



14 MAR 2018



Dear 

On 14 February 2018, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *Copies of the following documents listed on Page 4 of Module 2: Investigations, Unit 13: Investigative approach, in the Investigation Unit Training Package. The documents we request are:*
 - *The document under the subheading Gather Information;*
 - *The document under the subheading Analyse, Interview and Decide;*
 - *The document under the subheading Debt, Sanction and Prosecution – Investigators;*
 - *The document under the subheading Debt, Sanction and Prosecution – Technical Officers.*

On 23 February 2018, you were advised that the Ministry's internal web pages that you have requested have either been superseded or no longer exist. You clarified that you would like to be provided with the current information available in place of these web pages.

Please find enclosed the following three web pages from the Ministry's intranet which supersede the pages you requested:

- *'Gathering Evidence – Benefit & Social Housing Fraud', dated 11 May 2017.*
- *'Analyse, Interview and Decide – Process for Technical Officers', dated 16 June 2015.*
- *'Debt, Sanction and Prosecution – Process for Technical Officers', dated 22 December 2016.*

You also advised that you would like copies of the web pages that relate to fraud, and the letter templates referred to in these web pages.

Please find enclosed the following letter templates referred to in *'Analyse, Interview and Decide – Process for Technical Officers', dated 16 June 2015:*

- *'Letter Section 11 Social Security Act and Section 125 Housing Restructuring and Tenancy Matters Act to Source', undated.*
- *'Case Closure No Further Action Letter [L7]', undated.*
- *'Penalty Imposed Letter [L11]', undated.*

Please find enclosed the following web pages and letter templates referred to in *'Debt, Sanction and Prosecution – Process for Technical Officers'*, dated 22 December 2016:

- *'Guidelines – Overpayment of benefit resulting from fraud'*, dated 16 June 2017.
- *'Information on historical benefits'*, dated 22 March 2014.
- *'Retrospective Entitlements'*, dated 7 April 2017.
- *'IRR debt review letter'*, undated.
- *'Debt with Penalty Letter [L9]'*, undated.
- *'Debt with Warning Letter [L8]'*, undated.
- *'Debt and Prosecution Letter [L10]'*, undated.
- *'Prosecution Confirmation Letter [L12]'*, undated.
- *'Penalty Imposed Letter [L11]'*, undated.
- *'Reparation Debt Letter'*, undated.

A small amount of information has been withheld, from *'Gathering Evidence – Benefit & Social Housing Fraud'*, dated 11 May 2017, and the *'S11 Checksheet'* has been withheld in full under section 6(c) of the Official Information Act where making that information available would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences.

Please note that the Ministry's internal email addresses have been withheld from *'Debt, Sanction and Prosecution – Process for Technical Officers'*, dated 22 December 2016, and *'Guidelines – Overpayment of benefit resulting from fraud'*, dated 16 June 2017, under section 9(2)(k) of the Act to prevent the disclosure or use of official information for improper gain or improper advantage. The greater public interest is in ensuring that such information is not used improperly.

The links to the letter templates *'Warning letter [L8]'*, *'Penalty letter [L9]'* and *'Prosecution letter [L10]'* referred to do not contain information and are superseded by *'Debt with Penalty Letter [L9]'*, undated, *'Debt with Warning Letter [L8]'*, undated and *'Debt and Prosecution Letter [L10]'*, undated.

The web link to the *'Analyse, Interview and Decide process flowchart'* is no longer in use and does not contain information. The Ministry will update these pages in due course, however do not want this to delay providing you with this response.

Please also note that there are additional internal documents mentioned in the information provided that are considered either administrative or are not directly related to your request. If you have an interest in any of these, please make a request for the specific information and the Ministry will endeavour to provide it promptly.

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 attached documents available to the wider public shortly. 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 concerning the Investigation Unit Training Package, 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 blue ink, appearing to read 'D Dickinson', with a long horizontal flourish extending to the right.

Dwina Dickinson
Group General Manager, Client Service Support

Home » Helping You » Fraud resources for Ministry staff » Fraud Investigation Support » Resources for clients - forms and templates »
Gathering evidence – Benefit & Social Housing Fraud

Gathering evidence – Benefit & Social Housing Fraud

This page provides information for fraud investigation staff on gathering evidence for benefit and social housing fraud cases.

On this Page:

Right to obtain information – Social Security Act 1964

Sections 11, 12 and 81 of the Social Security Act 1964 set out the provisions for obtaining information relevant to benefit cases.

Section 11 Power to obtain information

In general terms, [section 11](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM360781.html) sets out our power to require the provision of information, documents and records relating to benefit matters and the conditions under which we can exercise this power. The Act has an offence provision (section 11(3)) for providing false information, refusing to supply information, and refusing to offer an excuse as to why they cannot comply.

Sections 11B and 11C provide for a Code of Conduct applying to obtaining information under section 11. We are legally bound to meet the provisions set out in the Code.

For information about the Code of Conduct see:

[Guidelines to the Code of Conduct for Obtaining Information under Section 11 Social Security Act 1964](http://teamsite.ssi.govt.nz/iw-mount/default/main/intranet-prod/msd-intranet/WORKAREA/content/documents/resources/helping-clients/policies-standards/integrity/nfiu/guidelines-to-the-code-of-conduct-section11.pdf)

Section 12 Investigation of claims and grant of benefits

Under the provisions of [section 12\(1\)](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM360927.html) the Ministry may investigate every claim for a benefit.

12(1A) gives authority to investigate the circumstances of any person who has been in receipt of a benefit.

Under section 12(2) there is a duty for every person, including the applicant, to answer questions concerning:

any applicant for, or person who has been in receipt of, a benefit
any statements contained in any application for benefit.

There is no penalty for the enforcement of this duty.

Section 81 Review of benefits

[Section 81](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM364431.html) provides that we may review any benefit at any time to determine:

whether the client remains entitled to receive the benefit, or
whether the client was or remains entitled to receive the benefit or the rate of benefit payable.

For the purpose of such a review, we may require the client or their partner to provide any information or to answer any question either orally or in writing.

Failure to comply with such a request by either the client or their partner, within a reasonable time frame, empowers us to suspend, terminate or vary the rate of benefit.

If, after reviewing a benefit under section 81, we are satisfied that there was or is no longer an entitlement to benefit, or an entitlement at a different rate, we may suspend, terminate or grant another benefit.

Note: this includes ensuring that the client is receiving their full benefit entitlement.

Right to obtain information – Housing Restructuring and Tenancy Act 1992

Section 125 Agency may require information for certain purposes

In general terms, [section 125](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091013.html) sets out our power to require the provision of information, documents and records relating to social housing matters and the conditions under which we can exercise this power.

The Act has an offence provision under [section 130](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091024.html)

for failing or refusing to provide information without reasonable excuse or providing false or misleading information.

[Section 138](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091127.html) & [139](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091128.html)

establishes the need for a Code of Conduct in respect of requesting information under Section 125.

For information about the Code of Conduct see:

[Code of Conduct for obtaining information under Section 125 of the Housing Restructuring and Tenancy Act 1992](http://doogle.ssi.govt.nz/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/code-of-conduct-section-125-hrtma.pdf)

Section 124 Agency may seek information

Under the provisions of [section 124](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091012.html) the Ministry may request any person to answer questions, inspect or provide documents for the purpose of any investigation conducted under [section 119](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091007.html) (circumstances relevant to Income Related Rent), [120](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091008.html)

(circumstances of prospective tenants) or [121](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091009.html) (continued eligibility to social housing)

The person does not have to comply with the request, but (for the purposes of [section 7\(1\) of the Privacy Act 1993](http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM297046.html)) this subsection authorises the person to make personal information available in response to the request.

Section 122 Agency may ask questions

Under the provisions of [section 122](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091010.html) the Ministry may ask questions of any person for the purpose of any investigation conducted under [section 119](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091007.html) (circumstances relevant to Income Related Rent), [120](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091008.html) (circumstances of prospective tenants) or [121](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091009.html) (continued eligibility to social housing).

If the tenant fails or refuses to comply with [section 122](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091011.html) the Ministry can take action under [section 123](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091011.html), including calculate the income-related rent for the tenant as being equal to the market rent or decline the tenant's application

Student Fraud

For more information about gathering evidence for Student fraud cases please see the [Student Fraud Investigations](http://doogle.ssi.govt.nz/helping-you/fraud-toolkit/fraud-investigation-support/fraud-investigation/student-fraud-investigations.html) page.

Gathering information through personal contact

The most effective way to gather information is through personal contact.

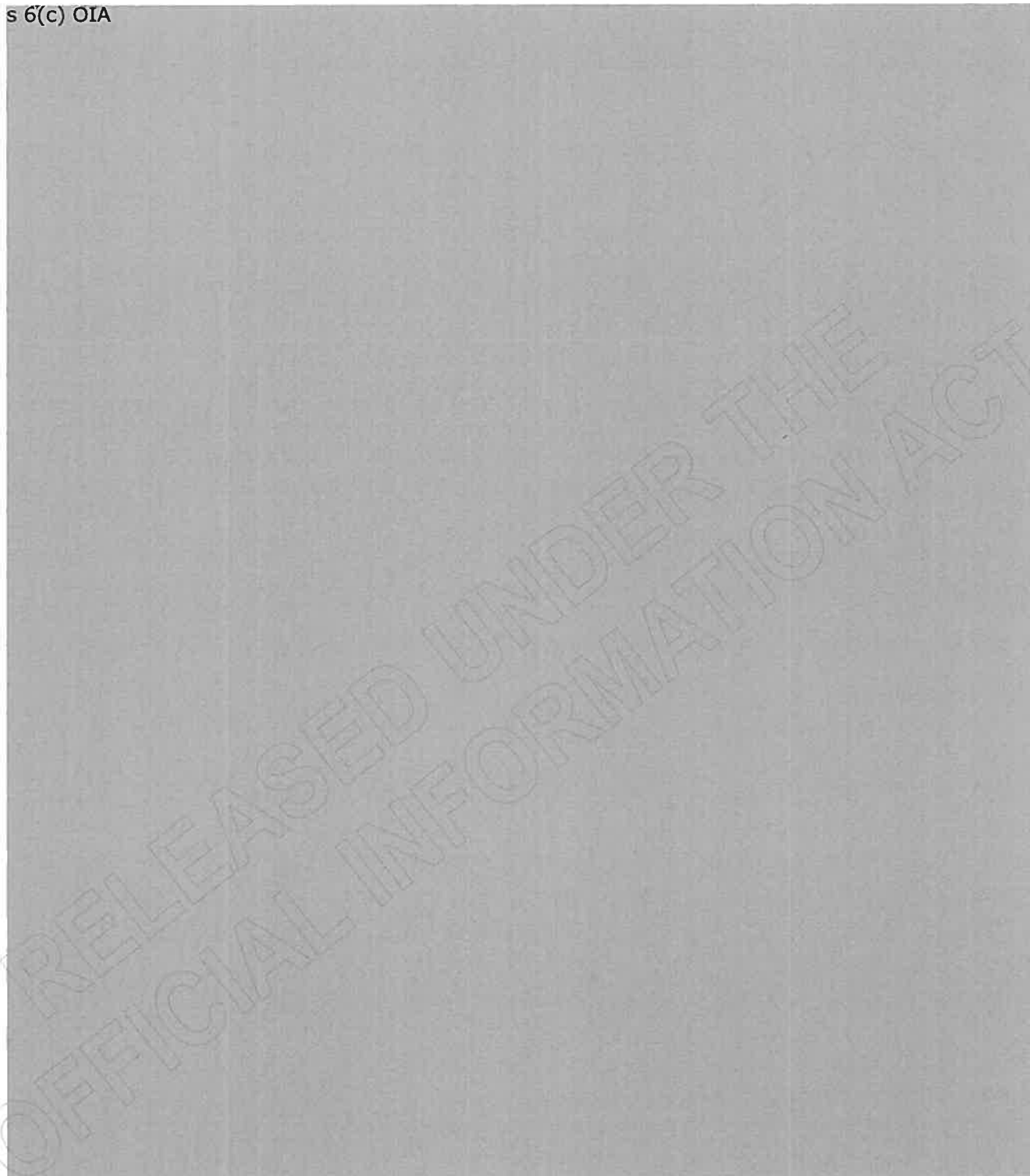
Wherever possible, actively approach the sources of information. An answer to a letter will at best provide specific responses to specific questions - usually with no elaboration or additional information volunteered. By interviewing sources you can obtain the maximum information available.

