



21 JUL 2017



Dear 

On 23 April 2017, you emailed the Ministry requesting, under the Official Information Act 1982, information regarding the requirement to submit to the Ministry of Social Development, an application for an Australian Age Pension.

Each of your questions will be addressed in turn.

- *How many times has MSD granted an exemption?*
- *What were the dates and reasons for each exemption?*

The Ministry is unable to provide you with information about how many times an exemption has been granted or the dates and reasons for each exemption, as this information is held in notes on individual case files. In order to provide you with this information, Ministry staff would have to manually review the files of all superannuitants who are not required to test their entitlement to an overseas pension. As such I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

- *How many times have respective NZ superannuation payments been terminated or suspended?*
- *What were the dates of these terminations or suspensions?*

Below are two tables that show the number of suspensions of a New Zealand Superannuation due to failing to claim an overseas pension, quarterly between 1 January 2012 and 31 March 2017, and the number of cancellations of a New Zealand Superannuation due to failing to claim an overseas pension, yearly between 1 January 2012 and as at 31 March 2017.

The Ministry is unable to provide you with the date of suspensions or cancellations of New Zealand Superannuation, as releasing this information is likely to risk identifying the individuals concerned. As such, this information is withheld under section 9(2)(a) of the Act. The need to protect the privacy of these individuals outweighs any public interest in this information.

Table One: The number of suspensions of a New Zealand Superannuation due to failing to claim an overseas pension, quarterly between 1 January 2012 and 31 March 2017.

Quarter ending	Number of suspensions
March 2012	22
June 2012	50
September 2012	31
December 2012	19
March 2013	22
June 2013	31
September 2013	27
December 2013	9
March 2014	S
June 2014	10
September 2014	12
December 2014	12
March 2015	S
June 2015	12
September 2015	55
December 2015	47
March 2016	30
June 2016	19
September 2016	52
December 2016	13
March 2017	7
Total	484

Notes:

- 'S' represents a suppressed cell to protect a clients' privacy

The number of suspensions of New Zealand Superannuation due to failing to apply for an Australian Age Pension is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review hundreds of files. As such I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

Table Two: The number of cancellations of a New Zealand Superannuation due to failing to claim an overseas pension, yearly between 1 January 2012 and as at 31 March 2017.

Calendar year	Number of cancellations
2012	S
2013	0
2014	12
2015	S
2016	9
As at 31 March 2017	0
Total	31

From these 31 cancellations of a New Zealand Superannuation, 12 were due to failing to claim an Australian Age Pension. The Ministry is unable to break this down any further as in each calendar year the number is less than six and would be suppressed to protect client privacy. Please note that a client could be required to apply for more than one overseas pension.

- *What are the procedural steps for terminating or suspending?*
- *What is the date of issue and name of the MSD document that specifies these steps?*
- *Could you send me a copy of this document?*

A letter is sent to any clients that the Ministry requires to take all reasonable steps to obtain an overseas pension that a client may be entitled to, advising to do so within a specified timeframe. Further contact is made with these clients as a reminder of what is required by the specified date.

Where a client does not comply with taking reasonable steps to obtain an overseas pension, the Ministry may suspend their New Zealand Superannuation. If a New Zealand Superannuation is suspended for more than eight weeks, cancellation will occur. Once the Ministry is satisfied that a client has taken all reasonable steps to obtain an overseas pension, New Zealand Superannuation may then be granted or resumed.

The enclosed document titled, 'OSP – Suspension Process', dated August 2013, outlines the procedural steps for suspending a New Zealand Superannuation due to failing to apply for an overseas pension.

This document was written in accordance with section 69G of the Social Security Act 1964 which can be accessed at the following web-link: www.legislation.govt.nz/act/public/1964/0136/latest/DLM363520.html

The principles and purposes of the Official Information Act 1982 under which you made your request are:

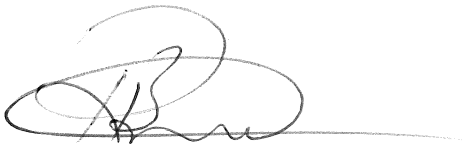
- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attachments available to the wider public shortly. The Ministry will do this by publishing this letter and the attached document on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response concerning Australian Age Pensions, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ruth Bound', with a long horizontal line extending to the right.

