

1 August 2024

Joe

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Ref: OIA 113805, 113806 and 113807

Tēnā koe Joe

Official Information Act request: Accident Compensation Appeals District Court Registry

Thank you for your 3 requests of 6 and 7 July 2024 asking for information about the Accident Compensation Appeals District Court Registry (ACA DCR) under the Official Information Act 1982 (the Act). Your 3 requests have been combined for ease of response.

On 6 July 2024, you wrote to the Ministry of Justice (the Ministry) and made the following request:

Request 1: For each year from 2014 to present, the number of appeals to the District Court where the appellant was:

- (a) ACC;*
- (b) a claimant or multiple claimants;*
- (c) a claimant's employer or employer and claimant(s);*
- (d) a levy payer or levy payer and claimant(s).*

Request 2: For each year from 2014 to present, the number of appeals to the District Court found in favour of the appellant, and the appellant was:

- (a) ACC;*
- (b) a claimant or multiple claimants;*
- (c) a claimant's employer or employer and claimant(s);*
- (d) a levy payer or levy payer and claimant(s).*

Request 3: For each year from 2014 to present, the number of appeals to the District Court where the claimant was:

- (a) Self-represented an not a lawyer;*
- (b) Self represented and a lawyer;*
- (c) Represented or supported by a lay advocate - that is a person who was not an advocate by profession such as a family member, friend or other whanau support;*
- (d) Represented by an ACC funded professional advocate (e.g., one of ACC's Navigation Service providers);*
- (e) Represented by a professional advocate not funded by ACC;*
- (f) Represented by a lawyer.*

Request 4: For each year from 2014 to present, the number of appeals to the District Court found in favour of the claimant, where the claimant was:

- (a) Self-represented and not a lawyer;*
- (b) Self-represented and a lawyer;*
- (c) Represented or supported by a lay advocate;*
- (d) Represented by an ACC funded professional advocate (e.g., one of ACC's Navigation Service providers);*
- (e) Represented by a professional advocate not funded by ACC;*
- (f) Represented by a lawyer.*

Request 5: For each year from 2014 to present, the number of appeals to the District Court where an appeal to the High Court was sought by:

- (a) ACC, as the unsuccessful party in the District Court appeal;*
- (b) ACC, as the successful party in the District Court appeal;*
- (c) a claimant who was a lay litigant and was the unsuccessful party in the District Court appeal;*
- (d) a claimant who was a lay litigant and was the successful party in the District Court appeal;*
- (e) a claimant who was represented by a lay advocate, and was the unsuccessful party in the District Court appeal;*
- (f) a claimant who was represented by a lay advocate, and was the successful party in the District Court appeal;*
- (g) a claimant who was represented by an ACC funded advocate, and was the unsuccessful party in the District Court appeal;*
- (h) a claimant who was represented by an ACC funded advocate, and was the successful party in the District Court appeal;*
- (i) a claimant who was represented by a professional advocate not funded by ACC, and was the unsuccessful party in the District Court appeal;*
- (j) a claimant who was represented by a professional advocate not funded by ACC, and was the successful party in the District Court appeal;*
- (k) a claimant who was represented by a lawyer, and was the unsuccessful party in the District Court appeal;*
- (l) a claimant who was represented lawyer, and was the successful party in the District Court appeal.*

Request 6: For each category in Request 5(a)-(l), please state the number of appeals to the High Court that were granted by the District Court to the applicant.

The Ministry does not hold the information requested in parts 1 – 6 of this request. While the Ministry can access some information for statistical purposes, the level of detail you have requested is not available in the datasets held by the Ministry. This information may be held by the ACA DCR or the High Court which fall outside the scope of the Act under 2(6)(a). These parts of your request are therefore refused under section 18(g)(i) of the Act, as the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency or Minister subject to the Act.

On 6 July 2024, you also requested the following information:

This is a request for the list of information captured in the ACC Appeal Court (District Court of Wellington) case management system.

My expectation would be that the following minimum information would be captured:

- (a) case number;*
- (b) names of parties;*
- (c) names of representatives of parties;*
- (d) Act the matter comes under;*
- (e) issue(s) to be determined;*
- (f) date of initial case conference;*
- (g) date of subsequent conferences;*
- (h) list of submissions, interlocutory applications, memorandums, and the dates they were submitted, and by which party;*
- (i) orders given and date;*
- (j) directions given and date;*
- (k) hearing date(s);*
- (l) reserved judgement and date;*
- (m) final judgement and date;*
- (n) amounts of awarded costs, disbursements and damages; and*
- (o) case law relied upon.*

In response to parts (a) to (o) of your request, the Case Management System used by the ACA DCR captures the case number, the names of the parties and whether they have representatives, the scheduling of any hearings and case conference(s), and judgment(s) made (including directions for any associated costs awarded).

