

**Max Wilson**  
Appellant

**Accident Compensation  
Corporation**  
Respondent

**Before:** D J Plunkett

**Counsel for the Appellant:** P Sara

**Counsel for the Respondent:** M Ahern

**Date of Decision:** 3 August 2016

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**DECISION**

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[1] This is an appeal by Max Wilson to the Authority against the decision of a reviewer dated 10 February 2010.

[2] Mr Wilson suffered accidents on 25 May 1991 and 1 November 1999. The Corporation accepted cover for these accidents. In May 2007, Mr Wilson sought weekly compensation from the Corporation. It was declined on 3 July 2009. A review was sought. A hearing was scheduled but neither Mr Wilson nor his former lawyer attended. No reasons were given for their non-attendance. The review was dismissed on 10 February 2010.

[3] An appeal was filed in the District Court on about 14 March 2010 against the review decision of 10 February. Memoranda were then filed in the District Court by the lawyers for the parties in November 2015 seeking a direction that the Authority has jurisdiction as to Mr Wilson's entitlement to compensation from 25 May 1991 until 1 July 1992.

[4] No such direction has been made by the District Court.

[5] A fresh notice of appeal against the review decision of 10 February was then lodged with the Authority by Mr Wilson, on 30 May 2016. No particulars of the alleged errors of fact or law made by the reviewer were set out.

[6] On 2 June 2016, the Authority wrote to the lawyer noting that this was a fresh appeal and not a transfer by order of the District Court. The lawyer was advised that an application would need to be made for leave to appeal out of time, with submissions in terms of the factors set out in *McDougall v Accident Compensation Corporation* (1983) 4 NZAR 85. The lawyer was referred to s 108(1) of the Accident Compensation Act 1982.

[7] As there was no response to the Authority's letter, a further letter was sent on 30 June 2016 to Mr Wilson's lawyer repeating the advice that an application for leave to appeal would need to be made, supported by submissions. Mr Wilson was given until 21 July 2016 to make the application, or the appeal would be dismissed on the basis it was out of time.

## **OUTCOME**

[8] As no application for leave to appeal out of time has been made, let alone submissions in support, the appeal is dismissed on the basis that it is too late.

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D J Plunkett