

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

CIV-2025-485-011

UNDER the Judicial Review Procedure Act 2016

BETWEEN KELLY ALEXANDRA ROE
Applicant

AND THE SOCIAL SECURITY APPEAL
AUTHORITY
First Respondent

THE ATTORNEY-GENERAL
Second Respondent

Hearing: 26 May 2025 (Judge's Chambers List)

Appearances: No appearance for Applicant
M W McMenamin and L E Sinclair for First Respondent (abiding)
V A Howell for Second Respondent

Minute: 26 May 2025

MINUTE OF McHERRON J

[1] This is an application for judicial review of a decision of the Social Security Appeal Authority.¹ The background is set out in minutes of Grau and McQueen JJ dated 25 March and 1 April 2025 respectively. The matter was called in this morning's Judge's Chambers List. Counsel for both respondents appeared but the applicant, Kelly Roe, did not.

[2] Ms Roe challenges the Social Security Appeal Authority for failing to deliver a reserved judgment for over two years after a hearing in October 2022. The Authority's decision was only released after Ms Roe filed her application for judicial

¹ I have amended the name of the first respondent in the intitulement to reflect its correct name.

review. The Authority declined to overturn a decision of the Chief Executive of the Ministry of Social Development denying Ms Roe an advance of benefit payment to cover court-ordered security for costs. The core legal issues raised by Ms Roe relate to the alleged unreasonable delay by the Authority in delivering its decision. She also wishes to challenge the Authority's statement to the effect that justice is not an essential need. Ms Roe seeks written reasons for the delay from the Authority and/or the Attorney-General. Also in her statement of claim, Ms Roe raises concerns about systemic barriers to justice, and systemic mistreatment of her by various agencies including Universities, MSD, IRD and the judiciary.

[3] On behalf of the Authority, Mr McMenamin confirmed that the Authority has sent an email to Ms Roe explaining the delay in the decision and apologising for that.²

[4] I direct the first respondent to advise the Court when it expects to state a case. Once this has occurred and an appeal proceeding has been commenced in this Court, I direct the respondents to seek an order for consolidation of the two proceedings. This can be done by memorandum. I confirmed that in the meantime, the second respondent is not required to file a statement of defence.

[5] The second respondent may also wish to consider her position in terms of whether to apply for strike out of part or all of the judicial review proceeding. I have concerns about the amended statement of claim, its lack of focus, its wide ranging nature including inappropriate content, and the lack of clear purposeful relief. That is one reason why I think it is necessary to stay that proceeding and then link it to the underlying appeal. The other is that generally speaking where an appeal and an application for review are brought in respect of the same decision, it is usual to consolidate the two proceedings so they can be dealt with together in a single decision.

McHerron J

² Mr McMenamin contacted the Court after the conference to indicate that the communication was by way of an email rather than a letter and so I have corrected this minute to replace "letter" with "email".