



## Aide memoire: Overview of ACC's rehabilitation performance

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<b>To</b>	Hon Matt Dooccey, Minister for ACC	<b>Priority</b>	High
<b>Cc</b>	Hon Melissa Lee, Associate Minister for ACC		
<b>From</b>	Andrew Milne, Deputy Chief Executive – Strategy, Engagement and Planning	<b>Reference</b>	GOV- 030210
<b>Date</b>	2 February 2024	<b>Security rating</b>	In confidence

### Purpose of this paper

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1. This aide memoire provides you with an introduction to ACC's rehabilitation performance and initiatives underway to improve outcomes for clients and support the financial sustainability of the Scheme.

### ACC's Enterprise Strategy sets a clear direction for the next ten years

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2. In 2023, ACC launched its new 10-year Enterprise Strategy, Huakina Te Rā. This Strategy has a strong focus on building ACC's role within the broader health and social system, and working towards a future where all people, whānau and communities in New Zealand can thrive.
3. Huakina Te Rā includes three goals:
  - Equity of access, service experience and outcomes for all New Zealanders, through allocating funding and resources in a way which addresses the individual needs of communities.
  - Guardianship, through ensuring ACC is financially efficient and sustainable for present and future generations by building supportive and enabling relationships with New Zealanders.
  - Building safe and resilient communities, through partnership with and investment in communities, thereby supporting people to avoid injury and to recover and stay well after injury.

### ACC's current operating environment is complex

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4. ACC operates within the complex health and disability support system and has a relationship with every employer, every worker, every road user and every person, as well as with most healthcare and supported care providers.
5. ACC's operating context for delivering on the goals of Huakina Te Rā is challenging. In the last decade, ACC has experienced a declining trend across many of its key performance measures, particularly those relating to rehabilitation performance. This pressure has built cumulatively over time, driven by several factors:

- Demand for ACC's services is high and has grown in recent years. Claim volumes have grown by around 15% since 2012/13, with particularly high growth in complex claims – for example, claims involving weekly compensation have increased by 82% over the same period.
  - Workforce challenges have led to capability and capacity constraints associated with managing this demand. High attrition rates and unplanned leave, and a less experienced workforce, have compounded workload pressures and delayed ACC's responsiveness to clients.
  - External factors have created additional challenges. COVID-19 significantly impacted ACC's operating model and exacerbated capacity constraints in the broader health system, contributing to difficulties accessing services for ACC clients. More recently 2023's extreme weather events had a direct impact on ACC's performance.
  - Changes in non-injury factors have put further pressure on performance. Actuarial analysis highlights the impact of mental illness, for example, on rehabilitation outcomes. Economic and socio-economic factors also impact these outcomes.
6. Collectively, these factors have challenged the efficiency and effectiveness of rehabilitation activity delivered through ACC's case management model, compounding existing pressure within the system. Over the past ten years, there has been deterioration across several rehabilitation performance measures. For example:
    - The percentage of clients returning to work within 10-weeks has decreased to 63.3% (from 70.2%) and within one-year to 92.7% (from 95.9%).
    - As a result of declining short-term rehabilitation performance, the number of long-term clients (more than one-year) has grown to a historic high of 21,078 clients (from 10,399 clients ten years ago).
  7. These performance challenges have continued in ACC's most recent quarterly results. As at December 2023, Service Agreement measures relating to average weekly compensation days paid (<1 year) and growth in the long-term claims pool<sup>1</sup> continue to deteriorate and are not expected to meet year-end targets.
  8. ACC's ability to achieve rehabilitation outcomes has a direct impact on the Scheme's financial position. Based on the most recent information, as at December 2023, the Outstanding Claims Liability (OCL) has increased from \$51.5b to \$54.2b, with \$420m of this considered influenceable strain, largely driven by increasing weekly compensation, sensitive claims and serious injury care costs.
  9. Over the past ten years, declining claims performance has contributed around \$6b in influenceable strain to the OCL. ACC's financial performance directly contributes to the Crown's overall financial position via the operating balance before gains and losses (OBEGAL).
  10. Through these challenges, ACC continues to ensure that injured people receive the services and supports they need. In 2022/23, 1.97 million new claims were accepted, ACC supported 61,000 people return to work within 10 weeks of their injury and over 6,000 long-term clients who had been receiving weekly compensation were helped to return to work or independence<sup>2</sup>.

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<sup>1</sup> The long-term claims pool refers to claims that have received more than 365 days of cumulative weekly compensation. The longer the weekly compensation claims stay with the Scheme, the more difficult it becomes to rehabilitate these clients. Given the higher likelihood of these older claims staying on the Scheme, they tend to make a larger contribution to the OCL than newer ones.

<sup>2</sup> Whilst many injuries are recoverable, ACC also supports clients with long-term needs to reach maximal independence to achieve a stable everyday life.

## **ACC has a range of work underway to improve rehabilitation performance**

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11. Over the last year, ACC has implemented a range of foundational work to understand what would be required to sustainably improve rehabilitation performance. This includes three key pieces of exploratory work, which are explained further below.
12. In parallel, several targeted interventions have been implemented to address specific performance challenges which directly impact rehabilitation performance, including:
  - Focusing on early resolution of customer demand at the Contact Centre. ACC has increased the range of tasks Contact Centre staff can complete, increasing capacity across the system.
  - Creating efficiencies in how client payments are processed. ACC has enabled customer-focused staff direct access to specialist expertise. This has seen improvement in timeliness to first weekly compensation payments and reimbursements. Evidence suggests clients are less likely to focus on their rehabilitation while they are waiting for weekly compensation payments to commence.
  - Shifting to a one-to-one case management model for new weekly compensation clients in Assisted Recovery<sup>3</sup>. Once scaled up over the coming months, it is expected that around 200 additional staff members will be working in one-to-one relationships, covering approximately 14,000 weekly compensation claims. ACC expects this initiative will improve short-term rehabilitation performance and subsequently influence client satisfaction.
  - Improving the timeliness of elective surgery decisions. A focus on managing the Elective Surgery contract includes targeting the surgery decision-making process internally to improve timeliness and working with Health New Zealand to understand health system pressure and impacts on surgical capacity. Improving timeliness to elective surgery from both an ACC and supplier perspective is expected to have a positive impact on rehabilitation performance.
  - Introducing Recovery At Work. This is a new initiative to promote the importance of people being supported to safely recover at work after an injury. Evidence suggests doing some tasks in the work environment can speed up recovery and support improved mental wellbeing. Remaining connected to work is a positive indicator for sustainable rehabilitation.
  - Influencing medical certification processes through GP education. Correct medical certification practice is a key contributor to successful recovery at work. Increasing the number of 'fit for selected work' certificates is a positive lead indicator for improved rehabilitation performance. Increased engagement with the health sector has led to a decrease in the ratio of 'fully unfit' medical certificates over time.
13. While ACC is seeing some early positive signals from this work, there is no quick fix given the scale and nature of the performance pressures. To support a sustained and material shift to improve services for all New Zealanders, throughout 2023, ACC progressed three substantive pieces of exploratory work to better understand the current rehabilitation system and identify material opportunities for improvement.

### **Injury Prevention strategic reset**

14. In 2023, ACC completed an internal review of its current Injury Prevention Strategy to identify opportunities for continuous improvement and ensure investment is supporting intended rehabilitation and financial outcomes. Reducing the incidence and severity of

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<sup>3</sup> Assisted Recovery is primarily for clients who have less complex injuries and needs, and therefore, can largely manage their own recovery. Staff within Assisted Recovery typically work in a team-based way to support clients.

injuries is one of ACC's core legislative purposes and is a key lever for ensuring Scheme sustainability. Prevention and rehabilitation performance are intrinsically linked; preventing and mitigating the impact of injury, reinjury, and subsequent injury supports improved outcomes for clients.

15. Findings from this work indicate ACC's current injury prevention investment could be better leveraged to deliver value, and that there is a need to take a broader systems approach to this investment.

### **The Rehabilitation Improvement Group (RIG)**

16. The RIG is an internal group that was set up in early 2023 to help ACC better understand the 'end-to-end' experience of clients and improve rehabilitation outcomes. Using a systems-thinking approach, the RIG investigated ACC's rehabilitation system to understand the external and internal conditions that impact clients' recoveries, and areas for improvement. The RIG involved extensive engagement with front-line staff, health providers and employers across the country to deeply understand 'customer demand' – for example, around 20,000 instances of customer engagement with the system were captured and analysed.
17. Overall, the RIG identified opportunities to improve the end-to-end experience of clients through the rehabilitation system, which comprises ACC, health providers and employers. It also highlighted that some of ACC's internal processes can be inefficient and act as a barrier to improving rehabilitation outcomes for our clients.

