

Reprint
as at 1 June 2017



Accident Compensation (Review Costs and Appeals) Regulations 2002 (SR 2002/81)

Regulations name: amended, on 1 June 2017, by regulation 4(1)(a) of the Accident Compensation (Review Costs and Appeals) Amendment Regulations 2017 (LI 2017/72).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 25th day of March 2002

Present:

Her Excellency the Governor-General in Council

Pursuant to section 328 of the Injury Prevention, Rehabilitation, and Compensation Act 2001, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title

These regulations are the Accident Compensation (Review Costs and Appeals) Regulations 2002.

Regulation 1: amended, on 1 June 2017, by regulation 4(2) of the Accident Compensation (Review Costs and Appeals) Amendment Regulations 2017 (LI 2017/72).

2 Commencement

These regulations come into force on 1 April 2002.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Accident Compensation Act 2001

appeal means an appeal under section 149 of the Act

registered specialist means a medical practitioner whose scope of practice includes at least 1 of the following branches of medicine:

- (a) anaesthetics:
- (b) cardiothoracic surgery:
- (c) dermatology:
- (d) diagnostic radiology:
- (e) emergency medicine:
- (f) general surgery:

- (g) internal medicine:
- (h) neurosurgery:
- (i) obstetrics and gynaecology:
- (j) occupational medicine:
- (k) ophthalmology:
- (l) orthopaedic surgery:
- (m) otolaryngology head and neck surgery:
- (n) paediatric surgery:
- (o) paediatrics:
- (p) pathology:
- (q) plastic and reconstructive surgery:
- (r) psychological medicine or psychiatry:
- (s) public health medicine:
- (t) radiation oncology:
- (u) rehabilitation medicine:
- (v) sexual health medicine:
- (w) urology:
- (x) venereology

scope of practice has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

specified registry means the District Court at Wellington.

Regulation 3 **Act**: amended, on 1 June 2017, by regulation 5 of the Accident Compensation (Review Costs and Appeals) Amendment Regulations 2017 (LI 2017/72).

Regulation 3 **registered specialist**: substituted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 3 **scope of practice**: inserted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Scale of costs and expenses on review

4 Awards of costs and expenses on review

- (1) A reviewer's award under section 148 of the Act to an applicant for review or another person must be—
 - (a) only for the costs and expenses of an item described in column 1 of Schedule 1; and
 - (b) the only award to the applicant for review or other person for those costs and expenses.
- (2) The amount of the reviewer's award for costs and expenses of an item described in column 1 of Schedule 1 must—

- (a) not exceed the amount specified (opposite the description) in column 2 of that schedule; and
 - (b) be calculated in accordance with the rate (if any) specified (opposite the description) in column 3 of that schedule.
- (3) Amounts and rates specified in Schedule 1 are inclusive of goods and services tax (if any).

Rules for conduct of appeals

5 Part 18 of District Courts Rules 2014 excluded

Part 18 of the District Courts Rules 2014 (appeals to District Court) does not apply to an appeal.

Regulation 5: replaced, on 1 July 2014, by regulation 4 of the Injury Prevention, Rehabilitation, and Compensation (Review Costs and Appeals) Amendment Regulations 2014 (LI 2014/162).

6 Notice of appeal

- (1) A notice of appeal must—
 - (a) be in the form set out in Schedule 2; and
 - (b) have attached to it a copy of the decision appealed against.
- (2) An appellant whose notice of appeal has been sent to or filed in the specified registry may, with the leave of the court, amend the grounds of appeal stated in the notice.

7 Cross-appeals

- (1) This regulation applies if a notice of appeal is sent to or filed in the specified registry and a person (other than the appellant) intends to submit at the hearing of the appeal that the decision appealed against should be modified or quashed.
- (2) The person must, either within 30 working days after the day on which the notice of appeal was served or within any longer time allowed by the court, send to or file in the specified registry a notice of cross-appeal in the form set out in Schedule 2.
- (3) Part 5 of the Act and these regulations apply accordingly with any necessary modifications.

8 Period within which Corporation must make record available

The Corporation must provide items in accordance with section 154(1) of the Act within 20 working days after it receives the copy of the notice of appeal.

9 Judge may fix time and place for directions hearing in relation to appeal

If a notice of appeal is sent to or filed in the specified registry, a Judge may fix a time and place for a directions hearing in relation to the appeal proceedings.

10 Directions related to hearing of appeal

- (1) At a directions hearing, a Judge may make any directions that appear best adapted to secure the just, expeditious, and economical disposal of the appeal proceedings.
- (2) Without limiting the generality of subclause (1), the Judge may—
 - (a) consult the parties as to the necessity for or desirability of the appointment of medical or other assessors for the purposes of the appeal:
 - (b) obtain estimates of time for the duration of the hearing of the appeal:
 - (c) define the issues to be determined on the hearing of the appeal:
 - (d) make any orders that the Judge considers necessary or appropriate under sections 159 and 160 of the Act.

