

Reprint
as at 1 July 2018



**Social Security (Temporary Additional Support)
Regulations 2005**
(SR 2005/334)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 12th day of December 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 132AB of the Social Security Act 1964, Her 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 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 (Temporary Additional Support) Regulations 2005.
- 2 Commencement**
These regulations come into force on 1 April 2006.

Preliminary provisions

- 3 Overview of these regulations**
These regulations—

- (a) define the kinds of income, benefits, credits, and receipts that are chargeable income; and
- (b) define the kinds of costs that are allowable costs; and
- (c) prescribe amounts allowed for standard living costs that ought to be met from chargeable income (that is, amounts defined by section 132AB(1)(b) of the Act as standard costs); and
- (d) define the kinds of assets that are cash assets, and prescribe an amount of cash assets that makes an applicant, under section 61G(2)(b) of the Act, ineligible for temporary additional support; and
- (e) prescribe or set out other eligibility criteria for receiving that support, the amount of it, and the period or periods for which it may be granted.

4 Interpretation

In these regulations, unless the context otherwise requires,—

ACC earner levies means the levies payable under section 219(1) of the Injury Prevention, Rehabilitation, and Compensation Act 2001

accommodation costs has the meaning given to it by section 61E of the Act

Act means the Social Security Act 1964

allowable costs, in relation to an applicant, and subject to section 68A (special provisions applying to insurance payments) of the Act, has the meaning given to it by Schedule 2

beneficiary means a person who is being paid a specified benefit

Canterbury earthquake means the earthquake that occurred on 4 September 2010 in Canterbury, and includes all of its aftershocks

Canterbury earthquake-related temporary accommodation costs means, in relation to a person, any accommodation costs that the person pays or incurs only or mainly because—

- (a) the person has been required to vacate any affected premises (as defined in clause 5(1) of the Canterbury Earthquake TAA Programme) because the premises are uninhabitable and the person cannot reoccupy the premises until remediation work is carried out; or
- (b) the person is or has been required to vacate any affected premises (as so defined) temporarily to enable remediation work to be carried out

Canterbury Earthquake TAA Programme means the Temporary Accommodation Assistance (Canterbury Earthquake) Programme established and approved by the Minister under section 124(1)(d) of the Act

cash assets has the meaning given to it by regulation 8

chargeable income has the meaning given to it by Schedule 1

consumer credit contract has the meaning given to it by section 11 of the Credit Contracts and Consumer Finance Act 2003

deficiency has the meaning given to it by regulation 10(2)

dependent child, in relation to a person, does not include a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid, but otherwise has the meaning given to it by section 3(1) of the Act

disability costs—

- (a) means disability-related expenses, being expenses of a kind for which a disability allowance under section 69C of the Act would be payable; but
- (b) despite paragraph (a), does not include any costs for counselling (including the costs of transport to attend counselling) in excess of the amount paid for that purpose by way of a disability allowance under section 69C of the Act

disability exception amount has the meaning given to it by regulation 11(1)

disposable income, in relation to an applicant, means the remainder (whether a positive or a negative amount) obtained by subtracting the applicant's allowable costs from his or her chargeable income

family, in relation to a person, means that person's spouse or partner and the dependent children of the person or the person's spouse or partner

Individual Support Payments Programme means the programme by that name that has been established and approved by the Minister, under section 124(1)(d) of the Act, for the purpose of providing short-term special assistance to certain people affected by the aftershock of the Canterbury earthquake that occurred on 22 February 2011

net rate, in relation to any benefit,—

- (a) if the benefit is New Zealand superannuation or a veteran's pension, means the appropriate rate set out in Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001 or, as the case may be, the regulations specifying rates of veteran's pension under section 169 of the Veterans' Support Act 2014, after the deduction of standard tax; or
- (b) for any other benefit, means the appropriate rate set out in the appropriate schedule of the Act

non-beneficiary means a person who is not a beneficiary

revolving credit contract has the meaning given to it by section 5 of the Credit Contracts and Consumer Finance Act 2003

specified benefits means the following:

- (a) jobseeker support; and
- (b) *[Revoked]*
- (c) *[Revoked]*
- (d) sole parent support; and
- (e) a supported living payment; and

- (f) an independent youth benefit; and
- (g) an emergency benefit; and
- (h) New Zealand superannuation; and
- (i) a veteran's pension

standard costs, as defined by section 132AB(1)(b) of the Act, and in relation to an applicant, means the appropriate amount set out in Schedule 3

standard tax has the meaning given to it by section 15 of the New Zealand Superannuation and Retirement Income Act 2001 or by section 170 of the Veterans' Support Act 2014, whichever is applicable

temporary additional support means support of that kind under section 61G of the Act

upper limit has the meaning given to it in regulation 10(3) or regulation 10A(2), whichever is applicable.

Regulation 4 **ACC earner levies**: amended, on 3 March 2010, by section 49 of the Accident Compensation Amendment Act 2010 (2010 No 1).

Regulation 4 **Canterbury earthquake**: inserted, on 11 March 2011, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2011 (SR 2011/41).

Regulation 4 **Canterbury earthquake-related temporary accommodation costs**: inserted, on 11 March 2011, by regulation 4 of the Social Security (Temporary Additional Support—Canterbury Earthquake TAA Programme) Amendment Regulations 2011 (SR 2011/42).

Regulation 4 **Canterbury Earthquake TAA Programme**: inserted, on 11 March 2011, by regulation 4 of the Social Security (Temporary Additional Support—Canterbury Earthquake TAA Programme) Amendment Regulations 2011 (SR 2011/42).

Regulation 4 **Individual Support Payments Programme**: inserted, on 19 April 2011, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2011 (SR 2011/100).

Regulation 4 **net rate** paragraph (a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Regulation 4 **specified benefits** paragraph (a): replaced, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 4 **specified benefits** paragraph (b): revoked, on 15 July 2013, by section 114 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 4 **specified benefits** paragraph (c): revoked, on 15 July 2013, by section 86 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 4 **specified benefits** paragraph (d): replaced, on 15 July 2013, by section 86 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 4 **specified benefits** paragraph (e): replaced, on 15 July 2013, by section 97 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 4 **standard costs**: amended, on 1 April 2006, by regulation 3 of the Social Security (Temporary Additional Support) Amendment Regulations 2006 (SR 2006/48).

Regulation 4 **standard tax**: amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Regulation 4 **upper limit**: substituted, on 1 April 2006, by regulation 3 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2006 (SR 2006/71).

5 Status of examples

[Revoked]

Regulation 5: revoked, on 15 July 2013, by section 66(b) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Eligibility

6 Who is eligible for support

- (1) A person may apply for temporary additional support—
 - (a) whether or not he or she is receiving any other benefit, pension, or allowance under the Act, the New Zealand Superannuation and Retirement Income Act 2001, or the Veterans' Support Act 2014; but
 - (b) only if he or she is not, under regulation 7, ineligible for that support.
- (2) However, if a person is, under regulation 7(2), ineligible for temporary additional support because a member of the person's family has been granted it, temporary additional support granted to that family member may be reviewed to ensure that his or her allowable costs and chargeable income include the allowable costs, and (if applicable) chargeable income, of the person.

