



29 January 2025

Tēnā koe

### **Official Information Act request**

Thank you for your email of 14 November 2024 requesting a breakdown of ex-gratia payments made to clients in the past two years.

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

On 26 November 2024, the Ministry contacted you to amend your request. Some of the table categories you provided were highly specific to the extent that they may have very small values populating them. We suggested that you amend your request to a table showing the 'Year', 'Amount' and 'Reason for ex-gratia payment' between your date range of interest.

On 5 December 2024, the Ministry added that it does not capture ex-gratia data that fits into the specific categories that you have provided in your table. We informed that in order to provide this information, it would require us to undertake analysis of each case and create new information in order to respond to your request. This sits outside the scope of the Act.

In line with the refinement of your request on 10 December 2024, please see the attached **Appendix** which provides the number of paid ex-gratia requests for the period 1 November 2022 to 1 November 2024. We have also provided the minimum, median and maximum amounts for each payment made over this period.

Some information is refused under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

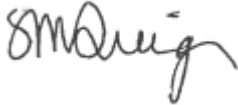
Some information is withheld as outside scope as it does not relate to service delivery failure for beneficiaries, and therefore not relevant to the scope of your request.

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 nui

PP. 

Anna Graham

**General Manager**  
**Ministerial and Executive Services**

<b>01 November 2022 to 01 November 2024</b>	
<b>28 Accepted payments</b>	
<b>Service Failure - 19</b>	<b>Highest Payment - \$27,328.34</b>
	<b>Lowest Payment - \$1,000</b>
	<b>Median - \$3,850</b>
<b>Incorrect Advice - 9</b>	<b>Highest Payment - \$21,081</b>
	<b>Lowest Payment - \$1,200</b>
	<b>Median - \$3,700</b>

<b>01 November 2022 to 01 November 2024</b>		
<b>Incorrect Advice</b>	Emotional harm, guilt, distress, and embarrassment experienced as a result of the Ministry's provision of incorrect advice and service failures. The incorrect advice gave 9(2)(a) an expectation that they would be entitled to NZS from an earlier date. Service failures were sending a further letter to 9(2)(a) with the incorrect date on it and a failure to advise the agent of why the application was declined.	<b>\$7,000</b>
<b>Incorrect Advice</b>	Incorrect advice regarding eligibility and entitlement to Accommodation Supplement. 9(2)(a) made life decisions based on that incorrect advice resulting in financial hardship.	<b>\$5,000</b>
<b>Incorrect Advice</b>	In recognition of the emotional harm, financial harm, and hardship caused to 9(2)(a) due to the Ministry's service failures. The service failures included, providing 9(2)(a) incorrect advice that after 9(2)(a) first three years of study there	<b>\$9,000</b>

	<p>would be benefits available to 9(2)(a) however, did not advise these would need to be paid back. 9(2)(a)</p> <p>Incorrect advice regarding the rate of Student Allowance, based on this information 9(2)(a) signed a tenancy agreement believing that 9(2)(a) could afford it. Multiple instances where StudyLink could have identified and corrected the errors.</p>	
<b>Incorrect Advice</b>	<p>In recognition of the financial and emotional harm caused by providing incorrect advice regarding entitlement to New Zealand Superannuation. The Applicant was originally told 9(2)(a) would qualify for NZS on 9(2)(a). However, was later declined NZS as the previous assessment was incorrect.</p>	<b>\$4,000</b>
<b>Incorrect Advice</b>	<p>"In recognition of the incorrect advice given to 9(2)(a) in 2014 when 9(2)(a) was made redundant. 9(2)(a) was advised 9(2)(a) would need to use 9(2)(a) redundancy payment 9(2)(a) before 9(2)(a) would be eligible for any benefit assistance.</p> <p>In recognition of the delay in correcting this and backdating 9(2)(a) Sole Parent Support and delays in completing ex-gratia request. "</p>	<b>\$3,000</b>
<b>Incorrect Advice</b>	<p>"Poor quality advice given regarding what constituted a "reasonable step" to apply for an overseas pension. The Ministry repeatedly advised 9(2)(a) that 9(2)(a) would need to complete the application process; at no point did the Ministry advise 9(2)(a) that travelling to the 9(2)(a) was not considered a</p>	<b>\$3,700</b>

