



Social Security (COVID-19—Childcare Assistance) Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 24th day of August 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 424 of the Social Security Act 2018 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Social Security (COVID-19—Childcare Assistance) Amendment Regulations 2020.

2 Commencement

These regulations come into force on 25 August 2020.

3 Principal regulations

These regulations amend the Social Security Regulations 2018 (the **principal regulations**).

4 Regulation 28 amended (Payment of assistance during child's absence)

(1) Replace regulation 28(1) with:

- (1) Childcare assistance may continue to be paid for the period set out in subclauses (2) and (3) during a child's absence from an early childhood education programme or OSCAR programme—
- (a) if the absence is due to COVID-19 requirements, and whether or not the programme charges a fee for holding open the places of children who are absent; or
 - (b) if the absence is due to the child's medical condition, or is due to any other reason, and the programme charges a fee for holding open the places of children who are absent.

(2) Before regulation 28(3)(a), insert:

- (aa) the weeks of the absence, if the absence is due to COVID-19 requirements; or

(3) After regulation 28(3), insert:

(4) In this regulation,—

available, for the programme, if subclause (3)(aa) applies to the child, means that—

- (a) the programme is attended by, and provided to, any other child, or any other children, to whom COVID-19 requirements do not apply; or
- (b) the programme is not attended by, nor provided to, any children, because their absence is due to reasons that are or include COVID-19 requirements

COVID-19 requirements, for a child or children, means requirements that apply to the child or children, and that are imposed—

- (a) by or under an Act; and
- (b) to prevent, or limit the risk of, the outbreak or spread of COVID-19.

5 Schedule 1 amended

In Schedule 1, after Part 5, insert the Part 6 set out in the Schedule of these regulations.

Schedule

New Part 6 inserted into Schedule 1

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Part 6

Provision relating to Social Security (COVID-19—Childcare Assistance) Amendment Regulations 2020

10 Application of regulation 28(1)(a), (3)(aa), and (4)

Regulation 28(1)(a), (3)(aa), and (4) applies, on and after the commencement, on 25 August 2020, of the Social Security (COVID-19—Childcare Assistance) Amendment Regulations 2020, to a child who is eligible for childcare assistance regardless of whether the child became eligible for the assistance—

- (a) before that commencement; or
- (b) on or after that commencement.

Michael Webster,
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 25 August 2020, amend the Social Security Regulations 2018. The amendments are about childcare assistance (a childcare subsidy or an out-of-school care and recreation (OSCAR) subsidy). In particular, regulation 28 is amended to ensure that the assistance may continue to be paid during a child's temporary absence, due to COVID-19 requirements, from—

- an early childhood education programme; or
- an out-of-school care and recreation (OSCAR) programme.

The purpose of assistance made available under regulation 28 is to keep the child's place open in a childcare facility or programme during the child's absence.

New regulation 28(1) ensures that the assistance may continue to be paid (at the hourly rate required by regulation 24(1)(b)) for a period during a child's absence from the programme—

- if the absence is due to COVID-19 requirements (as that term is defined in *new regulation 28(4)*), and whether or not the programme charges a fee for holding open the places of children who are absent; or

- if the absence is due to the child’s medical condition, or is due to any other reason, and the programme charges a fee for holding open the places of children who are absent.

Regulation 28(3) as amended ensures that the period must not exceed—

- the weeks of the absence, if the absence is due to COVID-19 requirements; or
- 6 weeks, if the absence is due to the child’s medical condition; or
- 3 weeks, if the absence is due to any other reason.

Under regulation 28(2), the period is calculated as—

- commencing on the first day of the child’s absence from the programme; and
- including only the time during the absence when the programme is available.

The programme is available, as that term is defined in *new regulation 28(4)*, if the absence is due to COVID-19 requirements (and so *new regulation 28(3)(aa)* applies to the child) and—

- the programme is attended by, and provided to, any other child, or any other children, to whom COVID-19 requirements do not apply; or
- the programme is not attended by, nor provided to, any children, because their absence is due to reasons that are or include COVID-19 requirements.

New regulation 28(1)(a), (3)(aa), and (4) applies, on and after the commencement, on 25 August 2020, of these regulations, to a child who is eligible for childcare assistance regardless of whether the child became eligible for the assistance—

- before that commencement; or
- on or after that commencement.

Regulatory impact assessment

The Treasury has determined that the regulatory proposals in these regulations are exempt from the requirement to provide a Regulatory Impact Statement (RIS).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 August 2020.

These regulations are administered by the Ministry of Social Development.