

Disability Support Services Bill

Government Bill

As reported from the Social Services and Community Committee

Commentary

Recommendation

The Social Services and Community Committee has examined the Disability Support Services Bill and recommends by majority that it be passed. We recommend all amendments by majority.

About the bill as introduced

The Disability Support Services Bill seeks to establish a legislative framework for the provision of disability support services (DSS). The bill relates to services provided to eligible disabled persons that are funded through Vote Disability Support Services and administered by the Ministry of Social Development.

The bill proposes to:

- set out the purpose of DSS and provide an authorising framework for DSS system policy settings and how funding is used that:
 - strengthens the system by improving the consistency, fairness, and transparency of decision making
 - clarifies that responsibility for care of disabled people rests in the first instance with family and whānau, where appropriate
- make clear existing employment relationships within the DSS system
- mitigate the Crown's fiscal and litigation risks in response to the Supreme Court's decision in *Fleming v Attorney-General* [2025] NZSC 188, [2025] 1 NZLR 973.

The purpose of DSS-funded disability support services, as stated by the bill, is to contribute towards enabling eligible persons to live their everyday life by providing disability support services from within public funding available, having regard to their needs and circumstances.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House, but note the issues we identified in relation to clause 8. We address those matters later in this report.

Our process and proposed amendments

We received and considered submissions from 3,382 interested groups and individuals, and heard from 143 submitters. We thank all those who submitted on the bill—many of whom are disabled people or their family, whānau, carers, and advocates—for engaging by sharing their personal stories and deep concern regarding the changes this bill proposes.

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Definitions of certain terms

We propose the following amendments to clause 4, to clarify some core terms used in the bill.

We recommend replacing the definition of “disability support services”. Our proposed definition would make clear that disability support services includes both goods, services, and facilities, as well as financial assistance provided for the purpose of purchasing any such goods, services, and facilities. This is intended to capture flexible funding services, that could be provided under programmes approved by the Minister to provide disability support services, under clause 11.

We recommend amending the definition of “DSS-funded disability support services” to make clear that it excludes:

- services for people who are transitioning out of services provided under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 and into the community
- any administrative services that facilitate providing disability support services or the stewardship of DSS funding legislation or policy.

Principles for decision-makers

Clause 8 as introduced set out two principles that the ministry and contracted providers must take into account when making decisions about providing DSS-funded disability support services. These are that families and whānau have responsibility in the first instance for the well-being of their members, and that a person should, where appropriate, use their own resources and other support available to them before being provided with DSS-funded services.

Many submitters expressed significant concern that the bill would place sole reliance on family and whānau, including wider extended family, to care for disabled family members. Submitters were worried the wording in the bill would require disabled

people to exhaust every form of support possible before becoming eligible for any DSS-funded disability support services. Some submitters felt these principles would result in them having to do even more for their family member with disabilities when they already felt undervalued and overworked. Submitters also raised that these principles would result in an over-reliance on family members, and would lead to unsafe situations for disabled people.

We propose that clause 8 be amended to include changes to the principle of family and whānau responsibility, and to include additional principles that are specific to the disabled person, rather than focusing solely on the wider support system.

Meaning of family and whānau responsibility

We consider that the bill as introduced was unclear about the responsibility of family and whānau.

The DSS system is intended to recognise the diversity of disabled people's lives and DSS-funded disability support services are tailored to an individual's needs and circumstances.

We note that families do generally contribute toward the wellbeing of disabled people, alongside the contribution that DSS makes. We also understand that family involvement may not be available, appropriate, or safe in all circumstances.

We therefore recommend that the words "responsibility in the first instance for" be replaced by "a responsibility to contribute to" in clause 8(2)(a). We consider that this better reflects how the DSS system contributes alongside family and whānau support.

New principles

We consider that the principles should include aspects specific to the disabled person, rather than focusing solely on the wider support system around them.

We recommend replacing clause 8(2)(b) to require decision-makers to take into account the eligible disabled person's:

- choice or preferences (including where the person requires support to communicate and make their choice and preferences)
- safety and dignity
- immediate, and long-term, needs and circumstances
- own resources (where appropriate)
- support from other publicly funded sources
- support from family, whānau, or other culturally recognised groups and their community (where appropriate).

In response to submitters' suggestions, we have taken elements of these principles from the Enabling Good Lives principles and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The majority of us consider that these changes reflect the importance of disabled people having choices, expressing preferences, and making informed decisions about

the support they receive. The inclusion of safety and dignity recognises the experience of some adults with high support needs, and the risk of neglect, abuse, exploitation, isolation, or the breakdown of care and support arrangements.

We note that these principles are to be taken into account by the Minister before approving or establishing a programme under clause 11.

Approved disability support services programmes

Clause 11 of the bill would empower the Minister to approve and establish programmes for the purpose of providing disability support services. These programmes would be secondary legislation administered by the ministry. We note that disability support services programmes that are approved by the Minister are referred to as “support programmes” by the ministry.

Submitters expressed concern about leaving the details of such programmes for secondary legislation. Some submitters felt uncertain about appeal and safeguard mechanisms not being included in the primary legislation. However, we note that there is no current requirement or mechanism for the consistent authorising of policy and funding for disability support, or public accountability for these decisions. This bill and the subsequent programmes approved by the Minister would provide this.

The bill states that a programme may specify funding allocation or client eligibility criteria. We recommend inserting clause 11(2)(b)(iia) to allow programmes to specify ways in which disability support services may or must be provided under the programme. We also recommend inserting subclause (3A) to make clear that this provision of services can include:

- commissioning a person to provide disability support services for a disabled person or group of people
- making payments to persons who provide disability support services to an eligible person who is their family or who is otherwise in a close social relationship with them
- funding for residential care
- providing financial assistance for goods, services, and facilities.

We also recommend that the likely outcomes for disabled persons of approving and establishing the programme must be taken into account by the Minister.

Income and asset testing

Submitters expressed concerns about means-testing requirements for disability support services. We note that income and asset testing already exists within certain funded disability supports, but that the bill does not extend this use. Some of us are concerned that the current wording of the bill does not prohibit the extension of means-testing in the future, beyond current settings. We note that, in the absence of this bill, there is nothing currently prohibiting the Minister from introducing changes to means-testing without notification. The majority of us believe this bill increases transparency and accountability regarding Ministerial decisions.

Clause 11 of the bill would allow criteria to be specified for determining eligibility for disability support services programmes. Under clause 11(3), this could include “income-based criteria” or “asset-based criteria”. We propose that the criteria that may be specified be expanded to also include eligibility for an entitlement card, such as a Community Services Card. Eligibility for these cards is income and asset based.

