



Social Security (Income and Cash Assets Exemptions—Lake Alice Compensation or Ex Gratia Payments) Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of October 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 132 of the Social Security Act 1964, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Social Security (Income and Cash Assets Exemptions—Lake Alice Compensation or Ex Gratia Payments) Regulations 2007.

2 Commencement

These regulations come into force on 26 October 2007.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Social Security Act 1964.

4 Application

The exemptions in regulations 5 and 6 apply only in respect of the first 12 months after the compensation or ex gratia payment concerned is made.

5 Specified item and income declared not to be income

- (1) The item of income, and income from the source, specified in subclause (2) are not a person's income for the purposes of the Act.
- (2) The item of income and the source of income are—
 - (a) any compensation payment or ex gratia payment—
 - (i) made to the person, on or after 1 September 2001, by or on behalf of the Crown; and
 - (ii) made because the person is a former patient of the Lake Alice Psychiatric Hospital; and
 - (b) any income derived (directly or indirectly) by the person from the payment referred to in paragraph (a).

6 Specified item declared not to be cash assets

- (1) The item of cash assets specified in subclause (2) is not a person's cash assets for the purposes of the Act.
- (2) The item of cash assets is any compensation payment or ex gratia payment—
 - (a) made to the person, on or after 1 September 2001, by or on behalf of the Crown; and
 - (b) made because the person is a former patient of the Lake Alice Psychiatric Hospital.

Diane Morcom,
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 26 October 2007, are made under the Social Security Act 1964 (the **Act**). They declare certain income and cash assets not to be a person's income or cash assets for the purposes of the Act.

The exempted income and cash assets are compensation or ex gratia payments, and income derived from such payments,—

- made to a person, on or after 1 September 2001, by or on behalf of the Crown; and
- made because the person is a former patient of the Lake Alice Psychiatric Hospital.

The exemptions apply only in respect of the first 12 months after the payments concerned are made. For that 12-month period, the exempted payments, if they were made on or after 26 October 2007, are also—

- assets exempt from means assessment under Part 4 of the Act, because of the related exemption in regulation 10(1)(h) of the Social Security (Long-term Residential Care) Regulations 2005; and
- excluded from cash assets used in determining eligibility for temporary additional support, because of the related exclusion in regulation 8(3)(g) of the Social Security (Temporary Additional Support) Regulations 2005.

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

Date of notification in *Gazette*: 25 October 2007.

These regulations are administered by the Ministry of Social Development.
