



Social Security (COVID-19 Recovery—Exemption from Stand Down, and Expiry and Regrant of Benefits) Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 3rd day of August 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under sections 440 and 441 of the Social Security Act 2018—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for regulations made under section 440 of that Act (*see*, in particular, regulations 4 and 5 of these regulations), on the Minister's recommendation made in accordance with section 440(4) and (5) of that Act.

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Regulations

1 Title

These regulations are the Social Security (COVID-19 Recovery—Exemption from Stand Down, and Expiry and Regrant of Benefits) Amendment Regulations 2020.

2 Commencement

- (1) These regulations come into force on 10 August 2020.
- (2) However,—
 - (a) regulation 5 comes into force on 25 July 2021; and
 - (b) regulation 7 comes into force on 30 March 2021.

3 Principal regulations

These regulations amend the Social Security Regulations 2018 (the **principal regulations**).

Exemption from stand down

4 New regulation 179B inserted (Exemptions from stand down: COVID-19 recovery)

After regulation 179A, insert:

179B Exemptions from stand down: COVID-19 recovery

- (1) This regulation applies to a benefit if the later of the following dates occurs on or after 23 November 2020 and before 25 July 2021:
 - (a) the date the applicant became entitled to receive the benefit; and
 - (b) the date the application for the benefit was received.
- (2) The benefit commences under subclause (3) only if the application for the benefit was received within 28 days after the date on which the applicant became entitled to receive it and the benefit is—
 - (a) sole parent support; or

- (b) a supported living payment; or
 - (c) jobseeker support granted on the ground of health condition, injury, or disability; or
 - (d) jobseeker support granted to a sole parent, or to a person to whom section 30(1)(e) of the Act (which relates to having lost the regular support of a spouse or partner who is subject to a sentence of imprisonment, etc) applies; or
 - (e) jobseeker support granted to a person who has recently lost the financial support of the person's spouse or partner because of death, the spouses or partners commencing to live apart, or the ending of a de facto relationship; or
 - (f) a youth payment; or
 - (g) a young parent payment.
- (3) The benefit commences on whichever of the following occurs later:
- (a) the date on which the applicant became entitled to receive it:
 - (b) the day after the date on which the applicant's employment ceased.
- (4) If the benefit does not commence under subclause (3), the benefit commences on whichever of the following occurs last:
- (a) the date on which the applicant became entitled to receive it:
 - (b) the day after the date on which the applicant's employment ceased:
 - (c) the date on which the application for it was received.

5 Regulation 179B revoked (Exemptions from stand down: COVID-19 recovery)

Revoke regulation 179B.

Expiry and regrant of benefits

6 Regulation 189 amended (Exemptions from expiry)

After regulation 189(e), insert:

- (f) the beneficiary's specified benefit expires in the period—
 - (i) starting on the day that is the earlier of—
 - (A) the day on which the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked; and
 - (B) 24 September 2020; and
 - (ii) ending on the close of 29 March 2021.

7 Regulation 189 amended (Exemptions from expiry)

Revoke regulation 189(f).

Transitional, savings, and related provisions

8 Schedule 1 amended

In Schedule 1, after Part 4, insert the Part 5 set out in the Schedule of these regulations.

Schedule
New Part 5 inserted into Schedule 1

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Part 5
**Provisions relating to Social Security (COVID-19 Recovery—
Exemption from Stand Down, and Expiry and Regrant of Benefits)**
Amendment Regulations 2020

7 Effect of revocation of regulation 179B

The revocation of regulation 179B on 25 July 2021 does not affect the operation of that regulation as in force before that date.

8 Application of regulation 189(f)

(1) In this clause, **commencement** means the start of the day that is the earlier of—

- (a) the day on which the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked; and
- (b) 24 September 2020.

(2) Regulation 189(f) prescribes circumstances in which MSD may, after the commencement, and under section 334 of the Act, consider an exemption from expiry under section 332 of the Act for a specified benefit that is—

- (a) a specified benefit granted before the commencement, but the expiry date for which is on or after the commencement; or
- (b) a specified benefit granted on or after the commencement.

9 Effect of revocation of regulation 189(f)

The revocation of regulation 189(f) on 30 March 2021 does not affect the operation of that regulation as in force before that date.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, most of which come into force on 10 August 2020, amend the Social Security Regulations 2018.

Exemption from stand down

New regulation 179B is inserted to provide a temporary exemption of a benefit from a stand down if the later of the following dates occurs on or after 23 November 2020 and before 25 July 2021:

- the date the applicant became entitled to receive the benefit; and
- the date the application for the benefit was received.

New regulation 179B is similar to regulation 179A (as in force on and after 13 March 2020 and before 23 November 2020).

Expiry and regrant of benefits: exemption from expiry

Regulation 189 is amended to prescribe new circumstances in which MSD may, under section 334 of the Social Security Act 2018, consider an exemption from expiry under section 332 of that Act for a specified benefit (jobseeker support or sole parent support). *New regulation 189(f)* provides a time-based temporary exemption for beneficiaries whose specified benefit expires in the period—

- starting on the day that is the earlier of—
 - the day on which the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked; and
 - 24 September 2020; and
- ending on the close of 29 March 2021.

Revocations

New regulation 179B is revoked on 25 July 2021. *New regulation 189(f)* is revoked on 30 March 2021.

Regulatory impact statement

The Treasury has determined that these regulations are a direct COVID-19 response and has suspended the regulatory impact statement requirements (in accordance with CAB-20-MIN-0138).

**Social Security (COVID-19 Recovery—Exemption from
Stand Down, and Expiry and Regrant of Benefits)
Amendment Regulations 2020**

2020/179

Issued under the authority of the Legislation Act 2012.

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Wellington, New Zealand:

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