

IN THE MATTER

of the Social Security Act 1964

AND

IN THE MATTER

of an appeal by **XXXX** of
Auckland against a decision of a
Benefits Review Committee

**DECISION OF THE CHAIRPERSON IN RELATION TO
A PROPOSED APPEAL BY WAY OF CASE STATED**

[1] The appellant has lodged an appeal in respect of the Authority's decision of 16 June 2016.

[2] Appeals from the Authority's decisions are limited to questions of law. There is no general right of appeal.

[3] In accordance with the provisions of the Social Security Act 1964 the appellant has been requested to lodge a draft case stated which includes the questions of law which the appellant would like to be put to the High Court.

[4] In a recent High Court decision, *Lawson v Chief Executive of the Ministry of Social Development*¹ the High Court has noted the following:

- (i) The Authority is not obliged to recognise all questions of law proposed as justifying the stating of a case for the decision of the High Court.
- (ii) The Chair of the Authority must retain final control over a case state and ensure that a case is confined to errors of law alone.
- (iii) Not every legal issue is to be submitted to the High Court. Where some have obvious answers then there is no question to refer to the Court.
- (iv) Questions of law must raise some tenable basis for suggesting an error has been made.

¹ [2016] NZHC 910.

[5] The Authority notes that:

(i) The document filed by the appellant as a draft case stated does not comply with the High Court rules.

(ii) The document does not contain any proposed questions of law.

[6] On 7 October 2016 the Chairperson issued a minute to the appellant advising of her concerns and giving the appellant 14 days to comment or provide a question of law which he wished to be posed to the High Court.

[7] The appellant responded by email on 10 October 2016 but did not directly address the Chairperson's minute or provide a question of law which he would like to be put to the High Court.

[8] I am not satisfied that the appellant has posed a question of law, or indeed a legal issue, which should be put to the High Court. I am not therefore prepared to state a case to the High Court in relation to this appeal.

DATED at WELLINGTON this 3rd day of November 2016

Ms M Wallace
Chairperson