Regulation 6(1)(a): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

7 Who is ineligible for support

- (1) A child who is a dependent child or a child in respect of whom an orphan's benefit or an unsupported child's benefit is being paid is ineligible for temporary additional support; but neither of the following is ineligible to be granted temporary additional support in respect of the child:
 - (a) the child's principal caregiver; and
 - (b) a spouse or partner of the child's principal caregiver.
- (2) A person is ineligible for temporary additional support if a member of the person's family has applied for and been granted temporary additional support.
- (3) All of the following are also ineligible for temporary additional support:
 - (a) a person who is 15 years old or younger;
 - (b) a person to whom section 80C(1) of the Act applies;
 - (c) a person to whom a special benefit continues to be payable under section 23 of the Social Security (Working for Families) Amendment Act 2004 and that person's spouse or partner;
 - (d) a person who is a full-time student unless—
 - (i) the person is a beneficiary; or
 - (ii) the person, or his or her spouse or partner, is the principal caregiver of 1 or more dependent children; or

- (iii) the person, or a member of his or her family, has disability costs (as defined in regulation 4)—
 - (A) in respect of which a disability allowance under section 69C of the Act has been granted; but
 - (B) that are in excess of the maximum amount of a disability allowance under section 69C of the Act:
- (e) a person whose cash assets together with the cash assets of his or her spouse or partner (if any) exceed in value,—
 - (i) for a single person, the amount in clause 1 of Schedule 31 of the Act; or
 - (ii) for a person who is married or in a civil union, or a sole parent, the amount in clause 2 of that schedule.

8 Cash assets defined

- (1) For the purposes of these regulations and of section 61G of the Act, **cash assets**, in relation to a person, means—
 - (a) the person's cash; and
 - (b) the other assets of the person that can be converted readily into cash.
- (2) In particular, **cash assets** includes all of the following:
 - (a) shares, stocks, debentures, bonus bonds, and other bonds; and
 - (b) bank accounts, including fixed and term deposits with any bank, friendly society, credit union, or building society; and
 - (c) money invested with or lent to any bank or other financial institution or other person, whether on mortgage or other security or unsecured; and
 - (d) the net equity held in property or land not used as the person's home; and
 - (e) building society shares; and
 - (f) bills of exchange or promissory notes; and
 - (g) the person's share in any partnership.
- (3) However, **cash assets** does not include any of the following:
 - (a) if the person is single, the motor vehicle or other vehicle required by the person for his or her personal use; or
 - (b) if the person is married or in a civil union, the motor vehicles or other vehicles (not exceeding 2 in total) required by the person and his or her spouse or partner for their personal use; or
 - (c) a caravan, boat, or other vehicle—
 - (i) in which the net equity is less than \$2,000; or

- (ii) used by the person or a member of his or her family for day-to-day accommodation; or
- (d) the personal effects of the person; or
- (da) for the first 12 months after the payment concerned is made, any lump sum payment of arrears of accommodation supplement made to the person, on or after 1 November 2016, and as a result of the department correcting a specified processing error (as defined in regulation 8(4A)); or
- (db) for the first 12 months after the payment concerned is made, any lump sum payment of arrears of temporary additional support (as defined in regulation 15(3)) made to a person on or after 18 August 2017; or
- (e) any *ex gratia* payment—
 - (i) made to the person, on or after 27 April 2007, by the Crown; and
 - (ii) made in accordance with the MoU on measures related to veterans; or
- (f) for the first 12 months after the *ex gratia* payment concerned is made, any *ex gratia* payment—
 - (i) made to the person, on or after 15 December 2006, by or on behalf of the Crown; and
 - (ii) made because the person suffered a personal injury that is, or was caused by, hepatitis C infection contracted through the New Zealand blood supply; or
- (g) for the first 12 months after the compensation or *ex gratia* payment concerned is made, any compensation payment or *ex gratia* payment—
 - (i) made to the person, on or after 26 October 2007, by or on behalf of the Crown; and
 - (ii) made because the person is a former patient of the Lake Alice Psychiatric Hospital; or
- (h) any interest or payment to which regulation 8B or 8C applies; or
- (i) for the first 12 months after the payment concerned is made, any payment made to the person by the trust established under trust deed dated 16 August 2007 and known, on that date, as the Viet Nam Veterans and Their Families Trust, other than a payment of the kind referred to in any of paragraphs (a) to (d) of clause 14.2 of that trust deed; or
- (ia) any amount of income derived by the person from a payment of the kind referred to in paragraph (i); or
- (j) for the first 12 months after the payment concerned is made, any compensation or *ex gratia* payment of the kind described in regulation 15 of the Social Security (Income and Cash Assets Exemptions) Regulations 2011; or

- (k) for the first 12 months after the payment concerned is made, any payment made to the person—
 - (i) by the trust established under the trust deed dated 4 December 1993 and known, on that date, as the EVSA Youth Development Trust, but known immediately before the commencement of this paragraph as the EVSA (Neville Wallace Memorial) Children’s & Grandchildren’s Trust; and
 - (ii) on or after 17 August 2007; or
 - (ka) for the specified period after the payment concerned is made, any payment made in relation to the effects of the Canterbury earthquake to a person on or after 13 September 2010 by the Canterbury Earthquake Commission (a body set up by the National Board of New Zealand Red Cross Incorporated in consultation with the Mayors of Christchurch City, the Waimakariri District, and the Selwyn District, and proposed to be incorporated as a charitable trust under the Charitable Trusts Act 1957) out of the fund created by donations made to the Canterbury Earthquake Appeal of New Zealand Red Cross Incorporated (and by money from other sources); or
 - (kb) for the first 48 months after the payment concerned is made, any payment made on or after 23 June 2011 by or on behalf of the Crown as a payment or part payment of the purchase price for any property or land in the red zone under a Government offer that has been accepted by the person to whom it was made, if the chief executive is satisfied that the person intends to use the payment to repair or rebuild any existing residential premises or to purchase any replacement residential premises; or
 - (l) for the first 12 months after any payment of a kind referred to in paragraph (k) is made, any amount of income derived from that payment; or
 - (m) for the first 12 months after the payment concerned is made, any payment made by or on behalf of the Crown to the person because the person is a victim; or
 - (n) for the first 12 months after any payment of a kind referred to in paragraph (m) is made, any amount of income derived by the person from that payment.
- (3A) *[Revoked]*
- (3B) Also, **cash assets**, for the specified period after the payment is made, does not include any money paid to a person by the Earthquake Commission continued in existence by section 4(1) of the Earthquake Commission Act 1993, or by an insurance company,—
- (a) in respect of the destruction of or any damage to any property caused by the Canterbury earthquake; or

- (b) for or towards the costs of renting accommodation in place of residential premises destroyed or made uninhabitable by the Canterbury earthquake.
- (3C) *[Revoked]*
- (4) Subclause (2) does not limit the generality of subclause (1); but subclauses (3) and (3B) override subclauses (1) and (2).
- (4A) For the purposes of subclause (3)(da), a **specified processing error**, for a person, means incorrect data relating to either or both of the type of the person's premises and the person's accommodation costs (within the meaning of section 61E of the Act) being entered—
- (a) into a computer system operated by or on behalf of the department; and
- (b) as a result of a system error; and
- (c) at any time in the years 1993 to 2014 (inclusive).
- (5) For the purposes of subclauses (3)(ka) and (3B), **specified period** means—
- (a) 48 months if the chief executive is satisfied that the person intends to use the payment to repair or rebuild any existing residential premises or to purchase any replacement residential premises; or
- (b) 12 months in any other case.
- (6) If any payments to which subclause (3)(kb) or (3B) applies are paid in instalments, or 1 or more payments are made, the date that the payments are made under subclause (3)(kb) or (3B) is the date on which the final instalment is paid or the last payment is made.

Regulation 8(3)(d): amended, on 27 April 2007, by regulation 4(1) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2007 (SR 2007/96).

Regulation 8(3)(da): inserted, on 31 October 2016, by regulation 4(1) of the Social Security (Temporary Additional Support) Amendment Regulations 2016 (LI 2016/233).

Regulation 8(3)(db): inserted, on 18 August 2017, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2017 (LI 2017/225).

Regulation 8(3)(e): added, on 27 April 2007, by regulation 4(1) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2007 (SR 2007/96).

