



12 September 2025

Tēnā koe

Official Information Act request

Thank you for your emails of 17 and 30 July 2025, requesting information about Benefit Review Committee hearing outcomes relating to the deduction of overseas pensions from NZ Superannuation.

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

- 1. From the year 2000 to the present, how many [BRC] appeal cases were a client's overseas pension deducted from their superannuation, in accordance with Sections 187-191 of the Social Security Act 2018 (previously Section 70 of the Social Security Act 1964)? Please also specify how many of these [BRC] appeals were successful (upheld) and how many were unsuccessful (overturned).***

Please refer to Table One in Appendix One (attached) for this data for the period March 2003 to 30 June 2025.

Your request for this information for the 1 January 2000 to end of February 2003 is refused under section 18(f) of the Act, as substantial manual collation would be required to collate this information.

A centralised system for lodging and reporting on Reviews of Decision did not exist prior to March 2003 and trying to collate the data you have requested for that timeframe would require staff to look through thousands of individual client files. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

2. Of the individuals whose appeals to the BRC were denied, how many applicants subsequently escalated their case to the SSAA?

As stated in our email to you dated 8 August 2025, this part of your request has been transferred to the Ministry of Justice under section 14 of the Act. The Ministry of Justice will respond to you directly if it has not done so already.

3. According to page 15 of the BRC panel information pack, if the BRC's decision contains a fundamental error because "the Benefits Review Committee does not provide reasons/evidence for its decision, as required by regulation 247 of the Social Security Regulations 2018," the recommended action is to "Reconvene the original Benefits Review Committee to correct the omission. If the reconvened Benefits Review Committee is unable to give reason(s) for its decision, a new BRC will have to be arranged (original BRC treated as invalid)."

If an applicant makes this complaint to the MSD's National Office regarding this issue and their complaint is not being addressed, and the National Office refuses to take further action as per the Act/guidelines, what internal steps can the applicant take within MSD to resolve the problem? The possibility of proceeding to the Social Security Appeal Authority (SSAA) is not a justification for the BRC's failure to comply with the Act and its own guidelines, and the SSAA will not handle complaints about the BRC's appeal process".

If an applicant believes that the Ministry has not responded to a complaint they have made or refuses to act in accordance with the Social Security Act 2018 or the Social Security Regulations 2018, the applicant can write to the Chief Executive.

If the applicant is dissatisfied with the response they receive from the Chief Executive, the next step in the complaints process would be to raise their concerns with the Ombudsman. Information on how to make a complaint to the Ombudsman is available here www.ombudsman.parliament.nz or by calling 0800 802 602.

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 this request, you have the right to seek an investigation and review by the Ombudsman.

Ngā mihi nui

pp.



Anna Graham

General Manager

Ministerial and Executive Services