



9 April 2018



Dear 

On 8 March 2018, Hon Carmel Sepuloni, Minister for Social Development transferred to the Ministry your request, under the Official Information Act 1982, for the following information:

- *How much money has been spent on prosecuting the disabled beneficiary that has no hope of repayment, for 12 years?*
- *I'd also like to know if loans or assistance from your whanau, aiga, fanau and wider community are loans.*

The Ministry did not make the decision to appeal the Social Security Appeal Authority decision lightly, recognising the impact it may have on an individual. The proceeding described in the blog by Catriona MacLennan relates to a particularly complex area of law and the Ministry is seeking the guidance of the High Court on this matter. I can advise that as at 27 March 2018, the Ministry incurred Crown Law legal costs totalling \$69,283.13 for this case, including representation at the Social Security Appeals Authority and the High Court.

The Ministry is unable to provide you with the total amount spent on this or any individual appeal as the Ministry does not itemise costs for internal legal advice in the preparation of litigation. As such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

The Ministry determines whether a loan or other payment received by a client constitutes income under the Social Security Act 1964, depending on the particular circumstances of each case. If the payments received by the client meet the statutory definition of income, the Ministry will treat such payments as income for the purpose of assessing a client's entitlement to assistance. The definition of income is provided in section 3 of the Social Security Act 1964 and is accessible on Work and Income's website here: www.workandincome.govt.nz/map/income-support/core-policy/income/definition-of-income/introduction.html

The principles and purposes of the Official Information Act 1982 under which you made your request are:


- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter available to the wider public shortly. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

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 concerning the amount spent on this appeal, 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.

Yours sincerely



Rupert Ablett-Hampson
Chief Legal Advisor