decision is the decision of the authority.

Compare: 1964 No 136 s 12N(1)–(3)

Schedule 8 clause 9(2): amended, on 26 November 2018, by section 309(7) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 8 clause 9(4): amended, on 26 November 2018, by section 309(8) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

10 Sittings: in private or public

(1) Every sitting of the authority is to be held in private.

(2) Subclause (1) does not apply to the extent that the authority under this clause orders that all or a part of the sitting is to be held in public.

(3) The authority may in any case order that all or a part of a sitting is to be held in public, if the authority considers that doing so will not adversely affect—

(a) the interests of the parties to the appeal; and

(b) the interests of all other persons concerned.

Compare: 1964 No 136 s 12N(3)

10A Hearing on papers

(1) Despite anything in this Act to the contrary, the authority may determine an appeal on the papers if the authority considers it appropriate.

(2) Before doing so, the authority must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

Schedule 8 clause 10A: inserted, on 26 November 2018, by section 309(9) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

10B Use of electronic facilities to hear matters

The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the authority or the chairperson or deputy chairperson considers it appropriate and the necessary facilities are available.

Schedule 8 clause 10B: inserted, on 26 November 2018, by section 309(9) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

10C Authority may strike out, determine, or adjourn appeal

(1) The authority may strike out, in whole or in part, an appeal if satisfied that it—

(a) discloses no reasonable cause of action; or

(b) is likely to cause prejudice or delay; or

(c) is frivolous or vexatious; or

(d) is otherwise an abuse of process.

(2) If a party is neither present nor represented at the hearing of an appeal, the authority may,—

(a) if the party is required to be present, strike out the appeal; or

(b) determine the appeal in the absence of the party; or

(c) adjourn the hearing.

Schedule 8 clause 10C: inserted, on 26 November 2018, by section 309(9) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

10D Practice notes

(1) The authority's chairperson may issue practice notes as he or she thinks fit.

(2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of other members of the authority, officers of the authority, and parties before the authority.

Schedule 8 clause 10D: inserted, on 26 November 2018, by section 309(9) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

10E Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

(a) information about the purpose of the authority and how to commence an appeal:

(b) any requirements that must be met for an appeal:

(c) guidelines on how and when parties may obtain information.

Schedule 8 clause 10E: inserted, on 29 October 2019, by section 309(10) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

11 Publication of proceedings

(1) No person may publish without the authority's authorisation all or a part of any proceedings before the authority.

(2) The authority's authorisation is not given unless it makes (under this subclause, on an application for the purpose, or on in its own initiative) an order for that purpose.

(3) Every person who contravenes subclause (1) commits an offence.

(4) Every person who commits an offence against subclause (3) is liable on conviction to a fine not exceeding $3,000.

Compare: 1964 No 136 s 12N(4), (5)

Schedule 8 clause 11(4): amended, on 26 November 2018, by section 309(11) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

12 Authority has powers under Commissions of Inquiry Act 1908

(1) The Authority is, within the scope of its jurisdiction, deemed to be a commission of inquiry under the Commissions of Inquiry Act 1908.

(2) The provisions of that Act, except sections 2, 10, 11, and 12, apply accordingly, subject to the provisions of this Act.

Compare: 1964 No 136 s 12M(6)

13 Contempt of authority

(1) A person commits an offence if the person—

(a) wilfully insults or obstructs the authority or any member of it, a witness, or an officer of the authority during a sitting of the authority or while a member, a witness, or an officer is going to, or returning from, a sitting of the authority; or

(b) wilfully insults or obstructs any person in attendance at a sitting of the authority; or

(c) wilfully interrupts, or otherwise misbehaves at, a sitting of the authority; or

(d) wilfully and without lawful excuse disobeys any order or direction of the authority in the course of the hearing of any appeal.

(2) A person who commits an offence against subclause (1) is liable on conviction to a fine not exceeding $1,000.

(3) The authority may order the exclusion from a sitting of the authority of any person whose behaviour, in the opinion of the authority, constitutes an offence against subclause (1), whether or not the person is charged with the offence; and any officer of the authority or constable may take any steps that are reasonably necessary to enforce the exclusion.

Schedule 8 clause 13: inserted, on 26 November 2018, by section 309(12) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Schedule 9
Medical board

s 413, Schedules 1, 2

Contents

		Page
1	Establishment and membership	419
2	Members' terms and conditions of office	420
3	Secretarial and administrative services	420
4	Quorum, and board's decision, at meetings	420

1 Establishment and membership

(1) A medical board consists of 3 members appointed—

(a) by the chief executive; and

(b) for the particular purpose.

(2) A person is ineligible for appointment as a member unless the person is—

(a) a medical practitioner; or

(b) a rehabilitation professional (*see* subclause (3)); or

(c) a person who has appropriate expertise in the fields of vocational training or vocational support for persons with health conditions, injury, or disability.

(3) In subclause (2)(b), **rehabilitation professional** means a person who is—

(a) a person professionally engaged in the rehabilitation of persons from sickness or accident or with disabilities; or

(b) a nurse; or

(c) an occupational therapist; or

(d) a physiotherapist; or

(e) a psychologist.

(4) In subclause (3)(b), **nurse** means a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing whose scope of practice permits the performance of general nursing functions.

(5) In subclause (3)(c), **occupational therapist** means a health practitioner who is, or is deemed to be, registered with the Occupational Therapy Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of occupational therapy.

(6) In subclause (3)(d), **physiotherapist** means a health practitioner who is, or is deemed to be, registered with the Physiotherapy Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of physiotherapy.

(7) In subclause (3)(e), **psychologist** means a health practitioner who is, or is deemed to be, registered with the Psychologists Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of psychology.

Compare: 1964 No 136 s 10B(4), (5)

2 Members' terms and conditions of office

(1) Each member holds office on terms and conditions that—

(a) are not inconsistent with this Act; and

(b) the chief executive thinks fit.

(2) Each member—

(a) may be paid remuneration at a rate and of a kind determined by the chief executive; and

(b) is entitled to be reimbursed for actual and reasonable travelling and other expenses determined by the chief executive.

(3) No member is, just because of membership of a board, to be treated as employed in the service of the Crown for the purposes of—

(a) the Public Service Act 2020; or

(b) the Government Superannuation Fund Act 1956.

Compare: 1964 No 136 s 10A(4)

Schedule 9 clause 2(3)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

3 Secretarial and administrative services

MSD must meet the costs of all secretarial and administrative services required for a board's purposes.

Compare: 1964 No 136 s 10A(5)

4 Quorum, and board's decision, at meetings

At any meeting of a board,—

(a) the quorum is that board's total membership; and

(b) the decision of any 2 members of that board is that board's decision.

Compare: 1964 No 136 s 10A(6)

Schedule 10
Consequential amendments

ss 9, 457, 459

Part 1
Amendments to Acts

Accident Compensation Act 2001 (2001 No 49)

In section 123(2)(f), replace "sections 71 and 86A of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

In section 252(1)(a), replace "an income-tested benefit under the Social Security Act 1964" with "a specified benefit as defined in section 198(3) of the Social Security Act 2018".

In section 252(4), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 253(1)(b), replace "an income-tested benefit under the Social Security Act 1964" with "a specified benefit as defined in section 198(3) of the Social Security Act 2018".

In section 253(3), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 280(2), replace "Social Security Act 1964" with "Social Security Act 2018".

Replace section 281(1) with:

(1) In this section, unless the context otherwise requires, **benefit** means any of the following:

- (a) a benefit as defined in Schedule 2 of the Social Security Act 2018:
- (b) a funeral grant lump sum payable under section 90 of that Act:
- (c) any special assistance payable under a programme approved under section 100 or 101 of that Act:
- (d) an allowance established by regulations made under section 303 of the Education Act 1989.

In section 281(2), (3), (4), and (5), replace "Social Security Act 1964" with "Social Security Act 2018".

In Schedule 1, clause 42(3)(a)(ii) and (b)(ii), replace "Social Security Act 1964" with "Social Security Act 2018".

Administration Act 1969 (1969 No 52)

In section 65(2) and (3), replace "Social Security Act 1964" with "Social Security Act 2018" in each place.

Adoption Act 1955 (1955 No 93)

After section 30, insert:

31 References to Child Welfare Officer to be read as references to social workers, etc

(1) Every reference in this Act and its amendments, as in force on or after 1 April 1972, to a Child Welfare Officer must be read as a reference to a social worker.

(2) Subsection (1) applies—

(a) subject to the amendments made by section 23(1) to (3) of the Department of Social Welfare Act 1971; and

(b) unless the context otherwise requires.

(3) This section does not affect the operation of section 23(4)(a) of the Department of Social Welfare Act 1971 (which required references to the Superintendent of Child Welfare to be read as references to the Director-General of Social Welfare under that Act) at any time or times—

(a) on or after 1 April 1972; and

(b) before its repeal, on 1 April 1990, by section 36(6) of the Social Welfare (Transitional Provisions) Act 1990.

Compare: 1971 No 60 s 23(4)(b)

Bail Act 2000 (2000 No 38)

In the heading to section 30R, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

In section 30R, replace "Social Security Act 1964" with "Social Security Act 2018".

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

In section 78B(1) and (2)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

Care and Support Workers (Pay Equity) Settlement Act 2017 (2017 No 24)

In section 5, definition of **care and support services**, paragraph (a)(ii), after "section 137 of the Social Security Act 1964", insert "or sections 27 to 29 of the Residential Care and Disability Support Services Act 2018".

Child Support Act 1991 (1991 No 142)

In section 2(1), definition of **financially independent**, paragraph (c), replace "Social Security Act 1964" with "Social Security Act 2018" in each place.

In section 2(1), definition of **financially independent**, paragraph (d), replace "a benefit (as defined in section 3 of the Social Security Act 1964) payable under that Act" with "a main benefit under this Act (as that expression is defined in Schedule 2

Child Support Act 1991 (1991 No 142)—*continued*

of the Social Security Act 2018) and that is payable under the Social Security Act 2018".

In section 2(1), replace the definition of **social security benefit** with:

social security benefit means—

(a) sole parent support under section 29 of the Social Security Act 2018:

(b) an unsupported child's benefit under section 46 of that Act:

(c) any of the following benefits under that Act, but only if granted to a sole parent (within the meaning of that Act):

(i) a supported living payment under section 34 on the ground of restricted work capacity or total blindness:

(ii) jobseeker support (other than jobseeker support under section 25(3) or (4) of that Act):

(iii) young parent payment:

(d) an emergency benefit under section 63 of that Act, but only if granted to a sole parent (within the meaning of that Act)

Repeal section 2(1A).

In section 9(5B), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 9(6) and (6B), replace "section 70A(1)(a) and (b) of the Social Security Act 1964" with "section 192(1)(a) and (b) of the Social Security Act 2018".

In section 9(7), replace "section 70A of the Social Security Act 1964" with "section 192 of the Social Security Act 2018".

In section 9(7), replace "section 70A(1)(a) and (b)" with "section 192(1)(a) and (b)".

In section 9(8), definition of **sole parent**, replace "section 3 of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

Replace section 35A(2) with:

(2) The amount of living allowance is as follows:

(a) for a person not identified in paragraph (b), the rate set out in clause 1 of Part 2 of Schedule 4 of the Social Security Act 2018 (ignoring the reference to Income Test 1):

(b) for a person granted a supported living payment under subpart 4 of Part 2 of the Social Security Act 2018, the rate set out in clause 1(c) of Part 3 of Schedule 4 of that Act (ignoring the reference to Income Test 1).

In section 35A(3), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 89B, definition of **social security benefit**, replace "within the meaning of the Social Security Act 1964" with "as defined in Schedule 2 of the Social Security Act 2018".

Child Support Act 1991 (1991 No 142)—*continued*

In section 89C(1)(a)(ii), replace "the rate specified in Schedule 22 of the Social Security Act 1964" with "the rate specified in Part 12 of Schedule 4 of the Social Security Act 2018 as payable to long-term hospital patients".

In section 89F(1)(a)(i), replace "the rate specified in Schedule 22 of the Social Security Act 1964" with "the rate specified in Part 12 of Schedule 4 of the Social Security Act 2018 as payable to long-term hospital patients".

In section 89F(3), definition of **higher rate benefit**, replace "the rate specified in Schedule 22 of the Social Security Act 1964" with "the rate specified in Part 12 of Schedule 4 of the Social Security Act 2018 as payable to long-term hospital patients".

In section 122(2), replace "section 70A(1)(a) and (b) of the Social Security Act 1964" with "section 192(1)(a) and (b) of the Social Security Act 2018".

In section 131, replace "the Social Security Act 1964 or under the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "the Social Security Act 2018,".

In section 240(2)(d), replace "Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "Social Security Act 2018".

In section 263(2)(b)(iii), replace "Social Security Act 1964 or Part 6 of the Veterans' Support Act 2014 or the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "Social Security Act 2018 or Part 6 of the Veterans' Support Act 2014".

Civil Defence Emergency Management Act 2002 (2002 No 33)

In section 108(8), replace "Social Security Act 1964" with "Social Security Act 2018".

Commissions of Inquiry Act 1908 (1908 No 25)

In section 2A(a), before "an enactment enacted before the commencement of the Inquiries Act 2013", insert "an enactment that is, or that (with or without modification) corresponds to or replaces,".