### **The Health Commissioning Review (HCR)**

18. In August 2023, ACC commissioned an external review of its commissioning model for health and rehabilitation services, to support a focus on value-for-money and improved client outcomes. Health providers are an essential component of ACC's rehabilitation system, as they deliver services and support to clients on ACC's behalf. Expenditure on health services is also a significant component of ACC's total spending, at \$3.8b of the total \$6.2b in claims expenditure in 2022/23.
19. The HCR identified wide variation across the services provided to clients and instances where ACC is paying above benchmark for the delivery of health services. It identified an opportunity to improve the effectiveness and cost-efficiency of rehabilitation services, by changing how ACC partners and engages with health providers.

### **ACC is prioritising work to improve scheme efficiency and achieve sustainable improvements to rehabilitation performance.**

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20. Insights from this work highlight a clear need for system changes to ACC's end-to-end rehabilitation system, including how it works in partnership with providers to support clients, the efficiency of internal processes, and how it mitigates the impact of injuries for communities. Whilst the extent of change required is significant, ACC has identified five priority areas which it will focus on in the short to medium term.
21. These priorities are targeted towards areas ACC considers will have the most impact on improving rehabilitation outcomes and the efficiency of how ACC operates.
22. Delivering on these opportunities will support ACC to operate efficiently and effectively, improve client rehabilitation outcomes, and safeguard the financial sustainability of the Scheme. While these priorities respond to many of the opportunities for improvement identified, ACC is taking a staged approach to this work and expects its priorities will evolve in future years.

## **Implementing and delivering a revised strategic approach to how ACC invests to prevent and mitigate the impact of injuries**

23. ACC's injury prevention portfolio can deliver a range of benefits to communities and has the potential to be an important lever for improving rehabilitation performance and the Scheme's long-term financial sustainability. However, ACC is currently not leveraging its injury prevention investment in a way that consistently supports achieving these objectives.
24. A revised strategic approach is being developed to guide ACC's injury prevention investment activity. Overall, this will involve shifting from the current tactical programme investment approach to a broader systems model of injury prevention, supported by a clear evidence-base and delivered at scale. Within this model, ACC will also play a stronger advocacy role to promote injury prevention with its partners – including from a policy, regulatory and legislative perspective.

## **Improving front-end decision-making and processes, including how ACC receives claims, attributes them to funding accounts and distributes them into case management capability**

25. Insights from the RIG have identified a range of improvements ACC can make at the 'front-end' of the rehabilitation system – that is, how ACC receives, processes and triages claims. This priority will include a focus on how client's access and enter the ACC system and then how ACC most effectively initiates the recovery journey, considering things like cover, access to immediate entitlements and supports.
26. ACC's front-end processing is a key pathway into the rehabilitation system. Efficient and effective entry into the system is a key foundation for a successful recovery journey. Getting this process right first time will remove access barriers, improve the experience of clients and providers, avoid inefficiencies in the system, and increase the timeliness of rehabilitation support.

## **Improving the quality, timeliness, and transparency of payments to clients, including a focus on weekly compensation**

27. Insights from the RIG have identified opportunities to remove waste and inefficiencies across processes for providing financial support to clients, including weekly compensation and other entitlement payments. Ensuring timely and correct access to financial support is a key enabler for clients' recovery journey and directly contributes to improved rehabilitation outcomes.
28. Creating more seamless processes will improve the timeliness of payments to clients, along with their understanding and experience of the process. Reducing unnecessary demand will also create additional capacity in the case management system, supporting efficiency and allowing staff to focus on work that provides clear value to customers.

## **Expanding care pathways to support achieving better rehabilitation outcomes for clients and overall scheme efficiency**

29. Care pathways are a way of delivering rehabilitation services to specific client cohorts, primarily based on injury type. Care pathways include best practice guidelines for clinical care and provide flexibility for the delivery of integrated, coordinated services tailored to clients' specific needs. This model requires working with health providers in new and innovative ways – for example, moving to a high-trust model with a reduced role for ACC and contracting for outcomes, rather than for specific inputs in the form of discrete services.
30. ACC has already tested this model through the current Integrated Care Pathways service, which demonstrates the potential benefit of this model for improving rehabilitation outcomes. Clients having surgery via this pathway have shorter wait times, exit weekly compensation

faster, and demonstrate improved reinjury outcomes. Expanding the delivery of care pathways to a broader range of client cohorts is already underway.

### **Developing a strengthened health commissioning model and capability**

31. Shifting to a systems approach to delivering rehabilitation services, including through expanded care pathways, requires broader changes in ACC's health commissioning model. Health commissioning is the process by which ACC plans, purchases, and monitors healthcare services for clients. Changes to the commissioning model include ACC playing a more active role in shaping service delivery markets, exploring alternative procurement models, and exploring opportunities for co-commissioning. This in turn requires ACC to partner with Health New Zealand in new and more strategic ways and to think differently about ACC's role within the health system compared to historically.
32. An effective commissioning model is a key driver for improved rehabilitation outcomes, through the delivery of health services that ensure clients get the support they need, when they need it. These changes will also support an increased focus on value-for-money within ACC's health services investment and ensure ACC is operating in an efficient manner.

### **Delivering on this work will directly support your priorities for ACC**

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33. You have signalled that your priorities for ACC will include a focus on addressing the long-term trend of declining rehabilitation performance. Government has also signalled an increased focus on expenditure restraint and fiscal discipline across the public sector, by ensuring agencies and Crown Entities are operating in an efficient, effective, and financially responsible manner.
34. ACC expects that this priority work will support delivery of a sustained and meaningful shift towards improved rehabilitation outcomes, delivered more efficiently, and ultimately providing improved value-for-money. Delivering on these initiatives will also be central to advancing the vision and goals of Huakina Te Rā over the next three years.

### **Next steps**

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35. You are visiting the ACC Hamilton office on the 8th of February to be welcomed to the site and meet staff. The ACC Board Chair and Chief Executive will be accompanying you and will be ready to discuss this briefing with you as part of the visit.
36. You are meeting with the ACC Board Chair and Chief Executive on the 15th of February to discuss your priorities, including addressing long-term performance challenges.
37. ACC has provided a copy of the Second Quarterly Report 2023/24 to your office and understands you will shortly receive advice from The Treasury to accompany this report. There will be an opportunity for further discussion on this in your regular meeting with the Board Chair and Chief Executive on the 5th of March.
38. Officials can provide any further information relating to this aide memoire and the Quarterly Report as required.



## Aide memoire: Preventing injuries through public engagement

<b>To</b>	Hon Matt Dooney, Minister for ACC	<b>Priority</b>	Low
<b>Cc</b>	Hon Melissa Lee, Associate Minister for ACC		
<b>From</b>	Andrew Milne, Deputy Chief Executive – Strategy, Engagement and Planning	<b>Reference</b>	GOV-029607
<b>Date</b>	21 December 2023	<b>Security rating</b>	In confidence

### Purpose

1. This aide memoire outlines how ACC and its partners will aim to prevent injuries through public engagement over the 2023/24 summer period.
2. The majority of injuries are predictable and therefore preventable. The marketing and communication activity detailed below aim to change a range of risk-taking behaviours that generate a high volume of ACC claims.

### Have a *hmmm* before summer recreation activities

3. ACC's *Have a hmmm* programme encourages people to assess risk and take action to avoid injury and keep themselves, their families, friends, and community safe. By identifying the safe ways to do things people can make smart choices, stay injury free and keep doing what they need or love to do.
4. ACC has worked closely with key partners to develop *Have a hmmm hints* which focus on summer activities that lead to spikes in injuries each year. Partners that have guided the content include Mountain Safety Council, Surf Life Saving NZ, Maritime NZ, Surfing NZ, Drowning Prevention Auckland, and Water Safety NZ.
5. The activity focuses on the key things people can do to avoid injury while swimming, surfing, mountain biking, cycling, running, hiking, snorkelling, fishing in a boat, and fishing off the rocks.
6. The estimated lifetime cost of claims relating to these activities is over \$140M per year. Over 50% of claims and costs are linked to injuries that occur in regions from Taranaki across to Gisborne and up to the Far North so ACC will be targeting summer holiday hot spots in those locations.
7. *Have a hmmm hints* will reach people through partner channels, a range of websites, social media platforms and community activations. Activity will include videos (including some translated into Te Reo Māori, Samoan, Tongan and Mandarin), social media images, and posters in key locations.
8. The activity will run from 26 December 2023 to 4 April 2024. ACC's media team will be engaging with local papers for proactive media stories.

