

**IN THE DISTRICT COURT
AT WELLINGTON**

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

[2023] NZACC 114 ACR 106/23

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

Judgment on the papers.

Submissions: The Appellant is self-represented
 M Clarke-Parker for the Respondent

Date of Judgment: 13 July 2023

**JUDGMENT OF JUDGE P R SPILLER
[Late filing of an appeal to the District Court –
s 151, Accident Compensation Act 2001]**

Introduction

[1] The appeal in the above matter was lodged by Mr Crothers on the morning of 10 June 2023. The appeal is from the decision of a Reviewer dated 12 May 2023. The Reviewer dismissed an application for review of the Corporation’s decision of 31 July 2020 regarding calculation of weekly compensation.

[2] In filing his notice of appeal, Mr Crothers noted that he was not aware that a review decision had been issued until the previous day, as the emailed decision had gone to spam.

[3] Mr Clarke-Parker for the Corporation has submitted that the Corporation is not opposed to leave being granted to Mr Crothers to file his appeal late.

[4] Section 151 of the Accident Compensation Act 2001 (the Act) provides:

(1) An appellant brings an appeal by sending a notice of appeal to, or filing a notice of appeal in, a specified registry.

...

(3) The notice must be received by the specified registry—

(a) within 28 days after the date on which the reviewer gives a copy of the review decision to the appellant; or

(b) ...

(c) within any longer time allowed by the District Court.

[5] Given that Mr Crothers' appeal was lodged a few hours after the deadline, he was unaware of the emailed decision until the day of the deadline, and the Corporation is not opposed to leave being granted, this Court grants Mr Crothers leave to appeal out of time.

[6] However, the Court draws Mr Crothers' attention to section 161(3) of the Accident Compensation Act 2001 which provides that, if an appeal is not prosecuted with due diligence, the Court may dismiss the appeal on the application of any party. Mr Crothers is therefore required to comply promptly with deadlines and Court directions in the future processing of his appeal, failing which his appeal will be at further risk.

[7] There are no issues as to costs.



P R Spiller
District Court Judge