Version
as at 10 July 2026

Disabled Persons Community Welfare Act 1975

Public Act	1975 No 122
Date of assent	10 October 1975
Commencement	see section 1(2)

Contents

		Page
	Title	3
1	Short Title and commencement	3
2	Interpretation	3
3	Administration	7
3A	Effect on Disabled Persons Employment Promotion Act 1960	7
4	Aims of Minister and Director-General	7
5	Delegation of functions and powers by Director-General	8
5A	Exercise of Director-General's discretion	9
	Part 1 **Advisory Council for the Community Welfare of Disabled Persons** *[Repealed]*	
6	Advisory Council *[Repealed]*	10
7	Meetings of Advisory Council *[Repealed]*	10
8	Function of Council *[Repealed]*	10
9	Remuneration and travelling allowances of certain members of Council *[Repealed]*	10

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Social Development and the Ministry of Health.

Part 2
Promotion of community welfare of disabled persons

[Repealed]

Assistance to families and persons

[Repealed]

10 Director-General may consult others *[Repealed]* 10
11 Family care *[Repealed]* 11
12 Relief for parents and guardians *[Repealed]* 11
13 Expenses and other costs *[Repealed]* 11
14 Grants for incorporating essential features in homes *[Repealed]* 11
15 Provision for walking frames *[Repealed]* 11
15A Provision of aids and appliances *[Repealed]* 11
16 Training of young persons *[Repealed]* 11
16A Grants and loans for purchase of motor vehicles, etc *[Repealed]* 11

Assistance to voluntary and charitable organisations

[Repealed]

17 Assistance to approved organisations *[Repealed]* 12
18 Registration *[Repealed]* 12
19 Director-General may require structural alterations *[Repealed]* 12
20 Further provisions as to cancellation and suspension of registration *[Repealed]* 12
21 Appeal against refusal or cancellation of registration *[Repealed]* 12
22 Inspection *[Repealed]* 12
22A Building Act 1991 *[Repealed]* 12
23 Application of Children and Young Persons Act 1974 *[Repealed]* 12

Streets and premises open to public

[Repealed]

24 Streets, etc *[Repealed]* 13
25 Access and facilities to and within buildings *[Repealed]* 13

Part 2A
Right of persons in residential care to review

25A Right of review 13
25B Who may apply for review 14
25C Procedure and time limits for applying for review 14
25D Director-General to appoint disability services review officers 16
25E Conduct of review 16
25F Outcome of review 17

Part 3
Vocational training of the disabled

26 Programme for vocational training 18

27 Financial assistance to approved agencies 20
28 Rehabilitation allowance 21

Part 4
General provisions

29 Financial provisions 21
30 Provisions in special circumstances 21
30A Effect of depriving oneself of income or assets 21
31 Regulations 22
32 Repeal and amendment *[Repealed]* 23

An Act to make better provision for financial and other assistance in respect of the disabled, and for the support of voluntary organisations and private organisations concerned with providing facilities for the community welfare, sheltered employment, training, and day care of disabled persons

1 Short Title and commencement

(1) This Act may be cited as the Disabled Persons Community Welfare Act 1975.

(2) Except as provided in subsection (5) of section 12, this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

(3) The order is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): this Act (except section 12) brought into force, on 5 November 1976, by the Disabled Persons Community Welfare Act Commencement Order 1976 (SR 1976/284).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

In this Act, unless the context otherwise requires,—

approved specialist means a person suitably qualified by training or experience who is either—

(a) approved by the Director-General for the purposes of this Act; or

(b) is a member of a class of specialists approved by the Director-General for the purposes of this Act

assessment, in relation to a disabled person, means the process of assessing the various factors involved in determining his potential capacity to benefit from training, sheltered employment, and day care

day care means the care of a disabled person for a period during the day under adequate supervision in an occupational centre

Director-General,—

(a) in, or in relation to, Parts 2 and 2A, means the Director-General of Health:

(b) in, or in relation to, Parts 3 and 4, means the chief executive of the department for the time being responsible for the administration of the Social Security Act 2018:

