Version
as at 4 September 2026

Residential Care and Disability Support Services Regulations 2018

(LI 2018/203)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 15th day of October 2018

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—

(a) on the advice and with the consent of the Executive Council; and

(b) for exempt persons regulations made under section 74(1)(a) of that Act, on the Minister's recommendation made under section 74(3) and (4) of that Act.

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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.

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

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Regulations

1 Title

These regulations are the Residential Care and Disability Support Services Regulations 2018.

2 Commencement

These regulations come into force on 26 November 2018.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Accident Compensation Corporation means the corporation of that name continued by section 259 of the Accident Compensation Act 2001

Act means the Residential Care and Disability Support Services Act 2018

capital value, in relation to land, means the capital value of that land appearing in the district valuation roll

district valuation roll has the same meaning as in section 2 of the Rating Valuations Act 1998

***ex gratia* payment** means a payment made without an acknowledgment of legal liability

rating unit has the same meaning as in section 2 of the Rating Valuations Act 1998

tribunal means a tribunal exercising a power of decision conferred by or under any Act.

(2) Terms used in these regulations that are defined in section 5 of the Act have the meanings given to them by that section.

Compare: SR 2005/183 r 3

4 Status of examples

(1) An example used in these regulations is only illustrative of the provision to which it relates. It does not limit the provision.

(2) If an example and the provision to which it relates are inconsistent, the provision prevails.

Compare: 1964 No 136 s 3B; SR 2005/183 r 3A

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

6 Classes of exempt persons

A resident assessed as requiring care belongs to a class of exempt persons for the purposes of section 23(d) of the Act if that resident is a person who—

(a) received long-stay geriatric care in a geriatric hospital before 1 July 1993; or

(b) was receiving long-stay care in one of the following hospitals prior to the closure of the hospital:

(i) Kimberley Hospital (Levin):

(ii) Templeton Hospital (Christchurch):

(iii) Mangere Hospital (Manukau City):

(iv) Braemar Hospital (Nelson); or

(c) has intellectual disabilities and was receiving long-stay care in a psychiatric hospital (not being a hospital specified in paragraph (b)) prior to the closure of the hospital; or

(d) is subject to a compulsory treatment order made under section 30 of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

(e) is declared a restricted patient (as defined in section 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992) under section 55 of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

(f) is a special patient (as defined in section 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992), whether or not that person has been granted leave of absence from a hospital—

(i) under section 50A of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

(ii) under section 52 of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

(g) is subject to a compulsory care order (as defined in section 5 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003); or

(h) is residing in a hospital or other place of residence as a result of the making of a direction or an order under section 92I(4)(f), 92J(4)(f), 92K(3)(f), 92ZA(1)(a) or (b), or 92ZJ(2) of the Health Act 1956; or

(i) is committed to any hospital or rest home under section 126 of the Health Act 1956; or

(j) was receiving continuing hospital care in a rest home or hospital before 1 July 1993.

Compare: SR 2005/183 r 5

Section 6(f)(i): amended, on 13 December 2022, by section 46 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

7 Elderly victim of crime

(1) A person must be assessed as being an elderly victim of crime, for the purposes of section 25(d) of the Act, if that person—

(a) is a victim of an offence under the Crimes Act 1961 that—

(i) is specified in Schedule 2; and

(ii) was committed after 1 May 1997; and

(b) has suffered personal injury as a result of the commission of that offence; and

(c) has had a claim in respect of the personal injury accepted by the Accident Compensation Corporation; and

(d) has, within 12 months of the date of the personal injury, been needs assessed as having an injury-related need for long-term residential care; and

(e) continues to have an injury-related need for long-term residential care.

(2) For the purposes of section 25(d) of the Act, every person who immediately before 26 November 2018 had been notified as being, or had been treated as having been, an elderly victim of crime must, on and after 26 November 2018, be treated as a person assessed in accordance with subclause (1) as an elderly victim of crime.

(3) For the purposes of section 25(d) of the Act,—

(a) a person who is assessed as an elderly victim of crime under subclause (1) is no longer an elderly victim of crime on the date on which the person is needs assessed as having no injury-related need for long-term residential care; and

(b) a person who is treated as an elderly victim of crime under subclause (2) is no longer an elderly victim of crime on the date on which the person is needs assessed as having no injury-related need for long-term residential care.

Compare: SR 2005/183 r 6

8 Clothing allowance

(1) A clothing allowance is payable on, or as soon as is practicable after, 1 April of each year to both classes of persons specified in section 71(a) and (b) of the Act.

(2) The clothing allowance is $365.92.

Compare: SR 2005/183 r 7

Regulation 8(2): amended, on 1 April 2026, by regulation 4 of the Residential Care and Disability Support Services Amendment Regulations 2026 (SL 2026/39).

9 Gifting period

For the purpose of paragraph (b) of the definition of assets in clause 4 of Schedule 2 of the Act, the gifting period is the period that starts 5 years before the date of means assessment.

Compare: SR 2005/183 r 8

10 Allowable gifts

(1) For the purpose of paragraph (b) of the definition of assets in clause 4 of Schedule 2 of the Act, allowable gifts are gifts of real or personal property (for example, money) gifted during the gifting period that—

(a) are gifted by any of the following persons:

(i) the person being means assessed:

(ii) the spouse or partner of the person being means assessed:

(iii) the person being means assessed and that person's spouse or partner jointly; and

(b) have a total value—

(i) not exceeding $8,500 each year (the **gifting amount**); or

(ii) exceeding the gifting amount but which may be offset as prescribed in subclause (2).

(2) If during any year of the gifting period the person being means assessed makes gifts of real or personal property that have a total value exceeding the gifting amount, then the difference in value between the total value of the gifts gifted in that year and the gifting amount may be offset against the balance of the gifting amount in each of the remaining subsequent years of the gifting period, if any.

(3) For the purpose of subclause (2), **balance of the gifting amount in each of the remaining subsequent years of the gifting period** is the total of the gifting amounts for each of those years less the total value of allowable gifts gifted in those years.

(4) If the person being means assessed and that person's spouse or partner are both in long-term residential care, then the value of any gift made jointly by that person and that person's spouse or partner is to be apportioned equally between that person and that person's spouse or partner.

Compare: SR 2005/183 r 9

Regulation 10(1)(b)(i): amended, on 1 July 2026, by regulation 4 of the Residential Care and Disability Support Services Amendment Regulations (No 2) 2026 (SL 2026/136).

11 Gift in recognition of care

(1) If all allowable gifts gifted during the gifting period have a total value less than $42,500, a gift in recognition of care that meets the criteria in subclause (2) is to be treated as an allowable gift.

(2) The criteria for a gift in recognition of care are that the gift—

(a) is a gift of real or personal property (for example, money) gifted by any of the following persons:

(i) the person being means assessed:

(ii) the spouse or partner of the person being means assessed:

(iii) the person being means assessed and the person's spouse or partner jointly; and

(b) is gifted within the period of 12 months immediately preceding the date of means assessment; and

(c) is gifted to a person who,—

(i) for a continuous period of at least 12 months during the gifting period,—

(A) lived in the same household as the person being means assessed; and

(B) provided to the person being means assessed a high level of care that enabled the person being means assessed to remain in the community without receipt of home-based disability support services (as defined in section 59 of the Act); and

(ii) is not the spouse, partner, or dependent child of the person being means assessed; and

(d) is of an amount up to $8,500 for each 12-month period of care provided; and

(e) is not of an amount that, together with the amounts of any other gifts in recognition of care, exceeds the difference between $42,500 and the total value of all gifts allowable under regulation 10.

