



Social Security (Income Exemption: Health Services and Disability Support Services Funded or Provided by the Crown) Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of June 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 Exemption: Health Services and Disability Support Services Funded or Provided by the Crown) Regulations 2007.

2 Commencement

These regulations come into force on 19 July 2007.

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

DHB, disability support services, and health services have the meanings given to them by section 6(1) of the New Zealand Public Health and Disability Act 2000

health or disability dependant, in relation to any person (**A**), means any other person (**B**) who—

- (a) is not a dependent child of A; but
- (b) has an illness or sickness, injury, or disability; and
- (c) is a person for whose care A has the primary responsibility, other than on a temporary basis.

4 Application

The exemption in regulation 5 applies at any time after the person received the income concerned.

5 Specified items declared not to be income

- (1) The items of income specified in subclause (2) are not a person's income for the purposes of the Act.
- (2) The items of income are—
 - (a) the value of any health services, disability support services, or both,—
 - (i) provided on or after 19 July 2007 to all or any of the following:
 - (A) the person:
 - (B) a dependent child of the person:
 - (C) a health or disability dependant of the person; and
 - (ii) provided or funded (in whole or in part) by or on behalf of the Crown; and
 - (b) any payment—
 - (i) made on or after 19 July 2007 to the person, and used by the person for purchasing health services, disability support services, or both, for all or any of the following:
 - (A) the person:
 - (B) a dependent child of the person:
 - (C) a health or disability dependant of the person; and
 - (ii) made (in whole or in part) by or on behalf of the Crown.
- (3) Despite subclause (2), nothing in that subclause applies to services provided, or to any payment made, for the following reason, the following purpose, or both:
 - (a) because of an employment relationship to which the person is or was a party:
 - (b) to enable the person to meet the person's ordinary living expenses.

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 19 July 2007, are made under the Social Security Act 1964 (the **Act**). They declare 2 specified items of income not to be a person's income for the purposes of the Act. The exempted items of income are—

- the value of health services or disability support services—
 - provided on or after 19 July 2007 to the person, a dependent child of the person, or a health or disability dependant of the person; and
 - provided or funded by or on behalf of the Crown; and
- any payment—
 - made on or after 19 July 2007 to the person, and used by the person for purchasing health services or disability support services for the person, a dependent child of the person, or a health or disability dependant of the person; and
 - made by or on behalf of the Crown.

The exemption does not, however, apply to services provided, or payments made,—

- because of an employment relationship to which the person is or was a party; or
- to enable the person to meet the person's ordinary living expenses.

The exemption applies after receipt of the income concerned.

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.
