



16 February 2023

Tēnā koe

On 18 January 2023 you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *I am interested in the reasons that clients may be getting Emergency Benefit. Could you give me the number of current clients getting EB broken down by reason type?*
- *Also, I would like some examples of how the SSA 2018 section 205(1)(c) provision is played out in practise:*
 - *Are there any clients currently getting EB because they are applying for residency and are compelled to remain due to unforeseen circumstances*
 - *What are some examples of circumstances where clients are 'compelled to remain due to unforeseen circumstances'*

On 30 January 2023, it was agreed between you and the Ministry that hypothetical examples of circumstances where section 205(1)(c) of the Social Security Act 2018 is applied would satisfy the intent of your request, as real examples involving Ministry clients would likely be refused under section 9(2)(a) of the Act to protect the privacy of natural persons.

I will now respond to your questions in turn.

- *I am interested in the reasons that clients may be getting Emergency Benefit. Could you give me the number of current clients getting EB broken down by reason type?*

As at 31 December 2022, there were 5,295 current clients in receipt of Emergency Benefit (EB). To provide you with a breakdown of the reason types for current recipients of EB would require Ministry staff to manually review a substantial number of client files, as this data is not captured in current centralised reporting. As such, I refuse your request under section

18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

However, to satisfy the intent of your request I am able to provide you with a breakdown by reason type for EBs granted for the period 1 January 2022 to 31 December 2022. Clients who were granted during this period may not currently be receiving EB, and there may also be clients currently receiving EB who were granted prior to this date. Please refer to **Table One** in the attached **Appendix** for a breakdown by reason type for EB granted in the period 1 January 2022 to 31 December 2022.

- *Also, I would like some examples of how the SSA 2018 section 205(1)(c) provision is played out in practise:*
 - *Are there any clients currently getting EB because they are applying for residency and are compelled to remain due to unforeseen circumstances*

The reason code for an EB application is selected by the client's Case Manager from a set list. As shown in the appendix, this list includes the reason code "not residentially qualified", however clients in this category may not necessarily fall under the described situation, and those that do may be reported under another code. If a client is applying due to this reason it will be held in a separate note on the client's file. In order to provide you with this information, Ministry staff would have to manually review a substantial number of files. As such, I refuse your request under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

- *What are some examples of circumstances where clients are 'compelled to remain due to unforeseen circumstances'*

For a person to be granted EB in this situation, the client must have a strong and compelling reason that prevents them from leaving New Zealand and returning to their country of origin. The circumstances must be both serious and unforeseen. Granting EB on these grounds is discretionary, but the threshold to meet this criterion is high.

Examples of circumstances where a client may qualify:

- The client is receiving life maintaining medical treatment in New Zealand.
- The client has received medical advice informing that travel would pose a serious risk to their life, including:
 - They have developed a health condition or concern that means flying is or would be dangerous, e.g., a recent heart attack or stroke, late-stage pregnancy (or pregnancy complications), decompression sickness.
 - A need has developed that the client will need to have access to medical attention that would not be available on a flight.
 - Travel would pose a risk to their life or welfare of others, e.g., client has a contagious illness, client is suffering an acute mental health episode that could mean they harm others.
 - The client cannot leave New Zealand and/or enter their country of origin due to border or travel restrictions, e.g., those seen during the COVID-19 pandemic, events of civil unrest, natural disaster, or states of emergency.

While clients may have circumstances that compel them to remain in New Zealand, other factors of a client's circumstances that are considered may affect whether they will qualify. For this reason, it is not possible to detail all the circumstances under which this may occur.

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 and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry'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 regarding Emergency Benefit, 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.

Ngā mihi nui

Bridget Saunders

Bridget Saunders
**Manager Issues Resolution
Service Delivery**

Appendix

Table One: Number of Emergency Benefits granted from 1 January 2022 to 31 December 2022, broken down by reason type.

Reason for event code	Total
ACC Finished	12
Available for Work	141
Caring Commenced	69
Ceased Work	2,517
Child Came Into Care	18
Disabled Civilian Amputees	3
Drug and Alcohol	51
Exams Finished	102
Incapacity	459
Income Reduced	714
Intellectual Disability Level One	3
Not Residentially Qualified	207
Partner Ceased Work	12
Partner Died	24
Partner Imprisoned	3
Partner Not Residentially Qualified	6
Partner Subject to Voluntary Unemployment	3
Partner in Hospital	3
Physical Disability Level One	3
Physical Disability Level Three	3
Physical Disability Level Two	6
Psychiatric Disability Level One	3
Psychiatric Disability Level Two	15
Reapplication- recurring Health condition	6
Refuge application	39
Relationship Commenced	3
Released from Prison	60
Residentially Qualified	30
Returned to NZ	462
Returned to School	6
School/Tertiary College Finished	96
Separated from Partner	69
Special Work/Training Programme Ceased	3
Statutory Income Stand-Down Previously Imposed	3
Testing Eligibility	1,272
Transfer from Another Benefit	273
Transfer from non-Qualified to Qualified	3
Turned 61 Years	3
Unspecified	387

Reason for event code	Total
Voluntary Unemployment Cancelled, Decision Reviewed	3
Total	7,071

Table notes:

- To protect confidentiality the Ministry used processes to make it difficult to identify an individual person or entity from published data.
- These data tables have had random rounding to base three applied to all cell counts in the table.
- Random rounding does not round down to zero, instead a value of one or two will be rounded to three.
- The impact of applying random rounding is that columns and rows may not add exactly to the given column or row totals.
- The published counts will never differ by more than two counts.
- This is the number of grants and not a count of the number of clients.
- A client can be granted Emergency Benefit more than once in the given time period.
- Reason for event is based on the code that is entered into the reason for event field in the client's file.