

Community Law **Waikato**

Te Tari Ture aa-Hapori o Waikato

Part of the National Community Law Movement



Our mission is to provide free legal help to
those who cannot otherwise access it.

WORK & INCOME AND THE LAW

ADVANCES

2025



Advances

To be eligible for an advance you will need to meet four different criteria.

The following four things are the 'core' criteria you must meet to be eligible for an Advance:



1

You receive one of the following benefits:

- Jobseeker or Sole Parent Support, or
- Supported Living Payment, or
- Youth or Young Parent Payment, or
- Emergency Benefit instead of one of the above, or
- New Zealand Super or a Veterans Pension, or
- Orphan or Unsupported Child Benefit.

and

2

You need something right away (immediately) that is very important (essential) for you or your tamariki.

and

3

An Advance is the best way to pay for it. You have no other option that is sensible to use instead.

and

4

If you don't meet the need right away, it will cause you, your partner, tamariki, or whaanau to be worse off, suffer serious hardship, and/or cause or increase a risk to your (or their) life or welfare.

but

There are other non-core criteria, but when there are '**exceptional circumstances**' W&I can ignore them. These other non-core criteria are:

- Your income and cash assets are under a set amount (usually only an issue for people receiving a pension).
- You can't get more than six times your full benefit (less any advances you have already been granted).
- It will not put you in more financial hardship to repay that money over 2 years (104 weeks).
- The amount of advance that you have asked for should be the (but does not have to be) the cheapest option to meet all of your need. This does not apply to fridges, freezers, washing machines, and glasses because these have a set price.
- The amount has not been covered by another organisation e.g. Ministry of Health.

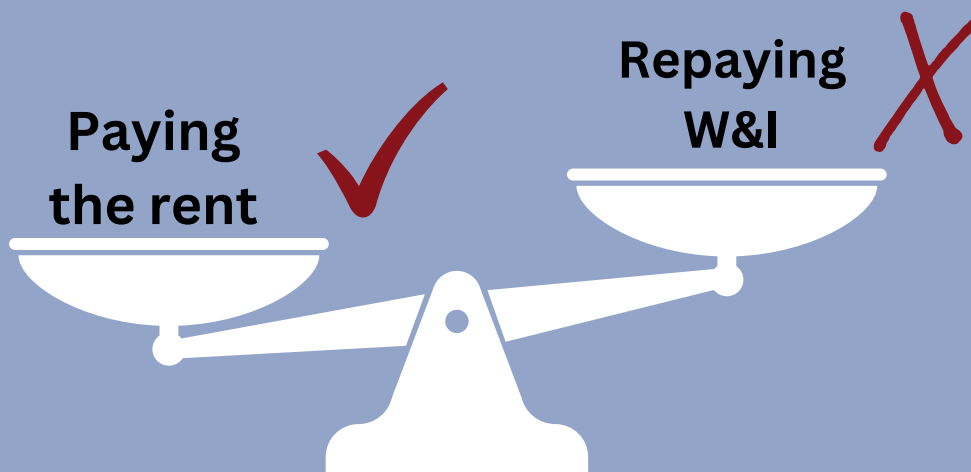
The Law

The law **does not** say that you are limited to only one Advance per year for the same thing. e.g. you can get more than once advance to cover the cost of travelling to a tangi, or your tamariki might need more than one pair of shoes in a year.

The law **does not** say that your need must be an emergency, unusual, or 'exceptional circumstances' to get an advance.

The law **does not** say that you should have saved up for your need and you should not be declined for this reason.

The law **does** say that W&I must check to see which option is best for you. e.g. if W&I give you an Advance that has to be repaid, and the repayments mean that you can't pay your rent, then W&I should have approved a Non- recoverable grant instead.



please note

W&I work with a set of guidelines, but these guidelines **are not** the law and are meant to be flexible.

What can I get an advance for?

