



Social Security (Monetary Benefits) Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 20th day of August 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 (Monetary Benefits) Regulations 2007.

Compare: SR 1971/167 r 1

2 Commencement

These regulations come into force on 24 September 2007.

3 Interpretation

In these regulations, unless the context otherwise requires,—

- (a) **Act** means the Social Security Act 1964; and
- (b) terms defined in the Act have the meanings given to them by the Act.

Compare: SR 1971/167 r 2

4 State service employees with knowledge of te reo to help Maori applicants

Every employee of the State services (within the meaning of the State Sector Act 1988) with the necessary knowledge of te reo Maori must, without fee or other consideration, give all reasonable help in connection with an application if the applicant—

- (a) is a Maori (within the meaning of section 4 of the Maori Land Act 1993); and
- (b) asks for help.

Compare: SR 1971/167 r 7(4)

5 Residents of certain institutions

- (1) Unless the chief executive determines otherwise in any particular case, the following provisions apply if a benefit is payable in respect of a period during which the beneficiary is maintained as a resident of, and wholly or partly at the expense of, an institution of a kind described in subclause (3):
 - (a) instalments of the benefit must be paid in the first instance to the governing body of the institution:
 - (b) the chief executive must fix the proportion of each instalment that may be retained by the governing body in respect of the maintenance of the beneficiary, and the governing body must pay the rest to the beneficiary:

- (c) the proportion that may be retained by the governing body must not exceed the reasonable cost of maintaining the beneficiary in the institution:
 - (d) the chief executive's decision on the proportion of each instalment that may be retained by the governing body is final and binding on both the governing body and the beneficiary.
- (2) If part of a benefit is payable in respect of the spouse or partner, or any child or children, of the resident, subclause (1) applies only to the part payable in respect of the resident.
 - (3) The kinds of institution referred to in subclause (1) are—
 - (a) institutions certified under the Alcoholism and Drug Addiction Act 1966 (other than psychiatric security institutions within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992):
 - (b) institutions fulfilling a purpose similar to that of institutions of the kind described in paragraph (a):
 - (c) residential disability care institutions within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001:
 - (d) rest homes within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001:
 - (e) institutions providing treatment or care in a residential programme.

Compare: SR 1971/167 r 15

6 Payment on death of beneficiary

- (1) This subclause applies if—
 - (a) on the death of a beneficiary, an amount of the benefit concerned (which may include an instalment already due that has not been paid and remains payable) is unpaid; and
 - (b) the amount is not disposed of in accordance with section 80BD(4) of the Act to or for the benefit of the surviving spouse or partner, or a dependent child or children, of the beneficiary.
- (2) If subclause (1) applies,—
 - (a) if probate of the beneficiary's will has been granted, or letters of administration of his or her estate have been

issued, the amount must be paid to his or her executor or administrator:

- (b) in any other case, the amount must be paid in accordance with section 65(2) and (3) of the Administration Act 1969.

Compare: SR 1971/167 r 16

7 Travelling expenses and allowances

- (1) This subclause applies to any applicant or beneficiary who has to be absent from his or her regular place of residence—
 - (a) to be medically examined by direction of the chief executive; or
 - (b) to appear before a Medical Appeal Board appointed by the chief executive; or
 - (c) for any other purpose approved by the chief executive.
- (2) An applicant or beneficiary to whom subclause (1) applies—
 - (a) may be provided with advance payment for his or her fares; or
 - (b) may be granted a refund of travelling expenses reasonably incurred—
 - (i) by way of public transport; or
 - (ii) if it would have been impracticable to use public transport, by private means of transport.
- (3) In the chief executive's discretion,—
 - (a) advance payment may be made to the applicant or beneficiary for meals and accommodation during the period of necessary absence; or
 - (b) a refund may be paid for actual and reasonable out-of-pocket expenses for the period of necessary absence.
- (4) If the physical or mental condition of the applicant or beneficiary makes him or her unable to travel unaccompanied, advance payment or refunds may be made in accordance with this regulation in respect of the travelling and accommodation expenses of a person travelling with him or her.
- (5) A refund must not be made for an item of expense (other than transport fares) of more than \$1.00 unless the claim is supported by the receipt of the person to whom the amount concerned was paid.
- (6) A claim for a refund of expenses must not be accepted unless made—

- (a) within one month of the day on which they were incurred; or
 - (b) in any special circumstances, within any extended time the chief executive thinks reasonable.
- (7) The chief executive may in any special case authorise payment of travelling expenses in respect of any applicant or beneficiary, or applicants or beneficiaries of any description, at rates and subject to conditions determined by the chief executive.
- (8) Subclause (7) overrides subclauses (1) to (6).

Compare: SR 1971/167 r 18

8 Medical services

The following matters are to be at rates, and subject to conditions, determined by the Minister:

- (a) the employment for the purposes of Part 1 or 3 of the Act of medical practitioners paid only by fees or commission, or engaged for a specified period under a contract for services;
- (b) the payment of those fees (including mileage allowances in connection with that employment).

Compare: SR 1971/167 r 19

9 Proceedings in respect of offences, or money recoverable

- (1) This subclause applies to proceedings in respect of—
- (a) offences under Part 1 or 3 of the Act; or
 - (b) money recoverable under section 86 of the Act.
- (2) In any proceedings to which subclause (1) applies,—
- (a) any officer of the Department authorised either generally or specifically by the chief executive for the purpose may appear on behalf of the chief executive; and
 - (b) the fact that an officer of the Department appears on behalf of the chief executive is sufficient evidence of his or her authority to do so.
- (3) Any proceedings to which subclause (1) applies that are commenced by an authorised officer of the Department may be continued by the same or any other authorised officer.

- (4) No court fees are payable in connection with any proceedings to which subclause (1) applies.

Compare: SR 1971/167 r 21

10 Revocation

The Social Security (Monetary Benefits) Regulations 1971 (SR 1971/167) are revoked.

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 24 September 2007, re-enact in a more modern form the Social Security (Monetary Benefits) Regulations 1971, but without a number of the provisions of those regulations that had become obsolete or been superseded.

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

Date of notification in *Gazette*: 23 August 2007.

These regulations are administered by the Ministry of Social Development.
