

Overview — Hearing Process in the Social Security Appeal Authority

After the Notice of Appeal has been filed

The appellant will be provided with all relevant documents, including a report setting out the reasons for the decision by the Ministry of Social Development (MSD) (“the regulation 249 report”). A timetable will be set for providing documents in support of the appeal and the appellant may provide further evidence that he or she wants to rely on.

The parties to the appeal are entitled to be heard and give evidence on any matter relating to the appeal.

Telephone call

A telephone call will be convened by the Authority with the parties and will take approximately 30 minutes.

The purpose of the telephone call is to clarify the issues in the appeal and any matters required to be determined prior to the appeal. A timetable will be set for the parties to file any other documents and, usually, a date for the hearing. It is important to keep to this timetable as any delay may mean that the hearing is postponed.

Where the Authority is satisfied that a hearing is not necessary, it may decide the appeal based on all the evidence provided and the relevant law (‘on the papers’). If this is the case, the parties will be given an opportunity to comment on the matter.

The Authority regards the telephone call as an important opportunity to discuss the issues, and ensure appellants understand how they can best support their appeal. The Authority will assist appellants to understand its processes and encourages them to ask any questions they have during the telephone call.

Hearing

If a hearing is necessary, the Authority will set a time and place for the hearing and notify the parties within 10 working days of the hearing date.

Generally, the appellant and MSD are required to attend the hearing.

If the Authority requests the appellant to appear at the hearing, and the appellant does so, MSD must pay the actual and reasonable travelling and accommodation expenses of the appellant. Expenses can be discussed with an MSD case officer.

If the parties are unable to attend, they must advise the Secretary of the Authority of this no later than three working days before the hearing date and the hearing may be rescheduled.

Appeals before the Authority are generally heard in private.

At the hearing, relevant evidence that was considered when MSD made its decision and heard by the Benefits Review Committee will be reheard.

It is the responsibility of the appellant to advance and support their argument on appeal.

The appellant may represent themselves, be represented by a lawyer, or have a support person present. The appellant may be eligible for legal aid.

The Authority may ask questions of the parties before, during, or after the hearing, require answers and documents to be provided, investigate, and call witnesses.

If an appeal is successful, the Authority may state that an amount of money be paid to the appellant, to reflect the cost of arguing the appeal or part of it.