

Reprint
as at 26 November 2018



Social Security (Youth Support and Work Focus) Amendment Act 2012

Public Act 2012 No 50

Date of assent 26 July 2012

Commencement see section 2

Social Security (Youth Support and Work Focus) Amendment Act 2012: repealed, on 26 November 2018, pursuant to section 455(1) of the Social Security Act 2018 (2018 No 32).

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Security (Youth Support and Work Focus) Amendment Act 2012.

2 Commencement

- (1) Part 1 (except for sections 19, 20, 21, and 23), Part 2, and the schedules come into force on 20 August 2012.
- (2) Parts 3 and 4 come into force on 15 October 2012.
- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Social Security Act 1964 (the **principal Act**).

Part 1

Substantive provisions taking effect on 20 August 2012 or immediately

4 Section 1A amended (Purpose)

- (1) After section 1A(c), insert:

(ca) to provide services to encourage and help young persons to move to education, training, and employment rather than to receiving financial support under this Act;

(2) In section 1A(d), after “this Act”, insert “, and, in the case of young persons, seeking or receiving financial support under this Act, educational, budget management, and (where appropriate) parenting requirements”.

5 Section 3 amended (Interpretation)

(1) In section 3(1), definition of **benefit**, after paragraph (b)(ii), insert:

(iia) an incentive payment, a youth payment, and a young parent payment;

(2) In section 3(1), insert in their appropriate alphabetical order:

contracted service provider has the meaning given by section 125A(1)

incentive payment means a payment referred to in any of clauses 7 to 9 of Schedule 26

young parent payment means a young parent payment payable under Part 5

youth payment means a youth payment payable under Part 5

youth support payment means a young parent payment or youth payment

(3) In section 3(1), definition of **dependent child**, paragraph (d), replace “and 18” with “18, and 26”.

(4) In section 3(1), definition of **dependent child**, after paragraph (d), insert:

(e) does not include a child in respect of whom a young parent payment is being paid except in relation to that child’s parent or step-parent

(5) In section 3(1), replace the definition of **work-tested spouse or partner** with:

work-tested spouse or partner means a person—

(a) who—

(i) has no dependent child under 6 years (or has no dependent child at all); and

(ii) is not subject to obligations under section 171; and

(iii) has not been granted an exemption from the work test; and

(b) who—

(i) is the spouse or partner of a person granted an unemployment benefit, a sickness benefit, or an invalid’s benefit, (being, in each case, a benefit granted at a work-test married rate); or

(ii) both—

(A) is the spouse or partner of a person granted an emergency benefit at a work-tested married rate; and

(B) has under section 61A(1A) been required by the chief executive to comply with the work test; or

(iii) is—

(A) the spouse or partner of a person who is receiving long-term residential care in a hospital or rest home; and

(B) aged under 60 years; and

(C) in receipt of an invalid's benefit under section 42(2) or an emergency benefit under regulations under section 155

6 Section 11D amended (Application process for benefits)

In section 11D, after subsection (3), insert:

(3A) If the chief executive considers that the appropriate benefit for an applicant is a youth support payment, he or she may require as supporting evidence under subsection (2)(b) evidence of the applicant's accommodation costs and service costs (within the meaning of section 157), debts, and other liabilities.

(3B) Subsection (3A) does not limit the generality of subsection (2)(b).

7 Section 12J amended (Right of appeal)

(1) In the heading to section 12J, replace “Right” with “Rights”.

(2) In section 12J(1)(a), replace “or Part 4” with “Part 4, or Part 5”.

8 Section 21 amended (Widows' benefits)

In section 21(1)(a), after “who”, insert “is aged 19 years or over and”.

9 Section 27B amended (Domestic purposes benefits for solo parents)

Replace section 27B(2)(a) with:

(a) the applicant is aged 19 years or over; and

10 Section 27G amended (Domestic purposes benefits for care at home of the sick or infirm)

(1) In section 27G(2), delete “has attained the age of 16 years and”.

(2) Replace section 27G(2A) with:

(2A) An applicant must not be granted a domestic purposes benefit under this section unless,—

(a) in the case of an applicant without a dependent child, he or she is aged at least 18 years;

(b) in any other case, he or she is aged at least 19 years.

11 Section 54 amended (Sickness benefit: standard eligibility requirements)

Replace section 54(2) with:

(2) An applicant for a sickness benefit—

- (a) must be aged at least 18 years, in the case of an applicant without a dependent child;
- (b) must be aged at least 19 years, in any other case.

12 Section 54A amended (Sickness benefit: grounds of hardship)

Repeal section 54A(2).

13 Sections 60F to 60GAC and cross-heading above section 60F repealed

Repeal sections 60F to 60GAC and the cross-heading above section 60F.

14 Section 82 amended (Payment of benefits)

(1) After section 82(6D), insert:

(6E) Subsections (6B) to (6D) do not apply to the advance payment of a youth support payment, or to the advance payment of any other benefit payable to a person receiving a youth support payment.

(2) After section 82(7), insert:

(8) This section is subject to section 179.

15 Section 83 amended (Apportionment of benefit between spouses or partners)

(1) In section 83(1), replace “subsection (2)” with “subsections (2) and (2A)”.

(2) After section 83(2), insert:

(2A) Nothing in this section applies to—

- (a) a rate of youth payment or young parent payment; or
- (b) the rate of any benefit (other than a youth payment or young parent payment) payable to a person receiving a youth payment or young parent payment.

16 Section 89 amended (Unemployment benefit: standard eligibility requirements)

Replace section 89(2) with:

(2) An applicant for an unemployment benefit—

- (a) must be aged at least 18 years, in the case of an applicant without a dependent child;
- (b) must be aged at least 19 years, in any other case.

17 Section 105 amended (Exemption from obligations)

(1) In section 105(1), after “work test obligations”, insert “or obligations under section 170 or 171”.

(2) In section 105(5),—

- (a) after “work test obligations”, insert “or obligations under section 170 or 171”; and
- (b) after “117”, insert “or (as the case requires) section 173 or 174”.

18 Section 123D(a) amended (Regulations)

In section 123D(a), after “work test obligations”, insert “or obligations under section 170 or 171”.

19 New section 123E inserted (Services to encourage young persons to move to education, training, and employment)

Before section 124, insert the following section:

123E Services to encourage young persons to move to education, training, and employment

The chief executive may do either or both of the following things:

- (a) provide services to encourage and help young persons to move into education, training, and employment rather than to receiving financial support under this Act;
- (b) enter (under section 125A) into contracts with service providers to provide services of that kind on the chief executive’s behalf.

20 New sections 123F to 123H inserted

After section 123E (as inserted by section 19 of this Act), insert:

123F Chief executive may enter into information-sharing agreement with chief executive of Ministry of Education

- (1) The chief executive may enter into an agreement with the chief executive of the Ministry of Education relating to the sharing, for the purposes of facilitating the provision of services of a kind described in section 123E(a), of information about young persons who have ceased to be enrolled at a registered school (as defined in section 2 of the Education Act 1989) or a tertiary education organisation (being an organisation as defined in section 159B(1) of that Act).
- (2) While the agreement is in force, the chief executive of the Ministry of Education—
 - (a) may provide to the chief executive any information to which subsection (1) applies that the former considers may facilitate the provision by the latter of services of a kind described in section 123E(a); and
 - (b) may use national student numbers for the purpose of gathering the information.
- (3) Subsection (2) overrides section 344(2) of the Education Act 1989.

123G Consultation on proposed agreement

- (1) Before entering into an agreement under section 123F(1), the parties must—
 - (a) consult on the proposed agreement, and invite submissions on it from,—
 - (i) the Privacy Commissioner; and
 - (ii) any person or organisation that they consider represents the interests of the kinds of people whose personal information will be shared under the proposed agreement; and
 - (iii) any other person or organisation that the parties consider should be consulted; and
 - (b) consider all submissions received within a reasonable time of being invited.
- (2) The Privacy Commissioner—
 - (a) must consider the privacy implications of the proposed agreement; and
 - (b) may make any submissions under subsection (1)(a)(i) that he or she thinks fit.

123H Agreements to be reviewed after 3 years

- (1) Promptly after an agreement under section 123F(1) has been in effect for 3 years, the chief executive must conduct a review of its operation.
- (2) In conducting the review, the chief executive must consult—
 - (a) the chief executive of the Ministry of Education (as the other party to the agreement); and
 - (b) the Privacy Commissioner; and
 - (c) any organisation or other person that he or she considers to represent the interests of the kinds of people whose personal information may be shared under the agreement.
- (3) In conducting the review, the chief executive must consider—
 - (a) whether (and if so, to what extent) the agreement is operating—
 - (i) in a way that is unusual; or
 - (ii) otherwise than was expected by the parties when they entered into it; or
 - (iii) otherwise than was expected by the Privacy Commissioner when he or she was consulted on it under section 123G(1)(a)(i); and
 - (b) the extent to which the agreement is facilitating the provision of services of a kind described in section 123E(a); and
 - (c) the extent to which the agreement is impinging on the privacy of individuals; and

- (d) whether (and if so, to what extent) the benefits of sharing information under the agreement justify the costs of sharing it; and
- (e) all submissions made in the course of the consultation required by subsection (2).

