

Instrument amending Ministerial Direction and Welfare Programmes (Child Support Pass On) 2023

This instrument is made under sections 7 and 101 of the Social Security Act 2018 by the Minister for Social Development and Employment.

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Instrument

- 1 Title**

This instrument is the Instrument amending Ministerial Direction and Welfare Programmes (Child Support Pass On) 2023.
 - 2 Commencement**

This instrument comes into force on 22 August 2023.
 - 3 Principal direction and welfare programmes amended**

This instrument amends the direction and welfare programmes specified in Schedules 1 and 2 (the **principal direction and welfare programmes**).
 - 4 Amendments**

Amend the principal direction and welfare programmes in the manner set out in Schedules 1 and 2.
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Schedule 1

cl 4

Amendments to direction

Direction in relation to Special Benefit (given on 10 February 1999)¹

Clause 2

In clause 2.1, replace paragraph (g) of the definition of **Chargeable income** with:

- (g) The amount of any child support payments that are—
 - (i) income as defined in Part 2 of Schedule 3 of the Act (and includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act); or
 - (ii) a child support excess payment as defined in Schedule 2 of the Act; and

In clause 2.1, after the definition of **Chargeable income** insert the following definition:

Child support has the same meaning as in section 2(1) of the Child Support Act 1991

¹ New Zealand Gazette 16 December 1999, No. 193, page 4599.

Schedule 2

cl 4

Amendments to welfare programmes

Community Costs Programme (as established and approved on 15 March 2006)²

Clause 5

In clause 5(1), after “111, ” insert “113, ”.

In clause 5(1), after “417, ” insert “and clause 13 and Part 3A of Schedule 3, ”.

Clause 7

In clause 7, before “A person is ineligible for CC payments if he or she-” insert subclause “(1)”

In clause 7(1)(f), before any reference to “income” insert “weekly”.

In clause 7, after subclause (1)(f) insert:

- (2) For the purposes of subclause (1)(f), a person’s weekly income includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act.

Employment and Work Readiness Assistance Programme (as established and approved on 6 March 2014)³

Clause 5

In clause 5(1), after “417, ”, insert “and clause 13 and Part 3A of Schedule 3, ”.

Clause 8

In clause 8, before “In exercising the discretion under clause 6(1)” insert subclause “(1)”.

In clause 8, after subclause (1)(g) insert:

- (2) In this clause, if MSD decides to have regard to an eligible person’s weekly income, the assessment of the applicant’s weekly income shall include weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act.

Employment Transition Programme (as established and approved on 23 June 2005)⁴

Clause 4

In clause 4(1), after the definition of **employment trial** insert the following definition:

income has the same meaning as in Part 2 of Schedule 3 of the Act

² New Zealand Gazette 23 March 2006, No. 27, page 729.

³ New Zealand Gazette 13 March 2014, No. 29, page 837.

⁴ New Zealand Gazette 30 June 2005, No. 100, page 2383.

In clause 4(1)(a), in the definition of **net specified income**, replace “income (within the meaning of Part 2 of Schedule 3 of the Act)” with “weekly income (as calculated under clause 13 and Part 3A of Schedule 3 of the Act)”.

Clause 5

In clause 5(1), replace “and 417, clauses 2” with “and 417, and clauses 2”

In clause 5(1), replace “and 16,” with “13, 15A to 15I, and 16”.

Clause 8

In clause 8, after subclause (4) insert:

- (5) In this clause, if the applicant’s income is calculated on a weekly basis, it includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act.

Flexible Funding Programme (as established and approved on 3 August 2020)⁵

Clause 6

In clause 6(1), replace “14, 16” with “14, 15A to 15I, and 16”.

Clause 9

In clause 9(1)(f), before “income” insert “weekly”.

In clause 9(1)(f), replace “is less than” with “does not exceed”.

In clause 9(1)(g), replace “is less than” with “does not exceed”.

In clause 9, after subclause (2) insert:

- (3) For the purposes of subclause (1)(f), the applicant’s weekly income includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act.

Flexi-wage Employment Assistance Programme (as established and approved on 9 February 2021)⁶

Clause 5

In clause 5(1), after “340 and 417” insert “, and clause 13 and Part 3A of Schedule 3”.

