



29 May 2024

Tēnā koe

### **Official Information Act Request**

Thank you for your request of 15 May 2024, requesting information about the Ministry of Social Development's (the Ministry's) policy on debt recovery after a client has passed away. I have considered your request under the Official Information Act 1982 (the Act).

Section 44(2)(d) of the Social Security Act 2018 sets out the legislative ability to recover debt from the estate of a deceased beneficiary.

The Ministry has a duty to take all reasonable steps to recover debts. This recognises that welfare assistance is a form of public expenditure, and when debt is established, it is the Ministry's responsibility to effectively recover these debts. Where a debt has been established during a client's lifetime, and the debt was either not recovered or not recovered in full before their death, the money is owed by the client's estate.

Where a funeral grant has been granted in relation to the client's death, this process would indicate that the estate has little to no assets available and the debt may be written off. Where no funeral grant has been granted, information is sought from the next of kin or executor, to ascertain if the client's estate has sufficient funds to repay the debt. If there are insufficient funds in the estate, the remaining debt may be written off.

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

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