(c) otherwise, as appropriate, means that Director-General, or that chief executive, or both

disabled person means any person who suffers from physical or mental disablement to such a degree that he is seriously limited in the extent to which he can engage in the activities, pursuits, and processes of everyday life

disability support services has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

Health New Zealand has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

home, except in relation to section 14,—

(a) includes any institution, cottage home, family home, group home or hostel, or other premises which are not administered by the Crown and which are intended to accommodate or provide for 5 or more disabled persons; but

(b) does not include a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001 or a hospital or institution specifically exempted by the Minister from the application of this Act

lease includes a licence; and **lessee** has a corresponding meaning

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

Minister, in relation to any provisions of this Act, means, subject to any enactment, the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of those provisions

New Zealand Health Plan has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

occupational centre means a place where a disabled person who has a seriously limited or no capacity for work, can take part in appropriate activities under supervision

partner has the same meaning as in the Social Security Act 2018

residential care services has the same meaning as in Schedule 2 of the Social Security Act 2018

review officer means a person appointed under section 25D(1)

service agreement means an agreement in which 1 or more health entities as defined in section 4 of the Healthy Futures (Pae Ora) Act 2022 agree to provide money to a person in return for the person providing services within the meaning of section 4 of that Act or arranging for the provision of those services

sheltered employment means employment for disabled persons in suitable occupations under conditions less stringent than those found in normal work situations

sheltered workshop means a place where sheltered employment is available, being a place owned or controlled by an organisation approved by the Minister of Labour under section 2 of the Disabled Persons Employment Promotion Act 1960 in which disabled persons are engaged in sheltered employment

spouse has the same meaning as in the Social Security Act 2018

training, in relation to a disabled person, means the training of the person to enable him to undertake suitable work, whether full-time or part-time

work experience, in relation to a disabled person, means the opportunity for that person to experience and adjust to the ordinary requirements of work situations, including the physical and psychological demands of work of various kinds.

Section 2 **Advisory Council** or **Council**: repealed, on 26 October 1988, by section 2 of the Disabled Persons Community Welfare Amendment Act 1988 (1988 No 146).

Section 2 **approved specialist**: inserted, on 1 July 1993, by section 26(1) of the Health Sector (Transfers) Act 1993 (1993 No 23).

Section 2 **Area Health Board specialist**: repealed, on 1 July 1993, by section 26(1) of the Health Sector (Transfers) Act 1993 (1993 No 23).

Section 2 **Crown funding agreement**: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2 **department**: repealed, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **Director-General**: substituted, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **Director-General** paragraph (b): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 2 **disability services**: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2 **disability support services**: inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2 **disability support services**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2 **district health board**: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2 **funder**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 2 **Health Funding Authority**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 2 **Health New Zealand**: inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2 **Health New Zealand**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2 **home**: substituted, on 1 July 1993, by section 26(1) of the Health Sector (Transfers) Act 1993 (1993 No 23).

Section 2 **home** paragraph (b): substituted, on 1 October 2002, by section 58(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 2 **hospital board specialist**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 2 **local authority**: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **Māori Health Authority**: repealed, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 2 **medical practitioner**: substituted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2 **Minister**: substituted, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **New Zealand Health Plan**: replaced, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2 **partner**: inserted, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 2 **partner**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 2 **purchase agreement**: repealed, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **purchaser**: repealed, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **regional health authority**: repealed, on 1 July 1998, by section 5(4) of the Health and Disability Services Amendment Act 1998 (1998 No 74).

Section 2 **residential care services**: inserted, on 16 December 1997, by section 2(1) of the Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69).

Section 2 **residential care services**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 2 **review officer**: inserted, on 16 December 1997, by section 2(1) of the Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69).

Section 2 **service agreement**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2 **service agreement**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2 **spouse**: inserted, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 2 **spouse**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

3 Administration

(1) This Act is administered as follows:

(a) Parts 2 and 2A are administered in the Ministry of Health:

(b) the rest of this Act is administered in the department for the time being responsible for the administration of the Social Security Act 2018.

