

# COVID-19 New Zealanders Stranded Overseas Support Programme

This welfare programme is established and approved under section 101 of the Social Security Act 2018 by the Minister for Social Development.

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## Programme

### 1 Title

This programme is the COVID-19 New Zealanders Stranded Overseas Support Programme.

### 2 Commencement

This programme comes into force on 20 April 2020.

### 3 Purpose

The purpose of this programme is to provide special financial support to New Zealand beneficiaries and superannuants who are stranded overseas because of the effects of COVID-19, until it can be reasonably expected that they can return to New Zealand.

### 4 Interpretation

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

**Act** means the Social Security Act 2018

**applicant** means a person who has applied, or on whose behalf an application has been made, for assistance under this programme

**benefit** has the same meaning as in the Act

**beneficiary** has the same meaning as in the Act

**COVID-19** means the COVID-19 pandemic for which an Epidemic Management Notice under the Epidemic Preparedness Act 2006 came into force on 25 March 2020

**domestic rate** means the appropriate rate of New Zealand Superannuation contained in Schedule 1 of the NZSRIA or the appropriate rate of Veteran's Pension contained in regulation 42 of the VSA

**main benefit** has the same meaning as in the Act

**New Zealand Superannuation** means assistance granted under s 12 of the NZSRIA

**NZSRIA** means the New Zealand Superannuation and Retirement Income Act 2001

**superannuant** means a recipient of the New Zealand Superannuation or the Veteran's Pension

**supplementary assistance** means the following assistance payable under the Act:

- (a) Accommodation Supplement;
- (b) Child Disability Allowance;
- (c) Disability Allowance;
- (d) Orphan's Benefit;
- (e) Special Benefit;
- (f) Special Disability Allowance;
- (g) Temporary Additional Support;
- (h) Unsupported Child's Benefit;
- (i) Winter Energy Payment; and

Temporary Accommodation Assistance, Transitional Assistance Payment and Transitional Subsidy paid under the Ministerial Welfare Programme of those names

**Veteran's Pension** means assistance granted under part 6 of the VSA

**VSA** means the Veterans' Support Act 2014

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

## **5 Application of other Acts**

- (1) The following provisions of the Act apply to this programme, and to 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 19 – 48, 65 – 69, 70 -75,78 – 83, 84 -89, 95-98, 109 - 113, 187, 191,197, 198, 202- 205, 217, 218, 292, 293, 298, 301, 303, 325- 330, 346, 350, 364, 379, 391- 417 clauses 2, 9, 11 to 14, 16 of Schedule 3, clause 1 of Schedule 6

- (2) The following provisions of the NZSRIA apply to this programme, and to any applicant and any spouse or partner of the applicant as if the special assistance authorised by this programme were a benefit under that Act: Sections 7,8,9,10,11,12, Clauses 1 – 4 of Schedule 1
- (3) The following provisions of the VSA apply to this programme, and to any applicant and any spouse or partner of the applicant as if the special assistance authorised by this programme were a benefit under that Act: sections 160 – 171, 174,175.
- (4) Nothing in subclause (1) limits or affects the application of any other provision of the Act, the NZSRIA or the VSA.

## **6 Applications**

An application for special assistance under this programme is made to MSD if MSD is satisfied that—

- (a) the applicant qualifies for assistance under this programme; and
- (b) the department has received any supporting evidence reasonably required by MSD.

## **7 General: types of assistance available under this programme**

- (1) MSD may grant to an applicant any combination of special assistance under clauses 9, 10, 11 and 12.
- (2) Notwithstanding subclause (1), MSD may not grant to an applicant a combination of assistance under clauses 10 and 11.

## **8 Eligibility**

- (1) This programme applies to a person if MSD is satisfied—
  - (a) The applicant meets the criteria of clauses 9, 10, 11 or 12; and
  - (b) in the case of a beneficiary, the applicant has notified MSD of their absence from New Zealand; and
  - (c) the applicant remains ordinarily resident in New Zealand; and
  - (d) it is not reasonable for the applicant to return to New Zealand because no reasonable travel options are available because of the effects of COVID-19.
- (2) A person is not entitled to special assistance under this programme if MSD is satisfied that:
  - (a) if the applicant were present in New Zealand, they would have no entitlement to assistance, or

- (b) the person is entitled to a domestic payment under the Act, the NZSRIA or the VSA; or
- (c) the person left New Zealand on or after 26 March 2020; or
- (d) the applicant has decided not to return to New Zealand.

#### **9 Initial grant of assistance**

MSD may grant a lump sum payment to an applicant if MSD is satisfied:

- (a) the applicant's intended return date was prior to the date the programme comes into force and the applicant was prevented from returning to New Zealand on this date due to the effects of COVID-19; or
- (b) the applicant is suffering hardship.

#### **10 Special assistance for New Zealand Superannuation or Veteran's Pension recipients**

MSD may grant special assistance under this clause if it is satisfied that:

- (a) the applicant was, immediately before leaving New Zealand, entitled to receive payment and was receiving New Zealand Superannuation or a Veteran's Pension under the NZSRIA or the VSA;
- (b) but for the applicant's absence, they would remain entitled to receive payment of the domestic rate of New Zealand Superannuation or a Veteran's Pension; and
- (c) the applicant is unable to return to New Zealand because no reasonable travel options are available because of the effects of COVID-19.

#### **11 Special assistance for main benefit recipients**

MSD may grant special assistance under this clause if it is satisfied that:

- (a) the applicant was, immediately before leaving New Zealand, entitled to receive payment and was receiving a main benefit under the Act; and
- (b) but for the applicant's absence, they would remain entitled to receive payment of a main benefit; and
- (c) the applicant is unable to return to New Zealand because no reasonable travel options are available because of the effects of COVID-19.

#### **12 Special assistance for supplementary assistance recipients**

MSD may grant special assistance under this clause if it is satisfied that:

- (a) the applicant was, immediately before leaving New Zealand, entitled to receive payment and was receiving supplementary assistance under the Act; and

- (b) but for the applicant's absence, they would remain entitled to receive payment of supplementary assistance; and
- (c) the applicant is unable to return to New Zealand because no reasonable travel options are available because of the effects of COVID-19.

### **13 Amount of assistance**

- (1) A lump sum payment made under clause 9 must not exceed the sum of assistance that would be payable to the applicant under the Act, Social Security Regulations 2018, the NZSRIA, or the VSA if the applicant had returned to New Zealand when they had intended, or from an earlier date if MSD is satisfied the applicant suffered hardship.
- (2) Grants of assistance made under clause 10, 11, and 12 of this programme are discretionary but must not exceed the amount an applicant would receive if they were entitled to receive payment of the equivalent benefit in New Zealand.

### **14 Review**

MSD may review any grant of assistance under clause 10, 11, and 12 in its discretion.

### **15 Commencement**

Payment of assistance under this programme commences from:

- (a) the date a person applies under clause 7; or
- (b) if the person was eligible to receive assistance before the date they applied, from the date the programme comes into force.

### **16 Ending of assistance**

Assistance must be ended if an applicant ceases to be eligible under this programme.

### **17 Expiry**

This programme expires on 20 October 2020.

Dated at Wellington this 17 day of April 2020



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Minister for Social Development

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### **Explanatory Note**

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

This welfare programme under the Social Security Act 2018, which comes into effect on 20 April 2020, provides non-recoverable special assistance to applicants who were previously eligible for New Zealand Superannuation, Veteran's Pension or a benefit, including supplementary assistance but who, because of the effects of COVID-19, have been unable to return to New Zealand, and to whom assistance at the domestic rate is not otherwise payable.