

Christchurch Mosques Attack Welfare Programme

Pursuant to section 101 of the Social Security Act 2018, the Minister for Social Development establishes and approves the following welfare programme for special assistance.

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Programme

PART ONE – PRELIMINARY PROVISIONS

1. Title

This programme is the Christchurch Mosques Attack Welfare Programme.

2. Commencement

This programme comes into force on 3 June 2019.

3. Purpose

The purpose of this programme is to provide for payments of special assistance to specified people affected by the Christchurch mosques attack that are the same as the types of support available to a person who meets the requirements of s 205(1) of the Act.

4. Interpretation

(1) In this programme, unless the context otherwise requires:

Act means the Social Security Act 2018;

Christchurch visa means a permanent resident visa of a kind described at the following immigration instructions:

(a) RV2.16 (Permanent resident visas for residents affected by terrorist attacks on 15 March 2019); and

(b) S4.30 (Christchurch Response (2019) Category);

Christchurch mosques attack means the attacks on 15 March 2019 on the mosques at Linwood Avenue and Deans Avenue in Christchurch;

Immigration instruction has the same meaning as in section 4 of the Immigration Act 2009, and a reference in this programme to a specified immigration instruction—

(a) is one to it as on 3 June 2019 published by the chief executive of the department responsible for the administration of that Act; and

(b) includes a reference to any later immigration instruction that, with or without modification, replaces, or that corresponds to, it;

Regulations means the Social Security Regulations 2018;

winter period, for a calendar year, means the 22-week period starting on 1 May.

- (2) If a term used in this programme is defined in the Act but not in this programme, the term has the meaning given by the Act.

5. Application of the Act and Regulations

- (1) The following provisions of the Act and Regulations apply to this programme, any applicant and any spouse or partner of the applicant as if the special assistance authorised by this programme were a benefit under the Act: Sections 63, 72, 74, 96, 98, 106 – 108, 111 – 114, 198, 297, 298 – 300, 304 – 310, 325, 331 – 335; 337 – 340, 349 – 364 and regulation 58, 59, 60, 62 – 68 and Subpart 1 of Part 6 of the Regulations.
- (2) Section 19 does not apply to this programme.
- (3) Nothing in subclause (1) limits or affects the application of any other provision of the Act.

PART TWO – WHO THIS PROGRAMME APPLIES TO

6. General: who this programme applies to

- (1) This programme applies to a person that MSD is satisfied:
 - a. is unable to earn enough income for themselves or their dependents (if any); and
 - b. is ineligible for any support under the Act; and
 - c. meets the requirements of one of clauses 7, 8 or 9.

7. People who are eligible for the Christchurch visa

- (1) This programme applies to a person who is eligible for the Christchurch visa but who has not yet been granted it.
- (2) Subclause (1) applies to an applicant even if they are present in New Zealand unlawfully or on a temporary entry class visa.

8. People whose family member was injured or died in the Christchurch mosques attack

- (1) This programme applies to a person who is:
 - a. a non-dependent adult child or non-dependent adult sibling of a person who died or was injured in the Christchurch mosques attack; and
 - b. present in New Zealand on a temporary entry class visa.

9. People who are connected to affected community and have mental trauma

- (1) This programme applies to a person who:
 - a. is part of or connected to the mosques at Linwood Avenue and Deans Avenue or the Christchurch Muslim community; and

- b. has been assessed by a health practitioner or counsellor to have mental trauma as a result of the Christchurch mosques attack; and
- c. was present in New Zealand on 15 March 2019; and
- d. is present in New Zealand on a temporary entry class visa.

PART THREE – TYPES OF AVAILABLE ASSISTANCE

10. General: types of assistance available under this programme

- (1) MSD may grant a person who this programme applies to any or all of the types of special assistance in clauses 11, 12, 13 and 14.

11. Special assistance at rate of emergency benefit

- (1) MSD may grant special assistance to a person whose circumstances meet the requirements for emergency benefit in sections 63(1) and (2) of the Act and the Ministerial Direction on Emergency Benefit.
- (2) The rate payable to a person under subclause (1) is determined in accordance with sections 63(3) and (4) of the Act.
- (3) Despite subclause (1), an applicant is not required to meet the cash asset test specified in cl 2 and 3 of the Ministerial Direction on Emergency Benefit.

