



# **Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2009**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 14th day of December 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 155 of the Social Security Act 1964, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## Regulations

### 1 Title

These regulations are the Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2009.

### 2 Commencement

These regulations come into force on 1 January 2010.

### 3 Principal regulations amended

These regulations amend the Social Security (Long-term Residential Care) Regulations 2005.

### 4 Assets exempt from means assessment

- (1) Regulation 10(1) is amended by inserting the following paragraph after paragraph (j):

“(ja) any amount of income derived by the person from a payment of the kind referred to in paragraph (j):”

- (2) Regulation 10(1) is amended by adding the following paragraphs:

“(l) any payment made to the person on or after 17 August 2007 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:

“(m) any amount of income derived by the person from a payment of a kind referred to in paragraph (l):

“(n) any payment made by or on behalf of the Crown to the person because the person is a victim:

“(o) any amount of income derived by the person from a payment of the kind referred to in paragraph (n).”

- (3) Regulation 10 is amended by revoking subclause (1A) and substituting the following subclause:

“(1A) The exemptions in subclause (1)(f), (h), and (j) to (o) apply only in respect of the first 12 months after the payment concerned is made.”

(4) Regulation 10 is amended by inserting the following subclause after subclause (1D):

“(1E) In subclause (1)(n), **victim** has the meaning given to it by regulation 3 of the Social Security (Income and Cash Assets Exemptions—Payments to Victims of Crime) Regulations 2009.”

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **Explanatory note**

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

These regulations, which come into force on 1 January 2010, are made under the Social Security Act 1964 (the **Act**). They extend the categories, prescribed by regulation 10 of the Social Security (Long-term Residential Care) Regulations 2005, of assets that are exempt from means assessment under Part 4 of the Act.

The new categories of exempt assets are—

- any amount of income derived by the person from a payment received from the Viet Nam Veterans and Their Families Trust (*new regulation 10(1)(ja)*); and
- any payment made to the person on or after 17 August 2007 by the EVSA (Neville Wallace Memorial) Children’s & Grandchildren’s Trust, and any income derived by the person from that payment (*new regulation 10(1)(l) and (m)*); and
- any payment made by or on behalf of the Crown to the person because the person is a victim, and any income derived by the person from that payment (*new regulation 10(1)(n) and (o)*).

These exemptions apply only in respect of the first 12 months after the payment is made.

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Care) Amendment Regulations (No 4) 2009**

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These regulations are administered by the Ministry of Social Development.

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