(4) After conducting the review, the chief executive must report to the Minister on its findings, and make to the Minister any recommendations arising from them that the chief executive considers appropriate.

21 New sections 125A, 125B, and 125E inserted

After section 125, insert:

125A Chief executive may contract with service providers

- (1) The chief executive may from time to time, on behalf of the Crown, enter into a contract with any person, body, or organisation (a **contracted service provider**) for the provision by the contracted service provider of services—
 - (a) that are—
 - (i) services of the kind referred to in section 123E(a); or
 - (ii) services in relation to Part 5; and
 - (b) that are services of a kind or description stated for the purposes of this section by regulations under this Act.
- (2) The chief executive must not enter into a contract with a person, body, or organisation for the provision of services of a kind stated in subsection (1) unless the chief executive is satisfied that it—
 - (a) is suitable to provide the services specified in the contract; and
 - (b) is suitable to work with young persons in providing those services; and
 - (c) has the powers and capacity to enter into and perform a contract for those services.
- (3) In this section, **young person** has the meaning given by section 157.

125B Contracts with service providers: contents and form

- (1) A contract under section 125A—
 - (a) must set out the responsibilities of the contracted service provider and the chief executive in respect of each of the services the provider is to provide under the contract; and
 - (b) must require the provider to co-operate with the chief executive; and
 - (c) must contain all terms and conditions (if any) stated for the purposes of that section by regulations under this Act.
- (2) The contract must be in writing.
- (3) Subsection (1) does not limit section 125A.

125E Chief executive may adopt existing contracts

The chief executive may agree in writing with the other party to any contract the chief executive has entered into before the commencement of the Social Security (Youth Support and Work Focus) Amendment Act 2012 that this Act applies to the contract as if it had been entered into under section 125A; and in that case, after the agreement takes effect, this Act applies to the contract (to the extent that it was capable of being entered into under that section) as if it had been entered into under that section.

22 New sections 125C, 125D, 125F, 125G, and 125H inserted

(1) After section 125B (as inserted by section 21 of this Act), insert:

125C Release of personal information to and by contracted service provider

(1) The purpose of this section is—

- (a) to authorise the department and any contracted service provider to disclose to each other relevant personal information about young persons to whom the provider's contract under section 125A applies; and
- (b) to assist the department to exercise and perform powers and functions under Part 5 and section 123E(a) and the provider to provide services under the contract; and
- (c) to enable the prescription of—
 - (i) the circumstances in which the personal information may be disclosed; and
 - (ii) conditions governing the disclosure of the personal information; and
 - (iii) conditions governing the way in which the personal information is to be dealt with by the person to whom it is disclosed.

(2) This section applies to any personal information about a young person or young persons to whom a contract under section 125A applies that is held by the contracted service provider concerned or the department.

(3) For the purposes of this section, regulations under this Act may state—

- (a) the circumstances in which a contracted service provider and its employees may release or disclose to the chief executive and employees of the department information to which this section applies held by the contracted service provider and the conditions with which the chief executive and employees of the department must comply in dealing with the information; or
- (b) the circumstances in which the chief executive and employees of the department may release or disclose to a contracted service provider and its employees information to which this section applies held by the

department and the conditions with which the contracted service provider and its employees must comply in dealing with the information.

- (4) Regulations of the kind referred to in subsection (3) must not be made except on the recommendation of the Minister; and the Minister must not recommend the making of the regulations unless satisfied that the chief executive has consulted on the proposed regulations in the manner required by section 123G for an agreement under section 123F(1).
- (5) If satisfied on reasonable grounds that its disclosure is in accordance with regulations of the kind referred to in subsection (3), the chief executive, an employee of the department, a contracted service provider, or an employee of a contracted service provider may release or disclose information to which this section applies.
- (6) Nothing in this section requires the chief executive, employees of the department, a contracted service provider, or employees of a contracted service provider to release or disclose any information.
- (7) In this section,—
employee, in relation to a contracted service provider, includes a volunteer
held includes deemed for the purposes of the Official Information Act 1982 to be held.
Compare: 2004 No 50 s 199J

125D Information-sharing in relation to young persons

- (1) The purpose of this section is to authorise local agencies (for example, schools, primary health organisations, and the New Zealand Police) to disclose relevant personal information about a young person to the department or a contracted service provider where the agency concerned considers it relevant to the exercise or performance of powers or functions under this Act in respect of the young person.
- (2) An agency specified by the Governor-General by Order in Council for the purposes of this subsection may, for the purposes of this section, disclose any information about a young person to the chief executive, if satisfied on reasonable grounds that—
 - (a) subsection (4) applies to the young person; and
 - (b) the information will assist the department in—
 - (i) performing any function, or exercising any power, under Part 5; or
 - (ii) achieving any of the purposes of this Act.
- (3) An agency specified by the Governor-General by Order in Council for the purposes of this subsection may, for the purposes of this section, disclose any information about a young person to a contracted service provider, if satisfied on reasonable grounds that—
 - (a) the provider is the young person's contracted service provider; and

- (b) subsection (4) applies to the young person; and
- (c) the information will assist the provider in providing services under a contract under section 125A.

(4) This subsection applies to a young person if he or she—

- (a) has applied for or is receiving a youth support payment; or
- (b) is subject to obligations under section 171; or
- (c) has left or finished education, and is not or may not be in employment or training; or
- (d) has left or finished training, and is not or may not be in employment.

(5) An order of the kind referred to in subsection (2) or (3) must not be made except on the recommendation of the Minister; and the Minister must not recommend the making of the order unless satisfied that the chief executive has consulted on the proposed order in the manner required by section 123G for an agreement under section 123F(1).

(6) Orders under subsection (2) or (3) may specify particular agencies, or agencies of any specified class or description.

(7) In this section, **agency** has the meaning given to it by section 2(1) of the Privacy Act 1993.

(2) After section 125E (as inserted by section 21 of this Act), insert:

125F Information on provision of contracted services to be published

The chief executive must ensure that there are published, no later than 1 October in every year,—

- (a) a general description of the services provided by contracted service providers during the year ending on 30 June in that year, and of the contracted service providers; and
- (b) details of the providers concerned.

125G Actions of contracted service providers to be treated for certain purposes as if actions of department

- (1) For the purposes of section 80AA, any action or inaction of a contracted service provider must be treated as an action or inaction of an officer of the department.
- (2) For the purposes of section 80A, a contracted service provider must be treated as an officer of the department.
- (3) For the purposes of section 86(9A) and (9B), the provision of information by, and any act or omission of, a contracted service provider must be treated as having been done or omitted by an officer of the department.

125H Operation of certain provisions to be reviewed after 3 years

- (1) Promptly after the expiration of 3 years after the commencement of section 22 of the Social Security (Youth Support and Work Focus) Amendment Act 2012, the chief executive must conduct a review of the operation of sections 123F, 123G, 125C, and 125D for consistency with the general legislation then in force relating to the privacy of personal information.
- (2) In conducting the review, the chief executive must consult—
 - (a) the Privacy Commissioner; and
 - (b) any organisation or other person that he or she considers to represent the interests of the kinds of people whose personal information may be disclosed under any of those provisions.
- (3) After conducting the review, the chief executive must report to the Minister on its findings, and make to the Minister any recommendations for the amendment of those provisions arising from them that the chief executive considers appropriate.

23 New section 125I inserted (Complaints to Privacy Commissioner)

After section 125H (as inserted by section 22 of this Act), insert:

125I Complaints to Privacy Commissioner

- (1) A person may complain to the Privacy Commissioner if personal information relating to the person has been disclosed under section 125C or 125D, on the grounds that the disclosure was in breach of—
 - (a) regulations of the kind referred to in section 125C; or
 - (b) the requirements of section 125D.
- (2) A person may complain to the Privacy Commissioner if personal information relating to the person has been disclosed pursuant to an information-sharing agreement under section 123F, on the grounds that the disclosure was in breach of the agreement.
- (3) Part 8 of the Privacy Act 1993—
 - (a) applies to a complaint under subsection (1) as if the regulations concerned and section 125D together constituted a code of practice issued under Part 6 of that Act; and
 - (b) applies to a complaint under subsection (2) as if the information-sharing agreement concerned were a code of practice issued under Part 6 of that Act.

24 New Part 5 inserted

After section 155, insert:

Part 5

Financial support for young people

156 Purpose

The purpose of this Part is to specify the supports, obligations, and sanctions that apply to certain young people who receive financial assistance under this Act.