(2) The Director-General, under the general direction and control of the Minister—

(a) carries out the administration of provisions of this Act; and

(b) exercises all the powers conferred on the Director-General by this Act.

Section 3: substituted, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 3(1)(b): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

3A Effect on Disabled Persons Employment Promotion Act 1960

Nothing in this Act restricts—

(a) the Disabled Persons Employment Promotion Act 1960; or

(b) any Act providing for the rehabilitation and placement in employment of sick or disabled persons.

Section 3A: inserted, on 16 December 1997, by section 3(1) of the Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69).

4 Aims of Minister and Director-General

Without limiting in any way the functions and powers conferred on the Minister or on the Director-General by this Act, the aims of the Minister and the Director-General in the exercise of those functions and powers shall include—

(a) to assist and encourage disabled persons to become socially and financially independent:

(b) to promote schemes providing for the assessment, work experience, training, sheltered employment, and other suitable activities of disabled persons:

(c) to promote the general well-being, recreational opportunities, and welfare in the community of disabled persons by assisting individuals, families, and sections of the community to overcome social problems associated with physical or mental handicap:

(d) to assist voluntary or charitable organisations engaged in the provision of services and facilities for the welfare in the community of disabled persons:

(e) to foster close working relationships, and (as appropriate) consult, with government departments, Health New Zealand, and other bodies, organisations, and professions concerned with rehabilitation and training of disabled persons and their placement in employment:

(f) to co-operate with the Accident Compensation Corporation under the Accident Compensation Act 2001 in so far as its responsibilities relate to the promotion of the rehabilitation of persons who suffer personal injury for which they have cover under that Act:

(g) to promote the co-ordination of services and facilities within the community designed to advance the welfare of disabled persons:

(h) to encourage and stimulate public interest in the provision of services and facilities for the welfare in the community of disabled persons.

Section 4(e): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 4(e): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 4(e): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 4(f): substituted, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

Section 4(f): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

5 Delegation of functions and powers by Director-General

(1) With the written consent of the Minister, the Director-General may from time to time, either generally or particularly, delegate to such department of State, body corporate, or other agent (whether or not a body corporate) as he thinks fit all or any of the functions and powers exercisable by him under this Act, but (except as provided in subsection (2)) not including this present power of delegation.

(2) In the case of any such delegation to the Accident Compensation Corporation,—

(a) the Director-General must consult the chairperson of the Accident Compensation Corporation as to the terms and conditions of the delegation before he or she makes it:

(b) the delegation may authorise the Corporation to subdelegate all or any of the functions and powers delegated to it to any of its agents appointed under clause 25 of Schedule 5 of the Accident Compensation Act 2001 and (subject to the provisions of this Act) the provisions of that clause

apply to any such subdelegation as if it were a delegation under that clause.

(3) Subject to any general or special directions given or conditions attached by the Director-General, the department of State, body corporate, or agent to which or to whom any powers are delegated or subdelegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on it or him directly by this section and not by delegation.

(4) Every department of State, body corporate, and agent purporting to act pursuant to any delegation or subdelegation under this section shall be presumed to be acting in accordance with the terms of the delegation or subdelegation in the absence of proof to the contrary.

(5) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(6) Any delegation or subdelegation under this section shall, with the written consent of the Minister, be revocable at will, and no such delegation or subdelegation shall prevent the exercise of any power by the Director-General.

(7) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Director-General.

(8) The Director-General may grant to any department of State, body corporate, or other agent such sums as may reasonably be required to enable it or him to exercise any functions or powers conferred on it or him by the Director-General under this section.

Section 5(2): substituted, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 5(2)(b): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 5(2)(b): amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

5A Exercise of Director-General's discretion

In the exercise of his or her powers of discretion under this Act, the Director-General shall have regard to the income and assets of the disabled person and his or her spouse or partner, and, in the case of a disabled child, the income and assets of that child's parents and any other person who is liable in law to maintain that child.

Section 5A: inserted, on 1 October 1991, by section 2 of the Disabled Persons Community Welfare Amendment Act 1991 (1991 No 79).

