



Social Security Amendment Regulations (No 2) 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 24th day of May 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under sections 424 and 428 of the Social Security Act 2018 on the advice and with the consent of the Executive Council.

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Regulations

- Title**
These regulations are the Social Security Amendment Regulations (No 2) 2021.

2 Commencement

These regulations come into force on 1 July 2021.

3 Principal regulations

These regulations amend the Social Security Regulations 2018.

4 Regulation 20 amended (Interpretation)

In regulation 20(1), definition of **total income**, replace paragraph (b) with:

- (b) the amount of any benefit received by the caregiver other than any of the following:
 - (i) any benefit received by the caregiver on or after 26 November 2017 that is childcare assistance, a child disability allowance, an orphan's benefit, an unsupported child's benefit, or a winter energy payment;
 - (ii) any benefit received by the caregiver on or after 1 July 2021 that is an accommodation supplement, temporary additional support, a special benefit, a disability allowance, a special disability allowance, or an incentive payment; and

5 Regulation 64 amended (Disability exception amount)

(1) Replace regulation 64(1) with:

- (1) The disability exception amount is available to the applicant only if—
 - (a) the deficiency exceeds the upper limit; and
 - (b) the applicant's allowable costs include an excess disability costs total.
- (1A) The disability exception amount is,—
 - (a) if the applicable excess costs are \$100 or less, the amount of the applicable excess costs; or
 - (b) if the applicable excess costs are greater than \$100, \$100 plus 30% of the balance of the applicable excess costs greater than \$100.

(2) In regulation 64(2), insert in its appropriate alphabetical order:

- applicable excess costs** are the lesser of—
 - (a) the deficiency minus the upper limit;
 - (b) the excess disability costs total

6 Regulation 66 amended (Prescribed amount of support: exceptions)

(1) In regulation 66, example 2, replace item 7 with:

- (7) The applicable excess costs are \$13.25, which are the lesser of—

\$13.25	the deficiency minus the upper limit (\$128.60–\$115.35); and
\$158.66	the excess disability costs total

- (8) The disability exception amount is \$13.25 (which is the full amount of the applicable excess costs, as it is less than \$100).
- (2) In regulation 66, example 2, replace “\$162.95” with “\$128.60” in each place.
- (3) In regulation 66, example 2, replace “\$47.60” with “\$13.25”.

7 Regulation 69 amended (Chargeable income)

After regulation 69(5)(i), insert:

- (j) the Benefit Rate Increase (Transitional Assistance) Programme 2021.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2021, are made under the Social Security Act 2018. They amend the Social Security Regulations 2018 by—

- exempting certain supplementary payments from being considered income for the purposes of childcare assistance; and
- amending the way in which the disability exception amount is calculated to ensure that disability costs are not taken into account twice and that the amount more accurately reflects a beneficiary’s applicable excess disability costs for the purposes of temporary additional support; and
- revising example 2 in regulation 66 (relating to temporary additional support) to take account of the amendment to the way in which the disability exception amount is calculated; and
- exempting payments made under the Benefit Rate Increase (Transitional Assistance) Programme 2021 from being considered as chargeable income for the purposes of temporary additional support.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 27 May 2021.

These regulations are administered by the Ministry of Social Development.