

**IN THE DISTRICT COURT
AT WELLINGTON**

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

**[2023] NZACC 216 ACR 1/22;
ACR 218/22**

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

Hearing: 13 December 2023

Held at: Auckland District Court

Appearances: The Appellant is self-represented
L Hawes-Gandar for the Accident Compensation Corporation (“the Corporation”)

Judgment: 20 December 2023

**RESERVED JUDGMENT OF JUDGE P R SPILLER
[Claim for interest on backdated weekly compensation - s 114,
Accident Compensation Act 2001 (“the Act”)]**

Introduction

[1] The two appeals are as follows:

- (a) ACR 1/22: on 6 December 2021, the Reviewer quashed the Corporation’s decision dated 22 March 2021 advising Mr Hill of his eligibility to receive interest on back-dated weekly compensation; and
- (b) ACR 218/22: on 27 October 2022, the Reviewer dismissed the review of the Corporation’s decision dated 14 March 2022 determining interest on Mr Hill’s back-dated weekly compensation.

Procedural note

[2] At the hearing on 13 December 2023, Mr Hill presented submissions only on appeal ACR 218/22, and requested that appeal ACR 1/22 be heard separately at a later date. The latter appeal was thus adjourned, and the present judgment is addressed only to appeal ACR 218/22.

[3] During Mr Hill’s submissions, he noted that I had previously been a Disputes Tribunal Referee, and suggested that I had therefore been involved with the dispute resolution services that conduct reviews from Corporation decisions. I need to clarify that the position of Disputes Tribunal Referee is not connected in any way with Fair Way dispute resolution services and their review function of Corporation decisions, and that I have never been involved in these services.

Background

[4] On 4 August 1984, Mr Hill injured his left shoulder playing rugby league, which left him with a significant disability of his left arm. He obtained cover and began to receive entitlements including weekly compensation.

[5] On 1 September 2003, the Corporation determined that Mr Hill had obtained vocational independence and his weekly compensation was stopped from December 2003. This decision was upheld by the District Court.¹

[6] On 26 October 2004, Mr Hill saw his GP, Dr Dean Campbell, who recorded that Mr Hill complained of “numbness (R) hand fingertips lately, and some paraesthesia toes also”. Dr Campbell later confirmed that Mr Hill was, on 26 October 2004, seen by him with symptoms of right carpal tunnel syndrome.

[7] In April 2005, Mr Hill again saw Dr Campbell, who noted “paraesthesia up to mid (R) hand and pain arm on extension of shoulder”. On 9 May 2005, consultation notes described:

¹ *Hill v Accident Compensation Corporation* [2005] NZACC 101. An application for leave to appeal to the High Court was dismissed on 20 March 2006.

[Still complains of] paraesthesia R finger/thumb, weak grip, hand pain, weakness, numbness up arm too which he feels is due to 2002 neck accident.

[8] On 12 July 2005, a locum issued a referral letter to the local neurology clinic, asking for Mr Hill to be assessed for treatment of his right carpal tunnel syndrome.

[9] On 28 July 2005, Dr Alasdair Patrick, Neurologist, assessed Mr Hill. On 29 July 2005, Dr Patrick reported that Mr Hill had a history of four to six months of increasing pain at the base of his right thumb, extending up to his forearm. Mr Hill also had paraesthesia of his right hand and numbness of the fourth and fifth fingers, symptoms dating back to 1984. Dr Patrick confirmed the diagnosis of carpal tunnel syndrome.

[10] On 25 July 2006, the Corporation received correspondence from Mr Hill's then lawyer, Mr Phillip Schmidt, requesting that the Corporation reassess Mr Hill's vocational independence, based on new evidence that he had developed carpal tunnel syndrome which was thought to be related to his covered right shoulder injury. Mr Schmidt enclosed the report from Dr Patrick.

[11] The Corporation arranged for a reassessment of Mr Hill's vocational independence (VI). The Corporation obtained a VI occupational assessment. This was followed by a VI medical assessment, which was completed by Dr Iain Kelman and received by the Corporation on 18 January 2007.

[12] On 1 February 2007, based on Dr Kelman's report, the Corporation accepted that Mr Hill had suffered a VI deterioration and reinstated his weekly compensation.