Time spent in this area will assist the quality and quantity of information obtained. It will also help you build effective personal networks with various sources, which may prove invaluable in any future investigations.

Information or evidence relating to criminal offences is obtained from a wide range of sources.

s 6(c) OIA

s 6(c) OIA



Before using any information

Ensure that all legislative requirements have been met. Fraud Intervention Services staff are bound by the:

[Social Security Act 1964 \[http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM359107.html\]](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM359107.html)

[Code of Conduct for obtaining information under Section 11 of the Social Security Act 1964 \[http://doogle.ssi.govt.nz/documents/resources/helping-clients/policies-standards/integrity/nfiu/guidelines-to-the-code-of-conduct-section11.pdf\]](http://doogle.ssi.govt.nz/documents/resources/helping-clients/policies-standards/integrity/nfiu/guidelines-to-the-code-of-conduct-section11.pdf)

[Housing Restructuring and Tenancy Act 1992 \[http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM269428.html\]](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM269428.html)

[Code of Conduct for obtaining information under Section 125 of the Housing Restructuring and Tenancy Act 1992 \[http://doogle.ssi.govt.nz/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/code-of-conduct-section-125-hrtma.pdf\]](http://doogle.ssi.govt.nz/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/code-of-conduct-section-125-hrtma.pdf)

[Privacy Act 1993 \[http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html\]](http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html)

[Ministry Code of Conduct \[http://doogle.ssi.govt.nz/working-here/working-for-us/standards-of-behaviour/codes-of-conduct/msd-code-of-conduct.pdf\]](http://doogle.ssi.govt.nz/working-here/working-for-us/standards-of-behaviour/codes-of-conduct/msd-code-of-conduct.pdf)

[Security of information requirements \[http://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/business-security/computer-use/security-of-info.html\]](http://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/business-security/computer-use/security-of-info.html)

Recording information

Full and accurate recording of investigation details are essential. It is important to record all information about the investigation in IMS including all information gathering activities and conversations with clients and witnesses.

Content owner: [Fraud Intervention Services](#) **Last updated:** 11 May 2017

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Home » Helping You » Fraud resources for Ministry staff » Fraud Investigation Support » Resources for clients - forms and templates » Analyse, Interview and Decide - Process for Technical Officers

Analyse, Interview and Decide - Process for Technical Officers

Technical Officers should use this process to support the analyse, interview and decide phase of a fraud investigation.

[Click for Analyse, Interview and Decide process flowchart \(http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/analyse-interview-and-decide/analyse-interview-and-decide-visual.html\)](http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/analyse-interview-and-decide/analyse-interview-and-decide-visual.html)

Stage	Steps	Tools & Forms
Further Section 11 Social Security Act and Section 125 Housing Restructuring and Tenancy Matters Act to Source	<p>1. • When requesting information use prejudice the maintenance of the law provisions to go straight to source</p> <p>• Use common sense when deciding who to request information from, eg, if allegation states they have a dog, request registration details from council, if allegation does not state this, don't send the letter</p> <p>• Post/email S11 to Source Letter [L5] to each information source. Sources may include:</p> <ul style="list-style-type: none"> • banks • financial institutions • schools/early childhood education centres • utility companies (power, phone, sky, council) • hospitals • police • landlords <p>• Note: You don't need to issue a S11 to Source Letter to all power companies in the district. Use the S12 Phone Call Script [S1] first to determine who the provider is.</p> <p>• Complete the S11 Check sheet [C1]</p> <p>• Create a due date in IMS for the return of Section 11 information from each source.</p> <p>• Follow up S11 to Source Letters if the information is not returned by the specified date. This is to be one phone call only.</p>	<p>S11 Check Sheet (Word 67.5KB) [http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/c1-s11-check-sheet.doc]</p> <p>Letter Section 11 Social Security Act and Section 125 Housing Restructuring and Tenancy Matters Act to Source (Word 40.5KB) [http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/l5-section-11-ssa-and-section-125-hrmta-to-source.doc]</p>
Clear Case and Send Letter	<p>2. The cases referred here will have no sanction and no debt.</p> <ul style="list-style-type: none"> • Read the Investigators instructions to clear the case. • Obtain the client's SWN number and contact details and enter these in the Case Closure No Further Action Letter [L7]. 	<p>Case Closure No Further Action Letter [L7] (Word 27.5KB) [http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/l7-case-closure-no-further-action.doc]</p> <p>TRACE [http://doogle/resources/business-applications/t/trace.html]</p>

Stage	Steps	Tools & Forms
Impose Sanction, Send Letter and Clear Case	<p>3. These cases will have a sanction imposed but no debt.</p> <ul style="list-style-type: none"> • Read the Investigators instructions to impose a sanction and what the sanction is. • Open the relevant letter template and delete the debt details. • Insert the relevant information into the letter. • Print the letter on letterhead and make a copy for the client's file. • Send the original letter to the client. • In IMS <ul style="list-style-type: none"> ◦ clear the case ◦ update the clients IMS notes. <p>Note: If a penalty is to be imposed, both the Penalty [L9] and Penalty Imposed [L11] letters need to be sent to the client.</p> <p><u>Click for Analyse, Interview and Decide process flowchart</u> <u>http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/analyse-interview-and-decide/analyse-interview-and-decide-visual.html</u></p> <p>Next Process - Debt, Sanction and Prosecution <u>http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/debt-sanction-and-prosecution/fraud-investigation-process-technical-officer-debt-sanction-and-prosecution.html</u></p>	<p><u>Warning Letter [L8]</u> <u>http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/18-debt-with-warning.doc</u></p> <p><u>Penalty Letter [L9]</u> <u>http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/19-debt-with-penalty.doc</u></p> <p><u>Prosecution Letter [L10]</u> <u>http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/110-debt-and-prosecution.doc</u></p> <p><u>Penalty Imposed Letter [L11] (Word 28KB)</u> <u>http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/111-penalty-imposed.doc</u></p> <p><u>TRACE</u> <u>http://doogle/resources/business-applications/t/trace.html</u></p>

Content owner: [Fraud Intervention Services](#) Last updated: 16 June 2015

Date

(Source Name)
Address Line 1
Address Line 2
ADDRESS LINE 3

Dear Sir/Madam

Client name: XXXXXXXXXXXX
Client number: XXX XXX XXX

I am writing about *Client Name*.

To ensure that we assess people correctly for financial assistance and/or for social housing purposes, sometimes we need to check some of the details they have provided to us.

We would like you to help us with information about XXX (*nature of information sought e.g. employment*)

Enclosed is a notice that legally requires you to provide this information to the Ministry of Social Development within a specific timeframe. This notice has been issued in accordance with the relevant Codes of Conduct for obtaining information under section 11 of the Social Security Act 1964 and under section 125 of the Housing Restructuring and Tenancy Matters Act 1992.

Please treat this matter in confidence and send the requested information directly to me at the address provided below before date.

Thank you for your cooperation. If you require further information about this matter please don't hesitate to contact me on phone number.

Yours sincerely

(Name)
Technical Officer
Integrity Services

Client name
Client Number:

XXX XXX XXX

NOTICE TO PROVIDE INFORMATION

(in terms of the Codes of Conduct for obtaining information under section 11 Social Security Act 1964 and section 125 Housing Restructuring and Tenancy Matters Act 1992)

To: [Name and address of person to whom notice issued]

Take notice that:

Under section 11 of the Social Security Act 1964, the Ministry of Social Development requires you to:

[select the relevant requirement with regard to the purposes for which information can be required under s11 SSA – see s11(2) SSA]

provide the following information

[specify the information wanted]

produce the following document(s) in your custody or control, and allow the Ministry to make copies or extracts of them

[specify the documents to be produced]

furnish copies of the following document(s) in your custody or control

[specify the documents to be copied]

furnish the following extracts from document(s) in your custody or control

[specify the document extracts wanted]

Under section 125 of the Housing Restructuring and Tenancy Matters Act 1992 (HRTMA), the Ministry of Social Development requires you to:

[select the relevant requirement with regard to the purposes for which information can be required under s125 HRTMA – see s125(1) HRTMA]

provide the following information

[specify the information wanted]

produce the following document(s) in your custody or control, and allow the Ministry to make copies or extracts of them

[specify the documents to be produced]

furnish copies of the following document(s) in your custody or control

[specify the documents to be copied]

furnish the following extracts from document(s) in your custody or control

[specify the document extracts wanted]

advise whether the information you are providing under s125 of the HRTMA, as requested above, is accurate

You need to supply the above information or document(s) to the following office of the Ministry of Social Development, and without charge.

Office: [Insert office and contact person details]

You need to supply the above information or document(s) within [*specify number of days, must be 5 or more*] working days after the date this notice is given to you. If this notice came to you by post, you are deemed to have received it on the fourth day after it was posted.

A working day means any day of the week other than Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, Queen's birthday, Waitangi Day, the appropriate provincial anniversary holiday, and days between 25 December and 15 January (both inclusive).

If you refuse or fail without reasonable excuse to comply with this notice (to the extent you are capable of complying with it), or in purported compliance with it knowingly or recklessly furnish any information which is false or misleading in a material particular, you commit an offence and are liable on summary conviction to a fine not exceeding \$2,000.

