

Reprint  
as at 26 November 2018



## **Social Security (Exemptions under Section 105) Amendment Regulations 2012**

(SR 2012/208)

Social Security (Exemptions under Section 105) Amendment Regulations 2012: revoked, on 26 November 2018, pursuant to regulation 295(10) of the Social Security Regulations 2018 (LI 2018/202).

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 6th day of August 2012

Present:

His Excellency the Governor-General in Council

Pursuant to sections 123D and 132 of the Social Security Act 1964, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Social Development.**

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## Regulations

### 1 Title

These regulations are the Social Security (Exemptions under Section 105) Amendment Regulations 2012.

### 2 Commencement

These regulations come into force on 20 August 2012.

### 3 Principal regulations

These regulations amend the Social Security (Exemptions under Section 105) Regulations 1998 (the **principal regulations**).

### 4 Regulation 2 amended (Interpretation)

- (1) In regulation 2, insert in its appropriate alphabetical order:

**family violence** includes, but is not limited to, domestic violence as that term is defined in section 3 of the Domestic Violence Act 1995

- (2) In regulation 2, insert as subclause (2):

- (2) Unless the context otherwise requires, terms and expressions used, but not defined, in these regulations but defined in the Act have the same meaning as in the Act.

### 5 Regulation 4 amended (Exemption from work test obligations: all work-tested beneficiaries)

Revoke regulation 4(4).

### 6 New regulations 8A to 8C inserted

After regulation 8, insert:

**8A Exemption from obligations under section 170 or 171: youth support payment recipients and spouses and partners of specified beneficiaries**

- (1) Any young person who is subject to obligations under section 170 or 171 of the Act may apply under section 105 of the Act to be exempted from some or all of those obligations, on any ground specified in subclause (2).
- (2) A person referred to in subclause (1) may be granted an exemption from some or all of his or her obligations under section 170 or 171 on the ground that—
  - (a) the person has recently changed his or her living circumstances because of family violence and needs time to adjust to the change; or
  - (b) the person would qualify for an invalid's benefit under the Act; or
  - (c) the person would meet the criteria (except for his or her age) for a sickness benefit in section 54 or 54A of the Act, and the person's capacity to meet his or her obligations is limited because of sickness, injury, or disability; or
  - (d) the person is caring full-time for his or her spouse or partner (who has a sickness, injury, or disability of a kind that requires that person to be cared for full-time); or
  - (e) the person is serving a sentence of home detention under the Sentencing Act 2002; or
  - (f) the person's capacity to meet his or her obligations under section 170 or 171 is limited because the person is subject to—
    - (i) a sentence of supervision under the Sentencing Act 2002; or
    - (ii) release conditions (as that term is defined in section 4(1) of the Parole Act 2002); or
    - (iii) conditions of release on bail under any enactment; or
    - (iv) any other sentence or order imposed by a court.

**8B Exemption from obligations under section 170: young parent payment recipients who have been married or in civil union or de facto relationship**

- (1) Any young person who receives a young parent payment because he or she meets the criterion in section 166(a) of the Act may apply under section 105 of the Act to be exempted from some or all of his or her obligations under section 170 of the Act on the ground specified in subclause (2).
- (2) A person referred to in subclause (1) may be granted an exemption from some or all of his or her obligations under section 170 on the ground that the person needs time to adjust to managing the care of children alone because—
  - (a) the person's spouse or partner has recently died; or
  - (b) the person has recently separated from or ceased to live together with his or her spouse or partner; or
  - (c) the person's de facto relationship has recently ended.

- 8C Exemption from obligations under section 170 or 171: young parent payment recipients, and young persons with dependent children who are spouses or partners of specified beneficiaries**
- (1) This regulation applies to any young person who is subject to obligations under section 170 or 171 of the Act because—
- (a) he or she receives a young parent payment; or
  - (b) section 171(2) of the Act applies.
- (2) Any young person to whom this regulation applies may apply under section 105 of the Act to be exempted from some or all of his or her obligations under section 170 or 171 of the Act on the ground that—
- (a) the person is the principal caregiver of a dependent child or foster child with special needs whose welfare would be unduly harmed if the person were required to comply with an obligation of the kind referred to in section 170 or 171 that requires full-time attendance, and for whom satisfactory alternative care arrangements are not available, or are unable to be made by the caregiver; or
  - (b) the person is aged 18 years and has primary responsibility for the day-to-day care of a foster child, other than temporarily, and the foster child is aged less than 12 months.

Michael Webster,  
for Clerk of the Executive Council.

### Explanatory note

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

These regulations, which come into force on 20 August 2012, amend the Social Security (Exemptions under Section 105) Regulations 1998 (the **principal regulations**). The amendments are required as a result of the enactment of the Social Security (Youth Support and Work Focus) Amendment Act 2012, which makes changes (relating to financial support for young people) to the Social Security Act 1964.

*Regulations 4 and 5* move a definition of family violence from regulation 4 into regulation 2 of the principal regulations.

*Regulation 6* inserts *new regulations 8A to 8C* into the principal regulations. *New regulation 8A* provides for young persons who are subject to obligations under section 170 or 171 of the Act to apply for an exemption if one of the grounds specified in *new regulation 8A(2)* applies. *New regulation 8B* enables a young person who has been married, in a civil union, or in a de facto relationship to apply for an exemption from his or her obligations under the Act if one of the specified grounds applies. *New regulation 8C* concerns young persons who are subject to obligations because they

receive the young parent payment, or because they have dependent children and are in a relationship with a specified beneficiary. They may apply for an exemption from their obligations if one of the grounds in *new regulation 8C(2)* applies.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 9 August 2012.

**Reprints notes****1     *General***

This is a reprint of the Social Security (Exemptions under Section 105) Amendment Regulations 2012 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

**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 Regulations 2018 (LI 2018/202): regulation 295(10)