

**IN THE DISTRICT COURT  
AT WELLINGTON**

**I TE KŌTI-Ā-ROHE  
KI TE WHANGANUI-A-TARA**

**[2022] NZACC 75**

**ACR 215/20**

UNDER	THE ACCIDENT COMPENSATION ACT 2001
IN THE MATTER OF	AN APPEAL UNDER SECTION 149 OF THE ACT
BETWEEN	S JONES Appellant
AND	ACCIDENT COMPENSATION CORPORATION Respondent

Hearing: 27 April 2022  
Heard at: Christchurch/Ōtautahi

Appearances: The appellant in person  
Mr I Hunt for the respondent

Judgment: 4 May 2022

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**RESERVED JUDGMENT OF JUDGE C J McGUIRE  
[Cover granted following lodging of appeal]**

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[1] This was an appeal brought against the respondent's decision of 17 January 2020 declining cover for a treatment injury. The respondent has now reconsidered the matter and by decision dated 3 March 2021, granted cover for the said treatment injury.

[2] As the decision, giving rise to this appeal, has now been reversed by the respondent, nothing further remains to be decided on this appeal. It is therefore dismissed.

[3] In her Minute of 1 December 2021 Judge Henare recorded that the appellant wished in any event to proceed with his appeal and to make submissions about the background to his claim and his pain and suffering, and his treatment by the respondent.

[4] Accordingly, the hearing has proceeded for this purpose.

[5] Mr Jones told the court of the horrendous pain he has been in since a hernia was caused lifting his father seventeen and a half years ago. He was left in this condition on account of mesh used in the surgery that followed. He said that while the surgery was a small operation he now lives with chronic pain.

[6] He spoke of abuse from case managers and Justice Department employees. He noted that ACC is a monopoly, that it should be more caring and believe what claimants say about their injuries. He said people with injuries should not be discriminated against.

[7] He also spoke of his other appeal, ACR 232-18, and how in spite of his request to ACC for all documents relating to that case, they have not been provided.. He said; “whatever I do with ACC they stuff me around because they can”.

[8] He said that people should get the treatment they are due for their injury and he just wanted some empathy from the system.

[9] Mr Hunt on behalf of ACC referred to *Stockan v Accident Compensation Corporation*,<sup>1</sup> which confirmed that the appeal is not a forum for examining the conduct of the Corporation because there is no question about the review that can be argued.

[10] In this case the review decision has been overtaken by ACC’s decision granting cover following further information being provided.

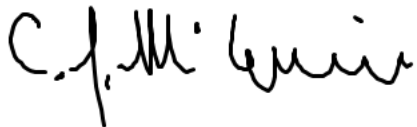
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<sup>1</sup> *Stockan v Accident Compensation Corporation* [2006] NZACC 233.

[11] Mr Hunt noted that there were a number of apologies from ACC in the papers placed before the court, but that the court is constrained in what it can do by the legislation as confirmed in *Stockan*.

[12] On an appeal against a decision of the Corporation the court's powers are set in and limited by the Accident Compensation Act, as noted in *Stockan*.

[13] It is entirely regrettable that the appellant did not receive decisions in a timely manner and that he was treated by Justice Department staff in a demeaning way. It is to be hoped that for the future, lessons have been learned. However, for the reasons set out above the appeal must be and is dismissed.

A handwritten signature in black ink, appearing to read 'C. J. McGuire', written in a cursive style.

Judge C J McGuire  
District Court Judge

Solicitors: Young Hunter, Christchurch, for the respondent.