He Kaupare. He Manaaki. He Whakaora.
prevention. care. recovery.

13 April 2022

[redacted]

Kia ora [redacted]

Your Official Information Act request, reference: GOV-017319
Thank you for your email of 21 March 2022, asking for the following information under the Official Information Act 1982 (the Act):

1. *How many cases are resolved through Alternative Dispute Resolution (ADR)?*
2. *How many cases are resolved before ACC goes to a formal review?*
3. *How many cases go to review? (Independent review)*
4. *Combining questions 1-3, what percentage of cases make it to the review stage?*
5. *How many cases do review cases do ACC win each year?*
6. *How many review cases end up in the: district court? high court? Court of Appeal?*
7. *How many of the cases at review are represented by: Lawyers? Advocates? Self-representing?*
8. Of the cases at review how many ended in a win or loss against ACC [by lawyers, advocates and self-representing]
9. *What is the average amount paid out in each of the 14 categories for cases that receive review costs?*
10. *Population data: Review cases sorted by: Ethnicity, Gender, Age*

Reviews resolved before review or through an alternative dispute resolution provider
When a review application is lodged, ACC conducts an internal background review by a review specialist to understand the decision, and the reason for the application, which can result in the review specialist revoking ACC's decision.

A meeting may also be held with the client to discuss the decision. A possible outcome of this meeting may be to withdraw the review application or a referral to Alternative Dispute Resolution (ADR).

ACC's systems are not set up to record whether the review application was resolved through ADR or at an earlier stage of the conciliation, and to provide the information requested would require us to search of over 1000 reviews referred to ADR to find the review outcome. Furthermore, ACC's data about ADR referrals were not recorded accurately prior to 2019. Therefore, this part of your request is refused under section 18(f) of the Act. We have provided the number of reviews lodged that have been referred to ADR since the 2018/19 financial year below.

2018/19	2019/20	2020/21
54	426	740

Some of the data you have requested is provided in the attached excel spreadsheet
The excel attached shows review outcomes, the review-related costs, ethnicity, gender, age and where an appeal was filed over the past 10 years.

The data were extracted on 4 April 2022 and may change if extracted again at a later date. All data are provided in financial years unless stated otherwise. A financial year is 1 July to 30 June.

We cannot provide the client representation data or their outcomes
Information about a client's representation is only available on individual claim files. To determine if a client self-represented or was represented by a lawyer or advocate would therefore necessitate an extensive manual search, as thousands of claims have proceeded to review. Therefore, we are refusing to provide the information you have requested in questions 7 and 8 under section 18(f) of the Act.

Where we have refused to provide information under section 18(f) of the Act
We considered extending the time limit for responding to your request or applying a charge (as allowed under the Act). However, neither of these were offered as we determined that obtaining these answers would still have unreasonably interfered with the everyday functions of the team(s) involved.

As this information may be of interest to other members of the public
ACC may decide to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you're concerned about this response, please get in touch
You can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi,



Sara Freitag
Acting Manager Official Information Act Services
Government Engagement & Support

Table 1: Number of reviews resolved by financial year and review outcome.

Review outcome	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Decision issued by reviewer										
In favour of ACC	4,304	4,366	2,995	2,872	2,469	2,451	2,884	2,696	2,479	2,109
In favour of clients	1,775	1,566	1,069	1,084	1,003	1,156	1,424	1,464	1,216	871
Modified	70	64	34	24	33	38	40	26	32	17
Resolved by ACC										
Withdrawn / Settled	2,940	3,173	2,850	2,892	2,893	2,799	3,457	4,192	5,795	6,325

Note: The review outcome recorded as 'Withdrawn/Settled' indicates that the reviews were resolved either before an independent reviewer was engaged, or after the independent reviewer was engaged, but before the reviewer issued a formal review decision.

Table 2: Spend (excluding GST) on review related costs by financial year of payment and service code.

