



10 July 2024

A Lee

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Tēnā koe A Lee

### **Official Information Act request**

Thank you for your email of 11 June 2024, requesting information about any recent Benefit Review Committee cases on the definition of a dependent child and guidance on shared 50/50 custody of children.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on your request set out below.

*I would like to request a copy of any recent Benefit Review Committee decisions around the definition of "Dependent Child" in relation to the rate of Accommodation Supplement, as well as any decisions that may have been determined by a higher court if any such decisions exist.*

The Ministry of Social Development (the Ministry) takes guidance on the definition of a dependent child from Schedule 2 of the Social Security Act 2018 (SSA). This definition applies to a range of Ministry products, including Accommodation Supplement.

You can find the SSA, specifically Schedule 2 at the following link:

- [legislation.govt.nz/act/public/2018/0032/latest/DLM6784375.html#DLM6784375](https://legislation.govt.nz/act/public/2018/0032/latest/DLM6784375.html#DLM6784375)

Additionally, some information that you have requested is set out in the Ministry's internal and external online resource – Manual and Procedures (MAP). MAP information includes operational policy, benefit rates and links to relevant legislation. The policy guidelines help staff to ensure accurate and sound decisions can be made, so clients are receiving the correct rate of entitlement.

Each section of information is provided as an online manual, which can be read as a manual, or as individual pages for specific information. All information on the internal version of MAP is replicated on the external version. However, any links that relate back to internal Ministry sites will not work, as there is no direct access to Ministry intranet sites from MAP.

The following MAP resource provides a definition of a dependent child in the context of the qualifications for eligibility for the Accommodation Supplement:

- [www.workandincome.govt.nz/map/income-support/extra-help/accommodation-supplement/dependent-child-01.html](http://www.workandincome.govt.nz/map/income-support/extra-help/accommodation-supplement/dependent-child-01.html)

We have been unable to locate any Benefit Review Committee decisions relating to the definition of a dependent child and the rate of Accommodation Supplement specifically, therefore this part of your request is refused under section 18(e) of the Act as this document does not exist or, despite reasonable efforts to locate it, cannot be found.

*I would also like to request what guidance, if any, is given to frontline staff on the issue of shared 50/50 custody of children in relation to Accommodation Supplement rates and Childcare / OSCAR Subsidy applications.*

No specific guidance is available to staff about shared care in relation to Accommodation Supplement specifically, therefore this part of your request is refused under section 18(e) of the Act as this document does not exist or, despite reasonable efforts to locate it, cannot be found.

Guidance on shared care in relation to Childcare Subsidy and OSCAR Subsidy is provided at the following publicly available MAP links:

- Childcare subsidy: [www.workandincome.govt.nz/map/income-support/extra-help/childcare-assistance-programme/shared-care-principal-caregiver.html](http://www.workandincome.govt.nz/map/income-support/extra-help/childcare-assistance-programme/shared-care-principal-caregiver.html)
- OSCAR subsidy: [www.workandincome.govt.nz/map/income-support/extra-help/childcare-assistance-programme/shared-care-principal-caregiver-03.html](http://www.workandincome.govt.nz/map/income-support/extra-help/childcare-assistance-programme/shared-care-principal-caregiver-03.html)

We are also providing you with the following internal Ministry resources in the attached **Appendix**:

- Childcare and OSCAR Subsidy shared care – Intranet resource
- The Review of Decision Process Summary – Intranet resource
- Shared care of a child Review of Decision letter template – Intranet resource
- 50/50 Shared Care and Childcare Assistance – Internal presentation resource.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

pp. 

Magnus O'Neill  
**General Manager**  
**Ministerial and Executive Services**