



Dear 

On 9 November 2018, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *How many people have had a section 70A benefit sanction repayment in the past 12 months?*
- *What has been the total amount that Work and Income has repaid to beneficiaries because of section 70A benefit sanction repayments in the last 12 months?*
- *What has been the average amount that Work and Income has repaid to beneficiaries because of section 70A benefit sanction repayments in the last 12 months?*

The Ministry works with clients to make sure they get all that they are entitled to. We treat people with respect and look at their individual circumstances. In return, clients need to give us the information we require to best support them and their children and ensure the fairness of social security for all New Zealanders.

Sections 192-194 of the Social Security Act 2018 require the Ministry to reduce a client's benefit if a client fails or refuses to apply for Child Support for each dependent child, fails or refuses to identify the paying parent(s) in law of each dependent child, or fails or refuses to attend a departure or appeal hearing and give evidence against paying parent(s) in accordance with section 122 of the Child Support Act 1991. Please note that the Social Security Act 1964 was replaced on 26 November 2018 with the Social Security Act 2018. In the 1964 Act, this was section 70A of the Act.

Under sections 192-194, some carers are not required to apply for Child Support. Carers are exempted when:

- the carer or their child(ren) would be at risk of violence if they carried out or took steps to meet their Child Support obligations
- the paying parent is deceased
- the child is conceived as a result of incest or sexual violation.

Some carers are still required to complete a Child Support Application, although Inland Revenue-Child Support (IR-CS) may exempt the paying parents when:

- there is not enough evidence to establish the paying parent in law
- the carer is taking active steps to legally identify the paying parents
- there are compelling circumstances for not meeting their Child Support obligations and there is no real likelihood of Child Support being collected.

Further information about the application of section 70A reductions can be found here: www.workandincome.govt.nz/map/income-support/core-policy/child-support/applying-section-70a-reductions.html.

When a decision to apply a reduction is overturned, in the majority of circumstances, the correct entitlement will be calculated and arrears paid, or a debt established depending on the individual circumstances of the case. The Ministry is unable to provide the number of people who have had section 70A benefit sanctions repaid or the amount of money that has been repaid. Any repayments made to clients are paid in a lump sum along with any other payments owed. A client may be receiving repayments for more than one reason at the same time, and the reasons are unable to be separated out. In order to provide you with this information Ministry staff would have to manually review thousands of files. As such, your request is refused 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.

To provide you with an indication of the value of repayments, the Ministry is able to provide information regarding cases where section 70A benefit sanction repayments were made following Benefit Review Committee decisions as this involved a small number of clients and single decisions.

Between 1 July 2017 and 30 June 2018, there were 27 cases before the Benefit Review Committee where the Ministry's decision was overturned or partially upheld and a repayment was subsequently made.

The total amount repaid in these 27 cases due to 70A sanctions during this period was \$90,975.19, with an average of \$3,369.45.

This data is exclusive of section 70A reductions that were lifted as a result of reviews that did not go through the Benefit Review Committee process, including section 81 reviews.

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.

If you wish to discuss this response with us, please feel free to contact [OIA Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding section 70A sanction repayments, 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 'C. Wise', with a long horizontal flourish extending to the right.

Cassandra Wise

Manager, Issue Resolution, Service Delivery