Regulation 8(3)(e)(ii): amended, on 29 June 2007, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2007 (SR 2007/177).

Regulation 8(3)(f): added, on 29 June 2007, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2007 (SR 2007/177).

Regulation 8(3)(f)(ii): amended, on 26 October 2007, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2007 (SR 2007/322).

Regulation 8(3)(g): added, on 26 October 2007, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2007 (SR 2007/322).

Regulation 8(3)(g)(ii): amended, on 1 May 2008, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2008 (SR 2008/70).

Regulation 8(3)(h): replaced, on 17 February 2012, by regulation 4(1) of the Social Security (Temporary Additional Support) Amendment Regulations 2012 (SR 2012/6).

Regulation 8(3)(i): added, on 3 November 2008, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2008 (SR 2008/350).

- Regulation 8(3)(ia): inserted, on 1 January 2010, by regulation 4(1) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).
- Regulation 8(3)(j): added, on 3 November 2008, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2008 (SR 2008/350).
- Regulation 8(3)(j): amended, on 17 February 2012, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations 2012 (SR 2012/6).
- Regulation 8(3)(j): amended, on 1 January 2010, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).
- Regulation 8(3)(k): added, on 1 January 2010, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).
- Regulation 8(3)(ka): inserted, on 16 September 2010, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2010 (SR 2010/320).
- Regulation 8(3)(ka): amended, on 30 March 2012, by regulation 4(1) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2012 (SR 2012/45).
- Regulation 8(3)(ka): amended, on 11 March 2011, by regulation 5(1) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2011 (SR 2011/41).
- Regulation 8(3)(kb): inserted, on 30 March 2012, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2012 (SR 2012/45).
- Regulation 8(3)(kb): amended, on 9 December 2014, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2014 (LI 2014/385).
- Regulation 8(3)(l): added, on 1 January 2010, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).
- Regulation 8(3)(m): added, on 1 January 2010, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).
- Regulation 8(3)(n): added, on 1 January 2010, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).
- Regulation 8(3A): revoked, on 29 June 2007, by regulation 5(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2007 (SR 2007/177).
- Regulation 8(3B): inserted, on 11 February 2011, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations 2011 (SR 2011/5).
- Regulation 8(3B): amended, on 30 March 2012, by regulation 4(3) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2012 (SR 2012/45).
- Regulation 8(3C): revoked, on 11 March 2011, by regulation 5(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2011 (SR 2011/41).
- Regulation 8(4): substituted, on 11 February 2011, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations 2011 (SR 2011/5).
- Regulation 8(4A): inserted, on 31 October 2016, by regulation 4(2) of the Social Security (Temporary Additional Support) Amendment Regulations 2016 (LI 2016/233).
- Regulation 8(5): inserted, on 30 March 2012, by regulation 4(4) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2012 (SR 2012/45).
- Regulation 8(5)(a): amended, on 9 December 2014, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2014 (LI 2014/385).
- Regulation 8(6): inserted, on 30 March 2012, by regulation 4(4) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2012 (SR 2012/45).

8A Definitions for paragraphs (e), (f), and (m) of regulation 8(3)

- (1) In regulation 8(3)(e), **MoU on measures related to veterans** means the memorandum of understanding—

- (a) signed on 6 December 2006 for and on behalf of the following (the **parties**):
- (i) the Ex-Vietnam Services Association; and
 - (ii) the Royal New Zealand Returned and Services Association; and
 - (iii) the Crown; and
- (b) not intended to be legally binding on the parties, but recording their intentions on a package of measures related to Vietnam veterans and other veterans.
- (2) In regulation 8(3)(f),—
- New Zealand blood supply** means either or both of the following:
- (a) blood collected in New Zealand (whether or not that blood was donated, or otherwise collected, with assistance provided or funded by or on behalf of the Crown); and
 - (b) any blood product derived from blood of that kind
- personal injury** has the meaning set out in section 26 of the Injury Prevention, Rehabilitation, and Compensation Act 2001.
- (3) In regulation 8(3)(f) and in subclause (2) of this regulation, **Crown** means all or any of the following:
- (a) the Sovereign in right of New Zealand; and
 - (b) all Ministers of the Crown, and all departments of the Public Service specified in Schedule 1 of the State Sector Act 1988; and
 - (c) Crown entities as defined in section 7(1) of the Crown Entities Act 2004 (for example, DHBs); and
 - (d) every other instrument of the Crown in respect of the Government of New Zealand, whether the instrument is or was an agency, corporation, department, division, enterprise, service, or otherwise (for example, every predecessor in title of a DHB).
- (4) In subclause (3) and in this subclause,—
- DHB** means a district health board established by or under section 19 of the New Zealand Public Health and Disability Act 2000
- predecessor in title**, in relation to a DHB, has the meaning given to it by section 2(1) of the Health Sector (Transfers) Act 1993.
- (5) In regulation 8(3)(m), **victim** has the meaning given to it by regulation 36 of the Social Security (Income and Cash Assets Exemptions) Regulations 2011.
- Regulation 8A: inserted, on 29 June 2007, by regulation 5(1) of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2007 (SR 2007/177).
- Regulation 8A heading: amended, on 1 January 2010, by regulation 5(1) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).
- Regulation 8A(5): added, on 1 January 2010, by regulation 5(2) of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406).

Regulation 8A(5): amended, on 17 February 2012, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2012 (SR 2012/6).

8B Certain interests in KiwiSaver schemes and specified non-KiwiSaver schemes declared not to be cash assets by regulation 8(3)(h)

- (1) This regulation applies to a person's member's interest, on or after 1 May 2008, in a KiwiSaver scheme or a specified non-KiwiSaver scheme.
- (2) However, subclause (1) applies only while a qualifying lock-in clause prevents the person from making or receiving a withdrawal from the scheme.
- (3) Subclause (4) applies to a person who, as a member of a KiwiSaver scheme or specified non-KiwiSaver scheme, has exercised a right under the provisions of the scheme to elect to defer receipt of any benefit that he or she is eligible to receive under the scheme.
- (4) A qualifying lock-in clause must for the purposes of subclause (2) be treated as not preventing the person, as a member of the scheme, from making or receiving a withdrawal from the scheme.
- (5) In this regulation, unless the context otherwise requires,—

contribution means any contribution to a scheme (for example—

- (a) an employer contribution (for example, a compulsory employer contribution); or
- (b) any Crown contribution)

Crown contribution,—

- (a) in relation to a KiwiSaver scheme, has the same meaning as in section 4(1) of the KiwiSaver Act 2006; and
- (b) in relation to a specified non-KiwiSaver scheme, means any Crown contribution

expected time of retirement, in relation to a member of a non-KiwiSaver scheme, means the member's expected age or date of retirement as defined in the provisions of the scheme

fee subsidy,—

- (a) in relation to a KiwiSaver scheme, has the same meaning as in section 4(1) of the KiwiSaver Act 2006; and
- (b) in relation to a specified non-KiwiSaver scheme, means any fee subsidy

KiwiSaver scheme and **KiwiSaver scheme rules** have the same meanings as in section 4(1) of the KiwiSaver Act 2006

member's interest, in relation to a member of a scheme, means the total of—

- (a) the member's contributions; and
- (b) any employer contributions (vested or unvested) in respect of the member; and

- (c) any fee subsidies paid in respect of the member; and
- (d) any Crown contribution paid in respect of the member

net value, in relation to a member's interest, means the value of the member's interest once any other appropriate debits and credits have been made to account for things like fees, permitted withdrawals or permitted proposed withdrawals, and positive and negative returns

non-KiwiSaver scheme means a scheme that is registered as a superannuation scheme under subpart 2 of Part 4 of the Financial Markets Conduct Act 2013

permitted, in relation to a withdrawal or proposed withdrawal, means that the withdrawal is, or the proposed withdrawal if it were provided would be, permitted under the provisions of the scheme

proposed withdrawal means a withdrawal that has been applied for, but has not yet been provided

provision, in relation to a scheme, means a provision (express or implied) of either or both of the following:

