

# Seasonal Work Assistance Programme

*This is an unofficial consolidation as at 1 April 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.*

Minister of Social Services and Employment

At Wellington this 7 day of July 2002

Pursuant to section 5 and section 124(1)(d) of the Social Security Act 1964, the Minister of Social Services and Employment:

- (a) establishes and approves the welfare programme for special assistance set out in Part 1 of the Schedule:
- (b) makes the amendment set out in Part 2 of the Schedule to the Direction in Relation to Special Benefit given on 10 February 1999:
- (c) establishes and approves the amendment set out in Part 3 of the Schedule to the Special Needs Grants Programme established and approved on 18 December 1998:
- (d) establishes and approves the amendment set out in Part 4 of the Schedule to the Recoverable Assistance Programme established and approved on 15 February 1999.

## Schedule

### Part 1

#### Seasonal Work Assistance Programme

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## Programme

### 1 Title

This programme is the Seasonal Work Assistance Programme.

### 2 Commencement

This programme comes into effect on the day after it is approved.

### 3 Purpose

The purpose of this programme is to provide assistance to people who have moved from benefit to low-income, seasonal employment and, due to adverse weather conditions, cannot work and consequently lose income.

#### **4 Interpretation**

(1) In this programme, unless the context otherwise requires,—

**Act** means the Social Security Act 1964

**applicant** means the person applying for a grant under this programme

**cash assets** has the meaning in section 61E of the Act

**earner levy** means the levy payable under subsections (1) and (2) of section 219 of the Injury Prevention, Rehabilitation, and Compensation Act 2001

**employed** includes engaged as a self-employed contractor

**seasonal horticultural worker** means a person employed on a seasonal basis in an horticultural industry of a kind for the time being approved by the chief executive

**seasonal work assistance payment** or **payment** means the special assistance under this programme

**working-age benefit** means any of the following benefits:

- (a) an unemployment benefit:
- (b) a sickness benefit:
- (c) a domestic purposes benefit:
- (d) an emergency benefit (other than an emergency benefit payable under section 17(2)(c) of the New Zealand Superannuation Act 2001):
- (e) an independent youth benefit:
- (f) an invalid's benefit:
- (g) *(revoked by Seasonal Work Assistance Amendment 2004)*
- (h) a widows benefit.

(2) Expressions otherwise defined in section 3(1) of the Act have the meanings so defined.

#### **5 Application of the Social Security Act**

(1) Sections 12, 62, 63, 63A, 64, 74, 74A, 76, 82 (other than 82(6)), 84, and 86J of the Act apply to this programme and to an applicant as if the special assistance under it were a benefit.

(2) Nothing in subclause (1) limits the application of any other provision of the Act.

#### **6 Seasonal work assistance**

(1) Subclause (2) applies to an applicant—

- (a) who is employed as a seasonal horticultural worker; and
- (b) who was, within the previous 26 weeks, a person in receipt of a working-age benefit that was cancelled or suspended because the person entered that employment; and

- (c) whose cash assets and income (including the cash assets and income of his or her spouse or partner) are less than the appropriate amounts in Part 1 or, as the case may be, Part 2 of Schedule 31 of the Act.
- (2) The chief executive may, in the chief executive's discretion, grant a seasonal work assistance payment to an applicant to whom this subclause applies if the applicant has, on or after 1 July 2002, lost income due to the unavailability of work caused by weather conditions.
- (3) In exercising the discretion in subclause (2), the chief executive must have regard to the following matters:
  - (a) the duration of the period for which work has been unavailable due to weather conditions:
  - (b) whether the applicant's future work is likely to again be affected by weather conditions and the forecast duration of such conditions:
  - (c) the number and amounts of payments made to the applicant in the 26-week period before the application for the payment:
  - (d) whether a grant of an emergency benefit under section 61 of the Act would be the more appropriate means to provide income to the applicant for the period of unavailability of work.