Consultation requirements

Many submitters expressed concern about the lack of mandatory consultation with the disabled community about decisions that affect them. We understand that a high standard of communication is consistent with the UNCRPD and the New Zealand Disability Strategy. We expect that the Minister would consult with disabled people before establishing or changing a programme.

We recommend inserting new subclauses (4A) and (4B) into clause 11 to provide that the Minister must consult such representatives of disabled persons as the Minister considers appropriate before making a support programme. The majority of us consider this wording aligns with the UNCRPD. This includes where a programme proposes or amends means testing. Under subclause (4A), the Minister would consider who to consult, and how.

Subclause (4B) states the exception to this requirement would be if the proposed change to a programme is minor in effect or is correcting a minor or technical error and that “no eligible person will be adversely affected by the amendment”. New subclause (4B)(b) would make clear that a failure to comply with the consultation provisions does not invalidate a support programme.

Consistency with employment law

Some submitters noted that the bill as introduced is not consistent with employment law. We recommend the following amendments to remedy this.

Conclusive proof of employment

Clause 13 proposes to determine whether the person providing the DSS-funded disability support service is an employee of the Crown or a contracted provider. Without written agreement neither the Crown nor a contracted provider is an employer of the person providing the DSS-funded disability support services. The majority of us recommend amendments to clause 13 to clearly state that the written agreement is the necessary “conclusive proof” to be aligned with section 4 of the Screen Industry Workers Act 2022.

This clause would clarify that section 6(2) of the Employment Relations Act 2000 cannot be invoked. The majority of us recommend the deletion of clause 14 as clause 13 with the proposed amendments would cover both the Crown and contracted providers.

Existing employment agreements

Transitional arrangements in Schedule 1 include the validation of current employment agreements between paid family carers and a disabled person, so that there is no disruption to care while new arrangements are put in place.

We recommend a small change to Schedule 1, clauses 2 and 5, to replace the term “disabled person” with “eligible person” in reference to an employment agreement between them and a paid family carer. We also recommend changing the reference to “employer” in clause 5 to “eligible person” to make it clear that this is the employment relationship.

We recommend amendments to clause 3 to make it clear that there are certain circumstances where bargaining for a variation of the agreement is not unfair, for the purposes of the Employment Relations Act.

Representative arrangements over the transition period

Schedule 1, clause 6 relates to the temporary validation of representative arrangements, also to ensure there is no disruption to care over the transition period. This recognises the history of supported decision-making within families, often without formal processes and based on the informed consent framework in the Code of Health and Disability Services Consumers’ Rights.

We recommend amending this clause to make clear the situations where the ministry or a contracted provider can consider someone as acting on behalf of a person who does not have capacity to make decisions about disability support services by themselves. The temporary representative role ceases if the disabled person regains or develops decision-making capacity.

Our proposed amendments also cater for a change in who that person might be during the transition period, for example, at the request of the disabled person or due to safety concerns or suitability of the arrangement.

Review of the Act’s operation

We recommend the insertion of clause 17 in new Part 3, which proposes a mandatory review of the Act’s operation within 5 years of the Act’s commencement. The Minister must consider whether any amendments are necessary or desirable and prepare a report to be presented to the House of Representatives on their findings.

Transition period

We recommend amending the definition of “3-year” transition period to refer to a “5-year” transition period in all references in Schedule 1, except for clause 5 relating to paid family carers. We consider that this would allow more time for the incorporation of the additional consultation requirements we recommend for clause 11.

Petition of Victoria Coleman: Do not pass the Disability Support Services Bill

We also considered the petition of Victoria Coleman. It was presented to the House on 6 July 2026 by Hon Priyanca Radhakrishnan and transferred to us on 23 July 2026. The petition requests:

That the House of Representatives not pass the Disability Support Services Bill; and note that 15,861 people have signed a similar online petition.

We discuss comments that the petition raises in this report. We have no further matters to bring to the attention of the House.

New Zealand Labour Party differing view

Labour does not support the Disability Support Services Bill.

Under this Government, disability communities have been subjected to significant changes that have created uncertainty, trauma, and harm. This began with changes to flexible funding in March 2024 that were announced with no consultation with disabled people or carers, and were implemented with immediate effect.

Further changes have adversely impacted disabled people, carers, and disability communities more broadly, such as the reduction of the Total Mobility scheme fare subsidy and this Government's decision to abandon the Enabling Good Lives (EGL) roll-out. These changes have pushed disabled people and carers into a near-constant state of uncertainty, exhaustion and anxiety.

It is within this context that the Disability Support Services Bill was introduced. The stated aim of the bill is to increase consistency, fairness, and transparency for disabled people and their carers by introducing a statutory framework that is meant to “strengthen and stabilise the provision of disability support services”.

The Labour Party agrees that a foundational legislative framework for disability support services is necessary. Yet, as drafted, this bill does not achieve its purported aims.

The bill itself was not drafted with any input from disabled people, whānau, or carers. It is yet another example of this Government deciding they know what is best for disabled people and carers and ignoring the community's rallying cry “nothing about us, without us”.

Many submitters also made the point that this legislation should be rights-based and include references to the United Nations Convention on the Rights of Persons with Disabilities, Enabling Good Lives principles, and reflect the Crown's role as a partner in Te Tiriti o Waitangi.

The bill does none of the above.

A social, or rights-based, approach would have changed the focus from a medical- or charity-based perspective to one that is rooted in human rights. Such an approach would view disabled people as equal citizens and active rights-holders and would place an obligation on society to remove barriers that prevent them from exercising their rights and participating in society.

The bill fails in this regard too.

Many submitters also highlighted that too much detail is left to secondary legislation, and we agree. While it may be beneficial to leave some level of detail to secondary legislation, particularly with regard to detail that may need to be adjusted over time, Labour strongly believes that the primary legislation must contain a greater level of detail, such as eligibility criteria and the broad types of disability support services that can currently be accessed by disabled people and their whānau.

The Ombudsman noted, in their submission, that the development of robust, transparent, and accessible safeguarding, such as appeals and complaints processes, should be a fundamental aspect of the legislative framework for the disability support services system. These are of crucial importance to ensuring the fairness and functioning of the system and should have been incorporated into the DSS bill.

The bill places too much weight on secondary legislation and binding Ministerial directions. While we agree with the select committee recommendation that the Minister is required to consult with disabled people through representative organisations, we also believe that the bill needs to include a greater level of detail in primary legislation to increase certainty and transparency.

The Government's decision not to do this weakens transparency, reduces legal certainty, and leaves essential eligibility and allocation settings vulnerable to change without full parliamentary scrutiny.

