



**THE SOCIAL SECURITY (DISABILITY SERVICES)
REGULATIONS 1993**

THOMAS EICHELBAUM, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 26th day of July 1993

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL
PURSUANT to section 132B of the Social Security Act 1964, His Excellency
the Administrator of the Government, 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 (Disability Services) Regulations 1993.

(2) These regulations shall come into force on the day after the date of
their notification in the *Gazette*.

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

“Act” means the Social Security Act 1964:

“Purchaser” has the same meaning as in section 3 (1) of the Act; and
includes, in respect of disability services purchased before the 1st
day of July 1993, an area health board, the Director-General of
Social Welfare, and the Director-General of Health:

Expressions defined in section 3 (1) of the Act have the meanings so
defined.

3. Entitlement to benefits for spouses of persons receiving means-tested residential disability services—(1) This regulation applies to the spouse of any person—

- (a) Who is receiving residential care disability services purchased by or with the assistance of a purchaser; and
- (b) Whose financial means to pay or contribute to the cost of those services has been assessed under section 69F of the Act; and
- (c) Who commenced receiving those services, as so purchased, on or after the 1st day of July 1993—

where that spouse is not receiving residential care disability services.

(2) Every person to whom this regulation applies shall be entitled to receive—

- (a) In any case where that person is entitled to receive national superannuation or a veteran's pension in his or her own right, national superannuation or a veteran's pension at the appropriate rate payable to a person who is unmarried; or
- (b) In any case where—

- (i) That person is not entitled to national superannuation or a veteran's pension in his or her own right; but

- (ii) His or her spouse—

- (A) Is entitled to national superannuation or a veteran's pension; and

- (B) Was entitled to make and had made an election under section 6 (2) or section 11 (2) of the Social Welfare (Transitional Provisions) Act 1990 before the 1st day of October 1991—

national superannuation or a veteran's pension at the appropriate rate payable to a person who is unmarried; or

- (c) In any other case, an emergency benefit under section 61 of the Act at the appropriate rate of an invalid's benefit payable to a person who is unmarried or is unmarried with 1 or more dependent children, as the case may be.

(3) Any benefit payable to a person to whom this regulation applies shall not be subject to abatement in respect of any income of that person that has been included in the annual income of that person and his or her spouse for the purpose of assessing financial means under section 69F (3) of the Act.

4. Living alone rate of payment—Notwithstanding anything in regulation 3 of these regulations, where a person to whom that regulation applies—

- (a) Is entitled to be paid national superannuation or a veteran's pension at the appropriate rate payable to a person who is unmarried pursuant to regulation 3 (2) (a) or (b) of these regulations; and
- (b) Is living alone (within the meaning of section 18A (3) of the Social Welfare (Transitional Provisions) Act 1990)—

that person shall be paid national superannuation or a veteran's pension at the appropriate rate specified in clause 1 (a) of the First Schedule to that Act.

5. Savings—Nothing in regulations 3 and 4 of these regulations shall—

- (a) Affect the entitlement to, or the rate of, any benefit payable to a person receiving residential care disability services; or
- (b) Operate so as to reduce the amount of benefit received by a person to whom regulation 3 of these regulations applies to an amount less than he or she would have been entitled to receive, in his or her own right, if these regulations had not been made.

BOB MACFARLANE,
Acting 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 make special provision for the benefits and rates of benefits payable to the spouses of people receiving residential care disability services, and who are required to contribute toward the cost of those services.

Regulation 3 (1) provides that regulation 3 will only apply to the spouses of people who commenced receiving subsidised residential care disability services on or after 1 July 1993.

Regulation 3 (2) provides that people receiving national superannuation or a veteran's pension in their own right, or whose spouse has elected to receive the alternative rate of national superannuation or a veteran's pension before 1 October 1991, are to be paid national superannuation or a veteran's pension at the single rate. All other people to whom the regulations apply are to receive an emergency benefit at the appropriate rate of invalid's benefit payable to a single person.

Regulation 3 (3) provides that income used to pay for a person's residential care disability services under section 69f of the Social Security Act 1964, will not also abate the rate of benefit payable to that person's spouse.

Regulation 4 provides that a person who is receiving national superannuation or a veteran's pension at the single rate is to be paid at the living alone rate if they are eligible.

Regulation 5 provides that nothing in the regulations is to affect the rate of benefits that people receiving residential care disability services will receive, and that the regulations will not reduce the amount of benefit that a person would have received, in his or her own right, if the regulations had not been made.

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

Date of notification in *Gazette*: 29 July 1993.

These regulations are administered in the Department of Social Welfare.