157 Interpretation

In this Part and in Schedule 26,—

accommodation costs, in relation to any young person, has the same meaning as in section 61E(1) except that, in relation to a person who is a boarder or lodger in any premises, it means 100% of the amount paid for board or lodging

approved training means an employment-related training course approved by the chief executive

full-time course has the same meaning as in regulation 2(1) of the Student Allowances Regulations 1998

in-hand allowance means the component of a youth support payment set out in clause 6 of Schedule 26 under that name

NCEA level 2 means a level 2 National Certificate of Educational Achievement issued by the New Zealand Qualifications Authority established under Part 20 of the Education Act 1989

parents, in relation to a young person,—

(a) means the parents or guardians or other person who had the care of the young person most recently before the young person turned 16 years; and

(b) includes any other parent, or guardian or former guardian, willing to have financial responsibility for the young person; but

(c) does not include—

(i) the chief executive of the department responsible for administering the Children, Young Persons, and Their Families Act 1989 in his or her official capacity; or

(ii) any body or organisation approved under section 396 of that Act

service costs has the same meaning as in section 61E(1)

specified beneficiary means a person who is married, in a civil union, or in a de facto relationship and receives in his or her own right—

(a) a domestic purposes benefit under section 27G; or

(b) an emergency benefit, invalid's benefit, sickness benefit, or unemployment benefit; or

- (c) New Zealand superannuation paid at a rate specified in clause 2 of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001; or
- (d) a veteran's pension paid at a rate specified in clause 2 of Schedule 11 of the War Pensions Act 1954

teen parent unit means an educational facility for teenage parents attached to a State school (within the meaning of the Education Act 1989)

WFF tax credit has the same meaning as in section YA 1 of the Income Tax Act 2007

work-based learning, in relation to any person, means a course or programme undertaken (or to be undertaken) in the course of or by virtue of his or her employment that comprises, or includes a component of, practical or on-the-job vocational learning (for example, an industry training programme or apprenticeship)

young person—

- (a) except in section 123E, means a person aged at least 16 years but under the age of 20 years; and
- (b) in section 123E, means a person aged at least 15 years but under the age of 18 years.

Youth payment

158 Youth payment: basic criteria

- (1) The basic qualifications for entitlement to a youth payment are in subsection (2). The qualifications for a single young person are in section 159. The qualifications for a young person who is or has been married, in a civil union, or in a de facto relationship are in section 160.
- (2) The basic qualifications for entitlement to a youth payment are that the young person—
 - (a) is aged 16 or 17 years; and
 - (b) is without a dependent child or dependent children; and
 - (c) either—
 - (i) is undertaking or is available for a full-time course of secondary instruction, or tertiary education, or approved training, or approved work-based learning, leading to—
 - (A) NCEA level 2; or
 - (B) an equivalent qualification (in the opinion of the chief executive); or
 - (C) a higher qualification; or

- (ii) would be so available but for circumstances that would qualify the young person for an exemption under section 105 from the obligation to undertake education or training or work-based learning in section 170(1)(a); and
- (d) meets the residential requirements set out in section 74AA; and
- (e) has no income or an income of less than the amount that would fully abate the youth payment.

(3) Nothing in subsection (2)(e) affects the entitlement of a young person to receive a youth payment if, during a temporary period, the person has income sufficient to abate the payment fully but the person otherwise fulfils the conditions of entitlement to the payment.

Compare: 1964 No 136 ss 60F(1), (2), 89(5)

159 Youth payment: single young persons

- (1) A single person is entitled to a youth payment if—
 - (a) section 158(2) applies to him or her; and
 - (b) the chief executive is satisfied that the young person is in exceptional circumstances.
- (2) For the purposes of subsection (1), a young person is in **exceptional circumstances** if—
 - (a) each of his or her parents (and guardians (if any)) is unable to support him or her financially; or
 - (b) his or her relationship with his or her parents (and guardians (if any)) has broken down, and none of them is prepared to support him or her financially; or
 - (c) he or she has ceased to be subject to—
 - (i) an agreement under section 140 of the Children, Young Persons, and Their Families Act 1989; or
 - (ii) an order under section 78, 101, or 283(n) of that Act; or
 - (iii) a sole guardianship order under section 110 of that Act; or
 - (d) the chief executive is satisfied that (for some other good and sufficient reason) the young person cannot reasonably be expected to be financially dependent on his or her parents or any other person.
- (3) However, a young person is not in **exceptional circumstances** if—
 - (a) he or she has the option of living with a parent or guardian but chooses not to; and
 - (b) the chief executive is not satisfied that there are good and sufficient reasons for the young person not to live with that parent or guardian.

Compare: 1964 No 136, s 60FA

160 Youth payment: young persons who are or have been married, or in civil union or de facto relationship

A person is entitled to a youth payment if—

- (a) he or she is or has been married, or in a civil union or de facto relationship; and
- (b) he or she is not married to, or in a civil union or de facto relationship with, a specified beneficiary within the meaning of any of paragraphs (b) to (d) of the definition of that term in section 157; and
- (c) section 158(2) applies to him or her.

161 Youth payment: ground of hardship

The chief executive may grant a youth payment under section 159 or 160 to a young person who meets the criteria in paragraphs (a) to (c) and (e) of section 158(2) but does not meet the criteria referred to in paragraph (d) of that subsection if—

- (a) the young person is suffering hardship; and
- (b) the young person is not qualified to receive any other benefit; and
- (c) the young person is unable to earn a sufficient income to support himself or herself and his or her spouse or partner (if any).

Compare: 1964 No 136 s 90(1)

162 Youth payment: continuation after age 18

- (1) A youth payment granted when the young person concerned was aged under 18 years continues, if he or she is otherwise qualified for it,—
 - (a) in the case of a payment granted on an application made on or after the commencement of Part 1 of the Social Security (Youth Support and Work Focus) Amendment Act 2012, until the close of the day on which the period of 6 months from the commencement of the payment expires, even if he or she turns 18 during the period; or
 - (b) in the case only of a payment granted to a young person who, on the day when he or she turns 18, is (in the chief executive's opinion) continuing in a course of education, training, or work-based learning, until,—
 - (i) if the course is a course of secondary instruction, the close of the calendar year in which the young person turned 18;
 - (ii) in any other case, the earlier of—
 - (A) the close of the calendar year in which the young person turned 18; and
 - (B) the close of the day the course ends.
- (2) While a youth payment continues by virtue of subsection (1)(a), the young person concerned is not eligible to be granted any of the following benefits:

- (a) a widow's benefit;
- (b) a domestic purposes benefit;
- (c) a sickness benefit;
- (d) an emergency benefit;
- (e) an unemployment benefit.

163 Youth payment: rate and components

- (1) A youth payment is payable at the appropriate rate set out in Schedule 26, which includes the component set out in that schedule.
- (2) If a young person to whom a youth payment is payable meets the criteria prescribed for the purposes of this section by regulations made under this Act, there is payable together with that payment the appropriate incentive payment (if any) stated in Schedule 26.
- (3) Subsection (2) is subject to section 178.

*Young parent payment***164 Young parent payment: basic criteria**

- (1) The basic qualifications for entitlement to a young parent payment are in subsection (2). The qualifications for a single person are in section 165. The qualifications for a young person who is or has been married, in a civil union, or in a de facto relationship are in section 166.
- (2) The basic qualifications for entitlement to a young parent payment are that the young person—
 - (a) is aged 16 to 18 years; and
 - (b) is a parent or step-parent of a dependent child or dependent children; and
 - (c) either—
 - (i) is undertaking or is available for a full-time course of secondary instruction, tertiary education, approved training, or approved work-based learning, leading to—
 - (A) NCEA level 2; or
 - (B) an equivalent qualification (in the opinion of the chief executive); or
 - (C) a higher qualification; or
 - (ii) would be so available but for circumstances—
 - (A) under which the obligation to undertake education or training or work-based learning in section 170(1)(a) would not, under section 170(3), apply to the young person; or
 - (B) that would qualify the young person for an exemption under section 105 from that obligation; and

(d) meets the residential requirements set out in section 74AA; and

(e) has no income or an income of less than the amount that would fully abate the young parent payment.

(3) Nothing in subsection (2)(e) affects the entitlement of a young person to receive a young parent payment if, during a temporary period, the person has income sufficient to fully abate the payment but the person otherwise fulfils the conditions of entitlement to the payment.

(4) For the purposes of subsection (2)(b), a dependent child of a young person who is married, in a civil union, or in a de facto relationship must also be treated as a dependent child of the young person's spouse or partner.

Compare: 1964 No 136 ss 3(5), 60F(1), (2), 89(5)

165 Young parent payment: single young persons

(1) A young person is entitled to receive a young parent payment if—

(a) section 164(2) applies to him or her; and

(b) subsection (2) or subsection (3) or subsection (4) applies to him or her.

(2) This subsection applies to a single young person if he or she—

(a) is aged 16 or 17 years; and

(b) is not living with a parent or guardian; and

(c) is in exceptional circumstances (within the meaning of section 159).

