



## **Social Security (Advance Payment of Benefit) Regulations 2010**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 23rd day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 132K 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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## Regulations

### 1 Title

These regulations are the Social Security (Advance Payment of Benefit) Regulations 2010.

### 2 Commencement

These regulations come into force on 27 September 2010.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Social Security Act 1964

**applicable payment** means any of the following:

- (a) an advance payment of a benefit under section 82(6) of the Act;
- (b) a payment under the Special Needs Grants Programme established and approved on 18 December 1998 (excluding Parts 5, 6, and 6A);
- (c) a payment under the Recoverable Assistance Programme established and approved on 15 February 1999 (excluding Part 3A)

**applicant** means—

- (a) a beneficiary who wishes to make an application;
- (b) a beneficiary by whom or on whose behalf an application is made

**application** means an application for an advance payment of a benefit under section 82(6) of the Act

**budgeting activity** means a budgeting activity of a kind prescribed in regulation 6.

### 4 Requirements for application

(1) An applicant and the applicant's spouse or partner (if any) must,—

- (a) if required by the chief executive, complete an application form provided by the chief executive; and
- (b) provide any information, or give an answer to any question, that the chief executive reasonably requires to determine the applicant's application.

- (2) The chief executive may require an applicant and the applicant's spouse or partner (if any) to comply with subclause (1)(b)—
- (a) in the manner specified by the chief executive; and
  - (b) whether or not they are required to complete the application form referred to in subclause (1)(a).

**5 Circumstances when budgeting activity may be required**

- (1) For the purposes of section 82(6B) of the Act, the circumstances in which an applicant or the applicant's spouse or partner (if any), or both, may be required to undertake a budgeting activity are as follows:
- (a) if the applicant has received 3 or more applicable payments within—
    - (i) the period that starts on the date of commencement of these regulations and ends on the date on which the application is made, if that period is less than 12 months; or
    - (ii) the preceding period of 12 months that ends on the date on which the application is made, if that date is 12 months or more after the date of commencement of these regulations; or
  - (b) if paragraph (a) does not apply to the applicant, but the chief executive, after taking into account the following matters, considers that it would be beneficial for the applicant or the applicant's spouse or partner (if any), or both, to undertake a budgeting activity to better manage their finances:
    - (i) the applicant has received repeated applicable payments for the same cost (whether the payments were received before or after the date of commencement of these regulations);
    - (ii) the applicant's history of receiving multiple applicable payments (whether that history relates to a period before or after the date of commencement of these regulations);
    - (iii) the amount of the applicant's debts (within the meaning of section 85A of the Act) that are due to the Crown and whether that amount is materially

significant to the management of the applicant's finances.

- (2) If 1 or more applicable payments are made to the applicant on the same day, those payments are to be counted as 1 applicable payment under this regulation.

**6 Kinds of budgeting activities**

For the purposes of section 82(6B) of the Act, the kinds of budgeting activities that the chief executive may require an applicant or the applicant's spouse or partner (if any), or both, to undertake are as follows:

- (a) completing a budgeting work sheet or a work sheet approved by the chief executive that sets out income against expenditure:
- (b) attending a budgeting course or seminar approved by the chief executive that teaches how to prepare a budget or to improve budgeting skills:
- (c) seeking assistance from a recognised budgeting advice service.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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**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 27 September 2010, specify—

- the requirements for an application for an advance payment of a benefit under section 82(6) of the Social Security Act 1964; and
- the circumstances in which a beneficiary who applies for that payment or the beneficiary's spouse or partner (if any), or both, may be required to undertake a budgeting activity to better manage their finances; and

