



Ref. No. DOIA 2324-0783

2 November 2023

AS Van Wey

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Kia ora,

Thank you for your email of 9 October 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting information under the Official Information Act 1982 (the Act). Please note that for the purposes of our response, I have divided your request into five parts, shown in italics below, and responded separately to each part.

*“[...] whether ACC is actually funding free advocacy services for claimants, as described in these reports. That is to say, that ACC is funding free advocacy services, where the advocate will assist a claimant in preparing for a review and advocate for the client prior to a review and during a review.”*

ACC funds various forms of independent assistance for claimants to help navigate the claims process (outlined in more detail below) but none could be accurately described as a free advocacy service. The briefing you refer to in your request was jointly written by MBIE and ACC, and dates from 2019. In the time since it was written, the context and policy directions regarding the function of ACC's Navigation Services have changed. As a result, Navigation Services provides different services than what was planned at the time the briefing was written. The briefing on what ACC and MBIE had planned for Navigation Services at that time was not a formal notification or legally binding decision, but merely informed the Minister for ACC of the plans at that stage.

Changes in plans are a normal part of the public policy process. The process can involve rounds of consultation and other processes that can result in changes, including consultation with stakeholders before they go into force and reviewing how effectively changes are working in practice after implementation.

Accordingly, there are now a number of resources and options available to claimants who need help over the course of an ACC claim or decision review, or for claimants who do not wish to undertake formal review of an ACC finding (which may, for example, include seeking a decision in court). These include:

- Navigation Services, which ACC provides to help claimants access free advice and guidance to navigate the ACC system from independent providers. Providers will not act as an advocates for claimants. More information on this service is available [here](#).

- Alternative Dispute Resolution (ADR), through which claimants can have access to different methods for resolving ACC disputes without having to go through the more formal reviews process. You can find out more about ADR [here](#).
- Appointing an advocate. If they wish, claimants can appoint someone to support them through ACC processes. This could be anyone the claimant chooses, including a professional such as a lawyer. These people are selected by the claimant and whether they are paid for their services is a matter between the claimant and the person chosen. More information about this can be found [here](#) and [here](#) on ACC's website.

If an advocate or lawyer helps a claimant through a successful formal decision review process, the claimant can receive financial compensation from ACC under the *Accident Compensation (Review Costs and Appeals) Regulations 2002* for the payment of that advocate. You can find out the rates available to claimants who use advocates and lawyers in these circumstances [here](#).

Legal aid (government funding to pay for legal help) is also available for people who cannot afford a lawyer in some cases. You can find out more about eligibility and how to apply for legal aid [here](#).

*"If so, I request the response from ACC to MBIE that ACC are doing so."*

MBIE is not responsible for monitoring or receiving confirmation that ACC is undertaking operational services, and ACC does not directly fund advocacy services.

I therefore refuse this part of your request under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

*"If ACC is funding advocacy services, please provide a list of service providers who are contracted to ACC to provide free advocacy for claimants. A reference to publicly available information would suffice."*

ACC does not fund advocacy services directly through any contract, as a result there is no such list of providers. ACC does fund other claims assistance as detailed above.

I therefore refuse this part of your request under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

*"Who is responsible at MBIE to ensure that the funds ACC has allocated for "free advocacy services" for claimants are actually going to agencies who provide "free advocacy services"*

*Who is responsible at MBIE to review the contracts between ACC and the "navigation services" or "free advocacy services" to ensure that the contract includes "advocacy" as one of the services provided by those contractors and a definition of what advocacy means?"*

MBIE is not responsible for monitoring ACC's operational practices, including funding allocation, or reviewing contracts. The entity with immediate responsibility for ensuring ACC meets its legal obligations is ACC's Board. The Board would be responsible for ensuring any funds for operational services and contracts with external providers meet those obligations. However, as noted, ACC does not fund advocacy services directly through any contract and does not fund free advocacy services directly. The external monitor for ACC is the Treasury.

The Minister for ACC is also able to influence ACC through levers like meetings with the ACC Board Chair or the Letter of Expectations. MBIE can provide advice to the Minister for ACC regarding ACC's operations, contracts or funding if required, but does not have any direct ability or requirement to monitor or influence these functions. As ACC is a Crown Entity and run by its Board, its relationship with the Minister for ACC is at an 'arm's length.' This means that the Minister is not able to make directions to ACC about its operational practices, as these are the purview of the Board.

The Courts are also able to make findings about ACC's practices if a party raises a dispute with them.

*"If it is MBIE's position that ACC has contracted the "navigation services" to provide "free advocacy services", which includes please provide the evidence that MBIE has received that shows the contracts between ACC and these 'navigation services' providers include a clause for advocacy and a definition of advocacy services."*

As explained above, MBIE is not responsible for monitoring ACC's operational practices or reviewing contracts. ACC does not directly fund free advocacy services including through any contracts, and it is not MBIE's position that ACC's Navigation Services provides free advocacy services.

I therefore refuse this part of your request under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

I trust you find this information helpful. You have the right to seek investigation and review of the Ministry's decision by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely,



Bridget Duley  
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