

Away from Home Allowance Welfare Programme

This is an unofficial consolidation as at the 1 May 2008, produced by and for the Ministry of Social Development, and for the use of Work and Income. For official use, reference should be made to the original programme and its amendments.

Pursuant to section 124 (1) (d) of the Social Security Act 1964, I, ROGER MORRISON SOWRY, Minister of Social Welfare, establish and approve the following welfare programme for special assistance.

Dated 19th of January 1998

Roger Sowry
Minister of Social Welfare

PROGRAMME

1. Title and commencement

- 1.1. This programme is called the Away from Home Allowance Programme.
- 1.2. This programme commences on the day it is approved by the Minister.

2. Definitions

- 2.1. In this programme, unless the context otherwise requires, -

“**Act**” means the Social Security Act 1964;

“**Allowance**” means an away from home allowance under this programme;

“**Applicant**” means a person applying for an Allowance;

“**Course**” means the appropriate course referred to in clause 5.1.1;

“**Dependent**”, in relation to an Applicant, means a Young Person—

- (a) Whose care is primarily the responsibility of the Applicant; and
- (b) Who is being maintained as a member of the Applicant's family; and
- (c) Who is financially dependent on the Applicant; and
- (d) Who is not a young person (within the meaning of the Children, Young Persons, and Their Families Act 1989) in respect of whom payments are being made under section 363 of that Act;

“**Home**” means the Applicant's usual place of residence;

“**Parent**”, in relation to a Young Person, includes a step-parent, a guardian, or a person who otherwise has the care of the Young Person;

“**Young Person**” means a person aged 16 or 17 years who is not Financially Independent.

- 2.2 Terms beginning with capital letters that are otherwise defined in section 3 (1) of the Act have the meanings so defined.

3. Purpose

- 3.1 The purpose of this programme is to financially assist families with low income to provide for their 16 or 17 year old children who are living away from home and undertaking tertiary study, or attending an approved employment related training course.

4. Application of the Social Security Act 1964

- 4.1 The following provisions of the Act apply to this programme as if an Allowance was a Benefit under Part 1 of the Act: Sections 10, 12, 64, 66, 66A, 66B, 68, 69, 70B, 74, 74A, 77, 80A, 81, and 82 (1), (2), (4), and (7).
- 4.2 The following provisions of the Act apply to this programme according to their tenor: Sections 11, 12J, 86 (1c), (2) and (9A), 86A to 86J, 124 (1A), 126A, and 127.

5. Away from home allowance

- 5.1 The Director-General may grant an away from home allowance to an Applicant if –

5.1.1. The Applicant is a Parent of a Young Person who is living away from Home and is –

- (a) Undertaking a course of study at a tertiary institution or a private training establishment (as those terms are defined in the Education Act 1989) for which a student allowance could be paid under the Student Allowance Regulations 1991 if the Young Person was 18; or
- (b) Attending an approved employment related training course for which a training benefit could be paid under the Act if the Young Person was 18; and

5.1.2. The Young Person is Dependent on the Applicant; and

5.1.3 either—

- (i) the applicant is eligible for a family support credit of tax under the Income Tax Act 2004 for the young person (whether or not the applicant is receiving any family support); or
- (ii) the applicant would be eligible for a family support credit of tax under the Income Tax Act 2004 but for the receipt of an ex gratia payment of the kind referred to in regulations 10(1)(f) to 10(1)(h) of the Social Security (Long-term Residential Care) Regulations 2005 (SR 2005/183); and

5.1.4 The Applicant signs an undertaking that he or she will apply the Allowance toward the cost of care of the Young Person while on the Course.

5.2. Only one Allowance may be granted at any particular time in respect of a Young Person.

6. Application for Allowance

6.1. An application for an Allowance is to be made in a form set by the Director-General.

6.2. In addition to any other information required to establish qualification for an Allowance, the Applicant must provide evidence to the satisfaction of the Director-General that the Applicant is eligible for a family support credit of tax under the Income Tax Act 2004 for the Young Person.

7. Rate of Allowance

7.1. The amount of an Allowance is the amount of an accommodation supplement that would be granted to the Young Person under the Act in respect of the Young Person's accommodation costs while living away from Home.