- (a) the deed that established the relevant trust or (as the case may be) Act of the Parliament of New Zealand that constituted the relevant arrangement;
- (b) any rules of the scheme

qualifying lock-in clause, in relation to a KiwiSaver scheme means the provision of the scheme implied in its trust deed under section 126 and clause 4 (lock-in of funds to KiwiSaver end payment date) of Schedule 1 of the KiwiSaver Act 2006 and, in relation to a non-KiwiSaver scheme, means a provision of the scheme that—

- (a) prevents a member of the scheme from making or receiving a withdrawal from the scheme until either or both of the following apply to the member:
 - (i) he or she reaches an expected time of retirement;
 - (ii) he or she leaves, before reaching the expected time of retirement,—
 - (A) the employment in respect of which the scheme was constituted or established; or
 - (B) any employment covered by the scheme; and
- (b) may, but need not, be, or be accompanied by another provision of the scheme that is, a standard withdrawals or transfer clause

scheme means a retirement scheme within the meaning of section 6(1) of the Financial Markets Conduct Act 2013 (for example, a KiwiSaver scheme or a non-KiwiSaver scheme)

specified non-KiwiSaver scheme means a non-KiwiSaver scheme the provisions of which include a qualifying lock-in clause

standard withdrawals clause, in relation to a scheme, means a provision of the scheme that permits a member of the scheme to make or receive a withdrawal from the scheme in circumstances that are, or are essentially, the same as those specified in all or any of the following clauses of Schedule 1 of the KiwiSaver Act 2006:

- (a) clause 8 (purchase of a first home):
- (b) clause 10 (significant financial hardship):
- (c) clause 12 (serious illness)

withdrawal, in relation to a member and a KiwiSaver scheme or a non-Kiwi-Saver scheme,—

- (a) includes any benefit provided from, and debited against the member's interest in, the scheme; but
- (b) does not include a permitted withdrawal or permitted proposed withdrawal that is a transfer (with or without the member's consent) from the scheme to another KiwiSaver scheme or non-KiwiSaver scheme; and
- (c) for the purposes of subclause (2), does not include a withdrawal made or received in accordance with a standard withdrawals clause.

Regulation 8B: inserted, on 1 May 2008, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2008 (SR 2008/70).

Regulation 8B(5) **non-KiwiSaver scheme**: replaced, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Regulation 8B(5) **scheme**: replaced, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

8C Items declared not to be cash assets by regulation 8(3)(h)

- (1) This subclause applies to every payment—
 - (a) of back wages for a sleepover that began to be performed on or after 1 June 2004; and
 - (b) made by a specified employer, made on or after 18 October 2011, and made to any of the following who is entitled to the payment under any of sections 14 to 16 of the Sleepover Act:
 - (i) a current employee:
 - (ii) a recent employee:
 - (iii) a historic employee.
- (2) Subclause (1) applies only for the first 12 months after the payment is made.
- (3) Any payments to which subclause (1) applies are not cash assets for the purposes of these regulations.
- (4) For the purposes of this regulation,—

Sleepover Act means the Sleepover Wages (Settlement) Act 2011

specified employer means—

- (a) Idea Services; or
 - (b) Timata Hou; or
 - (c) any other employer in the health and disability sector to whom subpart 2 of Part 2 of the Sleepover Act applies (with or without modifications) because of an order made under section 24(1)(b) of the Sleepover Act; or
 - (d) any other employer to whom subparts 1 and 2 of Part 2 of the Sleepover Act apply (with or without modifications) because of an order made under section 24(1)(a) of the Sleepover Act.
- (5) A term that is defined in section 4 or 23 of the Sleepover Act and that is used but not defined in this regulation has the same meaning as in section 4 or 23 of the Sleepover Act.

Regulation 8C: inserted, on 17 February 2012, by regulation 6 of the Social Security (Temporary Additional Support) Amendment Regulations 2012 (SR 2012/6).

Application form for, and amount, period, and form of, support

9 Application form must be completed

- (1) Temporary additional support may be granted to an applicant for that support only if an application form for the purpose is completed in writing by or on behalf of the applicant.
- (2) The form must be provided by the chief executive.
- (3) The form must, when completed, set out the information required to allow—
 - (a) the applicant's eligibility for temporary additional support to be assessed; and
 - (b) the rate of any temporary additional support payable to the applicant to be determined.

10 Prescribed amount of support: general weekly rate

- (1) The amount of temporary additional support that may be granted per week is the sum of—
 - (a) the lesser of the deficiency and the upper limit (*see* subclause (3) or regulation 10A, whichever is applicable); and
 - (b) the disability exception amount (if that amount is available to the applicant under regulation 11).
- (2) The **deficiency** is the amount (if any) by which the applicant's standard costs exceed his or her disposable income (as those terms are defined in regulation 4), but—
 - (a) is nil if the applicant's disposable income exceeds his or her standard costs; and

- (b) if the applicant's disposable income is a negative amount, is the sum of that income (expressed as a positive amount) and his or her standard costs.
- (3) The **upper limit** is 30% of the total before abatement on account of income or other deduction of the net rate per week—
 - (a) of the 1 or more specified benefits payable to the applicant and his or her spouse or partner (if any); or
 - (b) if the applicant and his or her spouse or partner (if any) are non-beneficiaries, of the benefit that would be payable to him or her or them if job-seeker support were payable to him or her or them.

Regulation 10(1)(a): amended, on 1 April 2006, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2006 (SR 2006/71).

Regulation 10(3)(b): amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

10A Variation of upper limit for persons awaiting decision on refugee or protected person claims, refugees and protected persons, and certain applicants for residence class visas

- (1) Subclause (2) applies, instead of regulation 10(3), when calculating under regulation 10(1) the amount of temporary additional support that may be granted per week to a person who the chief executive is satisfied is—
 - (a) a person of the kind referred to in section 74A(1)(c) of the Act (a person lawfully present in New Zealand awaiting the outcome of his or her claim for recognition as a refugee or a protected person in New Zealand); or
 - (b) a person referred to in section 74A(1)(d) of the Act (a person who is recognised as a refugee or a protected person in New Zealand); or
 - (c) a person referred to in section 74A(1)(e) of the Act (a person applying for a residence class visa under the Immigration Act 2009 who is compelled to remain in New Zealand through some unforeseen circumstances).
- (2) The **upper limit** is the higher of—
 - (a) the appropriate maximum rate of accommodation supplement that would be applicable if section 74A(1) of the Act did not prohibit the person receiving a benefit; and
 - (b) the upper limit in regulation 10(3).

Regulation 10A: substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

11 Disability exception amount

- (1) The **disability exception amount**—
 - (a) is available to the applicant only if—

- (i) the deficiency exceeds the upper limit; and
 - (ii) the applicant's allowable costs include an **excess disability costs total** (as defined in subclause (2)); and
 - (b) if available to the applicant, is 30% of the **excess disability costs total** (as so defined).
- (2) In these regulations,—
- excess disability costs**, in respect of a person, means disability costs (as defined in regulation 4) that—
- (a) are disability costs in respect of which the person has been granted a disability allowance under section 69C of the Act; and
 - (b) have been included in the calculation of that disability allowance granted to the person; and
 - (c) are in excess of the maximum amount of a disability allowance under section 69C of the Act
- excess disability costs total** means the total of all of the excess disability costs (if any) for any or all of—
- (a) the applicant; and
 - (b) a member of the applicant's family; and
 - (c) a child for whom an orphan's benefit or an unsupported child's benefit is being paid.