Section 5A: amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Part 1
Advisory Council for the Community Welfare of Disabled Persons

[Repealed]

Part 1: repealed, on 26 October 1988, by section 3 of the Disabled Persons Community Welfare Amendment Act 1988 (1988 No 146).

6 Advisory Council

[Repealed]

Section 6: repealed, on 26 October 1988, by section 3 of the Disabled Persons Community Welfare Amendment Act 1988 (1988 No 146).

7 Meetings of Advisory Council

[Repealed]

Section 7: repealed, on 26 October 1988, by section 3 of the Disabled Persons Community Welfare Amendment Act 1988 (1988 No 146).

8 Function of Council

[Repealed]

Section 8: repealed, on 26 October 1988, by section 3 of the Disabled Persons Community Welfare Amendment Act 1988 (1988 No 146).

9 Remuneration and travelling allowances of certain members of Council

[Repealed]

Section 9: repealed, on 26 October 1988, by section 3 of the Disabled Persons Community Welfare Amendment Act 1988 (1988 No 146).

Part 2
Promotion of community welfare of disabled persons

[Repealed]

Part 2: repealed, on 1 October 2004, pursuant to section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Assistance to families and persons

[Repealed]

Heading: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

10 Director-General may consult others

[Repealed]

Section 10: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

11 Family care

[Repealed]

Section 11: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

12 Relief for parents and guardians

[Repealed]

Section 12: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

13 Expenses and other costs

[Repealed]

Section 13: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

14 Grants for incorporating essential features in homes

[Repealed]

Section 14: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

15 Provision for walking frames

[Repealed]

Section 15: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

15A Provision of aids and appliances

[Repealed]

Section 15A: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

16 Training of young persons

[Repealed]

Section 16: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

16A Grants and loans for purchase of motor vehicles, etc

[Repealed]

Section 16A: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

Assistance to voluntary and charitable organisations

[Repealed]

Heading: repealed, on 1 October 2004, pursuant to section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

17 Assistance to approved organisations

[Repealed]

Section 17: repealed, on 1 November 1997, by section 26(2)of the Health Sector (Transfers) Act 1993 (1993 No 23).

18 Registration

[Repealed]

Section 18: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

19 Director-General may require structural alterations

[Repealed]

Section 19: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

20 Further provisions as to cancellation and suspension of registration

[Repealed]

Section 20: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

21 Appeal against refusal or cancellation of registration

[Repealed]

Section 21: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

22 Inspection

[Repealed]

Section 22: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

22A Building Act 1991

[Repealed]

Section 22A: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

23 Application of Children and Young Persons Act 1974

[Repealed]

Section 23: repealed, on 1 November 1989, by section 456(1) of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).

Streets and premises open to public

[Repealed]

Heading: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

24 Streets, etc

[Repealed]

Section 24: repealed, on 1 April 1979, by section 4(1) of the Local Government Amendment Act 1978 (1978 No 43).

25 Access and facilities to and within buildings

[Repealed]

Section 25: repealed, on 1 November 1997, by section 26(2) of the Health Sector (Transfers) Act 1993 (1993 No 23).

Part 2A
Right of persons in residential care to review

Part 2A: inserted, on 16 December 1997, by section 6(1) of the Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69).

25A Right of review

(1) This Part applies to a person who—

(a) has an intellectual, physical, psychiatric, or sensory disability; and

(b) because of that disability, enters residential care of a kind that is funded under the New Zealand Health Plan or a service agreement or an arrangement of the kind described in section 94 of the Healthy Futures (Pae Ora) Act 2022; and

(c) is not a resident assessed as requiring care, as that term is defined in section 5 of the Residential Care and Disability Support Services Act 2018.

(2) A person to whom this Part applies has a right to a review of—

(a) the adequacy of any disability services needs assessment provided in respect of that person under the New Zealand Health Plan or a service agreement or an arrangement of the kind described in section 94 of the Healthy Futures (Pae Ora) Act 2022; or

(b) whether or not the person's disability services needs, as assessed by a disability services needs assessment provided in respect of that person under the New Zealand Health Plan or a service agreement or an arrangement of the kind described in section 94 of the Healthy Futures (Pae Ora) Act 2022, are appropriately met by—

(i) the residential care the person entered following the disability services needs assessment; or

(ii) the residential care services purchased for the person following the disability services needs assessment.