(3) If the person being means assessed and that person's spouse or partner are both in long-term residential care, then the value of any gift in recognition of care gifted jointly by that person and that person's spouse or partner in respect of the care they both received from the same person may be apportioned equally between the person being means assessed and that person's spouse or partner.

Compare: SR 2005/183 r 9A

Regulation 11(1): amended, on 1 July 2026, by regulation 5(1) of the Residential Care and Disability Support Services Amendment Regulations (No 2) 2026 (SL 2026/136).

Regulation 11(2)(d): amended, on 1 July 2026, by regulation 5(2) of the Residential Care and Disability Support Services Amendment Regulations (No 2) 2026 (SL 2026/136).

Regulation 11(2)(e): amended, on 1 July 2026, by regulation 5(3) of the Residential Care and Disability Support Services Amendment Regulations (No 2) 2026 (SL 2026/136).

12 Deprivation of property and income

For the purposes of sections 39 and 40 of the Act, instances of deprivation of property or income include, but are not limited to, the following:

(a) gifts that are gifted in the 12-month period prior to the commencement of the gifting period, or in any 12-month period preceding that period, to the extent that the total value of the gifts in each such period exceeds $27,000:

Example

In the year before the commencement of the gifting period, the person being means assessed and that person's spouse jointly make gifts having a total value of $100,000.

The person being means assessed and that person's spouse may be treated as having deprived themselves of $73,000 in respect of the gifts.

(b) a disposition of property at any time before the commencement of the gifting period for no consideration, or for a consideration less than the

market value of the property at the time of disposition, may be treated as a gift for the purposes of paragraph (a):

Example

Two years before the commencement of the gifting period, the person being means assessed and that person's partner transfer the $300,000 house that they jointly own to a family member for $100,000. One year before the commencement of the gifting period, the person being means assessed and that person's partner gift $50,000 to another family member.

The person being means assessed and that person's partner may be treated as having deprived themselves of $196,000 in respect of the disposition and the gift (being the sum of $200,000 less $27,000 for the disposition of the house and $50,000 less $27,000 for the monetary gift).

(c) a disposition of property during the gifting period for no consideration, or for a consideration less than the market value of the property at the time of disposition:

Example

During the gifting period, the person being means assessed sells that person's car for $10,000. The market value of the car at the time of sale was $20,000.

The person being means assessed may be treated as having deprived that person of property to the extent of $10,000 in respect of the car sale.

(d) a failure at any time to exercise any right or entitlement to demand a payment:

Example

The spouse of the person being means assessed makes a loan to another person with interest on the loan being payable on demand. The spouse of the person being means assessed never makes a demand for the interest.

The spouse of the person being means assessed may be treated as having deprived that spouse of interest to the extent of the amount of interest that is payable on demand.

(e) a waiver of a right at any time to receive any entitlement or payment:

Example

The person being means assessed and that person's partner jointly own a rental property. The tenants of that property fail to pay the rent payable under the tenancy agreement. The person being means assessed and that person's partner take no action to recover the unpaid rent.

The person being means assessed and that person's partner may be treated as having deprived themselves of income to the extent of the unpaid rent.

(f) an investment at any time in non-income-earning assets.

Example

The person being means assessed deposits savings in a non-interest-bearing bank account.

The person being means assessed may be treated as having deprived that person of income to the extent of income that could have been earned on the savings if the savings had been invested in an interest-bearing bank account.

Compare: SR 2005/183 r 9B

13 Value of land for purposes of means assessment to be assessed in accordance with regulations 14 and 15

For the purposes of a means assessment as to assets conducted under sections 39 and 40 and Schedule 2 of the Act, or a review of a means assessment as to assets conducted under section 47, 48, or 49 of the Act, MSD must assess the value of a person's land in accordance with regulations 14 and 15 if the land is—

(a) a house, a piece of land, or any other asset that comes within the definition of land in section 2 of the Rating Valuations Act 1998; and

(b) a non-exempt asset of the person being means assessed.

Compare: SR 2005/183 r 9C

14 Value of land is capital value or fair proportion of capital value

(1) For the purposes of a means assessment as to assets or a review of a means assessment as to assets, the value of a person's land is,—

(a) if the person's land is equivalent to a rating unit, the capital value of the rating unit on the date of the means assessment; or

(b) if the person's land is in the form of an estate or interest in a rating unit, the value that is the same proportion of the capital value of the rating unit on the date of the means assessment as the proportion that fairly represents the nature and extent of the person's estate or interest in the rating unit, with the proportion being determined by MSD.

(2) When determining the proportion for the purposes of subclause (1)(b), MSD must have regard to—

(a) the nature and extent of any other person's estate or interest in the rating unit; and

(b) the nature and extent of any other estate or interest in the rating unit for which a value can be determined under regulation 15; and

(c) any other factors MSD considers relevant.

(3) Subclause (1) is subject to regulation 15.

Compare: SR 2005/183 r 9D

15 Value of land if capital value unavailable or contested

(1) For the purpose of a means assessment as to assets or a review of a means assessment as to assets, MSD may consider any evidence of the value of a person's land other than a capital value if—

(a) a capital value required for determining the value of the land under regulation 14 does not appear on the district valuation roll; or

(b) either MSD or the person being means assessed considers that the value of the land determined under regulation 14 is not the true value of the land.

(2) If MSD receives evidence under subclause (1), the value of a person's land is—

(a) the value according to evidence that MSD considers to be the best evidence of the value of the land on the date of the means assessment; or

(b) if the person's land is in the form of an estate or interest in other land, the value that is the same proportion of the value of the other land as the proportion that fairly represents the nature and extent of the person's estate or interest in the other land, with—

(i) the value of the other land being determined according to paragraph (a); and

(ii) the proportion being determined by MSD.

(3) When determining the proportion for the purposes of subclause (2)(b)(ii), MSD must have regard to the matters specified in regulation 14(2).

(4) For the purposes of this regulation, **evidence**, in relation to the value of land, includes evidence in any of the following forms:

(a) a valuation report that is prepared and signed by a registered valuer (as defined in section 2 of the Valuers Act 1948):

(b) a decision of a court or tribunal:

(c) the district valuation roll.

Compare: SR 2005/183 r 9E

16 Assets exempt from means assessment

For the purpose of paragraph (g) of the definition of exempt assets in clause 4 of Schedule 2 of the Act, the assets specified in Part 1 of Schedule 3 are exempt assets.

Compare: SR 2005/183 r 10

17 Exempt assets include certain increases in value

(1) For the purpose of paragraph (g) of the definition of exempt assets in clause 4 of Schedule 2 of the Act, exempt assets include an amount of assets that represents the total increase in value of the non-exempt assets since the date of the last means assessment.