	<p>reasonable step that 9(2)(a) would have to take.</p> <p>Poor quality advice given regarding how to apply for a 9(2)(a) Retirement Benefit. Even after the client advised the Ministry that 9(2)(a) believed 9(2)(a) only option was to travel to 9(2)(a) the Ministry failed to advise 9(2)(a) that other clients had successfully applied from New Zealand and failed to advise how this could be done. "</p>	
<b>Incorrect Advice</b>	<p>In recognition of incorrect advice given at the time of 9(2)(a) application for New Zealand Superannuation, which led to 9(2)(a) resigning from employment and relocating to 9(2)(a) believing 9(2)(a) was entitled to NZS resulting in distress.</p>	<b>\$5,000</b>
<b>Incorrect Advice</b>	<p>In recognition of costs incurred as a result of travelling from 9(2)(a) to New Zealand and return, on the Ministry's incorrect advice that 9(2)(a) needed to apply for NZS in person, attributing 50% of the travel cost to the Ministry as the trip was used for another purpose in addition to applying for NZS.</p>	<b>\$1,200</b>
<b>Incorrect Advice</b>	<p>In recognition of incorrect advice from the Ministry that the Ministry would act as a guarantor for any damage to the property caused during 9(2)(a) tenancy.</p>	<b>\$21,081</b>
<b>Service Failure</b>	<p>\$9(2)(a) as requested by the 9(2)(a) estate in recognition of financial harm due to fees for legal services and \$9(2)(a) as requested by the 9(2)(a) estate in recognition of financial harm from loss of opportunity to earn interest income. Ministry wrongly assessed deprivation</p>	<b>\$27,328.34</b>

	of income, and applied an incorrect tax rate as part of financial means assessment for residential care subsidy. Part of 9(2)(a) review. Multiple delays with review process.	
<b>Service Failure</b>	Emotional harm, distress, humiliation and injury to feelings caused by the Ministry making 9(2)(a) Emergency Housing Special Needs Grant recoverable. Delay in processing ex gratia request.	<b>\$2,000</b>
<b>Service Failure</b>	9(2)(a) accepted an impossible-to-afford rental while in emergency housing solely due to the duress and undue influence of the MSD Case Manager, MSD staff failed to adequately question the affordability of the rental and the MSD Case Manager failed to action requests to challenge 9(2)(a). Delay in processing ex gratia request.	<b>\$6,000</b>
<b>Service Failure</b>	Emotional and financial stress caused by MSD failing to assist client with the correct Accommodation Supplement from 9(2)(a) 2018 to 9(2)(a) 2020, and delay in processing ex gratia request (request made in 9(2)(a) 2021). 9(2)(a)	<b>\$3,000</b>
<b>Service Failure</b>	\$2,000 in recognition of stress and humiliation due to various service failures, including the incorrect decision of declining Disability Allowance & failure to pay full and correct entitlement of DA between 2018 and 2022 and \$3,100.86 in recognition of financial harm from interest costs incurred on credit card due to disability costs not being	<b>\$5,100.86</b>

