



28 July 2022

Tēnā koe

On 10 June 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *The core issue is around their supposed inability to return to NZ because of the border closures, and whether that was "unforeseeable" (legislative wording). Is it possible for you to answer the following questions please?*
 1. *How many pensioners have been asked to pay back money they received, as they were overseas?*
 2. *How many of those appealed to the Benefits Review Committee (BRC)?*
 3. *Of those who appealed to the BRC, how did MSD accept had a valid case (excluding those with medical reasons)?*
 4. *Of those who lost their BRC case, how many took it to the Social Security Review Authority?*
 5. *How many cases had the result overturned by the SSRA?*
 6. *Once it is determined that the superannuitant has money they were not entitled to, what are their repayment options? Lump sum, or time payment?*
 7. *If it is time payment, what time frame is allowed?*

On 13 June 2022, you emailed the Ministry the following questions in relation to a previous response that was published on the Ministry's website:

8. *What does "Left NZ" exactly mean?*
9. *Is the figure 5448 inclusive of all NZ Super recipients who have had their payments suspended or cancelled because they did not return to NZ within 30 weeks of departing?*

New Zealand Superannuation (NZS) provides a retirement income for clients who have reached 65 years of age. Under the New Zealand Superannuation

and Retirement Income Act 2001, NZS and Veteran Pension (VP) recipients can travel overseas for 26 weeks or less and continue to receive their payments. Clients are not entitled to receive NZS after 26 weeks, and if they do not return to NZ within 30 weeks, they may need to repay any NZS payments they received after they left New Zealand (NZ).

NZS and VP clients who are going overseas for longer than 26 weeks can apply for General Portability while they are still in NZ, which allows these clients to continue receiving their payments while they are out of the country.

If a client is already overseas and is unable to return to NZ within 30 weeks for reasons outside of their control, that could not have reasonably been foreseen before leaving NZ, they can apply for General Portability under Section 27 of the New Zealand Superannuation and Retirement Income Act 2001. You can find more information about overseas applications for General Portability at the following link: www.workandincome.govt.nz/map/to-or-from-overseas/portability/general-portability/applying-for-payment-from-overseas-01.html.

Following the COVID-19 pandemic, the Ministry developed the COVID-19 New Zealanders Stranded Overseas Support Programme. The purpose of this programme was to provide special financial support to New Zealand beneficiaries and superannuants who were stranded overseas because of the effects of COVID-19, until it could be reasonably expected that they can return to NZ. You can find more information about this programme at the following link: www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2020/covid-19-new-zealanders-stranded-overseas-support-programme.html.

For clarity the Ministry will answer each question in turn.

1. *How many pensioners have been asked to pay back money they received, as they were overseas?*

I am unable to provide you with this information as it is held in notes on individual case files. In order to provide you with this information, Ministry staff would have to manually review thousands 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.

2. *How many of those appealed to the Benefits Review Committee (BRC)?*

3. *Of those who appealed to the BRC, how did MSD accept had a valid case (excluding those with medical reasons)?*

The reason code for categorising Review of Decisions by a Benefit Review Committee (BRC) for Superannuants who were stranded overseas due to COVID-19 was introduced in October 2021.

The Ministry has received 302 requests for Review of Decisions where the temporary absence provisions (suspension of payments, 'repayment demands' and portability applications) have been applied to review the original decision that was made, between 1 January 2020 and 31 May 2022.

You can find more information regarding the process for a Review of Decision application, at the following link: www.workandincome.govt.nz/about-work-and-income/complaints/review-of-decisions.html.

4. *Of those who lost their BRC case, how many took it to the Social Security Review Authority?*
5. *How many cases had the result overturned by the SSRA?*

From the BRC cases, that were related to travel overseas by a NZS recipient that was not successful in their hearing, 13 cases were appealed and have been lodged, and all of them are currently before the Social Security Appeals Authority (SSAA). Determinations by the Authority for these 13 cases had not been made as at 31 May 2022. Therefore, there have been no outcomes of these cases.

6. *Once it is determined that the superannuitant has money they were not entitled to, what are their repayment options? Lump sum, or time payment?*
7. *If it is time payment, what time frame is allowed?*

The Ministry has a legislative duty to undertake all reasonably practical steps to recover debt, however the debt repayments are set at a rate of recovery that takes into account a client's circumstances and their ability to repay the debt without causing undue hardship. You can find more information about debts with the Ministry at the following link: www.workandincome.govt.nz/on-a-benefit/debt/index.html.

8. *What does "Left NZ" exactly mean?*

The Ministry is constantly reviewing and improving our reporting, however, there are currently circumstances where one reason does not suit all situations. Therefore, the reason code 'Left New Zealand' is a grouped term for the many reasons our Superannuants leave New Zealand which result in suspension or cancellations of their payments.

The reason group 'Left New Zealand' includes:

- Client in agreement country, left New Zealand for 26–30 weeks, left New Zealand for 30 weeks, left New Zealand for Australia greater than 30 weeks,
- left New Zealand for UK greater than 30 weeks, left New Zealand for UK for 26–30 weeks, left New Zealand, non qualifying partner (NQP) left New Zealand 26–30 weeks,
- NQP left New Zealand less than 30 weeks, only qualifying partner left New Zealand, overseas less than 4 weeks,
- overseas more than 4 weeks, qualifying partner left New Zealand for Australia greater than 30 weeks, qualifying partner left New Zealand for UK 26–30 weeks, qualifying partner left New Zealand for UK greater than 30 weeks, and
- qualifying partner left New Zealand greater than 30 weeks and qualifying partner left New Zealand 26–30 weeks.

9. *Is the figure 5448 inclusive of all NZ Super recipients who have had their payments suspended or cancelled because they did not return to NZ within 30 weeks of departing?*

In regard to question nine of your request, the figure 5,448 from the published Official Information Act link you received, referred to the number of NZS clients whose payments were suspended or cancelled under the reason code 'Left NZ' between 1 April 2020 and 31 December 2021.

Under the reason code 'left NZ' the cohort of NZS clients who had their payments suspended or cancelled as they did not return to NZ within 30 weeks of departing will be included as well as the reason's listed above.

When a client makes an application for NZS, the Ministry helps them understand their obligations to receive and maintain payments. Part of this process includes communicating information on the impacts of travelling overseas, including that payments will be stopped if they are overseas longer than 26 weeks without first applying for General Portability. Clients are encouraged to contact the Ministry before they travel overseas to help ensure they receive their correct payments while they are abroad.

The principles and purposes of the Act 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
- 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 attached documents available to the wider public. 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 Superannuants who have left New Zealand, 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



George Van Ooyen
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Client Service Support