(2) For the purpose of subclause (1), **non-exempt assets** means the non-exempt assets that have earlier been determined, by a means assessment as to assets, to be equal to or less than the applicable asset threshold.

(3) Subclause (1) does not apply in respect of a review of a means assessment under section 47(b) or (c) of the Act.

Compare: SR 2005/183 r 10(2)–(4)

18 Income exempt from means assessment

For the purpose of paragraph (i) of the definition of income in clause 5 of Schedule 2 of the Act, the following types of income are not to be included in a means assessment as to income:

(a) any compensation or *ex gratia* payment made by the Government of any country to the person or the person's spouse or partner because the person or the person's spouse or partner—

(i) was a prisoner of war, civilian internee, or victim of persecution of any country during the Second World War; or

(ii) was a dependent child of a person who was a prisoner of war, civilian internee, or victim of persecution of any country during the Second World War:

(b) any interest derived from compensation or an *ex gratia* payment referred to in paragraph (a):

(c) any interest derived from any pre-paid funeral of the person or of the person's spouse or partner that is referred to in paragraph (d) of the definition of exempt assets in clause 4 of Schedule 2 of the Act:

(d) for the first 12 months after the payment concerned is made, any interest derived by a person from any lump sump payment of arrears of accommodation supplement made to the person, on or after 1 November 2016, and as a result of MSD correcting a specified processing error (as defined in clause 25 of Schedule 3):

(e) for the first 12 months after the payment concerned is made, any income derived from a lump sum payment of arrears of temporary additional support (as defined in clause 27 of Schedule 3) made to the person on or after 18 August 2017:

(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:

(g) for the first 12 months after the payment concerned is made, any lump sum residential care subsidy refund (as defined in clause 38 of Schedule

3) made to the person on or after 11 June 2021, and any income derived (directly or indirectly) by the person from the payment.

Compare: SR 2005/183 r 11

Regulation 18(f): inserted, on 17 October 2019, by regulation 4 of the Residential Care and Disability Support Services (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019 (LI 2019/216).

Regulation 18(g): inserted, on 11 June 2021, by regulation 4 of the Residential Care and Disability Support Services (Income and Cash Assets Exemption) Amendment Regulations 2021 (LI 2021/139).

19 Personal allowance

The personal allowance defined in section 24(2) of the Act is $58.34 per week.

Compare: SR 2005/183 r 12

Regulation 19: amended, on 1 April 2026, by regulation 5 of the Residential Care and Disability Support Services Amendment Regulations 2026 (SL 2026/39).

20 Revocation

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

Regulation 20: inserted, on 1 April 2019, by regulation 6 of the Residential Care and Disability Support Services Amendment Regulations 2019 (LI 2019/29).

Schedule 1
Transitional, savings, and related provisions

r 5

Part 1
Provisions relating to these regulations as made

1 Things done under 2005 regulations

(1) Any thing in progress under the Social Security (Long-Term Residential Care) Regulations 2005 (the **2005 regulations**) immediately before 26 November 2018 is to be treated as having been done under these regulations and may be completed accordingly under these regulations.

(2) Subclause (1) does not create a right of appeal if the time for an appeal in relation to any thing done under the 2005 regulations has expired or an appeal was lodged in relation to that thing before the commencement of these regulations.

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129	Attempted sexual violation and assault with intent to commit sexual violation
129A	Sexual conduct with consent induced by certain threats
135	Indecent assault
138	Sexual exploitation of person with significant impairment
141 (as in force before 20 May 2005)	Indecent assault on man or boy
142 (as in force before 20 May 2005)	Anal intercourse
142A	Compelling indecent act with animal
145	Criminal nuisance
156	Duty of persons in charge of dangerous things
157	Duty to avoid omissions dangerous to life
173	Attempt to murder
188	Wounding with intent
188A	Wounding with intent by strike to head or neck
189	Injuring with intent
190	Injuring by unlawful act
191	Aggravated wounding or injury
192	Aggravated assault
193	Assault with intent to injure
196	Common assault
197	Disabling
198	Discharging firearm or doing dangerous act with intent
199	Acid throwing
200	Poisoning with intent
201	Infecting with disease
202C	Assault with weapon
204A	Female genital mutilation
208	Abduction for purposes of marriage or sexual connection
209	Kidnapping
232	Aggravated burglary
234	Robbery
235	Aggravated robbery
236	Assault with intent to rob
267	Arson

Sections of Crimes Act 1961	Offences
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Schedule 2: amended, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

Schedule 3
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Part 1
Exempt assets

1 Exempt assets

The following are exempt assets (*see* regulation 16):

Row	What is exempted	Exemption	Limit (if any)
1	Household furniture and effects	Exempt assets of the person or the person's spouse or partner	
2	Personal belongings such as clothing and jewellery	Exempt assets of the person or the person's spouse or partner	
3	Personal collectables or family treasures or taonga such as artworks, books, stamps, and antiques	Exempt assets of the person or the person's spouse or partner	
4	Any interest in 1 car or similar vehicle that is for the personal use of the person's dependent child and that is any interest to which clause 3 applies	Exempt assets of the person or the person's spouse or partner	
5	Second World War compensation or *ex gratia* payments to which clause 4 applies	Exempt assets of the person or the person's spouse or partner	
6	Personal injury from hepatitis C infection contracted through New Zealand blood supply payments to which clause 6 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
7	Viet Nam veterans *ex gratia* payments to which clause 8 applies	Exempt assets of the person or the person's spouse or partner	
8	Lake Alice compensation or *ex gratia* payments to which clause 9 applies	Exempt assets of the person or the person's	

Row	What is exempted	Exemption	Limit (if any)
		spouse or partner	
9	Superannuation scheme items to which clause 11 applies	Exempt assets of the person or the person's spouse or partner	
10	Viet Nam Veterans and Their Families Trust payments and income to which clause 13 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
11	*Ex gratia* and compensation payments made by the Crown or a specified other entity and to which clause 15 applies	Exempt assets of the person or the person's spouse or partner	
12	EVSA (Neville Wallace Memorial) Children's & Grandchildren's Trust payments and income to which clause 17 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
13	Canterbury earthquake payment to which clause 19(1), (3), or (5) applies	Exempt assets of the person or the person's spouse or partner	Until the specified time (as defined in clause 20)
14	Payments under the Sleepover Wages (Settlement) Act 2011, and income, to which clause 22 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
15	Victims of crime payments and income to which clause 24 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
16	An accommodation supplement arrears lump sum payment to which clause 26 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
16A	An accommodation supplement arrears lump sum payment and income to which clause 26A applies	Exempt assets of the person or the person's	Only for the first 12 months after the payment is made

Row	What is exempted	Exemption	Limit (if any)
		spouse or partner	
17	A lump sum payment of arrears of temporary additional support (as defined in clause 27) to which clause 28 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
18	Direct disability support payments to which clause 30 applies	Exempt assets of A (*see* clause 29)	
19	Housing New Zealand Corporation lump sum payment to which clause 31 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made
20	Christchurch mosques attack support payment and income to which clause 33 applies	Exempt assets of the person or the person's spouse or partner	
21	Refund of a debt repayment and income to which clause 35 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the date the refund is made
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
23	A lump sum residential care subsidy refund and any income to which clause 39 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the refund is made
24	A relevant severe weather event payment and interest to which clause 41 applies	Exempt assets of the person or the person's spouse or partner	Only for the specified period (as defined in clause 42)
25	A FamilyBoost payment to which clause 44 applies	Exempt assets of the person or the person's spouse or partner	Only for the first 12 months after the payment is made

Compare: SR 2005/183 r 10(1), (1A)

Schedule 3 clause 1 table: amended, on 1 August 2025, by regulation 4(1) of the Residential Care and Disability Support Services (Exempt Assets—Lake Alice Compensation or Ex Gratia Payments) Amendment Regulations 2025 (SL 2025/156).

