



1 February 2024

Tēnā koe

Official Information Act request

Thank you for your email of 23 December 2023, requesting information about how many matters MSD (the Ministry) has investigated of unlawfully accessing a benefit in the last 10 years.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out below.

Please note that the Ministry is unable to provide data for this request prior to the 2015-2016 financial year, without Ministry staff manually reviewing approximately 5000 files. As such, I refuse your request for data prior to the 2015-2016 financial year under section 18(f) of the 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.

I am able to provide you with data for the last 8 (eight) financial years within the scope of your request. Please note the Ministry uses processes to make it difficult to identify an individual person or entity from published data to protect confidentiality. The data tables I am releasing to you have had random rounding where values have been randomly rounded to the nearest multiple of 3. This is applied to all cell counts in the table. The impact of applying random rounding is that columns and rows may not add exactly to the given column or row totals. The published counts will never differ by more than two counts.

In the last 10 years (2013) to date how many matters has MSD investigated for unlawfully accessing a benefit?

I refer you to **Appendix one, Table one** which provides the number of investigations completed from 01 July 2015 to 30 June 2023 by financial year.

How many of these led to criminal prosecution?

How many were successfully prosecuted?

I refer you to **Appendix 1, Table 2** which provides the number of prosecutions completed from 01 July 2015 to 30 June 2023, by financial year.

You will note that the data in **Table 2** shows a significant decrease in prosecutions from 2020. Since 2015, the Ministry has been strengthening its fraud prevention focus. This saw the introduction of new non-investigative approaches to responding to lower risk allegations of fraud from 2018, and the establishment of a prosecution panel to support decision making in serious fraud cases when prosecution is recommended.

The Ministry's overall approach is to intervene early when concerns are raised, to make it easy for clients to do the right thing and avoid unnecessary overpayments and debt while still responding appropriately to serious fraud. The Ministry has a three-tier graduated model to respond to allegations of benefit and social housing fraud:

1. Early intervention – engaging with clients early to discuss any integrity issues raised, confirm obligations, and adjust entitlements where appropriate.
2. Facilitation – working more intensively with a client to assess their situation against their entitlements and adjust these entitlements where necessary. This could mean an overpayment for a client in some situations.
3. Investigation – gathering information and acting on serious client integrity issues, which could result in an overpayment and in the most serious cases prosecution. Prosecutions are considered in line with the Solicitor General's guidelines, taking into account the full circumstances of each individual case.

The three-tier approach helps the Ministry better manage fraud activity. All allegations of potential fraud or abuse of benefit payments are responded to in a manner proportionate to the nature of the information received and the potential seriousness of offending. Overall, the number of cases responded to across the Ministry's three-tier model has remained stable over the last five years. A greater proportion are now responded to without investigation or prosecution.

How much money was stolen across all matters?

How much money did MSD recover?

I refer you to **Appendix 1, Table 3** which provides the total amount of debt established and debt recovered from 01 July 2015 to 30 June 2023 by financial year; and **Table 4** which provides the total amount of debt established from 01 July 2018 to 30 June 2023, by financial year and debt establishment category.

You will note that data provided for **Table 4** is for 01 July 2018 – 30 June 2023. Prior to the 2018-2019 financial year, the Ministry used a system known as Legacy Audit Trail (LAT) to track debt activity and provide reporting on the value of outstanding debts owed to the Ministry. Due to system limitations within LAT, we are unable to provide a breakdown by activity for the total debt established prior to 2018-2019. Collating this information would take substantial effort and require the Ministry to divert personnel from their core duties. On this basis, I refuse your request for this data prior to 1 July 2018, under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

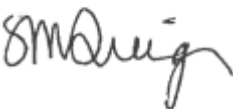
I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

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, 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

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services