12 Amount of support granted must be recalculated after change in chargeable income or allowable costs or both

If an applicant's chargeable income changes, his or her allowable costs change, or both of them change, during the period (*see* regulation 14) for which the applicant has been granted temporary additional support, then despite regulation 10(1)—

- (a) the amount of that support granted to the applicant (whether it results from the original calculation under regulation 10(1) or from an earlier recalculation required by this paragraph) must, as soon as practicable, be recalculated under regulation 10(1) taking into account all changes—
 - (i) in the applicant's chargeable income or allowable costs or both during that period; and
 - (ii) that were not taken into account in the original calculation under regulation 10(1) or in any earlier recalculations required by this paragraph; and
- (b) the amount of that support granted to the applicant for any later weeks of that period (until and subject to any later recalculation required by paragraph (a)) is the amount that results from the recalculation required by paragraph (a).

13 Prescribed amount of support: exceptions

- (1) The amount of temporary additional support that may be granted per week—
 - (a) is 50% of the weekly rate under regulation 10(1) if temporary additional support is granted to the spouse or partner of a person who is ineligible to be granted temporary additional support under paragraph (b) or paragraph (d) of regulation 7(3); and
 - (b) is nil if the result of the calculation under regulation 10(1) or, as the case may be, paragraph (a) of this subclause, is less than \$1 a week.
- (2) Subclause (1)(b) overrides subclause (1)(a).
- (3) This regulation overrides regulations 10 to 12.

Example 1—single jobseeker support beneficiary with 2 dependent children

P is a single jobseeker support beneficiary with 2 dependent children, both of whom are younger than 13 years of age.

- 1 P's weekly chargeable income is \$503.14, and is made up of—
 - \$249.10 net jobseeker support; and
 - \$119.00 family tax credit—a credit of tax under subparts MA to MG and MZ of the Income Tax Act 2007; and
 - \$84.00 accommodation supplement for a resident renting in area 1; and
 - \$51.04 disability allowance (paid at the maximum).
- 2 P's weekly allowable costs are \$313.96, and are made up of—
 - \$200.00 rent in area 1 (deduct \$20.96 loading from accommodation costs); and
 - \$134.92 disability costs via disability allowance.
- 3 P's disposable income is therefore \$189.18, which is the remainder (a positive amount) obtained by subtracting—
 - \$313.96 P's weekly allowable costs; from
 - \$503.14 P's weekly chargeable income.
- 4 P's standard costs are \$257.67, and are made up of—
 - \$174.37 70% of the net jobseeker support; and
 - \$83.30 70% of family tax credit.
- 5 P's standard costs, \$257.67, exceed P's disposable income, \$189.18, by \$68.49. The deficiency is therefore \$68.49.
- 6 The upper limit is \$74.73 (which is 30% of the net jobseeker support).

If P is eligible for temporary additional support under regulations 6 to 8, and an application form for that support is completed as required by regulation 9, then the amount of that support that P may be granted per week, under regulation 10, is \$68.49, which is the lesser of the deficiency, \$68.49, and the upper limit, \$74.73. (Although P has disability costs included in his or her allowable costs, the disability exception amount is not available to P under regulation 11, because P's deficiency does not exceed the upper limit.)

Example 2—married jobseeker support beneficiary with 3 dependent children

S is a married jobseeker support beneficiary with 3 dependent children, all of whom are younger than 13 years of age.

- 1 S's weekly chargeable income is \$557.92, and is made up of—
 - \$289.84 net jobseeker support; and
 - \$166.00 family tax credit—a credit of tax under subparts MA to MG and MZ of the Income Tax Act 2007; and
 - \$102.08 disability allowance × 2 (paid at the maximum).
- 2 S's weekly allowable costs are \$327.48, and are made up of—
 - \$200.00 Housing New Zealand rent in area 1 (deduct \$20.96 loading from accommodation costs); and
 - \$148.44 disability costs via disability allowance.
- 3 S's disposable income is therefore \$230.44, which is the remainder (a positive amount) obtained by subtracting—
 - \$327.48 S's weekly allowable costs; from
 - \$557.92 S's weekly chargeable income.
- 4 S's standard costs are \$319.09, and are made up of—
 - \$202.89 70% of the net jobseeker support; and
 - \$116.20 70% of family tax credit.
- 5 S's standard costs, \$319.09, exceed S's disposable income, \$230.44, by \$88.65. The deficiency is therefore \$88.65.
- 6 The upper limit is \$86.95 (which is 30% of the net jobseeker support).
- 7 The disability exception amount is \$13.91 (which is 30% of the excess disability costs total).

If S is eligible for temporary additional support under regulations 6 to 8, and an application form for that support is completed as required by regulation 9, then the amount of that support that S may be granted per week, under regulations 10 and 11, is \$100.86.

That amount, \$100.86, is the sum of—

- (a) \$86.95, which is the lesser of the deficiency, \$88.65, and the upper limit, \$86.95 (see regulation 10(1)(a)); and
- (b) \$13.91, which is the disability exception amount available to S under regulation 11 (see regulation 10(1)(b)).

Example 3—single jobseeker support beneficiary with no dependent children

X is a single jobseeker support beneficiary who is 26 years of age and has no dependent children.

- 1 X's weekly chargeable income is \$193.92, and is made up of—
 - \$173.92 net jobseeker support; and
 - \$20.00 disability allowance.
- 2 X's weekly allowable costs are \$159.48, and are made up of—
 - \$130.00 Housing New Zealand rent in area 1 (deduct \$20.96 loading from accommodation costs); and
 - \$20.00 disability costs via disability allowance; and

- \$30.44 consumer credit contracts.
- 3 X's disposable income is therefore \$34.44, which is the remainder (a positive amount) obtained by subtracting—
\$159.48 X's weekly allowable costs; from
\$193.92 X's weekly chargeable income.
- 4 X's standard costs are \$121.74 (which is 70% of the net jobseeker support).
- 5 X's standard costs, \$121.74, exceed X's disposable income, \$34.44, by \$87.30. The deficiency is therefore \$87.30.
- 6 The upper limit is \$52.18 (which is 30% of the net jobseeker support).

If X is eligible for temporary additional support under regulations 6 to 8, and an application form for that support is completed as required by regulation 9, then the amount of that support that X may be granted per week, under regulation 10, is \$52.18, which is the lesser of the deficiency, \$87.30, and the upper limit, \$52.18. (Although X has disability costs included in his or her allowable costs, the disability exception amount is not available to X under regulation 11, because his or her disability costs are met by his or her disability allowance.)

Regulation 13 example 1: substituted, on 1 April 2006, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations 2006 (SR 2006/48).

Regulation 13 example 1 heading: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 1: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 1 item 1: amended, on 1 July 2018, by regulation 6 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Regulation 13 example 1 item 1: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 1 item 1: amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Regulation 13 example 1 item 1: amended (with effect from 1 April 2007), on 19 December 2007, by section 304 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Regulation 13 example 1 item 4: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 1 item 4: amended (with effect from 1 April 2007), on 19 December 2007, by section 304 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Regulation 13 example 1 item 6: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 2: substituted, on 1 April 2006, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations 2006 (SR 2006/48).

Regulation 13 example 2 heading: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 2: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 2 item 1: amended, on 1 July 2018, by regulation 6 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Regulation 13 example 2 item 1: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 2 item 1: amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Regulation 13 example 2 item 1: amended (with effect from 1 April 2007), on 19 December 2007, by section 304 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Regulation 13 example 1 item 4: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 2 item 4: amended (with effect from 1 April 2007), on 19 December 2007, by section 304 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Regulation 13 example 2 item 6: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 3: substituted, on 1 April 2006, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations 2006 (SR 2006/48).

