



Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 25th day of June 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 132AB 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 (Temporary Additional Support) Amendment Regulations (No 3) 2007.

2 Commencement

These regulations come into force on 29 June 2007.

3 Principal regulations amended

These regulations amend the Social Security (Temporary Additional Support) Regulations 2005.

4 Cash assets defined

Regulation 8(3) is amended by adding “; or” and also by adding the following paragraph:

- “(f) for the first 12 months after the ex gratia payment concerned is made, any ex gratia payment—
 - “(i) made to the person, on or after 15 December 2006, by or on behalf of the Crown; and
 - “(ii) made because the person suffered a personal injury that is, or was caused by, hepatitis C infection contracted through the New Zealand blood supply.”

5 New regulation 8A inserted

(1) The following regulation is inserted after regulation 8:

“8A Definitions for paragraphs (e) and (f) of regulation 8(3)

“(1) In regulation 8(3)(e), **MoU on measures related to veterans** means the memorandum of understanding—

“(a) signed on 6 December 2006 for and on behalf of the following (the **parties**):

“(i) the Ex-Vietnam Services Association; and

“(ii) the Royal New Zealand Returned and Services Association; and

“(iii) the Crown; and

“(b) not intended to be legally binding on the parties, but recording their intentions on a package of measures related to Vietnam veterans and other veterans.

“(2) In regulation 8(3)(f),—

“**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.
- “(3) In regulation 8(3)(f) and in subclause (2) of this regulation, **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).
- “(4) In subclause (3) and in this subclause,—
- “**DHB** means a district health board established by or under section 19 of the New Zealand Public Health and Disability Act 2000
- “**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.”
- (2) Regulation 8(3A) of the principal regulations, and regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2007, are consequentially revoked.

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 29 June 2007, are made under the Social Security Act 1964 (the **Act**). They amend the Social Security (Temporary Additional Support) Regulations 2005 by inserting *new regulation 8(3)(f)*, which excludes certain payments from a person’s cash assets, which are considered in determining his

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Explanatory note

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or her eligibility for temporary additional support. The excluded payments are ex gratia payments—

- 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.

The exclusion applies only for the first 12 months after the ex gratia payments concerned were made. For that 12-month period, the excluded payments are also—

- not income or cash assets (and any income derived, directly or indirectly, from them is also not income) for the purposes of the Act, because of the related exemptions in regulations 5 and 6 of the Social Security (Income and Cash Assets Exemptions: Personal Injury from Hepatitis C Infection Contracted Through New Zealand Blood Supply) Regulations 2006; and
- 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.

Date of notification in *Gazette*: 28 June 2007.

These regulations are administered by the Ministry of Social Development.