You should read the information set out below (which is part of this notice).

Signed:

For Chief Executive, Ministry of Social Development

Date of notice Date notice posted (if applicable)
.....

This notice is given by [*name of officer*], an officer of the Ministry of Social Development duly authorised to give a section 11 and section 125 notice, whose address is at
.....

Information

This notice is issued in compliance with the Code of Conduct for Obtaining Information under Section 11 Social Security Act 1964 and the Code of Conduct for Obtaining Information under Section 125 Housing Restructuring and Tenancy Matters Act 1992, copies of which can be obtained by telephoning the Ministry of Social Development on or accessing the Ministry's website at:

<http://www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/>

If you consider that this notice breaches either of the Codes of Conduct, you have the right to complain to the Privacy Commissioner.

You do not need to provide any information or to produce any document that would be privileged in a court of law. For example:

- You do not need to provide any information or to produce any document that is legally professionally privileged.
- However, this does not generally apply to any book, account, statement, or other record prepared by or kept in connection with a lawyer's trust account.

If you refuse to disclose any information or document because you claim privilege, either you or the Chief Executive of the Ministry of Social Development or any other person who the information or document is about can apply to a District Court Judge for an order deciding whether or not the claim is valid.

28 February 2018

Client Number: 000 000 000

(Name)
Address Line 1
Address Line 2
ADDRESS LINE 3

Dear (preferred name/salutation in SWIFTT/UCVII)

As you know the Ministry has been reviewing your (Delete those that don't apply) previous/current entitlement to (benefit type(s)) and/or your eligibility to social housing and/or your income-related rent.

We have now completed our inquiries and on the basis of the information you have provided, and/or the Ministry has gathered you have been (Delete those that don't apply) paid correctly and/or paying the correct rate of income-related rent.

If we receive other information we may need to do another review.

(Delete the following section on changes to circumstances if the client not on a benefit as it does not apply to them)

You can help us to always get your eligibility right by telling us straight away when things change. Examples of this include:

- A change in work such as starting work or changing your hours, whether paid or unpaid
- Become self-employed/start to run a business
- Have changes to your income or financial circumstances
- Intend to travel overseas
- Start/finish part-time or full-time study
- Have changes to personal details (such as name, address or bank account number)
- Have changes to your living situation (such as starting or ending a relationship with someone of the same or opposite sex, change in the number of children supported, change in accommodation costs, marital status, entering or ending a civil union)
- Are imprisoned or held in custody on remand
- Are admitted to or discharged from hospital
- Have been granted an overseas pension
- Have any other changes that may affect your benefit entitlement or rate
- Have any changes that may affect your eligibility to social housing
- Have any changes that may affect your rate of income-related rent.

If you need help or your situation changes in any way, let us know. It might make a difference to the amount of money you get. You can call to discuss this on 0800 559 009.

Yours sincerely

(full name)
Investigator
Fraud Intervention Services

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28 February 2018

IN CONFIDENCE
Client Number: 000 000 000

(Name)
Address Line 1
Address Line 2
ADDRESS LINE 3

Dear (Client name)

On (date) I wrote to you about a financial penalty for the offence you have committed under Section 127 of the Social Security Act 1964.

The penalty of (insert amount) in that letter has now been imposed under Section 86(2) of the Social Security Act 1964.

The debt you now owe us is:

Overpayment of benefit	\$X
Section 86(2) penalty	\$X
Income-related rent debt	\$X
Total debt	\$X

This debt will continue to be recovered from (insert details).

If you don't understand a decision we've made please talk to us.

If you disagree with certain decisions you have a right to apply for a review by the Benefits Review Committee.

An application for review needs to be made within three months of the decision. You can use the forms on our website or write to us by letter, email or fax. If you can't do this within three months, please talk to us. If you have a good reason for the delay, your review may still be considered.

(Delete the following section on changes to circumstances if the client not on a benefit as it does not apply to them)

You can help us to always get your benefit and housing assistance right by telling us straight away when things change. Examples of this include:

- A change in work such as starting work or changing your hours, whether paid or unpaid
- Become self-employed/start to run a business
- Have changes to your income or financial circumstances
- Intend to travel overseas
- Start/finish part-time or full-time study

- Have changes to personal details (such as name, address or bank account number)
- Have changes to your living situation (such as starting or ending a relationship with someone of the same or opposite sex, change in the number of children supported, change in accommodation costs, marital status, entering or ending a civil union)
- Are imprisoned or held in custody on remand
- Are admitted to or discharged from hospital
- Have been granted an overseas pension
- Have any other changes that may affect your benefit entitlement or rate
- Have any changes that may affect your eligibility to social housing
- Have any changes that may affect your income-related rent.

If you have any questions about this letter, please contact me on (insert phone number).

Yours sincerely

(Name)
Investigator
Fraud Intervention Services

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Home » Helping You » Fraud resources for Ministry staff » Fraud Investigation Support » Resources for clients - forms and templates » **Debt, Sanction and Prosecution- Process for Technical Officers**

Debt, Sanction and Prosecution- Process for Technical Officers

Technical Officers should use this process to support the Debt, Sanction and Prosecution phase of a fraud investigation.

Stage	Steps	Tools & Forms
Calculate Debts	<p>1. Benefit debt:</p> <ul style="list-style-type: none"> Read the instructions from the Investigator on what the client was eligible to receive Enter the relevant details in the Income Calculator Process the debt in SWIFTT and update IMS and CMS. <p>Income Related Rent (IRR) debt:</p> <p>In cases where you have received instruction from the Investigator to recalculate an Income Related Rent (IRR) debt from 16 December 2016:</p> <ul style="list-style-type: none"> Review the client's Income Related Rent by using the assessed rate of benefit and household type over the same period that the benefit debt was established Complete the IRR debt review letter Print the letter on MSD letterhead and make a copy to place on the file Post the original letter Update IMS with details of the new debt details and reason for reassessment Email queries to: s 9(2)(k) OIA 	<p>Guidelines - Overpayment of benefit resulting from fraud [http://doogle/helping-you/fraud-toolkit/fraud-investigation-support/fraud-supporting-investigations/debt-management.html]</p> <p>Information on historical benefits, pensions and supplementary assistance [http://doogle/about-us/history/index.html]</p> <p>Retrospective Entitlements [http://doogle/helping-you/fraud-toolkit/fraud-investigation-support/fraud-administration/retrospective-entitlements.html]</p> <p>Income Calculator (Excel 21.33MB) [http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/income-calculator.xls]</p> <p>IRR debt review letter (Word 16.98KB) [http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/2016-12-22-irr-debt-review.docx]</p> <p>SWIFTT [http://doogle/resources/business-applications/s/swifft.html]</p>
Send Debt with Penalty Letter	<p>2. In cases where you have received instruction from the Investigator to impose a penalty and send a Debt with Penalty Letter:</p> <ul style="list-style-type: none"> Complete the Debt with Penalty Letter [L9] using the: <ul style="list-style-type: none"> client contact details debt calculation penalty assessment Investigator's instructions on client entitlement and sanction, details on how the debt arose (client admission or through our investigation). Print the letter on MSD letterhead and make a copy to place on the file. Post the original letter. Add a note to IMS. <p>Note: Also refer to Step 8 [Penalty Imposed].</p>	<p>Debt with Penalty Letter [L9] (Word 49KB) [http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/i9-debt-with-penalty.docx]</p>
Send Warning Letter and Clear Case	<p>3. In cases where you have received instruction from the Investigator to send a Warning Letter:</p> <ul style="list-style-type: none"> Complete the Debt with Warning Letter [L8] using the: <ul style="list-style-type: none"> client contact details debt calculation Investigator's instructions on client entitlement and sanction details on how the debt arose (client admission or through our investigation). 	<p>Debt with Warning Letter [L8] (Word 47.5KB) [http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/i8-debt-with-warning.docx]</p>

Stage	Steps	Tools & Forms
Send Prosecution Letter and Clear Case	<ul style="list-style-type: none"> • Print the letter on MSD letterhead and make a copy to place on the file. • Post the original letter. • In IMS <ul style="list-style-type: none"> • add a note • add a sanction <p>4. In cases where you have received instruction from the Investigator to send a Debt and Prosecution Letter:</p> <ul style="list-style-type: none"> • Complete the Debt and Prosecution Letter [L10] using the: <ul style="list-style-type: none"> • client contact details • debt calculation • Investigator's instructions on client entitlement and sanction • details on how the debt arose (client admission or through our investigation). • Print the letter on MSD letterhead and make a copy to place on the file. • Post the original letter. • In IMS <ul style="list-style-type: none"> • add a note • add a sanction to complete the investigation <p>In cases where you have received instruction from the Investigator or Solicitor to send a Prosecution Confirmation Letter:</p> <ul style="list-style-type: none"> • Complete the Prosecution Confirmation Letter [L12] • Print the letter on MSD letterhead and make a copy to place on the file • Post the original letter • Add a note in IMS. 	<p>Debt and Prosecution Letter [L10] (Word 46 5KB) http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/10-debt-prosecution.doc</p> <p>Prosecution Confirmation Letter [L12] (Word 69 5KB) http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/12-prosecution-confirmation.doc</p>
Impose Penalty, Send Further Letter and Clear Case	<p>5. After sending the Debt with Penalty Letter [L9] you must wait for at least 5 working days (plus adequate time for postage) with no response from the client before sending the Penalty Imposed Letter [L11]</p> <ul style="list-style-type: none"> • Enter the penalty into the IMS Sanction Screen • Complete the Penalty Imposed Letter [L11] using the: <ul style="list-style-type: none"> • client contact details • debt calculation • Investigator's instructions on client entitlement and sanction • details on how the debt arose (client admission or through our investigation). • Print the letter on MSD letterhead and make a copy to place on the file. • Post the original letter. • Send the file, which includes the letter, to the Investigator to prepare the prosecution file. • In IMS: <ul style="list-style-type: none"> • add a note 	<p>Penalty Imposed Letter [L11] (Word 28KB) http://doogle/documents/resources/helping-clients/procedures-manuals/integrity/nfiu/11-penalty-imposed.doc</p>
Finalise the Prosecution	<p>6. Once a sentence has been decided:</p> <ul style="list-style-type: none"> • Check that the sentence has been entered in IMS 	<p>Reparation Debt Letter (Word 25 33KB) http://doogle/documents/resources/helping-clients/procedures-</p>

Stage	Steps	Tools & Forms
	<ul style="list-style-type: none">• Advise Collections by email s 9(2)(k) OIA [REDACTED] that reparation has been ordered by the court.• Send the client the Reparation Debt Letter, attach a copy of the letter to the prosecution section of IMS	manuals/integrity/nfiu/letter-debt-reparation.docx

Content owner: [Fraud Intervention Services](#) Last updated: 22 December 2016

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Home » Helping You » Fraud resources for Ministry staff » Fraud Investigation Support » Resources for clients - forms and templates » **Overpayment of benefit resulting from fraud**

Overpayment of benefit resulting from fraud

This page provides information for fraud investigation staff on what to do when an overpayment of benefit is created as the result of an investigation.