The bill also enables Ministerial programmes to specify income- or asset-based criteria. If this clause in the bill is meant to reflect current practice, it should be explicitly stated in primary legislation so that the criteria cannot be broadened to apply to other disability support services through secondary legislation.

As drafted, this bill introduces the potential for means- or asset-testing to be introduced further down the line. The Labour Party strongly opposes this.

The Labour Party also agrees with submitters who have said that the DSS bill should be separate from the Crown's response to manage fiscal and litigation risk following the Supreme Court decision in *Fleming v Attorney-General*. Many submitters have also opposed the way in which this bill is being rushed through Parliament, with a truncated select committee process, and we agree with them.

It was clear, from so many submissions, that disabled people and carers are exhausted. They disagree with the emphasis on family supports and the lack of statutory limits, safeguards, and clarity around who makes the decisions about when family support is appropriate. The anxiety that disabled people have expressed was and remains valid.

Submitters have been very clear that many families already go above and beyond to support their disabled family members and that the state should not legislate for any level of family support before funding is made available for disabled people to live independent lives.

As such, having listened to disabled people and disability communities on the contents of this bill, we believe the bill in its current form will weaken the rights, choice,

control, and participation of disabled people and is not aligned with the principles of Enabling Good Lives (EGL).

It weakens the inherent dignity of disabled people and takes us backwards as a society.

Disabled people, carers, whānau, and disability communities deserve better than this.

Green Party of Aotearoa differing view

The Green Party does not support the Disability Support Services Bill. We have seen the current coalition Government create instability for disabled people and their families and have made decisions on legislation that officials warn go against the Bill of Rights Act 1990 (BORA). We are grateful to all the submitters who took the time out of their already busy lives to bring lived experience and evidence to the committee.

Convention on the Rights of Persons with Disabilities (CRPD)

The Disability Support Services Bill aims to introduce a statutory framework that is meant to stabilise how disability support is provided. This statutory framework has been long called for by disabled communities and the Green Party supports this. Disabled people, carers, and their whānau have been clear about the need to consult with them on any new legislation in line with the CRPD. This was not upheld and we heard from many submitters about their concerns that this was announced and debated within one week. The Green Party is concerned at the truncated timeframe with no consultation. We believe that everyone should have access to our democratic process with enough time to submit and give oral evidence where requested. This is significantly harder for many disabled people, and we know a key to accessibility is adequate notice and timeframes to participate. Many submitters spoke of the instability and fear the unannounced bill caused and how the lack of consultation was a shock.

The Green Party is concerned that both the Regulatory Impact Statement from Ministry of Social Development (24 March, 2026) and the Attorney General's Office (8 May, 2026) acknowledge breaches of the New Zealand Bill of Rights Act 1990 (BORA). The Attorney General's office confirmed breaches to the Bill of Rights Act, and we note there was no section 7 notification of inconsistency tabled in the House. The only international Treaty obligation considered was the CRPD.

International Convention on Civil and Political Rights (ICCPR)

No assessment by any agency has been made of the consequences of the clear breaches of Articles 3 and 26 of the ICCPR. The Green Party understands ICCPR rights are "immediately enforceable" and if our Government passes this law it will open us up to years of Crown Law responding to UNHRC for many years with individuals making human rights breach complaints. On June 30 2026, Kahu Carter Green Party MP and permanent member of the Social Services Select Committee sent a letter attached to the Ministry of Foreign Affairs highlighting these concerns. No response has been received.

The Issue of Article 8: servitude

The 15 years of evidence in legal proceedings taken by family carers has described 24/7 work with carers “always on duty”. The written and oral submissions we have heard describe significant clinical skills, complex multi-tasking, physically, and emotionally demanding work, which judicial decisions found as a matter of fact, to be “work”. (It should be noted that the ACC regime has a parallel universe where such work has been paid for decades.)

A key focus of this legislation is to remove this right to employment for family members for these carers. The legislation makes the assumption that family carers only “work” a maximum of 40 hours a week, for which—if they are lucky—they will be paid the minimum wage, regardless of skills, with none of the terms and conditions that all workers are entitled to in the ERA.

This is servitude. One submission to our committee noted that the status of carers will fit the definition of servitude in the Modern Slavery Bill currently before the House. This opens up the option for carers to use the Optional Protocol procedure to include Article 8 in their complaints.

Conclusion

The Green Party believes disabled people and whānau should have access to the services they need, like transport and good quality housing, so everyone in Aotearoa has their needs met. The current and successive Government has passed laws, policies, and social norms mean disabled people are often denied the same rights as others and are excluded from places and activities non-disabled people take for granted. These barriers are often worse for tāngata whaikaha Māori and for disabled people from marginalised communities. The current Government has made it harder for disabled people to access the support they deserve, and which enables them to participate equally in life and their communities.

The Green Party is ambitious in its plan to create a more accessible Aotearoa by building on the Enabling Good Lives framework and grounding our approach in Te Tiriti o Waitangi. The Greens support the call from disability communities to operate on a high-trust model and apply to all disabled people, including those with disabling conditions who do not currently access support. The Green Party is committed to an Aotearoa where disabled people and whānau thrive in caring communities. We believe this bill should not be passed and do not support the Disability Support Services Bill.

Appendix

Committee process

The Disability Support Services Bill was referred to this committee under urgency on 21 May 2026. The House instructed us to report the bill back no later than 13 August 2026.

We called for submissions on the bill with a closing date of 12 June 2026. We received and considered submissions from 3,382 interested groups and individuals. We heard oral evidence from 143 submitters at hearings in Wellington and via video-conference. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

Advice on the bill was provided by the Ministry of Social Development. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

We considered the bill alongside the petition of Victoria Coleman: Do not pass the Disability Support Services Bill. The petition was signed by 5 people on the Parliament website. It was presented to the House by Hon Priyanca Radhakrishnan on 6 July 2026 and transferred to us on 23 July 2026.

Committee membership

Joseph Mooney (Chairperson)

Jamie Arbuckle

Kahurangi Carter

Dana Kirkpatrick

Laura McClure

Hon Willow-Jean Prime

Maureen Pugh

Helen White

Oriini Kaipara, Mariameno Kapa-Kingi, and Hon Priyanca Radhakrishnan also participated in some of our consideration.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Louise Upston

Disability Support Services Bill

Government Bill

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Schedule 1

Transitional, savings, and related provisions

Schedule 2

Consequential amendments to other legislation

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Disability Support Services Act **2026**.

2 Commencement

This Act comes into force on the day after Royal assent.