Period One: interest on backdated compensation 29 July 2005-28 January 2007

[13] The Corporation initially backdated Mr Hill's weekly compensation to 29 July 2005, this being the date of the report from Dr Patrick diagnosing carpal tunnel syndrome. Payment for the backdated period was confirmed by the Corporation in a decision dated 3 August 2009. The payment was delayed until 2009 due to Mr Hill disputing decisions by WINZ, which affected the Corporation's ability to determine the correct amounts to pay to Mr Hill.

[14] Mr Hill, through Mr Schmidt, sought interest on this payment. On 13 October 2010, the Corporation declined interest. Mr Schmidt initially applied for a review of this decision on behalf of Mr Hill, but withdrew the review on 24 January 2011.

Period Two: interest on backdated compensation for 28 July 2005

[15] In 2014, Mr Hill asked the Corporation to backdate his VI deterioration and weekly compensation further, to October 2004, when, he believed, he had first started to suffer from carpal tunnel syndrome. He provided a letter in support of this from Dr Campbell, who advised that he had first treated Mr Hill for symptoms of carpal tunnel syndrome in October 2004.

[16] The Corporation did not consider this letter to be sufficient evidence to establish an earlier date of VI deterioration. However, in reviewing matters, the Corporation noted that, while Dr Patrick's report was dated 29 July 2005, he had actually assessed Mr Hill the day before on 28 July 2005. For this reason, on 28 April 2016, the Corporation issued a decision backdating Mr Hill's weekly compensation one day earlier, to 28 July 2005. This resulted in an additional payment of weekly compensation which was made on 5 May 2016.

[17] On 12 June 2017, the Corporation agreed to pay Mr Hill interest of \$107.77 on the backdated compensation payment, based on an all-information date (AID) of 25 July 2006, this being the date when it received Dr Patrick's report from Mr Schmidt.

Period Three: interest on backdated compensation 29 January 2005-27 July 2005

[18] After further consideration, the Corporation noted that Dr Patrick had suggested that Mr Hill's symptoms had begun four to six months prior to his assessment. While the earlier commencement of symptoms would not on its own establish VI deterioration, the Corporation decided to interpret the evidence generously and accept that Mr Hill's VI had deteriorated six months prior to his assessment by Dr Patrick. On 12 August 2016, the Corporation issued a further decision, backdating Mr Hill's weekly compensation an additional six months, to 29 January 2005. This resulted in an additional payment of weekly compensation which was made on 7 December 2016.

[19] On 30 May 2017, the Corporation advised that it would pay Mr Hill interest of \$9,951.68 on the backdated compensation payment, based on an AID of 25 July 2006. Mr Hill applied to review this decision (see below).

Period Four: interest on backdated compensation for 28 January 2005

[20] The Corporation subsequently discovered that the above payment was one day short, due an error in not including the start date of 28 January 2005, in the calculation. This discovery resulted in a further payment of backdated weekly compensation, for the day of 28 January 2005. This amount was paid on 12 June 2017.

[21] On 12 June 2017, the Corporation agreed to Mr Hill interest of \$101.71 on the backdated compensation payment, based on an AID of 25 July 2006.

District Court appeal

[22] On 2 November 2016, Mr Hill applied to review the Corporation's decision of 12 August 2016 (see paragraph [14] above), backdating Mr Hill's weekly compensation an additional six months, to 28 January 2005. Mr Hill submitted that the date should be 26 October 2004, when he had seen Dr Campbell for what was, in hindsight, thought to be symptoms of carpal tunnel syndrome. The review was dismissed, and Mr Hill appealed to the District Court.

[23] On 21 June 2018, at appeal, the Court noted that the consultation notes from Dr Campbell were unclear and the Court requested that further evidence be obtained.²

[24] On 15 November 2018, a report was provided by Dr Gavin Lobo, the GP who had taken over Dr Campbell's practice. Dr Lobo interpreted the relevant notes from Dr Campbell as supporting Mr Hill's position that his symptoms as recorded by Dr Campbell on 26 October 2004 were due to carpal tunnel syndrome.³

² *Hill v Accident Compensation Corporation* [2018] NZACC 186 at [11].

³ Above note 2, at [13].

[25] On 27 November 2018, based on the new evidence, the Court upheld Mr Hill's appeal and determined that his VI had deteriorated on 26 October 2004 and that he was entitled to weekly compensation from 26 October 2004. Henare DCJ stated:

[21] The Court is satisfied that Dr Campbell's letter of 24 September 2014 can be regarded as safe because Dr Lobo has checked Dr Campbell's clinical notes of 26 October 2004 which support signs and symptoms of right hand CTS, those symptoms including numbness of right hand fingertips and paraesthesia. It was not simply an issue of pain in the fingertips only. Dr Lobo also confirmed the clinical notes in early 2005 that the CTS was getting worse. The Court is also satisfied with Dr Lobo's explanation that the timeframe of six months identified by the Registrar at Auckland Hospital was incorrect given the clinical notes of Dr Campbell.

