

6 March 2014

Anthony Jordan
Fyi-request-1401-ae2ba54f@requests.fyi.org.nz

Dear Mr Jordan

Official Information Act request

Your request

Thank you for your request of 5 February 2014. By reference to ACC's letter to you of 23 April 2013, you ask for the following information under the Official Information Act (OIA):

1. Any 'Contract' (only if they differ from ones already released) from 2007 to 2012 that relate solely to Dr Paul Timmings i.e. identifying his position as a non-contracted provider as opposed to contracted.
2. Proof of any request to the ACC for renegotiating the almost triple increase from original Purchase Order with invoice number A2776 Central Neurological Services.

Clarification sought

On 17 February 2014 I sought clarification from you in respect of your request. You responded in an email of 19 February 2014 in which you:

- Provided links to OIA requests you have made previously;
- Provided a definition of the word "redact"; and
- Explained that your request was intended to obtain "proof" of police involvement where assessors have held concerns about their safety.

It would appear that there has been something of a misunderstanding. The matters you have set out in your email of 19 February 2014 actually relate to an Official Information Act request you made to ACC on 5 February 2014. That request relates to correspondence between ACC and the office of the Ombudsmen in regard to the Ombudsman's investigation into your

complaint involving information about assessor safety concerns. I understand that request is currently being progressed and that you will receive a response to it shortly.

When I emailed you on 17 February I was seeking clarification in respect of your request regarding Dr Paul Timmings. In the time since, I have returned to your email of 5 February and have been able to determine the following in response to the queries you have raised about Dr Timmings.

ACC does not have a contract with Dr Timmings

You have asked for ACC to provide any contract it holds that solely relates to Dr Paul Timmings and which might establish "his position as a non-contracted provider as opposed to contracted." As will be explained below, ACC does not hold a contract which solely relates to Dr Timmings and on that basis, pursuant to section 18(e) of the Act, ACC declines your request on the ground that the information you seek does not exist.

To assist your understanding on this point I note the following. The matter of how Dr Timmings provides services to ACC has previously been explained to you by Lisa White in a letter to you of 16 May 2012 and subsequently by Anna Mildenhall in her letter of 23 April 2013. Both noted that ACC does not hold a direct contract with Dr Timmings. Ms Mildenhall went on to explain that Dr Timmings is however, a named provider on the contracts ACC holds with Anglesea Consultants and Waikato District Health Board.

What this means is that Anglesea Consultants and Waikato District Health Board each have a direct contract with ACC under which they provide services for ACC. In order to provide those services, Anglesea Consultants and Waikato District Health Board either directly contract with, or employ, various medical professionals to carry out the work required under their contract with ACC. However, while those individual health providers are completing the work ACC requires, they are not actually contracted to ACC. The contract ACC has in relation to those services is between it and the company/entity (such as Anglesea Consultants and Waikato District Health Board) that employs the people completing the work.

An example of how this might work can be seen as follows. Let's say ACC enters into a contract with a medical centre for it to provide medical assessments. In order to satisfy its contract with ACC, the medical centre might then enter into a separate contract with a doctor or doctors who would complete the necessary work. While those people actually complete the work ACC requires they do so as contractors to the medical centre, not ACC.

What might be confusing the issue in relation to your request about Dr Timmings is that it is not unusual for the contracts ACC enters into with entities like Anglesea Consultants and Waikato District Health Board to list the medical professionals they directly contract with, or employ, to complete the necessary work.

As Ms Mildenhall explained. Dr Timmings is named as one of the people who completes the work Anglesea Consultants and Waikato District Health Board have contracted to do for ACC. While he is named in those contracts, for the reasons explained above, that does not mean that he has a direct contract with ACC. He does not. The contracts ACC has entered into for those services are with Anglesea Consultants and Waikato District Health Board respectively.

Having explained that, it may be that what you actually seek to obtain are copies of the contracts ACC has with Anglesea Consultants and Waikato District Health Board. If that is the case please feel free to make a request for that information under the Official Information Act 1982 in order for ACC to assess, what, if any, information it can provide to you.

Purchase Order

You have asked for "proof" that ACC re-negotiated the original purchase order which gave rise to Dr Timmings issuing invoice A2776. I note that Anna Mildenhall dealt with the issue of the purchase order in her letter of 13 April 2013. Ms Mildenhall stated:

The 'Purchase Order' you refer to was for a referral and approval for ACC funding of a neurological assessment and would have been an estimated cost. The actual cost of an assessment may not always be known prior to the assessment as the specialist cannot always anticipate how long it would take to consult with the client, review any medical reports/notes sent, and then provide a report to ACC. Therefore, the purchase order figure may be different from that of the actual fee charged.

The purchase order was issued as an estimate. This was done in order to facilitate the assessment being undertaken. Dr Timmings subsequently issued an invoice for the services he actually provided. The variation in the respective figures contained in those documents can be explained by the matters referred to in the extract from Ms Mildenhall's letter above.

The OIA requires ACC to provide you with a response. ACC considers this response and the response provided by Ms Mildenhall in April 2013, has addressed your request. Therefore, please note, ACC will not be responding to any further correspondence from you on this issue.

Further information

If you are not happy with ACC's response you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsman
P O Box 10 152
WELLINGTON 6143

Yours sincerely



Mary Clarke
Senior Advisor, Government Services