(3) This subsection applies to a single young person if—

(a) he or she is aged 16 or 17 years; and

(b) he or she is living with or being financially supported by a parent or guardian; and

(c) the family scheme income (within the meaning of the Income Tax Act 2007) of the parent or guardian concerned and the spouse or partner (if any) of the parent or guardian concerned is less than the amount that would, in accordance with sections MD 1 and MD 13 of that Act, fully abate the amount of the parent or guardian concerned's family tax credit entitlement under that Act.

(4) This subsection applies to a single young person who is aged 18 years.

(5) For the purposes of the calculation required by subsection (3)(c), if the parent or guardian with whom the young person concerned is living or by whom he or she is being supported has no family tax credit entitlement because that parent or guardian has no dependent children (within the meaning of section YA 1 of the Income Tax Act 2007), that parent or guardian's family tax credit entitlement must be calculated as if the young person and his or her dependent child or children were dependent children (within the meaning of that section) of that parent or guardian.

(6) Nothing in this section entitles a parent or guardian to whom subsection (5) applies to a family tax credit.

166 Young parent payment: persons who are or have been married, or in civil union or de facto relationship

A young person is entitled to receive a young parent payment if section 164(2) applies to him or her, and—

- (a) he or she is not married, or in a civil union or de facto relationship, but has been married or in a civil union or de facto relationship; or
- (b) he or she is married, or in a civil union or a de facto relationship, but his or her spouse or partner is not a specified beneficiary within the meaning of paragraphs (b) to (d) of the definition of that term in section 157.

Compare: 1964 No 136 s 60FB

167 Young parent payment: ground of hardship

The chief executive may grant a young parent payment under section 165 or 166 to a young person who meets the criteria in paragraphs (a) to (c) and (e) of section 164(2) but does not meet the criteria referred to in paragraph (d) of that subsection if—

- (a) the young person is suffering hardship; and
- (b) the young person is not qualified to receive any other benefit; and
- (c) the young person is unable to earn a sufficient income to support himself or herself, and his or her spouse or partner (if any) and dependent children.

Compare: 1964 No 136 s 90(1)

168 Young parent payment: continuation after age 19

(1) A young parent payment granted when the young person concerned was aged under 19 years continues, if he or she is otherwise qualified for it,—

- (a) in the case of a payment granted on an application made on or after the commencement of section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012, until the close of the day on which the period of 6 months from the commencement of the payment expires, even if he or she turns 19 during the period; or
- (b) in the case only of a payment granted to a young person who, on the day when he or she turns 19, is (in the chief executive's opinion) continuing in a course of education, training, or work-based learning, until,—
 - (i) if the course is a course of secondary instruction, the close of the calendar year in which the young person turned 19;
 - (ii) in any other case, the earlier of—

(A) the close of the calendar year in which the young person turned 19; and

(B) the close of the day the course ends.

(2) While a young parent payment continues by virtue of subsection (1)(a), the young person concerned is not eligible to be granted the following benefits:

- (a) a widow's benefit;
- (b) a domestic purposes benefit;
- (c) a sickness benefit;
- (d) an emergency benefit;
- (e) an unemployment benefit.

169 Young parent payment: rate and components

- (1) A young parent payment is payable at the appropriate rate set out in Schedule 26, which includes the component set out in that schedule.
- (2) If a young person to whom a young parent payment is payable meets the criteria prescribed for the purpose of this section by regulations made under this Act, there is payable together with that payment the appropriate incentive payment (if any) stated in Schedule 26.
- (3) Subsection (2) is subject to section 178.

Obligations

170 Youth support payments: obligations

- (1) A young person receiving a youth support payment is subject to the following obligations:
- (a) to be enrolled in and undertaking to the satisfaction of the chief executive, or be available for, a full-time course of secondary instruction or tertiary education or approved training or work-based learning leading to—
 - (i) NCEA level 2; or
 - (ii) an equivalent qualification (in the opinion of the chief executive); or
 - (iii) a higher qualification;
- (b) when required by the chief executive, to participate in and complete a budgeting programme approved by the chief executive for the purpose;
- (c) in the case only of a young person receiving a young parent payment, when required by the chief executive, to participate to the satisfaction of the chief executive in a parenting education programme approved by the chief executive for the purpose;

(d) when required by the chief executive, to attend and participate in any interview with an officer of the department or other person on behalf of the chief executive;

(e) if a contracted service provider assigned to the young person by the chief executive has so required, to attend and participate in any interview with that provider;

(f) to report to the department, or to any contracted service provider assigned to the young person by the chief executive, on his or her compliance with the obligations in paragraphs (a) to (c) and subsection (2) as often as, and in the manner that, the chief executive (or, as the case requires, the provider) reasonably requires;

(g) to co-operate with the chief executive, or with any contracted service provider assigned to the young person by the chief executive, in managing the spending of the young person's youth payment or young parent payment, and (in particular)—

- (i) attend and participate in regular discussions on budgeting with an officer of the department (or, as the case requires, the provider); and
- (ii) at any discussion or when otherwise required, provide information on—
 - (A) the young person's accommodation costs and service costs and other lawful debts and liabilities for the purpose of section 179(4); and
 - (B) how the young person has spent the amount of the payment paid to him or her and how the young person has spent any money credited to a payment card, voucher, or device in accordance with regulations under this Act.

(2) A young person receiving a young parent payment is also subject to the following obligations:

- (a) to enrol every dependent child with a primary health organisation;
- (b) to keep every dependent child under the age of 5 years up-to-date with checks under—
 - (i) the programme that immediately before the commencement of section 24 of the Social Security (Youth Support and Work Focus) Amendment Act 2012 was known as WellChild; or
 - (ii) any similar programme established in its place;
- (c) to ensure the child's attendance at an approved early childhood education programme (as defined in regulations under this Act) or other suitable childcare while the young person is in education, training, work-based learning, or part-time work.

- (3) Except as provided in subsection (4), the obligations in subsections (1) and (2) apply to a young person receiving a youth support payment from the time that it is first paid to the young person.
- (4) Where a young person receiving a young parent payment is the principal caregiver of his or her youngest dependent child and the child is aged under 12 months, the obligation in subsection (1)(a) begins to apply (in relation to the young person) only on the earlier of the following days:
 - (a) the first day on which—
 - (i) the child is at least 6 months old; and
 - (ii) a suitable place is available for the young person in a teen parent unit; and
 - (iii) the chief executive is satisfied that there are no special circumstances justifying the obligation's beginning to apply later;
 - (b) the day on which the child becomes 12 months old.
- (5) A failure without good and sufficient reason to comply with obligations under this section is subject to sanctions, as provided in sections 173 and 174.

171 Obligations of spouses and partners of specified beneficiaries

- (1) A young person who is aged 16 or 17 years and is without dependent children and is the spouse, or civil union or de facto partner, of a specified beneficiary—
 - (a) is subject to the obligations set out in section 170(1)(a) and (b), (d) to (f), and (g)(i) as if he or she were receiving a youth payment; and
 - (b) is not subject to the work test or to employment plan obligations under section 60Q.
- (2) A young person who is aged 16 to 18 years, has a dependent child or children, and is the spouse, or civil union or de facto partner, of a specified beneficiary—
 - (a) is subject to the obligations set out in section 170(1)(a) to (f) and (g)(i), and 170(2) as if he or she were receiving a young parent payment; and
 - (b) is not subject to the work test or to employment plan obligations under section 60Q.
- (3) A failure without good and sufficient reason to comply with any of the obligations placed on a young person under this section,—
 - (a) for a young person who would, but for subsection (1)(b) or (2)(b), be subject to the work test, is a failure to comply with the work test for the purposes of section 117; and
 - (b) for a person who would, but for subsection (1)(b) or (2)(b), be subject to employment plan obligations under section 60Q, is a failure to comply with section 60Q(1) for the purposes of section 60U.

172 Department to explain obligations to young person

The chief executive must take reasonable and appropriate steps to make every young person who is subject to obligations under section 170 or 171 aware of—

- (a) those obligations; and
- (b) the consequences of failure to comply with them and (in particular) the sanctions that may be imposed under this Act for failing to comply with them.

Compare: 1964 No 136 ss 60GAC, 105C

*Sanction regime***173 Sanctions for failure by young person receiving youth payment to comply with obligations under section 170**

- (1) If satisfied that a young person receiving a youth payment has, without good and sufficient reason, failed to comply with an obligation placed on him or her by section 170, the chief executive must,—
 - (a) for a first or second failure,—
 - (i) suspend the in-hand allowance and any incentive payments until the young person satisfies the obligation (or, if he or she has failed to comply with 2 or more obligations, until he or she satisfies all of them); and
 - (ii) if the young person has not satisfied the obligation (or, if he or she has failed to comply with 2 or more obligations, if he or she has not satisfied all of them) within 4 weeks after the date on which the suspension took effect, suspend the whole of the youth payment and any incentive payments until the young person satisfies the obligation or obligations; and
 - (b) for a third failure, cancel the youth payment and any incentive payments.
- (2) A person whose benefit is cancelled under subsection (1)(b)—
 - (a) is not entitled to be granted any benefit for 13 weeks from the date of the cancellation; and
 - (b) if he or she wishes to become entitled to a benefit again, must apply for it and establish his or her eligibility for it.
- (3) Subsection (2) is subject to sections 123 to 123B.
- (4) For the purposes of subsection (3), a 6-week approved activity is completed in accordance with section 123B if it is completed in such a way that its completion would be in accordance with section 123B if subsection (1)(b) of that section referred to the following activities (rather than those to which it in fact refers):

- (a) if the young person concerned is not already in part-time work, participation in part-time work or work experience:
- (b) participation in recognised community activities (as defined in section 88A):
- (c) participation in any other activity that the chief executive considers will enhance skills or improve motivation.