Schedule 3 clause 1 table: amended, on 1 October 2024, by regulation 4(1) of the Residential Care and Disability Support Services (Exempt Assets—FamilyBoost) Amendment Regulations 2024 (SL 2024/164).

Schedule 3 clause 1 table: amended, on 6 November 2023, by regulation 4(1) of the Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023 (SL 2023/275).

Schedule 3 clause 1 table: amended, on 11 June 2021, by regulation 5(1) of the Residential Care and Disability Support Services (Income and Cash Assets Exemption) Amendment Regulations 2021 (LI 2021/139).

Schedule 3 clause 1 table: amended, on 13 March 2020, by regulation 4 of the Residential Care and Disability Support Services (Exempt Assets—Christchurch Mosques Attack Support Payments) Amendment Regulations 2020 (LI 2020/33).

Schedule 3 clause 1 table: amended, on 17 October 2019, by regulation 5(1) of the Residential Care and Disability Support Services (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019 (LI 2019/216).

Schedule 3 clause 1 table: amended, on 21 June 2019, by regulation 4(1)(a) of the Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129).

Schedule 3 clause 1 table: amended, on 21 June 2019, by regulation 4(1)(b) of the Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129).

Schedule 3 clause 1 table: amended, on 16 April 2019, by regulation 4(1) of the Residential Care and Disability Support Services (Exempt Assets—Refunds of Specified Debt Repayments) Amendment Regulations 2019 (LI 2019/77).

Schedule 3 clause 1 table: amended, on 2 April 2019, by regulation 4(1) of the Residential Care and Disability Support Services (Exempt Assets—Christchurch Mosques Attack Support Payments) Amendment Regulations 2019 (LI 2019/69).

Schedule 3 clause 1 table: amended, on 1 April 2019, by regulation 7(1) of the Residential Care and Disability Support Services Amendment Regulations 2019 (LI 2019/29).

Schedule 3 clause 1 table: amended, on 30 November 2018, by regulation 4(1) of the Residential Care and Disability Support Services (Exempt Assets) Amendment Regulations 2018 (LI 2018/238).

Part 2
Interpretation

2 Interpretation

In this schedule, unless the context otherwise requires,—

Crown means all or any of the following:

(a) the Sovereign in right of New Zealand:

(b) all Ministers of the Crown, and all public service agencies as defined in section 5 of the Public Service Act 2020:

(c) Crown entities as defined in section 7(1) of the Crown Entities Act 2004 (for example, Health New Zealand):

(d) every other instrument of the Crown in respect of the Government of New Zealand, whether the instrument is or was an agency, corporation, department, division, enterprise, service, or otherwise (for example, every predecessor in title of Health New Zealand)

disability support services means disability support services within the meaning of either section 4 of the Disability Support Services Act 2026 or 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

health services has the same meaning as in section 6(1) of the New Zealand Public Health and Disability Act 2000

predecessor in title, in relation to Health New Zealand, has the meaning given to it by section 2(1) of the Health Sector (Transfers) Act 1993.

Compare: SR 2005/183 r 10(1B); SR 2006/377 r 3

Schedule 3 clause 2 **Crown** paragraph (b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 3 clause 2 **Crown** paragraph (c): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 3 clause 2 **Crown** paragraph (d): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 3 clause 2 **DHB**: revoked, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 3 clause 2 **disability support services**: replaced, on 4 September 2026, by section 17 of the Disability Support Services Act 2026 (2026 No 55).

Schedule 3 clause 2 **Health New Zealand**: inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Schedule 3 clause 2 **Health New Zealand**: amended, on 10 July 2026, by section 41(2) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Schedule 3 clause 2 **predecessor in title**: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Part 3
Interest in car or similar vehicle for personal use of dependent child

3 Interest

(1) This clause applies to any interest in 1 car or similar vehicle that is for the personal use of the person's dependent child.

(2) However, this clause does not apply to the interest if—

(a) an election has been made under clause 2 of Schedule 2 of the Act; or

(b) the exemption in paragraph (b) of the definition of exempt assets in clause 4 of Schedule 2 of the Act applies.

Compare: SR 2005/183 r 10(1)(d)

Part 4
Second World War compensation or *ex gratia* payment

4 Payment

This clause applies to any compensation or *ex gratia* payment made by the Government of any country to the person or the person's spouse or partner because the person or the person's spouse or partner—

(a) was a prisoner of war, civilian internee, or victim of persecution of any country during the Second World War; or

(b) was a dependent child of a person who was a prisoner of war, civilian internee, or victim of persecution of any country during the Second World War.

Compare: SR 2005/183 r 10(1)(e)

Part 5
Personal injury from hepatitis C infection contracted through New Zealand blood supply payments

5 Interpretation

In this Part, unless the context otherwise requires,—

New Zealand blood supply means either or both of the following:

(a) blood collected in New Zealand (whether or not that blood was donated, or otherwise collected, with assistance provided or funded by or on behalf of the Crown):

(b) any blood product derived from blood of that kind

personal injury has the meaning set out in section 26 of the Accident Compensation Act 2001.

Compare: SR 2005/183 r 10(1B); SR 2006/377 r 3

6 Payments

This clause applies to any *ex gratia* payment—

(a) made to the person, on or after 15 December 2006, by or on behalf of the Crown; and

(b) made because the person suffered a personal injury that is, or was caused by, hepatitis C infection contracted through the New Zealand blood supply.

Compare: SR 2005/183 r 10(1)(f)

Part 6
Viet Nam veterans *ex gratia* payments

7 Interpretation

In this Part, unless the context otherwise requires, **MoU on measures related to veterans** means the memorandum of understanding—

(a) signed on 6 December 2006 for and on behalf of the following (the **parties**):

(i) the Ex-Vietnam Services Association; and

(ii) the Royal New Zealand Returned and Services Association; and

(iii) the Crown; and

(b) not intended to be legally binding on the parties, but recording their intentions on a package of measures related to Viet Nam veterans and other veterans.

Compare: SR 2005/183 r 10(1C)

8 Payments

This clause applies to any *ex gratia* payment—

(a) made to the person, on or after 27 April 2007, by the Crown; and

(b) made in accordance with the MoU on measures related to veterans.

