



**MINISTRY OF SOCIAL  
DEVELOPMENT**  
TE MANATŪ WHAKAHIATO ORA

# **Community Representative to the Benefits Review Committee**

## **Additional Information**

To be read in conjunction with the  
Panel Members Information Pack

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## **The Role of Community Representative**

Community representatives are Ministerial appointees who provide community input into the decision-making process of the Benefits Review Committee (BRC). The BRC considers reviews against decisions made by the Ministry with regards to benefit entitlements.

## **Frequency of Hearings**

Each region or specialist unit has the ability to arrange for BRC hearings to be held as required.

There is a pool of community representatives in each region so that individual community representatives are not required to sit on every hearing.

Community representatives will be randomly selected for each hearing.

## **Appointment Period**

The position of community representative to the BRC is a Ministerial appointment made at the discretion of the Minister for Social Development. This means that the Minister decides who can act as a community representative and for what period of time.

The Minister decided that from November 2015 community representatives are appointed for a fixed term of five years.

## **Payment**

Community Representatives are paid for work actually done. The Ministry is responsible for making these payments.

Payment rate (gross):

- \$131.26 for 0 to 3 hours (including 3 hours)
- \$262.52 for more than 3 hours

Time spent in preparation for hearings is included in the hours calculated for payment. For example, if three hearings are heard in a day and they take a total of three hours to complete and you spent 1 hour in preparation time, payment would be made at the rate of \$262.52.

Allowances paid for expenses incurred in your course of duty are subject to withholding tax at the rate of 33%. However, certain reimbursements are exempt from withholding tax, provided the following conditions are met:

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- The expenditure must have been incurred by the committee member in the course of duties performed on behalf of the Ministry; and
  - The expenditure must be reimbursed based on receipts or invoices retained by the Ministry.

For example, a reimbursement of air travel, supported by actual invoices, would not be subject to withholding tax.

Reimbursement of motor vehicle expenses (e.g. mileage allowances), based on the standard IRD rate of 83 cents per kilometre is subject to withholding tax as there would be no supporting invoices or receipts. Time spent travelling cannot be claimed unless travel time exceeds more than three hours in a day.

To meet its taxation obligations, the Ministry must deduct Withholding Tax from these payments, except where a community representative provides a current Taxation Exemption Certificate.

If a current Taxation Exemption Certificate is provided, Withholding Tax will not be deducted. It is then the Community Representative's responsibility to file a tax return for this income. Taxation Exemption Certificates can be requested from Inland Revenue. These need to be renewed by 1 April each year to remain current and a new copy provided to the Ministry.

**Note:** Any ACC levy payments are also the responsibility of the community representative.

This application of tax legislation has been based on the circumstances that will best fit the majority of community representatives. As community representatives' individual circumstances vary, it is recommended that they discuss their personal taxation situation with Inland Revenue, an accountant or a taxation specialist.

## **BRC Co-ordinators**

The primary point of contact with the Ministry is with the local BRC co-ordinators that operate within Work and Income and Student Seniors and Integrity Services. BRC co-ordinators arrange hearings and liaise with the applicants who wish to attend hearings in person. BRC co-ordinator(s) send all the relevant information for hearings that you attend.

## **Change in Circumstances**

You need to inform the Ministry if you have a change in circumstance that affects your role as a Community Representative. Please inform your BRC co-ordinator if your circumstances change, such as if you:

- change address or contact details
- move out of the region

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- go on holiday, or will otherwise be unavailable, for two weeks or more
  - intend to stand as a Member of Parliament or for any other public office, change jobs to work for a government department, or if there is a potential conflict of interest (or perceived conflict of interest) with your role of community representative
  - have any circumstances that arise that may make it inappropriate for you to continue to serve as a community representative.

## **Moving regions**

If you do move to another region you will need to decide if you would like to continue as a community representative. As you are officially appointed as a representative of your original region a transfer process needs to be managed subject to approval by the Minister.

Once you have formalised your new contact details and advised the Ministry of them the co-ordinator from your new region will be in touch. They will talk you through what is required of you. Generally, this would include a meeting with MSD staff and a representative from a local community or advocacy group. Once this has been completed a report will be sent to the Minister to confirm.

## **Are you a client of Work and Income?**

If you are a client of Work and Income, you will have obligations to advise the Ministry of your work for the committee. Although you will receive payments from the Ministry, you will still need to advise your case manager that you are working for the committee, as these payments are regarded as income.

## **Document Retention**

When the panel has made its decision, all supporting documentation should be stored on the client's file and should not be destroyed unless it is a copy. This includes any notes taken during the hearing.

Panel members should not take documents home with them, as these will contain the applicant's personal information. The Ministry has an obligation under the Privacy Act 1993 to store personal information securely.

It is recognised that panel members, particularly community representatives, may want to keep copies of decisions at home for reference purposes once a decision has been made. If panel members wish to do this, they should ask the co-ordinator to arrange for a copy to be provided for the panel member which has identifying details of the applicant removed.

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## **Tools to help you with your role**

Tools have been developed to assist you with your role as a community representative. These include:

- Review of Decision Resource Kit
- HIYU newsletters with regular tips
- MSD website which contains the consolidated legislation, manuals and procedures etc.

## **HIYU (Here Is Your Update)**

HIYU or Here is Your Update is a regular newsletter sent out to all community representatives. It will advise you of any changes in legislation or policy as well as any other information relevant to your role as a community representative. You can receive this either by mail or electronically.