(5) This section overrides every other provision of this Act.

174 Sanctions for failure by young person receiving young parent payment to comply with obligations under section 170

- (1) If satisfied that a young person receiving a young parent payment has, without good and sufficient reason, failed to comply with an obligation placed on him or her by section 170, the chief executive must,—
 - (a) for a first or second failure, suspend the in-hand allowance and any incentive payments until the young person satisfies the obligation (or, if he or she has failed to comply with 2 or more obligations, until he or she satisfies all of them); and
 - (b) for a third failure,—
 - (i) cancel the young person's young parent payment; and
 - (ii) cancel any incentive payments.
- (2) A person whose benefit is cancelled under subsection (1)(b)—
 - (a) is not entitled to be granted any benefit for 13 weeks from the date of the cancellation; and
 - (b) if he or she wishes to become entitled to a benefit again, must apply for it and establish his or her eligibility for it.
- (3) Subsection (2) is subject to sections 123 to 123B and section 177.
- (4) For the purposes of subsection (3), a 6-week approved activity is completed in accordance with section 123B if it is completed in such a way that its completion would be in accordance with section 123B if subsection (1)(b) of that section referred to the following activities (rather than those to which it in fact refers):
 - (a) if the young person concerned is not already in part-time work, participation in part-time work or work experience:
 - (b) participation in recognised community activities (as defined in section 88A):
 - (c) participation in any other activity that the chief executive considers will enhance skills or improve motivation.
- (5) In order to satisfy himself or herself that a young person has established continued eligibility for a young parent payment, the chief executive may require the young person to comply with the requirements of section 11D(2) as if

applying for a young parent payment (and that section, with any necessary modifications, applies accordingly).

(6) This section overrides every other provision of this Act.

175 Effect of sanctions on supplementary benefits

(1) While a young person's youth payment is cancelled under section 173,—

- (a) the young person is not entitled to receive any accommodation supplement or temporary additional support if he or she is not married, or in a civil union or de facto relationship;
- (b) if the young person is married, or in a civil union or de facto relationship and his or her spouse or partner's youth payment is not also cancelled under that section,—
 - (i) any accommodation supplement or temporary additional support otherwise payable to him or her must be reduced by half, and paid to the spouse or partner; and
 - (ii) any accommodation supplement or temporary additional support otherwise payable to his or her spouse or partner must be reduced by half;
- (c) if the young person is married, or in a civil union or de facto relationship and his or her spouse or partner's youth payment is also cancelled under that section,—
 - (i) the young person is not entitled to receive any accommodation supplement or temporary additional support otherwise payable to him or her; and
 - (ii) the young person's spouse or partner is not entitled to receive any accommodation supplement or temporary additional support otherwise payable to him or her.

(2) The cancellation under section 174 of the young parent payment of a young person who is a sole parent has no effect on his or her entitlement to receive any accommodation supplement or temporary additional support.

(3) While the young parent payment of a young person who is married, to or in a civil union or de facto relationship with, a spouse or partner whose young parent payment is not also cancelled under that section is cancelled under section 174,—

- (a) any accommodation supplement or temporary additional support otherwise payable to him or her must be reduced by half, and paid to the spouse or partner; and
- (b) any accommodation supplement or temporary additional support otherwise payable to his or her spouse or partner must be reduced by half.

(4) Where the young parent payment of each of 2 young persons who are married to, or in a civil union or de facto relationship with, each other is cancelled, each

is entitled to receive only half of any accommodation supplement or temporary additional support that would otherwise be payable to him or her.

- (5) A young person whose youth payment or young parent payment is cancelled under section 173 or 174 is not entitled to receive an emergency benefit.
- (6) The cancellation of a young person's youth payment or young parent payment under section 173 or 174 has no effect on his or her entitlement to receive any disability allowance, or child disability allowance.

176 Sanctions generally

- (1) For the purposes of sections 173 and 174, a young person satisfies an obligation if he or she—
 - (a) remedies the failure concerned; or
 - (b) if (in the chief executive's opinion) it is not possible to remedy the failure, undertakes to the chief executive's satisfaction an activity that is (in the chief executive's opinion) the same as or substantially similar to the performance of the obligation.
- (2) Sections 113 (procedure for imposing sanctions), 114 (notices), and 119 (calculation of failure rate) apply with all necessary modifications to the imposition of sanctions under sections 173 and 174.
- (3) In sections 173 and 174,—
 - second failure** means a failure that occurs after the young person concerned has satisfied the obligation to which a first failure related; and
 - third failure** means a failure that occurs after the young person concerned has satisfied the obligation to which a second failure related.
- (4) If a young person whose youth support payment has been cancelled under section 173(1)(b) or 174(1)(b) is again granted a youth support payment,—
 - (a) except as provided in paragraph (b), any incentive payments that were payable to the young person before the cancellation must be paid with the youth payment or young parent payment; but
 - (b) if the failure that led to the cancellation was a failure to comply with section 170(1)(a), an education incentive payment is payable only if the young person again meets the conditions of entitlement to that payment set out in regulations under this Act.

177 Effect of sanction on young parent payment

- (1) If under section 174(1)(b)(i) a young person's entitlement to a young parent payment is cancelled,—
 - (a) the person is entitled during the period of cancellation to receive half of that base rate of young parent payment and only half the abatement rate in clause 10 or 11 of Schedule 26 (as the case requires) applies to that rate; but

(b) during the period of cancellation, no incentive payments are payable.

(2) While subsection (1)(b) applies to a young person, the amounts payable must be paid to him or her or on his or her account personally.

Compare: 1964 No 136 s 121

178 Incentive payment may be cancelled if young person's actions inconsistent with purpose

(1) The chief executive may cancel an incentive payment if satisfied that the young person concerned has intentionally acted in a way inconsistent with the purpose for which it was granted.

(2) The cancellation makes the young person ineligible for the incentive payment again until the chief executive decides that it may be re-granted.

Administration

179 Money management in relation to youth support payments: general

(1) Except as provided in this section and section 177(2), no payment under a youth support payment can be paid to or on account of the young person concerned personally.

(2) Except as provided in subsection (4), every youth support payment is payable by instalments of the number of weeks' payment on the day or date, or the days or dates, in the month that the chief executive determines from time to time.

(3) Every youth support payment is paid in respect of a 7-day week.

(4) Except as otherwise provided in this Act,—

(a) the following must be paid in a manner stated in regulations made under this Act for the purposes of this section:

(i) any youth support payment (including the in-hand allowance up to the maximum amount set out in clause 6 of Schedule 26);

(ii) any WFF tax credit payable to a young person by the chief executive;

(iii) the amount of any child disability allowance or disability allowance to which a young person is entitled;

(iv) any other benefit or payment under this Act to which a young person is entitled specified for the purposes of this paragraph by the regulations; but

(b) if no manner is for the time being stated for a benefit or payment of a kind referred to in paragraph (a)(i) to (iv), it must be paid to or on account of the young person entitled to it in accordance with section 82(3).

(5) A manner stated under subsection (4) may include crediting an amount to a payment card, voucher, or device, that enables a young person to obtain goods

or services from a particular supplier and enables the supplier to obtain payment from the department for the goods or services.

- (6) Subsection (5) does not limit the generality of subsection (4).
- (7) If the chief executive considers that the young person has met the criteria stated for the purposes of this section in regulations under this Act for managing his or her own payments, the chief executive may pay the whole or any part of the payments referred to in subsection (4)(a) to or on account of the young person personally until a sanction is imposed on the young person under section 173 or 174.
- (8) No appeal under this Act lies against a determination by the chief executive under regulations made under this Act for the purposes of this section.
- (9) This section overrides section 82(1) to (3).
- (10) Subsection (4) overrides section 80KS of the Tax Administration Act 1994.
- (11) Section 84(1) is subject to regulations under this Act made for the purposes of subsection (4).

180 Young person beneficiaries may elect money management

- (1) To the extent that regulations under this Act made for the purposes of this section allow (and subject to any conditions prescribed by the regulations), a young person to whom section 171 applies may elect to have any or all of the amounts stated in subsection (2) that are payable to him or her paid in accordance with section 179(4); and that subsection applies accordingly with any necessary modifications.
- (2) The amounts are—
 - (a) any part of a specified beneficiary's benefit;
 - (b) any part of any other benefit payable under section 83;
 - (c) any WFF tax credit;
 - (d) any child disability allowance or disability allowance;
 - (e) any other benefit or payment under this Act to which he or she is entitled.
- (3) The young person may revoke the election at any time.