Compensation for Live Organ Donors Act 2016 (2016 No 96)

In section 8(3), replace "Social Security Act 1964" with "Social Security Act 2018".

In the heading to subpart 2 of Part 2, replace "Social Security Act 1964" with "Social Security Act 2018".

In the heading to section 14, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

In section 14(1)(b), replace "work test obligations or obligations under section 60Q, 170, or 171 of the Social Security Act 1964" with "work-preparation obligations, work-test obligations, or obligations under section 162, 164, 166, or 167 of the Social Security Act 2018".

Compensation for Live Organ Donors Act 2016 (2016 No 96)—*continued*

In section 14(2), replace "section 105(2)" with "section 158".

In section 14(2), replace "the chief executive" with "MSD".

In section 14(3), replace "The chief executive" with "MSD".

In section 14(3), replace "the chief executive" with "MSD".

In section 14(4), replace "Section 105(3) to (7) of the Social Security Act 1964 applies" with "Sections 158(2), (3), and (4) and 160 of the Social Security Act 2018 apply".

Replace section 14(5) with:

(5) In this section, **beneficiary**, **MSD**, **work-preparation obligations**, and **work-test obligations** have the meanings given by Schedule 2 of the Social Security Act 2018.

In section 15, replace "section 10B(1) of the Social Security Act 1964" with "section 411 of the Social Security Act 2018".

In Schedule 1, clause 4, replace "Social Security Act 1964" with "Social Security Act 2018".

Contract and Commercial Law Act 2017 (2017 No 5)

In Schedule 5, Part 4, replace paragraph (p) with:

(p) the social security appeal authority, benefits review committees, and medical board established by or under the Social Security Act 2018:

Corrections Act 2004 (2004 No 50)

Replace section 180(1)(a) and (b) with:

(a) section 217(1) of the Social Security Act 2018 (under which a benefit is, in general, not payable in respect of any period during which a beneficiary is imprisoned or detained in, or is an escaper from, a prison, pursuant to a sentence of imprisonment):

(b) regulations made under section 444 of the Social Security Act 2018 (which provide for the recovery, including by way of deductions, of debts due to the Crown):

In section 180(2)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 180C(2), definition of **benefit**, replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

Crown Proceedings Act 1950 (1950 No 54)

In section 35(2)(e), replace "in accordance with Part 2 of the Social Security Act 1964" with "under the Social Security Act 2018".

Customs and Excise Act 1996 (1996 No 27)

Replace section 280(1) with:

(1) In this section, unless the context otherwise requires, **benefit** means any of the following:

(a) a benefit as defined in Schedule 2 of the Social Security Act 2018:

(b) a funeral grant lump sum payable under section 90 of that Act:

(c) any special assistance payable under a programme approved under section 100 or 101 of that Act:

(d) an allowance established by regulations made under section 303 of the Education Act 1989.

In section 280(2) and (3), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 280A, definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 280A, definition of **social security agreement**, replace "an agreement or convention, or alteration to an agreement or convention, in respect of which an Order in Council has been made under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "an agreement (for example, a Convention), or an alteration to an agreement, in respect of which an Order in Council has been made under section 380 (orders adopting reciprocity agreements) of the Social Security Act 2018".

In section 280B(1), replace "a mutual assistance provision of the kind referred to in section 19A(2)(b) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "a mutual assistance provision under the Social Security Act 2018 for the Governments of New Zealand and the other country to supply each other with information for social security purposes".

In section 280B(4), replace "section 19C(1)(d) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "regulations made under section 450 of the Social Security Act 2018".

Customs and Excise Act 2018 (2018 No 4)

In section 308(6), replace the definitions of **benefit** and **department** with:

benefit means any of the following:

(a) a benefit as defined in Schedule 2 of the Social Security Act 2018:

(b) a funeral grant lump sum payable under section 90 of that Act:

(c) any special assistance payable under a programme approved under section 100 or 101 of that Act:

(d) an allowance established by regulations made under section 303 of the Education Act 1989

Customs and Excise Act 2018 (2018 No 4)—*continued*

> **department** means the department for the time being responsible for the administration of the Social Security Act 2018

In section 309(1), replace "a mutual assistance provision of the kind referred to in section 19A(2)(b) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "a mutual assistance provision under the Social Security Act 2018 for the Governments of New Zealand and the other country to supply each other with information for social security purposes".

In section 309(4), replace "section 19C(1)(d) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "regulations made under section 450 of the Social Security Act 2018".

In section 309(7), definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 309(7), definition of **social security agreement**, replace "or convention, or alteration to an agreement or convention, in respect of which an Order in Council has been made under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "(for example, a Convention), or an alteration to an agreement, in respect of which an Order in Council has been made under section 380 (orders adopting reciprocity agreements) of the Social Security Act 2018".

In section 314(5), replace the definitions of **benefit** and **department** with:

> **benefit** means any of the following:
>
> (a) a benefit as defined in Schedule 2 of the Social Security Act 2018:
>
> (b) a funeral grant lump sum payable under section 90 of that Act:
>
> (c) any special assistance payable under a programme approved under section 100 or 101 of that Act:
>
> (d) an allowance established by regulations made under section 303 of the Education Act 1989
>
> **department** means the department for the time being responsible for the administration of the Social Security Act 2018

Disabled Persons Community Welfare Act 1975 (1975 No 122)

In section 2, definition of **Director-General**, paragraph (b), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 2, definition of **partner**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 2, definition of **residential care services**, replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In section 2, definition of **spouse**, replace "Social Security Act 1964" with "Social Security Act 2018".

Disabled Persons Community Welfare Act 1975 (1975 No 122)—*continued*

In section 3(1)(b), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 25A(1)(c), replace "section 136 of the Social Security Act 1964" with "section 5 of the Residential Care and Disability Support Services Act 2018".

In section 26(4), replace "Social Security Act 1964" with "Social Security Act 2018".

District Court Act 2016 (2016 No 49)

In section 154, definition of **employer**, paragraph (c), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 154, definition of **salary or wages**, paragraph (f), replace "within the meaning of the Social Security Act 1964" with "as defined in Schedule 2 of the Social Security Act 2018".

In section 157(4), replace "section 84 of the Social Security Act 1964" with "sections 293 and 417 (benefits to be inalienable) of the Social Security Act 2018".

In section 157(5)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

Replace section 157(5)(b) with:

(b) a deduction under regulations made under section 444 of the Social Security Act 2018:

In section 160(4), replace "a benefit within the meaning of the Social Security Act 1964" with "a benefit as defined in Schedule 2 of the Social Security Act 2018".

Education Act 1989 (1989 No 80)

In section 226A(1), definition of **benefit**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 226A(1), definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 226A(9), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 235F(1), definition of **benefit**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 235F(1), definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 235F(9), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 236A(1)(d)(iv), replace "Social Security Act 1964" with "Social Security Act 2018".

In the heading to section 307A, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

Education Act 1989 (1989 No 80)—*continued*

In section 307A(1), replace the definition of **benefit** with:

> **benefit** means any of the following:
>
> (a) a benefit as defined in Schedule 2 of the Social Security Act 2018:
>
> (b) a funeral grant lump sum payable under section 90 of that Act:
>
> (c) any special assistance payable under a programme approved under section 100 or 101 of that Act

In section 307A(1), definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 307B(2)(a)(ii), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 307B(2)(aa)(ii), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 307B(2)(ab), replace "section 85A of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

In section 307B(2)(c), replace "section 86A of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

In section 307B(3), replace "sections 86A and 86B to 86J of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

Electoral Act 1993 (1993 No 87)

In section 263B(3)(a) and (4)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

Family Benefits (Home Ownership) Act 1964 (1964 No 32)

In section 2(1), definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

Repeal section 9(a).

In section 16(b), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 22, replace "Social Security Act 1964" with "Social Security Act 2018".

Family Proceedings Act 1980 (1980 No 94)

In section 2, replace the definition of domestic benefit with:

> **domestic benefit** means a benefit that is—
>
> (a) sole parent support granted under the Social Security Act 2018; or
>
> (b) jobseeker support granted under the Social Security Act 2018; or
>
> (c) an emergency benefit granted under that Act, and that corresponds to a benefit in paragraph (a) or (b)

In section 91(1), replace "Social Security Act 1964" with "Social Security Act 2018".

Family Proceedings Act 1980 (1980 No 94)—*continued*

Replace section 101B with:

101B Power to issue deduction notices under Social Security Act 2018

(1) This section applies to a payment—

(a) under a maintenance order; and

(b) that is in arrear and unpaid.

(2) The chief executive of the department for the time being responsible for the administration of the Social Security Act 2018 may issue a deduction notice under regulations made under section 444 of that Act to a person as if the payment in arrear and unpaid were a debt due to the Crown under that Act.

(3) However, the deduction notice cannot be issued to the employer of, acting in the capacity of the employer of, the person against whom the order was made.

(4) This section does not limit section 101 or section 110 (as saved by section 259(1) of the Child Support Act 1991).

Goods and Services Tax Act 1985 (1985 No 141)

In section 5(6E)(b)(i), replace "Social Security Act 1964" with "Social Security Act 2018".

Health Act 1956 (1956 No 65)

In section 22C(2)(d), replace "Social Security Act 1964, for the purposes of administering section 75 of the Social Security Act 1964" with "Social Security Act 2018, for the purposes of administering sections 206 and 207 (factors affecting benefit: hospitalisation) of that Act".

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)

In section 2(1), definition of **additional resident**, paragraph (b), replace "within the meaning of section 3(1) of the Social Security Act 1964" with "as defined in Schedule 2 of the Social Security Act 2018".

In section 2(1), definition of **income-related purpose**, replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In section 66, replace the definition of **benefit** with:

benefit means any of the following:

(a) a benefit as defined in Schedule 2 of the Social Security Act 2018:

(b) a funeral grant lump sum payable under section 90 of that Act:

(c) any special assistance payable under a programme approved under section 100 or 101 of that Act:

(d) an allowance established by regulations made under section 303 of the Education Act 1989

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)—*continued*

In section 66, definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 99, definition of **Ministry**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 107(3)(a), replace "the rate (before abatement) stated in paragraphs (a) to (f) of clause 1 of Schedule 9 of the Social Security Act 1964" with "the rate (before reduction on account of income) of jobseeker support stated in clause 1(a) to (f) of Part 1 of Schedule 4 of the Social Security Act 2018".

In section 114(2)(c), replace "a benefit within the meaning of section 3(1) of the Social Security Act 1964" with "a benefit as defined in Schedule 2 of the Social Security Act 2018".

In section 126(a) and (b), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 128(a), replace "section 85A of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

Replace section 136(1)(a)(ii) with:

> (ii) providing that such appeals are to be made to the social security appeal authority established by or under section 401 and Schedule 8 of the Social Security Act 2018 as if they were appeals against decisions or determinations under that Act, and providing that sections 395 to 410, regulations made under section 451, and Schedule 8 of that Act apply, with or without modification, to the hearing and disposal of appeals; or

In section 157(a), replace "Social Security Act 1964" with "Social Security Act 2018".

In Schedule 2, clause 2(a), replace "dependent children (within the meaning of section 3(1) of the Social Security Act 1964)" with "dependent children (as defined in Schedule 2 of the Social Security Act 2018)".

In Schedule 2, before clause 9(a)(i), insert:

> (ia) a specified benefit (as defined in section 198(3) of the Social Security Act 2018) other than an orphan's benefit or an unsupported child's benefit; or

In Schedule 2, clause 10(a)(i), replace "Social Security Act 1964" with "Social Security Act 2018".

In Schedule 2, clause 10(a)(iii), replace "subparagraphs (ii) to (xv) of paragraph (f) of the definition of income in section 3(1) of the Social Security Act 1964" with "clauses 8(b) to (j) and 9 of Schedule 3, and regulations made under section 422, of the Social Security Act 2018".

Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)—*continued*

In Schedule 2, clause 11(1)(a) and (b), replace "cash assets (within the meaning of section 61E of the Social Security Act 1964)" with "cash assets (as defined in section 68 of the Social Security Act 2018)".

In Schedule 3, clause 1, definition of **accommodation supplement**, replace "section 61EA of the Social Security Act 1964" with "section 65 of the Social Security Act 2018".

In Schedule 3, clause 1, definition of **special transfer allowance**, after "the special transfer allowance programme approved under section 124(1)(d) of the Social Security Act 1964", insert "(as that programme is saved by section 11 and clause 21 of Schedule 1 of the Social Security Act 2018)".

In Schedule 4, Part 1, clause 11(2), replace "may exercise its powers under section 85A of the Social Security Act 1964" with "may exercise or perform its duties, functions, or powers under regulations made under section 444 of the Social Security Act 2018".

Human Rights Act 1993 (1993 No 82)

In section 21(1)(k)(ii), replace "a benefit under the Social Security Act 1964" with "a benefit as defined in Schedule 2 of the Social Security Act 2018".