## Improving motorcycle safety

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9. There are two campaigns running this summer regarding motorcycle safety:
- The *Look Again* campaign is aimed at car drivers, encouraging behaviour change through watching for motorcyclists at urban intersections. This campaign launched in September 2021; television, billboard and digital media will be running from 7 February to 30 June 2024.
  - The *Come Ride with Me* campaign is aimed at motorcycle riders who have not participated in ACC-funded motorcycle skills training (known as Ride Forever training), encouraging them to sign up. The campaign launched in September 2023 and media will be running from 7 February to 7 April 2024.
10. Motorcycle riders make up 4.5% of the vehicle fleet, but account for 16% of the Motor Vehicle fund's Outstanding Claims Liability. Data shows that motorcyclists are 21 times more likely to be killed or seriously injured in a crash than a car driver travelling the same distance. The data shows that 48% of deaths and serious injuries occur in an urban environment and that 40% of urban road crashes occur at road intersections. Motorcyclists who participate in Ride Forever training are 50% less likely to incur an injury while riding.

## Nymbi campaign to reduce falls in older people

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11. To support older people to age well, ACC launched Nymbi in April 2023. ACC will be running the Nymbi campaign throughout the summer period from January.
12. The campaign involves partnerships with television (The AM Show), Grey Power and Aged Concern. Targeted print media, digital signs, social media, and keyword search campaigns will also be utilised.
13. Nymbi is an app that contains a series of exercises to improve the balance in older people and reduce the risk of a fall. There are currently over 20,000 older people engaging with the app.
14. Falls are the most common and costly cause of injury in people 65 years and over. The annual cost to ACC is approximately \$360m per annum and this is projected to increase to at least \$700m by 2035.

## Releasing National Concussion Guidelines

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15. In partnership with the health sector and the sport community (excluding elite sport), ACC has developed a standardised approach to identifying and treating concussions. On 1 February 2024, ACC will be releasing the agreed guidelines alongside a campaign to increase awareness within the health sector, the wider sports communities, and its supporters.
16. This is a significant announcement; the same guidelines will be released in Australia. Accordingly, the Minister may wish to issue a press release.
17. During the 2018-2022 period sports related concussion claims cost ACC \$115 million. The approximate annual number of head injuries in New Zealand is 36,000. Approximately 7,350 of these injuries are concussions due to sport.

## Next steps

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18. If required, ACC officials are available to discuss these media campaigns with you.





# ACC Briefing Paper: Update on access reporting requirements and consultation

<b>Date</b>	19 December 2023	<b>Priority</b>	Non-Urgent
<b>Security classification:</b>	In-confidence	<b>Briefing paper no:</b>	GOV-029312

## Action Sought

	<b>Action sought</b>	<b>Deadline</b>
Hon Melissa Lee, Associate Minister for ACC	<b>Note</b> ACC's proposed methodology and consultation plan to meet the statutory obligations under the Accident Compensation (Access Reporting and Other Matters) Amendment Act 2023, which falls within your delegation as Associate Minister for ACC.  <b>Note</b> that officials are available to discuss this approach with you further, and to support you to consult with your Cabinet colleagues on this matter.	Not applicable
Hon Matt Doocey, Minister for ACC	For noting. Officials are available to discuss this with you and the Associate Minister, as required.	Not applicable

## Contact for Telephone discussion (if required)

<b>Name</b>	<b>Position</b>	<b>Telephone</b>		<b>1<sup>st</sup> contact</b>
Rachel Watt	Policy Manager	[ s 9(2)(a) ]	[ s 9(2)(a) ]	✓

**MBIE consulted:** Yes

**Supporting documents:** No

# ACC Briefing Paper: GOV-029312

Report to: Associate Minister for ACC

<b>Recommended actions</b>		
It is recommended that you:		
<p><b>Note</b> that the Accident Compensation (Access Reporting and Other Matters) Amendment Act 2023 (the Amendment Act) outlines new statutory requirements to report on levels of access to the Scheme for injured people, and this work falls within your delegation by the Minister for ACC.</p>		<b>Note</b>
<p><b>Note</b> ACC is required to deliver the first annual Accident Compensation (AC) Scheme access report to you as soon as practicable after 30 June 2024, and that before the publication of the first report, ACC is required to consult with organisations and people it considers appropriate on the methods it will use to prepare these reports.</p>		<b>Note</b>
<p><b>Note</b> ACC proposes to:</p> <ul style="list-style-type: none"><li>• report on access to the Scheme for Māori, Pasifika, Asian peoples, and disabled people.</li><li>• use data collected through an injury survey to develop an injury prevalence rate to identify groups of people who are injured and who do not access the Scheme. This will be compared with claim lodgement rates for those groups, which will give us an understanding of access disparities between groups.</li><li>• consult on the proposed methodology with relevant population agencies, ACC Customer and Strategic Advisory Panels, and with the public via a consultation document on ACC's Shape your ACC website.</li></ul>		<b>Note</b>
<p><b>Note</b> that you may wish to consult with your Cabinet colleagues on this matter.</p>		<b>Note</b>



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## Andy Milne

Deputy Chief Executive

Accident Compensation Corporation

Date: 19 December 2023

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## Hon Melissa Lee

Associate Minister for ACC

Date:

## Purpose of this paper

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1. This paper provides information on:
  - a. ACC's proposed methodology and consultation plan to meet the statutory obligations under the Accident Compensation (Access Reporting and Other Matters) Amendment Act 2023.
  - b. Next steps in the development of ACC's first Scheme Access Report.

## Background

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2. The Accident Compensation (Access Reporting and Other Matters) Amendment Act 2023 (the Amendment Act) was introduced to require ACC to report on levels of access to the Scheme for injured people. These include disparities in access between population groups, barriers to access and causes of disparities.
3. The content ACC needs to report on (as the minimum requirements) will be phased in over a three-year period as follows:
  - a. the first annual scheme access report will describe the levels of access to the Accident Compensation Scheme in that financial year for Māori and other identified population groups, as well as disparities in access between groups.
  - b. the second Scheme access report will also describe the barriers to access for Māori and other identified population groups where there are any disparities in access between population groups, and
  - c. the third and subsequent scheme access reports will also include a description of the causes or factors contributing to those barriers or disparities for Māori and other identified population groups.
4. The first Scheme access report is due to be presented to you as soon as practicable after 30 June 2024.
5. One of the obligations under the Amendment Act is that, before preparing the first annual Scheme access report, ACC is required to consult with organisations and people it considers appropriate on the methods it will use to prepare these reports. The first report must then outline the methods we propose to use in preparing our second and third reports. Our plan for consultation is presented in this briefing, and we are currently developing a consultation paper to support this.

## Identified populations

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6. The Accident Compensation (Access Reporting and Other Matters) Amendment Act 2023 (the Amendment Act) directs ACC to "...prepare a report concerning access to the accident compensation scheme by Māori and identified population groups."
7. In addition to Māori, ACC proposes to base the first report on the following population groups:
  - Pasifika
  - Asian peoples
  - Disabled people.
8. In selecting these groups, we considered several factors relevant to ACC, including health and social care access and outcomes, known barriers to access, availability of ACC and agency data, and reporting feasibility and methodological robustness. We also undertook

exploratory data analysis, which also confirmed that access disparities exist for these populations.

9. There are other data variables to consider alongside the primary population groups; for example, age, gender, location, material hardship factors, and other relevant factors. These variables will form part of our more nuanced segmentation and analysis of the identified population groups, where possible.
10. Prioritising populations inevitably involves selecting only a few groups on which to focus our efforts. For example, including large populations as the identified groups, such as children, older people or women would reduce the value of prioritisation.
11. The legislation (as well as our proposed methodology, outlined below) also provides the flexibility to adapt populations for access reporting in subsequent years, if evidence suggests barriers and disparities for groups that differ from our initial framing. For example, over time we may expand on our current focus on Asian peoples to also cover Ethnic Communities more generally. We propose initially starting with Asian peoples as we can easily identify this group in our administrative data and therefore have a better understanding of barriers for them in the first instance.

