



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

2 June 2022

Tēnā koe

On 7 May 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

1. *In the period from 1 April 2021 to September 30 2021 (or the closest available period in that interval), how many NZ Superannuants who were "trapped overseas" because they did not have a MIQ place and/or they could not get a flight home had their NZ super stopped because their absence from NZ had exceeded 26 weeks?*
2. *How many of these affected further were asked to repay past NZ super [for the 26-week period when their receipt had previously been within policy) because their absence extended to 30 weeks or more?*
3. *How many of the people affected by 1 or 2 above subsequently appealed to the Benefits Review Committee?*
4. *How many of the cases have been heard by a Committee*
5. *And of the cases that have been heard and a decision issued, how many resulted in:*
 - a. *MSD original decision being upheld in full*
 - b. *MSD original decision being partly overturned and partly upheld*
 - c. *MSD decision being totally overturned*
6. *In the period between 1 April 2021 and 31 December 2021, how many NZ Superannuants who had already left New Zealand without having applied to transfer their benefit to another country, subsequently while overseas applied to transfer their benefit to another country?*
7. *How many of these applications were allowed, and how many were turned down?*
8. *How many of those who were turned down appealed the decision to the Benefits Review Committee?*
9. *What has been the result of those appeal hearings? In how many cases has the original decision to turn down the application been overturned on appeal?*

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

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 New Zealand. 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.

In regard to Questions 1 and 2, the Ministry may record information about the reason a client may not have returned to New Zealand on an individual client's file. In order to meet your request for the number of clients whose NZS was cancelled because they could not secure a place in Managed Isolation and Quarantine, or who could not find a flight home, this information would have to be manually collated from individual client records. As such, your request is refused under section 18(f) of the Act as requiring substantial manual collation.

Regarding Questions 3, 4 and 5, I can inform you that the reason code for categorising Reviews of Decision by a Benefit Review Committee for Superannuants who were stranded overseas due to COVID-19 was not introduced until October 2021. This additional code was introduced by the Ministry when the pattern of Reviews of Decision for NZS clients who were stranded overseas emerged later in 2021. Questions 3, 4 and 5 relate to the time period between 1 April 2021 and 1 September 2021. Providing this information would require substantial manual collation in the examination of individual client files. As such this portion of your request is refused under Section 18 (f) of the Act. If you are interested in the data from 1 October 2021, I would invite you to make a separate request.

Regarding Questions 6, 7, 8 and 9, as you may already be aware, NZS clients who are going overseas can apply for General Portability while they are still in New Zealand, which allows these clients to continue receiving their payments while they are out of the country for more than 26 weeks. If a client is already overseas and intends to return to New Zealand within 26 weeks, but is unable to do so within 30 weeks for reasons outside of their control that could not have reasonably been foreseen before leaving New Zealand, 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.

The Ministry does not store information in a way that distinguishes between applications for General Portability that were made before or after the client left New Zealand. This information may be held on individual client records and to provide you with the information requested in Questions 6, 7, 8 and 9 would require substantial manual collation. As such, I am refusing this information under Section 18 (f) of the Act.

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 greater public interest is in the effective and efficient administration of the public service.

However, in the spirit of being helpful I am able to provide you with **Table One** in the attached **Appendix**, which shows the number of New Zealand Superannuation (NZS) and Veteran's Pension (VP) granted and declined Portability between April 2021 and December 2021. This data includes applications made within and outside New Zealand.

The Ministry can also provide you with **Table Two** in the attached **Appendix**, which shows Review of Decision applications and their outcomes for declined Portability between April 2021 to December 2021. These figures relate to all Review of Decision applications received by Superannuants who had applied for Portability of their NZS payments, and whose requests were declined by the Ministry, irrespective of whether these applications were made within or outside of New Zealand.

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 and attachments 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 data regarding Superannuants trapped overseas, 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.

Nāku noa, nā

Bridget Saunders

Bridget Saunders
**Manager, Issue Resolution
Service Delivery**



Appendix

Table One: Number of New Zealand Superannuation (NZS) and Veteran's Pension (VP) granted and declined Portability between April 2021 and December 2021

Application month	Declines	Grants	Total
April 2021	30	630	660
May 2021	42	693	738
June 2021	39	681	717
July 2021	27	447	471
August 2021	30	387	414
September 2021	27	312	339
October 2021	27	318	342
November 2021	15	351	369
December 2021	21	417	438
Total	261	4,230	4,488

Notes for Table One:

- Portability can be paid under the provisions for General Portability or Special Portability (paid into certain Pacific Countries) or through most of our social security agreements. This is a count of applications for all Portability types made within and outside New Zealand.
- This is a count of grants and declines for Portability, not a count of clients. A client may make one or more applications for Portability.
- These payments are continued only if they meet the current 'Portability provisions.'
- The numbers are counted for New Zealand Superannuation and Veteran's Pension benefits.

- To protect confidentiality the Ministry uses processes to make it difficult to identify an individual person or entity from published data.
- These data tables have had random rounding to base three applied to all cell counts in the table.
- The impact of applying random rounding is that columns and rows may not add exactly to the given column or row totals.
- The published counts will never differ by more than two counts.

Table Two: Review of Decision (ROD) applications and their outcomes for declined Portability between April 2021 to December 2021

Outcomes	Number of ROD's
Withdrawn	0
Overtured at Internal Review	3
Overtured by a BRC	0
Upheld by a BRC	9
BRC Hearing Pending	9
Total applications	21

Notes for Table Two

- Figures are as per the data tables for Reviews of Decision received and provided by the Management and Information Delivery team at National Office
- The figures relate to all review applications from New Zealand Superannuitants who had applied for Portability of their New Zealand Superannuation and their requests were declined by the Ministry, irrespective of whether such portability applications were made prior to or after their departure from New Zealand
- To protect confidentiality the Ministry uses processes to make it difficult to identify an individual person or entity from published data.
- These data tables have had random rounding to base three applied to all cell counts in the table.
- The impact of applying random rounding is that columns and rows may not add exactly to the given column or row totals.
- The published counts will never differ by more than two counts.