

Ministerial Direction - Disability Allowance Amendment 2020

This instrument is made under section 7 of the Social Security Act 2018 by the Minister for Social Development.

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Instrument

1 Title

This instrument is the Ministerial Direction - Disability Allowance Amendment 2020.

2 Commencement

This instrument comes into force on 20 April 2020.

3 Principal direction

This instrument amends the Ministerial Direction - Disability Allowance¹ (as established and approved on 28 March 1999) (the **principal direction**).

4 Clause 2 replaced (Verification of additional expenses)

Replace clause 2 with:

(1) Before determining whether a person has additional expenses of a kind required by section 85(2)(d) of the Act, you must require the applicant to provide written verification that-

(a) he or she is incurring the expenses claimed; and

(b) the expenses are of an ongoing kind; and

(c) the expenses arise from the person's disability,-

by way of-

(d) a certificate from a health practitioner as to the need for the goods or services to which the expenses relate, how that need relates to the person's disability, the expected duration of that need, and the therapeutic value to the person in receiving the goods or services; and

(e) invoices or receipts for payment of the expenses; and

¹ New Zealand Gazette, 1 April 1999, No. 41, page 983

- (f) any other verification that you consider necessary or satisfactory.
- (2) Despite clause 2(1), you need not for a reasonable period during or after the actions or event stated in clauses 2(2)(a) to (c), require the applicant to provide verification for any particular expense if-
 - (a) a state of local emergency or state of national emergency is in force under Part 4 of the Civil Defence Emergency Management Act 2002; or
 - (b) an epidemic notice has been given, and is in force, under section 5(1) of the Epidemic Preparedness Act 2006; or
 - (c) an event has occurred where it is reasonable to expect that the actions stated in clauses 2(2)(a) and (b) may be imminent.

5 Clause 3 replaced (When verification not required)

Replace clause 3 with:

When reviewing a person's entitlement to any disability allowance,-

- (1) You need not require the applicant to provide verification for any particular expense if you are satisfied that-
 - (a) the matters in clause 2(1)(a) to (c) still apply to that expense having regard to the matters in clauses 4 to 6; and
 - (b) the amount of the expense has not changed or has decreased.
- (2) You need not, for a reasonable period during or after the actions or event stated in clauses 3(2)(a) to (c), require the applicant to provide verification for any particular expense if-
 - (a) a state of local emergency or state of national emergency is in force under Part 4 of the Civil Defence Emergency Management Act 2002; or
 - (b) an epidemic notice has been given, and is in force, under section 5(1) of the Epidemic Preparedness Act 2006; or
 - (c) an event has occurred where it is reasonable to expect that the actions stated in clauses 3(2)(a) and (b) may be imminent.

6 Clause 4 amended (Additional expenses: considerations)

In clause 4, replace “clause 2(d)” with “clause 2(1)(d)” wherever it appears.

7 Clause 5 amended (Additional considerations for partly subsidised or unsubsidised pharmaceutical products)

In clause 5(a), replace “clause 2(d)” with “clause 2(1)(d)”.

8 Clause 6 amended (Disability allowance: general justification)

In clause 6(b), replace “clause 2(d)” with “clause 2(1)(d)”.

Dated at Wellington this 17 day of April 2020



Minister for Social Development

Explanatory note

This note is not part of the instrument, but is intended to indicate its general effect.

This instrument, which comes into force on 20 April 2020, amends the Ministerial Direction – Disability Allowance under the Social Security Act 2018. It replaces clauses 2 and 3 to provide that when granting or reviewing a person’s entitlement to any disability allowance, verification of any particular expense is not required if a state of local emergency or state of national emergency is in force, an epidemic notice has been given, and is in force or an event has occurred where it is reasonable to expect that either a state of emergency or epidemic notice may be imminent.