[22] Whilst the Court accepts Dr Patrick's notes are detailed, he did make error when he surmised the timeframe of 6 months prior. The recording of symptoms and diagnosis of CTS by Dr Campbell confirms this condition arose earlier than January 2005 and had consequent effects for Mr Hill's functional capacities.⁴

Period Five: interest on backdated compensation 26 October 2004-27 January 2005

[26] In accordance with the District Court's decision, on 10 January 2019, the Corporation made a further payment of weekly compensation, backdated to 26 October 2004. Payment was made on 24 July 2019. Mr Hill applied for a review of the Corporation's decision, and the review was dismissed.

[27] On 22 March 2021, the Corporation agreed to pay Mr Hill interest of \$219.56 on the backdated compensation payment, based on an AID of 27 November 2018, the date of the District Court judgment. Mr Hill applied for a review of this decision (see below).

Period Six: interest on backdated compensation 11 September 2009-5 December 2010

[28] On 15 April 2009, the Corporation issued a decision declining cover for Mr Hill's carpal tunnel syndrome. As a result, the Corporation also issued a second decision, dated 12 June 2009, determining that Mr Hill had achieved VI and, therefore, his weekly compensation would cease from 11 September 2009.

[29] On 22 February 2010, the Corporation determined that it had in fact already granted Mr Hill cover for carpal tunnel syndrome and that there was insufficient

evidence to revoke cover. Accordingly, the Corporation reversed the earlier decisions declining cover and determining that VI had been achieved. The Corporation reinstated Mr Hill's weekly compensation from 5 December 2010. On 10 March 2011, the Corporation paid Mr Hill backdated weekly compensation, from 11 September 2009 to 5 December 2010.

[30] On 30 May 2017, the Corporation agreed to pay Mr Hill \$3,810.29 interest on the backdated weekly compensation. The Corporation accepted that weekly compensation should not have been stopped in the first place. Therefore, it paid interest from the date on which each payment of weekly compensation would have been made to Mr Hill, if it had not been stopped, until the date he received the backdated payment. This means that there is a different AID for each week of backdated weekly compensation paid (11 September 2009 to 5 December 2010). Mr Hill applied for review of this decision.

Further Review decisions and Corporation decisions

[31] On 14 June 2019, review proceedings were held in relation to the Corporation's decision, setting out Mr Hill's entitlement to interest in respect of backdated weekly compensation for: (1) 29 January to 27 July 2005 (period three above); and (2) 11 September 2009 to 5 December 2010 (period six above). On 11 July 2019, the Reviewer quashed the decision and directed that it recalculate the amount of interest.

[32] On 30 November 2021, review proceedings were held in relation to the Corporation's decision of 22 March 2021 on Mr Hill's entitlement to interest for the period from 27 November 2018 to 24 July 2019 (see paragraph [21] above). On 6 December 2021, the Reviewer quashed the decision, as the Corporation conceded that its decision was made in error as it incorrectly advised that the date that the Corporation had all of the information necessary to make payment was 15 November 2018. On 2 January 2022, Mr Hill filed a Notice of Appeal (ACR 1/22).

[33] On 2 February 2022, the Corporation advised Mr Hill that it would further calculate interest as directed by the Reviewer. On 10 February 2022, the

⁴ Above, note 2.

Corporation advised Mr Hill that the further calculation of interest had been done. On 28 February 2022, the Corporation paid a further \$11.96 in respect of backdated weekly compensation for the period 26 October 2004 to 27 January 2005.

[34] On 14 March 2022, the Corporation issued a further decision on Mr Hill's entitlement to interest for the periods, revoking and replacing its previous decisions on interest, including those dated 30 May 2017, 12 June 2017, 22 March 2021, and 2 and 14 February 2022. The Corporation advised that Mr Hill had already received the interest to which he was entitled and so no further payment would be made. The Corporation set out a table of payments made to date (as noted above in paragraphs [13], [15], [17], [21], [24], and [27]). Mr Hill applied for a review of the decision.

