



30 JAN 2020

Dear [REDACTED]

On 5 November 2019, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982, the following information:

- *The sequence of when the Realm Countries became lumped in as "other Pacific Countries*
- *Who the parties were, both New Zealand & Cook Islands, who agreed to change the status as shown in MSD determinations, ie The Cooks fall into the other Pacific Islands category.*

On 30 June 1993, a Special Portability Arrangement was created for people who are entitled to either New Zealand Superannuation or Veteran's Pension and intend to reside in a Pacific Country. The portability arrangement, covering just the Cook Islands, Niue and Tokelau, was introduced through the Social Welfare (Transitional Provisions) Amendment Act 1993.

The Special Portability Arrangement was then extended to cover 22 Pacific countries, as from 1 October 1999, through the Social Welfare (Transitional Provisions—Special Portability Arrangement) Amendment Act 1999 (No 80). This law change meant that coverage was extended to cover not only the Cook Islands, Niue and Tokelau, but also American Samoa, Micronesia, Fiji, French Polynesia, Guam, Kiribati, the Marshall Islands, Nauru, New Caledonia, the Northern Mariana Islands, Palau, Papua New Guinea, Pitcairn Islands, Samoa, the Solomon Islands, Tonga, Tuvalu, Vanuatu and Wallis and Futuna. More information can be found in the following link:
<https://www.beehive.govt.nz/release/questions-and-answers-portability-new-zealand-superannuation-pacific-island-people>

The Special Portability Arrangement is designed to recognise the contribution that Pacific peoples make to New Zealand and the inability of Pacific countries and territories to fulfil the reciprocal obligations necessary to conclude social security agreements with New Zealand.

The original Special Portability Arrangement and the extended 1999 version were introduced through amendments to New Zealand domestic social security legislation. As such, there was no need for New Zealand to consult with other Pacific countries to get their agreement to these amendments. These were decisions made by the New Zealand Governments of the day.

The fact that the 1999 amendment extended the social security coverage of the Special Portability Arrangement to Pacific countries other than the Cook Islands, Niue and Tokelau (the Pacific Realm countries) does not alter New Zealand's special constitutional relationship with these Pacific Realm countries.

Further changes were introduced to the Special Portability Arrangement in 2015 and 2018. The 2015 amendment now allows people residing in the Cook Islands, Niue, or Tokelau to apply for New Zealand Superannuation or Veterans' pension from the Islands, rather than needing to be resident and present in New Zealand at the time of their application for these payments. The 2018 amendment now means that the requirement for a person to have five years' residence and presence in New Zealand over the age of 50 years can now be met instead with residence and presence in New Zealand, the Cook Islands, Niue, or Tokelau, or any combination of those countries.

Both the 2015 and 2018 changes are restricted to the Cook Islands, Niue and Tokelau in recognition of New Zealand's close constitutional relationships with the Pacific Realm countries which enjoy shared citizenship with New Zealand and unique legal arrangements.

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. 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.

I would like to extend my apologies for the delay in responding to your request for information.

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

If you are not satisfied with this response regarding the Special Portability Arrangement between New Zealand and 22 Pacific countries, 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



Julia Bergman

General Manager Disability, Seniors and International Policy