

Submitter information

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MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the section below it will be used to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

Your name, email address, phone number and organisation

Name: David Sparks
Email address: Privacy of natural persons
Phone number:
Organisation: Rotorua Community Law Service

- The Privacy Act 1993 applies to submissions. Please tick the box if you do **not** wish your name or other personal information to be included in any information about submissions that MBIE may publish.
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I do not want my submission placed on MBIE's website because... [insert reasoning here]

Please check if your submission contains confidential information

- I would like my submission (or identifiable parts of my submission) to be kept confidential, and **have stated** my reasons and ground under section 9 of the Official Information Act that I believe apply, for consideration by MBIE.

Proposed updates to the Accident Compensation (Review Costs and Appeals) Regulations 2022

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Questions on the proposed objectives

1. Do you agree with the presented objectives?

Yes No Not Sure

2. Are there alternative objectives that should be considered to help shape the discussion? (please provide detail on any alternative objectives you consider relevant)

[insert response here]

Questions on the proposed cost categories

3. What do you think about the proposed cost categories?

The costs review is very timely. Both options have merit but Option 1 is better.

4. Do you agree with the proposed categories?

Yes No Not Sure

Why/ why not?

It is timely for maximum costs increases.]

5. Are there any other alternative options for grouping the cost categories that could be used? Please provide supporting information.

Not in my view.

Questions on Category 1 – Application costs

6. Should Application Costs (Category 1) remain separate from Representation Costs (Category 2)?

Yes No Not sure

Why/ why not?

Not necessary.

7.

Proposed updates to the Accident Compensation (Review Costs and Appeals) Regulations 2002

7. Do you agree with the proposed increase in maximum costs awardable for Application Costs? (please circle or highlight your response)

Strongly Disagree
Disagree
Neither
Agree
Strongly Agree ✓

Questions on Category 2 – Representation costs

8. Based on the options provided in this document, what is your preferred option? (please circle or highlight your response)

2.1 One maximum limit for all representatives

OR

2.2 Sliding scale based on complexity and/or time and, qualification of the representative.

Please provide the reasons for your view

One maximum for all representatives

9. Do you have any other suggested options or groupings to categorise Representation Costs (Category 2)?

No

10. Is there any information to support or reject the distinction that is made between lawyers and advocates (Option 2.2)?

I think there should be no distinction. There are some very experienced advocates who are at least equal to lawyers in their skills.

11. Do the proposed new rates reflected in Option 2.2 reflect appropriate market rates for lawyers and advocates?

Yes Yes No Not sure

If not, is there any information that can be shared to inform this discussion.

[insert response here]

12. Do you agree with the proposed new maximum costs awardable for Representation costs (both options)? (please circle or highlight your response)

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Strongly Disagree
Disagree
Neither
Agree
Strongly Agree ✓

13. Do you think the proposed changes will increase access to justice (and therefore improve outcomes) for claimants?

- Yes No Not sure

If not, why not?

[insert response here]

14. Is there any evidence/data or precedence that could be used to determine the complexity of a review (i.e. which cases should sit in which categories (ie A or B)?

Case by case basis and Reviewers are very capable in making assessments of this nature.

Questions on Category 3 – Medical and Other Report costs

15. Currently, the medical reports categories can be used for multiple reports. Is there any information to suggest the capped approach is inappropriate? Please provide supporting information.

No

16. Do you think the proposed new rates will increase access to medical reports (and therefore access to justice) for claimants?

- Yes No Not sure

Please explain your view.

Very appropriate to increase medical report costs so as to promote full access to justice.

17. Do you agree with the proposed new maximum costs awardable for Medical and Other Report Costs? (please circle or highlight your response)

Strongly Disagree
Disagree
Neither

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Agree
Strongly Agree ✓

18. Do you think removing the distinction between registered specialist reports and other reports will improve claimant's access to reports?

- Yes No Not sure

Please explain your view.

A claimant should be able to have access to all relevant reports whether registered specialist or not

Questions on Category 4 – Other expenses

19. Do you think the new rates will increase access to in-person reviews for rural communities?

- Yes No Not sure

Why/ why not?

Possibly but ZOOM is readily available provided client has internet access.]

20. How can 'Other Expenses' (Category 4) be improved to enhance support for rural communities?

Please provide supporting information.

[insert response here]

21. Do you agree with the proposed new maximum costs awardable for Other Expenses? (please circle or highlight your response)

Strongly Disagree
Disagree
Neither
Agree
Strongly Agree ✓

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Regulations 2002

Questions on the overall proposed changes to the Regulations

22. Are there any other costs, benefits, or unintended consequences of the proposed changes that have not been considered in this document?

Not to my knowledge

23. Do you think MBIE should conduct regular reviews of the maximum cost caps in the regulations?

Yes No Not sure

Yes certainly

24. Do you have any comments on the alternative approaches considered?

No

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Questions on Alternative Dispute Resolution (ADR)

25. If the regulated timeframes are extended while clients are engaged in ADR, what effect do you think it will have on claimant's decisions to use ADR and the external review process? Please provide supporting information.

Can be helpful but ADR has limited use in ACC in my experience]

26. Have you incurred costs as a result of undertaking ADR? What are these and did it impact on decisions to proceed with an external review?

Not relevant to my experience]

27. If a level of reimbursement for costs was to be included for ADR in the Regulations, what should be taken into consideration?

Time and complexity.]

28. Would the inclusion of a level of reimbursement for ADR costs change your position on undertaking ADR in comparison to an external review?

Possibly but refer response to question 25.]