[35] On 19 October 2022, review proceedings were held to consider the Corporation's decision of 14 March 2022. On 27 October 2022, the Reviewer dismissed the review, on the basis that the Corporation correctly determined the interest on Mr Hill's backdated weekly compensation. On 24 November 2022, Mr Hill filed a Notice of Appeal (ACR 218/22).

Relevant law

[36] Section 67 of the Act provides:

A claimant who has suffered a personal injury is entitled to 1 or more entitlements if he or she—

- (a) has cover for the personal injury; and
- (b) is eligible under this Act for the entitlement or entitlements in respect of the personal injury

[37] Section 113(1) of the Act provides:

- (1) If the Corporation determines under section 109 that a claimant no longer has vocational independence, the claimant regains his or her entitlement to weekly compensation, and the regained entitlement starts from the date of the determination or an earlier date determined by the Corporation.

[38] Section 114 of the Act provides:

- (1) The Corporation is liable to pay interest on any payment of weekly compensation to which the claimant is entitled, if the Corporation has not made the payment within 1 month after the Corporation has received all information necessary to enable the Corporation to calculate and make the payment.
- (2) The Corporation is liable to pay the interest—
 - (a) for the period from the date on which payment should have been made to the date on which it is made (the liability period); and
 - (b) at the interest rate or rates for the liability period.

[39] In *Kearney*,⁵ Chambers J of the Court of Appeal accepted that “all necessary information” included further medical or financial information.

[40] the Court stated that “all necessary information” included “further medical or financial information”.

[41] In *Miller*,⁶ Stevens J of the Court of Appeal stated:

[40] We consider that it is unhelpful to characterise the purposes of what is now s114 as being either solely compensatory or solely punitive. In our view, the purpose of the section is to compensate claimants for delays in processing their entitlements. At the same time, the section seeks to deter the Corporation from unnecessary delay. These twin purposes should not be seen as mutually exclusive. The focus must be upon how the section should be interpreted in its statutory context.

[41] It is now well established that interest will run from the first date on which it can be said that the Corporation holds ‘all information necessary’. The focus is not on the date of review or appeal, but rather on the date that it can be said that the Corporation is first in possession of the necessary information to make the same decision as that eventually reached on review or appeal. Hence the Corporation’s liability to pay interest on any payment of weekly compensation arises if such payment is not made within one month after the Corporation has received all the necessary information. This interpretation draws on the plain meaning of this section.

...

[47] We have considered four possible scenarios in which the Corporation might make a decision to cancel or suspend compensation that is later overturned on appeal. These are:

⁵ *Accident Compensation Corporation v Kearney* [2010] NZCA 327 at [30].

⁶ *Accident Compensation Corporation v Miller* [2013] NZCA 141.

- (1) The Corporation makes an error in interpreting the statute;
- (2) The Corporation misinterprets medical advice;
- (3) The Corporation receives and incorrectly interprets ambiguous medical advice and reaches the conclusion that compensation ought to be cancelled, but later advice reveals that decision to be incorrect; and
- (4) The original medical advice provided to the Corporation conclusively supports the cancellation of compensation, but later advice reaches a different conclusion.

...

[50] In (4), however, it cannot be said that the Corporation had ‘all information necessary’ to calculate the payment. That is because where all medical evidence available to the Corporation pointed against compensation, it is not open to the Corporation to calculate and make the payment. In this circumstance interest will not become payable until such date as the Corporation does receive ‘all necessary information’. When determining when ‘all necessary information’ is received, however, the Court must keep in mind that claimants ought not to be penalised for failure to provide information that has not been requested by the Corporation. Any new information received by the Corporation should be promptly assessed and, if it is necessary to seek further information either from the claimant or from (say) an independent assessor, this must be done without delay.

...

[56] For these reasons, it cannot be correct that, whenever the Corporation has been paying compensation, stops it, and later it is held that compensation should have been continued, the claimant will be entitled to interest because at the time of suspension or cancellation it had all the information it needed. We do not think there is anything in *Kearney* that suggests otherwise. Rather, *Kearney* was an example of a case involving a misinterpretation of the statute (scenario (1)), whereas the present appeal involves a situation where the special medical advice sought by the Corporation conclusively supported the cancellation of compensation (scenario (4)).