Immigration Act 2009 (2009 No 51)

In section 298(1), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 298(7), replace the definition of **benefit** with:

> **benefit** means any of the following:
>
> (a) a benefit as defined in Schedule 2 of the Social Security Act 2018:
>
> (b) a funeral grant lump sum payable under section 90 of that Act:
>
> (c) any special assistance payable under a programme approved under section 100 or 101 of that Act

In section 299(1), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 299(6), replace the definition of **benefit** with:

> **benefit** means any of the following:
>
> (a) a benefit as defined in Schedule 2 of the Social Security Act 2018:
>
> (b) a funeral grant lump sum payable under section 90 of that Act:
>
> (c) any special assistance payable under a programme approved under section 100 or 101 of that Act

Income Tax Act 2007 (2007 No 97)

Replace section CW 28(2) with:

Income Tax Act 2007 (2007 No 97)—*continued*

(2) In this section, **overseas pension** means—

(a) an overseas pension, to the extent of amounts deducted under section 189 of the Social Security Act 2018, by the department currently responsible for administering that Act, from—

(i) a monetary benefit paid under that Act (other than section 380, which relates to reciprocity agreements with other countries); or

(ii) a monetary benefit, other than New Zealand superannuation or a veteran's pension, paid under section 380 of that Act:

(b) an overseas pension to the extent to which it is subject to an arrangement under section 190 of the Social Security Act 2018.

In section CW 33(1)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

Replace section CW 33(1)(c) with:

(c) a participation allowance under regulations made under section 429 of the Social Security Act 2018:

In section HC 35(4)(b)(v), replace "Social Security Act 1964" with "Social Security Act 2018".

In section MA 8, definition of **chief executive**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section MB 13(2)(l), replace "Social Security Act 1964" with "Social Security Act 2018".

Replace section MB 13(2)(o) with:

(o) an amount that is declared not to be income for the purposes of the Social Security Act 2018 by regulations made under section 422 of that Act:

In section MD 6(2), replace "a child for whom a benefit is paid under section 28 or 29 of the Social Security Act 1964" with "a child for whom an orphan's benefit or an unsupported child's benefit is paid under section 43 or 46 of the Social Security Act 2018".

In section MF 7(4), replace "Social Security Act 1964" with "Social Security Act 2018".

In section YA 1, definition of **chief executive of the administering department**, paragraph (a), replace "Social Security Act 1964" with "Social Security Act 2018".

In section YA 1, definition of **dependent child**, replace paragraph (b)(ii) with:

(ii) an orphan's benefit or unsupported child's benefit is being paid under section 43 or 46 of the Social Security Act 2018:

In section YA 1, definition of **financially independent**, replace paragraphs (c) and (d) with:

Income Tax Act 2007 (2007 No 97)—*continued*

(c) receiving payments under a Government-assisted scheme that the chief executive of the administering department considers analogous to a benefit payable under the Social Security Act 2018 (as the term benefit is defined in Schedule 2 of that Act); or

(d) receiving a benefit as defined in Schedule 2 of the Social Security Act 2018

In section YA 1, replace the definition of **income-tested benefit** with:

income-tested benefit means any of the following benefits paid or payable under the Social Security Act 2018:

(a) jobseeker support:

(b) sole parent support:

(c) supported living payment:

(d) youth payment:

(e) young parent payment:

(f) emergency benefit

In section YA 1, definition of **New Zealand superannuation**, paragraph (c)(ii), replace "sections 61DB, 61DC, 61DD, 61DE, 61EA, 61G, and 69C of the Social Security Act 1964" with "sections 65 (accommodation supplement), 85 (disability allowance), 90 (funeral grants, *see also* regulations made under section 427), and 96 (temporary additional support) of the Social Security Act 2018".

In section YA 1, definition of **portable New Zealand superannuation**, paragraph (c), replace "section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "section 380 (orders adopting reciprocity agreements) of the Social Security Act 2018".

In section YA 1, definition of **portable veteran's pension**, paragraph (c), replace "section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "section 380 (orders adopting reciprocity agreements) of the Social Security Act 2018".

Inquiries Act 2013 (2013 No 60)

In section 38(2)(b), before "an enactment enacted before the commencement of this Act", insert "an enactment that is, or that (with or without modification) corresponds to or replaces,".

In Schedule 1, replace the item relating to the Social Security Act 1964, section 12M, with:

Social Security Act 2018	Schedule 8, clause 12

Legal Services Act 2011 (2011 No 4)

In section 41A, replace the definition of **benefit** with:

Legal Services Act 2011 (2011 No 4)—*continued*

benefit means a benefit as defined in Schedule 2 of the Social Security Act 2018 other than—

(a) an orphan's benefit payable under section 43 of that Act:

(b) an unsupported child's benefit payable under section 46 of that Act:

(c) a child disability allowance payable under section 78 of that Act:

(d) a disability allowance payable under section 85 of that Act

In Schedule 1, clause 2(1), replace paragraphs (b) to (d) with:

(b) has the meaning given to it in clauses 3 to 7 of Schedule 3 of the Social Security Act 2018; and

(c) includes a benefit as defined in Schedule 2 of the Social Security Act 2018 other than—

(i) an orphan's benefit payable under section 43 of that Act; or

(ii) an unsupported child's benefit payable under section 46 of that Act:

(iii) an emergency benefit under section 63 of that Act; or

(iv) an accommodation supplement under section 65 of that Act; or

(v) a winter energy payment under section 72 of that Act; or

(vi) a child disability allowance payable under section 78 of that Act; or

(vii) a disability allowance payable under section 85 of that Act; or

(viii) temporary additional support under section 96 of that Act; and

(ca) excludes a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004 (as that section is saved by clause 19 of Schedule 1 of the Social Security Act 2018); and

(d) excludes any special assistance payable under a programme approved under section 100 or 101 of that Act; but

Legislation Act 2012 (2012 No 119)

Replace section 47B(2)(c) to (e) with:

(c) section 423(1)(c) of the Social Security Act 2018:

(d) section 452(1) (apart from, or with, clause 55(6) of Schedule 1) of the Social Security Act 2018:

In Schedule 2, replace the items about section 61H(1) (apart from, or with, clause 3(6) of Schedule 32), section 61HA(2) (apart from, or with, clause 3(6) of Schedule 32), and section 61I(1), of the Social Security Act 1964 with:

Social Security Act 2018	423(1)(c)

Legislation Act 2012 (2012 No 119)—*continued*

Social Security Act 2018	452(1) (apart from, or with, cl 55(6) of Schedule 1)

Maori Trust Boards Act 1955 (1955 No 37)

In section 41A(1), replace "Social Security Act 1964" with "Social Security Act 2018".

Medicines Act 1981 (1981 No 118)

Repeal section 32A(6).

Minimum Wage Act 1983 (1983 No 115)

In section 4A(5)(a) and (b), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 4A(6), definition of **specified social security benefit**, after "Social Security Act 1964", insert "or the Social Security Act 2018".

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)

In section 4(2), replace "the Social Security Act 1964" with "the Social Security Act 2018 or the Residential Care and Disability Support Services Act 2018".

In section 4A(4)(a)(i), replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In section 5(1), definition of **New Zealand superannuation**, paragraph (b), replace "section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (adoption of reciprocity agreement with other countries)" with "section 380 (orders adopting reciprocity agreements) of the Social Security Act 2018".

In section 7(3), replace "the Social Security Act 1964" with "the Social Security Act 2018 or the Residential Care and Disability Support Services Act 2018".

In section 11(2), replace "section 80AA of the Social Security Act 1964" with "section 317 of the Social Security Act 2018".

Replace section 15(5) with:

(5) Every Order in Council made under subsection (2) has the force of law as if it was enacted by this Act.

Replace section 17(1) with:

(1) This section applies to any person who is not in long-term residential care and whose spouse or partner is in long-term residential care in a hospital or rest home, whether or not the spouse or partner is a resident assessed as requiring care (as defined in section 5 of the Residential Care and Disability Support Services Act 2018).

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)—*continued*

In section 17(2)(c), replace "emergency benefit under section 61 of the Social Security Act 1964" with "emergency benefit under section 63 of the Social Security Act 2018".

In section 17(3), replace "Part 4 of that Act" with "the Residential Care and Disability Support Services Act 2018".

Replace section 19(5) with:

(5) Subsection (4) does not apply to a resident assessed as requiring care (as defined in section 5 of the Residential Care and Disability Support Services Act 2018) who is a patient in a hospital and in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in section 11 of that Act) under section 18, 22(2), 26, 54, or 55 of that Act.

Replace section 19(10) with:

(10) This section applies despite anything to the contrary in the Social Security Act 2018 or in the Residential Care and Disability Support Services Act 2018.

Replace section 20(1)(b)(ii) with:

(ii) a resident assessed as requiring care (as defined in section 5 of the Residential Care and Disability Support Services Act 2018), and in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in section 11 of that Act) under section 18, 22(2), 26, 54, or 55 of that Act.

In section 20(3), replace "section 69C of the Social Security Act 1964 but subject to section 68A of that Act" with "subpart 14 of Part 2 of the Social Security Act 2018 (disability allowance) but subject to sections 186 and 310 and clause 19 of Schedule 3 of that Act (which relate to insurance payments)".

In section 21, replace "any agreement or convention adopted under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "any reciprocity agreement adopted under section 380 of the Social Security Act 2018".

In section 26(1)(a), replace "a reciprocal agreement or convention, in force under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "a reciprocity agreement in force under section 380 of the Social Security Act 2018".

In section 26A(2)(c) and (d), after "section 79(3)(a) of the Social Security Act 1964", insert "or regulations made under section 421 of the Social Security Act 2018" in each place.

In section 28(3), replace "section 80AA of the Social Security Act 1964" with "section 317 of the Social Security Act 2018".

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)—*continued*

Replace section 29(2) and (3) with:

(2) A person who is receiving New Zealand superannuation overseas under section 26 is not entitled to receive any assistance under the Social Security Act 2018 or under a programme approved under section 100 or 101 of that Act.

(3) When a person who receives New Zealand superannuation overseas under section 26 dies, the benefit terminates (despite sections 325 to 330 of the Social Security Act 2018) on a date—

(a) to be determined by the chief executive; and

(b) that must be not more than 4 weeks after the person's date of death.

Replace section 29(4A) with:

(4A) The Social Security Act 2018 applies to New Zealand superannuation being paid under section 26, but—

(a) sections 111, 114, 173 to 196, 204, and 206 to 219 of that Act do not apply to that New Zealand superannuation; and

(b) the rest of that Act applies to that New Zealand superannuation except as provided in this section.

In section 30(1)(b), replace "a reciprocal agreement in force under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "a reciprocity agreement in force under section 380 of the Social Security Act 2018".

Replace section 30(5) with:

(5) Every Order in Council made under subsection (2)(a) has the force of law as if it was enacted by this Act.

In section 31(5), replace "section 11D of the Social Security Act 1964" with "section 297 (and regulations made under section 438) of the Social Security Act 2018".

Replace section 32(3) with:

(3) However, if sections 187 to 191 of the Social Security Act 2018 apply, that amount must be reduced by the amount deducted in accordance with those sections.

Replace section 34 with:

34 Effect on other benefits

A person being paid a benefit under section 31 is not entitled to receive any assistance under the Social Security Act 2018 or under a programme approved under section 100 or 101 of that Act.

In the heading to section 35, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)—*continued*

Replace section 35(2) with:

(2) The Social Security Act 2018 (except sections 204, 206 to 208, 217 to 219, 311, and 313 to 315) applies to New Zealand superannuation being paid in a specified Pacific country under section 31.

Parole Act 2002 (2002 No 10)

In the heading to section 38, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

In section 38, replace "Social Security Act 1964" with "Social Security Act 2018".

Privacy Act 1993 (1993 No 28)

In section 97, definition of **monetary payment**, paragraph (a), replace "within the meaning of section 3(1) of the Social Security Act 1964" with "as defined in Schedule 2 of the Social Security Act 2018".

In section 97, definition of **specified agency**, paragraphs (f) and (j), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 103(1A), replace "Social Security Act 1964" with "Social Security Act 2018".

In Schedule 3,—

(a) replace "Social Security Act 1964" with "Social Security Act 2018"; and

(b) replace "Sections 126A, 126AB, and 126AC" with "Clauses 13 to 15 of Schedule 6".

Prostitution Reform Act 2003 (2003 No 28)

In section 18(1), replace "Social Security Act 1964" with "Social Security Act 2018".

Public Safety (Public Protection Orders) Act 2014 (2014 No 68)

Replace section 39 with:

39 Right to benefits

(1) A resident is not disentitled from obtaining a benefit (as defined in Schedule 2 of the Social Security Act 2018).

(2) For the purpose of calculating the benefit, the resident is taken to be a patient in a hospital (within the meaning of, as the case requires, sections 206 and 207 and Schedule 2 of that Act, or section 19(1) of the New Zealand Superannuation and Retirement Income Act 2001) for more than 13 weeks.

Rates Rebate Act 1973 (1973 No 5)

In section 2(1), definition of **dependant**, paragraph (b), replace "Social Security Act 1964" with "Social Security Act 2018".

Rates Rebate Act 1973 (1973 No 5)—*continued*

In section 2(1), definition of **income**, paragraph (d)(iii) and (vii), replace "Social Security Act 1964" with "Social Security Act 2018".

Residential Tenancies Act 1986 (1986 No 120)

In the heading to section 22E, replace "**Social Welfare**" with "**MSD**".

In section 22E(1), replace the definition of **Social Welfare** with:

> **MSD** means the department of State that, with the Prime Minister's authority, is for the time being responsible for the administration of the Social Security Act 2018

In section 22E(2), (3), and (4), replace "Social Welfare" with "MSD" in each place.

