

Our ref 41 7 (Complaint ground: 41 0)

Contact C 1

12 March 2018

**Ombudsman**

Fairness for all

By email: \_\_\_\_\_ @yahoc..

Dear Mr

**Complaint under the Official Information Act 1982 (OIA)  
Information requests to the Ministry of Social Development of 8 July 2015**

I am writing on behalf of Chief Ombudsman Peter Boshier.

I refer to Acting Senior Investigator C \_\_\_\_\_ letter to you of 15 January 2018 regarding your complaint about the decision of the Ministry of Social Development on your two information requests of 8 July 2015.

By way of an update, I confirm the Ministry has provided the Chief Ombudsman with a report on its decision on your first request, concerning the calculation of benefit rates. The Ministry has not yet provided its report on your second request, concerning 21 items of information relating to MSD operations, due to the age of the request and the range of information addressed. That report is however expected within the next fortnight. You will receive further correspondence in due course once it has been received and considered.

In the meantime, I note that in addition to providing a report to the Chief Ombudsman, the Ministry has provided you with an updated explanation in response to your first request, in which you sought a 'breakdown' of the Jobseeker Support benefit, the Supported Living Payment and the Sole Parent Support benefit with reference to costs for food, clothing, accommodation, and so on.

In its original response to your request of 19 November 2015, the Ministry advised that there is no legislative formula to determine benefit rates, but that the rate depends on factors such as benefit type, and whether a person is single or has dependent children. You complained that response was inadequate, and stated:

*I have been informed that MSD has...in the past used specific cost calculations for determining how high the main benefits should be, in order to be sufficient for people to live from...I do expect a breakdown of the main or base benefit rates, which logically will have considerations for standard costs for a range of basic living expenses.*

On 9 March 2018 the Ministry provided you with an updated explanation confirming that no formulae or 'cost calculations' are used to set benefit rates, and that instead the current rates 'have been arrived at by a series of historical decisions.' The Ministry's Policy Team explained that decisions on benefit rates involve balancing a number of competing objectives and issues, and provided you with a summary of those factors.

Office of the Ombudsman  
Tari o te Kaitiaki Mana Tangata

L7, 70 The Terrace, Wellington 6011  
PO Box 10 152, Wellington 6143  
New Zealand

Tel: 64 4 473 9533 Fax: 64 4 471 2254  
free phone: 0800 802 602  
[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

It may be that you remain concerned that the Ministry does not appear to directly refer to average costs of various essential items, such as food, electricity and clothing, when setting benefit rates. However, it is difficult to see what further information could be provided by the Ministry in response to your request for a 'breakdown' of benefit rates. Any concerns you may have about the policy adopted by the Ministry when setting benefit rates, or requests for further information or clarification of information already provided, should be addressed directly to the Ministry for its consideration.

Section 17(1)(f)(ii) of the Ombudsmen Act 1975 provides that an Ombudsman may decline to further investigate a complaint if it appears that, having regard to all circumstances of a case, and having commenced an investigation, further investigation is unnecessary.

In the circumstances it would appear that further investigation of your complaint about the Ministry's response to your first request of 8 July 2015 is unnecessary. Should you wish to comment, I ask that you respond by **Thursday, 29 March 2018**.

Yours sincerely



T,  
Manager: Investigations and Resolution, Auckland Office