

26 August 2021

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Tēnā koe Anthony

Your Official Information Act request, reference: GOV-012469

Thank you for your email of 16 July 2021, asking for the following information under the Official Information Act 1982 (the Act):

1. *Gross costs paid to Legal firms/Dispute firms/Courts (Collectively) for Reviews held for each respective year since 2004*
2. *Gross costs paid to Legal firms/Dispute firms/Courts (Collectively) for Appeals held for each respective year since 2004*

Information provided with this response

We only hold financial data in relation to these costs from the financial year 2011/2012. This complies with our General Disposal Authority, which requires ACC to keep financial transactions from the general ledger for no less than seven years. For this reason, we are refusing to provide information prior to 2011/12 financial year, as that information does not exist or cannot be found. This decision is made under section 18(e) of the Act.

Review costs

ACC contracts two suppliers for its review hearings, Fairway Resolution Ltd and Independent Complaint & Review Authority Ltd. The following table provides the amounts paid to those suppliers. This is ACC’s spend on the facilitation of review hearings, and does not include claim-related review costs, e.g. settlements paid out following a review.

Review costs (paid to reviewer suppliers)

Year	Amount paid
2011/12	\$13,406,796
2012/13	\$14,026,029
2013/14	\$10,838,188
2014/15	\$11,287,785
2015/16	\$11,179,973
2016/17	\$12,216,097
2017/18	\$14,593,956
2018/19	\$15,179,516
2019/20	\$17,217,771
2020/21	\$14,901,398

External legal representation at reviews

The costs paid by ACC for external legal representation at reviews is held on individual client files. To provide a response to this part of your request we would need to search through claim files that were subject to a review to determine if an external legal representative was engaged as well as the associated costs.

Due to the high number of review decisions it would not be possible to determine this information without substantial collation and research. For this reason, we are refusing this part of your request under section 18(f) of the Act.

Appeals costs

We interpret your request as applying to statutory appeals, i.e. Court appeals that originate from reviews and are conducted under Part 5 of the Accident Compensation Act 2001 (AC Act). Such appeals generally relate to ACC cover, entitlements, and levies. Under the AC Act, at first instance they will be heard at the District Court, and by leave or special leave they may proceed to the High Court and the Court of Appeal (but not to the Supreme Court).

Until this financial year, ACC did not keep a separate cost code for statutory appeals but had one cost centre for all legal spend. Therefore, any answer would have to be premised on the understanding that the data includes statutory appeals as well as other spend on external legal providers. This would include costs of defending civil (torts) claims, various proceedings in tribunals such as the Coroner’s Court or the Human Rights Review Tribunal, legal advice provided by external providers in relation to litigation, Court cases where ACC is invited as a third party intervenor and other matters.

Until this financial year, ACC recorded its financial data by references to two costs codes: Costs incurred for District Court litigation (code 43027) and Costs incurred for all other litigation (code 43028). Table 3 below outlines the legal costs recorded under these codes. These amounts will include statutory appeals, as well as other litigation not included in your request.

Please note that the 2020 and 2021 District Court data reflects the increased output from that court during those years (both in terms of decisions delivered and case management progressed), as well as the rise in non-lawyer representation for claimants.

Table 3: Court related costs

Year	Costs for District Court matters	Costs for other litigation
2011/12	\$745,889	\$522,169
2012/13	\$783,482	\$352,902
2013/14	\$1,086,857	\$472,771
2014/15	\$1,429,664	\$303,514
2015/16	\$1,988,835	\$940,173
2016/17	\$2,146,279	\$808,232
2017/18	\$1,936,451	\$510,656
2018/19	\$2,206,832	\$929,060
2019/20	\$3,342,660	\$869,346
2020/21	\$3,704,339	\$672,573

Notes for financial information

- Information is provided by financial year (1 July to 30 June).
- The data is current to 2 August 2021 and may differ if re-run later.
- Costs exclude GST.

Questions about this response

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā

A handwritten signature in black ink, appearing to read 'Sasha Wood', enclosed in a thin black rectangular border.

Sasha Wood

Manager Official Information Act Services
Government Engagement & Support