Clause 6

In clause 6(2)(e), replace “in the case of a person who is not in receipt of a main benefit, has income (including the income of their spouse or partner)” with “in the case of a person who is not in receipt of a main benefit, has weekly income (including the weekly income of their spouse or partner)”.

In clause 6, after subclause (3)(c) insert:

⁵ New Zealand Gazette 6 August 2020, page 3537.

⁶ New Zealand Gazette, 11 February 2021, page 475.

- (4) In this clause, a person's weekly income includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act.

Recoverable Assistance Programme (as established and approved on 15 February 1999)⁷

Clause 4

In clause 4.1, replace "14, and 16" with "14, 15A to 15I, and 16".

Clause 7

In clause 7.2, replace all references to "Income" with "income".

In clause 7.3, replace "Income" with "income".

Seasonal Work Assistance Programme (as established and approved on 7 July 2002)⁸

Clause 5

In clause 5(1), after "111," insert "113,".

In clause 5(1), replace "14, and 16" with "14, 15A to 15I, and 16".

Clause 6

In clause 6(1)(c), insert "weekly" before all references to "income".

In clause 6, after subclause (3)(d) insert:

- (4) In this clause, an applicant's weekly income includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act.

Special Needs Grants Programme (as established and approved on 18 December 1998)⁹

Clause 3

In clause 3.1 in the definition of **emergency housing income**, after "Part 2 of Schedule 3 of the Act" insert " (and includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act)".

In clause 3.1 after the definition **Transition from Care to Independence Initiative** or **Initiative**, insert the following definition:

weekly income has the same meaning as in Part 2 of Schedule 3 of the Act (and includes weekly income calculated under clause 13 and Part 3A of Schedule 3 of the Act)

Clause 4

In clause 4.1, replace "14, 16" with "14, 15A to 15I, 16".

Clause 7

In clause 7.1, after "his or her " insert "weekly ".

⁷ New Zealand Gazette 25 February 1999, No. 1349, page 567.

⁸ New Zealand Gazette 11 July 2002, No. 78, page 2079.

⁹ New Zealand Gazette 28 January 1999, No. 563, page 202.

In clause 7.1A, after “his or her ” insert “weekly ”.

Clause 14A

In clause 14A.3, after “to an applicant whose ” insert “weekly ”.

Clause 15B

In clause 15B.1(d), replace all references to “domestic” with “family”.

In clause 15B.1(f), replace “domestic violence” with “family violence”

In clause 15B.6, replace “**domestic relationship** has the same meaning as in section 4 of the Domestic Violence Act 1995” with “**family relationship** has the same meaning as in section 12 of the Family Violence Act 2018”.

In clause 15B.6, replace “**domestic violence** has the same meaning as in section 3 of the Domestic Violence Act 1995” with “**family violence** has the same meaning as in section 9 of the Family Violence Act 2018”.

Clause 15C

In clause 15C.3(b), after “spousal maintenance” delete “; child support”.

In clause 15C.7(b), before “income” insert “weekly ”.

Clause 18

In clause 18.8, replace all references to “the applicable rate of jobseeker support diminished by \$1 a week for every \$1 a week of that person's income which is more than \$160 a week.” with “the applicable rate of jobseeker support diminished by \$1 a week for every \$1 a week of that person's weekly income which is more than \$160 a week.”.

Dated at *Wellington* this *13th* day of August 2023



Minister for Social Development and Employment

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 22 August 2023, amends a Ministerial direction and multiple Ministerial welfare programmes under the Social Security Act 2018 to give effect to the Child Support (Pass on) Acts Amendment Act 2023. The Ministerial direction and Ministerial welfare programmes that are being amended are set out in Schedules 1 and 2 of this instrument.

The amendments clarify that when a person's weekly income is calculated, for the purposes of the direction and the welfare programmes outlined in Schedules 1 and 2, their weekly income will include both income calculated under clause 13 and Part 3A of Schedule 3 of the Social Security Act 2018.

These amendments ensure that income calculated under Part 3A of Schedule 3 of the Social Security Act 2018, which relate to any information share child support payment, is explicitly included as weekly income in addition to any weekly income calculated under the general income charging rules under the Act.

The amendments also make minor editorial corrections.