



24 MAY 2019

P Kelly

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Tēnā koe P Kelly

Thank you for your email dated 1 April 2019 to the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982, how the Ministry considers trusts when assessing a person's eligibility for Jobseeker Support.

For the sake of clarity I will respond to each of your questions as follows:

- 1. Please provide rules, policies, and directives that explain what the situation is for a job-seeker who applies for the job-seeker benefit and who is a discretionary beneficiary of a trust*
- 3. Under what circumstances does MSD require job-seekers to disclose the existence of trusts*

The Ministry wants to ensure that everyone who approaches them receives the right help and support for their particular situation. When a person applies for financial assistance from Work and Income, they need to complete a signed application and provide sufficient information regarding their employment, household and income for the Ministry to determine their entitlement. More information about the application process is available here: www.workandincome.govt.nz/map/income-support/core-policy/requests-for-financial-assistance/application-for-benefit/investigating-applications-01.html.

The benefits paid by the Ministry are granted based on categories of need arising from an individual's particular circumstances. The rules and principles for entitlement to these payments are outlined in the Social Security Act 2018 (the Act). Information about the eligibility criteria for Jobseeker Support is available here: www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/qualifications.html.

In addition to specific entitlement provisions for each of the core benefit types, there are some general aspects of entitlement, such as satisfying a residency requirement and undergoing an income test. The Ministry requires information about a person's income in order to determine their eligibility to receive a benefit as well as determining the correct rate of payment. Generally, payments a person receives from a trust will be considered as income for benefit purposes.

More information about income is provided on the Work and Income website including trusts, and can be found here: www.workandincome.govt.nz/on-a-benefit/tell-us/income/index.html.

- 2. Does it prejudice the job-seeker's application if they know they are a discretionary beneficiary but cannot provide the terms of the trust*

A person's income must be verified when they are applying for a benefit.

In cases where the information is not immediately available, generally the Ministry accepts what a client has written, and advises them of a possible overpayment if the information is incorrect and gives them four weeks to provide the required verification.

The Ministry recognises that there are various types of trusts, and trustees may have unique circumstances. For this reason, the Ministry has a specialised team who provide expert advice and support to front-line staff on assessing complex cases, including trusts, on a case-by-case basis. In order for the team to provide the correct advice, Case Managers ask clients to complete a questionnaire. This helps the Ministry in determining a trust's impact on their eligibility for assistance. This questionnaire is attached for your reference.

Should you require more information about trusts, or wish to discuss a specific situation in more detail, you can contact the Ministry at info@msd.govt.nz, so that Ministry can fully investigate the circumstances and determine whether a trust impacts on a person's eligibility for assistance.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding how trusts are considered for the purposes of applying for Jobseeker Support, 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 or 0800 802 602.

Nāku iti noa, nā



Elisabeth Brunt
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Ministerial and Executive Services