11 Registrar must give notice of decision on appeal

- (1) On the determination of an appeal under section 161 of the Act, the Registrar of the court must give a copy of the court's decision to—
 - (a) the appellant; and
 - (b) each person who, in accordance with section 155(1) of the Act, was entitled to appear at the hearing of the appeal.
- (2) After the time for lodging an appeal against the court's decision has expired, the Registrar of the court must give to the Corporation any documents forwarded to the Registrar under section 154(1) of the Act.

Revocation

12 Revocation

- (1) The Accident Insurance (Review Costs and Appeals) Regulations 1999 (SR 1999/164) are revoked.
- (2) Despite their revocation by subclause (1), the Accident Insurance (Review Costs and Appeals) Regulations 1999 continue to apply for the purposes of section 342(2)(b) of the Act.

Schedule 1

Scale of costs and expenses on review

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Schedule 1: replaced, on 1 June 2017, by regulation 6 of the Accident Compensation (Review Costs and Appeals) Amendment Regulations 2017 (LI 2017/72).

Section 148, Accident Compensation Act 2001

Item	Maximum award (\$)	Rate (\$)
Applicant's or another person's representation (awards for items in this category may be made in respect of 1 representative only)—		
(a) preparation and lodging of application for review under section 135	136.35	
(b) participation in a case conference on behalf of applicant or another person before review hearing	68.18	
(c) other preparation of case for review	409.07	
(d) appearance at hearing on behalf of applicant or another person—	409.07	
(i) first hour of hearing (or part thereof)		204.53
(ii) second hour of hearing		34.08 per 15 minutes
(iii) later hours of hearing		17.05 per 15 minutes
All relevant and reasonably necessary reports for applicant or another person by any registered specialists (as defined by regulation 3)	1,090.84	
All relevant and reasonably necessary reports prepared for applicant or another person by a person with a recognised qualification to express a competent view on a matter in issue (for example, a person undertaking an occupational assessment, an architect, or a general medical practitioner)—		
(a) if only 1 report is provided	545.42	
(b) if 2 or more reports are provided	818.12	
at the following rates:		
(a) first hour (or part thereof) of preparation		204.53
(b) second hour of preparation		51.13 per 15 minutes
(c) third hour of preparation		34.08 per 15 minutes
Other expenses reasonably incurred by applicant or another person, or on behalf of an applicant or other person, associated with a hearing (for example, transport to a hearing or time off work for an applicant, another person, a representative, or a witness or support person such as whānau support; disbursements such as photocopying, childcare, or telephone charges)—	681.77	
for transport within this category	178.78	0.29 per kilometre for private transport

Schedule 2 Notice of appeal

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**In the District Court
at Wellington**

No /

Under the Accident Compensation Act 2001
In the matter of an appeal against either a review decision under section 145 *or* 146 *or* a decision as to an award of costs and expenses under section 148
By [full name] of [address]
Appellant

Notice of appeal to District Court

Section 151, Accident Compensation Act 2001

Take notice that the appellant appeals against a decision made under section [either section 145 *or* 146 *or* 148] of the Accident Compensation Act 2001 on an application for review.

Part 1—Decision appealed against

The review was heard at [location] on [day/month/year] by [reviewer].

[The review decision under section 145 *or* 146 *or* the decision as to an award of costs and expenses under section 148] was given by the reviewer on [day/month/year].

The appellant appeals against the following aspects of the decision:

Part 2—Grounds

The appellant bases this appeal on the following grounds:

[for example, *That the decision appealed against includes the following mistakes of fact or law:*].

Part 3—Relief sought

The appellant seeks the following orders:

[for example, *That the review decision be modified in the following respects:* or

That the review decision be quashed and—

- (a) *the Corporation's decision endorsed:* or
 - (b) *the Corporation be required to take the following action:* or
 - (c) *another review be conducted in accordance with the following directions:* or
- That the decision as to an award of costs and expenses be either—*
- (a) *modified in the following respects:* or

(b) *quashed with the following effects:*].

A copy of the decision appealed against is attached to this notice of appeal as required by regulation 6(1)(b) of the Injury Prevention, Rehabilitation, and Compensation (Review Costs and Appeals) Regulations 2002.

Appellant's
signature:

Dated: [*day/month/year*].

Appellant's address for service:

Appellant's telephone number:

Schedule 2: amended, on 1 June 2017, by regulation 7 of the Accident Compensation (Review Costs and Appeals) Amendment Regulations 2017 (LI 2017/72).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 28 March 2002.

Reprints notes

1 *General*

This is a reprint of the Accident Compensation (Review Costs and Appeals) Regulations 2002 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Accident Compensation (Review Costs and Appeals) Amendment Regulations 2017 (LI 2017/72)

Injury Prevention, Rehabilitation, and Compensation (Review Costs and Appeals) Amendment Regulations 2014 (LI 2014/162)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(3)