

**Reprint
as at 21 August 2014**



**Social Security (Youth
Support—Transitional
Supplement) Regulations 2012**

(SR 2012/211)

Social Security (Youth Support—Transitional Supplement) Regulations 2012:
expired, on 21 August 2014, by regulation 4.

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 6th day of August 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 31 of the Social Security (Youth Support and Work Focus) Amendment Act 2012, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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.

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Regulations

- 1 Title**
These regulations are the Social Security (Youth Support—Transitional Supplement) Regulations 2012.
- 2 Commencement**
These regulations come into force on 20 August 2012.
- 3 Application**
These regulations have effect on and after 20 August 2012.
- 4 Expiry**
These regulations expire at the close of 20 August 2014.
- 5 Interpretation**
(1) In these regulations, unless the context otherwise requires,—

amendment Act means the Social Security (Youth Support and Work Focus) Amendment Act 2012

applicant means a person who has applied for a transitional supplement, and includes a person granted a transitional supplement

principal Act means the Social Security Act 1964

specified amendment means any amendment of the principal Act or any other enactment that is—

- (a) made by Part 1 or Part 2 of the amendment Act; and
- (b) comes into force on 20 August 2012

specified payment means any of the following benefits or payments:

- (a) an independent youth benefit:
- (b) a sickness benefit :
- (c) a widow's benefit:
- (d) a domestic purposes benefit (other than a domestic purposes benefit under section 61G of the principal Act):
- (e) an emergency benefit (being an emergency benefit granted to the person on the basis that he or she would, but for being aged 16 or 17, be entitled to a domestic purposes benefit under section 27B of the principal Act):
- (f) an unemployment benefit (other than an unemployment benefit granted under section 90(2) or (3) of the principal Act):
- (g) an accommodation supplement under section 61EA of the principal Act:
- (h) childcare assistance under section 61GA of the principal Act or under a welfare programme established and approved under section 124(1)(d) of the principal Act:
- (i) a disability allowance under section 69C of the principal Act:
- (j) a special benefit under section 61G of the principal Act:
- (k) temporary additional support under section 61G of the principal Act:
- (l) any special assistance of a continuing nature under any welfare programme established and approved under section 124(1)(d) of the principal Act

transitional supplement means financial assistance of a kind prescribed in regulation 6 or 7 that is provided by the chief executive under section 31(3) of the amendment Act, whether the payment is in a lump sum or in instalments.

- (2) If a term used in these regulations is defined in the principal Act but not in these regulations, the term has the meaning given by the principal Act.

Transitional supplement

6 Transitional supplement for single applicants

- (1) The chief executive may grant a transitional supplement to an applicant who is single if—
- (a) on or after 20 August 2012, the rate or amount of 1 or more of the specified payments payable to the person is reduced as a consequence of a specified amendment; and
 - (b) the total reduction in the rates or amounts of the specified payments payable to the person on or after 20 August 2012 as a consequence of specified amendments (the **total reduction**) exceeds the total increase (if any) to the rates or amounts of the specified payments payable to the person on or after that date as a consequence of specified amendments (the **total increase**); and
 - (c) the income of the person does not exceed the amount, identified in clause 10 of Schedule 26 of the principal Act, that is the income limit above which no youth payment, young parent payment, or incentive payment is payable; and
 - (d) the chief executive is satisfied that the reason why the total reduction exceeds the total increase is not any of the following:
 - (i) a change in the circumstances of the person that took place on or before 20 August 2012;
 - (ii) the ineligibility of the person to receive any specified payment or rate of specified payment (other than an ineligibility that arises from a specified amendment):

- (iii) the suspension, cancellation, or reduction of a specified payment resulting from a failure or omission of the person.
- (2) For the purposes of this regulation, a specified payment that a person is entitled to and has applied for before 20 August 2012 is payable to the person even if the specified payment is not granted, or payment is not made, until after 20 August 2012.

7 Transitional supplement for applicants with spouses or partners

- (1) The chief executive may grant a transitional supplement to an applicant who has a spouse or partner if—
 - (a) on or after 20 August 2012, the rate or amount of 1 or more of the specified payments payable to the person or to his or her spouse or partner is reduced as a consequence of a specified amendment; and
 - (b) the total combined reduction in the rates or amounts of the specified payments payable to the person and his or her spouse or partner on or after that date as a consequence of specified amendments (the **total combined reduction**) exceeds the total combined increase (if any) to the rates or amounts of the specified payments payable to the person and his or her spouse or partner on or after that date as a consequence of specified amendments (the **total combined increase**); and
 - (c) the combined income of the person and his or her spouse or partner does not exceed the amount, identified in clause 11 of Schedule 26 of the principal Act, that is the income limit above which no youth payment, young parent payment, or incentive payment is payable; and
 - (d) the chief executive is satisfied that the reason why the total combined reduction exceeds the total combined increase is not any of the following:
 - (i) a change in the circumstances of the person or his or her spouse or partner that took place on or before 20 August 2012;
 - (ii) the ineligibility of that person or his or her spouse or partner to receive any specified payment or