5

Part 1

Preliminary provisions

3 Purposes of Act

The purposes of this Act are to—

- (a) provide a legislative framework for DSS-funded disability support services, including by enabling the making of secondary legislation for the purpose of providing disability support services; and 10
- (b) in response to the decision of the Supreme Court in *Fleming v Attorney-General* [2025] NZSC 188, [2025] 1 NZLR 973,—
 - (i) clarify the nature of the relationships between the Crown, contracted providers, and persons who provide DSS-funded disability support services to others; and 15
 - (ii) temporarily provide for persons to act on behalf of disabled persons—
 - (A) who do not have a person acting for them under the Protection of Personal and Property Rights Act 1988; and 20

- (B) in relation to the making of decisions about disability support services; and
- (iii) validate employment agreements between paid family carers and their disabled family members for a limited period; and
- (iv) address other employment-related matters connected with the provision of DSS-funded disability support services; and 5
- (c) mitigate litigation risk, and related fiscal risk, to the Crown.

4 Interpretation

In this Act, unless the context otherwise requires,—

contracted provider means a person engaged by the Ministry, under a contract for services, to perform, on behalf of the Crown, a function relating to the administration of the provision of DSS-funded disability support services 10

~~**disability support services** includes goods, services, facilities, and financial assistance—~~

- ~~(a) provided to disabled persons for their care or support or to contribute towards enabling them to live their everyday life; or 15~~
- ~~(b) provided for purposes related or incidental to the care or support of people with disabilities or to contribute towards enabling them to live their everyday life~~

disability support services includes— 20

- (a) goods, services, and facilities—
 - (i) provided to disabled persons for their care or support or to contribute towards enabling them to live their everyday life; or
 - (ii) provided for purposes related or incidental to the care or support of people with disabilities or to contribute towards enabling them to live their everyday life; and 25
- (b) financial assistance that is provided to disabled persons for the purpose of purchasing or obtaining such goods, services, and facilities

DSS-funded disability support services—

- (a) means any disability support services funded (whether wholly or partly and whether directly or indirectly) by money appropriated by Parliament under— 30
 - (i) the appropriation known, on the commencement of this Act, as the Disability Support Services multi-category appropriation (M23) (A25); or 35
 - (ii) any predecessor, successor, or replacement appropriation with the same, or substantially the same, purpose; but
- (b) ~~does not include any disability support services provided under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003~~

- (b) does not include—
- (i) any disability support services provided under, or in connection with, the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (including any such services provided to facilitate the release of a person from compulsory care under that Act): 5
 - (ii) any administrative services that facilitate the provision of disability support services or the stewardship of DSS funding legislation or policy (for example, the provision of information about disability support services to the public or the monitoring of the quality of disability support services) 10

DSS funding legislation or policy means any of the following to the extent that it relates to the allocation and use of DSS-funded disability support services:

- (a) a direction given under **section 10**:
- (b) a programme approved and established under **section 11**: 15
- (c) any policy or programme established by the Crown before the commencement of this Act, as amended from time to time by the Minister under **clause 8 of Schedule 1**

eligible person means a person who—

- (a) has been assessed by the Ministry or a contracted provider under DSS funding legislation or policy as requiring disability support services; and 20
- (b) is eligible under DSS funding legislation or policy to be considered for DSS-funded disability support services

family member, in relation to a person (A), means another person who—

- (a) is any of the following: 25
 - (i) A's spouse, civil union partner, or de facto partner:
 - (ii) A's child, tamaiti whāngai, stepchild, or grandchild:
 - (iii) A's sibling, half-sibling, or step-sibling:
 - (iv) a parent or step-parent of A:
 - (v) a person who acts as a parent of A: 30
 - (vi) a grandparent of A:
 - (vii) an uncle or aunt of A:
 - (viii) a nephew or niece of A:
 - (ix) a first cousin of A; or
- (b) is— 35
 - (i) a member of A's family, whānau, or other culturally recognised family group; and
 - (ii) not mentioned in **paragraph (a)(i) to (ix)**; and

- (iii) in a close relationship with A
- paid family carer** means a person (C) who—
- (a) provides care to a person (D) who is—
- (i) a disabled person; and
- (ii) C's family member; and 5
- (b) is paid, in whole or in part, for providing that care ~~with~~ from funding allocated to D in accordance with DSS funding legislation or policy.
- 5 Transitional, savings, and related provisions**
- The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms. 10
- 6 Act binds the Crown**
- This Act binds the Crown.

Part 2

Disability support services system

- 7 Purpose of DSS-funded disability support services** 15
- The purpose of DSS-funded disability support services is to contribute towards enabling eligible persons to live their everyday life by providing disability support services from within public funding available, having regard to their needs and circumstances.
- 8 Principles that Ministry and contracted providers must take into account when making decisions about provision of DSS-funded disability support services** 20
- (1) This section applies when the Ministry or a contracted provider is making decisions about the provision of DSS-funded disability support services.
- (2) The Ministry or contracted provider must take into account the following principles: 25
- (a) families, whānau, and other culturally recognised family groups, where appropriate, have ~~responsibility in the first instance for~~ a responsibility to contribute to the well-being of their members:
- (b) ~~before being provided with DSS funded disability support services, an eligible person should, where appropriate, use their resources and any other support that is available to them, including from~~ 30
- (i) ~~other publicly funded sources; and~~
- (ii) ~~their family, whānau, or other culturally recognised family group; and~~ 35
- (iii) ~~their community.~~

- (b) decisions about the provision of DSS-funded disability support services to an eligible person should be made taking into account—
- (i) the choice or preferences of the eligible person, or another person lawfully acting on the eligible person’s behalf, regarding how DSS-funded disability support services could contribute to the eligible person’s everyday life (including if the eligible person requires support to—
 - (A) make a choice or form preferences; or
 - (B) communicate their choice or preferences); and
 - (ii) the eligible person’s safety and dignity; and
 - (iii) the eligible person’s immediate, and long-term, needs and circumstances; and
 - (iv) where appropriate, the eligible person’s resources; and
 - (v) any support that is available to the eligible person from other publicly funded sources; and
 - (vi) where appropriate, any other support that is available to the eligible person, including from—
 - (A) their family, whānau, or other culturally recognised family group; and
 - (B) their community.
- 9 Neither Ministry nor contracted provider may allocate DSS-funded disability support services other than in accordance with this Act and DSS funding legislation or policy**
- Neither the Ministry nor a contracted provider may allocate DSS-funded disability support services other than in accordance with this Act and DSS funding legislation or policy.
- 10 Minister may give Ministry binding directions**
- (1) The Minister may give the Ministry general or special written directions about the Ministry’s performance or exercise of any functions, duties, or powers of the Ministry under this Act.
 - (2) The Ministry must, in performing or exercising a function, duty, or power, comply with all relevant current directions given under this section.
 - (3) A direction given under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 11 Approved disability support services programmes**
- (1) The Minister may, by written notice, approve and establish programmes for the purpose of providing disability support services.