Compare: SR 2005/183 r 10(1)(g)

Part 7
Lake Alice compensation or *ex gratia* payments

9 Payments

This clause applies to any compensation payment or *ex gratia* payment—

(a) made to the person, on or after 26 October 2007, by or on behalf of the Crown; and

(b) made because the person is a former patient of the Lake Alice Psychiatric Hospital; and

(c) made before 1 August 2025 and on and after that date retained (in whole or in part) by the person, or made on or after 1 August 2025.

Compare: SR 2005/183 r 10(1)(h)

Schedule 3 clause 9(b): replaced, on 1 August 2025, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Lake Alice Compensation or Ex Gratia Payments) Amendment Regulations 2025 (SL 2025/156).

Schedule 3 clause 9(c): inserted, on 1 August 2025, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Lake Alice Compensation or Ex Gratia Payments) Amendment Regulations 2025 (SL 2025/156).

Part 8
Superannuation schemes

10 Interpretation

In this Part, unless the context otherwise requires,—

benefit means any lump sum, annuity, pension, allowance, refund, or other payment arising from membership of a superannuation scheme

expected time of retirement means the member's expected age or date of retirement as defined in the provisions of the scheme

permitted, in relation to a withdrawal or proposed withdrawal, means that the withdrawal is, or the proposed withdrawal if it were provided would be, permitted under the provisions of the scheme

proposed withdrawal means a withdrawal that has been applied for but has not yet been approved

provision means a provision (express or implied) of either or both of the following:

(a) the deed that established the relevant trust or (as the case may be) the Act of the Parliament of New Zealand that constituted the relevant arrangement:

(b) any rules of the scheme

qualifying lock-in clause means a provision of the scheme that—

(a) prevents a member of the scheme from making or receiving a withdrawal from the scheme until either or both of the following apply to the member:

(i) the member reaches the expected time of retirement:

(ii) before reaching the expected time of retirement, the member leaves—

(A) the employment in respect of which the scheme was constituted or established; or

(B) any employment covered by the scheme; and

(b) may—

(i) be a standard withdrawals clause; or

(ii) be accompanied by another provision of the scheme that is a standard withdrawals clause

specified non-KiwiSaver scheme or **scheme** means a scheme that is not a KiwiSaver scheme but—

(a) is registered as a superannuation scheme under subpart 2 of Part 4 of the Financial Markets Conduct Act 2013; and

(b) whose provisions include a qualifying lock-in clause

standard withdrawals clause means a provision of the scheme that permits a member of the scheme to make or receive a withdrawal from the scheme in circumstances that are, or are essentially, the same as those specified in all or any of the following clauses of Schedule 1 of the KiwiSaver Act 2006:

(a) clause 8 (purchase of a first home):

(b) clause 10 (significant financial hardship):

(c) clause 12 (serious illness)

withdrawal, in relation to a member,—

(a) includes any benefit provided from, and debited against the member's interest in, the scheme; but

(b) does not include a permitted withdrawal or permitted proposed withdrawal that is a transfer (with or without the member's consent) from the scheme to a KiwiSaver scheme or to another non-KiwiSaver scheme.

Compare: SR 2005/183 r 10(1D)

11 Superannuation scheme items

This clause applies, if the person or the person's spouse or partner is a member of a specified non-KiwiSaver scheme, to the following items:

(a) any contributions made to that scheme on or after 1 May 2008 by, or in respect of, the member; and

(b) any interest that the member has in that scheme on or after 1 May 2008 except—

(i) a withdrawal that the member has received from the scheme:

(ii) a withdrawal that the member is entitled to receive from the scheme on reaching the expected time of retirement:

(iii) a withdrawal that the member is entitled to receive from the scheme on leaving the employment in respect of which the scheme was constituted or established, or any employment covered by the scheme, before reaching the expected time of retirement:

(iv) a withdrawal that the member has applied to receive from the scheme that the member is permitted to receive under the provisions of the scheme.

Compare: SR 2005/183 r 10(1)(i)

Part 9
Viet Nam Veterans and Their Families Trust payments and income

12 Interpretation

In this Part, unless the context otherwise requires,—

MoU on measures related to veterans has the meaning given to it in clause 7

Trust means the trust established by the trust deed and that was, immediately before 26 November 2018, called the Viet Nam Veterans and Their Families Trust

trust deed means the deed signed on 16 August 2007 in accordance with clause 18 of the MoU on measures related to veterans.

Compare: SR 2005/183 r 10(1)(j)

13 Payments and income

This clause applies to—

(a) any payment made to the person under the Trust other than a payment of the kind referred to in any of paragraphs (a) to (d) of clause 14.2 of the trust deed:

(b) any amount of income derived by the person from a payment of the kind referred to in paragraph (a).

Compare: SR 2005/183 r 10(1)(j), (ja)

Part 10
Ex gratia and compensation payments made by the Crown or specified other entity

Schedule 3 Part 10 heading: amended, on 21 June 2019, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129).

14 Interpretation

In this Part, unless the context otherwise requires,—

compensation—

(a) means a payment made—

(i) in satisfaction of a judgment or an order of any court or an award of any tribunal, other than an award of costs; or

(ii) in settlement of a claim against the Crown or a specified other entity (whether or not that claim has been formally filed in a court or tribunal); but

(b) does not include a payment made under—

(i) an employment relationship; or

(ii) a contract to provide goods or services

economic loss means loss that is of a pecuniary nature, for example, lost wages

faith-based institution means an organisation whose purpose or activity is connected to any religious or spiritual belief system,—

(a) however the organisation is described; and

(b) whether or not the organisation is formally incorporated; and

(c) whether or not the organisation is connected with any 1 or more particular faiths, religions, or denominations

harm—

(a) means illness or injury, or both; and

(b) includes—

(i) physical harm; and

(ii) mental harm; and

(iii) humiliation, loss of dignity, and injury to the feelings of the aggrieved person; but

(c) does not include—

(i) economic loss; or

(ii) loss or reduction of property; or

(iii) loss of any benefit, whether or not of a monetary kind, that the aggrieved person might reasonably have been expected to obtain; or

(iv) loss of employment or office

property has the meaning given to it by section 4 of the Property Law Act 2007.

specified other entity means any person who, or unincorporated body of persons that, is not the Crown (as defined in clause 2), but is all or any of the following:

(a) any entity (that is, any society, institution, or trustees of a trust) registered as a charitable entity under the Charities Act 2005:

(b) any trustees or society incorporated as a board under the Charitable Trusts Act 1957:

(c) a society incorporated under the Incorporated Societies Act 1908 or the Incorporated Societies Act 2022:

(d) a person who, when the harm or claimed harm referred to in clause 15(b) occurred or is alleged to have occurred, was engaged, funded, licensed, or registered by the Crown (as so defined) to provide services that are related to that harm or claimed harm:

(e) a faith-based institution

Schedule 3 clause 14 **compensation** paragraph (a)(ii): amended, on 21 June 2019, by regulation 4(3) of the Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129).

Schedule 3 clause 14 **faith-based institution**: inserted, on 21 June 2019, by regulation 4(4) of the Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129).

Schedule 3 clause 14 **specified other entity**: inserted, on 21 June 2019, by regulation 4(4) of the Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129).