## **Proposed methodology**

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12. ACC has historically used a claim lodgement ratio to measure access to the Scheme. The claim lodgement ratio shows the rate of claims lodged per head of population. However, this does not tell us how many people are getting injured and not lodging a claim.
13. To meet the requirements of the Amendment Act, we need to access alternative data sources, including surveys and linked cross-government data available in the Stats NZ Integrated Data Infrastructure (IDI).<sup>1</sup>
14. In designing the proposed methodology, we have conducted pilot data analysis in the IDI. We have engaged with StatsNZ on aspects of the methodology (identified below) and will seek feedback from StatsNZ on the technical aspects of the proposed data analysis.
15. The key elements of the proposed methodology are:
  - a. *Using a survey to estimate the proportion of injured people who lodge a claim with ACC*

Our exploratory data analysis has shown there are no current datasets that provide information about injury prevalence in New Zealand. Therefore we propose to use a survey approach. The survey approach will evolve over time, initially using an existing ACC-run survey and moving to using a representative survey that enables more detailed analysis longer-term. We have conducted initial conversations with StatsNZ about including an injury survey question in one of their surveys.

A survey approach will allow us to identify the proportion of injured people who lodge claims with ACC, broken down by Māori and the population groups we have identified. This meets our legislative requirement to report on levels of access and disparities between groups.
  - b. *Using the IDI to undertake more nuanced analysis, understand barriers to access, and understand trends in access over time*

While a survey approach provides a view of all injured peoples' access to the Scheme, there are some limitations associated with the detail we can provide through this reporting. Therefore, we also propose to use the IDI to access a greater

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<sup>1</sup> The IDI is a large research database that holds de-identified microdata about people and households. For more information, see <https://www.stats.govt.nz/integrated-data/integrated-data-infrastructure/>.

breadth of data variables, enabling us to be more specific in targeting our efforts to improve access.

IDI-based analysis provides a more detailed understanding of the multiple factors that impact on claim lodgement, enabling us to meet our legislative requirements to describe barriers to access for Māori and other identified population groups. This means we can report on claim rates for Māori and identified population groups, broken down by multiple factors including: age, gender, location, socio-economic status, industry, education, health, housing status, and overseas or New Zealand-born.

We will also use the IDI analysis to develop a time series that allows us to understand access trends for claim lodgement longer-term.

## Proposed consultation plan

16. The first annual Scheme access report is due to the Minister as soon as practicable after 30 June 2024. Before preparing the first annual Scheme access report ACC must consult “with organisations and people” it considers appropriate about the methods that it proposes to use in preparing the report. The Amendment Act does not specify with whom or how ACC must consult on its access reporting requirements.
17. We have developed a consultation approach to meet the requirements of the Amendment Act and to canvass the views of interested and affected groups. The consultation activities we propose to undertake ahead of publishing the first Scheme access report are outlined in Table 1.
18. As proposed, we intend that the consultation will occur over a 6-week period during the months of February and March 2024.

Table 1. Proposed consultation activities

Consultation activity		Indicative timeframe
a)	Distribution of consultation document to relevant population agencies for feedback and distribution to relevant networks and communities.	February to March 2024 (open for feedback for 6 weeks)
b)	Consulting with Stats NZ on the proposed methodology for identifying Māori and population groups and the methods for identifying access disparities.	February to March 2024
c)	Discussing the consultation document with ACC’s relevant Customer and Strategic Advisory Panels <sup>2</sup> for their consideration and feedback.	February to April 2024
d)	Publishing the consultation document on ACC’s Shape your ACC website for a six-week period.	February to March 2024 (open for feedback for 6 weeks)

19. There are risks and benefits to using either a narrow, targeted consultation approach, or taking a broader, open public consultation approach. We consider the proposed activities in Table 1 set a reasonable balance between being transparent by making the proposal

<sup>2</sup> Scheme Customer Advisory Panel; Pasifika Advisory Panel; Whānau Oranga Pūmau (Māori Customer Advisory Panel); Older Persons Panel.

available to the public, while engaging in an appropriate way with relevant groups, and are achievable within the current timeframe and resourcing parameters.

20. We also consider the consultation plan to be proportionate to meet the reporting requirements, as required in this initial phase.
21. We do not propose to undertake extensive engagement with the general public but would make the consultation document available via ACC's website, in line with the common practice for similar proposals.
22. In addition to consulting on our proposed methodology, the Amendment Act's provisions also require ACC to provide a description in the first report of how it proposes to engage with Māori and the identified population groups when preparing Reports Two (barriers) and Three (causes of disparities). To address this requirement, we propose to develop a forward-looking three-year engagement plan for Reports Two and Three for Māori and the identified population groups. This plan will also include an approach to test/consult with relevant organisations and people where it is deemed appropriate.
23. Following consultation, we will analyse the submissions and views gathered over the consultation period and this feedback will be used to refine the proposed methodology and inform preparation of the first annual Scheme access report.
24. It will also inform our approach to developing subsequent reports and the approach to engagement with communities, agencies, and networks to support developing an understanding of the barriers to access and causes of disparities.

## **Next steps**

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25. ACC is finalising the consultation document and can provide you with a version for your information early in the new year prior to commencing consultation.
26. Consultation is expected to be completed by May 2024, at which point ACC will analyse submissions and can update you on any substantial changes in approach.
27. The first Scheme access report will be provided to you as soon as practicable after June 2024. The report could be incorporated within another corporate accountability document.
28. You may wish to consult with your Cabinet colleagues on this matter. Officials would be available to support you with this process as required.



He Kaupare. He Manaaki.  
He Whakaora.  
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MINISTRY OF BUSINESS,  
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HIKINA WHAKATUTUKI



## Weekly Report to the Minister for ACC

For the period from 2 to 8 February 2024

<b>Date:</b>	8 February 2024	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1644 / GOV-030341

	Action sought	Deadline
Hon Matt Docey Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ] [ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ] [ s 9(2)(a) ]

Bridget Duley  
**Manager, Accident Compensation Policy**  
 Ministry of Business, Innovation and Employment  
 8/02/2024

Shaun Jones  
**Head of External Engagement**  
 ACC  
 8/02/2024

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
None.				

### Outstanding actions

Item	Action	Who	By when	Status update
None.				

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## 1. SCHEME POLICY (MBIE)

1.1 None.

## 2. OPERATIONS (ACC)

### 2.1 ACC begins work to deliver cost savings in the 2024/25 financial year

ACC has begun work in response to the Cabinet decision to embed a culture of expenditure restraint and fiscal discipline across the public sector.

Ongoing work through the Rehabilitation Improvement Group and Health Commissioning Review will deliver sustainable system improvements over the coming years. However, efficiencies also need to be found in the shorter term.

ACC's approach is to safeguard the future potential for ACC to become significantly more efficient and effective in the medium term, while delivering savings and demonstrating expenditure restraint and fiscal discipline in the short term.

Work is underway to understand and quantify potential cost savings in order to deliver a reduction in our proposed budget for the 2024/25 financial year. In addition some additional internal controls have been introduced around how vacancies are managed and filled.

This work will help provide assurance that ACC is operating efficiently, effectively, and in a financially responsible way, while continuing to make a difference for New Zealanders.

ACC Chief Executive, Megan Main, and Acting Board Chair, Dr Tracey Batten, will discuss this work in more detail when they meet with you on 15 February 2024.

### Papers sent to the Minister for ACC from 2 to 8 February 2024

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-030239	Background on Te Puna Aonui and ACC's involvement	ACC	Tane Cassidy	2/02/24
GOV-030210	Overview of ACC's rehabilitation performance	ACC	Andy Milne	2/02/24
GOV-030007	Minister's visit to Hamilton Hub – Amohia Ake	ACC	Shaun Jones	2/02/24
2324-1831	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	2/02/24
2324-1348	Proposed response to the 2025 International Labour Organization (ILO) General Survey on employment injury protection – approval to consult with social partners	MBIE	Bridget Duley / Nita Zodgekar (Manager, International Labour Policy)	7/02/24

### Forthcoming Ministerial papers

Tracker Number	Title	Agency	Signed Out By	Due by
2324-1537	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	8/02/24
GOV-030232	Meeting with Foetal Anti-Convulsant Syndrome NZ	ACC	Tane Cassidy	15/02/24
GOV-030279	Ambulance funding	ACC	Tane Cassidy	TBC
GOV-030259	Prevention of Family Violence and Sexual Violence	ACC	Tane Cassidy	TBC

### Upcoming Cabinet papers

Title	Agency	Date due to Minister	Committee	Committee date
Accident Compensation Cost of Treatment Amendment Regulations 2023 – seeking final Cabinet approval to changes	MBIE	21/12/2023	LEG	TBC
ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	14/12/2023	TBC	TBC

### ACC comments on draft Cabinet papers

Paper from	Subject matter	Status	Agency	Contact
None.				

### ACC comments on other agency papers

Paper from	Subject matter	Status	Agency	Contact
None.				

