

[2017] NZSSAA 032

Reference No SSA 108/16

**IN THE MATTER** of the Social Security Act  
1964

**AND**

**IN THE MATTER** of an appeal by **XXXX** of  
**Wellington** against a  
decision of a Benefits  
Review Committee

## **BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY**

**Mr G Pearson** - Chairperson

**Mr K Williams** - Member

**Mr C Joe** - Member

**Hearing at Wellington** on 19 June 2017

Appearances

The appellant represented himself

Ms S Singh, for Chief Executive of the Ministry of Social Development

## **DECISION**

### **The issues**

[1] When this matter first came before the Authority, the range of matters in dispute was unclear. The Authority issued a direction dated 17 March 2017. As a result of that direction, the Ministry and Mr XXXX explored how Mr XXXX's concerns should be addressed. When the hearing commenced after that process, both the Ministry and Mr XXXX agreed that the only matter to be determined in this appeal was whether the Ministry should have granted a payment of \$105 towards printing business cards under the Employment and Work Readiness Assistance Programme (EWRAP).

## The facts

- [2] Mr XXXX explained that he had concerns relating to the Ministry's assistance with his endeavours to obtain employment. He said that, as a result, he had decided that he would pursue his own initiatives to gain an income. Mr XXXX's description of what he intended to do was vague. He said he proposed to register a trade mark and approach people on the "rich list", and others. Mr XXXX was not specific as to what the proposals would be, however, he anticipated that these persons would exercise some direction over a Trust and make payments to him. Mr XXXX was not specific as to the types of endeavours that would be pursued by such a Trust; however, he did produce a letter indicating that he had made contact with the Department of Conservation. The letter indicated he had contributed to a forest park, which is under the control of the Department of Conservation.
- [3] Mr XXXX said that he needed the business cards to present himself, as it would lend credibility when he approached business people.

## The relevant provisions

- [4] The Ministry accepts Mr XXXX qualified for assistance under the EWRAP, in the sense that he was in the category of persons that the programme is intended to support. However, the Ministry took the view that the only relevant provision is Clause 11 of the schedule to the EWRAP specification, which deals with work experience, activity in the community, and voluntary work. This provision provides that for:

The purchase for an eligible person of an opportunity to gain work experience, undertake activity in the community, or undertake voluntary work.

the actual and reasonable cost of purchasing such an opportunity can be paid. The Ministry's perspective was that Mr XXXX's somewhat general conception of undertaking work in the voluntary sector leading to him receiving money came within this category under the EWRAP, or it did not qualify.

- [5] Mr XXXX did not address the details of the provisions. In our view, there are other clauses that are potentially relevant in the content of the EWRAP programme. The programme in issue is established and promulgated

under section 124(1)(d) of the Social Security Act 1964, and the document specifying the terms is dated 6 March 2014.

### **Discussion**

- [6] We are satisfied that Mr XXXX does not come within Clause 11 of the schedule of the EWRAP specification, the reference to the “purchase for an eligible person of an opportunity”, is a clear indication that there must be some formed and specific opportunity where the relevant person will gain work experience as a direct result of the payment to purchase that opportunity. Mr XXXX cannot come within that category; he is seeking payment for the purchase of business cards, not an opportunity that will provide an opportunity to gain work experience.
- [7] There are other provisions in the EWRAP intended to provide assistance with a wide range of circumstances. Most of the provisions come within the category of job search, assistance to transition into employment or actual employment. Mr XXXX does not come within those categories. The concept he is pursuing is too unformed, and the provision of business cards insufficiently connected with such an opportunity to come within any of those provisions.
- [8] The most applicable provision is Clause 8 of the schedule to the EWRAP specification, which provides assistance to enter self-employment. Mr XXXX was reluctant to describe this concept as leading to self-employment; however, it is nonetheless the only provision that could reasonably apply to his somewhat vague claim that a range of persons would contribute funds to him as a result of his initiatives in the voluntary sector.
- [9] Clause 8 of the schedule provides a structured and conventional regime to assist persons who wish to enter self-employment. The provision allows a payment of up to \$1,000 for preparatory work, including business advice and certain reports. The provision also allows for assistance of up to \$10,000 to meet essential business start-up costs.
- [10] In our view, if Mr XXXX were to qualify for assistance under this provision, he would need to demonstrate an ability to prepare to enter self-employment and either have or obtain assistance so that he developed a business plan. In our view, Mr XXXX’s proposals are unformed; he has no

more than an idea. It is apparent that Mr XXXX's knowledge of commercial structures such as Trusts, and the absence of a defined business case leave him significantly short of the threshold for obtaining assistance of the kind he seeks at this point in time. Expenditure on business cards would only be appropriate after Mr XXXX had developed a credible business case and he has reached the point where he is embarking on the process of entering self-employment by implementing the plan.

[11] If Mr XXXX were entitled to any assistance to work toward self-employment, it appears at this point it would relate to preparatory costs allowed for in clause 8(a) of the schedule. They include assistance such as "business skills training, developing a business plan, [and] obtaining business advice". Mr XXXX is not seeking assistance of that kind and has not identified an intention to seek such assistance.

[12] In these circumstances, we are satisfied there is no foundation for us to conclude the decision to refuse assistance to purchase business cards was wrong.

#### **Decision**

[13] The appeal is dismissed.

**Dated at Wellington** this 30<sup>th</sup> day of June 2017

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**G Pearson**  
Chairperson

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**K Williams**  
Member

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**C Joe JP**  
Member