



7 March 2024

Tēnā koe

### **Official Information Act request**

Thank you for your email of 4 March 2024, requesting information about the Benefit Fraud Investigation process.

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

*Can I please have details of the process undertaken, process steps, stakeholder's engaged (Internal, external, and connected) and what information is exchanged between stakeholders, when a beneficiary is accused of benefit fraud, and in particular, that they are receiving a benefit they are not entitled to because they are in a de-facto relationship.*

As part of any investigation, Investigators may seek information from third parties. When doing so they are required to identify themselves as Investigators from the Ministry of Social Development (the Ministry). They may ask specific questions or ask for specific information about a person, however no information other than the name and minimum information required to identify them, is disclosed about the person concerned.

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:

- early intervention – engaging with clients early to discuss any integrity issues raised, confirm obligations, and adjust entitlements where appropriate.
- 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.
- 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.

There will always be cases of serious fraud which will be fully investigated and prosecuted where it is appropriate to do so.

*Please include the following details regarding the investigation process:*

- 1. The level of detail or information required to be provided to MSD/WINZ before the investigation will actually begin?; and*

The level of information required varies widely from case to case depending on the nature of any potential offending.

- 2. The level of detail or information required to be provided to MSD/WINZ for the investigation to proceed to the next step in the process?; and*
- 3. The point at which the investigation process will stop, and how this is determined?*

Throughout the process of any investigation, each case will be reviewed to determine whether it is appropriate to continue with the investigation, based on an assessment of evidence available.

There is publicly available information on the Ministry's website which you may find helpful, which can be found here: [www.workandincome.govt.nz/on-a-benefit/your-rights-and-responsibilities/fraud-and-investigations.html](http://www.workandincome.govt.nz/on-a-benefit/your-rights-and-responsibilities/fraud-and-investigations.html).


You can also find information regarding clients in a de facto relationship being assessed as a couple on the Ministry's Manuals and Procedures (MAP) page, here: [www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/clients-living-in-a-de-facto-relationship.html](http://www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/clients-living-in-a-de-facto-relationship.html).

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](mailto: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](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi

p.p. 

Magnus O'Neill  
**General Manager**  
**Ministerial and Executive Services**