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## **ACC Access to Justice Report's Authors Welcome Independent Inquiry Into Issues Raised**

*6 December 2015*

Acclaim Otago Inc and the authors of the Understanding the Problem report welcome the Minister for ACC, the Honourable Nikki Kaye's announcement of Miriam Dean QC's inquiry into four of the issues identified in their recent report. The Minister simultaneously announced the terms of reference for wider consultation on the Accident Compensation Appeal Tribunal proposal.

Mr Forster, lead-author of the previous report says "it is encouraging that the Minister has decided to inquire into the problems we have identified as these issues will really benefit from a rigorous analysis by someone with access to government resources."

Mr Forster says "We have been trying to persuade the Government that these issues exist for several years and it is exciting that there is now the opportunity to start looking at solutions to these problems. We recognise that we don't have all of the answers and it is great that someone of Ms Dean's calibre and experience will now look into the four issues that we raised in the July 2015 report.

The July 2015 report found that claimants were not getting access to justice and that reform was needed to address these barriers:

1. Insufficient access to the law, including to publicly available legal information, and additionally court decisions often not using the ACC statute or other similar cases Getting access to evidence was often difficult, including issues with obtaining relevant medical evidence and the lack of fair principles of evidence law;
2. Access to legal representation in the form of an experienced lawyer to defend the claimant's interests and test ACC's arguments; and
3. Claimants sensing they were not "being heard" and feeling they were not given a fair hearing by an independent judicial officer based on the evidence and law.

Denise Powell, spokesperson for Acclaim Otago Inc says, "Today, the Minister has signalled a collaborative approach to ensuring that these issues are inquired into and addressed, however this is only the beginning. This is the first time in decades that the law's effects have been considered."

Dr Powell continues "We look forward to working with Ms Dean and others involved in the inquiry and consultation process. It is important that the voices of injured people are heard and help shape the future of the Accident Compensation system."

### **About Acclaim Otago and current research**

Acclaim Otago was formed in 2003 to provide support to people experiencing ACC's harsh work capacity testing regime. Many of their members have been through the ACC dispute resolution and appeals process.

In July 2015, a team of researchers supported by the University of Otago's Legal Issues Centre has been awarded \$150,000 research funding from the New Zealand Law Foundation to continue their research into access to justice for injured New Zealanders dealing with ACC.

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