

16th June 2022

Newsroom
Auckland 1024

By email: [REDACTED]

Dear [REDACTED]

Official Information request and response

Thank you for your request under the Official Information Act (“OIA”) dated **15th June 2022**

You have requested:

“All correspondence between the Retirement Commissioner and the Ministry of Social Development relating to pensioners superannuation payments while overseas due to the Covid-19 pandemic
All correspondence between the Retirement Commissioner and the Minister of Social Development (including her office) relating to pensioners superannuation payments while overseas due to the Covid-19 pandemic”

As requested here is the correspondence between MSD and Te Ara Ahunga Ora. There has been no communication to or from the Minister of Social Development.

It may be useful to give you some context to this matter.

The letter dated May 2022 is a further concession after the [first one secured](#) for those who travelled to Australia during the brief border reopening in June 2021.

The core issue being debated was whether the inability to return to NZ because of the border closures was unforeseeable (legislative wording). The points are made throughout the emails and letters.

By January 2022, those pensioners still stuck overseas were being asked [to repay six months NZS](#), despite their repeated attempts to return during the apex of the MIQ crisis. MSD did not believe the legislation gave it any discretion. My letter of 1 March 2022 sets out my issue.

The decision to cut pensions at 26 weeks then repay after 30 weeks away caused hardship for some – we know around [half of NZS recipients 65-69 years say NZS is their main sources of income, rising to 80% at 70+](#) and those that contacted our office had mostly gone to help family overseas.

We advised individuals who contacted us to use the statutory appeals process: the Benefits Review Committee (internal process) then the Social Security Review Authority (external). The process is here: [Review of a decision - Work and Income](#). It is not a simple system to navigate and we referred them to [BAIS](#) [REDACTED] if they needed advocacy support, especially if they could not afford legal counsel.

BAIS has helped several people take cases to the BRC (all of which have been lost, with a strong reliance on the border closure for over six months being foreseeable). Others have taken this course of action alone – no case has won at the BRC as far as I know.

However some that have lodged an appeal to the SSRA have since received a letter from MSD, before a hearing was set, that the repayment demand will be waived. So no cases have yet been heard by the SSRA to my knowledge, meaning there is no judgment that can be analysed.

You have the right to refer this response to the Ombudsman if you are dissatisfied with it. More information on how to do this is [here](#). Te Ara Ahunga Ora proactively releases information in accordance with the Government's commitment to the Open Government Partnership National Action Plan. This includes publishing responses to requests for information under the OIA. Please note that this response (with your name removed) will be published on the Te Ara Ahunga Ora website shortly and will remain on our website for 12 months.

Thank you for your interest in our work.

Yours sincerely

A handwritten signature in blue ink, consisting of a large loop followed by a horizontal stroke that tapers to the right.

Jane Wrightson

RETIREMENT COMMISSIONER / MANA AHUNGARUA