

**Reprint  
as at 22 September 2011**



**Social Security (Cash Assets  
Exemption—Redundancy  
Payment) Regulations 2008**

(SR 2008/448)

Social Security (Cash Assets Exemption—Redundancy Payment) Regulations 2008: revoked, on 22 September 2011, by regulation 47 of the Social Security (Income and Cash Assets Exemptions) Regulations 2011 (SR 2011/287).

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 15th day of December 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 132 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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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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

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## Regulations

### 1 Title

These regulations are the Social Security (Cash Assets Exemption—Redundancy Payment) Regulations 2008.

### 2 Commencement

These regulations come into force on 1 January 2009.

### 3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

**Act** means the Social Security Act 1964

**chief executive** means, subject to any enactment, the chief executive of the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Act

**employment** means paid employment

**excluded payment** means a payment that is made (in 1 or more lump sums or on a periodical basis) to a person in relation to the termination or proposed termination of the person's employment and is—

- (a) a payment solely because of a seasonal lay-off; or
- (b) a payment that depends on the completion of—
  - (i) a fixed-term engagement; or
  - (ii) an engagement to complete work specified in a contract; or
- (c) a payment instead of notice terminating the person's employment; or
- (d) a payment (including holiday pay) if the chief executive considers that, but for the termination of the person's employment, it would have been paid as monetary remuneration of the person; or
- (e) a payment made to the person in his or her capacity as a director of a company and made by the company under section 161 (which relates to directors' remuneration and other benefits) of the Companies Act 1993; or
- (f) a payment made because of the termination of the person's employment on his or her retirement and that is

not a payment that is, or is similar to, a payment from a superannuation fund

**income tax** means income tax under the Income Tax Act 2007

**redundancy payment** means a payment that is not an excluded payment and is made (in 1 or more lump sums or on a periodical basis) in relation to the termination of a person's employment if—

- (a) the main reason for the termination is that the person's position is or will be superfluous to the employer's needs, and the person is not a seasonal worker; or
  - (b) the person is a seasonal worker but his or her usual seasonal employment is not made available by the employer mainly because the person's position, or usual position, is or will be superfluous to the employer's needs.
- (2) A redundancy payment made to a person in 2 or more lump sums, or on a periodical basis, must for the purposes of regulations 4 and 5 be treated as made when the first of the lump sums or periodical payments is received by the person.

#### 4 Application

The exemptions in regulation 5 apply in relation to a payment and a person only from when the payment is made to the person until the expiry of the ReStart Transitional Relief Programme established and approved by the Minister for Social Development and Employment under section 124(1)(d) of the Act.

#### 5 Specified items declared not to be cash assets

- (1) The items of cash assets specified in subclause (2) are not a person's cash assets for the purposes of the Act.
- (2) The items of cash assets are—
  - (a) all of a redundancy payment not exceeding \$25,000 (after the deduction of income tax) made to the person on or after 8 November 2008; and

- (b) \$25,000 of a redundancy payment exceeding \$25,000 (after the deduction of income tax) made to the person on or after 8 November 2008.

Rebecca Kitteridge,  
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 1 January 2009, are made under the Social Security Act 1964 (the **Act**). They declare certain items of cash assets—which would otherwise have to be considered in determining the appropriate rate of accommodation supplement granted under section 61EA of the Act—not to be a person's cash assets for the purposes of the Act.

The exempted items of cash assets are—

- all of a redundancy payment not exceeding \$25,000 (after the deduction of income tax) made to the person on or after 8 November 2008; and
- \$25,000 of a redundancy payment exceeding \$25,000 (after the deduction of income tax) made to the person on or after 8 November 2008.

The exemptions apply in relation to a payment only from when the payment is made until the expiry of the ReStart Transitional Relief Programme established and approved by the Minister for Social Development and Employment under section 124(1)(d) of the Act.

A redundancy payment made to a person in 2 or more lump sums, or on a periodical basis, must for these purposes be treated as made when the first of the lump sums or periodical payments is received by the person.

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## Notes

### 1 *General*

This is a reprint of the Social Security (Cash Assets Exemption—Redundancy Payment) Regulations 2008. The reprint incorporates all the amendments to the regulations as at 22 September 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### 2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Social Security (Income and Cash Assets Exemptions) Regulations 2011  
(SR 2011/287): regulation 47

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