On this Page:

Creating an overpayment

Income Support

[Benefit \[http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM359124.html\]](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM359124.html) debts are established when it is determined that a person has received benefit payments in excess of their entitlement and are a [debt \[http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM364804.html\]](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM364804.html) to the Crown.

Whenever an overpayment of benefit is created by Fraud Intervention Services the provisions of [section 86\(9A\) \[http://doogle.ssi.govt.nz/map/income-support/core-policy/current-client-debt/establishing-debt.html\]](http://doogle.ssi.govt.nz/map/income-support/core-policy/current-client-debt/establishing-debt.html) of the Social Security Act 1964 must be considered in all instances.

RDS overpayments

The new [Relationship Debt Sharing \[http://doogle.ssi.govt.nz/helping-you/fraud-toolkit/fraud-investigation-support/fraud-investigation/relationship-debt-sharing.html\]](http://doogle.ssi.govt.nz/helping-you/fraud-toolkit/fraud-investigation-support/fraud-investigation/relationship-debt-sharing.html) legislation came into force on 7 July 2014. Legal opinion has advised that the actual start date for an overpayment and an offence under [section 127A \[http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM6203418.html\]](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM6203418.html) of the Social Security Act 1964 is 8 July 2014 - the day after 7 July 2014.

From 8 July 2014, an undeclared partner will be 'jointly and severally' liable for a debt where the Ministry proves that he or she:

knowingly benefited, or ought to have known he or she was benefiting from welfare payments being received fraudulently by his or her beneficiary partner in excess of entitlements or made a false statement or misled the Ministry and, as a result, his or her beneficiary partner is paid in excess of his or her actual entitlement

Income Related Rent overpayments

[Income Related Rent debt \[http://doogle.ssi.govt.nz/map/social-housing/income-related-rent-debt/introduction.html\]](http://doogle.ssi.govt.nz/map/social-housing/income-related-rent-debt/introduction.html) occurs when the rate of Income Related Rent has been calculated at a lower rate than it should have been. This happens when a change in circumstances is notified late or as a result of [fraud \[http://doogle.ssi.govt.nz/map/social-housing/income-related-rent-debt/examples-of-debt-created-as-result-of-fraud-invest-01.html\]](http://doogle.ssi.govt.nz/map/social-housing/income-related-rent-debt/examples-of-debt-created-as-result-of-fraud-invest-01.html).

Income Related Rent overpayments can be calculated under the authority of [section 127 \[http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091019.html\]](http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091019.html) of the HRTM Act 1992

If the Income Related Rent debt was caused wholly or partly by an error to which the debtor did not intentionally contribute, then [section 86\(9A\) \[http://doogle.ssi.govt.nz/map/income-support/core-policy/current-client-debt/establishing-debt.html\]](http://doogle.ssi.govt.nz/map/income-support/core-policy/current-client-debt/establishing-debt.html) of the Social Security Act 1964 must be considered.

Income Related Rent debt that is established as the result of fraud is calculated from when the client first started paying Income Related Rent or the date the fraud commenced to the period fraud ended or the day before the rent effective date [\[http://doogle.ssi.govt.nz/map/definitions/rent-effective-date.html\]](http://doogle.ssi.govt.nz/map/definitions/rent-effective-date.html) (whichever is applicable).

Debt established as the result of a fraud investigation is not subject to the [61 day period \[http://doogle.ssi.govt.nz/map/definitions/61-day-period.html\]](http://doogle.ssi.govt.nz/map/definitions/61-day-period.html).

If a benefit has been overpaid and a debt established, the client's Income Related Rent will need to be reviewed over the period the debt was established. When reviewing the client's Income Related Rent, you will need to use the assessed rate of benefit and household type once entitlement has been reviewed for the period. See: [Overpayment of benefit \[http://doogle.ssi.govt.nz/map/social-housing/income-related-rent/overpayment-of-benefit.html\]](http://doogle.ssi.govt.nz/map/social-housing/income-related-rent/overpayment-of-benefit.html)

Student Allowance overpayments

A [Student Allowance \[http://doogle.ssi.govt.nz/map/students/student-allowance/reviewing-entitlement-to-student-allowance-01.html\]](http://doogle.ssi.govt.nz/map/students/student-allowance/reviewing-entitlement-to-student-allowance-01.html) debt can be incurred mainly due to a change in the student's circumstances. Fraud debt is established when a student does not advise their correct circumstances at application or does not advise of a change in their circumstances or there is an unwarranted delay in their advising of a change in their circumstances. See Student

Allowance Regulations 1998 section 41 [<http://www.legislation.govt.nz/regulation/public/1998/0277/latest/DLM260397.html>] and 45 [<http://www.legislation.govt.nz/regulation/public/1998/0277/latest/DLM260808.html>].

Recovery of debts identified by Fraud Intervention Services

When an overpayment is identified by Fraud Intervention Services, recovery should be discussed with the client, either face to face or over the telephone. Generally this conversation should be part of the investigation interview with the client.

Discuss repayment options available to the client and negotiate [<http://doogle.ssi.govt.nz/map/income-support/core-policy/current-client-debt/negotiating-repayment-of-debt-01.html>] the rate of repayments taking into account the maximum debt recovery rate for clients currently receiving income support (no more than \$40.00 a week) and the client's individual circumstances [<http://doogle.ssi.govt.nz/map/documents/legislation/ministerial-directions/hard-copy/debtrecoverydirection.pdf>].

When an interview with the client cannot take place and the client is no longer/or will no longer be receiving a Benefit or Student Allowance, the debt advice letter should state that repayment is now required and ask the client to contact Centralised Services (Collections) on 0800-558-008 to discuss the repayment options available to them.

In most cases where an overpayment has been established the debt will be recovered via:

the Ministry's Centralised Services (Collections) Unit, when the client is no longer in receipt of a benefit or Student Allowance, or

offset directly from benefit or allowance payments, when the client is in receipt of a benefit or Student Allowance.

Income Related Rent

The Ministry is entitled to recover [<http://doogle.ssi.govt.nz/map/social-housing/income-related-rent-debt/repayment-of-income-related-rent-debt-01.html>] a debt established as a result of a person receiving an Income Related Rent which they were not entitled to receive.

In accordance with section 128 [<http://www.legislation.govt.nz/act/public/1992/0076/latest/DLM6091020.html>] of HRTM Act 1992, Income Related Rent debts can be recovered using powers in the SSA [<http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM364809.html>].

Recovery of Income Related Rent debt can start once the debt has been established and the rent charge date [<http://doogle.ssi.govt.nz/map/definitions/rent-charge-date.html>] confirmed by the housing provider though new rent is effective from future date.

Student Allowance

The Ministry is entitled to recover a debt established as a result of the payment of money to a student which they were not entitled to receive.

Section 307B [<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM187034.html>] of the Education Act 1989 allows the Ministry to recover any student allowance by deduction from any future allowance or benefit payments.

Student Loan is just that a loan, the recovery of these loans are managed by the Department of Inland Revenue, however if the loan becomes a debt because they were not entitled, section 307B provides that the Ministry can recover this from any future allowance or benefit.

Identifying and Seizing Assets

Identifying and Seizing Assets [<http://doogle.ssi.govt.nz/helping-you/fraud-toolkit/fraud-investigation-support/fraud-prosecution/identifying-and-seizing-assets.html>]

On 1 October 2012, Cabinet noted that the Ministry would apply a more vigorous approach to seizing the assets of people who commit welfare fraud in order to recover more welfare fraud debt.

There are a small number of people that are prosecuted for welfare fraud who also have significant assets such as cash or property. The Ministry would like to secure those assets and use them to repay welfare fraud debts.

Reviews and Appeals

Reviews and Appeals [<http://doogle/helping-you/fraud-toolkit/fraud-investigation-support/fraud-administration/reviews-and-appeals.html>]

When an application for Review of Decision or appeal is received regarding a benefit, Student Allowance or Income Related Rent debt that is currently being recovered from the client, it is appropriate to suspend recovery until the review and appeal process is completed.

Where the client is not receiving a benefit you will need to advise the Centralised Services (Collections) Unit that the client has lodged an application for a Review of Decision.

Note: you do not refund any offsets already deducted until the outcome of the review or appeal is known.

Reparation

[Seeking Reparation Orders \[http://doogle.ssi.govt.nz/helping-you/fraud-toolkit/fraud-investigation-support/fraud-prosecution/seeking-reparation-orders.html\]](http://doogle.ssi.govt.nz/helping-you/fraud-toolkit/fraud-investigation-support/fraud-prosecution/seeking-reparation-orders.html)

On 18 February 2013 Ministry operational guidelines were changed for seeking repayment of benefit fraud debts. Fraud Intervention Services will seek a reparation order for offenders at the time of the benefit fraud prosecution.

Reparation orders will be sought depending on the offenders' previous repayment history.

Fraud Intervention Services will carry out a Veda Credit Reference Check through Infolog on all defendants who we charge. If the Veda check discloses a poor credit rating and/or defaults then a Reparation Order must be sought.

Where the Veda Credit Reference Check discloses no poor credit history and/or defaults you must request a check from the Centralised Services (Collections) Unit where the defendant's payment history with the Ministry will be assessed.

Reparation will occur whenever it is ordered by a Court. When weekly debt repayments have been ordered, a lesser rate must not be negotiated. If the client is having problems, they must take this up with the Court.

Advise Collections by email s 9(2)(k) OIA

that reparation has been ordered by the court.

Prosecution referrals - offer of repayment

When a case has been referred for prosecution and the client makes an offer of repayment, the payment should be accepted. Where payments have been received or arrangements entered into notify the solicitor.

Content owner: Fraud Intervention Services **Last updated:** 16 June 2017

[Home](#) » [About us](#) » [Our history](#)

Our history



[\[http://doogle/about-us/history/brief-history.html\]](http://doogle/about-us/history/brief-history.html)

A brief history of government social services in New Zealand [\[http://doogle/about-us/history/brief-history.html\]](http://doogle/about-us/history/brief-history.html)

A brief introduction to the government agencies providing social services since the late nineteenth century.



[\[http://doogle/about-us/history/social-developments-book.html\]](http://doogle/about-us/history/social-developments-book.html)

Social Developments – an organisational history of the Ministry of Social Development [\[http://doogle/about-us/history/social-developments-book.html\]](http://doogle/about-us/history/social-developments-book.html)

The history provides an overview of MSD and its predecessors, beginning in the 1860s with the creation of the first pensions (for soldiers in the New Zealand Wars) and the establishment of New Zealand's first 'industrial school'.