Section 25A: substituted, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25A(1)(b): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 25A(1)(b): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 25A(1)(c): substituted, on 1 July 2005, by section 13(2) of the Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101).

Section 25A(1)(c): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 25A(2)(a): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 25A(2)(a): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 25A(2)(b): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 25A(2)(b): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

25B Who may apply for review

An application for a review may be made by—

(a) a person to whom this Part applies; or

(b) any other person, acting on behalf of such a person, who is—

(i) authorised by the person to make the application, by power of attorney or otherwise; or

(ii) the welfare guardian of the person or the manager of the property of the person appointed under the Protection of Personal and Property Rights Act 1988; or

(iii) a close relative of the person, including the spouse or partner of the person.

Section 25B: inserted, on 16 December 1997, by section 6(1) of the Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69).

Section 25B(b)(iii): substituted, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

25C Procedure and time limits for applying for review

(1) An application for a review must—

(a) be made to the Director-General; and

(b) be in writing; and

(c) contain an address at which the applicant wishes to receive correspondence relating to the review.

(2) An applicant for a review may at any time change the address for correspondence by notifying the Director-General in writing of the new address.

(3) An application for a review must be made within 3 months of the latest of the following dates:

(a) the date on which a copy of the disability services needs assessment is given or sent to the person; or

(b) the date on which the person enters residential care; or

(c) the date on which the Minister of Health—

(i) enters into an agreement with a service provider to provide residential care services to the person; or

(ii) enters into an agreement in renewal of or substitution for a previous agreement, being a renewed or substituted agreement that contains a change in the residential care services to be provided to the person; or

(d) the date on which Health New Zealand—

(i) enters into a service agreement or an arrangement of the kind described in section 94 of the Healthy Futures (Pae Ora) Act 2022 with a service provider to provide residential care services to the person; or

(ii) enters into a service agreement or into an arrangement of that kind in renewal of or substitution for a previous service agreement or arrangement, being a renewed or substituted agreement or arrangement that contains a change in the residential care services to be provided to the person.

(4) The Director-General may accept an application for a review after the time stated in subsection (3) if the Director-General is satisfied that there is good reason for the delay.

Section 25C: substituted, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25C(3)(c)(i): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 25C(3)(c)(ii): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 25C(3)(d): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 25C(3)(d): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 25C(3)(d)(i): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 25C(3)(d)(i): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

25D Director-General to appoint disability services review officers

(1) The Director-General must appoint a sufficient number of persons to conduct reviews.

(2) Every review officer must—

(a) be suitable, in the opinion of the Director-General, to conduct reviews; and

(b) be experienced in relation to the provision of disability services; and

(c) have a recognised qualification relating to the provision of disability services.

(3) A review officer may be either—

(a) an employee of the Ministry of Health; or

(b) a person engaged by the Director-General to conduct a particular review or reviews generally. The person may carry out other functions for the Ministry of Health.

(4) A review officer must not conduct a review if he or she was connected in any material way with—

(a) any disability services needs assessment made for the person; or

(b) the entry into residential care of the person; or

(c) the New Zealand Health Plan or any service agreement or an arrangement of the kind described in section 94 of the Healthy Futures (Pae Ora) Act 2022 for residential care services for the person.

(5) The Ministry of Health must supply all the secretarial and administrative services that the review officer needs to carry out his or her functions.

Section 25D: substituted, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25D(4)(c): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 25D(4)(c): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

25E Conduct of review

(1) A review officer appointed to conduct a review must have regard to—

(a) the application for the review and any written submissions made by or on behalf of the person; and

(b) any relevant disability services needs assessment in respect of the person; and

(c) any explanation or submissions made by the Ministry of Health or any person who assessed the needs of the person.

(2) A review officer is not required to hold an oral hearing for the purposes of a review but may do so if he or she thinks fit, and may from time to time adjourn the hearing.

