

Guaranteed Childcare Assistance Payment Amendment 2020

This instrument is made under section 101 of the Social Security Act 2018 by the Minister for Social Development.

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Instrument

1 Title

This instrument is the Guaranteed Childcare Assistance Payment Amendment 2020.

2 Commencement

This instrument comes into force on 23 October 2020.

3 Principal programme

This instrument amends the Guaranteed Childcare Assistance Payment Programme¹ (as established and approved on 13 August 2012) (the **principal programme**).

4 Clause 4 amended (Interpretation)

- (1) In clause 4, definition of **cohort entry policy**, delete “section 5A of the Education Act 1989.” and replace with “section 63 of the Education and Training Act 2020”.
- (2) In clause 4, definition of **course of secondary instruction**, delete “a correspondence school, or a secondary school (as those terms are defined in section 2 of the Education Act 1989)” and replace with “a distance school, or a secondary school (as those terms are defined in section 10 of the Education and Training Act 2020)”.

5 Clause 11 amended (Payment during absences of eligible child)

After clause 11(2), insert new subclauses:

“(3) Despite subclause (1) GCAP payments may continue to be granted in respect of an eligible child for the period of the absence if the child is absent from an approved early childhood education programme because of COVID-19 requirements, whether or not

¹ New Zealand Gazette, 16 August 2012, page 2739, notice 2012-go5160

the programme charges a fee for holding open the places of children who are absent;

“(4) In this clause, -

“**available**, for the programme, if subclause (3) applies to the child, means that—

(a) the programme is attended by, and provided to, any other child, or any other children, to whom COVID-19 requirements do not apply; or

(b) the programme is not attended by, nor provided to, any children, because their absence is due to reasons that are or include COVID-19 requirements

“**COVID-19 requirements**, for a child or children, mean requirements that –

apply to the child or children, and that are imposed—

(a) by or under an Act; and

(b) to prevent, or limit the risk of, the outbreak or spread of COVID-19.”

6 Clause 14 amended (Ending and continuation of GCAP in certain circumstances)

In clause 14.1, delete “section 5B of the Education Act 1989” and replace with “section 64 of the Education and Training Act 2020”.



Minister for Social Development

Dated at Wellington this 16 day of October 2020

Explanatory note

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

This instrument, which comes into force on 23 October 2020, amends the Guaranteed Childcare Assistance Payment Programme made under the Social Security Act 1964 and saved by clause 21 of Schedule 1 of the Social Security Act 2018. The amendments are about guaranteed childcare assistance. In particular, clause 11 is amended to ensure that the assistance may continue to be paid during a child’s temporary absence, due to COVID-19 requirements, from an early childhood education programme.

New clause 11(3) ensures that assistance may continue to be paid for a period during a child's absence from the programme –

- If the absence is due to COVID-19 requirements (as that term is defined in *new clause 11(4)*, and whether or not the programme charges a fee for holding open the places of children who are absent), for the weeks of the absence, regardless of whether the absence exceeds 30 working days

The programme is available, as that term is defined in *new clause 11(4)*, if the absence is due to COVID-19 requirements (and so *new clause 11(3)* applies to the child) and—

- the programme is attended by, and provided to, any other child, or any other children, to whom COVID-19 requirements do not apply; or
- the programme is not attended by, nor provided to, any children, because their absence is due to reasons that are or include COVID-19 requirements.

New clause 11(3) and 11(4) applies, on and after the commencement, on 23 October 2020, of this amendment, to a child who is eligible for assistance regardless of whether the child became eligible for the assistance—

- before that commencement; or
- on or after that commencement.

This instrument also updates references to the Education Act 1989 with the Education and Training Act 2020