[\[http://doogle/about-us/history/social-assistance-chronology.html\]](http://doogle/about-us/history/social-assistance-chronology.html)

Social Assistance Chronology [\[http://doogle/about-us/history/social-assistance-chronology.html\]](http://doogle/about-us/history/social-assistance-chronology.html)

The Social Assistance Chronology started out as an historical list of policy changes to the social security system. It covers the period from 1844 to the present day.

Content owner: [National Communications](#) Last updated: 22 March 2014

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OFFICIAL INFORMATION ACT

Home » Helping You » Fraud resources for Ministry staff » Fraud Investigation Support » Administration » **Retrospective Entitlements**

Retrospective Entitlements

This page provides information for fraud investigation staff on Retrospective Entitlement.

What is retrospective entitlement?

Retrospective entitlement allows us the discretion to review a benefit entitlement and vary the rate of benefit that a person was entitled to receive. However, we do not have the discretion to grant a different benefit from a date prior to the date on which an applicant applies or qualifies for a benefit or Extra Help.

In all cases Fraud Intervention Services will vary a client's rate of payment to allow for the correct rate of benefit where a retrospective rate change can be made. This applies regardless of whether the case you are dealing with is fraudulent or non fraudulent, that is section 81(2) must be applied even if a sanction is being imposed. For the purposes of

Legislation

Review of benefits section 81(2) Social Security Act 1964

Commencement of benefits section 80 Social Security Act 1964

Apportionment of Benefit between spouses or partners section 83(2) Social Security Act 1964 reads:

"The whole of the benefit may be paid to the person entitled to the benefit or the benefit may be allocated in such proportions as the chief executive determines"

Arrears

Any arrears generated by RRS, wherever possible should be recovered from any debt created for the same or similar period, whether on the client or partners record. In no circumstances should arrears generated in the calculation of a debt be released to a client for the same or similar period, whether on the client, with the exception of where the total amount of arrears assessed are in excess of the total amount of debts calculated in the review period.

Wherever possible any arrears created for a period up to 7 July 2014 (Relationship Debt Sharing, RDS) should not be recovered from RDS debt established after 7 Jul 2014.

Examples of retrospective entitlements

Rates will only be substituted to the person that received the entitlement, whether main benefit or extra help. This process is legislated under the Chief Executive discretion at s83(2).

This assessment always creates an audit trail on SWIFTT, provides correct tax details and is an accurate history of payments made. There is no need for manual adhoc payments. From 27 March 2017 the capped rates in SBDR have been lifted to allow payments at the full married rate.

The following examples illustrate how to assess any overpayment or previous entitlement to benefit.

1. Sole Parent Support (SPS), Job seeker Support (JS) or Supported Living Payment (SLP) – name changes from 15 July 2013.

Where one person is on SPS and the other is on JS or SLP, then the rate of JS or SLP is to be adjusted to the married, civil union or de facto rate for the period that the person on JS or SLP was in receipt of benefit.

Both SWIFTT records need to be adjusted using the backdated review screen to show their entitlement to half of the married, civil union or de facto rate of either JS or SLP. This will ensure that the tax details are correct on both records, it leaves a clear audit trail and there are no unnecessary ad hoc payments created.

2. SPS and SPS

If both people are in receipt of SPS then both benefits are to be overpaid in full.

(Refer below for assessment of Non Benefit substitution for extra help).

3. SPS and partner working

If one person is on SPS and the other is working and not in receipt of benefit then the SPS is to be overpaid in full. (Refer below for assessment of Non Benefit substitution for extra help.)

4. Both on single rate of benefit

If both people are in receipt of single benefits (with or without children) then adjust both benefits using the backdated review screen to allow for their share of the married, civil union or de facto rate of benefit.

If both people are in receipt of single benefits (with or without children) then adjust both benefits to allow for their share of the married, civil union or de facto rate of benefit.

5. JS or SLP and partner working

If one person is on JS or SLP and the other is working then assess if there is any entitlement to married, civil union or de facto rate of JS or SLP.

6. Income

Income for both parties needs to be taken into account when assessing any entitlement to a married, civil union or de facto rate of benefit.

7. SPS with no dependent children (children out of care)

If a person has been in receipt of SPS and we determine that they had no dependent children for a period of time then SPS is overpaid in full for that period. (Refer below for assessment of Non Benefit substitution for extra help).

If a person is in receipt of a sole parent rate of JS or SLP and it is determined that they had no dependent children then adjust the benefit.

8. Accommodation Supplement (AS) and other Extra Help Disability Allowance (DA), Temporary Additional Support (TAS) (no main benefit being allowed)

When Accommodation Supplement or other Extra Help is paid concurrently with the main benefit then the Accommodation Supplement or other Extra Help must also be reviewed.

When a main benefit is being reviewed and the client was at the same time in receipt of Accommodation Supplement then Accommodation Supplement must be reviewed at the non-beneficiary rate.

Therefore, if you are establishing a full SPS overpayment and the client was also receiving Accommodation Supplement, then Accommodation Supplement should be reviewed as a non-beneficiary at the appropriate rate, charging the partner's income.

9. Accommodation Supplement and other Extra Help (referring to example 1)

When both clients have been receiving Accommodation Supplement or other Extra Help then vary the rate of Accommodation Supplement or Extra Help to allow for the costs where the clients actually resided.

In this example the assessment of the Accommodation Supplement rate allowed should be divided equally between the clients. The overpayment is the difference between what was paid and what was due. The clients are required to provide proof of the actual costs.

If only one of the clients was in receipt of Accommodation Supplement then Accommodation Supplement should be assessed at the full married rate on this client's record.

10. Client in receipt of SPS, AS, DA and partner in receipt of JS, TAS for the full period

Review both clients at the half married rate of JS.

Review client at the full married rate of AS. (Partner did not receive AS therefore it cannot be keyed on their record)

Review client DA at full married rate.

Review partner at full married rate of TAS. (Client did not receive TAS therefore it cannot be keyed on their record)

Allow for the costs where the clients actually resided.

This assessment will ensure a full audit trail and history of what has been paid to both parties.

NB: Where-ever possible any arrears created for a period up to 7 July 14 (Relationship Debt Sharing) should not be recovered from RDS debt established after 7 July 14.

If income details are not known then retrospective rate substitution cannot be made.

Content owner: Fraud Intervention Services Last updated: 07 April 2017

[Date]

IN CONFIDENCE
Client Number: 000 000 000

[name]
[Address Line 1]
[Address Line 2]
[ADDRESS LINE 3]

Dear [client name]

On [date] we wrote to tell you that you had been overpaid benefits of \$XXXX and Income Related Rent of \$x for the period [date] to [date] because you did not tell the Ministry that you were [insert details].

Your entitlement to an income related rent is determined in terms of the Housing Restructuring and Tenancy Matters Act 1992. The Chief Executive has decided that as from 16 December 2016, he will exercise his discretion to exclude from this assessment, any benefit payments which you have received which are established as overpaid.

As a result the Ministry has reviewed the calculation of the income related debt you had previously been notified of, and I am pleased to advise that as a result of this, your debt has been changed and reduced to [\$x] for the period [date] to [date] .

Your review rights

If you do not understand a decision we have made, please talk to us.

If you disagree with certain decisions, you have a right to apply for a review by the Benefits Review Committee.

An application for review needs to be made within three months of the decision. You can use the forms on our website or write to us by letter, email or fax. If you cannot do this within three months, please talk to us. If you have a good reason for the delay, your review may still be considered.

Getting help from us

The next time you have contact with us we may need you to meet extra requirements to support any claims for assistance or to maintain your payments. This may mean that you have to attend more appointments with us or provide more documentation than you have in the past.

[Delete the following section on changes to circumstances, or specific bullet points, if they aren't relevant].

Let us know straight away about changes in your circumstances

You can help us to always get your welfare assistance right by telling us straight away when things change. Examples of this include if you:

- have a change in work such as starting work or changing your hours, whether paid or unpaid
- become self-employed/start to run a business
- have changes to your income or financial circumstances
- intend to travel overseas
- start/finish part-time or full-time study
- have changes to personal details (such as name, address or bank account number)
- have changes to your living situation (such as starting or ending a relationship with someone of the same or opposite sex, change in the number of children supported, change in accommodation costs, marital status, entering or ending a civil union)
- are imprisoned or held in custody on remand
- are admitted to or discharged from hospital
- have been granted an overseas pension
- have any other changes that may affect your benefit entitlement or rate
- have any changes that may affect your eligibility to social housing
- have any changes that may affect your income-related rent.

If you have any questions about this letter, please contact me on [phone number].

Yours sincerely

[Full Name]
Investigator
Fraud Intervention Services

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OFFICIAL INFORMATION ACT

28 February 2018

IN CONFIDENCE
Client Number: 000 000 000

[Name]
[Address Line 1]
[Address Line 2]
[ADDRESS LINE 3]

Dear [name on letter]

As you know the Ministry of Social Development (MSD) has been investigating your [previous/current] entitlement to [welfare type(s)] [and/or your income-related rent and/or your eligibility to social housing].

Option 1

On [date] you confirmed that you have been [insert details] since [insert date] and that you didn't let the Ministry know about of this change.

Option 2

This investigation has established that you [insert details].

Your welfare payments have been reviewed because of this change it shows that you have been overpaid. The details of this overpayment are:
[insert details].

You are solely responsible for repaying this overpayment.

[Current Clients] - [Insert recovery details].

[Noncurrent - Clients] The debt will be managed by MSD's Collection Unit. You can call them on **0800 558 008** to make an arrangement for repayment or go to www.workandincome.msd.govt.nz/repay for more information on the payment options.

[Delete the shared debt section if it doesn't apply]

You also have a shared debt

The investigation also established that [partner's name] knew or ought to have known about this dishonest overpayment. Therefore you also have an overpayment debt of [insert details] that you will jointly share responsibility for repaying with [him/her]. This means that you each have to pay as much as you can afford until the debt is fully repaid. We can do this under section 86AA of the Social Security Act 1964.

More information about what '*sharing an overpayment*' means and how to repay this shared overpayment is attached.

Change to your social housing income-related rent

Your income-related rent has been reviewed because of this change and we've found you haven't paid enough rent. The details of this rent-related debt are:

[insert details]

[insert recovery details]

Your eligibility to social housing has been reviewed because of this change and you are no longer eligible for social housing because [insert details]. Your landlord will be in touch with you to discuss your tenancy.

Your review rights

If you do not understand a decision we have made please talk to us.

If you disagree with certain decisions you have a right to apply for a review by the Benefits Review Committee.

An application for review needs to be made within three months of the decision. You can use the forms on our website or write to us by letter, email or fax. If you can't do this within three months, please talk to us. If you have a good reason for the delay, your review may still be considered.

