



Residential Care and Disability Support Services Amendment Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 25th day of February 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 74 of the Residential Care and Disability Support Services Act 2018 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Residential Care and Disability Support Services Amendment Regulations 2019.

2 Commencement

These regulations come into force on 1 April 2019.

3 Principal regulations

These regulations amend the Residential Care and Disability Support Services Regulations 2018 (the **principal regulations**).

4 Regulation 8 amended (Clothing allowance)

In regulation 8(2), replace “\$279.25” with “\$283.97”.

5 Regulation 19 amended (Personal allowance)

In regulation 19, replace “\$44.53” with “\$45.28”.

6 New regulation 20 inserted (Revocation)

After regulation 19, insert:

20 Revocation

The Social Security (Long-term Residential Care) Regulations 2005 (SR 2005/183) are revoked.

7 Schedule 3 amended

(1) In Schedule 3, clause 1, table, after row 16, insert:

16A	An accommodation supplement arrears lump sum payment and income to which clause 26A applies	Exempt assets of the person or the person’s spouse or partner	Only for the first 12 months after the payment is made
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(2) In Schedule 3, clause 25, insert in its appropriate alphabetical order:

specified area boundary error, for a person, means incorrect data relating to the person’s accommodation costs (within the meaning of section 61E of the Social Security Act 1964) entered—

- (a) into a computer system operated by or on behalf of MSD; and
- (b) as a result of a failure to update the applicable parts of New Zealand in accordance with the definitions of Area 1, Area 2, Area 3, or Area 4 contained in Schedule 18 of the Social Security Act 1964; and
- (c) at any time in the period of 1 April 2005 and the close of 31 March 2018 (inclusive).

(3) In Schedule 3, replace the heading to clause 26 with “**Payments and income for specified processing error**”.

(4) In Schedule 3, after clause 26, insert:

26A Payments and income for specified area boundary error

This clause applies to—

- (a) any lump sum payment of arrears of accommodation supplement made to the person, on or after 1 April 2019, as a result of MSD correcting a specified area boundary error; and
- (b) any amount of income derived by the person from a payment of a kind referred to in paragraph (a).

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, which come into force on 1 April 2019, are made under the Residential Care and Disability Support Services Act 2018 (the **Act**) and amend the Residential Care and Disability Support Services Regulations 2018 (the **principal regulations**).

Clauses 4 and 5 amend the principal regulations to increase—

- the annual clothing allowance payable under regulation 8 of the principal regulations to \$283.97; and
- the personal allowance specified in regulation 19 of the principal regulations to \$45.28 per week.

The new amounts reflect a 1.69% increase in the New Zealand Consumers Price Index from the December 2017 quarter to the December 2018 quarter (calculated for all quarters using the New Zealand Consumers Price Index (All Groups), excluding cigarettes and other tobacco products).

Clause 6 inserts *new regulation 20* into the principal regulations, which revokes the Social Security (Long-term Residential Care) Regulations 2005, as those regulations have been replaced by the principal regulations.

Clause 7 amends Schedule 3 of the principal regulations, which lists assets that are exempt assets for the purposes of a means assessment under Act. The amendments insert a new exemption to ensure that any payment received by a person on or after 1 April 2019 to correct an underpayment of their accommodation supplement under the Social Security Act 1964 between 1 April 2005 and the close of 31 March 2018 (inclusive) is an exempt asset. The exemption applies only in respect of the first 12 months after the payment concerned is made.

**Residential Care and Disability Support Services
Amendment Regulations 2019**

2019/29

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Social Development.

Wellington, New Zealand:

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