**Significant OIAs due out in the next two weeks**

<b>Requestor</b>	<b>Subject</b>	<b>Agency</b>	<b>Due</b>
Stuff NZ	Data and cost of treatment injury claims	ACC	16/02/24
Stuff NZ	School injuries over the past five years	ACC	21/02/24
NZME	Health risks from working with engineered stone	ACC	21/02/24
Labour Leader's Office	Correspondence received from Minister of Finance regarding cost savings	ACC	23/02/24

**Upcoming Events**

<b>When</b>	<b>Where</b>	<b>Comment</b>
None.		

**Upcoming ACC related visits by Ministers**

<b>When</b>	<b>Where</b>	<b>Comment</b>
None.		



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THE TREASURY

## Weekly Report to the Minister for ACC

For the period from 26 January to 1 February 2024

<b>Date:</b>	1 February 2024	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1643 / GOV-030172

	Action sought	Deadline
Hon Matt Docey Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ] [ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ] [ s 9(2)(a) ]

Bridget Duley  
**Manager, Accident Compensation Policy**  
 Ministry of Business, Innovation and Employment  
 01/02/2024

Shaun Jones  
**Head of External Engagement**  
 ACC  
 01/02/2024

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
None.				

### Outstanding actions

Item	Action	Who	By when	Status update
None.				

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## 1. SCHEME POLICY (MBIE)

1.1 None.

## 2. OPERATIONS (ACC)

### 2.1 ACC welcomes suppliers of musculoskeletal services to the new Integrated Care Pathways model

ACC is embarking on a transformational approach to rehabilitation management for clients with moderate to high complexity musculoskeletal injuries.

The Integrated Care Pathways model is an innovative way to manage people with similar types of injuries that require multiple rehabilitation services. This new approach gives an interdisciplinary team of providers scope to design an integrated, coordinated, and effective treatment plan for an ACC client, without avoidable approvals. With this model, a lead supplier is funded for the quality and effectiveness of overall care delivered, and paid upfront to enable desired client outcomes, rather than a fragmented fee-for-service approach.

Integrated Care Pathways Musculoskeletal is the first contracted service based on the model, and includes physical rehabilitation, vocational rehabilitation, and surgical services and, if clinically appropriate, patients could also access pain management, psychology, and other medical specialists. ACC has a dedicated webpage with materials to support suppliers to learn this new way of working, including guidance documents and webinars covering topics on claims management, how to triage, and ACC measures for performance and outcomes.

More information can be found at <https://www.acc.co.nz/for-providers/provider-contracts-and-services/integrated-care-pathways/>

### Papers sent to the Minister for ACC from 26 January to 1 February 2024

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-030276	ACC's Second Quarterly Report 2023/24	ACC	Stewart McRobie	31/01/24
GOV-030239	Background on Te Puna Aonui and ACC's involvement	ACC	Tane Cassidy	01/02/24
GOV-030007	Minister's visit to the ACC Hamilton Hub - Amohia Ake on 8 February 2024	ACC	Amanda Malu	01/02/24

### Forthcoming Ministerial papers

Tracker Number	Title	Agency	Signed Out By	Due by
2324-1348	Proposed response to the 2025 International Labour Organization (ILO) General Survey on employment injury protection – approval to consult with social partners	MBIE	Bridget Duley / Nita Zodgekar (Manager, International Labour Policy)	01/02/2024
2324-1831	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	02/02/2024
GOV-030210	Introduction to ACC topics	ACC	Andy Milne	07/02/2024
GOV-030200	Rural medical practices	ACC	Tane Cassidy	09/02/2024
GOV-030259	Prevention of Family Violence and Sexual Violence	ACC	Tane Cassidy	09/02/2024
2324-1533	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	09/02/2024
2324-1633	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	15/02/2024
GOV-030232	Minister meeting with Foetal Anti-Convulsant Syndrome NZ	ACC	Tane Cassidy	15/02/2024
2324-1818	Minister for ACC meeting with ACC Futures on 27 Feb 2024	MBIE	Bridget Duley	22/02/2024

### Upcoming Cabinet papers

Title	Agency	Date due to Minister	Committee	Committee date
Accident Compensation Cost of Treatment Amendment Regulations 2023 – seeking final Cabinet approval to changes	MBIE	21/12/2023	LEG	TBC
ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	14/12/2023	TBC	TBC

### ACC comments on draft Cabinet papers

Paper from	Subject matter	Status	Agency	Contact
None.				

**ACC comments on other agency papers**

Paper from	Subject matter	Status	Agency	Contact
None.				

**Significant OIAs due out in the next two weeks**

Requestor	Subject	Agency	Due date
Advocate	Documents relating to 'alignment issues'	ACC	9/02/2024
Stuff NZ	Data and cost of treatment injury claims	ACC	16/02/2024
Stuff NZ	School injuries over the past five years	ACC	21/02/2024
NZME	Health risks from working with engineered stone	ACC	21/02/2024
Labour Leader's Office	Correspondence received from Minister of Finance regarding cost savings	ACC	23/02/2024

**Upcoming Events**

When	Where	Comment
None.		

**Upcoming ACC related visits by Ministers**

When	Where	Comment
08/02/2024	Hamilton	Minister to visit the ACC Hamilton Hub – Amohia Ake





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## Weekly Report to the Minister for ACC

For the period from 19 to 25 January 2024

<b>Date:</b>	25 January 2024	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1642 / GOV-029988

	Action sought	Deadline
Hon Matt Docey Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ]

P.P. J. A.L.

Bridget Duley  
**Manager, Accident Compensation Policy**  
Ministry of Business, Innovation and Employment  
25/01/2024

Shaun Jones  
**Head of External Engagement**  
ACC  
25/01/2024

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
None.				

### Outstanding actions

Item	Action	Who	By when	Status update
None.				

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## 1. SCHEME POLICY (MBIE)

### 1.1 [ s 9(2)(f)(iv) ]

[REDACTED]

[REDACTED]

[REDACTED]

## 2. OPERATIONS (ACC)

### 2.1 Bringing consistency to concussion advice

On 1 February 2024, ACC and the Australian Sports Commission will announce new National Concussion Guidelines for all sports played in local communities all over New Zealand.

The guidelines were developed by an expert panel of medical directors and will provide a consistent approach to managing concussion for sport communities and health professionals.

At the moment, a person with concussion can receive different advice on when it's safe to return to sport, varying from 6 days to 23 days. The guidelines recommend a minimum break of 21 days from competition following a concussion, with medical clearance required before returning to play.

The first step in rolling out the guidelines will be releasing the story with media such as TVNZ, NZ Herald and Newstalk ZB. ACC will then work with the sport and health sectors, so players, parents, caregivers, coaches, referees, and medical professionals know what advice to give and follow when a concussed player returns to sport.

ACC is working with National Sport Organisations on ways to engage with key audiences before the winter sport season.

### 2.2 Kaupapa Māori Solutions - Tranche 1 to go live in February

Kaupapa Māori health services are primarily for Māori kiritaki/whānau but available to all people with complex injuries and a high level of need, including those who have experienced serious injuries, and are part of ACC's continuous effort to improve equity and deliver better services for Māori clients and their whānau.

This will be the first of the Kaupapa Māori Solutions services to go-live, with a 12-month test-and-refine phase. ACC is working towards sharing the announcement externally in early February. ACC will take what it learns about what worked effectively in Tranche 1 to inform the service design brief for subsequent phases in Te Tai Tokerau (Northland) and Tāmaki Makaurau (Auckland) later in 2024.

More information can be found at <https://www.acc.co.nz/for-providers/provider-contracts-and-services/kaupapa-maori-health-services/>

**Papers sent to the Minister for ACC from 19 to 25 January 2024**

Tracker Number	Title	Agency	Signed Out By	Due by
None.				

**Forthcoming Ministerial papers**

Tracker Number	Title	Agency	Signed Out By	Due by
2324-1348	Proposed response to the 2025 International Labour Organization (ILO) General Survey on employment injury protection – approval to consult with social partners	MBIE	Bridget Duley / Nita Zodgekar (Manager, International Labour Policy)	31/01/2024
2324-1633	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	08/02/2024
2324-1533	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	09/02/2024

**Upcoming Cabinet papers**

Title	Agency	Date due to Minister	Committee	Committee date
Accident Compensation Cost of Treatment Amendment Regulations 2023 – seeking final Cabinet approval to changes	MBIE	21/12/2023	LEG	TBC
ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	14/12/2023	TBC	TBC

**ACC comments on draft Cabinet papers**

Paper from	Subject matter	Status	Agency	Contact
None.				

**ACC comments on other agency papers**

Paper from	Subject matter	Status	Agency	Contact
None.				