[42] In *Young*,⁷ Henare DCJ stated:

[25] ... the Corporation had “all information necessary” when it had both the medical and financial information. The medical information required cogent information of deterioration of vocational independence, a reassessment involving both a VIOA and VIMA and the results showing Mr Young no longer had vocational independence. The required financial information to calculate weekly compensation from the date of reinstatement and/or to abate his weekly compensation (on post incapacity earnings) and/or reimburse any benefit payments to Work and Income (WINZ) under s 252 of the Act.

[43] In *Hill*,⁸ Henare DCJ stated:

⁷ *Young v Accident Compensation Corporation* [2015] NZACC 300.

[18] There is no doubt that a lot of water has gone under the bridge since Mr Hill first experienced injury in 1984. There have been a number of decisions taken by the Corporation to suspend entitlements and numerous attempts at mediation that failed to achieve a resolution. Nonetheless, on the evidence available to it, the Corporation took a reasonable approach to payment of backdated weekly compensation.

[19] The Corporation took the approach that Dr Campbell's letter provided in 2014 is unsafe because it was provided some 10 years after Mr Hill first presented with symptoms of CTS. That position is understandable in the Court's opinion, given the cryptic nature of Dr Campbell's letter without production of the clinical notes and clarification of them. The agreed specific questions subsequently put to Dr Lobo has shed light to enable a determination in the case.

[44] In *Robinson*,⁹ the Court of Appeal, dealt with whether section 72 of the 1992 Act provided for payment of compound interest. Arnold J, for the Court, stated:

[39] We agree with the Judge that the issue is one of statutory interpretation. However, we disagree with the conclusion that he has reached. In our view it is clear that Parliament did not intend that interest on late payments under s 72 of the 1992 Act was to be calculated on a compound rather than a simple basis.

[40] Section 72 says that "interest shall be paid on the amount payable by the Corporation or exempt employer at the rate for the time being prescribed by or for the purposes of section 87 of the Judicature Act 1908 from the date on which payment should have been made to the date on which it is made."

...

[42] In summary, then, s 87(1) authorises the court, at its discretion, to order the payment of interest in respect of debts or damages awards at a rate not exceeding the prescribed rate. The proviso makes it clear that nothing in s 87(1) authorises the giving of interest upon interest. However, s 87(1)(b) emphasises the "backstop" nature of the s 87(1) power by providing that s 87(1) does not apply to any debt upon which interest is payable as of right under, among other things, a statute. In such a case an award of interest will not be discretionary, and, depending on the statutory language, interest may be payable at a higher rate than the prescribed rate and the payment of compound interest may be authorised.

[43] As a statutory corporation the Corporation has only those powers which it is given by statute, whether expressly or by necessary implication. Accordingly, the question is whether s 72 authorises (or, more accurately, requires) the payment of compound interest. As we have said, we consider that it does not.

[45] In *Rasmussen*,¹⁰ Beattie DCJ stated:

⁸ *Hill*, above note 2.

⁹ *Robinson v Accident Compensation Corporation* [2007] NZAR 193.

¹⁰ *Rasmussen v Accident Compensation Corporation* [2004] NZACC 340.

[37] This Court in a number of its decisions has clearly identified that the extent of its jurisdiction in appeals lodged pursuant to Section 152 of the Act, or pursuant to the comparable provisions of its predecessor and successor, can only be a jurisdiction to consider the correctness of the decision which was first made by the respondent, and it is only the scope of the primary decision which can be the subject of review and then appeal.

Discussion

[46] The issue in this appeal (ACR 218/22) is whether the Reviewer, on 27 October 2022, correctly dismissed Mr Hill's review of the Corporation's decision dated 14 March 2022 determining interest on his back-dated weekly compensation.

Periods 28 January 2005-28 July 2005 and 26 October 2004-27 January 2005

[47] The Corporation is liable to pay Mr Hill interest on weekly compensation to which the claimant is entitled, if the Corporation has not made the payment within one month after the Corporation has received all information necessary to enable the Corporation to calculate and make the payment. The Corporation is liable to pay the interest for the period from the date on which payment should have been made (AID) to the date on which it is made.¹¹ Case-law has established that the Corporation is liable to pay interest on payment of weekly compensation if the Corporation has not made the payment within one month after the date when Corporation is first in possession of all relevant medical and financial information necessary to enable the Corporation to make the payment.¹² Thus, the date at which weekly compensation is required to be paid is not necessarily the same as the AID date at which interest is required to be paid.¹³

[48] Mr Hill submits that the Corporation erred in determining the AID for his interest payments, as follows:

- (a) Period 28 January 2005-28 July 2005: the AID should be 26 October 2004, being the date when Dr Campbell first noted carpal tunnel syndrome symptoms, and not 25 July 2006, when the Corporation

¹¹ Section 114 of the Act.

