



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

08 SEP 2020

Dear

On 22 July 2020, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982, the following information regarding section 9(1)(a) and section 9(2) of the New Zealand Superannuation and Retirement Income Act 2001:

- 1. The number of applications under 9(1)(a) & 9(2) of the act where the Chief Executive of the Ministry of Social Development has directly made a determination concerning the application between the 12th July 2015 and the 12th July 2020.*
- 2. The number of applications under section 9 of the act where the Chief Executive of the Ministry of Social Development has NOT directly made a determination concerning the application between the 12th July 2015 and the 12th July 2020.*
- 3. If no determination has been made by the Chief Executive of the Ministry of Social Development under section 9(1)(a) & 9(2) between the 12th July 2015 and the 12th July 2020 then the designation of the person or persons making such a determination on behalf of the Chief Executive.*

Section 41 of the State Sector Act 1988 provided for the delegation of Chief Executive functions and powers to Public Service employees (there is a new State Sector Act with similar provisions in force now).

Under section 41, the Chief Executive of the Ministry delegated authority of the application of "Part 1 – Entitlements to New Zealand Superannuation" of the New Zealand Superannuation and Retirement Income Act 2001 (NZSRIA) (via the Deputy Chief Executive, Service Delivery) to all Service Delivery positions in the Ministry of Social Development; for example, Case Managers and Processing Officers.

Under this delegation these staff members act on behalf of the Chief Executive when assessing entitlement to New Zealand Superannuation. The Chief Executive does not typically make decisions personally to approve or decline applications for New Zealand Superannuation.

An applicant has the right to formally review any decision to decline New Zealand Superannuation not made by the Chief Executive herself. Where this occurs, the decision will be presented to a Benefit Review Committee. The Benefit Review Committee holds statutory authority to uphold or overturn the decision. In the event the decision is upheld, the applicant is able to appeal to the Social Security Appeal Authority.

An applicant's residency is considered under the legislation on the individual facts presented by the applicant when the criteria for New Zealand Superannuation is assessed. If residency is met using the criteria in section 9(1)(a) and section 9(2) of the NZSRIA, this would be recorded in an individual's client file.

If staff (under delegated authority) consider that section 9(1)(a) and section 9(2) do not apply, this would also only be recorded on the individual client file. Centrally recorded data would only report that the decline was due to not meeting the residency requirements.

In an effort to assist, the Ministry has provided in the table below data showing New Zealand Superannuation applications declined from 2015 to 2020 for the reason that the applicant did not meet the residency requirements for New Zealand Superannuation.

Given that any further information concerning consideration of section 9(1)(a) and section 9(2) in an application for New Zealand Superannuation would only be held in an individual's client record, if at all, this aspect of your request is refused under section 18(f) of the Act as gathering the information would require substantial manual collation. Even if the Ministry were to review all files it would not provide an accurate representation of the number of applications where section 9(1)(a) and section 9(2) were considered.

Declines of New Zealand Superannuation and Veteran's Pension during each financial year from July 2015 to June 2020, due to reason of not meeting residency requirements

Reason for decline	Financial year 2015 to 2016	Financial year 2016 to 2017	Financial year 2017 to 2018	Financial year 2018 to 2019	Financial year 2019 to 2020
Does not meet residence qualification	615	680	799	885	873
Less than 10 years NZ resident	136	158	177	211	234
Total	751	838	976	1,096	1,107

Notes:

- This is a count of declines, not clients; the same clients may have been declined for pensions more than once during the period.
- This is only a count of declines for the reason that a client did not meet the residency requirements. Other reasons for decline are not included in this table.

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 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.

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 about NZSRIA, 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



 Bridget Saunders
Manager, Issue Resolution, Service Delivery