In section 29(4)(c), replace "Social Security Act 1964" with "Social Security Act 2018".

Sentencing Act 2002 (2002 No 9)

In the heading to section 69M, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

In section 69M, replace "Social Security Act 1964" with "Social Security Act 2018".

In the heading to section 80ZE, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

In section 80ZE, replace "Social Security Act 1964" with "Social Security Act 2018".

Student Loan Scheme Act 2011 (2011 No 62)

In section 4(1), definition of **chief executive**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 4(1), definition of **lender**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 40(4), definition of **equivalent gross amount**, paragraph (b), replace "section 83A of the Social Security Act 1964" with "sections 349, 350, 351, and 352 of the Social Security Act 2018".

In section 207(5), definition of **specified department**, replace "Social Security Act 1964" with "Social Security Act 2018".

Summary Proceedings Act 1957 (1957 No 87)

In section 2(1), replace the definition of **benefit** with:

> **benefit**—
>
> (a) means a benefit as defined in Schedule 2 of the Social Security Act 2018; but
>
> (b) does not include—

Summary Proceedings Act 1957 (1957 No 87)—*continued*

(i) an orphan's benefit under section 43 of the Social Security Act 2018; or

(ii) an unsupported child's benefit under section 46 of that Act; or

(iii) a winter energy payment under section 72 of that Act; or

(iv) a child disability allowance payable under section 78 of the Social Security Act 2018; or

(v) a disability allowance payable under section 85 of the Social Security Act 2018; or

(vi) a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004 (as that section is saved by clause 19 of Schedule 1 of the Social Security Act 2018); or

(vii) temporary additional support under section 96 of the Social Security Act 2018

In section 87AA(1) and (2)(b)(i), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 87AA(2)(c), replace "section 86 of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

In section 87B(5)(a)(i), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 87B(5)(b), replace "section 86 of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

In section 105(5)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 105(5)(b), replace "section 86 of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

Tax Administration Act 1994 (1994 No 166)

In section 24F(1B)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 24IB(2), replace "Social Security Act 1964" with "Social Security Act 2018".

Replace section 80KK(3)(a)(i) with:

(i) an income-tested benefit, an orphan's benefit, or an unsupported child's benefit paid or payable under the Social Security Act 1964 or the Social Security Act 2018; or

In section 85B(1), (2), and (5), replace "Social Security Act 1964" with "Social Security Act 2018".

Tax Administration Act 1994 (1994 No 166)—*continued*

In section 85B(4)(a), replace "section 19C(1)(d) of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "regulations made under section 450 of the Social Security Act 2018".

In section 85B(7), definition of **authorised officer**, replace "Social Security Act 1964" with "Social Security Act 2018".

In section 85B(7), replace the definition of **social security agreement** with:

> **social security agreement** means an agreement (for example, a Convention), or an alteration to an agreement,—
>
> (a) in respect of which an Order in Council has been made under section 380 (orders adopting reciprocity agreements) of the Social Security Act 2018; and
>
> (b) that contains a mutual assistance provision for the Governments of New Zealand and the other country to supply each other with information for social security purposes.

In section 85C(b), replace "Social Security Act 1964" with "Social Security Act 2018".

Veterans' Support Act 2014 (2014 No 56)

In section 59(1)(d), replace "Social Security Act 1964" with "Social Security Act 2018".

Replace section 61(2) with:

> (2) **Average wage**, in subsection (1), means the before tax average ordinary time weekly wage (all sectors, male and female combined) as at 1 April each year, as specified in—
>
> (a) the latest Quarterly Employment Survey published by Statistics New Zealand; or
>
> (b) if the survey referred to in paragraph (a) ceases to be published, a survey certified by the Government Statistician as an equivalent survey to the survey referred to in that paragraph.

In section 154(2)(a)(v), replace "Social Security Act 1964" with "Social Security Act 2018".

In section 158(1), definitions of **full-time employment** and **income**, and section 158(2)(b), replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In section 159(4)(a)(i), replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In section 160(1), replace "of the Social Security Act 1964" with "of the Social Security Act 2018".

Veterans' Support Act 2014 (2014 No 56)—*continued*

In section 160(1)(b), replace "the Social Security Act 1964 or the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "the Social Security Act 2018".

In section 173(1)(a), replace "section 136 of the Social Security Act 1964" with "section 5 of the Residential Care and Disability Support Services Act 2018".

In section 173(3), replace "Part 4 of the Social Security Act 1964" with "the Residential Care and Disability Support Services Act 2018".

Replace section 175(1) with:

(1) A person affected by a decision of VANZ under this Part may (subject to subsection (2)) appeal the decision—

(a) to the social security appeal authority, in accordance with section 397(1)(e) of the Social Security Act 2018; or

(b) if the decision was made on medical grounds, to a board appointed under Schedule 9 of that Act.

In section 176, replace "any agreement or convention adopted under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "any reciprocity agreement adopted under section 380 of the Social Security Act 2018".

In section 181(a), replace "a reciprocal agreement or convention, in force under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "a reciprocity agreement in force under section 380 of the Social Security Act 2018".

Replace section 185(1)(c) and (d) with:

(c) any period of absence from New Zealand while the person was treated under section 16(5) of, and regulations made under section 421 of, the Social Security Act 2018, as being resident and present in New Zealand; or

(d) any period of absence from New Zealand while, as the spouse or partner of a person treated under section 16(5) of, and regulations made under section 421 of, the Social Security Act 2018, as being resident and present in New Zealand, the person was also (by virtue of those provisions of, or of those regulations made under, the Social Security Act 2018) treated as being resident and present in New Zealand.

In section 188(3), replace "section 80AA of the Social Security Act 1964" with "section 317 of the Social Security Act 2018".

In section 189(1), replace "assistance under the Social Security Act 1964 or under any welfare programme approved under section 124(1)(d) of that Act" with "assistance under the Social Security Act 2018 or under a programme approved under section 100 or 101 of that Act".

Veterans' Support Act 2014 (2014 No 56)—*continued*

Replace section 189(2) and (3) with:

(2) When a person who receives a veteran's pension overseas under section 182 dies, the pension terminates (despite sections 325 to 330 of the Social Security Act 2018) on a date—

(a) to be determined by VANZ; and

(b) that must be not more than 4 weeks after the person's date of death.

(3) The Social Security Act 2018 applies to veterans' pensions being paid overseas under section 182, but—

(a) sections 111, 114, 173 to 196, 204, and 206 to 219 of that Act do not apply to those pensions; and

(b) the rest of that Act applies to those pensions except as provided in this section.

In section 190(1)(b), replace "a reciprocal agreement, in force under section 19 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990" with "a reciprocity agreement in force under section 380 of the Social Security Act 2018".

Repeal section 190(5).

In section 191(5), replace "section 11D of the Social Security Act 1964" with "section 297 (and regulations made under section 438) of the Social Security Act 2018".

In section 192(3), replace "section 70 of the Social Security Act 1964" with "sections 187 to 191 of the Social Security Act 2018".

In section 194, replace "assistance under the Social Security Act 1964 or under any welfare programme approved under section 124(1)(d) of that Act" with "assistance under the Social Security Act 2018 or under a programme approved under section 100 or 101 of that Act".

In the heading to section 195, replace "**Social Security Act 1964**" with "**Social Security Act 2018**".

In section 195(2), replace "Social Security Act 1964 (other than sections 74(1)(a), 75, 75A, 76, 77, and 80)" with "Social Security Act 2018 (other than sections 204, 206 to 208, 217 to 219, 311, and 313 to 315)".

In section 196, replace "Despite sections 74(1)(a) and 77 of the Social Security Act 1964 and sections 181 to 189 of this Act, if," with "If,".

In section 196, insert as subsection (2):

(2) This section applies despite—

(a) sections 181 to 189; and

(b) sections 204 and 219 of the Social Security Act 2018.

In section 207(2)(e), replace "sections 71 and 86A of the Social Security Act 1964" with "regulations made under section 444 of the Social Security Act 2018".

Veterans' Support Act 2014 (2014 No 56)—*continued*

In Schedule 2, Part 2, replace clause 25(2) with:

(2) **Average wage**, in subclause (1), means the before tax average ordinary time weekly wage (all sectors, male and female combined) as at 1 July each year, as specified in—

(a) the latest Quarterly Employment Survey published by Statistics New Zealand; or

(b) if the survey referred to in paragraph (a) ceases to be published, a survey certified by the Government Statistician as an equivalent survey to the survey referred to in that paragraph.

In Schedule 2, Part 2, replace clause 37(6) with:

(6) **Average wage**, in this clause, means the before tax average ordinary time weekly wage (all sectors, male and female combined) as at 1 July each year, as specified in—

(a) the latest Quarterly Employment Survey published by Statistics New Zealand; or

(b) if the survey referred to in paragraph (a) ceases to be published, a survey certified by the Government Statistician as an equivalent survey to the survey referred to in that paragraph.

Part 2
Amendments to Legislative Instruments

Court of Appeal Fees Regulations 2001 (SR 2001/309)

In regulation 5(3)(b)(i), replace "a benefit of a kind specified in any of paragraphs (a) to (e), (h), and (j) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964" with "a specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

Customs and Excise Regulations 1996 (SR 1996/232)

In regulation 81A(2)(b)(i), replace "a benefit of a kind specified in any of paragraphs (a) to (e), (h), and (j) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964" with "a specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

District Courts Fees Regulations 2009 (SR 2009/318)

In regulation 5(3)(b)(i), replace "a benefit of a kind specified in any of paragraphs (a) to (e) and (j) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964" with "a specified benefit (as defined in section 198(3) of the

District Courts Fees Regulations 2009 (SR 2009/318)—*continued*

Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

Family Courts Fees Regulations 2009 (SR 2009/88)

In regulation 7(3)(b)(i), replace "a benefit of a kind specified in any of paragraphs (a) to (e), and (j) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964" with "a specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

Family Proceedings Rules 1981 (SR 1981/261)

In rule 80(1), replace "Social Security Act 1964" with "Social Security Act 2018".

Health Entitlement Cards Regulations 1993 (SR 1993/169)

In regulation 2(1), definitions of **beneficiary**, **child**, **dependent child**, and **income**, replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In regulation 2(1), definition of **department**, replace "Social Security Act 1964" with "Social Security Act 2018".

In regulation 2(1), replace the definition of **residential care disability services** with:

> **residential care disability services** has the meaning given to residential care services in Schedule 2 of the Social Security Act 2018

Replace regulation 8(1)(a) with:

> (a) a beneficiary who has applied for and is entitled to receive any of the following benefits under the Social Security Act 2018 (whether or not payment of the benefit has commenced under subpart 4 of Part 6 of that Act):
>
> (i) sole parent support:
>
> (ii) supported living payment:
>
> (iii) jobseeker support:
>
> (iv) an emergency benefit granted instead of sole parent support or supported living payment or jobseeker support:
>
> (v) a veteran's pension:
>
> (vi) a youth payment:
>
> (vii) a young parent payment:

Replace regulation 8(1)(b) with:

> (b) a child in respect of whom an orphan's benefit, an unsupported child's benefit, or a child disability allowance is payable under the Social Security Act 2018:

Health Entitlement Cards Regulations 1993 (SR 1993/169)—*continued*

In regulation 8(1)(g), replace "Social Security Act 1964" with "Residential Care and Disability Support Services Act 2018".

Replace regulation 9(1) with:

(1) If it is necessary to ascertain the income or net income or family credit income of a person for the purposes of assessing eligibility for a community services card, Schedule 3 of the Social Security Act 2018 applies with all necessary modifications.

(1A) Subclause (1) is subject to subclause (2).

Replace regulation 10(3) with:

(3) The person who applied for a review under subclause (2) may, within 3 months after notification of the results of that review, appeal against the Director-General's decision to the social security appeal authority established by or under Schedule 8 of the Social Security Act 2018; and subpart 4 of Part 7 and Schedule 8 of that Act, with all necessary modifications, apply to the appeal.

(4) Appeals under subclause (3) that are not completed on the repeal of the Social Security Act 1964 continue under subclause (3) as inserted on that repeal.

High Court Fees Regulations 2013 (SR 2013/226)

In regulation 19(b)(i), replace "an income-tested benefit (which has the meaning given in section 3(1) of the Social Security Act 1964, except that it excludes the benefits specified in paragraphs (f) to (i) of that definition)" with "a specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

Income Tax (Social Assistance Suspensory Loans) Order 1995 (SR 1995/79)

In the Schedule, clause 2, replace "Social Security Act 1964" with "Social Security Act 2018".

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)

In rule 2(1), definition of **dependant**, paragraph (b), replace "Social Security Act 1964" with "Social Security Act 2018".

Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Order 2017 (LI 2017/176)

In clause 3(1), replace the definition of **benefit** with:

benefit means—

(a) a benefit within the meaning of paragraph (a) of the definition of benefit in Schedule 2 of the Social Security Act 2018; and

(b) any other amount that is payable or may be paid under the Social Security Act 2018, including—

Privacy (Information Sharing Agreement between Inland Revenue and Ministry of Social Development) Order 2017 (LI 2017/176)—*continued*

(i) a funeral grant that may be paid under subpart 15 of Part 2 of that Act; and

(ii) any special assistance payable under a programme approved under section 101 of that Act

In clause 3(1), definition of **dependent child**, replace "section 3(1) of the Social Security Act 1964" with "paragraph (a) of the definition of that term in Schedule 2 of the Social Security Act 2018".

