



13 November 2025

Tēnā koe

Official Information Act request

Thank you for your email of 24 July 2025, requesting data on recent prosecutions over the last three years.

I have considered your request under the Official Information Act 1982 (the Act).

The Ministry works hard to protect the integrity of the welfare system to ensure it remains fair for all New Zealanders. It is vital that the public has trust and confidence in the Ministry to ensure people receive their correct entitlement and do not take advantage of the welfare system.

Benefit recipients are obliged to advise the Ministry of any change in circumstances that might affect their entitlement to a benefit. Allegations of benefit and social housing fraud can be made by members of the public, or by Ministry staff undertaking reviews of a client's benefit entitlement, and these are assessed for the appropriate level of response.

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.

Overall, the number of cases responded to across the Ministry's three-tier model has remained stable, however a greater proportion are now responded to without investigation or prosecution.

As a government agency, any criminal prosecution action brought by the Ministry must be in accordance with the 'Test for Prosecution' set out in the Solicitor-General's Prosecution Guidelines. You can access the guidelines on the Crown Law website here: www.crownlaw.govt.nz/publications/prosecution-guidelines.

While it will always be appropriate to prosecute some people due to the nature of their offending, the Ministry is conscious that prosecution can negatively impact clients and families who are already in a vulnerable and difficult situation. It is important that the Ministry makes considered and sound decisions on which cases should be prosecuted.

The Ministry's Prosecution Review Panel was established in May 2018 and makes the final decision regarding whether the cases will involve prosecution. Benefit fraud cases considered for prosecution by the panel are assessed blindly, without gender or ethnicity being declared to the panel.

The Ministry's Prosecution Policy can be found on the MSD website here: <https://www.msd.govt.nz/about-msd-and-our-work/about-msd/our-responsibilities/prosecution-policy.html>.

You may be interested to know that the Ministry is currently reviewing its Prosecution Policy, in line with revised guidelines from the Solicitor-General. Prosecuting agencies are expected to have published their policies in line with the revised guidelines by 1 January 2026.

Please find attached **Appendix One** which contains two tables. Table One shows the number of prosecutions completed with overpayment amount associated from 1 July 2022 to 30 June 2015, by financial year and prosecution outcome. Table Two shows the number of successful prosecutions from 1 July 2022 to 30 June 2025, by financial year and sentence.

Please note that prosecutions may not be completed in the same year that they are recommended. A prosecution is successful if there is at least one conviction or one of the court findings is S106 Discharge without conviction under the Sentencing Act 2002.

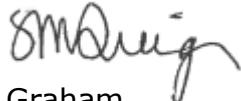
If you are also interested in the Ministry's integrity programme for the COVID-19 Economic Supports it administered, including prosecution outcomes, you can find more information on our website here: <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/wage-subsidy-integrity/index.html>.

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. 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.

Ngā mihi nui

pp.



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