	included in Disability Allowance	
<b>Service Failure</b>	In recognition of distress, humiliation and emotional harm caused due to various service failures. Including the delay in paying rent arrears, delay in including counselling costs into 9(2)(a) Disability Allowance and the lack of consideration of 9(2)(a) circumstances and non-responsive manner by the Ministry in relation to SNG applications.	<b>\$2,000</b>
<b>Service Failure</b>	In recognition of incorrectly applied historic section 70A (or Section 192) deductions which were in place between 9(2)(a) 1992 to 9(2)(a) 2003 9(2)(a) 9(2)(a)	<b>\$1,500</b>
Out of scope		
<b>Service Failure</b>	In recognition of 9(2)(a) Accommodation Supplement not being resumed in a timely manner due to Work and Income processing oversights. Due to not having the Accommodation Supplement 9(2)(a) was entitled to paid to 9(2)(a) put 9(2)(a) into hardship and resulted in having to petition 9(2)(a) bank for a mortgage holiday.	<b>\$1,500</b>
<b>Service Failure</b>	"In recognition of service failures. Failure to invite an application for UCB assistance in 2009. Incorrect advice regarding UCB approval to 9(2)(a) that 9(2)(a)	<b>\$9,000</b>

	<p>retrospective UCB application was approved, and [redacted] would receive backpay.</p> <p>Delays in reaching the correct decision to grant UCB from 9(2)(a) 2021 to 9(2)(a) 2023."</p>	
<b>Service Failure</b>	<p>In recognition of the delay in granting advance payment of benefit for storage fees arrears, failure to follow up the initial request and delay in responding to the ex-gratia response.</p> <p>Financial loss incurred due to storage fees not being paid as approved.</p>	<b>\$3,500</b>
<b>Service Failure</b>	<p>Stress and harm suffered by 9(2)(a) [redacted] after multiple failed attempts to connect with the Ministry through multiple communication mediums for guidance and support relating to [redacted] housing situation and financial circumstances.</p>	<b>\$2,000</b>
<b>Service Failure</b>	<p>"In recognition of the client's partner being incorrectly granted Accommodation Supplement while being a full-time student. Subsequently 9(2)(a) [redacted] was eligible for the non-student spouse rate for the same period, there was no discussion about recovering the debt established on 9(2)(a) [redacted] from 9(2)(a) [redacted] arrears. An appointment being made for the couple at the incorrect office. The couple being unaware of the need to apply for Jobseeker Support Student Hardship. 9(2)(a) [redacted] child support income being incorrectly added to 9(2)(a) [redacted] partner's file. 9(2)(a) [redacted] accommodation supplement payments stopping eight weeks early.</p>	<b>\$1,000</b>



<b>Service Failure</b>	<p>in recognition of harm caused by the Ministry's failure to adequately assist with storage costs required to secure 9(2)(a) belongings and failure to understand 9(2)(a) situation in respect of the storage unit.</p> <p>Emotional harm incurred as a result of the loss of 9(2)(a) belongings.</p> <p>Three-year delay in responding to and completing the request for ex-gratia.</p>	<b>\$3,500</b>
<b>Service Failure</b>	<p>9(2)(a)</p> <p>complaint of March 2021 about the inadequacy of MSD's ex-gratia payment offer of \$1,000 and MSD's review of recent comparator cases, based on the maladministration identified 9(2)(a)</p>	<b>\$3,000</b>
<b>Service Failure</b>	<p>In recognition of the emotional distress caused by the Ministry's failure to identify and assess correct entitlements over several years, despite numerous requests and complaints.</p>	<b>\$4,000</b>
<b>Service Failure</b>	<p>in recognition of the hardship caused by the Ministry paying the Applicant Family Tax Credits when 9(2)(a) combined earnings exceeded the Family Tax Credit threshold, which resulted in the Applicant having a debt with Inland Revenue.</p>	<b>\$3,312.48</b>
<b>Service Failure</b>	<p>In recognition of emotional distress caused by the Ministry, specifically the failure to respond effectively to</p>	<b>\$5,000</b>

	complaints and escalations in expected timeframes.	
<b>Service Failure</b>	In recognition of the financial impact of the Ministry's failure to provide an appropriate level of service when making a decision in relation to advance payment of benefit.	<b>\$4,000</b>

Released under the Official Information Act (1982)