



National Council of Women of New Zealand

Te Kaunihera
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Submission to the Department of Labour on the Review of the Injury Prevention Rehabilitation and Compensation (Review Costs and Appeals) Regulations

Introduction

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 34 branches throughout the country attended by representatives of those societies and some 150 other societies, as well as individual members. Its purpose is to work for the well-being of women, families and society through research, discussion and action.

NCWNZ thanks you for the opportunity to comment on the draft of this standard. Unfortunately, the timing of the document did not allow us to undertake full consultation with our branch members throughout the country. Members of the Economics Standing Committee and other interested parties have contributed to our response.

Specific comments on questions posed in discussion document

1. Should reports other than those by registered specialists be provided for the scale of costs in the review costs regulations?

Yes, we agree that reports other than those by registered specialists should be provided for in the scale of costs in the review costs regulations.

2. Should the maximum costs for one report, other than a registered specialist's report, be set at \$400?

Yes, we agree the maximum costs for one report, other than a registered specialist's report should be set at \$400.

3. Should the maximum costs for two or more reports, other than a registered specialist's report, be set at \$600?

Yes, we agree that the maximum costs for two or more reports, other than a registered specialist's report should be set at \$600.

4. Should reports other than by a registered specialist be defined as: "All relevant and necessary reports prepared for applicant or another person by those with recognised qualifications to express a competent view on a matter at issue (for example, those undertaking occupational assessments or an architect). This costs item is available only where a medical specialist cannot provide these reports, or where these reports can be provided more cheaply but with no less veracity than by a medical specialist. Reports on the medical condition of the applicant prepared by their General Practitioner where their condition is at issue in the review do not qualify under this costs item. "?

Yes, we agree with the definition of reports other than specialist's reports as stated in this section.

5. Should the maximum costs for registered specialists' reports be increased to \$800?

As these regulations are not reviewed annually it would be appropriate to include that 'costs' be increased annually (say 30 June) by the rate of inflation for the past year.

At this time a maximum rate of \$1000 would be more realistic bearing in mind the cost of specialists.





6. *Should the Government increase the rate for preparation and lodging of an application to \$100?*
NCWNZ suggests \$200 is more appropriate if a tax invoice is presented as proof of hiring a person to prepare the application. It is not just 'specialists' in the medical field who prepare reports. Other people also require payment for their services.

7. *Should the Government increase the sum payable to representatives for other preparation to \$300?*

Yes, we agree that the government should increase the sum payable to representatives for other preparation to \$300.

8. *Should the Government introduce a payment of \$50 for the participation of a representative in a case conference prior to the review hearing, where such a case conference occurs?*

Members believe that \$100 would be more appropriate for a representative to participate in a case conference.

9. *Should the government change the way in which the first and subsequent hours of costs for appearance at a review hearing are awarded to \$150 for the first hour, \$80 for the second hour and \$70 for any time after two hours, retaining the maximum of \$300?*

Yes, we believe the scale of payments as listed would be appropriate, while retaining the maximum of \$300.

10. *Should all other costs that are reasonably incurred, which would include the costs of witnesses, transport and disbursements, up to a maximum of \$500, be placed in a "other expenses reasonably incurred" category?*

Yes, we agree that other reasonable costs, up to a maximum of \$500, should be placed in a "other expenses reasonably incurred" category.

11. *Should the "other expenses reasonably incurred" category be redrafted along the following lines to reflect this change: "Other expenses reasonably incurred by applicant or another person or on behalf of an applicant or another person (for example: transport or time off work for an applicant, another person, or a witness or support person (such as whanau support); disbursements such as photocopying or phone charges)?"*

Yes. Childcare should be detailed in the 'Other Expenses' as applicants may not realise this is an appropriate cost. If the corporation is concerned this may be abused then the need to produce a tax invoice from a registered childcare facility to claim reimbursement is not an unreasonable requirement.

12. *Should transport costs be capped within the \$500 maximum at \$100, with a requirement that the least costly means of available and suitable transport be used, with a rate of 28 cents per kilometre applied to private transport, but without a requirement that it apply only in excess of 10 kilometres?*

No, members believe that 28c per km is the appropriate rate to coincide with the Income Tax Act but we suggest up to \$150 is more realistic as in rural areas the length of travel to the nearest ACC office can be considerable. We agree that the claim should be supported by details of the actual travel undertaken by the shortest route. It may be cheaper to use public transport but in reality most people would rather use their own vehicle so this shouldn't be discouraged. The claimant will be nervous at the time and using their own vehicle is less stressful and time consuming.



13. Are there any new regulations that are required for the conduct of reviews?

Often claimants don't realise how distracting the presence of children in the review hearing can be for the parent who isn't able to concentrate 100% on the review if they are also watching their children. It would be appropriate to specifically mention to claimants that they will be reimbursed for childcare costs to encourage them to not attend with children.

General Comments

NCWNZ understands the corporations' desire for the reviews to be informal to relax the claimant at a time, which can be very stressful. However, reviews are very important to ensure fair treatment of claimants and can have significant long-term financial implications for the claimant. The process is formal as it is governed by regulation and the corporation should not stress the informality, which may lead claimants to treat it informally when requesting reviews and complying with the time requirements of the regulations.

Beryl Anderson
National President

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Convener, Economics Standing Committee