

In Confidence

Office of the Minister for Social Development and Employment

Cabinet Legislation Committee

## **SOCIAL SECURITY (TEMPORARY ADDITIONAL SUPPORT—NORTH ISLAND WEATHER EVENTS TAA PROGRAMME) AMENDMENT REGULATIONS 2023**

### **Proposal**

- 1 This paper seeks authorisation for submission to the Executive Council of the following regulations to ensure that payments made under the North Island Weather Events – Temporary Accommodation Assistance (NIWE TAA) are excluded as chargeable income for the purposes of Temporary Additional Support in the Social Security Regulations 2018 (SSR). This will also ensure people who receive the NIWE TAA cannot also claim their temporary accommodation costs as an allowable cost for Temporary Additional Support:
  - 1.1 Social Security (Temporary Additional Support—North Island Weather Events TAA Programme) Amendment Regulations 2023.

### **Policy**

- 2 Some homeowners who have been displaced by the North Island Weather Events have moved into temporary accommodation in the private rental market and have been relying on insurance payments to cover these costs while they also continue to pay costs associated with home ownership. The NIWE TAA will support displaced homeowners in temporary private rental accommodation when their insurance payments for temporary accommodation are exhausted. This is an interim solution, which will be implemented from 4 September 2023, while more enduring solutions are considered.
- 3 Those eligible for NIWE TAA payments will be displaced households who are in private rental accommodation (with a tenancy agreement under the Residential Tenancies Act 1986) and have been receiving payment for temporary accommodation from their insurer, but this insurance cover has been exhausted. NIWE TAA payments will be captured by the definition of ‘chargeable income’ in the SSR.
- 4 Cabinet agreed to exclude NIWE TAA payments from the definition of ‘chargeable income’ in the SSR for the purposes of Temporary Additional Support and to ensure people who receive the NIWE TAA cannot also claim their temporary accommodation costs as an allowable cost for Temporary Additional Support [CAB-23-MIN-0312 refers]. To exclude NIWE TAA payments from the definitions of ‘chargeable income’ and ‘allowable costs’, amendments to the SSR are required.

### **Timing and 28-day rule**

- 5 Cabinet has agreed to waive the 28-day rule for these amendments to the SSR as the regulatory changes confer only benefits on individuals [CAB-23-MIN-0312 refers]. This will ensure the exemptions are in place prior to the proposed 4 September 2023 implementation date for the NIWE TAA.

### **Compliance**

- 6 The regulations (where applicable) comply with:
- 6.1 the principles of the Treaty of Waitangi;
  - 6.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
  - 6.3 the principles and guidelines set out in the Privacy Act 2020;
  - 6.4 relevant international standards and obligations; and
  - 6.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

### **Regulations Review Committee**

- 7 There are no grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives as a Standing Order requirement.

### **Certification by Parliamentary Counsel**

- 8 The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

### **Impact Analysis**

- 9 An exemption from the requirement to provide a Regulatory Impact Statement was granted by the Treasury's Regulatory Impact Analysis team when decisions were sought on this policy. Treasury's Regulatory Impact Analysis team determined that the proposal to establish an interim financial support payment system to support displaced homeowners affected by the 2023 North Island Weather Events, who have sourced a private rental as temporary accommodation, is exempt from the requirement to provide a Regulatory Impact Statement. This exemption is on the grounds that the proposal is intended to manage the short-term impacts of a declared emergency event and is required urgently to be effective (making a complete, robust and timely Regulatory Impact Statement unfeasible). Full impact analysis will be provided to Cabinet when policy decisions are sought for a more enduring solution to this issue.

### **Publicity**

- 10 There have already been announcements about the NIWE TAA and the intended establishment date of 4 September 2023.

### **Proactive release**

- 11 The intention is to proactively release this Cabinet paper, subject to any redactions as appropriate under the Official Information Act 1982.

### **Consultation**

- 12 The following government agencies/ departments have been consulted in the course of developing this policy and draft regulations: The Treasury, the Ministry of Business, Innovation and Employment, the Ministry of Housing and Urban Development, the Inland Revenue Department, Te Puni Kōkiri, the Ministry for Pacific Peoples, the Ministry for Women, the Office for Seniors, Whaikaha – Ministry of Disabled People, and the Ministry for Ethnic Communities. The Department of the Prime Minister and Cabinet has been informed.

### **Recommendations**

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 17 July 2023 Cabinet agreed to exclude the payments provided as part of NIWE TAA from the definition of chargeable income in the Social Security Regulations 2018 for the purposes of Temporary Additional Support and to ensure people who receive the NIWE TAA cannot also claim their temporary accommodation costs as an allowable cost for Temporary Additional Support [CAB-23-MIN-0312];
- 2 **note** that the Social Security (Temporary Additional Support—North Island Weather Events TAA Programme) Amendment Regulations 2023 will give effect to the decision referred to in recommendation 1 above;
- 3 **note** that Cabinet has agreed to waive of the 28-day rule for these amendments to the Social Security Regulations 2018 as the regulatory changes confer only benefits on individuals [CAB-23-MIN-0312 refers];
- 4 **authorise** the submission to the Executive Council of the:
  - 4.1 Social Security (Temporary Additional Support—North Island Weather Events TAA Programme) Amendment Regulations 2023.

Authorised for lodgement

Hon Carmel Sepuloni  
Minister for Social Development and Employment