181 Chief executive may assign contracted service provider to young person

The chief executive may assign a contracted service provider to a young person,—

- (a) at any time after the young person has contacted the department for financial assistance at which the chief executive considers that the most appropriate financial assistance for the young person is likely to be a youth support payment; or

- (b) at the time, or at any time after, the youth support payment is payable to the young person; or
- (c) at any time section 171 applies to the young person.

25 Schedule 26 replaced

Replace Schedule 26 with the Schedule 26 set out in Schedule 1 of this Act.

Part 2**Consequential amendments, and transitional and savings provisions,
taking effect on 20 August 2012**

*Consequential amendments to Income Tax Act 2007 and Child Support Act
1991*

26 Amendments to Income Tax Act 2007

- (1) This section amends the Income Tax Act 2007.
- (2) In section YA 1, definition of **financially independent**, paragraph (d), delete “; payable under Part 1 of the Act”.
- (3) In section YA 1, definition of **income-tested benefit**,—
 - (a) repeal paragraph (c);
 - (b) in paragraph (g), replace “benefit” with “benefit:”.
- (4) In section YA 1, definition of **income-tested benefit**, after paragraph (g), insert:
 - (h) young parent payment;
 - (i) youth payment

27 Amendment to Child Support Act 1991

- (1) This section amends the Child Support Act 1991.
- (2) In section 2, the definition of **social security benefit**, paragraph (c), after subparagraph (iv), insert:
 - (v) young parent payment

Other consequential amendments

28 Consequential amendments

- (1) Amend the principal Act as set out in Part 1 of Schedule 2.
- (2) Amend the enactments specified in Part 2 of Schedule 2 as set out in that Part of that schedule.
- (3) Amend the regulations specified in Part 3 of Schedule 2 as set out in that Part of that schedule.

29 Transitional provision: entitlement to youth payment or young parent payment

- (1) This subsection applies to a person—
 - (a) who, immediately before the commencement of this Part,—
 - (i) was aged 16 or 17 years and did not have a dependent child; and
 - (ii) was receiving in his or her own right an independent youth benefit or sickness benefit; and
 - (b) who—
 - (i) is not married, or in a civil union or de facto relationship, and does not have an income that exceeds the limit in clause 10 of Schedule 26; or
 - (ii) is married, or in a civil union or de facto relationship, and does not have a combined income that exceeds the limit in clause 11 of Schedule 26; and
 - (c) who is not the spouse or civil union or de facto partner of a specified beneficiary within the meaning of any of paragraphs (b) to (d) of the definition of that term in section 157 of the principal Act (as inserted by section 24 of this Act).
- (2) A person to whom subsection (1) applies is entitled, on the commencement of this Part of this Act to receive a youth payment as if it had been granted on that commencement under section 159 or 160 of the principal Act.
- (3) This subsection applies to a person—
 - (a) who, immediately before the commencement of this Part,—
 - (i) was aged 16, 17, or 18 years; and
 - (ii) was receiving in his or her own right a widow's benefit, a domestic purposes benefit (other than a domestic purposes benefit under section 61G of the principal Act), a sickness benefit, an emergency benefit (being an emergency benefit granted to the person on the basis that he or she would, but for his or her being aged 16 or 17 years, be entitled to a domestic purposes benefit under section 27B of the principal Act), or an unemployment benefit (other than an unemployment benefit granted under section 90(2) or (3) of the principal Act); and
 - (b) who has a dependent child or children; and
 - (c) who—
 - (i) is not married, or in a civil union or de facto relationship, and does not have an income that exceeds the limit in clause 10 of Schedule 26; or

- (ii) is married, or in a civil union or de facto relationship, and does not have a combined income that exceeds the limit in clause 11 of Schedule 26; and
- (d) who is not the spouse or civil union or de facto partner of a specified beneficiary within the meaning of any of paragraphs (b) to (d) of the definition of that term in section 157 of the principal Act (as inserted by section 24 of this Act).

(4) A person to whom subsection (3) applies is entitled, on the commencement of this Part to receive a young parent payment as if it had been granted on that commencement under section 165 or 166 of the principal Act.

(5) A youth payment or young parent payment under subsection (2) or (4)—

- (a) is, despite Schedule 26 but subject to section 30, payable at not less than the rate of the benefit that the person was receiving immediately before the commencement of this Part; and
- (b) continues at that rate until the young person's entitlement to the payment is reviewed under section 81 following a change of circumstances.

(6) If, immediately before the commencement of this Part, the benefit of a person to whom subsection (1) or (3) applies is subject to a sanction under section 60Y or 60Z or 117 of the principal Act, on that commencement—

- (a) the sanction ceases to apply; and
- (b) for the purposes of subsections (2) and (4), the rate of the benefit that would have been payable if the sanction had not been imposed must be treated as the rate of the benefit that the person was receiving immediately before that commencement.

30 Savings provision: domestic purposes benefit under section 27G

(1) This section applies to a person who—

- (a) either—
 - (i) was receiving a domestic purposes benefit under section 27G in his or her own right immediately before the commencement of this Part; or
 - (ii) had made an application for a domestic purposes benefit under section 27G in his or her own right before that commencement, and was granted the benefit (on that application) after that commencement; and
- (b) is aged 16 or 17 years; or
- (c) is aged 18 years and has a dependent child or children.

(2) A person to whom this section applies is entitled to continue to receive that benefit for so long as he or she otherwise qualifies for it as if section 10 of this Act had not been enacted.

31 Transitional arrangements for financially disadvantaged people

- (1) The Governor-General may, by Order in Council, make regulations authorising the provision of financial assistance to any people who are financially disadvantaged as a result of the net effects of the amendments made by Part 1 or 2.
- (2) The regulations must state the day on and after which they have effect (which may be earlier than the day on which they were made).
- (3) The chief executive may provide financial assistance of the kind prescribed by the regulations to a person disadvantaged as a result of the net effects of the amendments made by Part 1 or 2—
 - (a) in the amount, for the period, and in accordance with the criteria, prescribed by the regulations; and
 - (b) in accordance with any other requirements imposed by the regulations.
- (4) After it has initially been granted, financial assistance provided under the regulations must for the purposes of the principal Act be treated as a benefit; and the principal Act applies accordingly.
- (5) A decision or determination made by the chief executive under the regulations is a decision or determination for the purposes of section 12J(1) of the principal Act.

Part 3
Substantive provisions taking effect on 15 October 2012

32 Section 1B amended (Principles)

In section 1B(c), replace “plan” with “prepare”.

33 Section 3 amended (Interpretation)

- (1) In section 3(1), replace paragraph (a) of the definition of **part-time work-tested beneficiary** with—
 - (a) a person with a youngest dependent child aged 5 or older, but under 14 years, who is—
 - (i) a work-tested spouse or partner; or
 - (ii) a work-tested domestic purposes beneficiary; or
 - (iii) a work-tested widow’s beneficiary; or
- (2) In section 3(1), replace the definitions of **work-tested beneficiary**, **work-tested benefit**, and **work-tested domestic purposes beneficiary** with—

work-tested beneficiary means a person—

 - (a) who is granted an unemployment benefit; or
 - (b) who is—
 - (i) a work-tested spouse or partner; or

- (ii) a work-tested domestic purposes beneficiary; or
- (iii) a work-tested widow's beneficiary; or
- (iv) a work-tested sickness beneficiary

work-tested benefit—

- (a) except in relation to a work-tested domestic purposes beneficiary, a work-tested sickness beneficiary, or a work-tested widow's beneficiary, means an unemployment benefit; and
- (b) in relation to a work-tested spouse or partner, includes a sickness benefit, an emergency benefit, and an invalid's benefit; and
- (c) in relation to a work-tested domestic purposes beneficiary, means a domestic purposes benefit under section 27B or 27C; and
- (d) in relation to a work-tested sickness beneficiary, means a sickness benefit; and
- (e) in relation to a work-tested widow's beneficiary, means a widow's benefit

work-tested domestic purposes beneficiary means a person who has been granted a domestic purposes benefit under section 27B or 27C; and—

- (a) who has no dependent children; or
- (b) whose youngest dependent child—
 - (i) is aged 5 years or older, but under 18 years; or
 - (ii) is aged 18 years or older, and is a child in respect of whom that benefit is paid, or continues to be paid, under section 63A

(3) In section 3(1), replace the definition of **suitable employment** with—

suitable employment in relation to a person, means employment that the chief executive is satisfied is suitable for the person to undertake for a number of hours a week determined by the chief executive having regard to the employment required to satisfy the work test for that person

(4) In section 3(1), paragraph (a) of definition of **work-tested spouse or partner**, replace “6” with “5”.