Schedule 3 clause 14 **specified other entity** paragraph (c): amended, on 5 April 2026, by section 270(2) of the Incorporated Societies Act 2022 (2022 No 12).

15 Payments

This clause applies to any compensation or *ex gratia* payment—

(a) made by the Crown or a specified other entity to a person; and

(b) made in recognition of harm, or in respect of a claim of harm, that occurred or is alleged to have occurred in New Zealand; and

(c) made before 21 June 2019 and on and after that date retained (in whole or in part) by the person, or made on or after 21 June 2019.

Schedule 3 clause 15: replaced, on 21 June 2019, by regulation 4(5) of the Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129).

Part 11
EVSA (Neville Wallace Memorial) Children's & Grandchildren's Trust payments

16 Interpretation

In this Part, unless the context otherwise requires, **Trust** means the trust immediately before the commencement of this Part called the EVSA (Neville Wallace Memorial) Children's & Grandchildren's Trust—

(a) that was established as the EVSA Youth Development Trust by a trust deed signed on 4 December 1993; and

(b) whose trustees are incorporated as a charitable trust board under the Charitable Trusts Act 1957.

Compare: SR 2005/183 r 10(1)(l)

17 Payments and income

This clause applies to—

(a) any payment made on or after 17 August 2007 to a person by the Trust; and

(b) any income derived by the person from that payment.

Compare: SR 2005/183 r 10(1)(l), (m)

Part 12
Canterbury earthquake payments or amounts

18 Interpretation

In this Part, unless the context otherwise requires,—

Canterbury earthquake means the earthquake that occurred on 4 September 2010 in Canterbury, and includes all of its aftershocks

Government offer means an offer by or on behalf of the Government of New Zealand in respect of any residential premises in the red zone—

(a) to purchase the whole of the premises and to subrogate the owner's claims for damage to the premises from the earthquake to the Earthquake Commission continued by section 4 of the Earthquake Commission Act 1993 and the owner's insurance company; or

(b) to purchase the land only of the premises, without subrogation of the owner's claim for damage to the premises from the earthquake to the owner's insurance company

red zone or **red zone land** means the area designated in the Prime Minister's public announcement of 23 June 2011 as the red zone, and any other area included in that zone or designated as red zone land by any subsequent announcement of the New Zealand Government.

Compare: SR 2005/183 r 3(1)

19 Payments and amounts

(1) This subclause applies to every payment made on or after 13 September 2010—

(a) by the Canterbury Earthquake Commission (a body set up by the National Board of New Zealand Red Cross Incorporated in consultation with the Mayors of Christchurch City, the Waimakariri District, and the Selwyn District, and proposed to be incorporated as a charitable trust under the Charitable Trusts Act 1957); and

(b) in relation to the effects of the Canterbury earthquake; and

(c) out of the fund created by donations made to the Canterbury Earthquake Appeal of New Zealand Red Cross Incorporated (and by money from other sources).

(2) This subclause applies to every payment made on or after 24 December 2010—

(a) by the Earthquake Commission continued in existence by section 4(1) of the Earthquake Commission Act 1993, or by an insurance company; and

(b) either in respect of the destruction of or any damage to any property caused by the Canterbury earthquake, or for or towards the costs of renting accommodation in place of residential premises destroyed or made uninhabitable by the Canterbury earthquake.

(3) This subclause applies to every payment made on or after 23 June 2011 by or on behalf of the Crown as a payment or part payment of the purchase price for any property or land in the red zone under a Government offer that has been accepted by the person to whom it was made.

(4) If any payments to which subclause (2) or (3) applies are paid in instalments, or 1 or more payments are made under subclause (2) or (3), the date that the payments are made is the date on which the final instalment is paid or the last payment is made.

Compare: SR 2005/183 r 10(1)(la), (lab), and (lb), (1DD)

20 Specified time defined for payments

(1) For a payment to which clause 19(1) or (3) applies, the **specified time**, in relation to a person and a payment, means,—

(a) if the person intends to use the payment to repair or rebuild any existing premises or to purchase any replacement residential premises, 48 months after the payment was made; or

(b) in any other case, 12 months after the payment was made.

(2) For a payment to which clause 19(2) applies, the **specified time**, in relation to a person and a payment, means (subject to subclause (3)) the start of the day that is 48 months after the day on which the payment was made to the person.

(3) Despite subclause (2), for clause 1 and a payment to which clause 19(2) applies, the **specified time**, in relation to a person and a payment, means,—

(a) if the person intends to use the payment to repair or rebuild any existing premises or to purchase any replacement residential premises, 48 months; or

(b) in any other case, 12 months.

Compare: SR 2005/183 r 10(1)(la), (lab), and (lb), (1DC)

Part 13
Payments under Sleepover Wages (Settlement) Act 2011

21 Interpretation

(1) In this Part, unless the context otherwise requires,—

Sleepover Act means the Sleepover Wages (Settlement) Act 2011

specified employer means—

(a) Idea Services Limited; or

(b) Timata Hou Limited; or

(c) any other employer in the health and disability sector to whom subpart 2 of Part 2 of the Sleepover Act applies (with or without modifications) because of an order made under section 24(1)(b) of the Sleepover Act; or

(d) any other employer to whom subparts 1 and 2 of Part 2 of the Sleepover Act apply (with or without modifications) because of an order made under section 24(1)(a) of the Sleepover Act.

(2) A term that is defined in section 4 or 23 of the Sleepover Act and that is used but not defined in this Part has the same meaning as in section 4 or 23 of the Sleepover Act.

Compare: SR 2005/183 r 10(1)(lc), (1DA), (1DB)

22 Payments and income

This clause applies to—

(a) every payment—

(i) of back wages for a sleepover that began to be performed on or after 1 June 2004; and

(ii) made by a specified employer, made on or after 18 October 2011, and made to any of the following who is entitled to the payment under any of sections 14 to 16 of the Sleepover Act:

(A) a current employee:

(B) a recent employee:

(C) a historic employee:

(b) any amount of income derived by the person from a payment of a kind referred to in paragraph (a).

Compare: SR 2005/183 r 10(1)(lc)

Part 14
Victims of crime payments and income

23 Interpretation

In this Part, unless the context otherwise requires,—

crime means an offence for which the offender—

(a) is liable on conviction to imprisonment for life or to imprisonment for more than 3 months; or

(b) would have been liable on conviction to imprisonment for life or to imprisonment for more than 3 months but for circumstances (for example, where the offender has died)

immediate family, in relation to a person,—

(a) means a member of the person's family, whānau, or other culturally recognised family group, who is in a close relationship with the person at the time of the crime; and

(b) to avoid doubt, includes—

(i) a spouse, civil union partner, or de facto partner:

(ii) a child or stepchild:

(iii) a brother, sister, stepbrother, or stepsister:

(iv) a parent or step-parent:

(v) a grandparent

victim means—

(a) a person against whom a crime has been committed by another person; and

(b) a person who, through, or by means of, a crime committed by another person, has suffered physical or emotional harm, or loss of, or damage to, property; and

(c) a parent or legal guardian of a child, or of a young person, who falls within paragraph (a) or (b), unless that parent or guardian is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the crime concerned; and

(d) a member of the immediate family of a person who, as a result of a crime committed by another person, has died, unless that member is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the crime concerned.

