

22 AUG 2016

Kong Tan
Fyi-request-4297-08003547@requests.fyi.org.nz

Dear Kong Tan

Thank you for your email of 24 July 2016 requesting, under the Official Information Act 1982 (OIA), audio recordings of hearings in relation to Social Security Appeal Authority (Authority) case 174/15.

I must advise that the information you request falls outside the provisions of the OIA. Section 2(6) of the OIA specifies that it does not apply to the judicial functions of a court or tribunal. Recordings of Authority hearings are considered to be Authority record rather than official information. Accordingly, your request is refused pursuant to section 18(g) of the OIA as the Ministry does not hold the information you have requested.

To maintain public confidence in the independence of our courts and tribunals it is important that government officials cannot, and cannot be seen to, influence their decisions. For these reasons it would not be appropriate for me to comment on the decision made by the Authority to refuse your request for the audio recordings.

If you wish to explore possible options to challenge the Authority's decision, I would recommend that you seek legal advice. Community law centres offer free legal help and you can find contact details for your local centre online at <http://communitylaw.org.nz>.

Unfortunately I cannot help you further with this matter. If you are not satisfied with my response to your request you have the right to make a complaint to the Ombudsman under section 28(3) of the OIA. The Ombudsman may be contacted by writing to the Office of Ombudsman at PO Box 10152, Wellington 6143, by phone on 0800 802 602 or by email to info@ombudsman.parliament.nz.

Yours sincerely



Tania Ott
General Manager, Special Jurisdictions (Acting)

Ref: 58003