You can get an advance if you need something right away (immediately) that is very important (essential) for you or your children. You can get more than once advance, and you do not have to have '*exceptional circumstances*' (that means that your situation is unusual, or not typical).

There is **no** set list in the law. Below are common things people get Advances for.

FRIDGES & FREEZERS

LOAN REPAYMENTS

CAR REPAIRS

DENTAL TREATMENT including
dentures

TELEVISION

MOVING HOUSE

HEARING AIDS

SCHOOL UNIFORMS

MOBILITY/HEALTH AIDS

OVERDUE RENT

WASHING MACHINES

CLOTHING for you or your
tamariki

FURNITURE beds, bedding
dining/lounge suite

READING GLASSES

RELEASING CAR from
impound

HOUSE REPAIRS if you are liable
to pay for them

TRAVEL e.g. to a tangi if you are
stranded

SCHOOL STATIONERY

How to respond to common problems

Below are things W&I may say to people who ask for an Advance, and a suggestion of what you can say to help resolve the situation. You should be firm but polite.





If this does not resolve the problem, politely insist on talking to a manager. If you do not like what the manager decides, you should accept the decision and apply for a **review of decision** – see page 32.

What you can get an advance for

These are some (but not all) of the things that you can get a special needs grant for.

AMPUTEE TRAVEL TO THE LIMB CENTRE, COSTS ASSOCIATED

BEDDING E.G. BECAUSE OF A NEW BABY, OR HEALTH CONDITION

CHILD CUSTODY DISPUTE BETWEEN PARENTS

HOUSE BOND SO YOU CAN MOVE OUT OF SOCIAL/TRANSITIONAL HOUSING

EMERGENCY DENTAL TREATMENT THAT YOU OR YOUR TAMARIKI NEED RIGHT AWAY

MEDICAL TREATMENT THAT YOU OR YOUR TAMARIKI NEED RIGHT AWAY

TRAVEL TO A HEALTH SPECIALIST IF NOT COVERED BY A DISABILITY ALLOWANCE, ACC, OR DHB

SEPTIC TANK (OR EFFLUENT SYSTEM) REPAIRS AND/OR MAINTENANCE

WATER TANK REFILLS IF YOU RUN OUT OF WATER

VASECTOMY, TERMINATION, OR LASER BIRTHMARK REMOVAL

RESETTLING IN THE COMMUNITY IF YOU ARE:

- ESCAPING DOMESTIC VIOLENCE
- A LONG-TERM PATIENT OR LEAVING ORANGA TAMARIKI CARE
- RELEASED FROM CUSTODY AFTER A 31-DAY SENTENCE
- A REFUGEE, PROTECTED PERSON, OR AFGHAN INTERPRETER

What if W&I declines you?

Reviews

If Work and Income (W&I) decline you, or make a decision that you don't agree with, you don't have to just accept it. W&I can't punish you for using your rights and if you win your case they must change the decision so we strongly encourage this. There are steps that you can take to try and have the decision changed.