- (2) A programme approved and established by the Minister under **subsection (1)**—
- (a) must be administered by the Ministry; and
 - (b) may do all or any of the following:
 - (i) specify criteria for determining who is eligible to receive disability support services under the programme: 5
 - (ii) specify criteria to be taken into account by the Ministry in allocating funding under the programme:
 - (iia) specify ways in which disability support services may or must be provided under the programme: 10
 - ~~(iii) provide for the making of payments to persons who provide care to an eligible person who is their family member or who is otherwise in a close social relationship with them:~~
 - ~~(iv) provide funding for residential care for disabled persons:~~
 - (v) impose conditions on the use of funding provided under the programme: 15
 - (vi) set out processes for dealing with exceptional circumstances:
 - (vii) set out other rules for the administration of the programme.
- (3) The criteria that may be specified under **subsection (2)(b)(i) or (ii)** include (but are not limited to)— 20
- (a) the nature of a person's disability:
 - (b) the cause of a person's disability:
 - (c) the age of a person:
 - (d) the nature of a person's living arrangements:
 - (e) the nature of the care or support that a person needs: 25
 - (f) income-based criteria:
 - (g) asset-based criteria:
 - (ga) eligibility for an entitlement card issued under—
 - (i) regulations made under section 437 of the Social Security Act 2018; or 30
 - (ii) regulations saved as if they were made under section 437 of the Social Security Act 2018:
 - (h) the likelihood that providing disability support services to a person in the short term will reduce their need for disability support services over the long term. 35
- (3A) The ways that may be specified under **subsection (2)(b)(iia)** include (but are not limited to)—

- (a) commissioning persons to provide disability support services to an eligible person or a class of eligible persons;
 - (b) making payments to persons who provide disability support services to an eligible person who is their family member or who is otherwise in a close social relationship with them;
 - (c) providing funding for residential care for disabled persons;
 - (d) providing financial assistance to disabled persons for the purpose of purchasing or obtaining goods, services, and facilities specified in **paragraph (a)** of the definition of disability support services in **section 4**.
 - (4) Before approving and establishing a programme under **subsection (1)**, the Minister must take into account—
 - (a) the purpose of DSS-funded disability support services as set out in **section 7**; and
 - (b) the principles set out in **section 8(2)**; and
 - (ba) the likely outcomes for disabled persons of approving and establishing the programme; and
 - (c) any other matters that the Minister considers relevant.
 - (4A) Before approving and establishing a programme under **subsection (1)**, the Minister must also consult such representatives of disabled persons as the Minister considers appropriate.
 - (4B) However,—
 - (a) the Minister may amend a programme approved and established under **subsection (1)** without complying with **subsection (4A)**, if the Minister is satisfied that—
 - (i) the amendment is minor in effect or corrects a minor or technical error; or
 - (ii) no eligible person will be adversely affected by the amendment; and
 - (b) a failure to comply with **subsection (4A)** does not affect the validity of any programme approved and established under **subsection (1)**.
 - (5) A programme approved and established under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 12 Recipient of payments under approved disability support services programme not employee of eligible person**
- (1) This section applies to a person (A) who receives payments—
 - (a) under a programme approved and established under **section 11**; and
 - (b) for providing ~~care~~ disability support services to an eligible person who is—

- (i) A's family member; or
 - (ii) otherwise in a close social relationship with A; and
- (c) made by the Ministry or a contracted provider; and
- (d) that are not made on behalf of the eligible person.
- (2) A is not an employee of the eligible person. 5
- (3) This section applies despite anything to the contrary in the Employment Relations Act 2000 or any other legislation or rule of law.
- 13 ~~The Crown not employer of provider of DSS-funded disability support services without written agreement~~ Determination of whether provider of DSS-funded disability support services is employee of the Crown or contracted provider 10
- (1) This section ~~applies to a~~ determines whether a natural person (A) who provides DSS-funded disability support services to another an eligible person is an employee of the Crown or a contracted provider.
- (2) ~~The Crown is not the employer of A unless the Crown and A are parties to a written agreement that specifies that A is an employee of the Crown.~~ 15
- (2) If A is a party to, or covered by, a written agreement with the Crown stating that A is an employee, the agreement is conclusive proof that A is an employee of the Crown.
- (2A) If A is not a party to, or covered by, a written agreement with the Crown stating that A is an employee, that is conclusive proof that A is not an employee of the Crown. 20
- (2B) If A is a party to, or covered by, a written agreement with a contracted provider stating that A is an employee, the agreement is conclusive proof that A is an employee of the contracted provider. 25
- (2C) If A is not a party to, or covered by, a written agreement with a contracted provider stating that A is an employee, that is conclusive proof that A is not an employee of the contracted provider.
- (3) This section—
 - (a) is subject to **clause 16 of Schedule 1**; but 30
 - (b) otherwise applies despite anything to the contrary in the Employment Relations Act 2000 or any other legislation or rule of law.
- (4) To avoid doubt, a natural person who provides DSS-funded disability support services to an eligible person cannot invoke section 6(2) of the Employment Relations Act 2000 to determine whether they are an employee of the Crown or a contracted provider. 35

14 ~~Contracted provider not employer of provider of DSS-funded disability support services without written agreement~~

- (1) ~~This section applies to a person (A) who provides DSS-funded disability support services to another person.~~
- (2) ~~A contracted provider is not the employer of A unless the contracted provider and A are parties to a written agreement that specifies that A is an employee of the contracted provider.~~ 5
- (3) ~~This section—~~
- (a) ~~is subject to **clause 16 of Schedule 1**; but~~
- (b) ~~otherwise applies despite anything to the contrary in the Employment Relations Act 2000 or any other legislation or rule of law.~~ 10

15 Neither the Crown nor contracted provider is controlling third party in relation to employee who provides DSS-funded disability support services to their employer

- (1) This section applies to an employee who provides DSS-funded disability support services to their employer. 15
- (2) For the purposes of the Employment Relations Act 2000, neither the Crown nor a contracted provider, nor any officer or employee of a contracted provider, is a controlling third party in relation to the employee mentioned in **subsection (1)**. 20

16 Neither the Crown nor contracted provider is involved in breach of employment standards relating to certain carers

- (1) This section applies to a breach of employment standards if the breach relates to a person who—
- (a) provides care to a disabled person; and 25
- (b) is paid, in whole or in part, for providing that care ~~with~~ from funding allocated to the disabled person in accordance with this Act and DSS funding legislation or policy.
- (2) For the purposes of the Employment Relations Act 2000, neither the Crown nor a contracted provider, nor any officer or employee of a contracted provider, is involved in the breach. 30
- (3) In this section, **employment standards** has the meaning given in section 5 of the Employment Relations Act 2000.