- rate of specified payment (other than an ineligibility that arises from a specified amendment):
- (iii) the suspension, cancellation, or reduction of a specified payment resulting from a failure or omission of the person or his or her spouse or partner; and
 - (e) the applicant's spouse or partner is not a specified beneficiary (as defined in section 157 of the principal Act).
- (2) Where an applicant has a spouse or partner, the transitional supplement is—
- (a) half of the total combined amount to which the applicant and his or her spouse or partner are together entitled under regulation 8, if the chief executive is satisfied that the applicant and his or her spouse are each entitled to a transitional supplement; or
 - (b) granted to the applicant, or to his or her spouse or partner, or to each of them, in an amount that reflects the respective proportion of the total combined amount to which together they are entitled under regulation 8 that, in the opinion of the chief executive, should be paid to either or both of them; or
 - (c) granted to the applicant, or to his or her spouse or partner, or to each of them, in an amount specified by the chief executive (being the total combined amount to which together they are entitled under regulation 8, apportioned in accordance with the rules set out in section 82(3) of the principal Act that apply to the apportionment of benefits).
- (3) For the purposes of this regulation, a specified payment that a person (or the person and his or her spouse or partner, or the person or his or her spouse or partner) is entitled to and has applied for before 20 August 2012 is payable even if the specified payment is not granted, or payment is not made, until after 20 August 2012.

Amount of transitional supplement

8 Amount of transitional supplement

- (1) The amount of a transitional supplement payable is,—

- (a) in the case of a transitional supplement payable to an applicant who is single, the difference between the total reduction and the total increase referred to in regulation 6(1); and
 - (b) in the case of a transitional supplement payable to an applicant who has a spouse or partner, the difference between the total combined reduction and the total combined increase referred to in regulation 7(1).
- (2) If, as a result of a change of circumstances of the applicant or the applicant's spouse or partner, the rate of 1 or more of the specified payments payable decreases, the amount of the supplement must not be increased by reason of that change.
 - (3) If, as a result of a change of circumstances of the applicant or the applicant's spouse or partner, the rate of 1 or more of the specified payments payable increases, the amount of the supplement must be reduced by \$1 for each \$1 increase in the sum of the rates of specified payments payable.

General provisions

9 Grant and review of transitional supplements

- (1) In relation to the granting of a transitional supplement,—
 - (a) the chief executive must follow the rules and procedures, and may exercise the powers, set out in section 12 of the principal Act, as if that section applied to the granting of a transitional supplement; and
 - (b) the applicant must comply with the duties on applicants set out in section 12 of the principal Act, as if he or she were applying for a benefit.
- (2) In relation to the review of a transitional supplement,—
 - (a) the chief executive must follow the rules and procedures set out in section 81 of the principal Act, as if the transitional supplement were a benefit; and
 - (b) the applicant must carry out the duties on applicants set out in section 81 of the principal Act, as if he or she were an applicant for a benefit.

10 Commencement and duration of transitional supplements

- (1) A transitional supplement commences on the later of the following:
 - (a) the date on which the applicant became entitled to receive it;
 - (b) if the application was made more than 28 days after the date in paragraph (a), the date on which the application for it was received.
- (2) A transitional supplement may be granted to an applicant for a period of no longer than 12 months, but further transitional supplements may be granted to the person at any time before 20 August 2014.
- (3) No transitional supplement may be granted in respect of a period on or after 20 August 2014.

11 Entitlement if new or increased specified payment available but not sought

- (1) This clause applies in the following cases:
 - (a) in respect of an applicant who is single, where the chief executive is satisfied that the applicant's total reduction exceeds the applicant's total increase (as referred to in regulation 6(1)) because the applicant has not applied for, or has not supplied information required to determine entitlement to, a specified payment or a rate of a specified payment that became available as a consequence of a specified amendment;
 - (b) in respect of an applicant who has a spouse or partner, where the chief executive is satisfied that the total combined reduction for the applicant and his or her spouse or partner exceeds the total combined increase for those persons (as referred to in regulation 7(1)) because the applicant or his or her spouse or partner have not applied for, or have not supplied information required to determine entitlement to, a specified payment or a rate of a specified payment that became available as a consequence of a specified amendment.
- (2) Where this clause applies, the chief executive may—
 - (a) refuse to grant a transitional supplement; or

- (b) grant a transitional supplement under regulation 6 or 7 at a reduced rate; or
- (c) reduce the rate of a transitional supplement already granted; or
- (d) terminate any transitional supplement already granted.

Michael Webster,
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, which come into force on 20 August 2012, provide for the payment of a transitional supplement to persons who would otherwise be financially disadvantaged by the net effect of the amendments made to the Social Security Act 1964 by the Social Security (Youth Support and Work Focus) Amendment Act 2012. The regulations expire on the close of 20 August 2014.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 9 August 2012.

Reprints notes

1 *General*

This is a reprint of the Social Security (Youth Support—Transitional Supplement) Regulations 2012 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 (Youth Support—Transitional Supplement) Regulations 2012 (SR 2012/211): regulation 4