Regulation 13 example 3 heading: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 3: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 3 item 1: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 3 item 4: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 13 example 3 item 6: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

14 Prescribed period of support

- (1) The period referred to in section 61G(3)(b) of the Act is—
 - (a) the **shorter fixed period** (as defined by subclause (3)), if subclause (2) applies to the applicant; and
 - (b) 13 weeks after temporary additional support commences (the **standard period**), in all other cases.
- (2) This subclause applies to the applicant if, when temporary additional support is granted, the chief executive considers that, on a date (the **non-qualification date**) before the end of the standard period,—
 - (a) the deficiency will reduce to nil; or
 - (b) the applicant will for any reason be ineligible for temporary additional support; or
 - (c) temporary additional support will for any reason not be payable to the applicant.
- (3) The **shorter fixed period** means a period fixed by the chief executive, but that must—
 - (a) start at the same time as, but be shorter than, the standard period; and
 - (b) end on or after the close of the day before the non-qualification date.

15 No lump sums payable

- (1) No payment of temporary additional support may be made by way of a lump sum payment.
- (2) Subclause (1) does not apply to any lump sum payment of arrears of temporary additional support made to a person on or after 18 August 2017.
- (3) For the purpose of this subclause, subclause (2), regulation 8(3)(db), and clause 5AB in Schedule 1,—

lump sum eligibility requirements, for a person (A), means that,—

- (a) on 1 April 2006, A was entitled to continue receiving the special benefit; and
- (b) during any period on or after 1 April 2006, A would have received more assistance from temporary additional support than the special benefit but was not advised by the department that A could apply for temporary additional support (**lump sum eligibility period**); and
- (c) in response to advice by the department on or after 18 August 2017, A cancels the special benefit and applies for temporary additional support in respect of any lump sum eligibility period

lump sum payment of arrears of temporary additional support means a lump sum payment of arrears of temporary additional support—

- (a) made as a result of an application of section 80AA of the Act (Minister may allow back-dating of benefit where earlier failure to grant it based on error); and
- (b) made to—
 - (i) a person (A) who meets the lump sum eligibility requirements; or
 - (ii) a person (B) who, during any lump sum eligibility period, is or was the spouse or partner of A and is or was entitled, under section 83 of the Act, to an apportionment of any other benefit payable to A; and
- (c) calculated after the deduction of the amount of the special benefit that was paid to A or B during any lump sum eligibility period

special benefit means the special benefit as continued under section 23 of the Social Security (Working for Families) Amendment Act 2004.

Regulation 15(2): inserted, on 18 August 2017, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2017 (LI 2017/225).

Regulation 15(3): inserted, on 18 August 2017, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2017 (LI 2017/225).

Schedule 1

Chargeable income

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- 1 For the purposes of these regulations and of section 61G of the Act, **chargeable income**, in relation to a person, includes the weekly total of all of the items in clause 3, after deducting the amount (if any) the chief executive estimates or determines is payable (where applicable) for income tax, for ACC earner levies, or for both, on any of those items.
- 2 A reference in this schedule to a person includes a reference to the person's spouse or partner.
- 3 The items referred to in clause 1 are—
 - (a) the net rate of any benefit payable to the person under the Act (other than an orphan's benefit, an unsupported child's benefit, a winter energy payment, or any childcare assistance payable under section 61GA of the Act):
 - (b) the amount of any credit of tax under subparts MA to MG and MZ of the Income Tax Act 2007 that is—
 - (i) paid to the person by instalments in accordance with section 80KI to 80KU of the Tax Administration Act 1994; or
 - (ii) not paid by instalments but is one to which, in the chief executive's opinion, the person is entitled under that subpart:
 - (c) any parental leave payment payable to the person under Part 7A of the Parental Leave and Employment Protection Act 1987:
 - (d) any pension or allowance payable under the Veterans' Support Act 2014:
 - (e) the rate of any New Zealand superannuation payable to the person under the New Zealand Superannuation and Retirement Income Act 2001 or any veteran's pension payable to the person under the Veterans' Support Act 2014:
 - (f) income as defined in section 3(1) of the Act:
 - (g) the amount of any periodical payments (for example, those included by clause 4(a))—
 - (i) of special assistance payable to the person under section 124(1)(d) of the Act under any welfare programme; and
 - (ii) that, in the opinion of the chief executive, are for the purpose of replacing lost income or maintaining or supplementing the person's income and not for the purposes of paying or reimbursing specified costs of the person:
 - (h) the amount of any child support payments,—

- (i) in the case of a non-beneficiary, payable to the person under the Child Support Act 1991; or
 - (ii) in the case of a beneficiary, payable to the person by the Commissioner of Inland Revenue under section 142 or section 143 of that Act:
- (i) the amount of any accommodation benefit, basic grant, or independent circumstances grant payable to the person under the Student Allowances Regulations 1998:
 - (j) the living-costs component of any student loan payable to the person.

Schedule 1 clause 3(a): amended, on 1 July 2018, by regulation 7(1) of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Schedule 1 clause 3(b): amended, on 1 July 2018, by regulation 7(2) of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Schedule 1 clause 3(b): amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 1 clause 3(b)(i): amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 1 clause 3(d): replaced, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Schedule 1 clause 3(e): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

4 To avoid doubt, payments under clause 3(g)—

- (a) include, without limitation, any payments payable to the person under either of the following programmes established and approved by the Minister under section 124(1)(d) of the Act:
 - (i) the Telephone Costs Payment Programme:
 - (ii) the ReStart Transitional Relief Programme; but
- (b) do not include any payments for childcare assistance or any payments made under any of the programmes specified in clause 5.

Schedule 1 clause 4(a): substituted, on 15 January 2009, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2008 (SR 2008/449).

5 The programmes referred to in clause 4(b) are—

- (a) the Away from Home Allowance Programme:
- (b) the Training Incentive Allowance Programme:
- (c) the Home Help Programme:
- (d) the Social Rehabilitation Assistance Programme:
- (e) the Special Transfer Allowance Programme 2000:
- (ea) the Canterbury Earthquake TAA Programme (as defined in regulation 4):
- (eb) the Individual Support Payments Programme (as defined in regulation 4):

- (f) the Temporary GST Assistance Programme:
- (g) the Tax Transitional Supplement Programme:
- (h) the Families Package (Transitional Assistance) Programme.

Schedule 1 clause 5(e): substituted, on 1 October 2010, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2010 (SR 2010/290).

Schedule 1 clause 5(ea): inserted, on 11 March 2011, by regulation 5 of the Social Security (Temporary Additional Support—Canterbury Earthquake TAA Programme) Amendment Regulations 2011 (SR 2011/42).

Schedule 1 clause 5(eb): inserted, on 19 April 2011, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2011 (SR 2011/100).

Schedule 1 clause 5(f): substituted, on 1 October 2010, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2010 (SR 2010/290).

Schedule 1 clause 5(g): added, on 1 October 2010, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2010 (SR 2010/290).

Schedule 1 clause 5(h): inserted, on 1 April 2018, by regulation 4 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

5AA For the first 12 months after the payment concerned is made, the items referred to in clause 1 do not include—

- (a) any lump sum payment of arrears of accommodation supplement made to the person, on or after 1 November 2016, and as a result of the department correcting a specified processing error (as defined in regulation 8(4A));
- (b) any income derived by the person from a payment referred to in paragraph (a).

Schedule 1 clause 5AA: inserted, on 31 October 2016, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2016 (LI 2016/233).

5AB For the first 12 months after the payment concerned is made, the items referred to in clause 1 do not include any income derived from a lump sum payment of arrears of temporary additional support (as defined in regulation 15(3)) that is made to a person on or after 18 August 2017.

Schedule 1 clause 5AB: inserted, on 18 August 2017, by regulation 6 of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2017 (LI 2017/225).

