

**Reprint
as at 26 November 2018**



**Social Security (Long-term Residential Care—Budget
Measures) Amendment Act 2012**

Public Act 2012 No 40
Date of assent 29 May 2012
Commencement see section 2

Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012: repealed, on
26 November 2018, pursuant to section 455(1) of the Social Security Act 2018 (2018 No 32).

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
Part 1	
Applicable asset thresholds: Indexation	
4 Purpose and application	2
5 Section 155 amended (Regulations relating to this Part)	2
Part 2	
Applicable asset thresholds: General	
6 Purpose and application	3
7 Schedule 27 amended	3

The Parliament of New Zealand enacts as follows:

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Social Development.

1 Title

This Act is the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012.

2 Commencement

This Act comes into force on 1 July 2012.

3 Principal Act

This Act amends the Social Security Act 1964 (the **principal Act**).

Part 1**Applicable asset thresholds: Indexation****4 Purpose and application**

- (1) This Part amends the Social Security Act 1964 to ensure that the long-term residential care applicable asset thresholds for the year 1 July 2011 to 30 June 2012 are on 1 July in 2013, and on every following 1 July, subject to a required annual Consumers Price Index (or CPI) adjustment.
- (2) By way of explanation, the applicable asset threshold is the value of assets applied to determine whether a resident assessed as requiring care must use his or her assets to pay the cost of contracted care services provided to the person.
- (3) The principal Act as amended by this Part on 1 July 2012 applies in respect of residents assessed as requiring care before, on, or after 1 July 2012.

5 Section 155 amended (Regulations relating to this Part)

- (1) In section 155(1)(i), after “increasing”, insert “the applicable asset thresholds and”.
- (2) In section 155(2), before “income-from-assets exemption”, insert “applicable asset thresholds set out in Part 1 of Schedule 27 must be increased on 1 July 2013, and on every following 1 July, and the”.
- (3) In section 155(2A), before “must”, insert “insofar as they are required for the income-from-assets exemption (but not insofar as they are required for the applicable asset thresholds)”.
- (4) In section 155(3), after “the adjusted amount of”, insert “an applicable asset threshold or, as the case requires, of”.
- (5) In section 155(3)(b), after “based on the”, insert “applicable asset threshold or the”.

Part 2

Applicable asset thresholds: General

6 Purpose and application

- (1) This Part amends the Social Security Act 1964 to ensure that the long-term residential care applicable asset thresholds for the year 1 July 2011 to 30 June 2012—
 - (a) also apply for all later years beginning on 1 July; but
 - (b) are, for the year 1 July 2012 to 30 June 2013, Consumers Price Index (or CPI) adjusted.
- (2) By way of explanation, the applicable asset threshold is the value of assets applied to determine whether a resident assessed as requiring care must use his or her assets to pay the cost of contracted care services provided to the person.
- (3) The principal Act as amended by this Part on 1 July 2012 applies in respect of residents assessed as requiring care before, on, or after 1 July 2012.

7 Schedule 27 amended

In Schedule 27, replace clauses 1 and 2 with:

1 Applicable asset thresholds

- (1) This clause specifies the applicable asset thresholds that apply annually for the year 1 July 2012 to 30 June 2013 and for all later years beginning on 1 July.
- (2) Threshold A is \$213,297 and applies to every resident assessed as requiring care—
 - (a) who has no spouse or partner; or
 - (b) whose spouse or partner is also a resident assessed as requiring care; or
 - (c) whose spouse or partner is not a resident assessed as requiring care but who has elected, under clause 2, to have Threshold A apply to him or her rather than Threshold B.
- (3) Threshold B is \$116,806 and applies to every resident assessed as requiring care—
 - (a) whose spouse or partner is not a resident assessed as requiring care; and
 - (b) who has not elected, under clause 2, to have Threshold A apply to him or her.

2 Certain residents may elect which threshold to apply

- (1) A resident assessed as requiring care whose spouse or partner is not a resident assessed as requiring care may elect to have Threshold A in clause 1 apply to him or her instead of having Threshold B in clause 1 apply.

- (2) A resident's election before 1 July 2012 and under this clause (as in force before 1 July 2012) to have Column A of the table in clause 1 (as in force before 1 July 2012) apply to him or her is, after 30 June 2012, treated as an election to have Threshold A in clause 1 apply to him or her.

Reprints notes

1 *General*

This is a reprint of the Social Security (Long-term Residential Care—Budget Measures) Amendment Act 2012 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Social Security Act 2018 (2018 No 32): section 455(1)