



# Social Security (Childcare Assistance) Amendment Regulations (No 2) 2005

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 27th day of June 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to section 132AC of the Social Security Act 1964, Her 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

- (1) These regulations are the Social Security (Childcare Assistance) Amendment Regulations (No 2) 2005.

- (2) In these regulations, the Social Security (Childcare Assistance) Regulations 2004<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 2004/268

## **2 Commencement**

- (1) Regulation 6 and the Schedule come into force on 3 October 2005.
- (2) The rest of these regulations come into force on 1 August 2005.

## **3 Interpretation**

Regulation 3(1) of the principal regulations is amended by omitting from paragraph (b) of the definition of **approved early-childhood programme** the words “(not being care provided in the home of the child concerned)”.

## **4 New regulation 5A inserted**

The principal regulations are amended by inserting, after regulation 5, the following regulation:

### **“5A Childcare assistance not payable in respect of certain hours**

Childcare assistance is not payable in respect of any hour of a child’s participation in an approved early-childhood programme or OSCAR programme if, for that hour, payment other than childcare assistance is made towards the costs of the child’s participation in the programme through a funding programme—

- “(a) that is provided by the Government in order to purchase hours of childcare; and
- “(b) under which the amount provided per hour for childcare exceeds the hourly rate of childcare assistance as calculated under regulation 6.”

## **5 Assistance to be no more than hourly fee payable**

- (1) Regulation 6 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

- “(1A) For the purposes of subclause (1), the actual hourly fee payable for a child’s participation in a programme does not include any payment made by a person other than the applicant towards the fee payable in respect of that child’s participation in the programme.”
- (2) Regulation 6 of the principal regulations is amended by revoking subclause (2), and substituting the following subclauses:
- “(2) If a periodic flat fee is payable for a child’s participation in a programme, or for keeping open a child’s place in a programme, the averaged hourly fee payable for the purposes of subclause (1) is the amount obtained by—
- “(a) subtracting from that flat fee any payment made by a person other than the applicant towards the flat fee; and
- “(b) dividing the amount calculated under paragraph (a) by the number of hours during the period concerned for which the child is enrolled to participate in the programme.
- “(3) This regulation is subject to regulation 5A.”

## 6 Increasing rates of childcare and OSCAR subsidies

Each provision of the Schedule of the principal regulations listed in the first column of the Schedule is amended by omitting every expression set out opposite to it in the second column, and substituting in each case the expression set out opposite to it in the third column.

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### Schedule

r 6

## Amendments to schedule of rates of childcare and OSCAR subsidies

Provisions amended	Expressions omitted (\$)	Expressions substituted (\$)
Clause 1(a)	2.91	3.21
Clause 1(b)	2.03	2.23
Clause 1(c)	1.13	1.24
Clause 2(a)	2.91	3.21
Clause 2(b)	2.03	2.23
Clause 2(c)	1.13	1.24
Clause 3(a)	2.91	3.21
Clause 3(b)	2.03	2.23
Clause 3(c)	1.13	1.24

Diane Morcom,  
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 amend the Social Security (Childcare Assistance) Regulations 2004. They come into force on 1 August 2005, except for those provisions that increase rates of childcare and OSCAR subsidies, which come into force on 3 October 2005. The amendments—

- remove the exclusion of care provided in a child's home from the definition of **approved early-childhood programmes**;
  - clarify the relationship between childcare assistance and payments from other sources towards the costs of a child's participation in an approved early-childhood programme or OSCAR programme;
  - increase the rates of childcare and OSCAR subsidies.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Ministry of Social Development.

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