7.2. In calculating the amount of an Allowance, -

7.2.1. The Young Person is to be treated as if he or she was receiving an unemployment benefit under the Act; and

7.2.2. No account is to be taken of any Income or assets of the Young Person.

7.3. In this clause, "accommodation costs" has the meaning in section 61E of the Act.

8. Beginning and end of Allowance

8.1. An Allowance begins on the later of –

8.1.1. The date the Young Person commenced to live away from Home to attend the Course; or

8.1.2. The date the Course commences; or

8.1.3. The date of application for the Allowance.

8.2. Every Allowance ends on the earliest of the following dates –

8.2.1. The date the Course ends; or

8.2.2. For a Course that extends beyond one academic year, the date the academic year ends; or

8.2.3. The date the Young Person ceases permanently to attend the Course; or

- 8.2.4. The date the Young Person ceases to live away from Home (not counting any living at Home during holiday periods during the academic year); or
 - 8.2.5. The date that is 6 months after the Allowance began or was last renewed; or
 - 8.2.6. The date the Applicant ceases to be eligible to receive a family support credit of tax for the Young Person; or
 - 8.2.7. The date the Young Person ceases to be Dependent on the Applicant; or
 - 8.2.8. The date the Young Person turns 18.
- 8.3. An Allowance that ends under clause 8.2 may be granted under clause 5 for a renewed period if the Applicant –
- 8.3.1. Remains qualified for it; or
 - 8.3.2. Establishes to the satisfaction of the Director-General that he or she is again qualified for it in respect of the Young Person.
- 8.4. An Allowance granted for a renewed period begins on the later of –
- 8.4.1. If the previous Allowance ended under clause 8.2.5, the day after the previous Allowance ended; or
 - 8.4.2. The day on which the Applicant again became qualified for it; or
 - 8.4.3. The date of application for the renewed Allowance.

9. Payment of Allowance

- 9. 1. Every payment of an Allowance is to be made to the Applicant.

Historical information

Instrument amending Ministerial Welfare Programmes 2008

Away from Home Allowance Welfare Programme (established and approved 19 January 1998)

This Instrument comes into effect on the day after the date on which it is made. (signed 28 April 2008)

Clause 5.1.3(ii)

Omit "or 10(1)(g) and substitute "to 10(1)(h)

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

This instrument amending the Home Help Programme and the Away from Home Allowance Programme comes into effect on the day after the date on which it is made. This instrument has the effect of excluding certain payments from a person's cash assets, which are considered in determining his or her eligibility for the payments under the welfare programmes specified in this instrument. The exclusions are for: ex-gratia payments made by or on behalf of the Crown to a person who was a former patient of the Lake Alice Psychiatric Hospital and is limited to 12 months from the date of any such payment made on or after 26 October 2007 in both welfare programmes; and then net value of a person's member's interest, on or after 1 May 2008, in a specified non-KiwiSaver scheme in the Home Help Programme. A drafting error in a previous instrument is also corrected.

2007

Instrument amending Ministerial directions and welfare programmes (No 3) 2007

Away from Home Allowance Welfare Programme (established and approved 19 January 1998)

This Instrument comes into effect on the day after the date on which it is signed by the Minister. (signed 25 June 2007)

Clause 5

Revoke paragraph 5.1.3 and substitute:

5.1.3 either—

- (j) the applicant is eligible for a family support credit of tax under the Income Tax Act 2004 for the young person (whether or not the applicant is receiving any family support); or
- (ii) the applicant would be eligible for a family support credit of tax under the Income Tax Act 2004 but for the receipt of an ex gratia payment of the kind referred to in regulations 10(1)(f) and 10(1)(g) of the Social Security (Long-term Residential Care) Regulations 2005 (SR 2005/183); and.

Clause 6.2

Omit "Income Tax Act 1994" and substitute "Income Tax Act 2004".

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

This instrument amending Ministerial directions and welfare programmes, which comes into effect on the day after the date on which it is published in the Gazette excludes certain payments from a person's cash assets, which are considered in determining his or her eligibility to the types of social security assistance specified in this instrument. The exclusion for ex-gratia payments made because of personal injury caused by hepatitis C infection contracted through the New Zealand blood supply is limited to 12 months from the date of payment.