12. Special assistance at rate of temporary additional support

- (1) MSD may grant special assistance to a person whose circumstances meet the requirements for temporary additional support in sections 96(1) and (2) and 98 of the Act and regulations 58 and 59 of the Regulations.
- (2) The rate payable to a person under subclause (1) is determined in accordance with sections 96(3) and (4) of the Act and regulations 62 – 68 of the Regulations.
- (3) In applying subclause (2), the upper limit for all persons that this programme applies to is that specified in regulation 63(2) of the Regulations.

13. Special assistance at the rate of the winter energy payment

- (1) MSD may grant special assistance to a person at the rate of the winter energy payment if:
 - a. the person is receiving a grant of assistance under clause 11;
 - b. section 72(2) of the Act does not apply to the person.
- (2) The rate payable to a person under subclause (1) must be determined in accordance with section 74 and Part 8 of Schedule 4 of the Act.
- (3) The rate of assistance under this clause is payable for the winter period as long as the applicant continues receiving assistance under clause 11.

14. Special assistance at the rate of the family and best start tax credits

- (1) This clause applies if a person is granted assistance under clause 11.
- (2) MSD may grant assistance to a person that is equal to the amount of the family tax credit or best start tax credit that the applicant would receive under

Part M of the Income Tax Act 2007 if they were receiving an emergency benefit, treating the person as if they meet the other relevant requirements in that Part (for example: residency requirements).

PART FOUR – ADMINISTRATIVE PROVISIONS

15. Application process

- (1) MSD must not grant assistance under this programme unless the applicant has—
 - a. applied using an application form prescribed by MSD; and
 - b. provided any supporting evidence reasonably required by MSD.
- (2) The provisions of the Act and Regulations that further prescribe how to make an application for a benefit apply to this programme (s 297 of the Act and Subpart 1 of Part 6 of the Regulations).

16. Commencement and backdating of assistance

- (1) Payment of assistance under this programme commences from:
 - a. the date a person applies under clause 15; or
 - b. if the person was eligible to receive assistance before the date they applied, from the date that they became eligible.
- (2) Assistance must not be backdated under subclause (1)(b) more than 28 days before the date a person applies under clause 15.
- (3) If the date an applicant became eligible for assistance under subclause (1)(b) was before the commencement of this programme, MSD may increase the first payment an applicant receives by an amount that corresponds with what is payable under subclause (2).
- (4) For the purpose of this clause, any application made on 4 June 2019 is taken to have been made on 3 June 2019.

17. Referral to health practitioner or counsellor to assess whether person has mental trauma

- (1) MSD may refer an applicant to a health practitioner or counsellor, nominated by MSD for the purpose, to assess whether that person has mental trauma as a result of the Christchurch mosques attack when:
 - a. considering an application by a person that clause 9 applies to; or
 - b. undertaking a review under clause 18.

18. Periodic reviews of whether person has mental trauma

If a person that clause 9 applies to is granted assistance under this programme, MSD may review whether they continue to have mental trauma as a result of the Christchurch mosques attack every 13 weeks in accordance with s 304 of the Act.

19. MSD to meet certain costs


- (1) MSD may meet the costs involved in any examination by a health practitioner or counsellor of a person who is granted assistance and that clause 9 applies.
- (2) MSD may pay the reasonable costs of an interpreter if needed to complete any aspect of an application.

20. Expiry of programme

This programme expires on the close of 4 June 2020.

Dated at Wellington

27th May 2019



Minister for Social Development

Explanatory note

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

This programme is made under section 101 of the Social Security Act 2018 (the **Act**) and comes into force on 3 June 2019.

The purpose of this programme is to provide for payments of special assistance to people who that have been affected by the Christchurch mosques attack but who do not qualify for support under the Social Security Act 2018. Part 2 of the programme specifies the people that the programme applies to.

People who fall under the programme can apply for the same types of support that is available to a person who meets the requirements of s 205(1) of the Act (refugees, protected persons, or people who are applying for permanent residence but are compelled to remain in New Zealand by unforeseen circumstances). The types and rates of support that are available, and the criteria that must be met to access them, are specified in Part 3.

This programme will expire on the close of June 4 2020.