**Significant OIAs due out in the next two weeks**

Requestor	Subject	Agency	Due
Advocate	Documents relating to ‘alignment issues’	ACC	9/02/2024
Stuff NZ	Data and cost of treatment injury claims	ACC	16/02/2024

**Upcoming Events**

When	Where	Comment
None.		

**Upcoming ACC related visits by Ministers**

When	Where	Comment
None.		



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## Weekly Report to the Minister for ACC

For the period from 12 to 18 January 2024

<b>Date:</b>	18 January 2024	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1601/ GOV-029988

	Action sought	Deadline
Hon Matt Dooney Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ] [ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ] [ s 9(2)(a) ]

Bridget Duley  
**Manager, Accident Compensation Policy**  
 Ministry of Business, Innovation and Employment  
 18/01/2024

Shaun Jones  
**Head of External Engagement**  
 ACC  
 18/01/2024

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
None.				

### Outstanding actions

Item	Action	Who	By when	Status update
None.				

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**1. SCHEME POLICY (MBIE)**

1.1 None.

**2. OPERATIONS (ACC)**

**2.1 Allied health sector funding increase, to align with pay equity settlement**

ACC advised the allied health sector in December 2023 that it would increase pricing for the services they provide by a further 4.2% (commencing 1 March 2024). ACC had already increased allied health sector pricing by 6.51% as a result of an annual pricing review in July 2023. This included a placeholder uplift to the base salary, as the current Multi-Employer Collective Agreement (MECA) had expired, and no settlement had been reached. The base salary informs various components of the price.

The additional price increase aligns ACC's base salary with what was agreed between Te Whatu Ora and health sector unions in October 2023 as part of their Multi-Employer Collective Agreement.

You have received four letters on this topic from individual physiotherapists who provide ACC contracted services. The allied health sector's concerns are that ACC price reviews do not reflect the actual costs of delivering services.

ACC acknowledges that there have been significant inflationary impacts on the cost of running a business and is commissioning an independent review at Physiotherapy New Zealand's request to address the business impacts on the sector.

ACC will not backdate the 4.2% increase because it is outside the annual pricing review cycle. However, ACC has taken steps to implement the increased service item price four months ahead of the annual pricing review in recognition of correcting the gender pay gap and to support the sector.

ACC is preparing responses to the letters you have received and has responded to all parties that have written to ACC to acknowledge their feedback. ACC will send further communications to all affected parties referring them to the ACC website where all questions have been collated and answered. This page will be live from 19 January 2024. All other interested parties will also receive the same information through their relationship holders.

**2.2 [ s 9(2)(b)(ii) ]**

[Redacted content]

**Papers sent to the Minister for ACC from 12 to 18 January 2024**

Tracker Number	Title	Agency	Signed Out By	Due by
2324-1533	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	15/01/2024

**Forthcoming Ministerial papers**

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-029818	NZ College of Clinical Psychologists and employment of intern psychologists	ACC	Tane Cassidy	19/01/2024
2324-1633	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	08/02/2024

**Upcoming Cabinet papers**

Title	Agency	Date due to Minister	Committee	Committee date
Accident Compensation Cost of Treatment Amendment Regulations 2024 – seeking final Cabinet approval for changes	MBIE	21/12/2023	LEG	TBC
ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	14/12/2023	TBC	TBC

**ACC comments on draft Cabinet papers**

Paper from	Subject matter	Status	Agency	Contact
Ministry of Health Manatū Hauora	[ s 9(2)(f)(iv) ]	[ s 9(2)(f)(iv) ]	ACC	Alexia Ford

**ACC comments on other agency papers**

Paper from	Subject matter	Status	Agency	Contact
None.				

**Significant OIAs due out in the next two weeks**

Requestor	Subject	Agency	Due date
None.			



**Upcoming Events**

<b>When</b>	<b>Where</b>	<b>Comment</b>
None.		

**Upcoming ACC related visits by Ministers**

<b>When</b>	<b>Where</b>	<b>Comment</b>
None.		

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## Weekly Report to the Minister for ACC

For the period from 5 to 11 January 2024

<b>Date:</b>	11 January 2024	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1519/GOV-029882

	Action sought	Deadline
Hon Matt Docey Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ] [ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ] [ s 9(2)(a) ]

Bridget Duley  
**Manager, Accident Compensation Policy**  
Ministry of Business, Innovation and Employment  
11/01/2024

Shaun Jones  
**Head of External Engagement**  
ACC  
11/01/2024

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
None.				

### Outstanding actions

Item	Action	Who	By when	Status update
None.				

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## 1. SCHEME POLICY (MBIE)

1.1 None.

## 2. OPERATIONS (ACC)

### 2.1 ACC is partnering with Round the Bays Auckland to support communities to get active.

Round the Bays Auckland is New Zealand's biggest fun-run. The face-to-face event will take place in Tāmaki Makaurau on 3 March 2024. A virtual event allows registered participants to download the Round the Bays app and log their 8.4km 'race' anytime between 3 and 10 March.

ACC sponsors the event to support communities to get active and as part of ACC's wider 'have a hmmm' summer activity, which focuses on injury prevention in nine outdoor activities that lead to spikes in injuries each summer (swimming, surfing, running, cycling, mountain biking, fishing from rocks, fishing from a small boat, snorkelling/gathering kaimoana and hiking).

ACC will be sharing training and warm up tips and encouraging Round the Bays participants to 'have a hmmm' as they train and take part on the day.

### Papers sent to the Minister for ACC from 5 to 11 January 2024

Tracker Number	Title	Agency	Signed Out By	Due by
None.				

### Forthcoming Ministerial papers

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-029818	NZ College of Clinical Psychologists and employment of intern psychologists	ACC	Tane Cassidy	12/01/2024
2324-1533	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	15/01/2024
2324-1537	[ s 9(2)(f)(iv) ]	MBIE	Bridget Duley	09/02/2024

### Upcoming Cabinet papers

Title	Agency	Date due to Minister	Committee	Committee date
Accident Compensation Cost of Treatment Amendment Regulations 2023 – seeking final Cabinet approval to changes	MBIE	21/12/2023	LEG	TBC
ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	14/12/2023	TBC	TBC

### ACC comments on draft Cabinet papers

Paper from	Subject matter	Status	Agency	Contact
Ministry of Social Development	[ s 9(2)(f)(iv) ]	[ s 9(2)(f)(iv) ]	ACC	Alexia Ford

### ACC comments on other agency papers

Paper from	Subject matter	Status	Agency	Contact
None.				

### Significant OIAs due out in the next two weeks

Requestor	Subject	Agency	Due date
[ s 9(2)(a) ]	Information on the function of ACC's Navigation Services and the corresponding recommendation for a national advocacy service from the Miriam Dean Report, and MBIE's involvement in its development.	MBIE	23/01/2024

### Upcoming Events

When	Where	Comment
None.		

### Upcoming ACC related visits by Ministers

When	Where	Comment
12/01/24	Otago House, Dunedin	Minister to visit and tour ACC client service functions



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## Weekly Report to the Minister for ACC

For the period from 15 to 21 December 2023

<b>Date:</b>	21 December 2023	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1322 / GOV-029664

	Action sought	Deadline
Hon Matt Docey Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ] [ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ] [ s 9(2)(a) ]

Bridget Duley  
**Manager, Accident Compensation Policy**  
Ministry of Business, Innovation and Employment  
21/12/2023

Shaun Jones  
**Head of External Engagement**  
ACC  
21/12/2023

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
ACC's mental injury boundaries	Outline scheme settings, challenges and policy considerations	MBIE	20/12/2023	Complete
Employer views on AEP changes	Outline views of employers, particularly BusinessNZ on proposed changes to AEP	MBIE	20/12/2023	Complete

### Outstanding actions

Item	Action	Who	By when	Status update
None.				

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## 1. SCHEME POLICY (MBIE)

1.1 None.

## 2. OPERATIONS (ACC)

### 2.1 ACC v TN – Court of Appeal Decision

In a decision delivered on 20 December 2023, the Court of Appeal confirmed that a client who suffered a mental injury from childhood sexual abuse, but sought treatment after age 18, is eligible for loss of potential earnings compensation (LOPE).

ACC is considering the decision, and will update its processes to reflect the judgement. Additional information will be provided to you in due course.

### 2.2 Monthly Media Update – November

ACC produces a monthly internal report on its media and public engagement performance. This outlines how proactive and reactive media engagement has shaped perceptions of ACC and provides a wider view of all engagement activity. A summary of the report for November is provided below.