¹² *Miller*, above note 6, at [41], and *Young*, above note 7, at [25].

¹³ *Miller*, above note 6, at [50] and [56].

received Dr Patrick's report on Mr Hill's vocational independence deterioration;

- (b) Period 26 October 2004-27 January 2005: the AID should be 26 October 2004, being the date when Dr Campbell first noted carpal tunnel syndrome symptoms, and not 15 November 2018, when the Corporation received Dr Lobo's report.

[49] In response, this Court notes the following considerations.

[50] First, on the evidence available to the Court, the Corporation first received notice of Mr Hill's request for reassessment (leading to reinstatement of weekly compensation), based on carpal tunnel syndrome, on 25 July 2006, when the Corporation received Dr Patrick's report with the carpal tunnel syndrome diagnosis.

[51] Second, in light of the above evidence, this Court finds that 25 July 2006 is the date when the Corporation was first in possession of all relevant information necessary to enable the Corporation to make the reinstated weekly compensation payment. The Court therefore further finds that the Corporation is liable to pay Mr Hill interest on weekly compensation to which he is entitled, where payment was not made within one month after 25 July 2006 (AID). This Court notes that Henare DCJ's judgment of 27 November 2018 concerned the date from which Mr Hill was entitled to *weekly compensation*, not the date from he was entitled to *interest* thereon.¹⁴

[52] Third, as a consequence of this Court's findings in paragraph [50] above, this Court finds that:

- (a) For the period 28 January 2005-28 July 2005, the Corporation correctly calculated interest on backdated weekly compensation with reference to 25 July 2006 (not 26 October 2004);

¹⁴ *Hill*, above note 2, at [23].

- (b) For the period 26 October 2004 to 27 January 2005, the Corporation incorrectly calculated any interest on backdated weekly compensation with reference to 15 November 2018, and should have based its calculation with reference to 25 July 2006 (but not 26 October 2004).

Period 11 September 2009-5 December 2010

[53] For the period 11 September 2009 to 5 December 2010, Mr Hill received a series of weekly compensation payments which had been incorrectly stopped. Mr Hill submits that the AID should be 11 September 2009, with interest paid on the total amount of backdated interest (thus including compound interest), and not different dates depending on when payment should have been made (on the basis of simple interest).

[54] This Court notes that each of the weekly compensation payments made above would have been on a different date from when the Corporation received all information necessary to enable the Corporation to make the payment; and hence each of these payments would have attracted different interest payments. The Court of Appeal has clarified that Parliament did not intend that interest on late payments was to be calculated on a compound basis (involving interest on interest) rather than a simple basis.¹⁵

[55] This Court therefore finds that the Corporation correctly paid Mr Hill interest in respect of the period 11 September 2009 to 5 December 2010.

Conclusion

[56] This Court concludes as follows:

- (a) Re: ACR 1/22: this matter is adjourned, to be heard as soon as possible;
- (b) Re: ACR 218/22: the Reviewer, in the decision of 27 October 2022:


¹⁵ *Robinson*, above note 9, at [39] and [42].

- (i) correctly dismissed the review of the Corporation's decision dated 14 March 2022 determining interest on Mr Hill's back-dated weekly compensation for the periods 28 January 2005 to 28 July 2005 and 11 September 2009 to 5 December 2010;
- (ii) incorrectly dismissed the review of the Corporation's decision dated 14 March 2022 determining interest on Mr Hill's back-dated weekly compensation for the period 26 October 2004 to 27 January 2005.

[57] Appeal 218/22 is therefore dismissed, except for the required modification of the Reviewer's decision relating to the period 26 October 2004 to 27 January 2005 (as recorded in paragraph [51](b) above).

[58] I make no order as to costs.

[59] This Court notes its concern at the Corporation's handling of Mr Hill's claims over many years, resulting in repeated corrections of earlier decisions and successful review and appeal proceedings. At the present appeal hearing, counsel for the Corporation confirmed that it was prepared to reconsider the issue of interest on backdated compensation for the period 29 July 2005-28 January 2007. The Court expresses its expectation that the Corporation will speedily and efficiently address the remainder of Mr Hill's matters as soon as possible, including the issue noted by counsel.



P R Spiller
District Court Judge

Solicitors for the Respondent: Medico Law Ltd.