



31 March 2025

Tēnā koe

Official Information Act request

Thank you for your email of 6 March 2025, requesting information about paying pensions to clients who have passed away.

I have considered your request under the Official Information Act 1982 (the Act).

When a single client with no dependent children dies, payment generally stops the day after the date of death, but there is some discretion to continue payments for up to 28 days following the date of their death. For married clients, or those with dependent children, payment continues for 28 days, in what is referred to as terminal benefit. Payment is continued at the rate which was payable to the client and partner (if any) at the date of death and includes any extra help being paid. For more information about payments when a client dies, please see the relevant page on our website here: www.workandincome.govt.nz/on-a-benefit/payments/payments-when-a-client-dies.html.

The Ministry is typically notified of a client's death by a third party, such as a family member or care home. The Ministry also receives notifications through the Department of Internal Affairs (Births, Deaths, and Marriages).

There have been instances in which the Ministry has continued paying New Zealand Superannuation (NZS) to deceased clients. For instance, the Ministry can receive delayed notification of a client's death when the client passes away overseas, if the client is a missing person (or discovery of their death is otherwise delayed), or if the client's death is not picked up in data match with Department of Internal Affairs.

Under Section 206 of the Social Security Regulations 2018, payments to deceased clients are considered a debt to the Crown by way of mistaken payment. Under Section 221 of the Social Security Regulations 2018, the Ministry has the outstanding amount deducted from the client's account.

In cases where there has been intentional and deliberate action taken by another person to continue the NZS (or other benefit) payments after a person has died, the Ministry will consider prosecution.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

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 my decision on your request about paying pensions to clients who have passed away, 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.

Ngā mihi nui

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Anna Graham
General Manager
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