Social Services, Work and Income

Social Security Act 1964

Special Needs Grants Amendment (No. 3)

Pursuant to section 124 (1) (d) of the Social Security Act 1964, I, Roger Morrison Sowry, Minister of Social Services, Work and Income, approve the following amendments to the Special Needs Grant welfare programme (as established and approved by me on 18 December 1998), which are to be read with and considered part of the programme.

Dated the 9th day of September 1999.

HON. ROGER SOWRY, Minister of Social Services, Work and Income.

Amendments

1. Special Assistance for Emergency Relocation Costs

1.1 The programme is amended by inserting, after clause 15.4.2, the following clauses:

15.5 Emergency Relocation Costs

15.5.1 *Eligibility:* This clause applies to an Applicant—

(a) whose safety is under an ongoing threat of severe violence from another person; and

(b) who has exhausted all other options of relocating within New Zealand to avoid the threat; and

(c) who intends to reside in Australia until the threat is averted; and

(d) whose application for a Grant is supported by a referral by the Commissioner of Police, or a senior officer of the New Zealand Police with the delegated authority of the Commissioner for the purpose, which confirms the matters set out in paragraphs (a) to (c), and that it is necessary for the Applicant's safety that the Applicant relocate outside New Zealand.

15.5.1 *Travel, Set-up, and Living Expenses Grants:* Where clause 15.5.1 applies to an Applicant, the chief executive may, subject to clauses 15.5.3, 15.5.8, 15.5.10, and 15.5.11 make the following types of Grants to the Applicant?

(a) a non-recoverable Travel Grant to pay for the following costs of relocating the Applicant to Australia:

(i) passport fees, as necessary;

(ii) New Zealand departure taxes;

(iii) economy class airfares for the Applicant;

(iv) economy class airfares for any Accompanying Persons:

(b) a non-recoverable Set-up Grant up to a maximum of $5,000.00 for the reasonable set up costs in Australia of the Applicant and any Accompanying Persons, for furniture, rent bonds, and deposits or initial payments for essential services:

(c) non-recoverable Living Expenses Grants for the living expenses in Australia of the Applicant and any Accompanying Persons.

15.5.3 *Ineligibility for Travel and Set-up Grants:* Where the Applicant is currently on the New Zealand Witness Protection Programme (administered by the New Zealand Police), the Applicant is not eligible for a Travel Grant or a Set-up Grant.

15.5.4 *Cash Assets not to prevent Grants:* Despite clause 8.1, where clause 15.5.1 applies to an Applicant and the Applicant's Cash Assets exceed the appropriate amount in clause 8.3, the chief executive may make Grants in respect of the Applicant under clause 15.5.2.

15.5.5 *Cash Assets may reduce Grants:* Where clause 15.5.4 applies, any Grants under clause 15.5.2 must be reduced by the amount the Applicant's Cash Assets exceed the appropriate Cash Assets limit in clause 8.3.

15.5.6 *Amount of Living Expenses Grants:* The amount of any Living Expenses Grant may be no more than the amount of the Parent Benefit and accommodation supplement that would be payable under the Act in New Zealand to the Applicant and Accompanying Spouse (if any) in respect of the relevant period.

15.5.7 *Amount of accommodation supplement:* For the purpose of calculating the amount of any Living Expenses Grant, the weekly amount of accommodation supplement that would be payable in New Zealand is the amount in paragraph (a) of whichever of clauses 1 to 3 of Part II of the Eighteenth Schedule of the Act is appropriate to the circumstances of the Applicant (other than the Applicant's type of accommodation).

15.5.8 *Beginning of Living Expenses Grants:* No Living Expenses Grant may be made until after the end of any entitlement the Applicant and Accompanying Spouse (if any) have under section 77 of the Act or section 17A of the Social Welfare (Transitional Provisions) Act 1990 to continue to be paid a benefit during his, her, or their absence from New Zealand.

15.5.9 *Ending of Living Expenses Grants:* Living Expenses Grants may be made until the earliest of the following events:

(a) the end of the Australian Waiting Period:

(b) when the Applicant no longer fulfils the eligibility requirements for the Parent Benefit:

(c) if the Applicant leaves Australia.

15.5.10 *Grants may be recoverable:* A Grant made under clause 15.5.2 is recoverable to the extent the chief executive determines that the Grant has not been used for the purpose for which it was made.