You have a penalty to pay

As you knowingly chose not to tell us [insert details], you have fraudulently obtained an overpayment and you could have been prosecuted under [Section 127 of the Social Security Act 1964 and/or Section 131 of the Housing Restructuring and Tenancy Matters Act 1992].

The Ministry considered prosecuting you for committing an offence in terms of [Section 127 of the Social Security Act 1964 and/or Section 131 of the Housing Restructuring and Tenancy Matters Act 1992], however, this time we have decided not to do so. If you commit another offence, you can expect to be prosecuted.

Benefit debt only [Section 86(2) of the Social Security Act gives us the right to place a financial penalty on you when an offence has been committed. The penalty can be three times the amount of the benefit overpayment].

In this case we are going to impose a penalty of [insert amount & percentage]. This penalty is extra to your welfare overpayment and you are solely responsible for paying this.

You have five working days to get back to us with any reasons why you think you should not pay this penalty. You have until [insert date] to do this.

Getting help from MSD

The next time you have contact with MSD we may need you to meet extra requirements to support any claims for assistance or to maintain your payments. This may mean that you have to attend more appointments with us or provide us with more documentation than you have in the past.

[Delete the following section on changes to circumstances, or specific bullet points, if they aren't relevant]

Tell us about any change in your circumstances

You can help us to always get your welfare assistance right by telling us straight away when things change, as it might make a difference to the amount of money you get. Examples of this include if you:

- have a change in work such as starting work or changing your hours, whether paid or unpaid
- become self-employed/start to run a business
- have changes to your income or financial circumstances
- intend to travel overseas
- start/finish part-time or full-time study
- have changes to personal details (such as name, address or bank account number)
- have changes to your living situation (such as starting or ending a relationship with someone of the same or opposite sex, change in the number of children supported, change in accommodation costs, marital status, entering or ending a civil union)
- are imprisoned or held in custody on remand
- are admitted to or discharged from hospital
- have been granted an overseas pension
- have any other changes that may affect your benefit entitlement or rate
- have any changes that may affect your eligibility to social housing
- have any other changes that may affect your income-related rent.

If you have any questions about this letter, please contact me on [insert phone number].

Yours sincerely

[Full Name]
Investigator
Fraud Intervention Services

Shared relationship debt information

When the Ministry of Social Development (MSD) carries out an investigation and finds you are getting money you are not entitled to, you and your partner may both be equally responsible for paying back the debt.

This decision is made by an MSD Investigator and applies to all fraud debt where an investigation clearly shows that the partner knew or ought to have known about the dishonest behaviour, and the partner benefited from the fraudulent payments.

When this happens, the beneficiary and their partner share the fraud debt and its repayment. It is fair that a partner who has benefited from the dishonesty shares the responsibility to repay the debt.

What does 'share a fraud debt' mean?

This means that you and your partner are jointly responsible for 100% of the debt until it has been repaid. The debt will **not** be split half each and you are each responsible for paying as much as you can afford until the debt is fully repaid.

Why is only part of the debt shared between the beneficiary and their partner?

The legislation to share fraud debt takes effect from 7 July 2014, so only debt established after that date can be considered as shared debt. Any debt established prior to 7 July 2014 is to be repaid by the person that received the benefit payments.

How do I repay this shared debt?

Payment can be made:

- Online by credit or debit Visa or MasterCard
- Internet banking
- Direct deduction from your wages
- Automatic payment from your bank account
- Cheque
- Cash/EFTPOS at NZ Post

The shared debt will be managed by MSD's Collection Unit. You can call them on **0800 558 008** to make an arrangement for repayment or go to www.workandincome.msd.govt.nz/repay for more information on the payment options.

If you are receiving a benefit or pension, MSD will deduct money from your benefit or pension to recover the shared debt, but reserves the right to recover on a different basis if this method is not enough to recover the full amount of the debt.

The shared debt is separate from any other debt that you may owe MSD. This means you may receive letters about your shared debt as well letters about any other debt that you may owe.

Do I still need to repay this debt if I become bankrupt?

Yes. Fraud debt cannot be included in the bankruptcy or No Asset Procedure and must still be repaid to MSD.

28 February 2018

IN CONFIDENCE
Client Number: [000 000 000]

[name]
[Address Line 1]
[Address Line 2]
[ADDRESS LINE 3]

Dear [preferred name/salutation]

As you know the Ministry of Social Development (MSD) has been investigating your entitlement to [welfare type(s)].

Income support payments

[Choose 1 of the following two paragraphs if applicable]

Option 1

On [date] you confirmed that you have been [insert details] since [insert date] and that you did not let the Ministry know about this change.

Option 2

This investigation has established that you [insert decision details].

Your income support payments have been reviewed because of this change and it shows that you have been paid more money than you are entitled to. The amount you now need to pay back is

[Insert overpayment details].

You are solely responsible for repaying this overpayment.

[Current Clients] - [insert recovery details].

[Noncurrent Clients] The debt will be managed by MSD's Collection Unit. You can call them on **0800 558 008** to make an arrangement for repayment or go to www.workandincome.msd.govt.nz/repay for more information on the payment options.

Notice of shared debt

The investigation also found that [Partner's name] knew or ought to have known about you receiving money you were not entitled to and that [he or she] benefited from it. As you jointly share responsibility for repaying [amount] with [him/her] we will recover the money from both of you. This means that you each have to pay as much as you can afford until the debt is fully repaid. We can do this under section 86AA of the Social Security Act 1964.

More information about what '*sharing an overpayment*' means and how to repay this shared overpayment is attached.

Change to your social housing income-related rent

We have also reviewed your income-related rent. Your new rent is [\$x]. We have let your landlord know about this and they will write to you to let you know of any change.

We have found you should have been paying this higher income-related rent since your circumstances changed. This means that you need to pay back the difference between the amount of rent you have paid and the amount that you should have paid for that time. The details of how much you owe us are: [insert details].

[insert recovery details].

We have not reviewed your continued eligibility for social housing. However, we note that you do not meet the residential qualifications/ income limit/ asset limit [Delete those not applicable] for continued eligibility. We may decide to review your continued eligibility at any time and if we do, we will let you know and we will tell you what further information, if any, we need from you.

Your landlord may get in touch with you to discuss your tenancy and housing needs.

Warning Notice

To avoid prosecution you must tell us about any change in your circumstances. This letter is also a warning to you for not telling the Ministry immediately of any changes in your circumstances, such as (insert details). This is a serious matter and is considered an offence under Section 127 of the Social Security Act 1964 *add or delete as appropriate* [and/or sections 130 and 131 of the Housing Restructuring and Tenancy Matters Act 1992].

For benefit debt only. You can get a financial penalty imposed under Section 86(2) of the Social Security Act 1964, of up to 3 times the amount of your overpayment, if you commit an offence.

On this occasion the Ministry has decided not to proceed with a penalty or prosecution.

You are warned that if you commit an offence under *{add or delete as appropriate}* Section 127 of the Social Security Act 1964 or Section 131 of the Housing Restructuring and Tenancy Matters Act 1992 in the future, it will be treated seriously and you could be prosecuted.

Previous Debt

You have a previous debt of [insert details] established on [date]. The recovery rate you negotiate with us for your new debts (both sole and shared) will take this previous debt into account. Your total debt with us is now [insert details].

Your review rights

If you don't understand a decision we have made, please talk to us.

If you disagree with certain decisions, you have the right to apply for a review by the Benefits Review Committee.

An application for review needs to be made within three months of the decision. You can use the forms on our website or write to us by letter, email or fax. If you cannot do this within three months, please talk to us. If you have a good reason for the delay, your review may still be considered.

Getting help from us

The next time you have contact with us we may need you to meet extra requirements to support any claims for assistance or to maintain your payments. This may mean that you have to attend more appointments with us or provide more documentation than you have in the past.

[Delete the following section on changes to circumstances, or specific bullet points, if they aren't relevant].

Let us know straight away about changes in your circumstances

You can help us to always get your welfare assistance right by telling us straight away when things change. Examples of this include if you:

- have a change in work such as starting work or changing your hours, whether paid or unpaid
- become self-employed/start to run a business
- have changes to your income or financial circumstances
- intend to travel overseas
- start/finish part-time or full-time study
- have changes to personal details (such as name, address or bank account number)
- have changes to your living situation (such as starting or ending a relationship with someone of the same or opposite sex, change in the number of children supported, change in accommodation costs, marital status, entering or ending a civil union)
- are imprisoned or held in custody on remand
- are admitted to or discharged from hospital
- have been granted an overseas pension
- have any other changes that may affect your benefit entitlement or rate
- have any changes that may affect your eligibility to social housing
- have any changes that may affect your income-related rent.

If you have any questions about this letter, please contact me on [insert phone number].

Yours sincerely

[Full Name]
Investigator
Fraud Intervention Services

Shared relationship debt information

When the Ministry of Social Development (MSD) carries out an investigation and finds you are getting money you are not entitled to, you and your partner may both be equally responsible for paying back the debt.

This decision is made by an MSD Investigator and applies to all fraud debt where an investigation clearly shows that the partner knew or ought to have known about the dishonest behaviour, and the partner benefited from the fraudulent payments.

When this happens, the beneficiary and their partner share the fraud debt and its repayment. It is fair that a partner who has benefited from the dishonesty shares the responsibility to repay the debt.

What does 'share a fraud debt' mean?

This means that you and your partner are jointly responsible for 100% of the debt until it has been repaid. The debt will **not** be split half each and you are each responsible for paying as much as you can afford until the debt is fully repaid.

Why is only part of the debt shared between the beneficiary and their partner?

The legislation to share fraud debt takes effect from 7 July 2014, so only debt established after that date can be considered as shared debt. Any debt established prior to 7 July 2014 is to be repaid by the person that received the benefit payments.

How do I repay this shared debt?

Payment can be made:

- Online by credit or debit Visa or MasterCard
- Internet banking
- Direct deduction from your wages
- Automatic payment from your bank account
- Cheque
- Cash/EFTPOS at NZ Post

The shared debt will be managed by MSD's Collection Unit. You can call them on **0800 558 008** to make an arrangement for repayment or go to www.workandincome.msd.govt.nz/repay for more information on the payment options.

If you are receiving a benefit or pension, MSD will deduct money from your benefit or pension to recover the shared debt, but reserves the right to recover on a different basis if this method is not enough to recover the full amount of the debt.

The shared debt is separate from any other debt that you may owe MSD. This means you may receive letters about your shared debt as well letters about any other debt that you may owe.

Do I still need to repay this debt if I become bankrupt?

Yes. Fraud debt cannot be included in the bankruptcy or No Asset Procedure and must still be repaid to MSD.

