

Reprint  
as at 26 November 2018



## Social Security (Childcare Assistance) Amendment Regulations (No 2) 2017 (LI 2017/256)

Social Security (Childcare Assistance) Amendment Regulations (No 2) 2017: revoked, on 26 November 2018, pursuant to regulation 295(4) of the Social Security Regulations 2018 (LI 2018/202).

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 21st day of August 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 132AC of the Social Security Act 1964 on the advice and with the consent of the Executive Council.

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#### 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.

**These regulations are administered by the Ministry of Social Development.**

- 6 Regulation 20 amended (Eligibility of child for payment of OSCAR subsidy) 3

## Regulations

### 1 Title

These regulations are the Social Security (Childcare Assistance) Amendment Regulations (No 2) 2017.

### 2 Commencement

These regulations come into force on 9 October 2017.

### 3 Principal regulations

These regulations amend the Social Security (Childcare Assistance) Regulations 2004 (the **principal regulations**).

### 4 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), definition of **approved early-childhood education programme**,—

(a) in paragraph (a), replace “provided by any” with “provided by either”; and

(b) in paragraph (a)(ii), replace “2008:” with “2008; and”; and

(c) revoke paragraph (a)(iii).

- (2) In regulation 3(1), insert in its appropriate alphabetical order:

**cohort entry policy**, in relation to a school, means a cohort entry policy adopted by the school under section 5A of the Education Act 1989

### 5 Regulation 12 amended (Eligibility of child for payment of childcare subsidy)

- (1) In regulation 12,—

(a) revoke paragraph (a); and

(b) after paragraph (b), insert:

(ba) who is 5, whose parent, principal caregiver, or guardian intends to enrol the child in a school that has a cohort entry policy in place, and who (under section 5B(2) of the Education Act 1989) may not be enrolled in that school until the term start date of the next term; or

- (2) In regulation 12, insert as subclause (2):

(2) Eligibility under subclause (1)(ba) ends on the term start date of that term.

**6 Regulation 20 amended (Eligibility of child for payment of OSCAR subsidy)**

- (1) After regulation 20(c)(i), insert:
  - (ia) at least 4, and enrolled in and attending a school that has a cohort entry policy in place; or
- (2) In regulation 20(c)(ii), replace “and for whom” with “and is a child for whom”.

Michael Webster,  
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 9 October 2017, amend the Social Security (Childcare Assistance) Regulations 2004 (the **principal regulations**).

The amendments relate to eligibility requirements for childcare assistance, and are required as a result of amendments to the Education Act 1989 that make it possible for a school to adopt a cohort entry policy. A cohort entry policy applies to new students aged 4 or 5 and means that they may be enrolled only at the start of a term determined under section 5B of the Education Act 1989, or the start of a later term. *Regulation 5* amends regulation 12 of the principal regulations to extend eligibility for payment of a childcare subsidy in respect of a child who is 5, whose parent, principal caregiver, or guardian intends to enrol the child in a school that has a cohort entry policy in place, and who (under section 5B(2) of the Education Act 1989) is not yet permitted to be enrolled. A child in this category may be older than the age of 5 years and 28 days, which is currently the upper age limit for eligibility under regulation 12(b) of the principal regulations. *Regulation 6* amends regulation 20 of the principal regulations to extend eligibility for payment of an OSCAR subsidy to children who are aged 4 and enrolled in and attending a school that has a cohort entry policy in place.

These regulations also amend regulation 3 of the principal regulations to remove from the definition of approved early-childhood education programme a reference to a licence-exempt early childhood education and care centre, because that reference reflects a transitional measure that is now spent.

## Reprints notes

### **1**    *General*

This is a reprint of the Social Security (Childcare Assistance) Amendment Regulations (No 2) 2017 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **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 Regulations 2018 (LI 2018/202): regulation 295(4)