Part 3

Miscellaneous provisions

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17 Review of operation of Act

- (1) The Minister must, within 5 years after the commencement of this Act,—

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- (a) review the operation of this Act; and
 - (b) consider whether any amendments to this Act are necessary or desirable;
and
 - (c) prepare a report on their findings.
- (2) The Minister must, as soon as practicable after completing the report, present it to the House of Representatives. 5

18 Consequential amendments to other legislation

Amend the legislation specified in **Schedule 2** as set out in that schedule.

Schedule 1

Transitional, savings, and related provisions

s 5

Part 1

Provisions relating to this Act as enacted

5

1 Interpretation

In this Part, unless the context otherwise requires,—

~~3-year~~ 5-year transition period means the period that—

- (a) starts on the commencement date; and
- (b) ends immediately before the date that is the ~~third~~ fifth anniversary of the commencement date

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Authority means the Employment Relations Authority established by section 156 of the Employment Relations Act 2000

commencement date means the date on which this Part comes into force

employee has the meaning given in section 6 of the Employment Relations Act 2000

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employment agreement has the meaning given in section 5 of the Employment Relations Act 2000

Employment Court means the Employment Court constituted under the Employment Relations Act 2000

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Health and Disability Commissioner means the Health and Disability Commissioner appointed in accordance with section 8 of the Health and Disability Commissioner Act 1994 and section 28(1)(b) of the Crown Entities Act 2004

Human Rights Commission means the Human Rights Commission continued by section 4 of the Human Rights Act 1993

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~~**introduction date** means the date on which the Disability Support Services Bill was introduced into the House of Representatives~~

specified allegation means any assertion to the effect that a person's right under section 19 of the New Zealand Bill of Rights Act 1990 to freedom from discrimination on 1 or more of the grounds stated in section 21(1)(b), (h), (i), and (l) of the Human Rights Act 1993, ~~being the right affirmed by section 19 of the New Zealand Bill of Rights Act 1990,~~ has been breached before the ~~introduction~~ commencement date by—

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- (a) any policy or programme established by the Crown that relates to—
 - (i) the allocation and use of DSS-funded disability support services; and
 - (ii) paid family carers; or

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- (b) anything done or omitted to be done in compliance, or intended compliance, with any policy or programme described in **paragraph (a) welfare guardian** has the meaning given in section 2 of the Protection of Personal and Property Rights Act 1988.
- 2 Validity of certain employment agreements entered into before commencement date** 5
- (1) This clause applies to an employment agreement entered into before the commencement date between a paid family carer and ~~a disabled~~ an eligible person who is their family member.
- (2) The employment agreement is not invalid merely because the ~~disabled~~ eligible person did not have the capacity to enter into the agreement. 10
- 3 Bargaining for validated employment agreements, and certain variations of them, not unfair**
- (1) ~~This clause applies to an employment agreement that would, but for clause 2, be invalid.~~ 15
- (1) This clause applies to—
- (a) an employment agreement that would, but for clause 2, be invalid;
- (b) any variation of such an employment agreement that was agreed to personally by a person to whom section 68(2)(a) of the Employment Relations Act 2000 applied at the time the employment agreement was entered into and to whom it continued to apply at the time the person agreed to the variation (regardless of whether the variation was made before, on, or after the commencement date). 20
- (2) For the purposes of the Employment Relations Act 2000, bargaining for the employment agreement or variation is not unfair. 25
- 4 Validated employment agreements expire at end of ~~3-year~~ 5-year transition period**
- (1) This clause applies to an employment agreement that—
- (a) would, but for **clause 2**, be invalid; and
- (b) has not expired or been terminated by the end of the ~~3-year~~ 5-year transition period. 30
- (2) The employment agreement expires at the end of the ~~3-year~~ 5-year transition period.
- 5 Transitional provision relating to paid family carers employed by ~~disabled family member~~ eligible person** 35
- (1) This clause applies if, during the 3-year transition period, a paid family carer who is an employee of an eligible person provides, or is available to provide, any hours of care to ~~their employer~~ the eligible person in excess of the number

- of hours of care for which funding is provided to that ~~employer~~ eligible person under DSS funding legislation or policy.
- (2) For the purposes of the Minimum Wage Act 1983, the paid family carer is treated as not performing work during the excess hours.
- (3) In this clause,— 5
- 3-year transition period means the period that—**
- (a) starts on the commencement date; and
- (b) ends immediately before the date that is the third anniversary of the commencement date
- ~~employer has the meaning given in section 5 of the Employment Relations Act 2000~~ 10
- hours** includes part-hours.
- 6 Transitional provision relating to persons regarded by Ministry or contracted provider as acting on behalf of disabled person lacking capacity to make own decisions about disability support services** 15
- (1) This clause applies if,—
- (a) before the commencement date, the Ministry or a contracted provider regarded, or could reasonably have regarded, a person (A) as acting on behalf of a disabled person (B) in relation to the making of decisions about disability support services for B; and 20
- (b) at the time that the Ministry or the contracted provider first regarded A as acting on behalf of B in relation to the making of decisions about disability support services for B, B did not have the capacity to make decisions about disability support services for B; and
- (c) immediately before the commencement date, B did not have any of the 25 following persons acting for them:
- (i) an attorney:
- (ii) a welfare guardian:
- (iii) a manager.
- (1A) The requirement in subclause (1)(b) is treated as having been met if the Ministry or the contracted provider can show that, before the commencement date, they had information from which it was reasonable to conclude that B did not have the capacity to make decisions about disability support services for B.** 30
- (2) During the ~~3-year~~ 5-year transition period, A may act on behalf of B in relation to the making of decisions about disability support services for B as if— 35
- (a) A is acting in the best interests of B; and
- (b) A has sought B's views on the decisions to be made; and
- (c) B has the capacity to—