Compare: SR 2005/183 r 10(1E); SR 2011/287 r 36

24 Payments and income

This clause applies to—

(a) any payment made by or on behalf of the Crown to a person because the person is a victim; and

(b) any income derived by the person from that payment.

Compare: SR 2005/183 r 10(1)(n), (o)

Part 15
Accommodation supplement arrears lump sum payments and income

25 Interpretation

In this Part, unless the context otherwise requires,—

accommodation supplement means accommodation supplement under the Social Security Act 1964

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).

specified processing error, for a person, means incorrect data relating to either or both of the type of the person's premises and 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 system error; and

(c) at any time in the years 1993 to 2014 (inclusive).

Compare: SR 2005/183 r 10(1F)

Schedule 3 clause 25 **specified area boundary error**: inserted, on 1 April 2019, by regulation 7(2) of the Residential Care and Disability Support Services Amendment Regulations 2019 (LI 2019/29).

26 Payments and income for specified processing error

This clause applies to—

(a) any lump sum payment of arrears of accommodation supplement made to the person, on or after 1 November 2016, as a result of MSD correcting a specified processing error; and

(b) any amount of income derived by the person from a payment of a kind referred to in paragraph (a).

Compare: SR 2005/183 r 10(1)(p), (q), (1F)

Schedule 3 clause 26 heading: replaced, on 1 April 2019, by regulation 7(3) of the Residential Care and Disability Support Services Amendment Regulations 2019 (LI 2019/29).

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).

Schedule 3 clause 26A: inserted, on 1 April 2019, by regulation 7(4) of the Residential Care and Disability Support Services Amendment Regulations 2019 (LI 2019/29).

Part 16
Temporary additional support arrears lump sum payments and income

27 Interpretation

In this Part, unless the context otherwise requires,—

lump sum eligibility requirements, for a person (**A**), means that,—

(a) on 1 April 2006, A was entitled to continue receiving the special benefit; and

(b) during any period on or after 1 April 2006, A would have received more assistance from temporary additional support than the special benefit but was not advised by MSD that A could apply for temporary additional support (**lump sum eligibility period**); and

(c) in response to advice by MSD on or after 18 August 2017, A cancels the special benefit and applies for temporary additional support in respect of any lump sum eligibility period

lump sum payment of arrears of temporary additional support means a lump sum payment of arrears of temporary additional support—

(a) made as a result of an application of section 317 of the Social Security Act 2018 (Minister may consent to backdating); and

(b) made to—

(i) a person (**A**) who meets the lump sum eligibility requirements; or

(ii) a person (**B**) who, during any lump sum eligibility period, is or was the spouse or partner of A and is or was entitled, under regulation 191 of the Social Security Regulations 2018, to an apportionment of any other benefit payable to A; and

(c) calculated after the deduction of the amount of the special benefit that was paid to A or B during any lump sum eligibility period

special benefit means the special benefit as continued under section 23 of the Social Security (Working for Families) Amendment Act 2004 (as saved by clause 19 of Schedule 1 of the Social Security Act 2018)

temporary additional support means the benefit described in section 61G of the Social Security Act 1964 or in subpart 16 of Part 2 of the Social Security Act 2018.

Compare: SR 2005/183 r 10(1G)

28 Payments

This clause applies to any lump sum payment of arrears of temporary additional support made to the person on or after 18 August 2017.

Compare: SR 2005/183 r 10(1)(r)

Part 17
Direct disability support payments

29 Interpretation

In this Part, unless the context otherwise requires, **direct disability support payment**, for a person with a disability (**A**), means any direct payment of disability support made by or on behalf of the Crown to A or a person on A's behalf, for the purpose of purchasing or obtaining disability support services for A.

30 Payments

This clause applies to a direct disability support payment made on or after 1 October 2018.

Part 18
Housing New Zealand Corporation payments for alleged methamphetamine contamination

Schedule 3 Part 18: inserted, on 30 November 2018, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets) Amendment Regulations 2018 (LI 2018/238).

31 Payments and interest

This clause applies to—

(a) any lump sum payment made to a person on or after 30 November 2018 by Housing New Zealand Corporation to reimburse the costs arising from the termination of a person's tenancy with the Corporation due to alleged methamphetamine contamination of the property to which the tenancy relates; and

(b) any interest derived (directly or indirectly) by the person from the payment referred to in paragraph (a).

Part 19
Christchurch mosques attack support payments

Schedule 3 Part 19: inserted, on 2 April 2019, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Christchurch Mosques Attack Support Payments) Amendment Regulations 2019 (LI 2019/69).

32 Interpretation

In this Part, unless the context otherwise requires, **Christchurch mosques attack support payment**—

(a) means a payment made to a person because they are a person affected by an attack on 15 March 2019 on a Christchurch mosque; and

(b) includes, without limitation, a payment specified in paragraph (a) made from donations collected or made by all or any of the following:

(i) an organisation that has collected donations, for example, by means that are or include any of the following crowdfunding websites:

(A) www.everydayhero.co.nz:

(B) www.givealittle.co.nz:

(C) www.launchgood.com:

(ii) businesses:

(iii) employers:

(iv) individuals:

(v) overseas governments.

Schedule 3 clause 32: inserted, on 2 April 2019, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Christchurch Mosques Attack Support Payments) Amendment Regulations 2019 (LI 2019/69).

33 Payments and income

This clause applies to—

(a) a Christchurch mosques attack support payment made to a person on or after 2 April 2019; and

(b) any income derived (directly or indirectly) by the person from the payment referred to in paragraph (a).

Schedule 3 clause 33: inserted, on 2 April 2019, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Christchurch Mosques Attack Support Payments) Amendment Regulations 2019 (LI 2019/69).

Part 20
Refunds of debt repayments made by recipients of recoverable financial assistance relating to alleged methamphetamine contamination

Schedule 3 Part 20: inserted, on 16 April 2019, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Refunds of Specified Debt Repayments) Amendment Regulations 2019 (LI 2019/77).

34 Interpretation

In this Part, unless the context otherwise requires,—

specified debt repayment means a debt repayment made to MSD, on or after 1 July 2013, in respect of recoverable financial assistance granted to A to meet certain costs arising from Housing New Zealand Corporation's zero-tolerance methamphetamine contamination policy

Housing New Zealand Corporation's zero-tolerance methamphetamine contamination policy means the policy applied by Housing New Zealand Corporation on methamphetamine contamination between 1 July 2013 and 1 June 2018.

Schedule 3 clause 34: inserted, on 16 April 2019, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Refunds of Specified Debt Repayments) Amendment Regulations 2019 (LI 2019/77).

35 Payments and income

This clause applies to—

(a) a refund to a person (**A**) of the amount of a specified debt repayment; and

(b) any income derived (directly or indirectly) by A from the refund referred to in paragraph (a).

Schedule 3 clause 35: inserted, on 16 April 2019, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Refunds of Specified Debt Repayments) Amendment Regulations 2019 (LI 2019/77).