(3) A review officer may request any person to attend before him or her to answer any questions or provide any information relevant to the review.

(4) A person requested to attend before a review officer—

(a) is under no compulsion to do so; and

(b) has the same privileges in relation to answering questions put by the review officer or providing information to the review officer as witnesses have in courts of law.

Section 25E: inserted, on 16 December 1997, by section 6(1) of the Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69).

Section 25E(1)(c): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

25F Outcome of review

(1) A review officer who has conducted a review must, after considering the matter, either—

(a) make such recommendations as he or she thinks fit to the Ministry of Health concerning any 1 or more of the following matters:

(i) the disability services needs assessment in respect of the person:

(ii) the residential care of the person:

(iii) the residential care services provided to the person; or

(b) decide to make no recommendation concerning the subject matter of the review.

(2) A review officer must notify the applicant for the review of—

(a) any recommendation or decision made by the review officer; and

(b) the reasons for any such recommendation or decision.

(3) The Ministry of Health has a public duty to—

(a) consider the recommendation and the reasons for it; and

(b) take such action in respect of it as the Ministry of Health considers appropriate; and

(c) notify the applicant for the review of the action it has taken.

(4) Every notification under this section to the applicant for the review must—

(a) be in writing; and

(b) be—

(i) delivered personally to the applicant; or

(ii) left at the last address for correspondence notified to the Ministry of Health under section 25C(1) or (2); or

(iii) posted in a letter addressed to the applicant at that address.

(5) The Ministry of Health must include in its annual report a statement setting out, in respect of the year to which the report relates, the following information in relation to reviews:

(a) the number and nature of the applications that have been made; and

(b) the number in which recommendations have been made to the Ministry of Health and a summary of those recommendations; and

(c) the number of recommendations acted upon by the Ministry of Health and a summary of the actions taken by the Ministry of Health.

Section 25F: inserted, on 16 December 1997, by section 6(1) of the Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69).

Section 25F(1)(a): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25F(3): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25F(3)(b): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25F(4)(b)(ii): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25F(5): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25F(5)(b): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25F(5)(c): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 25F(5)(c): amended, on 1 January 2001, pursuant to section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Part 3
Vocational training of the disabled

26 Programme for vocational training

(1) The Director-General shall, under the general direction and control of the Minister, administer a programme for the training, sheltered employment, and day care of disabled persons.

(2) The Director-General shall make such arrangements as he considers necessary—

(a) for disabled persons to—

(i) undergo assessment, and undertake work experience or training, for employment:

(ii) receive education or technical training with a view to employment:

(iii) obtain practical experience necessary in each case to qualify the disabled person to undertake any employment that, in the opinion of the Director-General, is suitable having regard to any educational qualifications, skill, or aptitude of that disabled person:

(iv) undertake employment in a sheltered workshop:

(b) to enable disabled persons to attend an occupational centre for day care.

(3) For the purpose of the foregoing provisions of this section the Director-General may:

(a) grant financial assistance towards the expenses of any disabled person undergoing any period of assessment, work experience, training, or education:

(b) grant financial assistance towards travelling and accommodation expenses of any disabled person to whom the provisions of paragraph (a) apply in cases where the person is required to reside away from his ordinary place of residence:

(c) grant financial assistance towards the cost of training or education or clothing, or the obtaining of practical experience or equipment, necessary to enable any disabled person to engage in any occupation that in the opinion of the Director-General is suitable:

(d) set up or arrange for facilities for research into aspects of training, sheltered employment, and day care:

(e) provide for the instruction and training of staff engaged in the provision of training, sheltered employment, and day care facilities for disabled persons:

(f) provide, equip, and administer buildings and institutions for the establishment of facilities for the training, sheltered employment, and day care of disabled persons:

(g) appoint or approve the appointment of suitably qualified staff necessary to operate any establishment administered by the Director-General under this Act:

(h) provide, or arrange, in consultation with the chief executive of the Department of Labour, for selected disabled persons, including persons selected under section 16, to undertake training or work experience in any office, factory, or other place of employment; and in doing so require that the terms and conditions of the placement of the persons with an employer be the subject of an agreement between—

(i) the Director-General or any department of State, body corporate, or agent authorised by the Director-General under section 5; and

(ii) that employer; and

(iii) such union registered under the Employment Relations Act 2000 as the Director-General may specify.