Service code	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
REV01 - Preparation and Lodging of Application for Review	$278,374	$308,074	$237,438	$245,888	$238,256	$236,961	$315,814	$327,705	$384,401	$382,411
REV02 - Participatn in case conference pre review hearing	$6,861	$6,191	$5,819	$4,087	$7,524	$4,750	$22,473	$32,884	$79,430	$119,512
REV03 - Other Preparation of Case for Review	$878,811	$917,977	$707,960	$728,325	$707,115	$705,961	$938,186	$1,008,993	$1,186,711	$1,135,473
REV04 - Review Appearance at Hearing	$163,417	$180,550	$123,926	$117,323	$113,086	$104,687	$193,097	$124,506	$133,305	$176,419
REV05 - Review First Hour of Hearing (or part thereof)	$163,636	$154,043	$100,260	$99,137	$83,809	$105,272	$90,470	$140,620	$136,632	$78,550
REV06 - Review Second Hour of Hearing	$4,688	$3,519	$1,881	$1,487	$2,078	$1,907	$3,412	$2,864	$580	$528
REV07 - Review Later Hours of Hearing	$341	$168	$246	$161	$255	$160	$117	$221	$178	$0
REV08 - Review - Medical Specialist Report Fee	$701,846	$753,948	$618,022	$594,730	$580,060	$622,140	$661,877	$714,293	$816,997	$848,027
REV09 - Review - Other Report Fee - one report only	$30,825	$31,699	$22,149	$14,931	$18,428	$21,818	$26,305	$18,088	$18,986	$10,760
REV10 - Review - Other Report Fee - Two or more reports	$13,549	$10,366	$10,020	$9,585	$6,310	$14,609	$28,929	$8,779	$7,461	$4,938
REV11 - Review Claimant contact time - 1st hour of prep	$920	$1,250	$1,218	$1,119	$354	$514	$935	$87	$178	$0
REV12 - Review Claimant contact time - 2nd hour of prep	$392	$679	$480	$649	$175	$40	$423	$0	$59	$0
REV13 - Review Claimant contact time - 3rd hour of prep	$0	$117	$127	$117	$117	$0	$236	$0	$0	$0
REV14 - Review - Other reasonable expenses, incl travel	$218,667	$230,172	$175,122	$166,429	$173,797	$195,667	$233,405	$244,771	$227,960	$175,159
REV15 - Review - Legal Costs other than District Court	$0	$69,005	$444,662	$578,591	$875,959	$1,108,590	$1,298,309	$1,311,276	$2,058,006	$1,903,128

Table 3: Reviews lodged each year by client prioritised ethnicity.

Client prioritised ethnicity	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Māori	1,010	938	740	706	676	806	897	1,105	1,088	1,181
Pacific Peoples	234	225	150	163	145	198	183	217	239	264
Asian	246	242	205	177	179	233	257	355	325	413
Other Ethnicity	353	302	235	216	271	257	287	364	404	431
European	7,220	6,674	5,485	5,097	5,104	5,640	5,939	6,636	6,635	7,508
Residual Categories	182	151	155	153	159	94	113	149	133	192

Note: Client's prioritised ethnicity. A client may identify with any number of ethnicities, and can select more than one when lodging a claim. For reporting purposes, ACC selects one ethnicity for each client based on the following priority order Māori, Pacific peoples, Asian, other ethnicities, European. Residual Categories are those whose ethnicity was not stated.

Table 4: Reviews lodged each year by client gender.

Client gender	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Female	3,422	3,408	2,810	2,764	2,611	2,846	3,226	3,570	3,736	4,418
Male	5,823	5,124	4,160	3,748	3,923	4,382	4,450	5,256	5,088	5,571

Table 5: Reviews lodged each year by client age at review lodgement date.

Client age at review lodgement date	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
00-04	16	30	9	9	7	12	13	23	16	10
05-09	17	16	11	8	14	15	13	19	20	20
10-14	49	44	37	25	34	41	47	31	60	42
15-19	189	174	136	95	105	128	113	128	131	113
20-24	329	296	259	256	194	193	188	284	282	335
25-29	365	348	286	297	288	305	347	402	429	521
30-34	393	359	314	295	329	356	427	490	571	678
35-39	592	570	473	416	423	468	459	612	652	764
40-44	983	925	766	653	619	648	697	749	724	804
45-49	1348	1126	903	806	791	952	944	1125	1065	1242
50-54	1308	1269	1041	946	965	1051	1108	1211	1190	1369
55-59	1265	1173	979	982	1007	1018	1164	1287	1309	1444
60-64	1127	969	762	739	773	885	963	1088	1040	1215
65-69	598	609	503	507	508	549	602	695	589	705
70-74	347	353	263	248	256	331	340	381	420	399
75-79	201	151	139	137	141	170	150	182	213	202
80-84	84	68	62	63	51	76	72	77	65	79
85+	34	52	27	30	29	30	29	42	48	47

Table 6: Numbers of review cases where an appeal was filed in the District Court, High Court and Court of Appeal

By calendar year	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Number of appeals filed in District Court	344	270	323	392	418	419	396	442	671	783
Appeals in High Court*	19	11	17	26	14	31	40	19	17	18
Appeals in Court of Appeal**	3	4	4	2	3	4	3	9	6	4

Note *Appeals to the High Court can only be made with leave of the District Court or (if this is refused) special leave of the High Court. Figures include applications for special leave.
**Appeals to the Court of Appeal can only be made with leave of the High Court or (if this is refused) special leave of the Court of Appeal. Figures include applications for special leave.