



31 May 2023

Tēnā koe

On 4 May 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

I recently attended a sentencing in which a gang associated person reportedly lost their benefit because their cannabis addiction was such that he was unable to pass a drug test and thus unable to work.

- *I would like to know how many people have lost their benefit(s) in 2023 as a result of this - getting a job seekers benefit but being unable to seek work because of drug addiction.*
- *Do drug addicts qualify for other types of benefits?*
- *Do beneficiaries have to do drug tests? Or only for interviews?*
- *Is possible I would like to receive a regional breakdown.*

There is no requirement in the New Zealand system to undergo drug testing in order to qualify for or continue to receive benefits.

Clients (and their partners) who are receiving a benefit may have full or part-time work obligations, work preparation obligations, or social obligations depending on their situation. Work obligations include work preparation steps, attending arranged appointments and accepting offers of employment. If a client fails to meet their obligations and do not have good and sufficient reason, their case manager can initiate an obligations failure.

Clients receiving a main benefit with work obligations who are referred to a job or training course where drug testing is part of the application process are required to take and pass the drug test. Failure to comply or pass the test may result in an obligations failure being imposed.

Sanctions are imposed on benefits as a last resort if the client has not re-complied following the obligations failure. Stopping or reducing someone's benefit is a serious step and one the Ministry will only take after exhausting all other options and providing re-compliance opportunities to the client.

For people with children in their care, any reduction is limited to half of their main benefit. They will still receive all supplementary payments and family tax credits. Further information about what happens when a client fails or does not take a pre-employment drug test is available on the Work and Income website, here: www.workandincome.govt.nz/on-a-benefit/obligations/not-meeting-your-obligations.html.

The Ministry works closely with clients to support them into employment. If someone is not able to obtain work as a result of failing a drug test, the Ministry offers them support to enable them to address their drug use and become work ready for jobs that require them to be drug free.

For example, when a client fails a pre-employment drug test for the first time, they can re-comply with their obligations by verbally agreeing to stop using drugs and no sanction will be imposed. As you may be aware, sanctions are a legal obligation and any changes to sanctions would require changes to the Social Security Act 2018.

The number of times a client has had a sanction imposed will affect the amount their benefit is reduced by. A Grade 3 sanction, or failure to fulfil obligations three times in the last 12 months without re-compliance, results in cancellation of their benefit.

The number of Grade 3 benefit sanctions imposed due to drug related obligation failures is withheld under section 9(2)(a) in order to protect the privacy of natural persons, as the dataset is small and release of this information could make Ministry clients identifiable. The need to protect the privacy of Ministry clients outweighs any public interest in this information.

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 drug testing obligations and sanctions, 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 Issue Resolution
Service Delivery**