**7 Amount and limits of payments**

- (1) The amount of a seasonal work assistance payment is the amount of the applicant's lost earnings for the period of work missed, after the deduction of the income tax and the earner levy that would be payable in respect of those earnings, but not more than the appropriate weekly amount set out in Schedule 1.
- (2) An applicant's claims for seasonal work assistance payments must be assessed and calculated on a weekly basis.
- (3) No grant of a seasonal work assistance payment must be made to an applicant who has received seasonal work assistance payments of \$730 or more during the 26-week period following the date the applicant's working-age benefit was cancelled or suspended.

**8** *(revoked by Instrument amending Ministerial directions and welfare programmes 2005)*

**9 Payments non-recoverable**

A payment granted under clause 6 is non-recoverable.

**Schedule 1**

**Maximum weekly amounts of seasonal work assistance payments**

Total period of work missed (per week)	For a single applicant with no dependent children \$	For any other applicant \$
8 hours or less	\$40	\$73
More than 8 and not more than 16 hours	\$80	\$146
More than 16 and not more than 24 hours	\$120	\$219

<b>Total period of work missed (per week)</b>	<b>For a single applicant with no dependent children</b>	<b>For any other applicant</b>
	<b>\$</b>	<b>\$</b>
More than 24 and not more than 32 hours	\$160	\$292
More than 32 hours	\$200	\$365

## Explanatory Note

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

This programme enables grants of seasonal work assistance payments to people who have cancelled their benefits to enter the workforce as temporary seasonal workers at times when they are not paid due to there being no work as a result of weather conditions.

### Historical information

#### 2008

##### Instrument amending Ministerial Direction and Welfare Programmes 2007

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

##### Seasonal Work Assistance programme (as established and approved on 7 July 2002)

Omit from clause 7(3) "\$700" and substitute "\$730".

Omit the table in Schedule 1 and substitute with a new table:

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

This instrument, which comes into effect on 1 April 2008, amends a Ministerial direction and a number of welfare programmes under the Social Security Act 1964

Schedule 1 adjusts certain rates, standard costs, and limits to take into account a 3.18% increase in the Consumer Price Index.

#### 2007

##### Instrument amending Ministerial Direction and Welfare Programmes 2007

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

##### Seasonal Work Assistance programme (as established and approved on 7 July 2002)

Omit from clause 7(3) "\$680" and substitute "\$700".

Omit the table in Schedule 1 and substitute:

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

This instrument, which comes into effect on 1 April 2008, amends a Ministerial direction and a number of welfare programmes under the Social Security Act 1964.

Schedule 1 adjusts certain rates, standard costs, and limits to take into account a 2.63% increase in the Consumer Price Index.

#### 2006

##### Instrument amending Ministerial directions and welfare programmes (No 2) 2006

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

This instrument, which comes into effect on the day after its publication in the *Gazette*, amends a number of Ministerial directions and welfare programmes under the Social Security Act 1964 to treat people in civil unions in the same way as people in marriages and make related amendments.

##### Instrument amending Ministerial directions and welfare programmes 2006

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

This instrument, which comes into effect on 1 April 2006, amends a number of Ministerial directions and welfare programmes under the Social Security Act 1964.

Schedule 1 adjusts certain rates, standard costs, and limits to take into account a 3.16% increase in the Consumers price index.

Omit from clause 7.3 the expression "\$650" and substitute the expression "\$680".

Omit the table in Schedule 1 and substitute with the new table:

## **2005**

Amendments relating to Working for Families Package:

Paragraph (c) clause 6(1) omitted and substituted principally to replace reference to the invalid's benefit in cash assets and income limits with reference to the new Schedule 31 of the Social Security Act 1964 which comes into force on 1 April 2005.

Schedule 1 was updated with 1 April 2005 increase in rates.

## **2004**

Paragraph 7, No 3 was updated to reflect the 1 April 2004 increase. Schedule 1 was updated with the 1 April 2004 increase in rates.

Clause 4(1)(g) (a transitional retirement benefit:) revoked by Seasonal Work Assistance Amendment 2004.