

20 May 2020

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Social Security (COVID-19 Income Relief Payment to be Income) Amendment Bill

1. We have considered whether the Social Security (COVID-19 Income Relief Payment to be Income) Amendment Bill ('the Bill'), is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO22940/1.7). We will provide you with further advice if the final version of the Bill includes amendments that affect the conclusions in this advice.
3. The purpose of the Bill is to amend the Social Security Act 2018 so that a COVID-19 income relief payment (CIRP) received by a person under the COVID-19 Income Relief Payment Programme is treated as income for the purposes of the Social Security Act.
4. CIRPs may be paid as an alternative to a main benefit to persons who become unemployed as a result of COVID-19. CIRP recipients will be eligible to receive further supplementary assistance, hardship assistance, or any other special assistance welfare programmes in the same way as main benefit recipients. However, treating the CIRP as income will affect abatement rates for supplementary and hardship assistance. In contrast, main benefits are not treated as income and do not affect abatement rates.
5. However, we do not consider that this engages the right to freedom from discrimination affirmed in s 19 of the Bill of Rights Act. Recipients of CIRP receive higher levels of income support than recipients of main benefits, and individuals may elect either to receive a CIRP or a main benefit (with the potential of increased supplementary assistance). Individuals eligible for CIRP will be able to elect to receive the form of assistance that will best cater to their circumstances.
6. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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