5A For the first 12 months after the payment concerned is made, the items referred to in clause 1 do not include any payment made in relation to the effects of the Canterbury earthquake of 4 September 2010 on or after 13 September 2010 out of the fund created by donations made to the Canterbury Earthquake Appeal of New Zealand Red Cross Incorporated.

Schedule 1 clause 5A: inserted, on 16 September 2010, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2010 (SR 2010/320).

6 In calculating the amount of a person's chargeable income, the chief executive must disregard any deduction or reduction of the amount of any item of that income made or imposed by or under any statutory power or under any deduc-

tion notice or attachment order or otherwise, on account of any debt, liability, sanction, penalty, child support payment, or student loan repayment.

- 7 Clause 6 overrides clauses 1 to 5.

Schedule 2

Allowable costs

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- 1 For the purposes of these regulations and of section 61G of the Act, **allowable costs**—
- (a) means the regular essential expenses (as defined in clause 2) (if any) of the applicant and his or her family reckoned on a weekly basis; and therefore
- (b) does not include an expense that is not an essential expense (as so defined).
- 2 In clause 1, **essential expense** means an expense of a kind, and within the relevant limits (if any), specified in clause 3, and that (unless the expense is one referred to in clause 3(b), (c), (e)(i), (h), or (i) and is in respect of an item acquired in accordance with clause 4), in the chief executive's opinion,—
- (a) is essential for a person to pay or incur in order to meet the daily living needs of the person, of members of the person's family, or of both; and
- (b) could not, when the expense or the liability for the expense was incurred, readily be avoided or varied.
- 3 The kinds of expenses and limits referred to in clause 2 are as follows:
- (a) the person's accommodation costs (as defined in clause 5) less \$26.05:
- (b) agreed period payments (as defined in clause 6), not exceeding the maximum weekly amount in column 3 of the following table, and made in connection with the acquisition of any of the items in column 1 of that table (within the maximum number of those items in column 2 of that table):

Payments for essential household items

Column 1	Column 2	Column 3
Essential household item	Maximum number of items	Maximum weekly amount (\$)
Beds (including mattresses)		30.67
Combined refrigerator-freezer	1	24.27
<i>or</i>	<i>or</i>	<i>or</i>
Separate refrigerator and separate freezer	1 of each if separate items	24.27 in total if separate items
Dining suite	1	30.67
Lounge suite	1	30.67

Column 1	Column 2	Column 3
Essential household item	Maximum number of items	Maximum weekly amount (\$)
Portable heaters		16.60
Washing machine	1	24.27
Stove	1	24.27
Television set	1	22.99

- (c) revolving credit payments (as defined in clause 7) for any of the items in column 1 of the table in paragraph (b) (being items acquired in accordance with clause 4 and within the maximum numbers in column 2 of that table) and not exceeding (in terms of the rate of the payments, and either on a monthly or a weekly basis) the lesser of the maximum monthly payment (as defined in clause 8) and the maximum weekly payment in column 3 of that table:
- (d) costs for laundry or laundrette services, being costs incurred instead of regular payments for a washing machine or within a period during which the applicant could reasonably arrange to have repaired a washing machine available to the applicant, and not exceeding \$24.27 per week:
- (e) disability costs (as defined in regulation 4),—
- (i) including any disability costs that are payments to which clause 9 or clause 10 applies; but
 - (ii) excluding in all cases any costs of residential care services in respect of which temporary additional support must not be granted under section 61G(4) of the Act:
- (f) for a person who is eligible for assistance under the Telephone Costs Payment Programme approved by the Minister under section 124(1)(d) of the Act, and if paragraph (m) of this clause does not apply, the weekly amount of telephone rental costs (as defined in clause 11) that were, immediately before 1 April 1999,—
- (i) claimed by the person; and
 - (ii) treated by the chief executive as an additional expense under section 69C(2A)(a) of the Act:
- (g) running costs, at a per kilometre rate set by the chief executive, for a motor vehicle where no suitable public transport is available for the purpose of transporting the applicant and his or her spouse or partner to and from their places of employment and where the vehicle is essential for that purpose:
- (h) agreed period payments (as defined in clause 6) not exceeding \$65.60 a week made in connection with the acquisition of a motor vehicle or other vehicle (for example, a bicycle)—

- (i) for the applicant and his or her spouse or partner (if any) (whether or not either or both of them are beneficiaries), where no suitable public transport is available for the relevant purpose and the vehicle is essential—
 - (A) for the purpose of transporting the applicant and his or her spouse or partner to and from their places of employment; or
 - (B) for the purpose of transporting the applicant or a member of his or her family who is chronically ill or has a disability; or
- (ii) for an applicant who is a beneficiary where—
 - (A) there is no public transport reasonably available to the applicant; and
 - (B) the contract or arrangement to acquire the vehicle was entered into before the applicant became a beneficiary:
- (i) revolving credit payments (as defined in clause 7) for a motor vehicle or other vehicle (for example, a bicycle) acquired in accordance with clause 4 and where paragraph (h)(i) or paragraph (h)(ii)(A) applies to the applicant and vehicle, and not exceeding (in terms of the rate of the payments, and either on a monthly or a weekly basis) the lesser of the maximum monthly payment (as defined in clause 8) and \$65.60 per week:
- (j) the costs of public transport of the applicant and his or her spouse or partner to and from their places of employment:
- (k) the net costs of essential childcare (that is, the gross costs of essential childcare, as defined in clause 12, minus any childcare assistance payable under section 61GA of the Act or by way of special assistance under section 124(1)(d) of the Act):
- (l) essential expenses in respect of a child in the care of the applicant or his or her spouse or partner for whom an orphan's benefit or an unsupported child's benefit is paid that are not able to be met from the total of that benefit and any disability allowance payable in respect of the child:
- (m) telephone rental costs (as defined in clause 11) for an applicant for whom, in the opinion of the chief executive, a telephone is a necessity—
 - (i) because of his or her special family circumstances (for example, to enable an applicant living in a rural location to be contacted by the school that his or her children attend); or
 - (ii) to help to ensure his or her personal safety or security (for example, a frail person living on his or her own, or a separated person with a protection order against a spouse or partner); or
 - (iii) because of his or her employment conditions (for example, an electrical worker on call 24 hours per day).

Schedule 2 clause 3(a): amended, on 1 April 2018, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Schedule 2 clause 3(b) table: amended, on 1 April 2018, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Schedule 2 clause 3(d): amended, on 1 April 2018, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Schedule 2 clause 3(h): amended, on 1 April 2018, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Schedule 2 clause 3(i): amended, on 1 April 2018, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

- 4 An item is acquired in accordance with this clause for the purposes of clauses 2, 3(c) and (i), and 10 if,—
- (a) when the item was acquired, neither the applicant, nor his or her spouse or partner (if any), was a beneficiary (whether or not either of them was a beneficiary, or both of them were beneficiaries, at any time before the item was acquired); and
 - (b) at the time of the application for temporary additional support, the applicant or his or her spouse or partner (if any) is a beneficiary, or both of them are beneficiaries, or neither of them is a beneficiary at that time but one or both of them became a beneficiary after the item was acquired.
- 5 For the purposes of clause 3(a), a person's **accommodation costs** are that person's accommodation costs as defined in regulation 4 but—
- (a) do not include the following costs:
 - (i) any costs of residential care services in respect of which temporary additional support must not be granted under section 61G(4) of the Act; and
 - (ii) any Canterbury earthquake-related temporary accommodation costs (as defined in regulation 4) of the person if he or she is eligible for, and he or she and any members of his or her family who usually reside with him or her are granted (or the chief executive has not yet declined to grant them), assistance under the Canterbury Earthquake TAA Programme (as so defined), even if those costs exceed the rate of, or are paid or incurred after the ending of, or are otherwise not met or not to be met by, assistance of that kind; and
 - (iii) any Canterbury earthquake-related temporary accommodation costs (as defined in regulation 4) of the person if he or she and any members of his or her family who usually reside with him or her are not granted assistance under the Canterbury Earthquake TAA Programme (as so defined) because he or she is not eligible for, or the chief executive has in his or her discretion declined to grant them, assistance of that kind; and

- (b) include arrears except any that were incurred while the person or his or her spouse or partner was in receipt of—
 - (i) an accommodation benefit under the Student Allowances Regulations 1998; or
 - (ii) an accommodation supplement, a rent rebate allowance, or a tenure protection allowance under the Act; or
 - (iii) an income-related rent (as defined in section 42(1) of the Housing Restructuring and Tenancy Matters Act 1992).