28 February 2018

IN CONFIDENCE
Client Number: 000 000 000

[name]
[Address Line 1]
[Address Line 2]
[ADDRESS LINE 3]

Dear [client name]

As you know the Ministry of Social Development (MSD) has been investigating your [previous/current] entitlement to [welfare type(s)] [and/or your income-related rent and/or your eligibility to social housing].

Income support payments

Option 1

On [date] you confirmed that you have been [insert details] since [insert date] and that you did not let the Ministry know about this change.

Option 2

This investigation has established that you [insert details].

Your income support payments have been reviewed because of this change and it shows that you've been paid more money than you're entitled to. The amount you now need to pay back is:

[insert details].

You are solely responsible for repaying this overpayment.

[Current Clients] - [Insert recovery details].

[Noncurrent – Clients] The debt will be managed by MSD's Collection Unit. You can call them on **0800 558 008** to make an arrangement for repayment or go to www.workandincome.msd.govt.nz/repay for more information on the payment options.

[Delete the shared debt section if it doesn't apply]

You have a shared debt

The investigation also found that [partner's name] knew or ought to have known you were getting this money dishonestly. Therefore you will share this debt with [him/her]. This means that you each have to pay as much as you can afford until the debt is fully repaid. We can do this under section 86AA of the Social Security Act 1964.

More information about what 'sharing an overpayment' means and how to repay this shared overpayment is attached.

Change to your social housing income-related rent

We have also reviewed your income-related rent. Your new rent is [\$x]. We have let your landlord know about this and they will write to you to let you know of any change.

We have found you should have been paying this higher income-related rent since your circumstances changed. This means that you need to pay back the difference between the amount of rent you have paid and the amount that you should have paid for that time. The details of how much you owe us are: [insert details].

[insert recovery details].

We have not reviewed your continued eligibility for social housing. However, we note that you do not meet the residential qualifications/ income limit/ asset limit [Delete those not applicable] for continued eligibility. We may decide to review your continued eligibility at any time and if we do, we will let you know and we will tell you what further information, if any, we need from you.

Your landlord may get in touch with you to discuss your tenancy and housing needs.

Your review rights

If you do not understand a decision we have made, please talk to us.

If you disagree with certain decisions, you have a right to apply for a review by the Benefits Review Committee.

An application for review needs to be made within three months of the decision. You can use the forms on our website or write to us by letter, email or fax. If you cannot do this within three months, please talk to us. If you have a good reason for the delay, your review may still be considered.

You may be prosecuted

We are now in the process of considering if you have committed an offence, and, if so, whether we will prosecute you. This process involves us taking legal advice. When we have made a decision about prosecution, we will contact you again.

Getting help from us

The next time you have contact with us we may need you to meet extra requirements to support any claims for assistance or to maintain your payments. This may mean that you have to attend more appointments with us or provide more documentation than you have in the past.

[Delete the following section on changes to circumstances, or specific bullet points if they don't apply]

Tell us about any change in your circumstances

You can help us to always get your welfare assistance right by telling us straight away when things change, as it might make a difference to the amount of money you get. Examples of this include if you:

- have a change in work such as starting work or changing your hours, whether paid or unpaid
- become self-employed/start to run a business
- have changes to your income or financial circumstances
- intend to travel overseas
- start/finish part-time or full-time study
- have changes to personal details (such as name, address or bank account number)
- have changes to your living situation (such as starting or ending a relationship with someone of the same or opposite sex, change in the number of children supported, change in accommodation costs, marital status, entering or ending a civil union)
- are imprisoned or held in custody on remand
- are admitted to or discharged from hospital
- have been granted an overseas pension
- have any other changes that may affect your benefit entitlement or rate
- have any changes that may affect your eligibility to social housing
- have any other changes that may affect your income-related rent.

If you have any questions about this letter, please contact me on [phone number].

Yours sincerely

[Full Name]
Investigator
Fraud Intervention Services

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Shared relationship debt information

When the Ministry of Social Development (MSD) carries out an investigation and finds you are getting money you are not entitled to, you and your partner may both be equally responsible for paying back the debt.

This decision is made by an MSD Investigator and applies to all fraud debt where an investigation clearly shows that the partner knew or ought to have known about the dishonest behaviour, and the partner benefited from the fraudulent payments.

When this happens, the beneficiary and their partner share the fraud debt and its repayment. It is fair that a partner who has benefited from the dishonesty shares the responsibility to repay the debt.

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If you are receiving a benefit or pension, MSD will deduct money from your benefit or pension to recover the shared debt, but reserves the right to recover on a different basis if this method is not enough to recover the full amount of the debt.

The shared debt is separate from any other debt that you may owe MSD. This means you may receive letters about your shared debt as well letters about any other debt that you may owe.

Do I still need to repay this debt if I become bankrupt?

Yes. Fraud debt cannot be included in the bankruptcy or No Asset Procedure and must still be repaid to MSD.

28 February 2018

IN CONFIDENCE
Client Number: 000 000 000

[Full name]
[Address Line 1]
[Address Line 2]
[ADDRESS LINE 3]

Dear [first name]

As you know the Ministry of Social Development (MSD) has been considering if you have committed an offence and if so, whether we will prosecute you.

We've taken legal advice and can now confirm that we have decided to take prosecution action in your case.

[Insert details of the charges being filed]

Attached to this letter are copies of the relevant sections of [the Social Security Act 1964 and/or the Housing Restructuring and Tenancy Matters Act 1992, and/or the Crimes Act 1961].

We will file formal charges with the court soon and we will contact you again once that has been done.

If you have any questions about this letter please contact me on [phone number].

Yours sincerely

[Full name]
Investigator
Fraud Intervention Services

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

[Delete sections that are not relevant to the charges being filed in this case]

Section 127 of the Social Security Act 1964 - Offences

Every person who makes any statement knowing it to be false in any material particular, or who wilfully does or says anything or omits to do or say anything for the purpose of misleading or attempting to mislead any officer concerned in the administration of this Act or any other person whomsoever, for the purpose of receiving or continuing to receive (for himself or for any other person), or which results in himself or any other person receiving or continuing to receive-

- (a) *any benefit under this Act or the Social Welfare (Transitional Provisions) Act 1990 [or Part 6 of the War Pensions Act 1954] [or the [[New Zealand Superannuation and Retirement Income Act 2001; or*
- (b) *any exemption from any obligation under this Act; or*
- (c) *any payment from the Crown Bank Account in accordance with this Act; or*
- (d) *any entitlement card issued under regulations made pursuant to Section 132A of this Act or*
- (e) *a more favourable means assessment that he or she would otherwise have been entitled to under Section 69FA of this Act; or*
- (f) *a more favourable means assessment under Part 4 than he or she would otherwise have been entitled to—*

commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 12 months imprisonment or to a fine not exceeding \$5000, or to both imprisonment and fine

RELEASED UNDER THE OFFICIAL INFORMATION ACT

127A Offences: spouse or partner benefiting from excess amount knowing, or being reckless about whether, it is obtained by beneficiary's fraud

- (1) A person (the spouse or partner) commits an offence who—
- (a) is a spouse or partner of a person (the beneficiary) who obtains an excess amount by fraud; and
 - (b) benefits directly or indirectly from the amount or a part of it knowing that, or being reckless about whether, the amount or part is an amount or part—
 - (i) in excess of the amount to which the beneficiary is by law entitled or to which the beneficiary has no entitlement; and
 - (ii) Obtained by the beneficiary by fraud.
- (2) Subsection (1)(b) applies to the amount or part even if the spouse or partner—
- (a) does not benefit from it knowingly; and
 - (b) does not know at all or exactly its value; and
 - (c) does not know, or (as the case requires) is not reckless about, the precise way in which it was obtained by the beneficiary by fraud.
- (3) The beneficiary obtains an excess amount for the purposes of subsection (1) if the beneficiary obtains any payment, or receives any credit or advance, referred to in section 85A in excess of the amount to which the beneficiary is by law entitled or to which the beneficiary has no entitlement.
- (4) The excess amount is obtained by the beneficiary by fraud for the purposes of subsection (1) if—
- (a) the beneficiary obtained that amount by fraud (as defined in sections 83AA(4)(a) and 86AA(2)(a)); or
 - (b) the beneficiary is convicted of a specified offence in respect of obtaining that amount.
- (5) Specified offence, in subsection (4)(b), means an offence against section 127 (offences: false statements, misleading, or attempting to mislead, to receive or continue to receive benefits) of this Act, or an offence against all or any of the following provisions of the Crimes Act 1961:
- (a) section 228 (dishonestly taking or using document):
 - (b) sections 240 and 241 (obtaining by deception or causing loss by deception):
 - (c) section 256(1) and (2) (forgery):
 - (d) section 257 (using forged documents):
 - (e) section 258 (altering, concealing, destroying, or reproducing documents with intent to deceive):
 - (f) section 259 (using altered or reproduced document with intent to deceive).
- (6) Subsections (4) and (5) do not limit—
- (a) the generality of the references in subsection (1) to fraud; or
 - (b) the operation of section 49 (conviction as evidence in criminal proceedings) of the Evidence Act 2006.
- (7) A person who commits an offence under subsection (1) is liable on conviction to a penalty that is either or both:
- (a) imprisonment for a term not exceeding 12 months:
 - (b) a fine not exceeding \$5,000.

Section 131 of the Housing Restructuring and Tenancy Matters Act 1992
Offence to mislead agency for certain purposes or results

(1) A person commits an offence who, for the purpose described in subsection (2) or with the result described in subsection (3),-

- (a) makes any statement knowing it to be false in any material particular; or
- (b) deliberately does or says anything for the purpose of misleading or attempting to mislead the agency; or
- (c) when required to advise the agency under section 115 or provide information under section 125, deliberately omits to do or say anything for the purpose of misleading or attempting to mislead the agency.

(2) The purpose is-

- (a) for that person or another person to be eligible or continue to be eligible to be allocated social housing;
- (b) for that person or another person to be eligible or continue to be eligible to be allocated, assigned, or let particular social housing, or to be allocated, assigned, or let some other social housing;
- (c) for that person or another person to have calculated for them, or to pay or continue to pay as rent for social housing, an income-related rent or lower income-related rent than they would otherwise be entitled to under this Act or an income-related rent that they are not entitled to under this Act.

(3) The result is that that person or another person, whether or not entitled to it under this Act,-

- (a) is or continues to be assessed as eligible to be allocated social housing;
- (b) is or continues to be allocated or assigned to a particular social housing provider;
- (c) is or continues to be allocated, assigned, or let particular social housing;
- (d) is allocated, assigned, or let some other social housing;
- (e) is let social housing at an income-related rent or lower income-related rent.

(4) A person who commits an offence against this section is liable on conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding \$5,000, or both.

