



**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

16 FEB 2021

On 12 January 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Please provide any meeting notes, notes from discussions, letters, or other relevant information that the Minister or MSD has used to inform the changes to the Cash Asset Regulations that mean proceeds of sale of a family home are now considered a cash asset.*
- *In particular please provide any assessment you may have done and/or discussion notes, research, or statistics on how this change would disadvantage disabled people who require specific housing to support their condition.*

On 18 January 2021, the Ministry contacted you in order to clarify your request. The Ministry also provided a relevant Minister's report to fulfil the request. You clarified your request to the following:

- *I am seeking information that demonstrates that MSD/the Minister first considered the effects of the change upon disabled people, thus meeting New Zealand's obligations under the United Nations Resolution for the Rights of Disabled Persons (CRPD).*

The Ministry can confirm there were no assessments made in regard to how the changes made to Cash Asset Regulations would disadvantage disabled people who require specific housing to support their condition, therefore I am refusing your request under section 18(g) of the Act as the information you have requested is not held by the Ministry and I have no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

As outlined in the Minister's report '*Temporary exemption of proceeds from the sale of the family home, if clients intend to repurchase*', which you received on 18 January 2021, the Ministry's operational practice had been (since 1993) to exempt the proceeds from the sale of a family home, and any income derived from them, from any income and cash asset tests for benefit assistance for 12 months if the client's intention was to repurchase a home. It was found that the Ministry did not have any legislative basis for the policy to exempt these funds. When it became clear that there was no legislative basis for this practice, the Ministry recommended to the Minister for Social Development at the time, that legislative change was needed in order to allow for the Ministry to continue this practice. The Minister did not agree to the legislative change, meaning continuation of the practice would have been unlawful.

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Therefore, the decision was less so about removing the practice and more so about ensuring that the Ministry was acting lawfully and within the legislative framework.

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
- 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 and any attached documents available to the wider public. 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](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding assessments made in regards to how the changes made to Cash Asset Regulations would disadvantage disabled people 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.

Yours sincerely



Bede Hogan  
**Policy Manager**  
**Welfare System and Income Support Policy**