(5) In section 3(1), insert in its appropriate alphabetical order—

work-tested widow's beneficiary means a person who has been granted a widow's benefit; and—

- (a) who has no dependent children; or
- (b) whose youngest dependent child—
 - (i) is aged 5 years or older, but under 18 years; or
 - (ii) is aged 18 years or older, and is a child in respect of whom that benefit is paid, or continues to be paid, under section 63A

34 Section 21 amended (Widows' benefits)

Replace section 21(2A) with—

(2A) A woman who receives a benefit under this section must—

- (a) comply with any obligation arising under section 60Q; and
- (b) if she is a work-tested widow's beneficiary, comply with the work test.

35 New section 21A inserted (Widows' benefits: pre-benefit activities)

After section 21, insert:

21A Widows' benefits: pre-benefit activities

- (1) This subsection applies to a person if—
 - (a) she contacts the department requesting financial assistance after the commencement of Part 3 of the Social Security (Youth Support and Work Focus) Amendment Act 2012; and
 - (b) the chief executive considers that the appropriate financial assistance for her would be a widow's benefit.
- (2) Section 96A(2) to (13) applies to a person to whom subsection (1) applies, but as if every reference to an unemployment benefit were a reference to a widow's benefit.

36 Section 27B amended (Domestic purposes benefits for solo parents)

Replace section 27B(2A)(a) with:

- (a) comply with all obligations arising under section 60Q; or

37 Section 27C amended (Domestic purposes benefits for women alone)

Replace section 27C(4) with:

(4) A woman who receives a benefit under this section must comply with the work test.

38 New section 27CA inserted (Domestic purposes benefits under section 27B or 27C: pre-benefit activities)

After section 27C, insert:

27CA Domestic purposes benefits under section 27B or 27C: pre-benefit activities

- (1) This subsection applies to a person if—
 - (a) he or she who contacts the department requesting financial assistance after the commencement of Part 3 of the Social Security (Youth Support and Work Focus) Amendment Act 2012; and

(b) the chief executive considers that the appropriate financial assistance for him or her would be a domestic purposes benefit under section 27B or 27C.

(2) Section 96A(2) to (13) applies to a person to whom subsection (1) applies, but as if every reference to an unemployment benefit were a reference to a domestic purposes benefit under section 27B or 27C.

39 New sections 60GAD to 60GAF inserted

Insert before section 60GA the following sections:

60GAD Purpose of sections 60GAE and 60GAF

The purpose of sections 60GAE and 60GAF is to improve the financial and social outcomes for families that include people to whom those sections apply by providing earlier access to employment services and expectations, while recognising the care and development needs of children.

60GAE Beneficiaries having additional dependent child: general

(1) This section applies to a person (the **beneficiary parent**) who (whether or not by having given birth) becomes a caregiver, or the principal caregiver, of a dependent child (an **additional dependent child**) while the person—

- (a) is receiving a domestic purposes benefit, an invalid's benefit, a sickness benefit, an unemployment benefit, a widow's benefit, or an emergency benefit (whether in his or her own right, or as the spouse or partner of the person granted the benefit); and
- (b) is already a caregiver, or the principal caregiver, of a dependent child or children.

(2) An additional dependent child aged 1 or over must not be included in the determination for the purposes of the definitions of **part-time work-tested beneficiary**, **work-tested domestic purposes beneficiary**, **work-tested spouse or partner**, and **work-tested widow's beneficiary** in section 3(1) and section 60Q(1) of—

- (a) the age of the youngest dependent child of the beneficiary parent concerned; and
- (b) whether the beneficiary parent concerned has a dependent child or children under 5 or 14 (and if so, how many).

(3) Subsection (2) may apply to 2 or more additional dependent children of the same beneficiary parent.

(4) The chief executive may apply this section in relation to any dependent child or children of whom a person who already has any dependent child or children becomes a caregiver, or the principal caregiver, if satisfied that—

- (a) the person's situation is analogous to that of a person to whom subsection (1) applies; or

(b) to do so would best achieve the purpose stated in section 60GAD.

(5) An example of a situation that is analogous to that of a person to whom section 60GAE(1) applies is that of a woman who gives birth during a period when she has temporarily ceased receiving a benefit (whether in her own right, or as the spouse or partner of the person granted the benefit).

(6) Subsection (5) does not limit the generality of subsection (4).

60GAF Chief executive may refrain from applying section 60GAE

The chief executive may refrain (for any period he or she thinks fit) from applying section 60GAE in relation to any additional dependent child or children (within the meaning of that section) if satisfied in any particular case that—

(a) to do so would best achieve the purpose stated in section 60GAD; or

(b) there are circumstances beyond the control of the beneficiary parent concerned making it inappropriate or unreasonable to apply that section.

40 Sections 60O to 60Z replaced

Replace sections 60O to 60Z with:

60P Purposes of section 60Q

The purposes of section 60Q are—

(a) to facilitate the movement into ongoing employment (as their parenting responsibilities and individual circumstances allow) of beneficiaries to whom that section applies; and

(b) to provide opportunities for them to improve their capabilities and preparation for employment; and

(c) to improve social and economic outcomes for them and their dependent children.

60Q Certain obligations may be placed on beneficiaries and their spouses and partners

(1) This section applies to every person (other than a person who is a work-tested beneficiary or is for the time being exempted under section 105) who—

(a) is the recipient of a benefit under section 21 (the widow's benefit) and has a youngest dependent child under the age of 5 years; or

(b) is the recipient of a benefit under section 27B (the domestic purposes benefit for solo parents) and has a youngest dependent child under the age of 5 years; or

(c) is the spouse or partner of a person who—

(i) is the recipient of an emergency benefit, an invalid's benefit, a sickness benefit, or an unemployment benefit; and

(ii) has a youngest dependent child aged under 5 years.

(2) A person to whom this section applies has a general obligation to take all steps that are reasonably practicable in his or her particular circumstances to prepare for employment and (in particular) an obligation to comply with any requirement under subsection (3).

(3) The chief executive may, from time to time, require a person to whom this section applies—

- (a) to undertake planning for employment;
- (b) to participate in or undertake (as the case requires) any of the following activities specified by the chief executive that the chief executive considers suitable to improve his or her work-readiness or prospects for employment:

- (i) a work assessment;
- (ii) a programme or seminar to increase particular skills or enhance motivation;
- (iii) a work-experience or work-exploration activity;
- (iv) employment-related training;
- (v) an education programme;
- (vi) any other activity (including rehabilitation) other than medical treatment, voluntary work, or activity in the community.

60R Department to explain obligations to beneficiaries

The chief executive must take reasonable and appropriate steps to make every person who is subject to obligations under section 60Q aware of—

- (a) those obligations; and
- (b) the consequences of failure to comply with them and (in particular) the sanctions that may be imposed under this Act for failing to comply with them.

41 Section 96A amended (Unemployment benefit: pre-benefit activities)

(1) Repeal section 96A(1) and substitute:

(1) This section applies to a person if—

- (a) he or she contacts the department requesting financial assistance after the commencement of this section; and
- (b) the chief executive considers that the appropriate financial assistance for him or her would be an unemployment benefit.

(2) In section 96A(2), replace “If the chief executive considers that the appropriate financial assistance for the person would be an unemployment benefit, the chief executive may (for the purpose stated in section 1A(a)(ii)) require him or

her" with "The chief executive may (for the purpose stated in section 1A(a)(ii)) require a person to whom this section applies".

(3) Insert after section 96A(2):

(2A) For the purposes of subsection (2), **suitable employment**,—

- (a) in relation to a person who has a dependent child aged under 14 years, and to whom this section applies by virtue of section 21A or 27CA, means employment that would be suitable employment within the meaning of section 3(1) if he or she were a part-time work-tested beneficiary;
- (b) in relation to any other person, means employment that would be suitable employment within the meaning of section 3(1) if he or she were a work-tested beneficiary.

42 Section 105 amended (Exemption from obligations)

- (1) In section 105(1), after "work test obligations", insert ", or obligations under section 60Q,".
- (2) In section 105(5), after "work test obligations", insert ", or obligations under section 60Q,".

43 New section 116A inserted (Failure to comply with obligations under section 60Q(2))

Insert before section 117 the following section:

116A Failure to comply with obligations under section 60Q(2)

The sanctions stated in section 117 must be imposed on a person on whom an obligation has been imposed under section 60Q(2) if the chief executive considers that the person has, without a good and sufficient reason, failed to comply with it.

44 Section 117 amended (Sanctions that may be imposed for failures)

Insert before "are" in section 117(1) "or section 116A".

45 Section 119 amended (Calculation of failure rate)

Insert before "is" where it first occurs in section 119(2) "or section 116A".

46 Section 122 amended (Meaning of recompliance)

Insert before "a person" in section 122(1) "or section 116A".

Part 4
Consequential provisions taking effect on 15 October 2012

47 Section 171 amended (Obligations of spouses and partners of specified beneficiaries)

(1) Delete from subsections (1)(b), (2)(b), and (3)(b) of section 171 as inserted by section 24 of this Act) “employment plan”.

