

Reprint
as at 26 November 2018



Social Security (Effect of Absence of Beneficiary from New Zealand) Amendment Regulations 2016

(LI 2016/51)

Social Security (Effect of Absence of Beneficiary from New Zealand) Amendment Regulations 2016:
revoked, on 26 November 2018, pursuant to regulation 295(8) of the Social Security Regulations
2018 (LI 2018/202).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 7th day of March 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under section 132 (read with section 77(3)(c)) of the
Social Security Act 1964 on the advice and with the consent of the Executive Coun-
cil.

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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.

- 5 Regulation 4 amended (Criteria for discretionary payment of certain benefits in respect of absences of up to 4 weeks in 52-week period) 2

Regulations

1 Title

These regulations are the Social Security (Effect of Absence of Beneficiary from New Zealand) Amendment Regulations 2016.

2 Commencement

These regulations come into force on 1 April 2016.

3 Principal regulations

These regulations amend the Social Security (Effect of Absence of Beneficiary from New Zealand) Regulations 2013 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

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

part-time work-tested beneficiary has the meaning set out in paragraph (a) of the definition of that term in section 3(1) of the Act

5 Regulation 4 amended (Criteria for discretionary payment of certain benefits in respect of absences of up to 4 weeks in 52-week period)

After regulation 4(a), insert:

- (ab) that, in the case of a part-time work-tested beneficiary with a youngest dependent child aged 3 or over, but under 5 years, the chief executive is satisfied the absence is for the purpose of travel from New Zealand that—
- (i) was booked before 1 April 2016; and
 - (ii) commences before 1 April 2017; or
- (ac) that, in the case of a person referred to in regulation 6(b)(i) or (ii), the chief executive is satisfied that—
- (i) the person's absence is for the purpose of travel from New Zealand that was booked before 1 April 2016 and commences before 1 April 2017; and
 - (ii) when that travel was booked, the person was undertaking employment required to satisfy the work test (**pre-1 April 2016 work test obligations**); and

- (iii) since that travel was booked, the person has continued to satisfy the pre-1 April 2016 work test obligations (whether or not the person is satisfying his or her current work test obligations); or

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 1 April 2016, amend the Social Security (Effect of Absence of Beneficiary from New Zealand) Regulations 2013 (the **principal regulations**).

The purpose of these regulations is to address the adverse effects of section 77 of the Social Security Act 1964 on beneficiaries as a consequence of the amendments in section 4(2) to (4) of the Social Security Amendment Act (No 2) 2015 (the **Amendment Act**) to the meanings of part-time work-tested beneficiary, work-tested sole parent support beneficiary, and work-tested spouse or partner (which replace references to a youngest dependent child aged 5 with references to a youngest dependent child aged 3).

The principal regulations are amended to ensure that a beneficiary who booked travel from New Zealand before the commencement of the Amendment Act on 1 April 2016, and commences that travel before 1 April 2017, will be able to continue to receive a benefit while absent on that travel for up to 4 weeks in total during a 52-week period in any case where the beneficiary—

- has a youngest dependent child aged 3 or over, but under 5 years; or
- is a work-tested beneficiary receiving sole parent support or a work-tested spouse or partner who, on the date the travel was booked, was undertaking part-time employment to meet his or her work obligations and since that date has continued to meet those obligations.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 March 2016.

Reprints notes

1 *General*

This is a reprint of the Social Security (Effect of Absence of Beneficiary from New Zealand) Amendment Regulations 2016 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(8)