



# Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2007

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 23rd day of April 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 155 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 (Long-term Residential Care) Amendment Regulations (No 2) 2007.
- 2 **Commencement**  
These regulations come into force on 27 April 2007.

### 3 Principal regulations amended

These regulations amend the Social Security (Long-term Residential Care) Regulations 2005.

### 4 Assets exempt from means assessment

- (1) Regulation 10(1) is amended by adding the following paragraph:

“(g) any ex gratia payment—

“(i) made to the person, on or after 27 April 2007, by the Crown; and

“(ii) made in accordance with the MoU on measures related to veterans.”

- (2) Regulation 10 is amended by inserting the following subclause after subclause (1B):

“(1C) In subclause (1)(g), **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.”

Rebecca Kitteridge,  
for Clerk of the Executive Council.

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### 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 27 April 2007, are made under the Social Security Act 1964 (the **Act**). They extend the categories, prescribed by regulation 10 of the Social Security (Long-term Residential Care) Regulations 2005, of assets that are exempt from means assessment under Part 4 of the Act.

The new category of exempt assets, which is prescribed by *new regulation 10(1)(g)*, is any *ex gratia* payment—

- made to a person, on or after 27 April 2007, by the Crown; and
- made in accordance with a memorandum of understanding (MoU) on measures related to veterans.

When these regulations were made, the MoU was available through the website of the Joint Working Group on Concerns of Viet Nam Veterans: [www.vietnamvetSWG.govt.nz](http://www.vietnamvetSWG.govt.nz).

The MoU is not intended to be legally binding on the parties to it, but records their intentions on a package of measures related to Vietnam veterans and other veterans. That package contemplates *ex gratia* payments for the following people:

- Vietnam veterans who suffer from 1 or more of the prescribed conditions (chronic lymphocytic leukaemia, soft tissue sarcoma, non-Hodgkin's lymphoma, Hodgkin's disease, and chloracne);
- spouses or partners (including former spouses or partners) of Vietnam veterans who appear to have died because of, and have not received an *ex gratia* payment because they suffered from, 1 or more of the prescribed conditions;
- people who are natural children of Vietnam veterans and who, as at 6 December 2006, suffered from 1 or more of the 5 accepted conditions (spina bifida, a cleft lip, a cleft palate, acute myeloid leukaemia, and adrenal gland cancer);
- the immediate families of people who are the natural children of Vietnam veterans, and who appear to have died because of 1 or more of the 5 accepted conditions (even if those children received an *ex gratia* payment because they suffered from 1 or more of those conditions).

The exempted payments are also—

- not income or cash assets (and any interest derived, directly or indirectly, from them is also not income) for the purposes of the Act, because of the related exemptions in regulations 4 and 5 of the Social Security (Income and Cash Assets Exemptions—Vietnam Veterans Ex Gratia Payments) Regulations 2007; and

- excluded from cash assets used in determining eligibility for temporary additional support, because of the related exclusion in regulation 8(3)(e) of the Social Security (Temporary Additional Support) Regulations 2005.
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These regulations are administered by the Ministry of Social Development and the Ministry of Health.

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