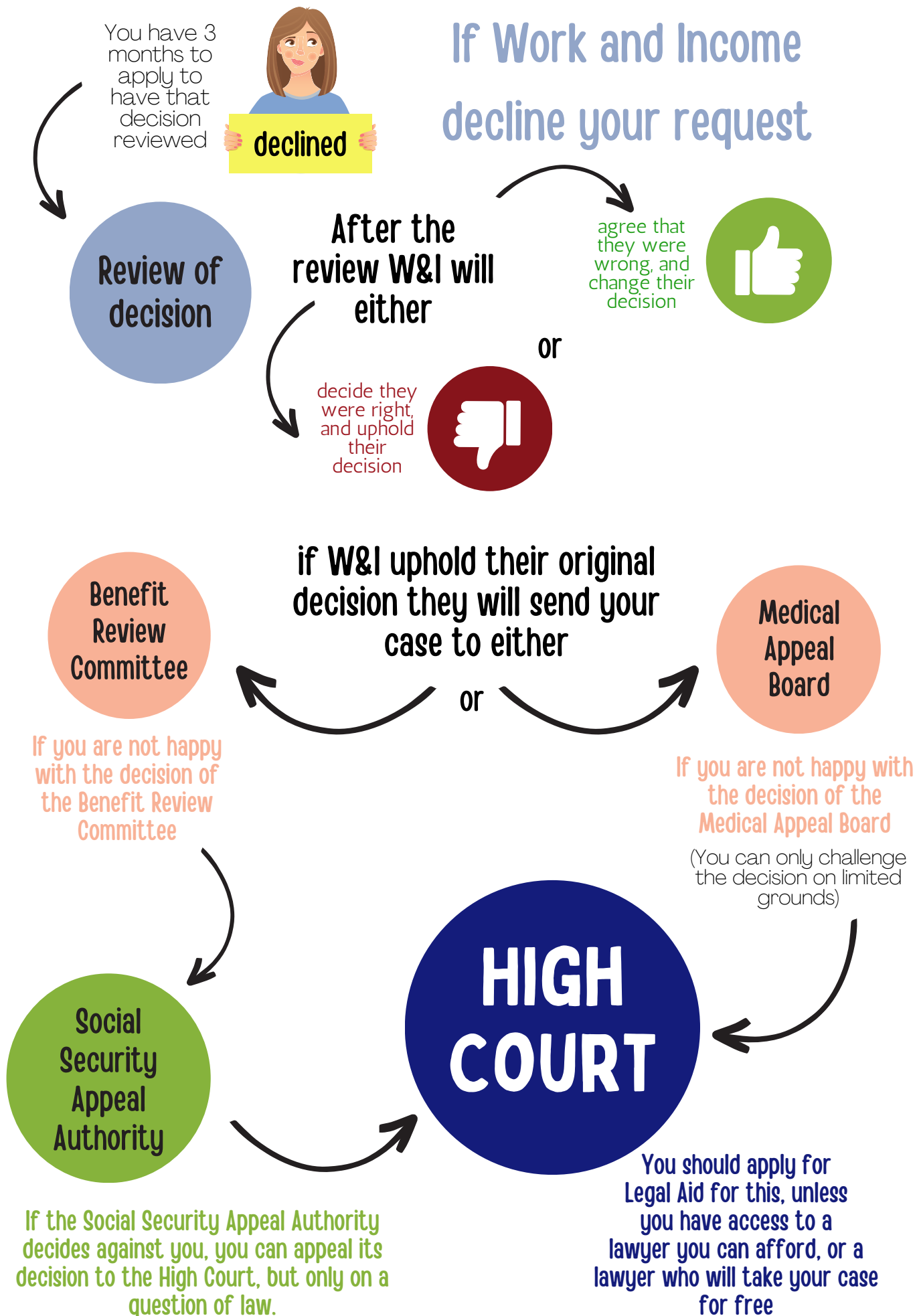
You must apply within three months of being told the decision, but if a good reason stopped you (e.g. not being told the decision or being sick) a late application may be accepted. To apply, write what the decision was, why you think it's wrong (if you can) and send it to W&I:

1. On a "review of decision" form or a note and hand it in at any of their offices. Get a date stamped copy.
2. Email helpline_workandincome@msd.govt.nz (the "_" is an underscore. Keep a copy of the email.
3. Use the online form at www.msd.govt.nz/feedback.

Appeals

If you are not happy with the review outcome, you have the right to continue (appeal) to the Social Security Appeal Authority. The Authority is entirely independent of W&I. You must apply within sixty working days of W&I telling you to review the outcome unless a good reason means you could not. To apply, use the form at www.justice.govt.nz or email ssaa@justice.govt.nz.

Community Law often helps people to prepare for reviews and appeals and represents them in the process. Please contact us straight away to see how we can help you.



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