In clause 3(1), definition of **subsidies**, replace paragraph (b) with:

(b) community services cards available under regulations made, or deemed to have been made, under 1 or both of—

(i) section 92 of the New Zealand Public Health and Disability Act 2000; and

(ii) section 437 of the Social Security Act 2018; and

Resource Management (Forms, Fees, and Procedure) Regulations 2003 (SR 2003/153)

In regulation 35A(3)(a), replace "a benefit of a kind specified in any of paragraphs (a) to (e) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964" with "a specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

Social Housing Appeals Regulations 2014 (LI 2014/118)

In regulation 4, definition of **benefits review committee** or **review committee**, replace "section 10A of the Social Security Act 1964" with "Schedule 7 of the Social Security Act 2018".

In regulation 4, definition of **Social Security Appeal Authority** or **Appeal Authority**, replace "section 12A of the Social Security Act 1964" with "Schedule 8 of the Social Security Act 2018".

In regulation 6, replace "section 10A(2) to (7) of the Social Security Act 1964" with "Schedule 7 of the Social Security Act 2018".

Replace regulation 9 with:

9 Hearing and disposal of appeal

(1) Sections 400, 401(3) and (4), 403, 404, and 405 to 410, and Schedule 8, and regulations made under section 451, of the Social Security Act 2018 apply to the hearing and disposal of the appeal (including matters relating to procedure) with the following, and all other necessary, modifications:

Social Housing Appeals Regulations 2014 (LI 2014/118)—*continued*

(a) a reference in any of those provisions to the chief executive is a reference to the agency:

(b) a reference in any of those provisions to a decision is a reference to a decision, determination, or assessment of the agency.

(2) Appeals under regulation 8 that are not completed on the repeal of the Social Security Act 1964 continue under this regulation as inserted on that repeal.

Social Security (Childcare Assistance) Regulations 2004 (SR 2004/268)

Replace regulation 28(1) with:

(1) A payment of childcare assistance that is an overpayment (within the meaning of subclause (1A)) is—

(a) a debt due to the Crown under regulations made under section 444 from the applicant; and

(b) subject to recovery under those regulations from the applicant.

(1A) A payment of childcare assistance is an overpayment if the payment is to or for the credit of a person, and the payment is one—

(a) that is in excess of the amount to which the person is entitled; or

(b) to which the person has no entitlement.

Social Security (Debt Recovery Suspension) Regulations 2007 (SR 2007/86)

In regulation 3, replace the definition of **benefit debt** with:

benefit debt means a debt due to the Crown under, and subject to recovery under, regulations made under section 444 of the Social Security Act 2018

Social Security (Temporary Additional Support) Regulations 2005 (SR 2005/334)

In regulation 4, replace the definition of **dependent child** with:

dependent child, in relation to a person, does not include a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid, but otherwise has the meaning given to it by Schedule 2 of the Social Security Act 2018

Social Welfare (Reciprocity with Australia) Order 2017 (2017/86)

In clause 5, insert as clause 5(2):

(2) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the agreement, or of the notes, referred to in clause 4:

Social Welfare (Reciprocity with Australia) Order 2017 (2017/86)—*continued*

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with Canada) Order 1996 (SR 1996/178)

After clause 3(4), insert:

(5) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the agreement set out in Schedule 1:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with Denmark) Order 1997 (SR 1997/135)

After clause 3(4), insert:

(5) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the agreement set out in the Schedule:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with Ireland) Order 1993 (SR 1993/251)

After clause 2(4), insert:

(5) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the agreement set out in the Schedule:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

(6) Despite subclause (5), a reference (however expressed) in either of the following to an orphan's benefit under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to an orphan's benefit granted under section 43 of the Social Security Act 2018:

(a) a provision of the agreement set out in the Schedule:

Social Welfare (Reciprocity with Ireland) Order 1993 (SR 1993/251)—*continued*

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with Jersey and Guernsey) Order 1995 (SR 1995/44)

After clause 2(5), insert:

(6) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the agreement set out in the Schedule:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with Malta) Order 2013 (SR 2013/373)

After clause 4(2), insert:

(3) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the agreement referred to in clause 3:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with the Hellenic Republic) Order 1993 (SR 1993/347)

After clause 2(4), insert:

(5) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the agreement set out in the Schedule:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

(6) Despite subclause (5), a reference (however expressed) in either of the following to an orphan's benefit under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to an orphan's benefit granted under section 43 of the Social Security Act 2018:

Social Welfare (Reciprocity with the Hellenic Republic) Order 1993 (SR 1993/347)—*continued*

(a) a provision of the agreement set out in the Schedule:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with the Netherlands) Order 2003 (SR 2003/216)

After clause 3(6), insert:

(7) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of a document set out in any of Schedules 1 to 4:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Social Welfare (Reciprocity with the United Kingdom) Order 1990 (SR 1990/85)

After clause 2(6), insert:

(7) A reference (however expressed) in either of the following to the former assistance under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to the assistance under the Social Security Act 2018 that corresponds to the former assistance (*see* clause 4(3) of Schedule 1 of that Act):

(a) a provision of the Convention set out in the Schedule:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

(8) Despite subclause (7), a reference (however expressed) in either of the following to an orphan's benefit under the Social Security Act 1964 in relation to New Zealand must on and after 26 November 2018 be read as a reference to an orphan's benefit granted under section 43 of the Social Security Act 2018:

(a) a provision of the Convention set out in the Schedule:

(b) a provision of a document related to the operation on or after 26 November 2018 of this order.

Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2(1), definition of **accommodation supplement**, replace "section 61EA of the Social Security Act 1964" with "sections 65, 66, and 67 of the Social Security Act 2018".

In regulation 2(1), definition of **chief executive**, replace "Social Security Act 1964" with "Social Security Act 2018".

Student Allowances Regulations 1998 (SR 1998/277)—*continued*

In regulation 2(1), definition of **living with a parent**, replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In regulation 2(1), definition of **personal income**, paragraph (a), after "Social Security Act 1964", insert "or the Social Security Act 2018".

In regulation 2(1), definition of **spousal or partner's income,** paragraph (a), after "Social Security Act 1964", insert "or the Social Security Act 2018".

In regulation 2(1), definition of **supported child**, paragraph (c)(ii) and (iv), after "Social Security Act 1964", insert "or the Social Security Act 2018".

Replace regulation 13(1) with:

(1) No student is eligible for an allowance continued by regulation 3(a) to (c) while that student or that student's spouse or partner is receiving any of the following benefits under the Social Security Act 2018:

- (a) jobseeker support:
- (b) sole parent support:
- (c) a supported living payment:
- (d) a youth payment:
- (e) a young parent payment:
- (f) an emergency benefit.

In regulation 24A(2)(a), replace "Social Security Act 1964" with "Social Security Act 2018".

In regulation 24A(3), replace "section 61EC of the Social Security Act 1964 (see in particular section 61EC(3) of that Act, which states that an accommodation supplement is not payable to a person who has cash assets exceeding the specified amount)" with "section 65 of the Social Security Act 2018 (see in particular section 65(1)(b) of that Act, which states that MSD may grant a person (**P**), for the period that MSD determines, an accommodation supplement if P meets the assets requirement (as set out in regulations made under section 423 of that Act))".

In regulation 24A(4), replace "section 61E of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

Supreme Court Fees Regulations 2003 (SR 2003/359)

In regulation 5(3)(b)(i), replace "a benefit of a kind specified in any of paragraphs (a) to (e), (h), and (j) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964" with "a specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

Taxation (Abated Interim Payments of subparts MA to MF and MZ Credit) Regulations 2002 (SR 2002/52)

In regulation 3(1), replace "of the Social Security Act 1964" with "of the Social Security Act 2018".

In regulation 3(1)(a) and (b), after "under the Social Security Act 1964", insert "or the Social Security Act 2018".

Taxation Review Authorities Regulations 1998 (SR 1998/460)

In regulation 10A(3)(b)(i), replace "a benefit of a kind specified in any of paragraphs (a) to (e), or (j) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964" with "a specified benefit (as defined in section 198(3) of the Social Security Act 2018) that is jobseeker support, sole parent support, a supported living payment, or an emergency benefit".

Veterans' Support Regulations 2014 (LI 2014/369)

In regulation 23(1)(c), replace "Social Security Act 1964" with "Social Security Act 2018".

In regulation 23(3), definition of **income**, replace "section 3(1) of the Social Security Act 1964" with "Schedule 2 of the Social Security Act 2018".

In regulation 23(3), replace the definition of **social security enactment** with:

> **social security enactment** means—
>
> (a) Schedule 2 of the Residential Care and Disability Support Services Act 2018:
>
> (b) the Social Security (Long-term Residential Care) Regulations 2005 (or any other regulations made or treated as made under section 74 of the Residential Care and Disability Support Services Act 2018):
>
> (c) the Social Security (Income and Cash Assets Exemptions) Regulations 2011 (or any other regulations made or treated as made—
>
> (i) under section 422 for the purposes of clause 9 of Schedule 3 of the Social Security Act 2018; or
>
> (ii) under section 423 for the purposes of subpart 10 of Part 2 and Part 7 of Schedule 4 of the Social Security Act 2018):
>
> (d) the Social Security (Temporary Additional Support) Regulations 2005 (or any other regulations made or treated as made under section 428 of the Social Security Act 2018).

In regulation 36(1), replace "the definition of assets in clause 4 of Schedule 27 of the Social Security Act 1964 (if the veteran were a person being means assessed under section 146 of that Act)" with "the definition of assets in clause 4 of Schedule 2 of the Residential Care and Disability Support Services Act 2018 (if the veteran were a person being means assessed under section 34 of that Act)".

Veterans' Support Regulations 2014 (LI 2014/369)—*continued*

In regulation 36(3)(a), replace "clause 4 of Schedule 27 of the Social Security Act 1964" with "clause 4 of Schedule 2 of the Residential Care and Disability Support Services Act 2018".

In regulation 38, replace "clause 4 of Schedule 27 of the Social Security Act 1964" with "clause 4 of Schedule 2 of the Residential Care and Disability Support Services Act 2018".

Vulnerable Children (Children's Agencies) Order 2017 (LI 2017/202)

In the Schedule, replace "Social Security Act 1964" with "Social Security Act 2018".

Schedule 11
Identified changes in legislation

s 9(6)(a)

Notes: Each identified change is a significant difference in substance between the old law and the new law.

Identified changes unrelated to regulations are set out separately from those related to regulations.

Some old law is replaced only with new law regulation-making powers, but most of those powers authorise regulations to the same effect.

Those powers also authorise regulations to a different effect (for example, to implement policy changes).

Identified changes exclude transitional, savings, and related provisions.

Old law	**New law—identified change unrelated to regulations**
1964 Act	*2018 Act*
10A(1A)	Sections 391 and 393 provide for applications for benefits review committee reviews to be made to MSD, and referred to the appropriate benefits review committee as determined by MSD.
10A(3)(a)	Clause 2(a) of Schedule 7 contains, for the benefits review committee member who the Minister appoints to represent on the committee the community's interests, no requirement of place of residence, or close connection.
31	Sections 45(1) and 48(1) state expressly the purpose of the orphan's benefit and unsupported child's benefit.
61	Section 63(4) ensures an emergency benefit must not exceed the rate of the equivalent benefit, that is, the main benefit under this Act that MSD would grant to a person entitled to the benefit in circumstances similar to those of the applicant for the emergency benefit. Section 63(5) also does not enable MSD to require an applicant for the emergency benefit to undergo medical or psychological examination or medical or other treatment.
69 and Schedule 12	This Act repeals, and does not re-enact, the discretionary power given by these provisions to increase by an amount not more than $1 per week the rate of a benefit payable to a parent of a deceased member of specified armed forces or of a specified mercantile marine.
69C(4)	Section 87(c) ensures a disability allowance can be refused, cancelled, or granted at a reduced rate, only if the applicant is receiving altered stated types of pension, or periodical allowance, that are granted elsewhere than New Zealand and are analogous to a disability allowance.
69C(8)	Section 85(4) defines health practitioner so that this term excludes a former health practitioner (within the meaning of section 5(1) of the Health Practitioners Competence Assurance Act 2003).
75B(9), (10)	Section 216(3)(a) ensures a person whose benefit is suspended under section 213 is eligible for a 50% protection (the suspension applies to only half the applicable rate of main benefit before any reduction on account of income) under section 245 if the person is not receiving a main benefit under this Act.
80BA(4)(b)(iv)	Section 316(2)(d) (calculation of stand down) applies to jobseeker support granted not only to a sole parent, but also to a person to whom section 30(1)(e) (which relates to having lost the regular support of a spouse or partner who is subject to a sentence of imprisonment, etc) applies (*see also* clause 8 of Schedule 1).
82(6)	Section 347 enables advance payment of instalments of a benefit only if the benefit is a main benefit, an orphan's benefit, an unsupported child's benefit, New Zealand Superannuation, or a veteran's pension, and so also prevents