- (i) make decisions about disability support services for B; and
 - (ii) appoint a person to act on their behalf; and
 - (iii) provide instructions to a person that B has appointed to act on their behalf.
 - (3) However, A ceases to be able to act on behalf of B in relation to the making of decisions about disability support services for B if, during the ~~3-year~~ 5-year transition period, ~~— B begins to have a person listed in subclause (1)(c) acting for them.~~
 - (a) B begins to have a person listed in **subclause (1)(c)** acting for them; or
 - (b) B regains or develops the capacity to make decisions about disability support services for B; or
 - (c) the Ministry or the contracted provider determines that A is no longer willing, able, or suitable to act on behalf of B.
 - (3A) If **subclause (3)(c)** applies, the Ministry or the contracted provider—
 - (a) may treat another person as acting on behalf of B in relation to the making of decisions about disability support services for B (and, for the purposes of this section, that other person is to be treated as if they were A); and
 - (b) must have regard to the following when making a decision under **paragraph (a)** about whom to treat as acting on behalf of B:
 - (i) whether the person is willing, able, and suitable to act on behalf of B;
 - (ii) the Code of Health and Disability Services Consumers' Rights prescribed by regulations made under section 74(1) of the Health and Disability Commissioner Act 1994;
 - (iii) any relevant internal policies of the Ministry.
 - (4) Nothing in this clause limits or affects—
 - (a) the Protection of Personal and Property Rights Act 1988; or
 - (b) the law of agency.
 - (5) In this clause, **attorney** and **manager** have the meanings given in section 2 of the Protection of Personal and Property Rights Act 1988.
- 7 Pre-commencement acts and decisions not invalidated**
- Nothing in this Act invalidates any act done, or any decision made, by the Ministry or a contracted provider before the commencement date.
- 8 Minister may amend or revoke certain pre-commencement policies and programmes during ~~3-year~~ 5-year transition period**
- During the ~~3-year~~ 5-year transition period, the Minister may amend or revoke any policy or programme—

- (a) established by the Crown before the commencement of this Act; and
 - (b) relating to the provision of DSS-funded disability support services.
- 9 Certain pre-commencement policies and programmes cease to have effect from end of ~~3-year~~ 5-year transition period** 5
- (1) This clause applies to a policy or programme described in **clause 8** that has not been revoked under that clause by the end of the ~~3-year~~ 5-year transition period. 5
 - (2) The policy or programme ceases to have effect from the end of the ~~3-year~~ 5-year transition period.
- 10 Certain proceedings in Authority or Employment Court extinguished** 10
- (1) This clause applies to the following proceedings lodged or filed with the Authority or the Employment Court, but not determined or resolved, before the commencement date:
 - (a) proceedings seeking 1 or more of the following:
 - (i) a declaration or determination that a specified person is or was an employee of the Crown or a contracted provider while they are or were providing or receiving DSS-funded disability support services: 15
 - (ii) any remedies that would or may be available to a specified person as a consequence of a declaration or determination referred to in **subparagraph (i)**: 20
 - (iii) a declaration of breach under section 142B of the Employment Relations Act 2000 against the Crown or a contracted provider (or any officer or employee of a contracted provider) that relates to a specified person and the provision or receipt of DSS-funded disability support services: 25
 - (iv) a compensation order under section 142J of the Employment Relations Act 2000 against the Crown or a contracted provider (or any officer or employee of a contracted provider) that relates to a specified person and the provision or receipt of DSS-funded disability support services: 30
 - (v) the recovery, under section 142Y of the Employment Relations Act 2000, from the Crown or a contracted provider (or any officer or employee of a contracted provider), of wages or other money payable to a specified person in connection with the provision or receipt of DSS-funded disability support services: 35
 - (b) proceedings—
 - (i) to resolve a personal grievance raised by a specified person that relates to the provision or receipt of DSS-funded disability support services; and 40

-
- (ii) to which the Crown or a contracted provider (or any officer or employee of a contracted provider) has, under section 103B of the Employment Relations Act 2000, been joined as a controlling third party:
- (c) an application, under section 103B of the Employment Relations Act 2000, to join the Crown or a contracted provider (or any officer or employee of a contracted provider) as a controlling third party to proceedings to resolve a personal grievance— 5
- (i) raised by a specified person; and
- (ii) that relates to the provision or receipt of DSS-funded disability support services. 10
- (2) The proceedings—
- (a) cannot be pursued; and
- (b) must be treated as if they had been withdrawn or discontinued.
- (3) In this clause, **specified person** means a person who is or was 1 or more of the following: 15
- (a) a paid family carer:
- (b) a disabled person:
- (c) a person appointed under section 31 of the Protection of Personal and Property Rights Act 1988 as manager of any property of a disabled person: 20
- (d) a welfare guardian for a disabled person:
- (e) the holder of a power of attorney granted by a disabled person (whether or not the grantor was disabled when the power was granted):
- (f) a person supporting the decision-making of a disabled person: 25
- (g) a parent or guardian of a disabled person aged under 18 years:
- (h) an agent of a person described in **paragraphs (a) to (g)**.
- 11 Certain potential proceedings in Authority or Employment Court barred**
- (1) This clause applies to any potential proceedings described in **clause 10(1)(a) or (c)**— 30
- (a) in the Authority or the Employment Court; and
- (b) relating to circumstances, events, or decisions that occurred before the introduction-commencement date.
- (2) The potential proceedings—
- (a) cannot be pursued; and 35
- (b) must be treated as if they are incapable of being lodged or filed.

12 Certain unlawful discrimination complaints barred

On and after the commencement date, no person may make a complaint to the Human Rights Commission or the Health and Disability Commissioner, to the extent that the complaint is based on a specified allegation.—

- (a) ~~to the Human Rights Commission or the Health and Disability Commissioner; and~~ 5
- (b) ~~that is, in whole or in part, based on a specified allegation.~~

13 Neither Human Rights Commission nor Health and Disability Commissioner may take action or further action in relation to certain unlawful discrimination complaints

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On and after the commencement date, neither the Human Rights Commission nor the Health and Disability Commissioner may take any action, or any further action, in relation to a complaint that was made before the commencement date, to the extent that the complaint is based on a specified allegation.—

- (a) ~~was made before the commencement date; and~~ 15
- (b) ~~is, in whole or in part, based on a specified allegation.~~

14 Certain unlawful discrimination proceedings against Crown or contracted provider extinguished

(1) This clause applies to any proceedings—

- (a) against the Crown or a contracted provider (or any officer or employee of a contracted provider); and 20
- (b) based, in whole or in part, on a specified allegation; and
- (c) lodged or filed with any court or tribunal, but not determined or resolved, before the commencement date.

(2) The proceedings, to the extent that they are based on the specified allegation,— 25

- (a) cannot be pursued; and
- (b) must be treated as if they had been withdrawn or discontinued.

