



4 APR 2018



Dear 

On 5 March 2018, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *In the last three financial years:*
 - *How many people received a half-married rate?*
 - *Of those, how many had deductions because of overseas pensions paid to partners, pursuant to section 70 (1) of the Social Security Act?*
 - *What was the total amount of those deductions?*
 - *How many people entitled to superannuation received nothing after deductions subject to section 70 (1) of the Act?*
- *Also, how many times has section 70 (2) of the Act been exercised in the past five years to defer deductions because of overseas pensions paid to a partner?*
 - *In each of those cases, what is the amount deferred per annum?*

Section 70 of the Social Security Act 1964 requires a person's and/or their partner's rate of New Zealand benefit or pension to be reduced where an overseas benefit or pension is:

- part of a programme that provides benefits, pensions and periodical allowances for the similar circumstances for which New Zealand benefits, pensions and periodical allowances would be paid (for example old age and retirement); and
- administered by, or on behalf of, an overseas government.

The policy intent of section 70 is to ensure that those entitled to a New Zealand benefit or pension are treated equitably and receive the same level of government retirement support whether solely through a New Zealand benefit or pension, through a combination of overseas pension and a New Zealand benefit or pension or through the overseas pension. Were it not for section 70, those who have lived, and worked, in overseas countries may be entitled to a greater overall level of government retirement support than those who had solely resided, and worked, in New Zealand

Section 70(1) of the Social Security Act provides that when someone is entitled to New Zealand Superannuation or other New Zealand benefit and their spouse is also entitled to an overseas benefit or pension, which is administered in the same way as a New Zealand pension then the couple will receive the same amount as a couple who do not receive any form of overseas pension entitlement.

The Ministry is able to provide you with the number of people who received the half-married rate of New Zealand Superannuation (NZS) as at the end of the financial year for the last three years. For context, you are also provided the number of people receiving each other payment rate of NZS.

Number of clients in receipt of NZS by payment rate as at the end of June 2015 to 2017.

Payment rate	June 2015	June 2016	June 2017
NZS Half-Married	386,623	403,225	418,658
NZS Single	86,909	90,734	94,096
NZS Other	204,403	210,648	216,691
Total	677,935	704,607	729,445

Note:

- Other includes Hospital Rate, Non-Qualified Spouse Old Rate, Single Living Alone, Partner in Hospital, Non-Qualified Spouse Included, Partner in Resthome/Hospital, and Married Non-Qualified Spouse One or More Children.

The remainder of the information you have requested is held in notes on individual case files. The field used to identify clients affected by the section 70 spousal deduction is not unique to these clients. In order to provide you with the information you have requested Ministry staff would have to manually review thousands of files, as any data extracted would need to be manually assessed to single out only those affected by sections 70(1) or 70(2) of the Social Security Act. 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.

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 available to the wider public shortly. The Ministry will do this by publishing this letter) 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 regarding section 70(1) of the Social Security Act, 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



 Dwina Dickinson
General Manager Client Service Support