

Social Security (Additional General Provisions Child Support Payments) Amendment Regulations 2023

Order in Council

At Wellington this day of 2023

Present:
in Council

These regulations are made under section 418(1)(na) of the Social Security Act 2018 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 263 amended (Guide to Part 8)	2
5 New subpart 5A of Part 8 inserted	2
Subpart 5A—Additional general provisions child support payments <i>Purpose and effect</i>	
294A Additional general provisions child support payments	2
<i>Kinds of child support payment specified by subpart</i>	
294B Child support payment to relevant non-matched beneficiary	2
6 Schedule 1 amended	4

Regulations

1 Title

These regulations are the Social Security (Additional General Provisions Child Support Payments) Amendment Regulations 2023.

2 Commencement

These regulations come into force on 22 August 2023.

3 Principal regulations

These regulations amend the Social Security Regulations 2018.

4 Regulation 263 amended (Guide to Part 8)

After regulation 263(e), insert:

(ea) subpart 5A (regulations 294A and 294B) specifies additional general provisions child support payments:

5 New subpart 5A of Part 8 inserted

After regulation 294, insert:

Subpart 5A—Additional general provisions child support payments

Purpose and effect

294A Additional general provisions child support payments

- (1) This subpart specifies kinds of child support payments.
- (2) They are specified for the purposes of paragraph (j) of the definition of general provisions child support payment in Schedule 2 of the Act.
- (3) The effect of this subpart specifying them for those purposes is that they are additional general provisions child support payments.

Kinds of child support payment specified by subpart

294B Child support payment to relevant non-matched beneficiary

Kind of child support payment specified

- (1) This regulation specifies the kind of child support payment that is a child support payment to a relevant non-matched beneficiary.

Meaning of child support payment to a relevant non-matched beneficiary

- (2) In this regulation, a **child support payment to a relevant non-matched beneficiary**, for a person, means a payment that is—
 - (a) money received by the person that is child support; and

- (b) disclosed to MSD under a specified approved information sharing agreement (as that term is defined in Schedule 2 of the Act); and
- (c) made to a person who is a relevant non-matched beneficiary when MSD finishes processing the disclosed information associated with the payment.

Meaning of relevant non-matched beneficiary

- (3) In this regulation, a **relevant non-matched beneficiary** means a person who—
 - (a) is entitled to receive a benefit, or any other assistance under the Act, that is not matched assistance; and
 - (b) is not receiving matched assistance.

Meanings of other defined terms

- (4) In this regulation,—
matched assistance means any benefit, or other assistance under the Act, that is—

Main benefits

- (a) jobseeker support; or
- (b) sole parent support; or
- (c) a supported living payment on the ground of restricted work capacity or total blindness, under section 34 of the Act; or
- (d) a supported living payment on the ground of caring for another person, under section 40 of the Act; or
- (e) a youth payment; or
- (f) a young parent payment; or
- (g) an emergency benefit; or

Other benefits

- (h) an accommodation supplement under subpart 10 of Part 2 of the Act; or
- (i) childcare assistance under subpart 12 of Part 2 of the Act; or
- (j) a disability allowance under subpart 14 of Part 2 of the Act; or
- (k) temporary additional support under subpart 16 of Part 2 of the Act; or
- (l) New Zealand superannuation (generally abolished rate for person with non-qualifying spouse or partner) under clause 7 of Schedule 1AA, and clause 1 of Part 2 of Schedule 1, of the New Zealand Superannuation and Retirement Income Act 2001; or
- (m) a veteran's pension under both of the following provisions of the Veterans' Support Act 2014:
 - (i) section 164 (entitlement to veteran's pension under War Pensions Act 1954 by reason of infirmity); and

- (ii) clause 23 of Schedule 1 (generally abolished rate for veterans with non-qualifying spouse or partner); or

Other assistance under Act

- (n) a community costs payment under the Community Costs Programme (saved by clause 21 of Schedule 1 of the Act as if it were approved and established under section 101 of the Act); or
- (o) employment transition assistance under the Employment Transition Programme (saved by clause 21 of Schedule 1 of the Act as if it were approved and established under section 101 of the Act); or
- (p) a special benefit under clause 19 of Schedule 1 of the Act (which saves a special benefit under the Social Security (Working for Families) Amendment Act 2004)

processing, for information disclosed to MSD under a specified approved information sharing agreement and associated with a child support payment, means MSD determining on the basis of the information, and whether or not an automated electronic system is used under subpart 5A of Part 6 of the Act, whether the payment is or affects any person’s assets, income, or other means of any kind (however described), for the purposes of, or for any purpose related to,—

- (a) a benefit; or
- (b) any other assistance under the Act.

6 Schedule 1 amended

- (1) In Schedule 1, heading to Part 9, after “**2023**”, insert “**and Social Security (Additional General Provisions Child Support Payments) Amendment Regulations 2023**”.
- (2) In Schedule 1, clause 15(1), definition of **amendments**, after “**2023**”, insert “, and the amendments made to these regulations by the Social Security (Additional General Provisions Child Support Payments) Amendment Regulations 2023”.

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 22 August 2023, amend the Social Security Regulations 2018.

The amendments specify additional general provisions child support payments (see new subpart 5A of Part 8, which includes new regulations 294A and 294B).

A child support payment is, under clause 7A(4) of Schedule 3 of the Social Security Act 2018 (the **Act**), 1 of the following (as defined in Schedule 2 of the **Act**):

- an information share child support payment; or
- a general provisions child support payment.

New regulations 294A and 294B specify a child support payment to a relevant non-matched beneficiary for the purposes of paragraph (j) of the definition of general provisions child support payment in Schedule 2 of the **Act**. A child support payment to a relevant non-matched beneficiary (as defined in *new regulation 294B(2)*) means a payment that is—

- money received by the person that is child support; and
- disclosed to MSD under a specified approved information sharing agreement (as that term is defined in Schedule 2 of the **Act**); and
- made to a person who is a relevant non-matched beneficiary (as that term is defined in *new regulation 294B(3)*) when MSD finishes processing the disclosed information associated with the payment.

The effect of *new regulations 294A and 294B* is to make a child support payment of that kind an additional general provisions child support payment and, if the payment is income under the **Act** concerned, subject to—

- the obligation to notify without delay a change of circumstances under section 113(1) of the **Act** (and not section 113(4) to (8) of the **Act**, under which section 113(1) is satisfied for a change in a beneficiary's circumstances that is an information share child support payment made to a beneficiary if the payment is disclosed to MSD under a specified approved information sharing agreement); and
- general annual income provisions (*see* clauses 12 and 14), and general weekly income provisions (*see* clauses 13 and 14), in Part 3 of Schedule 3 of the **Act**; and
- a tenant's duty to advise of a change of circumstances under section 115 of the Public and Community Housing Management Act 1992 (and not section 115A of that **Act**, under which section 115(1), (2), or (3) is satisfied for a change in a person's circumstances that is an information share child support payment made to the person if the payment is disclosed to the social housing agency under an approved information sharing agreement of the kind specified in section 115A(1)).

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the Ministry of Social Development.