



Social Security (Income and Cash Assets Exemptions: Personal Injury from Hepatitis C Infection Contracted Through New Zealand Blood Supply) Regulations 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 11th day of December 2006

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: Personal Injury from Hepatitis C Infection Contracted Through New Zealand Blood Supply) Regulations 2006.

2 Commencement

These regulations come into force on 15 December 2006.

3 Interpretation

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

Crown means all or any of the following:

- (a) the Sovereign in right of New Zealand; and
- (b) all Ministers of the Crown, and all Departments of the Public Service specified in Schedule 1 of the State Sector Act 1988; and
- (c) Crown entities as defined in section 7(1) of the Crown Entities Act 2004 (for example, DHBs); and
- (d) every other instrument of the Crown in respect of the Government of New Zealand, whether the instrument is or was an agency, corporation, department, division, enterprise, service, or otherwise (for example, every predecessor in title of a DHB)

DHB means a district health board established by or under section 19 of the New Zealand Public Health and Disability Act 2000

New Zealand blood supply means either or both of the following:

- (a) blood collected in New Zealand (whether or not that blood was donated, or otherwise collected, with assistance provided or funded by or on behalf of the Crown); and
- (b) any blood product derived from blood of that kind

personal injury has the meaning set out in section 26 of the Injury Prevention, Rehabilitation, and Compensation Act 2001

predecessor in title, in relation to a DHB, has the meaning given to it by section 2(1) of the Health Sector (Transfers) Act 1993.

4 Application

The exemptions in regulations 5 and 6 apply only in respect of the first 12 months after the ex gratia payment concerned was 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 (under paragraph (f)(xvii) of the definition of **income** in section 3(1) of the Act) not a person's income for the purposes of the Act.
- (2) The item of income and the source of income are—
 - (a) any ex gratia payment made to the person, on or after 15 December 2006, by or on behalf of the Crown, and made because the person suffered a personal injury that is, or was caused by, hepatitis C infection contracted through the New Zealand blood supply; 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 (under paragraph (b) of the definition of **cash assets** in section 61E(1) of the Act) not a person's cash assets for the purposes of the Act.
- (2) The item of cash assets is any ex gratia payment—
 - (a) made to the person, on or after 15 December 2006, by or on behalf of the Crown; and

- (b) made because the person suffered a personal injury that is, or was caused by, hepatitis C infection contracted through the New Zealand blood supply.

Rebecca Kitteridge,
for 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 15 December 2006, 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 ex gratia payments, and income derived from ex gratia payments, received because of a personal injury that is, or was caused by, hepatitis C infection contracted through the New Zealand blood supply.

The exemptions apply only in respect of the first 12 months after the ex gratia payment concerned was made.

(The exempted payments are also assets exempt from means assessment under Part 4 of the Act, because of the related exemption in regulation 10(1)(f) of the Social Security (Long-term Residential Care) Regulations 2005.)

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered by the Ministry of Social Development.
