



Social Security (Winter Energy Payment) Amendment Act 2019

Public Act 2019 No 13
Date of assent 11 April 2019
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
Part 1	
Winter energy payment for winter periods in and after 2019 calendar year	
4 Section 72 amended (Winter energy payment: requirements)	2
5 Section 220 amended (Special absence rule: winter energy payment)	3
Part 2	
Purported winter energy payment for winter period for 2018 calendar year	
6 Schedule 1 amended: new Part 1 heading inserted	3
Part 1	
Provisions relating to Act as enacted	
7 Schedule 1 amended: new Part 2 inserted	3
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	3

78	Purported winter energy payment for winter period for 2018 calendar year: payments contrary to section 61FJ(2) of Social Security Act 1964	4
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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Security (Winter Energy Payment) Amendment Act 2019.

2 Commencement

- (1) Part 1 comes into force, or is taken to have come into force, on 1 May 2019.
- (2) The rest of this Act comes into force on the day after the date of Royal assent.

3 Principal Act

This Act amends the Social Security Act 2018 (the **principal Act**).

Part 1

**Winter energy payment for winter periods
in and after 2019 calendar year**

4 Section 72 amended (Winter energy payment: requirements)

Replace section 72(2)(c) and (d) with:

- (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 New Zealand Public Health and Disability Act 2000; 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

5 Section 220 amended (Special absence rule: winter energy payment)

Replace section 220(2) with:

- (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.

Part 2

**Purported winter energy payment for winter period
for 2018 calendar year**

6 Schedule 1 amended: new Part 1 heading inserted

In Schedule 1, before the cross-heading "*Interpretation*" above clause 1, insert:

Part 1
Provisions relating to Act as enacted

7 Schedule 1 amended: new Part 2 inserted

In Schedule 1, after clause 76, insert:

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

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”.

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.”

Legislative history

4 March 2019	Introduction (Bill 116–1)
7 March 2019	First reading and referral to Social Services and Community Committee
27 March 2019	Reported from Social Services and Community Committee (Bill 116–2)
4 April 2019	Second reading
9 April 2019	Committee of the whole House
10 April 2019	Third reading
11 April 2019	Royal assent

This Act is administered by the Ministry of Social Development.