(2) In section 171(3)(b) replace “section 60Q(1) for the purposes of 60U” with “section 60Q(2) for the purposes of section 116A”.

48 Section 123D amended (Regulations)

In section 123D(a), after “work test obligations”, insert “, or obligations under section 60Q.”.

49 Employment plans and certain sanctions cease to have effect

On the commencement of this Part of this Act, the following cease to have effect if they were in force immediately before that commencement:

(a) all employment plans under former section 60R of the principal Act;

(b) all reviews of an employment plan commenced under former section 60S, 60U, or 60V of the principal Act;

(c) all requirements under former section 60W of the principal Act;

(d) all notices under former section 60X of the principal Act;

(e) all sanctions under section 60Y or 60Z of the principal Act.

Schedule 1
New Schedule 26 of Social Security Act 1964

s 25

Schedule 26

**Rates and component of youth payment and young parent payment,
and criteria for incentive payments**

ss 163, 169

Rates of youth payment and young parent payment

		\$
1	For a single young person without dependent children.	170.80 a week subject to clause 10
2	For a single young person who— <ul style="list-style-type: none">• is aged 16 to 17 years; and• is living with or being financially supported by a parent or guardian; and• has a dependent child or children.	134.64 a week subject to clause 10
3	For any other single young person with a dependent child or children.	293.58 a week subject to clause 10
4	For a young person who is married, in a civil union, or in a de facto relationship and is without dependent children.	170.80 a week subject to clause 11
5	For a young person who is married, in a civil union, or in a de facto relationship and has a dependent child or children.	170.80 a week subject to clause 11

Component

	\$
6	Maximum amount of in-hand allowance.

Rates of incentive payments

	\$
7	Education, training, or work-based learning incentive.
8	Budgeting incentive.
9	Parenting education incentive.

Abatement rates and income limits

10	The applicable rate of youth payment or young parent payment in clause 1, 2, or 3 must be reduced by \$1 for every \$1 of the young person's weekly income that exceeds \$206.73, but no amount of youth payment or young parent payment or incentive payment is payable if the young person's weekly income exceeds \$256.73.
11	The applicable rate of youth payment or young parent payment in clause 4 or 5 must be reduced by 50 cents for every \$1 of the combined weekly income of the young person and his or her spouse or partner that exceeds \$206.73, but no amount of youth payment or young parent payment or incentive payment is payable if that combined income exceeds \$306.73.

12 For the purposes of clause 10 or 11 and a rate of young parent payment, the chief executive may, in his or her discretion, disregard up to \$20 a week of the personal earnings of the young person used to meet the costs of child care for any of the person's dependent children.

Schedule 2 Consequential amendments

s 28

Part 1 Consequential amendments to principal Act

Section 3(1)

In section 3(1), definition of **income-tested benefit**, repeal paragraph (d).

In section 3(1), definition of **income-tested benefit**, after paragraph (j), insert:

- (k) a youth payment;
- (l) a young parent payment

In section 3(1), definition of **non-entitlement period**, paragraph (e), replace “60GAB” with “170 or 171”.

In section 3(1), definition of **suitable employment**, delete “(or, as the case may be, the person’s obligations under section 60GAB)”.

Section 61

In section 61(1), first and second provisos, omit “an independent youth benefit,” in each place.

In section 61(1A), after “section 90”, insert “or a youth payment under section 161 or a young parent payment under section 167”.

Section 61E(1)

In section 61E(1), definition of **beneficiary**, paragraph (a), replace “an independent youth benefit” with “a youth payment, a young parent payment”.

Section 61H(1)

In section 61H(1), after “subsidy rate”, insert “maximum amount of any component”.

Section 61HA(2)

In section 61HA(2), after “and 26”, insert “(other than any rate of incentive payment)”.

Section 69C(1)(a)

In section 69C(1)(a), replace “or an independent youth benefit” with “a youth payment, or a young parent payment”.

Section 70A(1)(b)

In section 70A(1)(b), after subparagraph (v), insert:

Section 70A(1)(b)—continued

(va) a young parent payment; or

Section 72(b)

In section 72(b), second proviso, replace “an independent youth benefit on the ground specified in section 60F(6),” with “a youth payment or young parent payment granted pursuant to section 158(2)(c)(ii) or 164(2)(c)(ii) to a person who qualifies for an exemption under section 105 from the obligation to undertake education or training or work-based learning in section 170(1)(a) on the ground of his or her sickness, injury, or disability”.

Section 74AA(2)

In section 74AA(2), replace “an independent youth benefit” with “a youth payment, a young parent payment”.

Section 77(2)

In section 77(2), replace “an independent youth benefit” with “a youth payment or young parent payment”.

Section 77(3)

In section 77(3), replace “an independent youth benefit” with “a youth payment or young parent payment”.

Section 80(2)(a)

Replace “an independent youth benefit” with “a youth payment or a young parent payment”.

Section 80(5)(a)

In section 80(5)(a), after “unemployment benefit”, insert “, a youth payment, or a young parent payment”.

Section 80(5)(b)

In section 80(5)(b), replace “an independent youth benefit” with “a youth payment, a young parent payment”.

Section 80(14)(a)

In section 80(14)(a), after “purposes benefit”, insert “, a young parent payment”.

Section 80B

In section 80B, definition of **income**, repeal paragraph (a)(viii).

In section 80B, definition of **income**, after paragraph (a), insert:

(ab) the amount of any youth payment or young parent payment received by the person:

Section 80B—continued

In section 80BA(4)(b)(ii), after “invalid’s benefit”, insert “, youth payment or young parent payment”.

Section 80BA(4)(b)(i)

In section 80BA(4)(b)(i), after “invalid’s benefit”, insert “a youth payment, a young parent payment”.

Section 80BD(3)

In section 80BD(3), replace “independent youth benefit” with “youth payment, or young parent payment”.

Section 80C(1)(c)

In section 80C(1)(c), after “section 117”, insert “, 173, or 174”.

Section 82(2A)

In section 82(2A), replace “an independent youth benefit,” with “a youth payment, a young parent payment”.

Section 84(1)

In section 84(1), after “82”, insert “or 179(5)”.

Section 90(3)

In section 90(3), replace paragraph (a) with:

(a) any of paragraphs (a) to (d) of section 159(2) applies to the student; or

Section 115A

Repeal section 115A.

Section 117(1)

In section 117(1), delete “or section 115A”.

Section 119(2)

In section 119(2), delete “or section 115A”.

Section 122

In section 122, delete “or section 115A”.

Repeal section 122(b).

Section 123 heading

In the heading to section 123, delete “**or obligations under section 60GAB**”.

In the heading to section 123, after “**work test**” insert “**or section 170 or 171**”.

Section 123(1)

In section 123(1)(a), after “117”, insert “or section 173 or 174”.

In section 123(1)(b)(ia), replace “section 60GAB” with “section 170 or 171”.

In section 123(1)(b)(ii), after “section 60HA”, insert “or section 170 or 171”.

Section 123B(1)(a)

In section 123B(1)(a), after “section 117”, insert “or section 173 or 174”.

Section 123B(5)

In section 123B(5)(a), replace “section 60GAB” with “section 170 or 171”.

In section 123B(5)(b), after “section 60HA”, insert “or section 170 or 171”.

Section 123C(1)(b)

In section 123C(1)(b), delete “or a requirement under section 60GAB”.

Schedule 18

In Schedule 18, Part 1, clause 3, after “purposes benefit”, insert “or a young parent payment”.

Part 2 Amendments to other enactments

Education Act 1989 (1989 No 80)

In section 226A(1), definition of **benefit**, delete “, or an independent youth benefit under section 60F of that Act”.

In section 235F(1), definition of **benefit**, delete “, or an independent youth benefit under section 60F of that Act”.

In section 307B(2)(ab), replace “benefit debt” with “debt described in section 85A of the Social Security Act 1964”.

Part 3 Amendments to regulations

Health Entitlement Cards Regulations 1993 (SR 1993/169)

Revoke regulation 8(1)(a)(v).

After regulation 8(1)(a)(vii), insert:

- (viii) a youth payment;
- (ix) a young parent payment.

Social Security (Debt Recovery Suspension) Regulations 2007 (SR 2007/86)

In regulation 3, definition of **working age benefit**, replace paragraph (e) with:

**Social Security (Debt Recovery Suspension) Regulations 2007 (SR 2007/86)—
*continued***

- (e) a youth payment; or
- (ea) a young parent payment; or

Social Security (Temporary Additional Support) Regulations 2005 (SR 2005/334)

In regulation 4, replace paragraph (f) with:

- (e) a youth payment; or
- (ea) a young parent payment; or

Student Allowances Regulations 1998 (SR 1998/277)

Revoke regulation 13(1)(d).

After regulation 13(1)(f), insert:

- (g) a youth payment;
- (h) a young parent payment.

Reprints notes

1 *General*

This is a reprint of the Social Security (Youth Support and Work Focus) Amendment Act 2012 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Social Security Act 2018 (2018 No 32): section 455(1)