

**Reprint
as at 22 September 2011**



**Social Security (Income
Exemption: Home-based Care)
Regulations 2004**

(SR 2004/363)

Social Security (Income Exemption: Home-based Care) Regulations 2004:
revoked, on 22 September 2011, by regulation 47 of the Social Security
(Income and Cash Assets Exemptions) Regulations 2011 (SR 2011/287).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 18th day of October 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 132 and 132AA of the Social Security Act 1964,
Her Excellency the Governor-General, acting on the advice and with
the consent of the Executive Council, makes the following regula-
tions.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989
have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together
with other explanatory material about this reprint.

These regulations are administered by the Ministry of Social Development.

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Regulations

- 1 Title**
These regulations are the Social Security (Income Exemption: Home-based Care) Regulations 2004.
- 2 Commencement**
These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Application**
These regulations apply to payments for home-based education and care received by a caregiver on or after the day these regulations come into force.
Regulation 3: amended, on 1 April 2010, by regulation 5 of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24).
- 4 Interpretation**
In these regulations, unless the context otherwise requires,—
Act means the Social Security Act 1964
caregiver has the meaning given to it in the code of practice
code of practice means the code of practice set out in the Schedule of the Education (Home-Based Care) Order 1992 (SR 1992/238)
home-based education and care has the meaning given to it in the code of practice
income has the meaning given to it in section 3(1) of the Act
service provider has the meaning given to it in the code of practice.

Regulation 4 **arranger**: revoked, on 1 April 2010, by regulation 6(1) of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24).

Regulation 4 **home-based education and care**: amended, on 1 April 2010, by regulation 6(2) of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24).

Regulation 4 **service provider**: added, on 1 April 2010, by regulation 6(2) of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24).

5 Declaring certain amounts not to be income

- (1) The amount described in subclause (2) is declared not to be the income of a caregiver who receives payment for providing home-based education and care, arranged by a service provider, in accordance with the code of practice.
- (2) The amount, in respect of each child for whom the caregiver receives payment, is the greater of—
 - (a) \$3.27 per hour:
 - (b) the caregiver's actual expenses per hour of providing home-based education and care to that child in accordance with the code of practice, verified by receipts and supporting documents needed to calculate those expenses provided by the caregiver in a form acceptable to the chief executive.

Regulation 5(1): amended, on 1 April 2010, by regulation 7(1)(a) of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24).

Regulation 5(1): amended, on 1 April 2010, by regulation 7(1)(b) of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24).

Regulation 5(2)(a): amended, on 1 April 2011 (applying to payments for home-based education and care received by a caregiver on or after 1 April 2011), by regulation 5 of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2011 (SR 2011/14).

Regulation 5(2)(b): amended, on 1 April 2010, by regulation 7(3) of the Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 October 2004.

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 - 2 Status of reprints
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Notes

1 *General*

This is a reprint of the Social Security (Income Exemption: Home-based Care) Regulations 2004. The reprint incorporates all the amendments to the regulations as at 22 September 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Social Security (Income and Cash Assets Exemptions) Regulations 2011 (SR 2011/287): regulation 47

Social Security (Income Exemption: Home-based Care) Amendment Regulations 2011 (SR 2011/14)

Social Security (Income Exemption: Home-based Care) Amendment Regulations 2010 (SR 2010/24)