



29 July 2024

Tēnā koe

Official Information Act request

Thank you for your emails of 16 July 2024 and 19 July 2024, requesting information about overseas pensions. I have considered your request under the Official Information Act 1982 (the Act). Please find my decision set out below.

Under sections 173 – 176 of the Social Security Act 2018, any client who is granted New Zealand Superannuation (NZS), Veterans Pension, or a benefit, must apply for any overseas pension that they could possibly be entitled to as a result of spending a period of time overseas.

Section 174 of the Social Security Act 2018 states that the Ministry may give clients notice to take reasonable steps to obtain an overseas pension and specify the period during which the client must take those necessary steps.

While 'reasonable steps' is not defined within the legislation, the Ministry considers taking reasonable steps to be providing the appropriate overseas agency with the information they require in order to accurately assess the client's entitlement. This could include the completion of application forms or processes, and then informing the Ministry of the outcome of possible entitlement.

If a client fails, or refuses to take, the necessary steps to obtain their possible overseas pension entitlement within the period specified by the Ministry, section 176 of the Social Security Act 2018 applies until the Ministry is satisfied that the client has taken reasonable steps.

Section 176 of the Social Security Act 2018 states that failure to comply with the notice given means the Ministry can suspend the NZS. It also states that the NZS can remain suspended until the Ministry is satisfied that the client has taken reasonable steps to obtain the overseas pension.

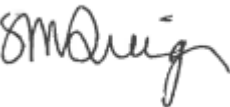
Regarding your query about whether the Ministry is aware of section 70 of the Social Security Act 1964, we can confirm that the Ministry is aware of this section of the legislation which sets out the requirements of deductions of NZS by the amount of the overseas pension. Please note that this has been replaced with section 189 of the Social Security Act 2018.

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 for information regarding overseas pensions, 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

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services