

[2018] NZSSAA 27

Reference No. SSA 162/16

IN THE MATTER of the Social Security Act 1964

AND

IN THE MATTER of an appeal by **XXXX** of **XXXX**
against a decision of a Benefit
Review Committee

BEFORE THE SOCIAL SECURITY APPEAL AUTHORITY

S Pezaro - Deputy Chair

C Joe - Member

Hearing at Whangarei on 23 May 2018

Appearances

XXXX in person; XXXX, his wife, as agent

P. Siueva, agent for the Ministry of Social Development

INTERIM DECISION – AMENDED TIMETABLE

- [1] On 28 May 2018 we issued an interim decision reinstating the scope of the appeal and setting a timetable for the parties to file further submissions prior to the resumed hearing on 22 June 2018.
- [2] After 5pm on 29 May the Ministry sought an extension of time from 5 June to 11 June 2018 for filing its submissions. The reasons given were scheduled leave, the statutory holiday on 4 June and other hearings.
- [3] The timetable we set took into account that the decision to reinstate the scope of the appeal and consider the provisions in the Social Security Act 1964 referred to in the orders below was made at the hearing on 28 May. The Ministry therefore had 8 days from the last hearing to file its submissions and 5 days from the date of the order which gave reasons for the interim decision.

- [4] The extension sought is for a further 4 days. The current timetable requires the appellant to file his submissions on 15 June. If we grant the Ministry's request and allow the appellant the equivalent extension of time, the appellant will file on 21 June which is the day before the hearing. This is not sufficient time for the Authority to consider his submissions.
- [5] While we appreciate the limits of the Ministry's resources, it has been on notice since the hearing on 23 May of the issues for the hearing on 22 June. These issues and the provisions of the Act are routinely considered by the Ministry.
- [6] Under these circumstances, we grant an extension to the timetable of two days in respect of each party. The parties may file their documents by email to each other but the Ministry is to also post a hard copy to the appellant.

Orders and amended timetable

- [7] The timetable set on 28 May 2018 is amended as follows:

[19.1] The scope of the notice of appeal filed on 8 December 2016 is reinstated to include the decision to deduct the appellant's wife's UKSP from the appellant's SLP entitlement.

[19.2] The parties are to make submissions on the application of s 70 of the Act and, in particular on s 70(2) in accordance with the following timetable:

- (a) Any submissions by the Ministry in addition to those in the s 12K report on the application of s 70 or s 86(9A) are to be filed and served on the appellant by 5pm on 7 June 2018.
- (b) Any further submissions in response by the appellant are to be filed and served on the Ministry by 5pm on 19 June 2018.
- (c) By 19 June 2018 the appellant is to provide either tax returns or a statement from an accountant in relation to the his wife's company for the years ending 31 March 2016, 31 March 2017 and 31 March 2018 and a statement as to the appellant's household assets and liabilities for the same period.

- (d) By 19 June 2018 the appellant is to provide a schedule showing the average cost of care for the son N.
- (e) The hearing is adjourned to Friday 22 June 2018 at 10.30 am. for a full day.

Dated at Wellington this 27th day of May 2018

S Pezaro
Deputy Chair

C Joe JP
Member