



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

Dear [REDACTED]

On 14 April 2019, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982, the following information:

1. *Over the past 3 years how many immigrant pensioners have requested a review hearing of the direct deduction policy of their overseas pensions under S70 of the SSA 1964?*
2. *Of those requests how many have been granted and how many have been denied?*
3. *Of those denied how many were refused under Section 10A of the SSA 1964?*
4. *Finally of those who were successful how many had their self-funded overseas pensions refunded?*

For your information, the overseas pension deduction under section 70 of the Social Security Act (the Act) 1964 was replaced by sections 187 to 191 of the Social Security Regulations 2018 on 26 November 2018. This response will refer to the legislation as former section 70.

Please find below a table showing the number of Reviews of Decision under former section 70 of the Act received from 1 July 2015 to 30 June 2018, including Internal Review outcomes and Benefit Review Committee (BRC) outcomes.

Period	Reviews of Decision Received	Internal Review Outcomes			Benefit Review Committee Outcomes		
		Upheld	Part Upheld	Overtured	Upheld	Part Upheld	Overtured
1 Jul 2015 to 30 June 2016	109	71	4	12	55	3	1
1 Jul 2016 to 30 June 2017	86	51	3	12	31	7	2
1 Jul 2017 to 30 June 2018	103	74	7	15	43	9	4
Totals	298	196	14	39	129	19	7

For the period 1 July 2015 to 30 June 2018, the Ministry received 298 applications for review of the overseas pension direct deduction policy under former section 70 of the Act.

For the same period in the administrative part of the review process, 196 reviews were denied (decision upheld), 14 were denied in part (decision upheld in part) and 39 were granted (decision overturned in favour of client).

For the same period 155 reviews were considered by a BRC, 129 were refused (decision upheld in full) and 19 were partly refused (decision upheld in part).

Of those who were successful in their reviews, 46 were successful (decision overturned in full) and 33 were partly successful (decision upheld in part).

Regarding the number of cases that were successful and had their self-funded overseas pensions refunded, I am unable to provide you with this information as it is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review seventy-nine files. As such I refuse this part of your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

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

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

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

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

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

If you are not satisfied with this response, 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



Elisabeth Brunt
General Manager, Ministerial and Executive Services