

## **Direction in relation to Emergency Benefit and Benefits on Ground of Hardship Amendment 2020**

To: The Chief Executive of the Ministry of Social Development

This instrument is made under section 7(1) of the Social Security Act 2018 by the Minister for Social Development.

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### **Instrument**

#### **1 Title**

This is the Direction in relation to Emergency Benefit and Benefits on Ground of Hardship Amendment 2020.

#### **2 Commencement**

This Instrument comes into effect on 9 November 2020.

#### **3 Direction amended**

This Instrument amends the Direction in relation to Emergency Benefit and Benefits on Ground of Hardship dated the 6<sup>th</sup> day of October 1998 (the **principal direction**)<sup>1</sup>.

#### **4 Clause 1 amended (Definitions)**

In clause 1, insert (in the appropriate alphabetical order):

**New Zealand superannuation** means assistance granted under Part 1 of the New Zealand Superannuation and Retirement Income Act 2001

**veteran's pension** means assistance granted under Part 6 of the Veterans' Support Act 2014

#### **5 New clause 8A (Emergency benefits for care of superannuitant spouse or partner) inserted, and new clause 8B (Emergency benefits for parents who have superannuitant partners) inserted**

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<sup>1</sup> Gazette notice: Number 7368, dated 15 October 1998

After clause 8, insert:

**Clause 8A. Emergency benefits for care of superannuitant spouse or partner**

- (1) This clause applies to an applicant for an emergency benefit who is caring for a spouse or partner who is entitled to receive, or is receiving, New Zealand superannuation or a veteran's pension.
- (2) Despite clause 8, and subject to clause 2(a) and (b), you should, in the exercise of your discretion under section 63 of the Act, consider granting an emergency benefit to the applicant if the applicant would be entitled to a supported living payment on the ground of caring for another person under section 40 of the Act (Supported living payment: on ground of caring for another person: requirements), except that they are excluded from entitlement under that section because the person they are required to give full-time care and attention to is their spouse or partner.

**Clause 8B. Emergency benefits for parents who have superannuitant partners**

- (1) This clause applies to an applicant for an emergency benefit who is the principal caregiver of a dependent child aged under 14 years and has a spouse or partner who is entitled to receive, or is receiving, New Zealand superannuation or a veteran's pension.
- (2) Subject to clause 2 (a) and (b) you should, in the exercise of your discretion under section 63, consider granting an emergency benefit to the applicant if the applicant would be entitled to jobseeker support under section 20 of the Act (Jobseeker support: requirements) except the applicant does not meet the work availability requirements because they are the principal caregiver of a dependent child aged under 14 years.



Minister for Social Development

At Wellington this 7 day of Sep 2020

### **Explanatory Note**

*This note is not part of the direction but is intended to indicate its general effect.*

This direction, which comes into effect on 9 November 2020, amends the Direction in relation to Emergency Benefit and Benefits on Ground of Hardship, to include two new eligibility categories for when MSD is exercising its discretion under section 63 of the Social Security Act 2018. The two new categories are for: an applicant who would be eligible for supported living payment except they are caring full-time for a superannuitant spouse or partner; and an applicant who would be eligible for jobseeker support except they have a superannuitant spouse or partner and are the principal caregiver of a dependent child aged under 14 years. This is as a result of the closure of the option to include a non-qualified spouse or partner as a result of the New Zealand Superannuation and Veterans' Pension Amendment Act 2020.

## Direction in relation to Emergency Benefit and Benefits on Ground of Hardship Amendment 2020

I certify that this instrument is in order for signing by the Minister

Lauren Smith  
Team Manager  
02/09/2020

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- (1) This clause applies to an applicant for an emergency benefit who is the principal caregiver of a dependent child aged under 14 years and has a spouse or partner who is entitled to receive, or is receiving, New Zealand superannuation or a veteran's pension.
- (2) Subject to clause 2 (a) and (b) you should, in the exercise of your discretion under section 63, consider granting an emergency benefit to the applicant if the applicant would be entitled to jobseeker support under section 20 of the Act (Jobseeker support: requirements) except the applicant does not meet the work availability requirements because they are the principal caregiver of a dependent child aged under 14 years.



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