

[2017] NZSSAA 001

Reference No. SSA 117/15

IN THE MATTER

of the Social Security Act 1964

AND

IN THE MATTER

of an appeal by **XXXX** of No
Fixed Abode against a decision
of a Benefits Review Committee

BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY

Ms M Wallace - Chairperson
Mr K Williams - Member

DECISION ON THE PAPERS

[1] The Authority issued a decision in relation to this appeal on 24 December 2015. It allowed the appellant's appeal and directed that an amount of \$500 be paid by way of costs by the Chief Executive.

[2] The Chief Executive appealed the order for costs to the High Court. The High Court found that the Authority erred in awarding costs to the appellant on the basis of an estimate by the Authority of the time and costs involved in bringing the appeal, rather than an identifiable figure provided by the advocates representing the appellant. The matter was remitted back to the Authority to reconsider the question of costs after receiving appropriate information.

[3] Ms Brereton on behalf of herself and Mr Howell has now provided an account of their time expended in relation to the appeal.

[4] The total time now claimed for, including Mr Howell's time, is 26 hours. Ms Brereton notes she usually charges the Ministry \$35 per hour for her time and that the total claim therefore is for \$910. The Ministry have had an opportunity to comment on this claim. They have advised that they have no comment.

[5] We cannot say that the time involved, given the involvement of two advocates is excessive. The hourly rate of \$35 is modest. Accordingly we order that the Ministry pay the costs sought of \$910.

[6] The costs are to be paid to Ms Brereton in the first instance. She in turn is to be responsible for paying Mr Howell his share of the costs.

[7] In future if advocates are intending to ask for costs they should take care to accurately document the time involved in bringing an appeal to the Authority.

DATED at WELLINGTON this 30th day of January 2017

Ms M Wallace
Chairperson

Mr K Williams
Member