

12 October 2015



Lee M

Sent By Email: via the FYI.org.nz website

Dear Lee M

Request for information made under the Official Information Act 1982

We write further to your request for information made 30 August 2015, and transferred to FairWay from Minister Adams' office.

We set out a response to your numbered questions as follows:

- 1. A full explanation why ACC claimants/review applicants are being restricted to 30 minutes hearing time duration?*

We would note that there is no restriction in hearing time. Previous experience from a number of reviews covering different issues has shown that generally it is appropriate to set a review hearing for a one hour hearing slot. For parity in review hearings this then generally equates to each party presenting their case for up to 30 minutes.

When a review is received consideration is given at the outset to the amount of time likely required for the review hearing, based on factors such as the complexity of issues raised and medical and evidential considerations.

Each case is on its own facts, therefore if a party provided information to the reviewer which showed that more time was required this would be considered by the reviewer and the hearing scheduled accordingly.

There are also a set number of hearings scheduled per day in a reviewer's circuit, and therefore reviews are timetabled in fairness to all customers.

- 2. A full explanation why FairWay Resolution Limited has declined reasonable requests by ACC claimants/review applicants with lengthy and complex matters to extend the 30 minutes hearing time duration to say 2 or 3 hours duration (halved for each party).*

FairWay is unable to comment on specific cases. If a party made a request to a reviewer to extend the duration of the hearing, based on relevant supporting information, this would be considered in accordance with section 140 of the Accident Compensation Act 2001 and the principles of natural justice.

- 3. Whether it is possible for ACC claimants/review applicants to request an extension of the review hearing duration, what law or policy or guideline allows for this, how such requests are made and decided, and under what law or policy or guideline are they made and decided?*

We confirm that it is possible to request an extension of the review hearing duration – as noted above if a party made a request to a reviewer to extend the duration of the hearing, based on relevant supporting information, this would be considered in accordance with section 140 of the Accident Compensation Act 2001 and the principles of natural justice.

4. *A copy of the supply agreement between the ACC and FairWay Resolution Limited that sets out the policy and/or guidelines regarding the duration of review hearings.*

There is no arrangement in place between FairWay and ACC as to the duration of review hearings. Setting of the review hearing is made in accordance with Part 5 of the Accident Compensation Act, and in particular section 141.

5. *"A copy of the abovementioned agreement or any other document that provides for, and limits, review hearings to 1 hour duration (30 minutes for each party as outlined above)".*

We confirm there is no such agreement or documentation that prescribes time limits for review hearings to 1 hour. We refer to section 18(e) of the Official Information Act 1982, where the document alleged to contain the information you seek does not exist.

6. *"A copy of the abovementioned agreement or any other document that provides for requests made by applicants/claimants to extend the 1 hour hearing duration (30 minutes for each party as outlined above), and that sets out the policy or guidelines regarding how such requests need to be made by the ACC claimants/review applicants and responded to by FairWay Resolution Limited".*

FairWay does not prescribe how a party can request that the hearing duration be extended – there is no set form or documentation. Where the review process is intended to have flexibility and a degree of informality, we encourage applicants to write or contact us directly regarding any aspect of the review process.

Upon receipt of such a request, there is no set policy or guideline that reviewers are required to follow to respond to the request. Any request is considered in accordance with section 140 of the Accident Compensation Act.

7. *"A copy of the abovementioned agreement or any other document that provides the policy, guidelines and/or criteria for deciding whether or not to approve requests made by ACC claimants/review applicants to extend the 1 hour hearing duration (30 minutes for each party as outlined above) ... e.g. explaining what individual circumstances can be and are taken into consideration in deciding an extension request".*

We confirm that upon receipt of such a request, there is no set policy or guideline that reviewers are required to follow. Any request is considered in accordance with section 140 of the Accident Compensation Act and the principles of natural justice.

Again each case is on its own facts however factors can include the complexity of issues raised and medical and evidential considerations.

We trust this responds to your queries. You may contact the Office of the Ombudsman in relation to this response. We would note that some of queries may not fall within the specific scope of the Official Information Act, but are more enquiries underpinning a specific matter. Should you have specific case queries please do not hesitate to contact us.

Yours sincerely



Greg Pollock
Chief Executive