(i) *[Repealed]*

(4) In determining the extent of any financial assistance for disabled persons under subsection (3), the chief executive of the department for the time being responsible for the administration of the Social Security Act 2018 may have regard to any assistance provided under the Accident Compensation Act 2001 or from any other source.

Section 26(3)(h): amended, on 16 October 1989, pursuant to section 2(8) of the Labour Department Act Repeal Act 1989 (1989 No 82).

Section 26(3)(h)(iii): substituted, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Section 26(3)(i): repealed, on 13 September 1979, by section 2(2) of the Disabled Persons Community Welfare Amendment Act 1979.

Section 26(4): substituted, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 26(4): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 26(4): amended, on 3 March 2010, pursuant to section 5(2) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 26(4): amended, on 1 April 2002, by section 337(1) of the Accident Compensation Act 2001 (2001 No 49).

27 Financial assistance to approved agencies

(1) Subject to any general or special directions that he may give, the Director-General may from time to time grant financial assistance towards:

(a) the remuneration of authorised staff of approved voluntary or charitable organisations engaged in the training, sheltered employment, and day care of disabled persons, or in operating sheltered workshops or occupational centres for the disabled:

(b) the provision of buildings and equipment required by approved voluntary or charitable organisations for the purpose of the training, sheltered employment, and day care of the disabled, or in connection with the operation of sheltered workshops or occupational centres for the disabled:

(c) the provision of buildings and equipment and financial assistance required by approved co-operatives or any other approved organisations established for the purpose of providing full-time or part-time employment for disabled persons:

(d) the provision of financial assistance to enable a disabled person to become self-employed.

(2) If the organisation or co-operative to which any financial assistance under this section has been made sells or otherwise disposes of its buildings and

equipment or ceases to provide services of a nature or standard consistent with the conditions under which the grant was made, the Minister may direct the Director-General to take such action as the Minister considers justified and possible to obtain repayment of that grant in part or in full.

28 Rehabilitation allowance

(1) In any case where a disabled person is undertaking assessment, work experience, education, or training for employment in an organisation carrying out an approved training programme under this Part, the Director-General may, in his discretion, grant a rehabilitation allowance to that person.

(2) Any rehabilitation allowance granted under this section shall be at a rate determined to be appropriate in the circumstances by the Director-General, but shall not in any case exceed the maximum rate that may from time to time be prescribed by regulations made under section 31.

(3) *Amendment(s) incorporated in the Act(s)*.

Part 4
General provisions

29 Financial provisions

There shall from time to time be paid out of a Crown Bank Account, from money appropriated by Parliament for the purposes of this Act, all remuneration, allowances, and other expenditure payable or incurred under or in the administration of this Act.

Section 29: amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

30 Provisions in special circumstances

(1) Notwithstanding anything to the contrary in this Act, the Minister may make such special arrangements as in the circumstances he considers advisable, for the purpose of providing that adequate services instead of or in addition to the assistance provided for by this Act, will be made available for the benefit of any person or classes of persons.

(2) The Minister may, from time to time as occasion requires in any particular case or class of case, make such special arrangements as in his opinion are necessary for the effective operation of this Act and of any regulations made pursuant to section 31.

(3) All fees and other money payable in respect of any arrangements made under this section shall be paid by the Director-General.

30A Effect of depriving oneself of income or assets

(1) If the Director-General is satisfied that any person whose assets or income affect the exercise of the Director-General's discretion under section 5A has

directly or indirectly deprived himself or herself of any income or assets which results in the applicant becoming entitled to receive assistance under this Act, the Director-General may, in the Director-General's discretion, refuse to grant, reduce, or terminate any assistance to the applicant.