**Media** – Every month a Media Reputation Score out of 100 is generated. A score over 50 is positive while a score below 50 is negative. The Media Reputation Score for most public and private sector organisations is around 50. ACC's November media reputation score was 66, up three points from October, due to a higher number of injury prevention and positive client stories. Estimated potential reach also increased with more stories that mention ACC appearing in the NZ Herald and the Otago Daily Times. The total volume of media stories mentioning ACC increased in November.

**Brand metrics** – This month ACC reported higher brand and campaign scores, especially in trust, for the Asian population. This trend aligns with Asian scores for other tracked government agencies. ACC monitors potential gaps in perceived and actual levels of understanding and awareness of, and trust in ACC. Overall, brand visibility increased for all populations and trust levels remained stable for the general population, Māori, Pāsifika, and Asian.

#### Campaign Performance –

- *Preventable / Have a hmmm* is ACC's long-term injury prevention behaviour-change programme, designed to change attitudes to risk-taking behaviour. The 'waterfall' and 'jandal' versions of the ads are continuing on television ahead of the summer campaign, which goes live on 26 December.
- *Kia Mahea Kia Puāwai* is a targeted campaign to improve Māori knowledge of ACC's role and services, and support access. Recognition of the campaign continues to grow, with 93% of Māori saying they would take action, such as seeking support from ACC if injured, due to seeing the ads.

**Social media and ACC Newsroom** – The *Getting Started as a Provider* paid campaigns drove more than 20,000 website URL clicks and our unpaid TikTok videos on home-based injuries were viewed over three million times. Paid Facebook and TikTok ads continue to support an increase in engagements.

### Papers sent to the Minister for ACC from 15 to 21 December 2023

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-029312	Consultation prior to ACC's first annual scheme access report (Associate Minister)	ACC	Andy Milne	19/12/2023
GOV-029607	Preventing injuries through public engagement	ACC	Andy Milne	20/12/2023
2324-0933	Accident Compensation 2022 Cost of Treatment Regulations for LEG authorisation – Cabinet Paper for Lodgement	MBIE	Bridget Duley	20/12/2023



Tracker Number	Title	Agency	Signed Out By	Due by
2324-0207	Progressing changes to the ACC Definitions Regulations	MBIE	Bridget Duley	20/12/2023
2324-0948	Funding the Accident Compensation scheme	MBIE	Bridget Duley	20/12/2023
2324-1419	Mental injury boundaries in the Accident Compensation scheme	MBIE	Bridget Duley	20/12/2023
2324-1421	Employer views on proposed Accredited Employers Programme changes	MBIE	Bridget Duley	20/12/2023

#### Forthcoming Ministerial papers

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-028203	[ s 9(2)(f)(iv) ]	ACC	Tane Cassidy	22/12/2023

#### Upcoming Cabinet papers

Title	Agency	Date due to Minister	Committee	Committee date
Accident Compensation Cost of Treatment Amendment Regulations 2023 – seeking final Cabinet approval to changes	MBIE	20/12/2023	LEG	TBC
ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	20/12/2023	TBC	TBC

#### ACC comments on draft Cabinet papers

Paper from	Subject matter	Status	Agency	Contact
None.				

#### ACC comments on other agency papers

Paper from	Subject matter	Status	Agency	Contact
None.				

#### Significant OIAs due out in the next two weeks

Requestor	Subject	Agency	Due date
None.			

#### Upcoming Events

When	Where	Comment
None.		

#### Upcoming ACC related visits by Ministers

When	Where	Comment
None.		



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TE TAI ŌHANGA  
THE TREASURY

## Weekly Report to the Minister for ACC

For the period from 8 to 14 December 2023

<b>Date:</b>	14 December 2023	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-1321 / GOV-029530

	Action sought	Deadline
Hon Matt Docey Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ] [ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ] [ s 9(2)(a) ]

Bridget Duley  
**Manager, Accident Compensation Policy**  
Ministry of Business, Innovation and Employment  
14/12/2023

Shaun Jones  
**Head of External Engagement**  
ACC  
14/12/2023

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
None.				

### Outstanding actions

Item	Action	Who	By when	Status update
None.				


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## 1. SCHEME POLICY (MBIE)

### 1.1 Abuse in Care Royal Commission of Inquiry

The Abuse in Care Royal Commission of Inquiry (the Royal Commission), in its December 2021 report *He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui*, recommended establishing a new redress scheme to help survivors and their whānau affected by abuse in State and faith-based care. Following this report, Cabinet agreed in 2021 to develop an independent survivor focused redress system. Cabinet later decided to establish a Redress Design Group and a supporting Advisory Group, to produce high-level redress design proposals.

[ s 9(2)(f)(iv) ]



The Royal Commission will also provide the final report from its Inquiry in March 2024. The Royal Commission had been due to provide its recommendations to the Crown by the end of November 2023, in advance of the release of the final report. However, the delivery of recommendations has been delayed due to the need to complete a natural justice review process, which enables people and organisations to respond on potential findings that are adverse to them. The Crown Response is working to clarify when recommendations will be provided to the Crown, following this natural justice review process. Again, we will brief you if any of the Royal Commission's recommendations relate to or impact ACC.

## 2. OPERATIONS (ACC)

### 2.1 ACC progress with Pay Equity settlements

The recent pay equity settlement for allied, public health, scientific, and technical health workers will mean 20% salary increases for most workers covered. ACC recognises the substantial impacts the settlements will have on the health sector and is working to formulate a response.

A comprehensive review of the potential adjustments to service rates following the nursing pay equity settlement was presented to the ACC Board in November 2023, and the Allied Health, Technical, and Scientific market assessment will be presented to the Board in December.

ACC is also actively involved in ongoing negotiations concerning the care and support worker pay equity claim, and plans to provide an update on the progress of these negotiations in the new year.

An additional update on outcomes from the ACC Board is expected later this month, providing further insight into the organisation's response to the evolving landscape of pay equity. We can provide your office with further updates as this work progresses.

## 2.2 Innovation Fund applications

ACC's Innovation Fund rewards innovation in the health sector that helps people recover from injury faster. The Innovation Fund is available annually and has a specific theme for each round.

The inaugural round last year was a great success, with over 100 applications received. The call this year is for innovations that would support injured workers to stay engaged with their workplaces and recover at work after an injury. Successful applicants could receive one-off grants between \$10,000 and \$100,000 to put their proposal into action.

ACC is currently evaluating entries and will announce the successful applicants in the new year. We will provide your office with updates and our communications plan closer to the time.

### Papers sent to the Minister for ACC from 1 to 7 December 2023

Tracker Number	Title	Agency	Signed Out By	Due by
2324-0897	Implementing updates to the Accredited Employers Programme	MBIE	Bridget Duley	14/12/2023

### Forthcoming Ministerial papers

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-028203	[ s 9(2)(f)(iv) ]	ACC	Tane Cassidy	15/12/2023
2324-0948	Initial advice to support the upcoming ACC levy round	MBIE	Bridget Duley	21/12/2023
GOV-029312	Consultation prior to ACC's first annual scheme access report	ACC	Andy Milne	21/12/2023
2324-0933	Accident Compensation 2022 Cost of Treatment Regulations for LEG authorisation – Cabinet Paper for Lodgement	MBIE	Bridget Duley	21/12/2023
2324-0207	Progressing changes to the ACC Definitions Regulations	MBIE	Bridget Duley	21/12/2023

### Upcoming Cabinet papers

Title	Agency	Date due to Minister	Committee	Committee date
Accident Compensation Cost of Treatment Amendment Regulations 2023 – seeking final Cabinet approval to changes	MBIE	21/12/2023	LEG	TBC
ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	21/12/2023	TBC	TBC

### ACC comments on draft Cabinet papers

Paper from	Subject matter	Status	Agency	Contact
Ministry of Transport	Land Transport (Clean Vehicle Discount Scheme Repeal) Amendment Bill	ACC had no comments on this paper.	ACC	Alexia Ford
Ministry of Transport	Targeted amendments to the Land Transport Rule: Setting of Speed Limits 2022 (the Rule)	ACC had no comments on this paper.	ACC	Alexia Ford
Manatū Hauora- Ministry of Health	Proposal to regulate the physician associate profession	Government agencies were invited to make a submission during targeted consultation on a proposal to regulate the physician associate profession under the Health Practitioners Competence Assurance Act 2003. ACC did not make a submission but provided comment in support of registration. ACC requested the Ministry update it on progress with the proposal to ensure it can consider the legislative changes that would be required for physician associates to access the AC Scheme as providers.	ACC	Alexia Ford

### ACC comments on other agency papers

Paper from	Subject matter	Status	Agency	Contact
None.				

