

**Reprint  
as at 26 November 2018**

**Social Security (Exemptions under Section 105)  
Amendment Regulations 2007  
(SR 2007/231)**

Social Security (Exemptions under Section 105) Amendment Regulations 2007: revoked, on 26 November 2018, pursuant to regulation 295(10) of the Social Security Regulations 2018 (LI 2018/202).

**Preamble**

At Wellington this 20th day of August 2007

Pursuant to sections 123D and 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.

**Contents**

	Page
1 Title	1
2 Commencement	1
3 Principal regulations amended	2
4 Exemption from work test: all work-tested beneficiaries	2
5 Exemption from work test: work-tested spouses	2

**1 Title**

These regulations are the Social Security (Exemptions under Section 105) Amendment Regulations 2007.

**2 Commencement**

These regulations come into force on 24 September 2007.

---

**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

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

### 3 Principal regulations amended

These regulations amend the Social Security (Exemptions under Section 105) Regulations 1998.

### 4 Exemption from work test: all work-tested beneficiaries

Regulation 4(2)(b) is revoked.

### 5 Exemption from work test: work-tested spouses

- (1) The heading to regulation 5 is amended by adding “or partners”.
- (2) Regulation 5(1) is amended by inserting “or partner” after “spouse”.
- (3) Regulation 5(2)(a)(i) is amended by inserting “or foster child” after “child”.
- (4) Regulation 5(2)(c) is amended by inserting “or foster child” after “dependent child”.
- (5) Regulation 5(2)(e) is revoked.
- (6) Regulation 5(2) is amended by adding the following paragraph:
  - (f) the person is the principal caregiver of 1 or more dependent children aged 6 years or older and the person’s spouse or partner—
    - (i) is unable to contribute safely to the care of those children; or
    - (ii) is receiving hospital care or rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or community residential services funded under the New Zealand Public Health and Disability Act 2000; or
    - (iii) is a person to whom section 76(1) of the Act applies and the chief executive has continued to pay the work-tested benefit under section 76(3); or
    - (iv) is, for the time being, absent from the person’s home for the purposes of undertaking education, attending an interview for any opportunity of suitable employment, or taking reasonable steps to obtain suitable employment; or
    - (v) is, for the time being, absent from the person’s home for the purposes of undergoing medical treatment or undertaking disability assistance-dog training or for humanitarian purposes; or
    - (vi) is unavailable to the person’s household for some other good and sufficient reason.
- (7) Regulation 5 is amended by adding the following subclause:
  - (3) In this regulation, **foster child** means a child placed in a person’s charge under section 362 of the Children, Young Persons, and Their Families Act 1989.

Diane Morcom,  
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 24 September 2007, remove work-test exemptions based on age alone and extend existing temporary work-test exemptions for partners who have responsibility for the day-to-day care of a dependent child to include situations where the primary beneficiary is unable to contribute to the care of the child. The regulations also extend the exemptions in relation to home schooling and caring for a special needs child to include persons caring for a foster child.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 23 August 2007.

**Eprint notes****1    *General***

This is an eprint of the Social Security (Exemptions under Section 105) Amendment Regulations 2007 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

**2    *About this eprint***

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

**3    *Amendments incorporated in this eprint***

Social Security Regulations 2018 (LI 2018/202): regulation 295(10)