

[2016] NZSSAA 051

Reference No. SSA 122/13

**IN THE MATTER**

of the Social Security Act 1964

**AND**

**IN THE MATTER**

of an appeal by **XXXX** of  
Tauranga 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] This matter was remitted to the Authority by the High Court to consider the evidence and to make a determination as to the nature of the payments from the Trust to the appellant. The Authority issued a decision on 31 August 2015.

[2] The Authority found that the Trust funds which paid for the appellant's living expenses were received by the appellant as capital repayments of his loan to the Trust. They were periodic payments of capital paid and used for income-related purposes. The Authority considered they were income to be taken into account in the assessment of the appellant's entitlement to the Rural Assistance Payment he was seeking.

[3] At the conclusion of its decision the Authority noted that both parties had requested the Authority to reassess the appellant's income.

[4] The appellant has maintained that his income should continue to be calculated in accordance with the Authority's first decision. The Ministry have now advised that they do not wish to pursue recalculation of the appellant's income.

[5] In the circumstances nothing further is required of the Authority.

**DATED** at WELLINGTON this 31<sup>st</sup> day of May 2016

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Ms M Wallace  
Chairperson

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Mr K Williams  
Member

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