On 7 July 2024, you requested the following information:

Request 1: I request the number of appeals that were lodged in 2023 that have yet to be scheduled for:

- (a) a case conference;*
- (b) a hearing.*

Request 2: I request the number of appeals that were lodged in 2024 that have yet to be scheduled for:

- (a) a case conference;*
- (b) a hearing.*

Request 3: I request the number of matters that were lodged in 2024 that have yet to be assigned a proceeding number.

Request 4: For each year from 2014 to present, the minimum, median, average, and maximum time between the date of an appeal lodged in that year, and the date of the hearing of that appeal.

Request 5: For each year from 2014 to present, the minimum, median, average, and maximum time between the hearing date (heard in that year) and the issuance of a judgement for that hearing.

Request 6: I request copies of the Appeal Court's administrative process documents for:

- (a) allocation of a proceeding number (e.g., is it one proceeding number per decision, or are multiple review decisions about different claims allocated the same proceeding number);*
- (b) the time frame for allocating a proceeding number;*
- (c) the time frame for notification of parties of the proceeding number;*
- (d) the time frame for issuance of an initial minute to the parties;*
- (e) the time frame for allocating a judge to the matter and notifying the parties of the name of the judge;*
- (e) the time frame for scheduling of the first case conference;*
- (f) the time frame for scheduling of subsequent case conferences when one of the parties is non-compliant with court instructions ;*
- (g) the time frame for issuing directions and decisions after submission of a memorandum, notice or interlocutory application;*
- (f) the time frame for determining time tabling of the matter;*
- (g) the notification of a hearing date.*

In response to requests 1(a) and 2(a), the Ministry does not hold information on appeals that are waiting for a case conference to be scheduled. This information may be held on the ACA DCR file, however, as explained above, the ACA DCR falls outside the scope of the OIA under section 2(6)(a). These parts of your request are therefore refused under section 18(g)(i) of the Act.

In response to requests 1(b) and 2(b), please refer to table 1 attached, which provides the number of appeals lodged in 2023 and 2024 that are yet to have a hearing scheduled.

In response to request 3, the Ministry does not hold information on matters that are waiting for a proceeding number to be assigned. This information may be held by the ACA DCR. As covered above, information held by the ACA DCR falls outside the scope of the OIA and this part of the request is therefore refused under section 18(g)(i) of the Act.

In response to requests 4 and 5, the Ministry does not hold the information requested. While the Ministry holds information on the time between appeal lodgement, hearing date, and decision date, the Ministry does not hold information on the minimum, median, average, and maximum time between appeal lodgement date, hearing date or decision date and would be required to create the information to respond., The Act allows New Zealanders to ask government agencies for information they hold however there is no requirement under the Act to create new information and/or compile information they do not hold. Therefore, these parts of your request are also refused under section 18(g)(i) of the Act.

In response to requests 6(a)-(g), the Ministry does not hold information on the ACA DCR's procedures. The information you have requested is held by the ACA DCR in relation to its

own processes and procedures and is therefore outside the scope of the Act under section 2(6)(a). These parts of your request are also refused under section 18(g)(i). It may be helpful to note that practice guidelines for the ACA DCR are available at: justice.govt.nz/tribunals/accident-compensation/how-to-apply/

You can also find information on recently published ACA DCR decisions at: justice.govt.nz/tribunals/accident-compensation/decisions/?Filter_Jurisdiction=795 and at: <https://www.nzlii.org/nz/cases/NZACC/>.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, consisting of a stylized initial 'S' followed by a long horizontal line that ends in a small hook.

Sam Kunowski
Group Manager (Acting), Courts and Tribunals, Regional Service Delivery

Table 1: Number of active Accident Compensation Appeal District Court Registry cases, as at 30 June 2024, that are yet to be scheduled for a hearing

	2023	2024*
Number of active appeals yet to be scheduled for a hearing	96	111

Notes for Table 1:

- *Data has been provided for the 2023 calendar year, and for 1 January – 30 June 2024
- This data is a subset of active appeals in the Accident Compensation Appeals District Court Registry.
- 'Yet to be scheduled' means all cases that have not been scheduled for, or been to, a hearing
- This includes cases that may not be at a stage in the ACA DCR process where they are ready for a hearing. For example, cases that are awaiting further information.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982