15.5.11 *Acknowledgment required:* Before the chief executive makes a Grant under clause 15.5.2, the Applicant must sign a statement acknowledging that he or she understands that—

(a) any benefit the Applicant and Accompanying Spouse (if any) is receiving will be cancelled; and

(b) the Grant is intended to cover the specific purposes referred to in clause 15.5.2 and no other payments under this programme will be made in respect of the same period or circumstances; and

(c) the Travel Grant and Set-up Grant are to enable the Applicant and any Accompanying Persons to travel to and set up in Australia, to avert the threats to the Applicant's safety; and

(d) the Applicant is expected to use the Living Expenses Grants for living expenses in Australia

of the Applicant and any Accompanying Persons, during the period that each Grant covers; and

(e) any child accompanying the Applicant must be an Eligible Child; and

(f) a Grant may be recovered from the Applicant if the Grant is not used for the purpose for which it is made; and

(g) the Applicant and Accompanying Spouse (if any) must notify the chief executive of any change in circumstances that might affect the Applicant's eligibility for the Living Expenses Grants or to the amount of any such Grants.

15.5.12 *Provisions applying where Applicant is dependent child:* If the Applicant is a dependent child,—

(a) references to the Applicant in clauses 15.5.6 to 15.5.9, and 15.5.11, and in the definitions "Australian Waiting Period", "Eligible Child", and "Parent Benefit" in clause 15.5.13, are references to the Applicant's Parent (being a Parent who is an Accompanying Person), except where the context otherwise requires; and

(b) references to a dependent child include reference to the Applicant, except where the context otherwise requires.

15.5.13 *Interpretation:* For the purposes of clause 15.5—

"Accompanying Person" means any of the following persons whom the chief executive is satisfied is accompanying the Applicant to Australia and intends to reside in Australia with the Applicant until the threat to the Applicant's safety is averted, namely—

(a) the Applicant's spouse;

(b) the Applicant's Eligible Child or children;

(c) where the Applicant is a dependent child, the Applicant's Immediate Family,—

and "Accompanying Spouse" has a corresponding meaning:

"Australian Waiting Period" means the minimum period of time the Applicant must be resident in Australia to be eligible under Australian social security legislation for the allowance, parenting payment, or pension appropriate to the Applicant's circumstances:

"Eligible Child", in relation to an Applicant, means a dependent child of the Applicant, whom the Applicant is legally entitled to remove from New Zealand for a period of not less than the period the Applicant intends to remain in Australia:

"Living Expenses Grant" means a Grant under clause 15.5.2 (c):

"Parent Benefit", in relation to an Applicant,—

(a) means the income-tested benefit or non-income-tested New Zealand superannuation or veteran's pension to which the Applicant and Accompanying Spouse (if any) would be entitled if the Applicant were living in New Zealand; and

(b) includes any orphan's benefit or unsupported childs benefit that would be payable under the Act in New Zealand in respect of an Eligible Child who is the Applicant or an Accompanying Person:

"Set-up Grant" means a Grant under clause 15.5.2 (b):

"Travel Grant" means a Grant under clause 15.5.2 (a).

Definitions *benefit, chief executive, child, dependent child, income-tested benefit, spouse,* Social Security Act 1964, s. 3.

2. Other Amendments

2.1 Clause 3.1 of the programme is amended by:

(a) omitting paragraph (c) of the definition of the term "Cash Assets", and substituting the following paragraph:

(c) money invested with or lent to any bank or other financial institution, or other person;

(b) omitting the definition of the term "Health Agency", and substituting the following definition: "Health Agency" means any of—

(a) the Minister of Health;

(b) the Ministry of Health;

(c) a funder within the meaning of the Health and Disability Services Act 1993;

(d) a Hospital and Health Service within the meaning of that Act;

(e) the Accident Compensation Corporation;

(f) an insurer within the meaning of the Accident Insurance Act 1998; or

(g) the Secretary of War Pensions in respect of grants or subsidies for Disability Services made under the War Pensions Act 1954 or regulations made under that Act:

2.2 The programme is amended by omitting clauses 8.2 and 8.3, and substituting the following clauses:

8.2 An Applicant's Cash Assets include the Cash Assets of his or her Parent if the Applicant is a dependent child.

8.3 The Cash Assets limits referred to in 8.1 are—

(a) in the case of an unmarried person, a value equivalent to 4 times the maximum weekly rate of an invalid's benefit under the Act for an unmarried person without a dependent child; and

(b) in the case of a married person or a sole parent, a value equivalent to 4 times the maximum weekly rate of an invalid's benefit under the Act for a married couple without a dependent child.

2.3 The programme is amended by omitting clause 21.1, and substituting the following clause:

21.1 If, under this programme, any Grant is recoverable, the amount of the Grant is a debt to the Crown payable by the following person or persons—

(a) where the Applicant is a dependent child, the child's Parent; or

(b) in any other case, the Applicant (being the person to whom or in respect of whom the Grant was made).

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Special Needs Grant (Citizenship Fees) Programme

Pursuant to section 124 (1) (d) of the Social Security Act 1964, I, Roger Morrison Sowry, Minister of Social Services, Work and Income, establish and approve the following welfare programme for special assistance.

Dated this 7th day of September 1999.