



**THE SOCIAL SECURITY (EXEMPTIONS FROM MANDATORY
INTERVIEWS AND WORK TESTS) REGULATIONS 1996**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of September 1996

Present:

THE RIGHT HON. DON MCKINNON PRESIDING IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Social Security (Exemptions from Mandatory Interviews and Work Tests) Regulations 1996.

(2) These regulations shall come into force on the 1st day of April 1997.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Act” means the Social Security Act 1964:

“Special needs”, in relation to a child, means that the child has one or more of the following:

- (a) A physical or intellectual disability:
- (b) A medical condition:
- (c) A chronic or recurring illness:
- (d) A learning or behavioural difficulty.

3. Grounds for exemption from mandatory interview—(1) Any of the grounds set out in subclause (2) of this regulation is a ground on which a person referred to in section 60HD (1) of the Act may apply to be exempted, and may be exempted under subsection (3) of that section, from attending a mandatory interview under section 60HA of the Act.

(2) The grounds referred to in subclause (1) of this regulation are—

- (a) That it will, for a period in excess of 12 months, be unreasonable to expect the person to take advantage of the assistance or advice that would be tendered during the interview for one or more of the reasons set out in subclause (3) of this regulation; or
- (b) That the person has reached an age at which he or she is approaching retirement (being an age of not less than 55 years) and, for that reason, is likely to have difficulty finding work, and the person has had at least one mandatory interview under section 60HA of the Act since the later of—
 - (i) The date the person attained that age; or
 - (ii) The date the person or, as the case may be, the person's spouse, was granted the benefit to which the mandatory interview relates.
- (3) The reasons referred to in subclause (2) (a) of this regulation are—
 - (a) The person is the principal caregiver of a dependent child with special needs—
 - (i) Whose welfare would be unduly harmed if the person attended employment or training; and
 - (ii) For whom satisfactory alternative care arrangements are not available or are unable to be made by the person; or
 - (b) The person is caring on a full-time basis for a person with a disability or an illness of a kind that requires that person to be in full-time care; or
 - (c) The person has a disability or illness of a kind that would qualify the person for a sickness benefit or an invalid's benefit under the Act.

4. Grounds for exemption from work test—(1) The ground set out in subclause (2) of this regulation is the ground on which a person referred to in section 60HD (1) of the Act may apply to be exempted, and may be exempted under subsection (3) of that section, from complying with section 60HC of the Act.

(2) The ground referred to in subclause (1) of this regulation is that it would be unreasonable to expect the person to work because—

- (a) The person is the principal caregiver of a dependent child with special needs—
 - (i) Whose welfare would be unduly harmed if the person attended employment or training; and
 - (ii) For whom satisfactory alternative care arrangements are not available or are unable to be made by the person; or
- (b) The person is caring on a full-time basis for a person with a disability or an illness of a kind that requires that person to be in full-time care; or
- (c) The person has a disability or illness of a kind that would qualify the person for a sickness benefit or an invalid's benefit under the Act; or

- (d) In the case of a work-tested widow's beneficiary, her husband (as defined in section 21 of the Act) died within the last 6 months; or
- (e) In the case of a work-tested domestic purposes beneficiary, he or she started to live apart from his or her spouse within the last 6 months; or
- (f) In the case of a work-tested domestic purposes beneficiary or a work-tested widow's beneficiary, section 60HC (6) of the Act (which relates to participation in approved education or training) applies to him or her.

5. Certain beneficiaries may apply for exemption from complying with section 60HC (3) (b) of Act—(1) The category of work-tested beneficiary set out in subclause (2) of this regulation may apply under section 60HD (2) of the Act to be exempted, and may be exempted under subsection (4) of that section, from complying with section 60HC (3) (b) of the Act (which relates to maintaining registration on the job seekers' register of the Department of Labour).

(2) The category referred to in subclause (1) of this regulation is any work-tested beneficiary who—

- (a) Has reached an age at which he or she is approaching retirement (being an age of not less than 55 years) and, for that reason, is likely to have difficulty finding work; and
- (b) Has been registered on the job seekers' register of the Department of Labour for not less than 6 months after the later of—
 - (i) The date the person attained that age; or
 - (ii) The date the person or, as the case may be, the person's spouse was granted the work-tested benefit.

MARIE SHROFF,
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 1 April 1997, set out the grounds on which beneficiaries may apply to be exempted from attending a mandatory interview under section 60HA of the Social Security Act 1964, and the grounds on which certain work-tested beneficiaries may apply to be exempted from complying with section 60HC of that Act (which relates to work testing).

They also set out the category of work-tested beneficiary that may apply to be exempted from complying with section 60HC(3)(b) of that Act (which relates to maintaining registration on the job seekers' register of the Department of Labour).

Such applications for exemption are made under section 60HD of the Social Security Act 1964.

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

Date of notification in *Gazette*: 19 September 1996.

These regulations are administered in the Department of Social Welfare.