Old law	New law—identified change unrelated to regulations
	advance payment of instalments of any other benefit—for example, a benefit that is supplementary assistance.
88B(1)	Section 22(b) (jobseeker support: when person is available for work) is extended to include a reference to the deferral of work-test obligations in certain circumstances. (*See also* section 2(6)(e) and clause 70 of Schedule 1, which re-enact an amendment equivalent to the latent amendment in section 14(1) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016.)
88D(a)	Section 26(a) (jobseeker support: ineligibility) is extended to include a reference to the deferral of work-test obligations in certain circumstances. (*See also* section 2(6)(e) and clause 71 of Schedule 1, which re-enact an amendment equivalent to the latent amendment in section 15 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016.)
102C(3)–(5)	Section 151(2) ensures the cost of an evidential drug test will be unable to be reimbursed to employers when the incurring of that cost was unnecessary because the person who failed a screening test waived the right to the evidential drug test.
120, 121	Sections 247(2) and 248(2) vary ordinary sanctions rules by giving 50% protection (the reduction, suspension, cancellation, or non-entitlement period applies to only half the applicable rate of main benefit before any abatement on account of income) to people with dependent children, or sole parents, subject to a 13-week non-entitlement period under sections 225 and 227.
125F(1) and (2)(a)	Clause 16(1) and (2)(a) of Schedule 6 (which relates to information disclosure for services to young people not in education or training) is extended to add an additional purpose to the list of purposes for which the chief executive of the Ministry of Education may provide specified information to MSD: assessing young people's risk of long-term welfare dependency. (*See also* section 2(6)(e) and clauses 75(2) and 76 of Schedule 1, which re-enact amendments equivalent to the latent amendments in section 18(2) and (3) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016.)
171A	Section 165 is about a young person aged 18 or 19 years who is receiving jobseeker support in the young person's own right and who is at significant risk of long-term welfare dependency. Section 168 is about a young person aged 18 or 19 years who is receiving jobseeker support as the spouse or partner of a person granted that benefit, or who is a work-tested spouse or partner of a specified beneficiary, and who is at significant risk of long-term welfare dependency. Sections 165 and 168 commence on a date appointed under section 2(6)(a). They re-enact the latent section 171A to be inserted by section 32 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016. (*See also* sections 2(6)(b) to (e), 155, and 431 and clauses 72 to 74 and 75(1), (2), and (3) of Schedule 1, and sections 5(3), 16, 33, 43(2), and 45 to 47 of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016.)
Schedule 9, clauses 1(ba) and (c), 5A	A person to whom section 30(1)(e) (which relates to having lost the regular support of a spouse or partner who is subject to a sentence of imprisonment, etc) applies is treated as a single beneficiary for the purposes of clauses 1(e) and (f) and 6 of Part 1 (jobseeker support) of Schedule 4 (rates of benefits) (*see also* clause 8 of Schedule 1).

Old law	New law—identified change related to regulations
1964 Act	*2018 Act*
3(1), 61CB, 61CC(2), 82(3), (5), (6A), (6AA), (6AB), (6AC),	Section 442 provides for regulations about payments. Review or appeal rights under sections 391(1)(a) and 397(1)(a) apply to decisions or determinations made under regulations made under section 442.

Old law	New law—identified change related to regulations
(6F), (6G), 83; SR 2007/229 r 5	
3(1), 83AA, 85A, 85B, 86, 86AA, 86A–86I, 124(2), (2A), 125G(3)	Sections 444 and 445 provide for regulations about debts and deductions.
10A(1A), (1B), (8), (9), 10B(2), 12I(2), 12K(11); 12L, 12M, 12O, 12OA, 12Q(3), (4), (6), (7), (8), (9), (10), 12R	Section 451 provides for regulations about how to apply, and the procedure, for a review or an appeal.
11D; SR 2007/229 r 4	Section 438 provides for regulations about the making of, help with, and the receipt and lapse of, an application for a benefit.
11E, 11G, 11H, 132J	Section 432 provides for regulations about factors affecting benefits: pre-benefit activities.
60RAB(1), (3), (4)	Section 430 provides for regulations relating to specific obligations: obligations in relation to dependent children: definitions and attendance.
61D, 61DA, 61DB, 61DC, 61DD, 61DE	Section 427 provides for regulations about amounts of, and the method or methods of making payments of, funeral grants (*see also* section 90).
61IA	Section 47B(2) (annual confirmable instruments) and Schedule 2 (confirmable instruments) of the Legislation Act 2012 do not include mandatory annual CPI adjustment of rates orders made under section 453 (*see also* section 454(1)) because the making of these orders is required by law. Section 47B(2) (annual confirmable instruments) and Schedule 2 (confirmable instruments) of the Legislation Act 2012 also exclude mandatory annual CPI adjustment regulations made under sections 74(1)(h) and 75 of the Residential Care and Disability Support Services Act 2018.
66, 66A	Section 422 provides for regulations about income exemptions (*see also* clause 9 of Schedule 3).
68A(5), (7)	Section 433 provides for regulations about factors affecting benefits: insurance recovery.
68A(6), (7), (8)	Section 439 provides for regulations about certain benefits granted, or granted at a rate, not taking into account certain insurance payments (*see also* section 310).
69C(6), (7)	Section 425 provides for regulations about special categories of eligibility for disability allowance (*see also* section 85(3)).
74AA, 78(1), 79	Section 421 provides for regulations about meeting, satisfying, or complying with the residential requirement.
77	Section 436 provides for regulations about factors affecting benefits: absence from New Zealand. Section 436(2)(a) ensures the regulations can provide for a beneficiary to notify MSD of the beneficiary's absence from New Zealand due to humanitarian reasons as soon as is reasonably practicable, including after returning to New Zealand, and still have a benefit backdated to the start of the absence.
80(5), (8), (10), (13), (14)	Section 440 provides for regulations about exemptions from, and the calculation of, a stand down.
86J	Section 449 provides for regulations about ways MSD or a person can meet a requirement in this Act to give a notice or other document.
88F(7), 88H, 88I(1)–(3), (5)–(7), 102B(2),	Section 431 provides for regulations about specific obligations: work-test obligations, and deferrals of, or exemptions from, specified obligations. Some of those

Old law	New law—identified change related to regulations
102C(1), (3)–(6), 102E, 105(3)–(7), 123D	regulations deal with matters that, under the old law, were dealt with by the 1964 Act.
125A	Section 373(1)(a)(ii) and (b) require prescription by regulations of only the specified services in relation to young people, and not also the specified services in relation to people other than young people. Section 373(1)(b) contemplates the latter services may, but need not, be prescribed by regulations made under section 418(1)(m).
131 (and related regulations made under 132)	Parts 6 and 8 do not re-enact provisions on declarations (and enabling the making of related regulations). *See also* the consequential repeal (by section 459 and Schedule 10) of section 9(a) of the Family Benefits (Home Ownership) Act 1964.
1990 Act	*2018 Act*
2(1), 19A(1)–(5), 19B, 19C, 19D(3)(c), (d), (4)–(7)	Section 450 provides for regulations about reciprocity agreements with mutual assistance provisions, and adverse action if a discrepancy is shown by information from another country.

Schedule 12
Comparative tables of old and rewritten provisions

s 10

Note—Provisions shown as omitted have been omitted because they are spent or redundant.

Part A
Social Security Act 1964: corresponding provisions in this Act or Residential Care and Disability Support Services Act 2018

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
Title	9
1(1)	1
1(2)	2
Part 1 (purpose, principles, general definitions, examples, and transitional and savings provisions relating to amendments to this Act)	
1A	3
1B	4
3	6, 422, Schedule 2, Schedule 3
3B	14
3C	11, Schedule 1
Part 1A (administration: Ministerial directions, reviews, and appeals)	
5	7
10A	391–394, Schedule 7
10B	6, 411–415, Schedule 1, cl 53, Schedule 2, Schedule 9
11	6, Schedule 1, cl 10, Schedule 2, Schedule 6, cls 2–5
11A	Schedule 6, cls 6, 7
11B	Schedule 6, cls 8, 10–12
11C	Schedule 6, cl 9
11D	297, 438
11E	184, 432

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
11F	185
11G	6, 184, 432, Schedule 2
11H	6, 184, 432, Schedule 2
12	292, 298, 301, 302, Schedule 6, cl 1
12A	401, Schedule 8, cl 1
12B	401, Schedule 8, cl 2
12C	401, Schedule 8, cl 3
12D	401, Schedule 8, cl 4
12E	401, Schedule 8, cl 5
12F	401, Schedule 8, cl 6
12G	401, Schedule 8, cl 7
12H	401, Schedule 8, cl 8
12I	401, 407, 451
12J	395–399
12K	392, 394, 400, 401, 403, 407, 451
12L	407, 451
12M	401, 403, 407, 451, Schedule 8, cl 12
12N	401, Schedule 8, cls 9–11
12O	407, 451
12OA	407, 451
12P	404
12Q	405–408, 451
12R	409
12S	410
Part 1B (sole parent support)	
20A	30
20B	31
20C	32
20D	29
20E	121, 128, 140
20F	Omitted
20G	17, Schedule 4
20H	33

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
Part 1C (orphans' benefits, and unsupported child's benefit)	
28	43, 44
29	46, 47
29A	17, Schedule 4
31	45, 48
Part 1D (child disability allowance)	
39A	78, 79
39B	17, Schedule 4
39C	80, 81
39D	83
39E	82
Part 1E (supported living payment)	
40A	Omitted
40B	34–36
40C	37
40D	40
40E	41, 42
40F	123, 128
40G	121, 129
40H	123, 128
40HA	128, 130
40I	17, 38, Schedule 4
40J	Schedule 4, Part 3, cls 2–4
40K	39
Part 1F (administration: further conditions of benefits, and obligations on beneficiaries)	
60GAD	221
60GAE	222, 223
60GAF	224
60GAG	106, 170, 171

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
60H	6, 225–229, Schedule 2
60P	120
60Q	121–125
60R	106
60RA	128–135
60RAB	6, 132, 137, 169, 430, Schedule 2
60RB	106
60RC	243, 255, 267
Part 1G (emergency benefits)	
61	17, 63, Schedule 4
61AA	128
61A	121, 130, 140
Part 1H (administration: maintenance proceedings, and maintenance payable to the Crown)	
61C	389
61CA	Schedule 1, clause 49
Part 1I (epidemics)	
61CB	17, 337, 443, Schedule 4
61CC	64, 337, 442
61CD	299
61CE	99
61CF	100
Part 1J (funeral grants)	
61D	90
61DA	90, 94
61DB	90, 91, 427
61DC	90, 92, 427
61DD	90, 93, 427
61DE	427

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
Part 1K (accommodation supplement)	
61DH	Omitted
61E	6, 65, 66, 68, 423
61EA	65, 66, 67
61EB	68
61EC	17, 65, 69, 423, Schedule 4
Part 1KA Winter energy payment	
61FE	70
61FF	71
61FG	72
61FH	73
61FI	74, 319
61FJ	114, 219, 220
Part 1L (temporary additional support)	
61G	17, 95–98, Schedule 4
Part 1M (childcare assistance)	
61GA	17, 76, 77, Schedule 4
Part 1N (administration: rates of benefits, and other provisions on monetary benefits)	
61H	452, 454
61HA	453, 454
61I	423, 454
61IA	454
62	303
63	8
63A	103
64	Schedule 3, cls 11–14
66	422, Schedule 3, cl 9
66A	422, Schedule 3, cl 9
66B	422, Schedule 3, cl 9

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
68	422, Schedule 3, cl 2
68A	6, 186, 310, 433, 439, Schedule 2, Schedule 3, cls 18–21
69	Omitted (*see* Schedule 11)
Part 1O (disability provisions)	
69C	17, 84–89, 368–371, 425, Schedule 4
69FA	Residential Care and Disability Support Services Act 2018, 59–67, Schedules 1 and 3
Part 1P (administration: overseas pensions, other conditions of benefits, reviews, and payments, debts, and deductions)	
69G	173–176
69H	177–180
69I	108
70	187–191, 434
70A	192–194
70B	195, 196
71	197
71A	198, Schedule 1, cl 31
72	18, 199–201
73	203
74	202, 204, Schedule 3, cls 2, 16
74AA	16, 421
74A	19, 205
75	206, 207
75A	208
75B	209–216
76	217, 218
77	114, 219, 436
77A	107
78	421
79	421

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
80	311, 313, 314, 315
80AA	317, 318
80A	113
80B	315, 316, 440
80BA	6, 316, Schedule 2
80BB	440
80BC	440
80BD	325–330
80BE	331–335
80BF	336, 441
80C	230
80D	312
81	75, 304–310
82	110, 337, 338, 339, 340, 346, 347, 348, 368, 371, 442
82A	112
83	337, 442
83AA	359, 360
83A	349–352
84	293, 417
84A	388
85A	353, 444
85B	353, 444
86	353, 354–358, 362, 363, 444
86AA	360, 361
86A	353, 444, 445
86B	353, 444, 445
86C	353, 444, 445
86D	353, 444, 445
86E	353, 444, 445
86F	353, 444, 445
86G	353, 444, 445
86H	353, 444, 445
86I	353, 444, 445
86J	364, 449, 445

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
86K	Omitted
Part 2 (jobseeker support, and administration: assessing work ability, work-testing, and sanctions)	
88A	6, Schedule 2
88B	20–24
88C	25
88D	26
88E	27, 28
88F	141
88G	121, 129, 140
88H	155
88I	155
88J	142, 156
88K	156
88L	Omitted
88M	17, Schedule 4
100B	116–118
100C	118
100D	106
101	139
102	142, 143
102A	144, 146, 147
102B	147–149
102C	149, 151
102D	257–260
102E	150
104A	Omitted
105	157–161, 431
105C	106
111	Omitted
113	252, 253, 256
114	254
116B	119, 126, 136, 153, 154, 161, 233

