

# Review Hearings

## Your Right to Seek a Review

If you disagree with a decision Wellnz has made on behalf of your employer, you have the right to apply for it to be reviewed independently. An independent Reviewer will be appointed to re-examine the facts for your case. The review will take place within three months of you applying.

## When do I apply for a review?

You must apply within three months of the date you receive the decision you wish to review. This deadline may be extended when situations outside your control have prevented you from applying.

## How do I apply for a review?

You need to apply in writing to the address below. You can either write a letter outlining your reasons for wishing to review a decision, or contact Wellnz for a Review Application form and send it to Wellnz.

## Wellnz Internal review

Wellnz will internally reconsider the decision based on the information available and any other information that you wish to provide to support your claim. Following this a meeting may be offered to see if the issue can be settled without a formal review hearing. This would be a voluntary meeting and you are not required by the legislation to agree to this. If the internal review does not change the decision or the issue cannot be resolved at a meeting, the application will be forwarded to Fairway Resolution Limited who will appoint the independent Reviewer and arrange the formal review hearing.

## What does the Reviewer do?

The Reviewer's job is to independently examine your case, the decision that Wellnz made, the Accident Compensation Act 2001 and evidence that is presented to them. Afterwards the Reviewer will write to you with their decision. The decision is binding on all parties involved, however but it can be appealed by either party.

## Who attends review hearings?

Anyone who is directly involved can attend. Review hearings are not open to the public. The people usually attending are:

- Review Officer
- you and/or your representative
- a support person if you wish
- someone from Wellnz
- your employer and/or their representative
- sometimes witnesses or experts.

You can have a representative who will speak on your behalf, such as a lawyer, union representative or friend. If you intend to have a representative at the hearing, you should let them know as soon as you can so that they have time to prepare your case. You can bring along your family or whanau, or a friend for support.

## Do I have to attend?

It's a very good idea to attend – but you don't have to. The hearing will still go ahead, and a decision can be made in your absence. You can give evidence in writing to support your case instead of appearing at the hearing, or ask someone to represent you if you wish. Send any evidence to the Reviewer, and any other party to the review, before the date of the hearing. The Reviewer will take this information into account when making their decision.

### **What is the hearing like?**

The Reviewer manages the hearing, which is generally informal. All the information that was used by Wellnz to make the original decision can be made available before or during the hearing. This information is confidential and can only be used for the review hearing.

### **How is evidence given?**

Anyone giving evidence must take an oath or affirmation. Court rules about admissibility of evidence don't apply to review hearings. Each party has the chance to have a say and ask questions. You can bring witnesses to give evidence relevant to the review. If you would like to have witness give evidence, you must let the Reviewer and other parties know well before the date of the hearing. You must also indicate what the witnesses' evidence will be. The Reviewer will sometimes allow cross-examination of a witness.

You can present fresh evidence to support your case. Any new evidence must be presented to the Reviewer and other parties before the hearing. You should take the time to write down the main reasons why you dispute the Wellnz decision so that nothing is overlooked. Review hearings are tape-recorded, to provide a record in case there are any later hearings.

### **What if I can't attend because of an emergency?**

If you had planned to attend the hearing but can't because of an emergency, you should either:

- contact the Review Support Officer before the hearing to let them know that you can't attend, or
- get someone to go for you and ask for the hearing to be moved to another day.

The Reviewer will decide if the hearing date can change however this is not always possible as the date is generally agreed, rescheduling is difficult and legal time limits won't always allow it. Otherwise the hearing will go ahead in your absence.

### **What about costs?**

The Reviewer will decide whether costs can be awarded. If you want to know more about this, contact the Review Support Officer or ask the Reviewer at the hearing.

### **When will I get a decision?**

A decision will be made within 28 days of the hearing. You will be notified of the decision in writing soon after it is made. A review decision is binding.

If a date for the review hearing is not set within three months of Wellnz receiving the review application, the review will be deemed accepted.

*This information may change and should only be used as a guide.*