15 Certain potential unlawful discrimination proceedings against Crown or contracted provider barred

(1) This clause applies to any potential proceedings— 30

- (a) in any court or tribunal; and
- (b) against the Crown or a contracted provider (or any officer or employee of a contracted provider); and
- (c) based, in whole or in part, on a specified allegation.

(2) The potential proceedings, to the extent that they are based on the specified allegation,— 35

- (a) cannot be pursued; and

- (b) must be treated as if they are incapable of being lodged or filed.

16 Specific proceedings unaffected

- (1) Nothing in this Act affects—
- (a) the Supreme Court decision as it relates to an appellant; or
 - (b) the position of any particular party under— 5
 - (i) any final and binding settlement agreed to before the commencement date; or
 - (ii) any decision in proceedings that have been determined before the commencement date.
- (2) Nothing in this Act prevents the lodging or filing of specified proceedings with the Authority or the Employment Court on or after the commencement date. 10
- (3) Specified proceedings that were lodged or filed with the Authority or the Employment Court before the commencement date, but that have not been determined, resolved, withdrawn, or discontinued, continue as if the provisions of this Act (other than this clause) had not been enacted. 15
- (4) In this clause,—
- appellant** means an appellant in *Fleming v Attorney-General* (SC 42/2024) or *Humphreys v Attorney-General* (SC 44/2024), ~~being which are~~ the proceedings to which the Supreme Court decision relates
- specified person** means an appellant or their spouse, civil union partner, or de facto partner 20
- specified proceedings** means proceedings seeking—
- (a) remedies for a specified person that are or may be available to the specified person as a consequence of the Supreme Court decision; or
 - (b) remedies for any other person that are or may be available to that person as a consequence of— 25
 - (i) an order made under section 6(5) of the Employment Relations Act 2000 in relation to that person before the commencement date; or
 - (ii) any other determination made by the Authority or the Employment Court before the commencement date about whether that person is an employee 30

Supreme Court decision means the decision of the Supreme Court in *Fleming v Attorney-General* [2025] NZSC 188, [2025] 1 NZLR 973.

Schedule 2

Consequential amendments to other legislation

s 18

Part 1

Consequential amendments to Acts

5

Income Tax Act 2007 (2007 No 97)

Replace the heading above section CW 52B(1) with:

Exempt income: amounts paid by Health New Zealand, Ministry of Disabled People, or Ministry of Health

Replace the heading above section CW 52B(2) with:

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Meaning of disability support services in subsection (1)

In section CW 52B(2), replace “this section” with “subsection (1)”.

After section CW 52B(2), insert:

Exempt income: amounts paid by Ministry of Social Development

- (3) An amount of income derived by or on behalf of a person or their carer is exempt income of the relevant person if the amount is paid by the Ministry of Social Development for the purpose of the purchase of disability support services in relation to the person.

15

Meaning of disability support services in subsection (3)

- (4) In **subsection (3)**, **disability support services** has the meaning given in **section 4** of the Disability Support Services Act **2026**.

20

Social Security Act 2018 (2018 No 32)

Replace section 67(d)(i) and (ii) with:

- (i) P’s accommodation costs are wholly or partly funded—
- (A) under the Healthy Futures (Pae Ora) Act 2022; or
- (B) from funding allocated in accordance with the Disability Support Services Act **2026** and DSS funding legislation or policy; or
- (ii) P’s care (other than care in P’s own home) is wholly or partly funded—
- (A) under the Healthy Futures (Pae Ora) Act 2022; or
- (B) from funding allocated in accordance with the Disability Support Services Act **2026** and DSS funding legislation or policy; or

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30

Replace section 72(2)(d)(i) with:

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Social Security Act 2018 (2018 No 32)—continued

(i) receiving, in relation to the person's disability or long-term chronic health condition, residential care services that are partly funded—

(A) under the Healthy Futures (Pae Ora) Act 2022; or

(B) from funding allocated in accordance with the Disability Support Services Act **2026** and DSS funding legislation or policy; and

5

Replace section 86(1)(b)(ii) with:

(ii) the person's accommodation costs or care (other than care in the person's own home) is wholly or partly funded—

10

(A) under the Healthy Futures (Pae Ora) Act 2022; or

(B) from funding allocated in accordance with the Disability Support Services Act **2026** and DSS funding legislation or policy.

Replace section 96(2)(a) and (b) with:

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(a) the person's accommodation costs are wholly or partly funded—

(i) under the Healthy Futures (Pae Ora) Act 2022; or

(ii) from funding allocated in accordance with the Disability Support Services Act **2026** and DSS funding legislation or policy; or

(b) the person's care (other than care in the person's own home) is wholly or partly funded—

20

(i) under the Healthy Futures (Pae Ora) Act 2022; or

(ii) from funding allocated in accordance with the Disability Support Services Act **2026** and DSS funding legislation or policy.

In Schedule 2, insert in its appropriate alphabetical order:

25

DSS funding legislation or policy has the same meaning as in **section 4** of the Disability Support Services Act **2026**

Part 2**Consequential amendments to secondary legislation****Public and Community Housing Management (Prescribed Elements of Calculation Mechanism) Regulations 2018 (LI 2018/173)**

30

In regulation 3(1), replace the definition of **disability support services** with:

disability support services means disability support services within the meaning of either **section 4** of the Disability Support Services Act **2026** or section 4 of the Healthy Futures (Pae Ora) Act 2022

35

Residential Care and Disability Support Services Regulations 2018 (LI 2018/203)

In Schedule 3, clause 2, replace the definition of **disability support services** with:

disability support services means disability support services within the meaning of either **section 4** of the Disability Support Services Act **2026** or section 4 of the Healthy Futures (Pae Ora) Act 2022

5

Social Security Regulations 2018 (LI 2018/202)

Replace regulation 162(c)(iii) with:

(iii) that is wholly or partly funded—

(i) under the Healthy Futures (Pae Ora) Act 2022; or

(ii) from funding allocated to the beneficiary in accordance with the Disability Support Services Act **2026** and DSS funding legislation or policy.

10

In Schedule 8, clause 5, replace the definition of **disability support services** with:

disability support services means disability support services within the meaning of either **section 4** of the Disability Support Services Act **2026** or section 4 of the Healthy Futures (Pae Ora) Act 2022

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Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2(1), revoke the definitions of **DHB** and **disability support services**.

In regulation 2(1), insert in its appropriate alphabetical order:

disability support services means disability support services within the meaning of either **section 4** of the Disability Support Services Act **2026** or section 4 of the Healthy Futures (Pae Ora) Act 2022

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Legislative history

18 May 2026

Introduction (Bill 312–1)

21 May 2026

First reading and referral to Social Services and Community Committee