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
116C	249–251
117	236–239, 244, 253
119	240–242
120	245–247
121	248
122	261–263
122A	264–266
123	320–322
123A	323
123B	324
123C	181
123D	157
Part 3 (administration: young persons services, welfare programmes and other money payable, preferred suppliers, contracts with administration service providers, artificial limbs, information disclosure, application of Human Rights Act 1993, and offences and general penalty)	
123E	365
123F	Schedule 6, cl 16
123G	Omitted
123H	Omitted
124	100, 101, 102, 304, 353, 368–370, 444
125AA	366, 367, 372
125A	373
125B	374
125C	Schedule 6, cls 19, 20
125D	Schedule 6, cls 17, 18
125E	375
125F	376
125G	317, 318, 353, 377, 444
125H	Omitted
125I	Schedule 6, cl 21

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
126	Omitted
126A	6, Schedule 2, Schedule 6, cl 13
126AB	Schedule 6, cl 14
126AC	Schedule 6, cl 15
126B	Omitted
127	290
127A	291
128	295
129	294
131	Omitted
Part 3A (administration: regulations and rules, annual reports, and repeals and savings)	
132	418
132AA	422
132AB	428
132A	437
132AC	424
132AD	426
132C	419, 434
132D	Residential Care and Disability Support Services Act 2018, 74
132F	429
132G	448
132H	Schedule 3, cl 15
132I	Schedule 3, cl 17
132J	432
132K	446, 447
132L	435
132M	441
133	Omitted
135	9, 455, 456, Schedule 1

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
Part 4 (long-term residential care in hospital or rest home)	
136AA	Residential Care and Disability Support Services Act 2018, 3
136AB	Residential Care and Disability Support Services Act 2018, 4
136	Residential Care and Disability Support Services Act 2018, 5, 24
137	Residential Care and Disability Support Services Act 2018, 27–30
138	Residential Care and Disability Support Services Act 2018, 30, 32
139	Residential Care and Disability Support Services Act 2018, 15–17
140	Residential Care and Disability Support Services Act 2018, 18, 19, 56, 58
141	Residential Care and Disability Support Services Act 2018, 56
142	Residential Care and Disability Support Services Act 2018, 24, 26, 54, 57
143	Residential Care and Disability Support Services Act 2018, 22
144	Residential Care and Disability Support Services Act 2018, 32, 33
145	Residential Care and Disability Support Services Act 2018, 52
146	Residential Care and Disability Support Services Act 2018, 34, 35
147	Residential Care and Disability Support Services Act 2018, 36–38
147A	Residential Care and Disability Support Services Act 2018, 39, 40
148	Residential Care and Disability Support Services Act 2018, 41, 42
149	Residential Care and Disability Support Services Act 2018, 43
150	Residential Care and Disability Support Services Act 2018, 47–51

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
151	Residential Care and Disability Support Services Act 2018, 45
152	Residential Care and Disability Support Services Act 2018, 53
153	Residential Care and Disability Support Services Act 2018, 70
154	Residential Care and Disability Support Services Act 2018, 71
155	Residential Care and Disability Support Services Act 2018, 74–76
Part 5 (financial support for young people)	
156	Omitted
157	6, 162, Schedule 2
158	49, 50
159	49, 51, 52
160	49
161	53
162	54
163	17, 55, Schedule 4
164	56, 57
165	56, 59
166	56
167	60
168	61
169	17, 62, Schedule 4
170	105, 110, 162, 163, 164, 169
171	166, 167
171A (to be inserted by 2016 No 36 s 32)	165, 168
172	106
173	270, 271
174	280, 281, 282
174A	268, 277, 278
174AB	268, 275, 276
175	272, 273, 274, 283, 284, 285

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
176	268, 286, 287, 288
177	282
178	289
179	338, 339, 340, 341, 342, 343, 345
180	344
181	378
Schedule 3 (former widows' benefits)	Schedule 4, Part 10 (former widows' benefits)
Schedule 3A (sole parent support)	Schedule 4, Part 2 (sole parent support)
Schedule 4 (orphans' benefits and unsupported childs' benefits)	Schedule 4, Part 4 (orphan's benefit) and Schedule 4, Part 5 (unsupported child's benefit)
Schedule 6 (supported living payment)	Schedule 4, Part 3 (supported living payment)
Schedule 9 (jobseeker support)	Schedule 4, Part 1 (jobseeker support)
Schedule 10 (exemption of income from friendly or like society)	Schedule 3, Part 2 (income)
Schedule 12 (increased rate for parent of deceased member of armed forces)	Omitted (*see* Schedule 11)
Schedule 13 (enactments repealed)	Omitted
Schedule 16 (former DPB for solo parents)	Schedule 4, Part 11 (former DPB for solo parents)
Schedule 18 (accommodation supplement)	Schedule 4, Part 7 (accommodation supplement)
Schedule 18A (winter energy payment)	Schedule 4, Part 8 (winter energy payment)
Schedule 19 (child disability allowance and disability allowance)	Schedule 4, Part 9 (child disability allowance and disability allowance)
Schedule 22 (long-term hospital patients)	Schedule 4, Part 12 (long-term hospital patients)
Schedule 26 (youth payment, young parent payment, incentive payments)	Schedule 4, Part 6 (youth payment, young parent payment, incentive payments)
Schedule 27 (means assessment for long-term residential care)	Residential Care and Disability Support Services Act 2018, Schedule 2 (means assessment for long-term residential care)

Provision in Social Security Act 1964	Corresponding provision in this Act or Residential Care and Disability Support Services Act 2018
Schedule 28 (period of benefit stand down)	440
Schedule 30 (means assessment for home-based disability support services)	Residential Care and Disability Support Services Act 2018, Schedule 3 (means assessment for home-based disability support services)
Schedule 31 (asset and income limits)	Schedule 5 (asset and income limits)
Schedule 32 (transitional, savings, and related provisions)	9, Schedule 1 (transitional, savings, and related provisions)

Part B

Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990: corresponding provisions in this Act or Artificial Limb Service Act 2018

Provision in Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990	Corresponding provision in this Act
2	382, 383, Schedule 2
19	380, 381
19A	382, 383
19B	383
19C	383, 450
19D	384–386, 450

Provision in Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990	Corresponding provision in Artificial Limb Service Act 2018
42	4
43	7, 9
44	8
46	9, 10
48	14
49, Schedule 3, cl 7	11
49, Schedule 3, cl 16	12
49, Schedule 3, cl 22	13

51	Omitted

Part C
This Act: corresponding provisions in former enactments

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
1	1(1)
2	1(2)
Part 1 (general provisions)	
3	1A
4	1B
5	New
6, Schedule 2	3(1), (5), 10B(5), 11(8), 11G(1), 11H(1), 20A, 39A(1), 60H(1), 60RAB(1) and (4), 61D(1), 61E, 68A(8), 88A, 126A(1), 157
7	5
8	63
9	New
10	New
11	3C, Schedule 32
12	New (but *see* s 27ZF, repealed, on 1 July 1992, by 1991 No 143 s 7(1))
13	New
14	3B
Part 2 (assistance)	
15	New
16	74AA, 78(1), 79
17	3C, 20G, 29A, 39B, 40I, 61(2), 61CB, 61EC, 61G(3), 61GA(2), 69C, 88M, 163, 169
18	72(a)
19	74A(1)
20	88B(1)–(4)
21	88B(1), (6), (7)
22	88B(1)
23	88B(2)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
24	88B(4), (5)
25	88C
26	88D
27	88E(1)–(3)
28	88E(4), (5)
29	20D
30	20A
31	20B
32	20C
33	20H
34	40B(1)–(1B)
35	40B(1)–(3)
36	40B(5)
37	40C
38	40I(3)–(5)
39	40K
40	40D
41	40E(1)
42	40E(2), (3)
43	28
44	28
45	31
46	29
47	29
48	31
49	158, 159(1), 160
50	158(2)(c)
51	158(2)(e), (3)
52	159(2)
53	161
54	162
55	163(2), (3)
56	164, 165(2), 166
57	164(2)(c)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
58	164(2)(e), (3)
59	165(2), (3)
60	167
61	168
62	169(2), (3)
63	61
64	61CC(1), (3)
65	61EA, 61EC(3)
66	61E(1), 61EA(2)
67	61EA(3), (4)
68	61EB
69	61EC(4), (4A), (5)
70	61FE
71	61FF
72	61FG
73	61FH
74	61FI
75	81(5)
76	61GA(1)
77	61GA(2)
78	39A(3)
79	39A(1), (2)
80	39C(1)
81	39C(2)
82	39E
83	39D
84	69C(8)
85	69C(1), (2), (2A), (8)
86	69C(2B)
87	69C(4)
88	69C(3)
89	69C(5)
90	61D, 61DA, 61DB, 61DC, 61DD
91	61DB

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
92	61DC
93	61DD
94	61DA
95	61G(1)
96	61G(2), (3), (4)
97	61G(5), (6)
98	61G(7)
99	61CE
100	61CF, 124(1C)
101	124(1)(d), (1A), (1B)
102	124(1B)
103	63A
Part 3 (obligations)	
104	New
105	170(5)
106	60GAG(2), 60R, 60RB, 100D, 105C, 172
107	77A
108	69I
109	New
110	82(7), 170(3), (4)
111	82(7)
112	82A
113	80A
114	61FJ(3), 77(6), (9)
115	New
116	100B(1)
117	100B(2)
118	100B(3), (4), 100C(1), (2)
119	116B(1)(d)
120	60P
121	20E(a), 40G(1), (2)(a), 60Q(1), (1A), 61A(1), 88G(a)
122	60Q(1A)
123	40F(a), 40H(a), 60Q(1)(bb), (bc), (1B)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
124	60Q(2)
125	60Q(3)
126	116B(1)(c)
127	New
128	20E(b), 40F(b), 40H(b), 40HA(a), 60RA(1), 61AA, 88F(8)
129	40G(1), (2)(b), 60RA(1)(b), (2), 88G(b)
130	40HA, 60RA(1)(b), (2), 61A(3)
131	60RA(3)(a)
132	60RA(3)(b), 60RAB(2)
133	60RA(3)(c)
134	60RA(3)(d), (e)
135	60RA(3)(f), (g)
136	116B(1)(b)
137	60RAB(1), (3), (4)
138	New
139	101
140	20E(c), 88F(1), (4), 88G(c), 61A(1), (1A), (2)(b)
141	88F(2)–(6)
142	88J, 102(2)
143	102(1), (3)
144	102A(1)(a)–(c)
145	3(1)
146	102A(1)(d)–(g), (2)–(5)
147	102A(1A), 102B(1), (3)
148	102B(2)
149	102B(4), (5), 102C(2)
150	102E
151	102C(3)–(5)
152	88A
153	116B(1)(e)–(h)
154	116B(1)(f)–(h)
155	88F(7), 88H, 88I(1)–(3), (5)–(7)
156	88J, 88K

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
157	123D
158	105(1), (2), (4), (5), (5A)
159	New
160	105(3), (6), (7)
161	105(5), 116B(1)(i)
162	157, 170(1)(a), (b), (d)–(g)
163	170(4)
164	170(1)(c), (2)
165	171A (to be inserted by 2016 No 36 s 32)
166	170(1)(a), (b), (d)–(g), 171(1), (4)
167	170(1)(a)–(f) and (g)(i), 170(2), 171(2), (5)
168	171A (to be inserted by 2016 No 36 s 32)
169	60RAB(1), (4), 157
170	60GAG(1)
171	60GAG(3)
172	New
173	69G(1)
174	69G(2)
175	69G(3)
176	69G(4), (5)
177	69H(1), (2)
178	69H(3)
179	69H(4), (5)
180	69H(6)
181	123C
182	New
Part 4 (factors affecting benefits)	
183	New
184	11E, 11G, 11H
185	11F
186	68A
187	70(1), (1A), (1B)
188	70(1)(a)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
189	70(1)
190	70(3)–(4)
191	70(1)
192	70A(1), (2), (4)
193	70A(3), (9)
194	70A(5), (6), (8)
195	70B(1), (3), (4)
196	70B(2)
197	71
198	71A(1)–(3)
199	72(b)
200	72(b)
201	72(c)
202	74(1)(e)
203	73
204	74(1)(a) (*see also* 2001 No 84 s 35(2) and 2014 No 56 s 195(2))
205	74A(1A), (1B)
206	75(2)–(4), (6)
207	75(5), (7)
208	75A
209	75B(1), (6)
210	75B(2)
211	75B(3)
212	75B(3), (4)
213	75B(7)
214	75B(2)
215	75B(8)
216	75B(9), (10)
217	76(1), (5), (6)
218	76(2)–(4)
219	61FJ(3), 77 (*see also* 2001 No 84 s 35(2) and 2014 No 56 s 195(2))
220	61FJ(1), (2)
221	60GAD

