



**THE HEALTH ENTITLEMENT CARDS REGULATIONS 1993,
AMENDMENT NO. 1**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of August 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 52 of the Health and Disability Services Act 1993, section 25 (1) (c) of the Health Reforms (Transitional Provisions) Act 1993, and section 132A of the Social Security Act 1964, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Health Entitlement Cards Regulations 1993, Amendment No. 1, and shall be read together with and deemed part of the Health Entitlement Cards Regulations 1993* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of February 1994.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “Group 2 card”.

(2) Regulation 2 of the principal regulations is hereby amended by omitting from paragraph (g) of the definition of the term “income-tested benefit” the expression “60E”, and substituting the expression “60D”.

(3) Regulation 2 of the principal regulations is hereby amended by inserting in paragraph (i) of the definition of the term “income-tested benefit”, after the words “instead of”, the words “a domestic purposes benefit or”.

(4) Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“Family support income”, in relation to any person, means that person’s assessable income (within the meaning of section 2 of the Income Tax Act 1976), calculated in accordance with section 374B of that Act; and includes—

“(a) Any family support credit of tax; and

“(b) Any guaranteed minimum family income tax credit—that was, or is to be, paid or credited to that person within the applicable income year to which the calculation relates:

“‘Income year’ has the meaning given to it by section 2 of the Income Tax Act 1976:

“‘Specified period’ has the meaning given to it by section 374A of the Income Tax Act 1976.”

PART I

COMMUNITY SERVICES CARDS

3. Issue and recall of community services cards—(1) Regulation 4 (1) (a) of the principal regulations is hereby amended by inserting, after the words “Issue any eligible person with a”, the expression “Group 1”.

(2) Regulation 4 (2) of the principal regulations is hereby revoked.

4. Commencement dates and expiry dates of community services cards—Regulation 5 (2) of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) In the case of a community services card issued under regulation 8 (1) (c) or (ca) of these regulations, the date that is 3 months before the date on which the application for the card was received.”

5. Form of community services card—(1) Regulation 7 (2) (b) (ii) of the principal regulations is hereby amended by omitting the words “a 1 digit suffix, being either a 1 or a 2 according to whether the card is a Group 1 card or a Group 2 card”, and substituting the words “the digit 1, to indicate that the card is a Group 1 card”.

(2) Regulation 7 (2) of the principal regulations is hereby amended by omitting the words “(b) Shall have, on the card back,” and substituting the words “(d) Shall have, on the card back,”.

(3) Regulation 7 (2) (d) of the principal regulations is hereby amended by revoking subparagraph (ii), and substituting the following subparagraph:

“(ii) Wording in black indicating that the card is issued by the Department and is a Group 1 card (which wording shall be evidence that the cardholder is eligible for a Group 1 card)—”.

6. Eligibility for community services cards—(1) Regulation 8 (1) of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraphs:

“(c) A person with one or more dependent children if—

“(i) In the case of a single person, that person has entitlement to receive a family support credit of tax under Part XI_A of the Income Tax Act 1976 in respect of one or more dependent children of that person; or

“(ii) In the case of a married person, that person has entitlement to receive a family support credit of tax under Part XI_A of the Income Tax Act 1976 in respect of one or more dependent children of that couple:

“(ca) A person with one or more dependent children, who is ordinarily resident in New Zealand, if—

“(i) That person is not entitled to receive a family support credit of tax under Part XI_A of the Income Tax Act 1976 in respect of one or more dependent children of that person; or

“(ii) That person would be entitled to receive a family support credit of tax under Part XI_A of the Income Tax Act 1976 in respect of one or more dependent children of that person but for the provisions of section 374G of that Act—

and whose family support income is not more than the appropriate amount specified in subclause (6) of this regulation.”.

(2) Regulation 8 (2) of the principal regulations is hereby revoked.

(3) Regulation 8 (3) of the principal regulations is hereby amended by omitting the words “or a Group 2 card”.

(4) Regulation 8 (5) (c) of the principal regulations is hereby amended by omitting the expression “\$23,000”, and substituting the expression “\$26,000”.

(5) Regulation 8 of the principal regulations is hereby amended by revoking subclause (6), and substituting the following subclauses:

“(6) For the purposes of this regulation, the appropriate amount of family support income is—

“(a) For a 2-person family, \$26,000 per annum:

“(b) For a 3-person family, \$30,500 per annum:

“(c) For a 4-person family, \$35,000 per annum:

“(d) For a 5-person family, \$39,500 per annum:

“(e) For a family with 6 or more persons, \$44,000 per annum.

