



## **Social Security (Cash Assets and Income Exemptions— Severe Weather Events) Amendment Regulations 2023**

Rt Hon Dame Helen Winkelmann, Administrator of the Government

### **Order in Council**

At Wellington this 2nd day of October 2023

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under sections 422, 423, and 428 of the Social Security Act 2018 on the advice and with the consent of the Executive Council.

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### **Regulations**

#### **1 Title**

These regulations are the Social Security (Cash Assets and Income Exemptions—Severe Weather Events) Amendment Regulations 2023.

**2 Commencement**

These regulations come into force on 6 November 2023.

**3 Principal regulations**

These regulations amend the Social Security Regulations 2018.

**4 Schedule 8 amended**

- (1) In Schedule 8, clause 1, after item 24, insert:

25	A relevant severe weather event payment and interest to which clause 66 applies	Not cash assets of the person to whom the payment was made	Only for the specified period (as defined in clause 67)
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- (2) In Schedule 8, clause 2, after item 25, insert:

26	A relevant severe weather event payment and interest to which clause 66 applies	Not cash assets of the person to whom the payment was made	Only for the specified period (as defined in clause 67)
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- (3) In Schedule 8, clause 3, after item 11, insert:

12	A relevant severe weather event payment and interest to which clause 66 applies	Not chargeable income for the person to whom the payment was made	Only for the specified period (as defined in clause 67)
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- (4) In Schedule 8, clause 4, after item 31, insert:

32	A relevant severe weather event payment and interest to which clause 66 applies	Not income for the person to whom the payment was made	Only for the specified period (as defined in clause 67)
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- (5) In Schedule 8, after Part 37, insert the Part 38 set out in the Schedule of these regulations.

**Schedule**  
**New Part 38 inserted into Schedule 8**

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**Part 38**  
**Relevant severe weather event payments**

**65 Interpretation**

In this Part,—

**local authority** has the meaning given in section 5(1) of the Local Government Act 2002

**relevant severe weather event** means any of the following weather events:

- (a) heavy rainfall commencing on 17 August 2022 and ending on 20 August 2022 in the Nelson, Tasman, and Marlborough districts:
- (b) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023:
- (c) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions:
- (d) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023

**relevant severe weather event payment** means any of the following payments:

- (a) an insurance payment made to a person—
  - (i) to cover the costs of repairing, replacing, or rebuilding any of that person's real property that was damaged by a relevant severe weather event; or
  - (ii) to cover the costs of temporary accommodation needed by the person, and any members of the person's family who usually reside with the person, because of a relevant severe weather event:
- (b) a donation made to a person because they are affected by a relevant severe weather event:
- (c) a payment made by a local authority or the Crown to a person—
  - (i) who has an estate or interest in land that has been affected by a relevant severe weather event; and
  - (ii) because the local authority or the Crown considers that the land is exposed to an unacceptable risk from future severe weather events that cannot be sufficiently mitigated.

**66 Payments and interest**

This clause applies to—

- (a) a relevant severe weather event payment made to a person on or after 6 November 2022; and
- (b) any interest derived (directly or indirectly) by the person from the payment.

**67 Specified period**

For a relevant severe weather event payment and interest to which clause 66 applies, the **specified period** (as referred to in clauses 1 to 4) means the period—

- (a) starting on 6 November 2023 or the date on which the relevant severe weather event payment is made, whichever is later; and
- (b) ending on the date that is 12 months after the date on which that payment is made.

Rachel Hayward,  
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 6 November 2023, amend Schedule 8 of the Social Security Regulations 2018.

The amendments apply in relation to relevant severe weather event payments (which include certain insurance payments, donations, and certain local authority or Crown payments made in connection with a relevant severe weather event) made to a person on or after 6 November 2022.

The amendments ensure that such payments and any interest derived from them are not treated as cash assets or chargeable income for the purposes of determining the person's accommodation supplement or temporary additional support entitlements under the Social Security Act 2018. The amendments also ensure that such a payment and any interest derived from it are not the person's income for the purposes of that Act.

The above treatment applies in relation to a payment (and interest derived from it) only for the period starting on 6 November 2023 or the date on which the relevant severe weather event payment is made (whichever is later) and ending 12 months after the date on which that payment is made.

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Severe Weather Events) Amendment Regulations 2023**

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Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry of Social Development.

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Wellington, New Zealand:

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