Part 21
MSD lump sum payments

Schedule 3 Part 21: inserted, on 17 October 2019, by regulation 5(2) of the Residential Care and Disability Support Services (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019 (LI 2019/216).

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.

Schedule 3 clause 36: inserted, on 17 October 2019, by regulation 5(2) of the Residential Care and Disability Support Services (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019 (LI 2019/216).

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).

Schedule 3 clause 37: inserted, on 17 October 2019, by regulation 5(2) of the Residential Care and Disability Support Services (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019 (LI 2019/216).

Part 22
Lump sum residential care subsidy refund

Schedule 3 Part 22: inserted, on 11 June 2021, by regulation 5(2) of the Residential Care and Disability Support Services (Income and Cash Assets Exemption) Amendment Regulations 2021 (LI 2021/139).

38 Interpretation

(1) In this Part, **lump sum residential care subsidy refund** means any lump sum payment of all or any of the following, made by MSD on or after 11 June 2021, and arising from a retrospective review of any means assessment (for example, any assessments of cash assets, chargeable income, or income) by MSD following the decision in *Chief Executive of the Ministry of Social Development v Broadbent* [2019] NZCA 201:

(a) a benefit:

(b) a residential care subsidy refund:

(c) special assistance paid under a programme established under section 100 or 101 of the Social Security Act 2018.

(2) In this clause,—

(a) a reference to a benefit, or to special assistance paid under a programme established under section 100 or 101 of the Social Security Act 2018, includes a reference to a benefit, or to special assistance paid under a programme established, under the Social Security Act 1964:

(b) a reference to a residential care subsidy under the Residential Care and Disability Support Services Act 2018 includes a reference to a residential care subsidy under the Social Security Act 1964.

Schedule 3 clause 38: inserted, on 11 June 2021, by regulation 5(2) of the Residential Care and Disability Support Services (Income and Cash Assets Exemption) Amendment Regulations 2021 (LI 2021/139).

39 Payments and income

This clause applies to—

(a) a lump sum residential care subsidy refund made to a person (**A**); and

(b) any income derived (directly or indirectly) by A from payment of the refund referred to in paragraph (a).

Schedule 3 clause 39: inserted, on 11 June 2021, by regulation 5(2) of the Residential Care and Disability Support Services (Income and Cash Assets Exemption) Amendment Regulations 2021 (LI 2021/139).

Part 23
Relevant severe weather event payments

Schedule 3 Part 23: inserted, on 6 November 2023, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023 (SL 2023/275).

40 Interpretation

In this Part,—

local authority has the meaning given in section 5(1) of the Local Government Act 2002

relevant severe weather event means any of the following weather events:

(a) heavy rainfall commencing on 17 August 2022 and ending on 20 August 2022 in the Nelson, Tasman, and Marlborough districts:

(b) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023:

(c) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions:

(d) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023

relevant severe weather event payment means any of the following payments:

(a) an insurance payment made to a person—

(i) to cover the costs of repairing, replacing, or rebuilding any of that person's real property that was damaged by a relevant severe weather event; or

(ii) to cover the costs of temporary accommodation needed by the person, and any members of the person's family who usually reside with the person, because of a relevant severe weather event:

(b) a donation made to a person because they are affected by a relevant severe weather event:

(c) a payment made by a local authority or the Crown to a person—

(i) who has an estate or interest in land that has been affected by a relevant severe weather event; and

(ii) because the local authority or the Crown considers that the land is exposed to an unacceptable risk from future severe weather events that cannot be sufficiently mitigated.

Schedule 3 clause 40: inserted, on 6 November 2023, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023 (SL 2023/275).

41 Payments and interest

This clause applies to—

(a) a relevant severe weather event payment made to a person on or after 6 November 2022; and

(b) any interest derived (directly or indirectly) by the person from the payment.

Schedule 3 clause 41: inserted, on 6 November 2023, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023 (SL 2023/275).

42 Specified period

For a relevant severe weather event payment and interest to which clause 41 applies, the **specified period** (as referred to in clause 1) means the period—

(a) starting on 6 November 2023 or the date on which the relevant severe weather event payment is made, whichever is later; and

(b) ending on the date that is 12 months after the date on which that payment is made.

Schedule 3 clause 42: inserted, on 6 November 2023, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023 (SL 2023/275).

Part 24
FamilyBoost payments

Schedule 3 Part 24: inserted, on 1 October 2024, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—FamilyBoost) Amendment Regulations 2024 (SL 2024/164).

43 Interpretation

In this Part, **FamilyBoost payment** means a payment made to a person under subpart MH of the Income Tax Act 2007.

Schedule 3 clause 43: inserted, on 1 October 2024, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—FamilyBoost) Amendment Regulations 2024 (SL 2024/164).

44 Payments

This clause applies to a FamilyBoost payment.

Schedule 3 clause 44: inserted, on 1 October 2024, by regulation 4(2) of the Residential Care and Disability Support Services (Exempt Assets—FamilyBoost) Amendment Regulations 2024 (SL 2024/164).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 18 October 2018.

Notes

1 General

This is a consolidation of the Residential Care and Disability Support Services Regulations 2018 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

Disability Support Services Act 2026 (2026 No 55): section 17

Crimes Amendment Act 2026 (2026 No 50): section 40

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(2)

Residential Care and Disability Support Services Amendment Regulations (No 2) 2026 (SL 2026/136)

Residential Care and Disability Support Services Amendment Regulations 2026 (SL 2026/39)

Residential Care and Disability Support Services (Exempt Assets—Lake Alice Compensation or Ex Gratia Payments) Amendment Regulations 2025 (SL 2025/156)

Residential Care and Disability Support Services (Exempt Assets—FamilyBoost) Amendment Regulations 2024 (SL 2024/164)

Residential Care and Disability Support Services (Exempt Assets—Severe Weather Events) Amendment Regulations 2023 (SL 2023/275)

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

Incorporated Societies Act 2022 (2022 No 12): section 270(2)

Rights for Victims of Insane Offenders Act 2021 (2021 No 55): section 46

Residential Care and Disability Support Services (Income and Cash Assets Exemption) Amendment Regulations 2021 (LI 2021/139)

Public Service Act 2020 (2020 No 40): section 135

Residential Care and Disability Support Services (Exempt Assets—Christchurch Mosques Attack Support Payments) Amendment Regulations 2020 (LI 2020/33)

Residential Care and Disability Support Services (Exempt Assets and Income—MSD Lump Sum Payments) Amendment Regulations 2019 (LI 2019/216)

Residential Care and Disability Support Services (Exempt Assets—Ex Gratia and Compensation Payments) Amendment Regulations 2019 (LI 2019/129)

Residential Care and Disability Support Services (Exempt Assets—Refunds of Specified Debt Repayments) Amendment Regulations 2019 (LI 2019/77)

Residential Care and Disability Support Services (Exempt Assets—Christchurch Mosques Attack Support Payments) Amendment Regulations 2019 (LI 2019/69)

Residential Care and Disability Support Services Amendment Regulations 2019 (LI 2019/29)

Residential Care and Disability Support Services (Exempt Assets) Amendment Regulations 2018 (LI 2018/238)

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