



01 OCT 2020

John Doe

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Tēnā koe John Doe

On 6 September 2020, you emailed the Ministry of Social Development (the Ministry) (via FYI-requests) requesting, under the Official Information Act 1982 (the Act), the following information in relation to the Benefits Review Committee (BRC):

1. *Other than reasons for disqualification, on what criteria are the two members on the Benefits Review Committee from the Ministry of Social Development selected?*
2. *Is an applicant's culture, religion, or ethnicity acknowledged in any way when selecting members for the Benefits Review Committee?*
3. *What steps does the Ministry of Social Development take to ensure that no member of the Benefits Review Committee has personal prejudice against a person involved in the case, or has pre-decided the case and come to it with a closed mind?*
4. *How does the Ministry of Social Development ensure that Benefits Review Committee members are sufficiently knowledgeable on the application of the law to each case?*
5. *How many Ministry of Social Development employees worked in the Benefit Review Committee per year between 2000-2020?*
6. *Of the Ministry of Social Development's employees who have worked in the Benefit Review Committee, on average how many cases have each employee heard?*
7. *How many community representatives are there currently in each regional pool?*
8. *How regularly are previous Social Security Appeal Authority decisions used to assist in deciding a particular case?*
9. *Is there any requirement for the Benefits Review Committee to ascertain whether an applicant understands any legal constraints or requirements?*
10. *How many cases seen by the Benefit Review Committee between 2000 to 2020 involved a line of enquiry as to relationship status or marriage-type relationship fraud? If this is too broad, how many cases seen by the Benefit Review Committee between 2000 to 2020 principally concerned relationship status or marriage-type relationship fraud?*
11. *In these cases, how many:*
  - a. *Upheld the prior decision;*

- b. Upheld in part the prior decision (varied);
  - c. Overturned the prior decision
12. Could you please supply the latest versions of the following information?
- a. Benefits Review Committee Panel Members Information Pack
  - b. Benefits Review Committee Co-ordinators Information Pack

Subsequently, on this day, you emailed the Ministry (via FYI-requests) requesting, under the Act, the following information in relation to the Internal Review Process:

1. Who conducts Internal Reviews and under what authority?
2. Are the members of the Internal Review independent from the MSD?
3. How are people conducting the Internal Review chosen to participate in the process? E.g. Can people volunteer? Or are they allocated this role?
4. Do the people conducting the Internal Review have particular expertise, training and/or qualifications?
5. How many MSD employees work in the Internal Review process? Are the original decision-makers consulted during the Internal review? Are any external sources consulted in the decision-making process? If so, who?
6. How are complaints delegated or allocated in the Internal Review process?
7. How are Internal Review decisions made? What is the process undertaken, and what is the criteria for a favourable and unfavourable decision?
8. Are Review decisions and reasoning provided to benefit recipients?
9. Are Internal Review decisions publicly available? If so, can MSD provide a link to or example of an Internal Review?
10. What is the outcome of a favourable or unfavourable Internal Review decision? E.g. change the primary decision or send the decision back to the decision-maker?
11. Are benefit recipients entitled to legal representation at or during the Internal Review?
12. What rights and entitlements does the Internal Review process recognise and incorporate under:
  - a. Social Security Act 2018
  - b. Bill of Rights Act 1990
  - c. Privacy Act 1993
  - d. International conventions including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (UNCROC).
  - e. Any other relevant acts.
13. Are benefit recipients entitled to legal aid throughout this process? If yes, how many accessed legal aid during this process from 2000 to 2020?
14. Can MSD provide the number of cases that have been through the internal review process where a line of enquiry was relationship status (or marriage type relationship fraud) from 2000 to 2020?

*15. Can MSD provide the outcome of the cases seen by the Benefit Review Committee where a line of enquiry was relationship status (or marriage type relationship fraud) from 2000 to 2020?*

This letter is to advise you that the Ministry received both of your requests, however requires more time to respond to this request. In accordance with section 15(1) and 15A of the Official Information Act, the Ministry's decision will be with you no later than 20 October 2020.

The reason for the extension is that consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz)

I will respond to you sooner if I am able to.

Ngā mihi nui



Stephanie Short  
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Ministerial and Executive Services**