Schedule 2 clause 5(a): substituted, on 11 March 2011, by regulation 6 of the Social Security (Temporary Additional Support—Canterbury Earthquake TAA Programme) Amendment Regulations 2011 (SR 2011/42).

Schedule 2 clause 5(b)(iii): amended, on 1 July 2006, by section 5(2)(i) of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34).

- 6 **Agreed period payments**, in relation to an item referred to in any of clauses 3(b) and (h) and 9, means payments, during the agreed period, under a consumer credit contract or other arrangement that—

- (a) is evidenced in writing to the satisfaction of the chief executive; and
- (b) requires regular payments over an agreed period; and
- (c) was entered into to acquire the item or to repay debt incurred in acquiring the item; and
- (d) is not a revolving credit contract, an arrangement relating to an advance payment of a benefit under section 82(6) of the Act, or an arrangement relating to a recoverable grant of assistance under section 124(1)(d) of the Act.

- 7 **Revolving credit payments**, in relation to an item referred to in any of clauses 3(c) and (i) and 10, means payments—

- (a) under a revolving credit contract (for example, a credit card contract) that requires regular payments and that was used to acquire the item; and
- (b) not exceeding (in total) the lesser of the cash price of the item and the amount owing under the contract at the time of the application for temporary additional support; and
- (c) for the period of 20 months after the acquisition of the item, if the amount owing under the contract at the time of the application for temporary additional support is equal to or greater than the cash price of the item; and
- (d) for whichever of the following periods ends first, if the amount owing under the contract at the time of the application for temporary additional support is less than the cash price of the item:
 - (i) the period of 20 months after the acquisition of the item; and

- (ii) the period in whole months that the chief executive estimates is necessary for that amount owing to be repaid fully at a rate of payment that is the maximum monthly payment (as defined in clause 8).

8 The **maximum monthly payment**, in relation to an item to which clause 3(c) or (i) or clause 10 applies, means 5% of the cash price of the item.

9 The payments (referred to in clause 3(e)(i)) to which this clause applies are agreed period payments (as defined in clause 6) not exceeding \$24.27 per week made in connection with the acquisition of 1 clothes dryer for a person for whom the costs of acquiring a clothes dryer are additional costs arising from the person's disability.

Schedule 2 clause 9: amended, on 1 April 2018, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

10 The payments (referred to in clause 3(e)(i)) to which this clause applies are revolving credit payments (as defined in clause 7) for 1 clothes dryer, acquired in accordance with clause 4, for a person for whom the costs of acquiring a clothes dryer are additional costs arising from the person's disability, and not exceeding (in terms of the rate of the payments, and either on a monthly or a weekly basis) the lesser of the maximum monthly payment (as defined in clause 8) and \$24.27 per week.

Schedule 2 clause 10: amended, on 1 April 2018, by regulation 5 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

11 In clause 3(f) and (m), **telephone rental costs**—

- (a) means the regular and ongoing costs of renting a basic telephone, or of telephone line rental, or of both, as well as any wiring maintenance charges paid; and therefore
- (b) does not include toll charges.

12 In clause 3(k), **gross costs of essential childcare**, in relation to an applicant for temporary additional support, means the costs, up to a maximum of \$6 per child per hour, of childcare—

- (a) that enables the applicant, or his or her spouse or partner, or both, to take part in employment; or
- (b) that is required because the applicant is, or his or her spouse or partner is, or both of them are, seriously disabled or seriously ill.

Schedule 3

Standard costs

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Part 1

Standard costs if Part 2 does not apply

Applicant	Standard costs
1 Person who is a beneficiary	<p>70% of the total before any abatement on account of income or other deduction of the amount per week of—</p> <p>(a) the net rate of the 1 or more specified benefits payable to the person and his or her spouse or partner (if any); and</p> <p>(b) any family tax credit payable to the person or the person's spouse or partner under subparts MA to MG and MZ of the Income Tax Act 2007</p>
2 Person who is a non-beneficiary	The amount in clause 1, calculated as if jobseeker support were payable to the person and to his or her spouse or partner (if any)

Schedule 3 clause 1: amended, on 1 April 2006, by regulation 6(a) of the Social Security (Temporary Additional Support) Amendment Regulations 2006 (SR 2006/48).

Schedule 3 clause 1(a): amended, on 1 April 2006, by regulation 6(b) of the Social Security (Temporary Additional Support) Amendment Regulations 2006 (SR 2006/48).

Schedule 3 clause 1(b): amended, on 1 July 2018, by regulation 8 of the Social Security (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23).

Schedule 3 clause 1(b): amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 3 clause 1(b): amended (with effect from 1 April 2007), on 19 December 2007, by section 304 of the Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109).

Schedule 3 clause 2: amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Part 2

Standard costs if spouse or partner unlawfully in New Zealand

Applicant	Standard costs
Person who is married or in a civil union and whose spouse or partner is unlawfully in New Zealand	The standard costs that would otherwise apply to the applicant if he or she were single

Reprinted as at
1 July 2018

**Social Security (Temporary Additional Support)
Regulations 2005**

Schedule 3

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 15 December 2005.

Reprints notes

1 *General*

This is a reprint of the Social Security (Temporary Additional Support) Regulations 2005 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 (Temporary Additional Support) Amendment Regulations 2018 (LI 2018/23)
Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2017 (LI 2017/225)
Social Security (Temporary Additional Support) Amendment Regulations 2016 (LI 2016/233)
Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2014 (LI 2014/385)
Veterans' Support Act 2014 (2014 No 56): section 278
Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150
Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13): sections 66(b), 86, 97, 114, 129
Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2012 (SR 2012/45)
Social Security (Temporary Additional Support) Amendment Regulations 2012 (SR 2012/6)
Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2011 (SR 2011/100)
Social Security (Temporary Additional Support— Canterbury Earthquake TAA Programme) Amendment Regulations 2011 (SR 2011/42)
Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2011 (SR 2011/41)
Social Security (Temporary Additional Support) Amendment Regulations 2011 (SR 2011/5)
Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2010 (SR 2010/320)
Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2010 (SR 2010/290)
Accident Compensation Amendment Act 2010 (2010 No 1): section 49
Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2009 (SR 2009/406)

Immigration Act 2009 (2009 No 51): section 406(2)
Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2008 (SR 2008/449)
Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2008 (SR 2008/350)
Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2008 (SR 2008/70)
Taxation (Business Taxation and Remedial Matters) Act 2007 (2007 No 109): section 304
Income Tax Act 2007 (2007 No 97): section ZA 2(1)
Social Security (Temporary Additional Support) Amendment Regulations (No 4) 2007 (SR 2007/322)
Social Security (Temporary Additional Support) Amendment Regulations (No 3) 2007 (SR 2007/177)
Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2007 (SR 2007/96)
Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34): section 5(2)(i)
Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2006 (SR 2006/71)
Social Security (Temporary Additional Support) Amendment Regulations 2006 (SR 2006/48)