Ruth Bound
Deputy Chief Executive, Service Delivery

SUSPENSION PROCESS

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Questions to ask before suspending a client

- Has the client taken reasonable steps to apply for an OSP?
 - Have we taken all reasonable steps to assist them to apply for an OSP?
 - Have you checked all mail registers for correspondence received since the last recorded action that has not been processed? (TRIM, Work Track registers, T2)
 - Have you checked that all contact details are up to date? Check for address changes and/or changes in phone number. Check CMS also to ensure client has not recently been to local office and provided new details.
1. Read through the CMS notes to get a feel for how the application process has gone. It's important to be confident that we've offered the client all reasonable assistance. Have we spoken to the client and offered assistance? Have we tried to contact the client at least twice and left messages if unable to reach the client. Has the client been sent a third reminder? Make sure to check T2 to ensure the letter was generated.
 2. We also need to make sure to take any extenuating factors into consideration
 - a. Has the client genuinely been unable to complete the forms (bereavement, serious illness, overseas travel, struggling to get info from accountants, etc)
 - b. Has the client been in touch to advise us of delays?
 3. Is it a risk situation?
 - a. Has the client threatened or already contacted the Minister, media etc.? If yes you should make sure to check that their complaint/concerns were addressed or discuss the case with SM or colleague who dealt with the complaint.
 - b. If their complaint has already been addressed and they have been advised to complete the forms we can suspend but be clear about this in the MEMO.
 4. There may be some instances where we have sent the reminder letters, tried to call several times, and have been unable to reach the client.
 - a. It could be due to a change of address or phone details, the client may not have received any correspondence or they may just be ignoring us. It is important to check how long the testing process has gone on for. If the testing process has gone on for too long, be sure to check the history as for these client they need to be suspended.

In these cases we would suspend just so the client gets in touch. We can then discuss the application and determine whether the suspension should stay in place or if we should be resuming payments or restarting the process.

Some important factors to consider:

- If client is being tested for Australia and has under 4 years residency – discuss with SM if would be more appropriate to take client through residency calculator.
- Ensure that you check the partner record
- Make sure the client is still on payment – often clients can drop off payment during the testing process. Ensure this is one of the first steps you take.

If you don't want to suspend a client

If you feel that a client should not be suspended you need to decide what the next action should be. This could be a phone call, an extension, or a decision to NFA.

- Note that at the Suspension stage there are no more automated letters from T2 so you can use the extension button without worrying about adding a calendar note. The client will reappear on the suspension list when their extension is up.
1. If we have not spoken to the client or tried to call them enough times you should try again (maybe two more times). If you can't get hold of them we can send a manual Final Reminder letter which will give them 3 more weeks and extend the date in T2.
 2. If you feel the client is genuinely trying to complete the forms and just needs more time you can call them and let them know of the extension and update T2.

If a client needs to be suspended

If you feel that a client is not taking reasonable steps and should be suspended we need to write a MEMO detailing the situation and get this approved.

1. Complete the Suspension MEMO
 - a. Provide as much detail as you can, making it clear that assistance has been offered and outlining any additional circumstances. All contact from the client should be noted in the MEMO to give the managers an idea of the current status of the process and the attitude of the client towards the process.
 - b. Suspension memos need to detail the conversation with the client, to be clear that SPS has taken reasonable steps to provide assistance. It is also important to detail any calls the client has made to SPS. Please see example attached.
2. Testing Team SM will need to approve the suspension.

SWIFFT suspension process

1. In SDSTC, change the district code to **97** - SPS Wellington. You should note the existing district code on the suspension memo. (File Received needs to be **N**)
2. In SBSR
 - I. Date received is today's date
 - II. Action is **S** (suspend)
 - III. Effective date is FAD (First available date). To find the FAD type "PP <benefit type>" into the Next Activity bar
 - i. eg for a NZS client this would look like **<PP NS>**
 - IV. Reason for Suspension is **554** (fail to claim foreign pension)
 - V. Comment: **"Failed to apply for <country> OSP"**

Manual letter to client

- We complete the manual letter template in the Suspension folder. Remember to use the letter dates and return dates from the T2 tool as they should be more accurate.
- You can add an extra sentence about any additional factors such as extensions that have been granted, incomplete apps received, or additional letters that were sent

Recording a Suspension in UCVII

- I. Note Type: SWIFFT Actions & Note Subject: Suspension
- II. Short Description: Suspended – Failed to apply for <country> OSP
- III. Manual letter sent: Tick
- IV. Benefit Suspension date: enter FAD

V. Reason for Suspension: Other

VI. Comment:

Client has not returned completed OSP application. Checked mail registers and no correspondence received since last action. Client has been sent 4 letters and has been called to offer assistance. NZ payments will be resumed once COMPLETED application received.

Then we add another note with the content of the manual letter that we sent

- I. Note Type: Correspondence Out & Note Subject: Int Svcs: Follow-up Testing
- II. Short Description: letter to client re suspension

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OFFICIAL INFORMATION ACT