“(7) For the purposes of subclause (6) of this regulation, ‘family’ means a group of persons who live together in the same household, being a group that comprises not less than 1 adult or more than 2 adults who care for one or more dependent children who are part of that group, and the dependent children who are part of that group.”

7. Ascertainment of income—(1) Regulation 9 of the principal regulations is hereby amended—

(a) By inserting in subclause (1), after the words “assessable income”, the words “or family support income”;

(b) By inserting in subclause (2), after the words “assessable income”, the words “or family support income”.

(2) Regulation 9 of the principal regulations is hereby amended by inserting, after subclause (2), the following subclause:

“(2A) In computing a person’s assessable income for the purposes of this Part of these regulations, there shall be allowed to that person, as a deduction from the amount of that income, the amount of national superannuitant surcharge payable by that person under section 336c of the Income Tax Act 1976 (or the amount of that surcharge that is estimated by the Director-General as being payable) on the amount of that person’s assessable income ascertained pursuant to this regulation, before that deduction.”

(3) Regulation 9 (3) of the principal regulations is hereby amended by inserting, after the word “income”, the words “or assessable income or family support income”.

8. Authorised uses of community services cards—Regulation 12 (b) (i) of the principal regulations is hereby amended by omitting the words “or, as the case may be, a Group 2 card”.

9. Transitional provisions—Every Group 2 community services card that was issued pursuant to the principal regulations or pursuant to the Social Security (Entitlement Cards) Regulations 1991 before the 1st day of February 1994 shall continue in force, until the expiry date shown on the card face, as if it had been issued as a Group 1 community services card under regulation 4 of the principal regulations.

PART II

HIGH USE HEALTH CARDS

10. Interpretation—(1) Regulation 17 of the principal regulations is hereby amended by revoking paragraph (c) of the definition of the term “qualifying medical services”, and substituting the following paragraph:

“(c) Specialist medical services for which a person had been referred to the specialist by another medical practitioner because those services are not available to any person pursuant to a purchase agreement entered into by a Crown health enterprise or other provider.”

(2) Regulation 17 of the principal regulations is hereby amended by omitting from the definition of the term “specialist medical services” the words “reasonably by”, and substituting the words “reasonably be”.

11. Applications for high use health cards—Regulation 20 of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) Have attached to it receipts or other evidence acceptable to the Director-General showing that, in the period of 12 months immediately preceding the date of the application, the applicant has received qualifying medical services for a particular medical condition or particular medical conditions on not less than 12 specified dates; and”.

12. Revocation—The Social Security (Entitlement Cards) Regulations 1991, Amendment No. 3* are hereby revoked.

MARTIN BELL,
Acting for Clerk of the Executive Council.

*S.R. 1993/18

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 February 1994, amend the Health Entitlement Cards Regulations 1993.

Apart from correcting minor drafting errors and a consequential revocation, these regulations provide as follows:

Regulation 2 and Part I of these regulations—

- (a) Abolish Group 2 community services cards;
- (b) Increase the income levels for qualification for Group 1 community services cards for married couples;
- (c) Provide that people with dependent children qualify for a Group 1 community services card if they receive full or partial family support under the Income Tax Act 1976, or if their income (including any family support credit of tax and guaranteed minimum family income tax credits) is under certain limits, depending on the size of their family. "Family" means a group that includes 1 or 2 adults who are caring for 1 or more dependent children, and the dependent children who are part of the group;
- (d) Provide for an allowance equal to the amount of any national superannuitant surcharge payable to be deducted from the calculation of a national superannuitant's assessable income;
- (e) Provide that the commencement date for a community services card issued to a person with dependent children is to be 3 months before the date of application for the card;
- (f) Provide for Group 2 cards current on the commencement of the regulations to be regarded as Group 1 cards until the expiry date shown on the card faces.

Part II of these regulations—

- (a) Makes it clear that specialist medical services come within the definition of "qualifying medical services" only if the specialist medical services are not available to any person pursuant to a purchase agreement entered into by a Crown health enterprise or other provider;
- (b) Provides that eligibility for a high use health card occurs only after the receipt of qualifying medical services on 12 occasions during a period of 12 months. The current provision for eligibility to occur after the receipt of services on 6 occasions during a period of 6 months is omitted.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 August 1993.

These regulations are administered in the Ministry of Health.