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
222	60GAE(1), (1A), (2), (3A)
223	60GAE(4), (5)
224	60GAF
225	60H(3)
226	60H(2)
227	60H(4), (5)
228	60H(6), (7)
229	60H(1)
230	80C
Part 5 (enforcement: sanctions and offences)	
231	New
232	116B
233	116B
234	117
235	117
236	117(1)(a)
237	117(1)(b)
238	117(1)(c), (2), (3)
239	117(4)
240	119(1)(a), (1A), (3A)
241	119(1A), (1B), (3), (5)
242	119(1)(b)(ii), (2), (4)
243	60RC(2)
244	117(1B), (1C)
245	120(1)
246	120(1A)
247	120(2), (3)
248	121
249	116C(1)
250	116C(2)
251	116C(3)
252	113(1), (2)
253	113(2A), 117(1AA)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
254	114
255	60RC(3)
256	113(3)
257	102D(1)–(4)
258	102D(5), (6)
259	102D(8)
260	102D(7), (9)
261	122(1)
262	122(2)
263	122(3), (5)
264	122A(1), (2), (4)
265	122A(5)
266	122A(3)
267	60RC(4)–(6)
268	176(3)
269	173
270	173(1)(a)
271	173(1)(b), (2)–(5)
272	175(1)
273	175(5)
274	175(6)
275	174AB(1), (2)
276	174AB(3), (4)
277	174A(1), (2)
278	174A(3), (4)
279	New
280	174(1)(a)
281	174(1)(b)
282	174(2)–(5), 177(1), (2)
283	175(2)–(4)
284	175(5)
285	175(6)
286	176(1)
287	176(2)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
288	176(4)
289	178
290	127
291	127A
292	12(3)
293	84(2)
294	129
295	128
Part 6 (administration)	
296	New
297	11D
298	12(1), (1A)
299	61CD
300	New
301	12(1)
302	12(1AA)
303	62
304	81(1)(a) and (b), 124(2), (2A)
305	81(1)
306	81(2)
307	81(4)
308	81(3)
309	New
310	68A(6), (7), (8)
311	80(1) (*see also* 2001 No 84 s 35(2) and 2014 No 56 s 195(2))
312	80D
313	80(2), (3)
314	80(4)
315	80(5), (8), (10), (13), (14), 80B
316	80B, 80BA(1), (2), (3), (4), (5)
317	80AA(1), (4), (5), (6), 125G(1)
318	80AA(2), (3), 125G(1)
319	61FI

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
320	123(1), (2), (3), (4)
321	123(3A)
322	123(3B)
323	123A
324	123B
325	80BD(1), (2)
326	80BD(3), (4), (5)
327	80BD(6)
328	80BD(6A)
329	80BD(7)
330	80BD(8)
331	80BE(5), (6)
332	80BE(1)
333	80BE(7)
334	80BE(8)
335	80BE(2), (3), (4)
336	80BF(1)
337	3(1), 61CB, 61CC(2), 82(3), (5), (6A), (6AA), (6AB), (6AC), (6F), (6G), 83; SR 2007/229 r 5
338	82(1), (2A), 179(2), (3)
339	82(3), 179(9)
340	82(4), (7), 179(9)
341	179(4)(a), (5), (6)
342	179(7)
343	179(8)
344	180
345	179(12), (13)
346	82(3A), 132, SR 2007/229 r 6
347	82(6)
348	82(6B)
349	83A(6)
350	83A(1)–(3)
351	83A(4)
352	83A(5)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
353	New
354	86(2), (2C)
355	86(2A)(b)
356	86(2A)(a), (c)
357	86(2B)
358	86(3), (3A)
359	83AA(1), (2), (3)
360	83AA(4), (5), 86AA(2), (3)
361	86AA
362	86(1)
363	86(1B)
364	86J
365	123E(1), (2)
366	125AA(3)
367	125AA(1), (2)
368	69C(7A)–(7BA), 82(6AA)–(6AC), 124(1BA)–(1BBA)
369	69C(7BB), (7BC)
370	69C(7C)
371	69C(7D), 82(4), 124(1BC)
372	125AA(5), (6)
373	125A
374	125B
375	125E
376	125F
377	125G
378	181
379	132, SR 2007/229 r 8
380	Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (the **1990 Act**), 19(1), (2)
381	1990 Act, 19(2A), (2B)
382	1990 Act, 2(1), 19A(1), 19D(7)
383	2(1), 19A, 19B, 19C

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
384	1990 Act, 19D(1), (2)
385	1990 Act, 19D(3)(a), (b), (e)
386	1990 Act, 19D(3)(c), (d), (4), (4A), (4B), (4C), (5), (6), (7)
387	132, SR 2007/229 r 9
388	84A
389	61C
Part 7 (reviews and appeals)	
390	New
391	10A(1), (1A)
392	10A(1B), 12K(11)
393	10A(2)
394	10A(1A), (1B), (8), (9), 12K(11)
395	12J(16)
396	12J(2), (3), (17)
397	12J(1), (4), (5)
398	12J(7)
399	12J(6), (8)–(15)
400	12K(1)–(3), (11)
401	12A–12I, 12K(9), 12M(6)
402	New
403	12K(10), 12M(6)
404	12P
405	12Q(1)
406	12Q(3), (4), (8), (9)
407	12I(2), 12K, 12L, 12M, 12O, 12OA, 12Q(3), (4), (6), (7), (8), (9), (10), 12R
408	12Q(10)
409	12R
410	12S
411	10B(1)
412	10B(2)
413	10B(4)
414	10B(2)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
415	10B(3)
Part 8 (other provisions)	
416	New
417	84(1)
418	132
419	11B(5), 123D, 132AB, 132A(1), 132AC(1), 132C(1), 132D, 132F(1)
420	New
421	74AA, 78(1), 79
422	3(1), definition of income, paragraph (f)(xvii), 3(3), 66, 66A, 66B, 68, 132AA, Schedule 10
423	61E, 61EC(2), 61I(1), (3)
424	132AC
425	69C(6), (7)
426	132AD
427	61D, 61DA, 61DB, 61DC, 61DD, 61DE
428	132AB
429	132F
430	60RAB(1), (3), (4)
431	88F(7), 88H, 88I(1)–(3), (5)–(7), 102B(2), 102C(1), (3)–(6), 102E, 105(3)–(7), 123D
432	11E, 11G, 11H, 132J
433	68A(5), (7), (8)
434	70(2), 132C
435	132L
436	77
437	132A
438	11D, SR 2007/229 r 4
439	68A(6), (7), (8)
440	80(5), (8), (10), (13), (14), 80B, 80BB, Schedule 28
441	132M

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
442	61CC(2), 82(3), (5), (6A), (6AA), (6AB), (6AC), (6F), (6G), 83, 132, SR 2007/229 r 5
443	3(1), 61CB
444	3(1), 83AA, 85A, 85B, 86, 86AA, 86A–86I, 124(2), (2A), 125G(3)
445	3(1), 86A–86I
446	132K(1)(a)
447	132K(1)(b), (c)
448	132G
449	86J, 2011 No 62 s 211, 2015 No 35 s 4
450	1990 Act, 2(1), 19A(1), (2), (3), (4), (5), 19B, 19C, 19D(3)(c), (d), (4), (4A), (4B), (4C), (5), (6), (7)
451	1908 No 89 Schedule 2 r 21.14, 1964 No 136 ss 10A(1A), (1B), (8), (9), 10B(2), 12I(2), 12K(11), 12L, 12M, 12O, 12OA, 12Q(3), (4), (6), (7), (8), (9), (10), 12R, 2011 No 81 ss 300, 303, 305, 306, 2013 No 60 s 13
452	61H(1), (1A), (2), (7), Schedule 32, cl 3(6)
453	61HA
454	61H(3)–(6), 61HA(6), 61I(2), 61IA
455	135(1)
456	135(1)
457	135(1)
458	135(1)
459	New
Schedule 1 (transitional, savings, and related provisions)	
All	Schedule 32 (transitional and savings provisions)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
Schedule 2 (dictionary)	
All (*see also* section 6)	New, but *see also* 3(1), 10B(5), 11(8), 11G(1), 11H(1), 20A, 39A(1), 60H(1), 60RAB(1) and (4), 61D(1), 61E, 80B, 88A, 126A, 157
Schedule 3 (income and liabilities)	
1	New
2	3(1), definition of income, 68, 74(1)(d), (2)
3	3(1), definition of income, paragraph (a)
4	3(1), definition of income, paragraph (b), and definition of income-related purpose
5	3(1), definition of income, paragraph (c)
6	3(1), definition of income, paragraph (d)
7	3(1), definition of income, paragraph (e)
8	3(1), definition of income, paragraph (f)(i) to (xi), (xiii), (xvi), (xviii)
9	3(1), definition of income, paragraph (f)(xii), (xiv), (xv), (xvii), 3(3), 66, 66A, 66B, 68, Schedule 10
10	3(1), definition of income, paragraphs (b) and (f)(xiv)(C), definition of income-related insurance payment, 3(4)
11	64(1), (2), (2A)
12	64(1), (2)
13	64(2A), (2B)
14	64(3)
15	132H
16	74(1)(d), (2)
17	132I
18	68A(1)
19	68A(3)
20	68A(2)
21	68A(4)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
Schedule 4 (rates of benefits)	
Part 1 (jobseeker support)	Schedule 9 (jobseeker support)
Part 2 (sole parent support)	Schedule 3A (sole parent support)
Part 3 (supported living payment)	Schedule 6 (supported living payment)
Part 4 (orphan's benefit)	Schedule 4 (orphan's benefits and unsupported child's benefits)
Part 5 (unsupported child's benefit)	Schedule 4 (orphan's benefits and unsupported child's benefits)
Part 6 (youth payment, young parent payment, incentive payments)	Schedule 26 (youth payment, young parent payment, incentive payments)
Part 7 (accommodation supplement)	Schedule 18 (accommodation supplement)
Part 8 (winter energy payment)	Schedule 18A (winter energy payment)
Part 9 (child disability allowance and disability allowance)	Schedule 19 (child disability allowance and disability allowance)
Part 10 (former widows' benefits)	Schedule 3 (former widows' benefits)
Part 11 (former DPB for solo parents)	Schedule 16 (former DPB for solo parents)
Part 12 (long-term hospital patients)	Schedule 22 (long-term hospital patients)
Schedule 5 (asset and income limits)	
All	Schedule 31 (asset and income limits)
Schedule 6 (information gathering, disclosure, and matching)	
1	12(2)
2	11(1)
3	11(2)
4	11(4)–(6)
5	11(3)
6	11A(1)–(3), (8), (10)
7	11A(4)–(7), (9)
8	11B(1)–(3)
9	11C
10	11B(4), (5)
11	11B(8)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
12	11B(6), (7)
13	126A
14	126AB
15	126AC
16	123F
17	125D(1)
18	125D(2)–(4)
19	125C(1)
20	125C(2), (3), (5)–(7)
21	125I
Schedule 7 (benefits review committees)	
1	10A(2)
2	10A(3)
3	10A(4)
4	10A(5)
5	10A(6)
6	10A(7)
Schedule 8 (appeal authority)	
1	12A
2	12B
3	12C
4	12D
5	12E
6	12F
7	12G
8	12H
9	12N(1)–(3)
10	12N(3)
11	12N(4)
12	12M(6)
Schedule 9 (medical board)	
1	10B(4), (5)

Provision in this Act	Provision in former enactments (1964 Act, unless otherwise specified), or statement that provision is new
2	10A(4)
3	10A(5)
4	10A(6)
Schedule 10 (consequential amendments)	
All	New
Schedule 11 (identified changes in legislation)	
All	New
Schedule 12 (comparative tables of old and rewritten provisions)	
All	New

Notes

1 General

This is a consolidation of the Social Security Act 2018 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Social Security (Rates of Benefits and Allowances) Order 2025 (SL 2025/9)

Social Security (Benefits Adjustment) and Income Tax (Minimum Family Tax Credit) Amendment Act 2024 (2024 No 3): Part 1

Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27): Part 2

Social Security (Accommodation Supplement) Amendment Act 2022 (2022 No 65): Part 1

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Social Security (Rates of Benefits and Allowances) Order (No 2) 2022 (SL 2022/67)

Social Security (Rates of Benefits and Allowances) Order 2022 (SL 2022/28): clauses 4, 5, 6, 8

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57): section 147

Social Security (Subsequent Child Policy Removal) Amendment Act 2021 (2021 No 38): sections 4–10, 16

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulation 87

Reserve Bank of New Zealand Act 2021 (2021 No 31): section 300(1)

Social Security (Financial Assistance for Caregivers) Amendment Act 2021 (2021 No 25): sections 4–8, 14

Taxation (Annual Rates for 2020–21, Feasibility Expenditure, and Remedial Matters) Act 2021 (2021 No 8): section 142

Secondary Legislation Act 2021 (2021 No 7): section 3

Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021 (LI 2021/16)

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36): Part 3

Privacy Act 2020 (2020 No 31): sections 190, 217

Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020 (2020 No 20)

COVID-19 Response (Taxation and Social Assistance Urgent Measures) Act 2020 (2020 No 8): section 36

Kāinga Ora–Homes and Communities Act 2019 (2019 No 50): section 33

Social Assistance Legislation (Budget 2019 Welfare Package) Amendment Act 2019 (2019 No 23): Part 1

Social Security (Winter Energy Payment) Amendment Act 2019 (2019 No 13)

Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51): Part 1 subpart 20

Social Security Act 2018 (2018 No 32): Schedule 1 clause 80

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2025