

14 OCT 2020

John Doe
fyi-request-13692-553a83c8@requests.fyi.org.nz

Dear Mr Doe

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 6 September 2020 regarding the Social Security Appeal Authority (the Authority) made to the Ministry of Social Development and transferred to the Ministry of Justice for response.

Your requests and my responses are set out below.

1. *What is the membership of the Social Security Appeal Authority?*
2. *On what grounds are members of the Social Security Appeal Authority selected?*
3. *Are there any grounds for disqualification from the Social Security Appeal Authority?*
4. *How many MSD employees work in the Social Security Appeal Authority per year between 2000-2020?*
5. *How are Social Security Appeal Authority decisions made?*
 - a) *Is there a set of pre-determined factors that the Social Security Appeal Authority uses to make a decision?*
 - b) *What are the factors the Social Security Appeal Authority must or is likely to take into account in making its decision?*
 - c) *Is there any other information you can provide on how Social Security Appeal Authority decisions are made?*
 - d) *What are the grounds for making a decision "on the papers" without holding an appeal?*
6. *Of the cases seen by the Social Security Appeal Authority from 2000-2020, how many were decided without holding an appeal?*
7. *What are the rights and entitlements of benefit recipients during the Social Security Appeal Authority process?*
8. *What information is available to benefit recipients to inform them of these rights and entitlements?*
9. *How many cases seen by the Social Security Appeal Authority from 2000 - 2020 had relationship status (or marriage type relationship fraud) as a line of enquiry?*
10. *Of the cases seen by the Social Security Appeal Authority from 2000-2020 where relationship status (or marriage type relationship fraud) was a line of inquiry;*
 - a) *How many resulted in the client's benefit being stopped from 2000-2020?*
 - b) *How many resulted in the client's benefit being reduced from 2000-2020?*
 - c) *How many resulted in the client's benefit continuing as it was previously from 2000-2020?*
11. *How many clients accessed legal advice during the Social Security Appeal Authority process?*

The information you have requested in parts 1 - 3 of your request is publicly available:

- information about the Authority is available on the Ministry of Justice's website: www.justice.govt.nz/tribunals/social-security-appeal-authority/about-the-authority/

- information on the appointment process for Authority members, is set out in Schedule 1 of the Social Security Act 2018, which is available on New Zealand's legislation website: www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783115.html?src=qs

I am therefore refusing these parts of your requests under section 18(d) of the OIA as the information is publicly available.

In response to part 4 of your request, I can advise that members of the Authority are independent judicial officers, and as such, are not employees of any government agency, including the Ministry of Social Development.

In response to the questions under part 5 of your request, the appeal process and powers of the Authority when determining an appeal are set out in Schedule 1 of the Social Security Act 2018. I am therefore also refusing this part of your request under section 18(d) of the OIA as the information is publicly available.

Regarding parts 7 and 8 of your request, the information you have requested is not held by the Ministry of Justice. As the Ministry of Social Development transferred your request to the Ministry of Justice for response, I am refusing this part of your request as allowed by section 18(g)(i) of the OIA as there are no grounds for believing that the information is held by another department, Minister of the Crown, organisation, or local authority subject to the OIA.

In response to parts 6, 9, 10 and 11 of your request, I can advise that information regarding the details of individual cases, such as the method of hearing an appeal, is considered to be information held by the Authority, which is not subject to the OIA under section 2(6)(b). This is because courts and tribunals, such as the Social Security Appeal Authority, are independent of the executive branch of the government. The OIA therefore does not apply to the information you have requested.

You may be interested to note that decisions made by the Authority are published online and can be found at: https://www.justice.govt.nz/tribunals/social-security-appeal-authority/decisions/ssaa-decisions/?Filter_Jurisdiction=275

If you require any clarification of the information contained in this response please contact the Ministry of Justice Media Manager, by calling (04) 918 8836; or emailing media@justice.govt.nz

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing info@ombudsman.parliament.nz

I trust that this information assists.

Yours sincerely



 Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

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