### Significant OIAs due out in the next two weeks

Requestor	Subject	Agency	Due date
RNZ	GP surcharges - communications relating to disputes	ACC	21/12/2022

### Upcoming Events

When	Where	Comment
None.		

### Upcoming ACC related visits by Ministers

When	Where	Comment
None.		



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## Weekly Report to the Minister for ACC

For the period from 1 to 7 December 2023

<b>Date:</b>	7 December 2023	<b>Priority:</b>	Routine
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2324-0859 / GOV-029365

	Action sought	Deadline
Hon Matt Docey Cc Hon Melissa Lee	Note the contents of this report.	N/A

Name	Position	Telephone
Bridget Duley	Manager, Accident Compensation Policy, MBIE	[ s 9(2)(a) ]
Shaun Jones	Head of External Engagement, ACC	[ s 9(2)(a) ]

Bridget Duley  
**Manager, Accident Compensation Policy**  
Ministry of Business, Innovation and Employment  
7/12/2023

Shaun Jones  
**Head of External Engagement**  
ACC  
7/12/2023

## ACCIDENT COMPENSATION PORTFOLIO ACTIONS

### New actions this week

Item	Action	Who	By when	Status update
None.				

### Outstanding actions

Item	Action	Who	By when	Status update
None.				

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## **1. FIRST WEEKLY REPORT**

- 1.1** We provide you with a weekly report in order to share updates on work items, note items of interest, and to monitor deliverables. This weekly report follows the format used previously. We welcome your feedback, including on the format and content covered, so that we can ensure the report meets your needs.

## **2. SCHEME POLICY (MBIE)**

### **2.1 Schedule 2 list of Occupational Diseases Review Update**

Over the past year, MBIE has been reviewing the list of occupational disease set out in Schedule 2 of the Accident Compensation Act 2001. The latest step involved a literature review and recommendations carried out by a panel of independent health experts. MBIE has received the panel's final report. We are working through the policy considerations of potential additions to Schedule 2 and will provide policy advice to you on this in the new year.

### **2.2 Waitangi Tribunal Health Services and Outcomes Inquiry**

MBIE, in conjunction with Crown Law, will provide evidence to the Waitangi Tribunal (the Tribunal) in relation to their Health Services and Outcomes Inquiry (Wai 2575) which raises issues about the accident compensation scheme (AC scheme), specifically in relation to ACC funded health treatment and rehabilitation services through Stage 2 of the inquiry.

MBIE evidence is intended to provide a high-level overview of the AC scheme only, and includes the following information:

- A brief history of the AC scheme;
- What events the AC scheme covers and how the scheme is funded;
- Connections between the AC scheme and disability issues;
- How ACC operates the AC scheme;
- How MBIE takes responsibility on behalf of the Crown to oversee the policy and legislative settings that enable the AC scheme to operate; and
- Current issues in relation to the way the AC Scheme works for Māori and work that is being done in MBIE to ensure the AC scheme is equitable for Māori.

Hearings are currently scheduled to occur in late March 2024, and we will keep your Office informed as this work progresses further.

## **3. OPERATIONS (ACC)**

### **2.1 Treatment injury cover for spina bifida – AZ v ACC – Court of Appeal decision**

A Court of Appeal decision on 6 December 2023 confirmed that a child born with spina bifida, which was undiagnosed during pregnancy, will obtain ACC cover for treatment injury. The cover is based on the failure to diagnose and the mother's loss of opportunity to terminate the pregnancy.

The client (AZ) was born with spina bifida, a foetal condition which affects the development of the spine and spinal cord in the womb. Both ACC and AZ accepted that the signs of spina bifida were apparent on a 20-week ultrasound scan, and had been misread, and that AZ's mother would have elected termination if it had been properly read.

ACC initially denied coverage, arguing that the misreading didn't cause the underlying condition. This decision was upheld at lower levels but overturned by the High Court. ACC then appealed to the Court of Appeal for clarity on Parliament's intent. The Court of Appeal ruled that there was a significant causal link between the misdiagnosis and AZ's injury of being born with spina bifida.

The Court's approach is likely to apply to treatment failures relating to other foetal conditions, potentially including undiagnosed Down Syndrome. This means the decision is likely to have significant implications for Scheme funding of the non-earners account, appropriated by the Crown.

The Court's judgment is final – there is no right to appeal to the Supreme Court. The decision did not discuss the topic of retrospective cover for previously declined claims. ACC will need to formulate a principled approach on this question, as it could theoretically extend back to the Scheme's early days, with corresponding financial implications.

ACC's immediate next steps are to fully analyse and interpret the judgement, then prepare an impact assessment and associated policy advice for your consideration. ACC operational teams continue to use an interim process put in place following the High Court decision in 2021 to assess new claims for cover, on legal advice.

The decision is now officially available to the public and an ACC newsroom item has been added here: <https://www.acc.co.nz/newsroom/stories/court-of-appeal-ruling-clarifies-acc-cover/>

## **2.2 Education and Workforce Committee request for information around maternal birth injuries**

On 7 June 2023 the former Chairperson of the Education and Workforce Committee wrote to the Chief Executive of ACC to request evidence on the implementation of the Accident Compensation (Maternal Birth Injuries and Other Matters) Amendment Act 2022.

The Amendment Act extends accident compensation coverage to maternal birth injuries listed in Schedule 3A of the Accident Compensation Act 2001.

The Committee was interested in whether the list of maternal birth injuries is fit for purpose or should be expanded or modified to improve cover and meet the policy intent of the legislation.

On 13 November 2023, ACC provided the Committee with a written briefing on the implementation of the Amendment Act, which noted that there does not appear to be any evidence that birthing parents are suffering injuries that fall outside of the list of coverable injuries. ACC will examine this in closer detail at the three-year review in 2025.

ACC would be happy to provide you with a copy of ACC's response to the Committee, if requested.

## **2.3 Apparent fraudulent access to some MyACC client accounts**

As at 7 December 2023, ACC's self-service online platform, MyACC, is back online, after it was shut down in response to the detection of apparent fraudulent activity.

The apparent fraud was detected when ACC identified a small number of unusual transactions and commenced an urgent forensic investigation. The Office of the Privacy Commissioner was notified of the issue, along with the Police. ACC has worked with external experts to determine more about the perpetrators and the possible original source of the identity information that was used. There is no evidence that ACC's cyber security has been compromised, with a large proportion of those involved using their own MyACC account, or the accounts of others who had shared identity information with them.

Investigations into the apparent fraudulent activities are ongoing. Some of MyACC's functionality has been reduced to minimise the risk of further fraudulent activity on the site, and additional identity checks have been introduced. Access has also been restricted for a small number of clients.

Further information can be provided to your office, if required.

### Papers sent to the Minister for ACC from 1 to 7 December 2023

Tracker Number	Title	Agency	Signed Out By	Due by
GOV-029342	Accountability documents, for presenting to the House of Representatives	ACC	Stewart McRobie	05/12/2023
GOV-029352	Financial Condition Report 2023, for presenting to the House of Representatives	ACC	Nina Herries	05/12/2023
2324-0968	Setting an ACC Portfolio work programme	MBIE	Bridget Duley	7/12/2023

### Forthcoming Ministerial papers

Tracker Number	Title	Agency	Signed Out By	Due by
2324-0897	Implementing updates to the Accredited Employers Programme	MBIE	Bridget Duley	11/12/2023
2324-0948	Initial advice to support the upcoming ACC levy round	MBIE	Bridget Duley	14/12/2023
2324-0207	Progressing changes to the ACC Definitions Regulations	MBIE	Bridget Duley	14/12/2023
GOV-029312	Consultation prior to ACC's first annual scheme access report	ACC	Andy Milne	21/12/2023
2324-0933	Accident Compensation 2022 Cost of Treatment Regulations for LEG authorisation – Cabinet Paper for Lodgement	MBIE	Bridget Duley	21/12/2023

### Upcoming Cabinet papers

Title	Agency	Date due to Minister	Committee	Committee date
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ACC Definitions Regulations – seeking Cabinet permission to consult on changes	MBIE	14/12/2023	TBC	TBC

### ACC comments on draft Cabinet papers

Paper from	Subject matter	Status	Agency	Contact
None.				

### ACC comments on other agency papers

Paper from	Subject matter	Status	Agency	Contact
None.				

**Significant OIAs due out in the next two weeks**

<b>Requestor</b>	<b>Subject</b>	<b>Agency</b>	<b>Due date</b>
None.			

**Upcoming Events**

<b>When</b>	<b>Where</b>	<b>Comment</b>
None.		

**Upcoming ACC related visits by Ministers**

<b>When</b>	<b>Where</b>	<b>Comment</b>
None.		

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