

[2015] NZSSAA 020

Reference No. SSA 075/14

IN THE MATTER

of the Social Security Act 1964

AND

IN THE MATTER

of an appeal by **XXXX** of **XXXX**
against a decision of a Benefits
Review Committee

BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY

Ms M Wallace - Chairperson
Mr K Williams - Member

DECISION ON THE PAPERS

[1] The Authority issued a decision in relation to this matter on 13 February 2015. In its decision the Authority determined that the Chief Executive was correct to establish an overpayment against the appellant.

[2] The remaining issue is whether or not the Chief Executive should be directed to take no steps to recover the debt pursuant to s 86(1) or s 86A of the Act.

[3] The appellant was given an opportunity to provide detailed information about her financial circumstances, including income and expenditure, assets and liabilities and to make a submission about the impact on herself and her child if the Ministry were to take steps to recover the debt at the present time. The information was to be provided to the Authority by 1 March 2015.

[4] The appellant responded on 13 February 2015 to the effect that she considered it pointless to "produce my financial situation". None of the information sought has been provided.

[5] We understand the appellant is aged 42 years. She has one dependent child. We understood that at the time of the hearing of this matter she remained in receipt of a benefit. The appellant has skills in accountancy and has in the past obtained part time employment. As outlined in our earlier decision the Chief Executive has a discretion pursuant to s 86(1) and s 86A of the Act whether or not to take steps to recover a debt.

[6] We accept that as a beneficiary the appellant will have limited ability to repay a debt, although we also note that she has in the past won significant amounts through gambling. She also says she has skills which have led to at least part time employment in the past. Moreover, the amount of repayments can be negotiated with the Ministry.

[7] There is nothing about the circumstances in which this debt occurred, the appellant's financial circumstances or her family's circumstances which satisfy us that we should direct that the Chief Executive should take no steps to recover the debt.

[8] The amount of recovery will need to take into account the appellant's modest financial circumstances and ensure that she has sufficient funds to meet her basic living costs. The amount of recovery may of course be varied from time to time according to the appellant's financial circumstances. The debt is to be recovered.

[9] The appeal is dismissed.

DATED at WELLINGTON this 16 day of March 2015

Ms M Wallace
Chairperson

Mr K Williams
Member