



MINISTRY OF SOCIAL DEVELOPMENT

Te Manatū Whakahiato Ora

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23 JAN 2014

Ms Gladys Webster

Fyi-request-1409-256242d0@requests.fyi.org.nz

Dear Ms Webster,

Thank you for your email of 21 January 2014 requesting, under the Official Information Act 1982, the following:

"Student Allowances Minute in 2003 states

3 7. On 19 May 2003 Cabinet noted my advice on the exemptions from means testing against parental income of students who are married or de facto couples for the purpose of student allowances. Cabinet directed the Ministries of Social Development and Education, to (among other things) assess the implications and costs of means testing against parental income in relation to students who are married or de facto couples and to report back to Cabinet Policy Committee by 31 August. When was this minute overturned please and replaced with parental income assessment tests for all married students regardless of age? Please attach a copy of the minute overturning this provided Cabinet Minute.

Secondly: This is now a declaration of inconsistency. I formally draw this declaration to the attention of Parliament by the Minister in whose portfolio the discrimination has been found, MSD, and await the Government's response to this declaration. CF Marriage Act 1995, the Property Act 2007, the Privacy Act 1993, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990. Under these acts a person is legally married to her spouse who is over the age of 25 and therefore they cannot be means tested against their parents for student allowance purposes. None of the above Acts can be overturned by the MSD to give a favoured policy outcome against married students under 24 years of age."

This letter is to advise that your request has been transferred to the Hon Steven Joyce, Minister for Tertiary Education, Skills and Employment.

This is because your request is more closely aligned with the functions of the office of the Minister for Tertiary Education, Skills and Employment. Section 14(b)(ii) of the Official Information Act 1982 allows me to transfer any request that is believed to be more closely aligned with the functions of another department, organisation or Minister of the Crown.

You have the right to seek an investigation and review of my decision to transfer your request by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
P O Box 10-152
WELLINGTON 6143

Yours sincerely

Elisabeth Brunt

General Manager, Ministerial and Executive Services