Crimes Act Charges (offences since 1 October 2003)

Section 228 of the Crimes Act 1961 - dishonestly taking or using a document

Everyone is liable to imprisonment for a term not exceeding 7 years who, with intent to obtain any property, service, pecuniary advantage, or valuable consideration,—

- (a) dishonestly and without claim of right, takes or obtains any document; or*
- (b) dishonestly and without claim of right, uses or attempts to use any document.*

Section 240 of the Crimes Act 1961 - obtaining by deception or causing loss by deception

(1) Everyone is guilty of obtaining by deception or causing loss by deception who, by any deception and without claim of right,—

- (a) obtains ownership or possession of, or control over, any property, or any privilege, service, pecuniary advantage, benefit, or valuable consideration, directly or indirectly; or*
- (b) in incurring any debt or liability, obtains credit; or*
- (c) induces or causes any other person to deliver over, execute, make, accept, endorse, destroy, or alter any document or thing capable of being used to derive a pecuniary advantage; or*
- (d) causes loss to any other person.*

(2) In this section, deception means—

- (a) a false representation, whether oral, documentary, or by conduct, where the person making the representation intends to deceive any other person and—
 - (i) knows that it is false in a material particular; or*
 - (ii) is reckless as to whether it is false in a material particular; or**
- (b) an omission to disclose a material particular, with intent to deceive any person, in circumstances where there is a duty to disclose it; or*
- (c) a fraudulent device, trick, or stratagem used with intent to deceive any person*

Section 241 of the Crimes Act 1961 - punishment of obtaining by deception or causing loss by deception

Every one who is guilty of obtaining by deception or causing loss by deception is liable as follows:

- (a) if the loss caused or the value of what is obtained or sought to be obtained exceeds \$1,000, to imprisonment for a term not exceeding 7 years;*
- (b) if the loss caused or the value of what is obtained or sought to be obtained exceeds \$500 but does not exceed \$1,000, to imprisonment for a term not exceeding 1 year;*
- (c) if the loss caused or the value of what is obtained or sought to be obtained does not exceed \$500, to imprisonment for a term not exceeding 3 months.*

Section 256(1) of the Crimes Act 1961 - forgery (intent to obtain)

(1) Everyone is liable to imprisonment for a term not exceeding 10 years who makes a false document with the intention of using it to obtain any property, privilege, service, pecuniary advantage, benefit, or valuable consideration.

Section 256(2) of the Crimes Act 1961 - forgery (intent to be acted upon)

(2) Everyone is liable to imprisonment for a term not exceeding 3 years who makes a false document, knowing it to be false, with the intent that it in any way be used or acted upon, whether in New Zealand or elsewhere, as genuine

Section 257 of the Crimes Act 1961 - using forged documents

(1) Everyone is liable to imprisonment for a term not exceeding 10 years who, knowing a document to be forged,—

- (a) uses the document to obtain any property, privilege, service, pecuniary advantage, benefit, or valuable consideration; or
- (b) uses, deals with, or acts upon the document as if it were genuine; or
- (c) causes any other person to use, deal with, or act upon it as if it were genuine.

(2) For the purposes of this section, a document made or altered outside New Zealand in a manner that would have amounted to forgery if the making or alteration had been done in New Zealand is to be regarded as a forged document.

Section 258 of the Crimes Act 1961 - altering, concealing, destroying, or reproducing documents with intent to deceive

(1) Everyone is liable to imprisonment for a term not exceeding 10 years who, with intent to obtain by deception any property, privilege, service, pecuniary advantage, benefit, or valuable consideration, or to cause loss to any other person,—

- (a) alters, conceals, or destroys any document, or causes any document to be altered, concealed, or destroyed; or
- (b) makes a document or causes a document to be made that is, in whole or in part, a reproduction of any other document.

(2) An offence against subsection (1) is complete as soon as the alteration or document is made with the intent referred to in that subsection, although the offender may not have intended that any particular person should—

- (a) use or act upon the document altered or made; or
- (b) act on the basis of the absence of the document concealed or destroyed;
- or
- (c) be induced to do or refrain from doing anything.

Section 259 of the Crimes Act 1961 - using altered or reproduced document with intent to deceive

(1) Everyone is liable to imprisonment for a term not exceeding 10 years who, knowing any document to have been made or altered in the manner and with the intent referred to in section 258, with intent to obtain by deception any property, privilege, service, pecuniary advantage, benefit, or valuable consideration, or to cause loss to any other person,—

(a) uses, or deals with, or acts upon, the document; or

(b) causes any person to use or deal with, or act upon, the document.

(2) For the purposes of this section, it does not matter that the document was altered or made outside New Zealand.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Crimes Act Charges (offences pre 1 October 2003)

Section 229A of the Crimes Act 1961 – taking or dealing with certain documents with intent to defraud

Every one is liable to imprisonment for a term not exceeding 7 years who, with intent to defraud,—

- (a) Takes or obtains any document that is capable of being used to obtain any privilege, benefit, pecuniary advantage, or valuable consideration; or*
- (b) Uses or attempts to use any such document for the purpose of obtaining, for himself or for any other person, any privilege, benefit, pecuniary advantage, or valuable consideration.*

Section 265 of the Crimes Act 1961 – punishment of forgery

Every one who commits forgery is liable to imprisonment for a term not exceeding 10 years.

Section 266 of the Crimes Act 1961 – uttering forged documents

(1) Every one is liable to imprisonment for a term not exceeding 10 years who, knowing a document to be forged,—

- (a) Uses, deals with, or acts upon it as if it were genuine; or*
- (b) Causes any person to use, deal with, or act upon it as if it were genuine.*

(2) For the purposes of this section, a document made or altered outside New Zealand in a manner that would have amounted to forgery if the making or alteration had been done in New Zealand shall be deemed to be a forged document.

Section 226A of the Crimes Act 1961 – altering or reproducing document with intent to defraud

(1) Every one is liable to imprisonment for a term not exceeding 10 years who, with intent to defraud,—

- (a) Makes any alteration in any document, whether by addition, insertion, deletion, obliteration, erasure, removal, or otherwise; or*
- (b) By any means, makes a document that is a reproduction of the whole or any part or parts of another document, or of the whole or any parts of 2 or more documents, or of any combination of any of those things.*

(2) An offence against subsection (1) of this section is complete as soon as the alteration or document is made with such intent as aforesaid, although the offender may not have intended that any particular person should use or act upon the document so altered or made, or should be induced by it to do or refrain from doing anything.

Section 226B of the Crimes Act 1961 – using altered or reproduced document with intent to defraud

(1) Every one is liable to imprisonment for a term not exceeding 10 years who with intent to defraud, knowing a document to have been altered or made in a manner, and with the intent, referred to in subsection (1) of section 266A of this Act,—

- (a) Uses, deals with, or acts upon it; or*
- (b) Causes any person to use, deal with, or act upon it.*

(2) For the purposes of this section, it is immaterial that the document was altered or made outside New Zealand.

28 February 2018

IN CONFIDENCE
Client Number: 000 000 000

(Name)
Address Line 1
Address Line 2
ADDRESS LINE 3

Dear (Client name)

On (date) I wrote to you about a financial penalty for the offence you have committed under Section 127 of the Social Security Act 1964.

The penalty of (insert amount) in that letter has now been imposed under Section 86(2) of the Social Security Act 1964.

The debt you now owe us is:

Overpayment of benefit	\$X
Section 86(2) penalty	\$X
Income-related rent debt	\$X
Total debt	\$X

This debt will continue to be recovered from (insert details).

If you don't understand a decision we've made please talk to us.

If you disagree with certain decisions you have a right to apply for a review by the Benefits Review Committee.

An application for review needs to be made within three months of the decision. You can use the forms on our website or write to us by letter, email or fax. If you can't do this within three months, please talk to us. If you have a good reason for the delay, your review may still be considered.

(Delete the following section on changes to circumstances if the client not on a benefit as it does not apply to them)

You can help us to always get your benefit and housing assistance right by telling us straight away when things change. Examples of this include:

- A change in work such as starting work or changing your hours, whether paid or unpaid
- Become self-employed/start to run a business
- Have changes to your income or financial circumstances
- Intend to travel overseas
- Start/finish part-time or full-time study

- Have changes to personal details (such as name, address or bank account number)
- Have changes to your living situation (such as starting or ending a relationship with someone of the same or opposite sex, change in the number of children supported, change in accommodation costs, marital status, entering or ending a civil union)
- Are imprisoned or held in custody on remand
- Are admitted to or discharged from hospital
- Have been granted an overseas pension
- Have any other changes that may affect your benefit entitlement or rate
- Have any changes that may affect your eligibility to social housing
- Have any changes that may affect your income-related rent.

If you have any questions about this letter, please contact me on (insert phone number).

Yours sincerely

(Name)
Investigator
Fraud Intervention Services

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

28 February 2018

IN CONFIDENCE
Client Number: [000 000 000]

[name]
[Address Line 1]
[Address Line 2]
[ADDRESS LINE 3]

Dear [preferred name/salutation]

Following your appearance in the (*town*) District Court on (*date*) you were convicted of x charge/s under the (**Specify Act/s**).

Option 1 full reparation ordered

When you were sentenced on this matter, you were ordered to pay reparation of (\$xxx.xx).

The reparation payments must be made directly to the Ministry of Justice. If you have not already done so, you should contact the Ministry of Justice on 0800 434 637 to arrange these payments.

Option 2 partial reparation ordered

When you were sentenced on this matter, you were ordered to pay reparation of (\$xxx.xx).

This is only part of the benefit that was overpaid to you. In your case the total benefit overpaid is (\$xxx.xx).

IRR Debt This is only part of the underpayment of income-related rent. In your case the total income-related rent debt is (\$xxx.xx).

You will be paying (\$xxx.xx) to the Ministry of Justice for your reparation order and the remainder to the Ministry of Social Development.

If you have not already done so, you should contact the Ministry of Justice on 0800 434 637 to arrange the payments due to them.

The Ministry of Social Development will contact you shortly to discuss options to repay the remainder of the money that is owed.

It is important to note that if all, or part of the ordered reparation amount is remitted or resented in the future then the Ministry of Social Development will recover that amount from you.

Please see the information overleaf which explains what a reparation order is and what it means if an order is remitted.

If you have any questions about this letter please contact me on (phone number).

Yours sincerely

(Name)
Investigator
Fraud Intervention Services

Information

What is Reparation?

Reparation is a court order that requires you to make repayment of the money you fraudulently received from the Ministry of Social Development.

That order is enforced by the Ministry of Justice, who have statutory powers to collect the payment. The Ministry of Justice forwards the payment to the Ministry of Social Development in repayment of the loss suffered as a result of the offending.

What does it mean if a debt is Remitted?

In some cases a reparation order may be remitted or you may be re-sentenced by the court. For example you may be required to undertake community work. If this happens, it does not wipe your debt. You will still owe the Ministry of Social Development the total debt amount.