



# **Residential Care and Disability Support Services (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019**

Patsy Reddy, Governor-General

## **Order in Council**

At Wellington this 16th day of September 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 (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019.

### 2 Commencement

These regulations come into force on 17 October 2019.

### 3 Principal regulations

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

### 4 Regulation 18 amended (Income exempt from means assessment)

After regulation 18(e), insert:

- (f) for the first 12 months after the payment concerned is made, any MSD lump sum payment (as defined in clause 36 of Schedule 3) made to the person on or after 17 October 2019, and any income derived (directly or indirectly) by the person from the payment.

### 5 Schedule 3 amended

- (1) In Schedule 3, clause 1, after row 21, insert:

22	An MSD lump sum payment and income to which clause 37 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, after Part 20, insert the Part 21 set out in the Schedule of these regulations.

## Schedule

### New Part 21 inserted into Schedule 3

r 5(2)

#### Part 21 MSD lump sum payments

### 36 Interpretation

In this Part, unless the context otherwise requires,—

**benefit** includes special assistance granted under a programme approved under section 100 or 101 of the Social Security Act 2018

**MSD lump sum payment** means a lump sum payment of a benefit—

- (a) that was made on or after 17 October 2019 by MSD; and
- (b) that is not a lump sum payment made by MSD of a kind specified in any other clause of this schedule.

**37 Payments and income**

This clause applies to—

- (a) an MSD lump sum payment made to a person (A); and
- (b) any income derived (directly or indirectly) by A from the payment 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 17 October 2019, amend regulation 18 and Schedule 3 of the Residential Care and Disability Support Services Regulations 2018. That regulation and that schedule list income exempt from a means assessment as to income, and exempt assets for the purposes of conducting a means assessment, to determine a person's eligibility for financial support for long-term residential care under the Residential Care and Disability Support Services Act 2018. The amendments relate to an MSD lump sum payment, which means a lump sum payment—

- of a benefit (which, for this purpose, includes special assistance granted under a programme approved under section 100 or 101 of the Social Security Act 2018); and
- that was made on or after 17 October 2019 by MSD; and
- that is not a lump sum payment made by MSD of a kind specified in any other clause of that schedule.

The amendments ensure that the amount of the payment and related income are, for the first 12 months after the payment is made, income exempt from a means assessment as to income, and an exempt asset for the purposes of the means assessment.

**Residential Care and Disability Support Services  
(Exempt Assets and Income—MSD Lump Sum  
Payments) Amendment Regulations 2019**

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 19 September 2019.

These regulations are administered by the Ministry of Social Development and the Ministry of Health.

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Wellington, New Zealand:

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