(2) If any person whose assets or income affect the exercise of the Director-General's discretion under section 5A—

(a) lets his or her home; or

(b) sells it on terms that—

(i) provide for the payment of the whole or any part of the purchase money by instalments; or

(ii) secure the whole or any part of the purchase money by mortgage—

the Director-General may, in the Director-General's discretion, set off against the rent or interest that person derives from letting or selling his or her home—

(c) any rent payable by that person in respect of the tenancy of another home:

(d) any interest payable, or unpaid purchase money owing, by that person in respect of the purchase of another home:

(e) any interest payable by that person, or any money advanced to that person, for the purchase of another home:

(f) any money payable by that person in respect of his or her board, lodging, or maintenance, whether in a private home or in any public or private institution.

Section 30A: inserted, on 1 October 1991, by section 5 of the Disabled Persons Community Welfare Amendment Act 1991 (1991 No 79).

31 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the maximum amount of the payments, and conditions in respect of the payments, to be made by the Director-General in respect of financial assistance provided for by this Act or by any regulations made under this Act to disabled persons and other persons:

(b) prescribing the terms and conditions under which financial assistance may be granted to voluntary and charitable organisations under this Act:

(c) prescribing the terms and conditions under which special arrangements may be made under section 26(2):

(d) *[Repealed]*

(e) *[Repealed]*

(f) prescribing the conditions under which the staff of voluntary or charitable organisations may be regarded as authorised for the purposes of section 27(1)(a):

(g) providing for the release of medical or other information necessary for the Director-General to carry out his functions under this Act:

(h) prescribing the maximum rates of rehabilitation allowances:

(i) prescribing fees for the registration of homes under section 18:

(j) prescribing income tests or assets tests in relation to the receiving of financial assistance under this Act:

(k) providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 31(1)(d): repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 31(1)(e): repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 31(1)(i): substituted, on 1 October 1991, by section 6 of the Disabled Persons Community Welfare Amendment Act 1991 (1991 No 79).

Section 31(1)(j): added, on 1 October 1991, by section 6 of the Disabled Persons Community Welfare Amendment Act 1991 (1991 No 79).

Section 31(1)(k): added, on 1 October 1991, by section 6 of the Disabled Persons Community Welfare Amendment Act 1991 (1991 No 79).

Section 31(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

32 Repeal and amendment

[Repealed]

Section 32: repealed, on 1 November 1992, by section 137(2) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Notes

1 General

This is a consolidation of the Disabled Persons Community Welfare Act 1975 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5): section 43

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Secondary Legislation Act 2021 (2021 No 7): section 3

Social Security Act 2018 (2018 No 32): section 459

Accident Compensation Amendment Act 2010 (2010 No 1): section 5(1)(b)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Social Security (Long-term Residential Care) Amendment Act 2004 (2004 No 101): section 13(2)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)

Local Government Act 2002 (2002 No 84): section 262

Health and Disability Services (Safety) Act 2001 (2001 No 93): sections 58(1), 59(1)

Accident Compensation Act 2001 (2001 No 49): section 337(1)

New Zealand Public Health and Disability Act 2000 (2000 No 91): section 111(1)

Employment Relations Act 2000 (2000 No 24): section 240

Department of Child, Youth and Family Services Act 1999 (1999 No 82): section 13

Accident Insurance Act 1998 (1998 No 114): section 415(1)

Health and Disability Services Amendment Act 1998 (1998 No 74): section 5(4)

Disabled Persons Community Welfare Amendment Act 1997 (1997 No 69)

Health Sector (Transfers) Act 1993 (1993 No 23): section 26

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46): section 137(2)

Disabled Persons Community Welfare Amendment Act 1991 (1991 No 79)

Labour Department Act Repeal Act 1989 (1989 No 182): section 2(8)

Public Finance Act 1989 (1989 No 44): section 83(7)

Children, Young Persons, and Their Families Act 1989 (1989 No 24): section 456(1)

Disabled Persons Community Welfare Amendment Act 1988 (1988 No 146)

Disabled Persons Community Welfare Amendment Act 1979 (1979 No 84)

Local Government Amendment Act 1978 (1978 No 43): section 4(1)

Disabled Persons Community Welfare Act Commencement Order 1976 (SR 1976/284)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026