

19 July 2024

Anon  
fyi-request-26926-279e2f7b@requests.fyi.org.nz

Kia ora

**Your Official Information Act request, reference: GOV-032555**

Thank you for your emails of 22 and 29 May 2024, asking for the following information under the Official Information Act 1982 (the Act):

Email 1:

*This request is for ACC's HR Department.*

*Please provide me with a copies of all of ACC's general employment contracts for the following roles:*

- *Clinical Advisor, Clinical Services*
- *Psychology Advisor, Clinical Services*
- *Medical Advisor, Clinical Services*
- *Principal Clinical Advisor, Clinical Services*
- *Clinical Advice Manager, Clinical Services*
- *Chief Clinical Officer, Health Partnerships*
- *Manager Strategic Clinical Advice and Governance, Health Partnerships*
- *Strategic Clinical Advisor, Health Partnerships (including Strategic Clinical Adv*
- *Specialist Cover Assessors*
- *Cover Assessors*

*Please include, with the contract information, specific requirements for continuity of employment, such as maintenance of particular qualifications or continued education.*

*If any of these roles do not have standard contracts, and are individual specific, please provide the content that is general to each employee in that particular role, which would include the specific requirements for continued employment, such as as maintenance of particular qualifications or continued education.*

*The roles I've listed all require the employee to have a current registration as a health provider at the date of commencement of employment. For each of the listed roles, please provide the following information:*

- (1) Why the role requires current registration as a health provider at the date of commencement of employment.*
- (2) Whether or not the role requires ongoing registration as a health provider during the duration of employment within that role.*
- (3) If the role does not require ongoing registration as a health provider during the duration of employment (in order to keep ones job),  
(a) the conditions that an employee must meet to no longer be required to maintain registration as*

*a health provider; and  
(b) the reasons for the exception to the requirement to maintain registration as a health provider, when it was necessary to commence employment and all newly hired employees must meet registration requirements.*

*I'm concerned about the appearance of double standards or unfair employment practices.*

*For example, if Dr X is hired as an ACC Medical Advisor, which requires current registration as a physician and a current practising certificate issued by MCNZ, then it seems to me that if Dr X no longer is registered, or no longer is permitted to practice medicine in NZ (for what ever reason, like inappropriate contact with a patient), then it seems to me that Dr X should no longer be employed as an ACC Medical Advisor because they do not meet the requirements that were required upon employment.*

*If Nurse Y was hired to be a Specialist Cover Assessor, but Nurse Y is no longer registration as a nurse with NCNZ, then it seems to me that Nurse Y should no longer be employed as an ACC Specialist Cover Assessor because Nurse Y does not meet the requirements of employment.*

*This would hold for any role in which registration was an initial requirement for employment. If any employee cannot maintain registration as a health provider, then they should not be able to maintain employment within the role that required registration in the first instance.*

Email 2:

*To be clear, I also seek the same information for contracted external clinical/medical advisors (s 62 of the Act).*

Email 3:

*To clarify the reason of my request, the OIA team has provided contradictory statements regarding the qualifications of Cover Aseorsors.*

*In GOV-004700 ACC stated:*

*When ACC receives an ECA's advice in relation to a Treatment Injury claim, it is assessed by a Treatment Injury Cover Specialist (TICS), who is a registered health professional.*

*In GOV- GOV-029599, ACC stated:*

*Specialist Cover Assessors in Claims Assessment require registration (including a current annual practising certificate) on employment. However, if the work their role entails does not meet the ongoing requirements of their registration body, they are unable to renew or maintain their certificates and are not required to do so.*

*SCA's are Treatment Injury Cover Specialist (TICS) and their work is to assess Complex Claims, including Treatment injury Claims. Thus, ACC has made a contradictory statement when they state that SCA's are both registered and non-registered health professionals. This needs to be resolved by HR.*

I refer to your message via [fyi.org.nz](https://fyi.org.nz) of 3 July 2024 declining to provide the further information that ACC sought to be able to deal with your request.

ACC sent you a letter on 5 July 2024 explaining in detail why we needed information about yourself and the reasons for this official information request.

ACC notes that you do not accept ACC's explanation justifies it asking for the information it has sought and claim that ACC is treating you inconsistently with the way it treats others.

As previously explained to you, the Ombudsman accepts that where an agency receives an official information request like yours it may need to ask the requestor about themselves and the reasons for their request.

ACC is treating you no differently than it would anyone else whom it might reasonably ask if their request was one of many related requests that could potentially be responded to together or refined in the ways allowed by the Official Information Act.

For the reasons that follow, ACC refuses your request.

- Over the past two months ACC has received more than 40 apparently closely related official information requests that also appear to be made by or on behalf of the same person.
- These include a significant number of requests apparently made by you under the same name, including the eight other separate requests where ACC received identical messages from the requestor on 15 July, and other requests that are either anonymous or made under other names.
- All of these 40 or more information requests require considerable expense and effort for ACC to respond to. ACC estimates that it is currently allocating more than the equivalent of one full time employee to respond to each of these requests separately, despite the fact that they seem closely related. It would likely require further expense and effort to produce all of the information sought in each of these requests.
- In one of the requests apparently made under your name, the requestor has acknowledged having made more than one request, but neither they nor you have provided any details of any other requests so to assist ACC to consider them together.

ACC has decided that you, or people closely related to you, have probably made all of the large number of recent requests mentioned above whether made under your name or not.

The way that you, or people acting for you, appear to have asked for a wide range of information in many separate requests rather than include all questions in one request interferes with ACC's ability to determine whether and how it might be able to apply various provisions of the Official Information Act to deal with your request. Those provisions relate to whether the requests taken as a whole require substantial collation or research so as to:

- allow ACC to decline some or all of the requests under s18(f) of the Act;
- consider combining your request with any other requests made by you under s18A(2) of the Act;
- fully to consider fixing a charge for providing the documents concerned under s15 and s18A(1) of the Act.

ACC considers that your request is frivolous or vexatious in terms of s18(h) of the Act. Your request appears to be part of a wider course of conduct making numerous official information requests in a way that prevents ACC from applying the parts of the Official Information Act that protect agencies from being put to unreasonable effort and expense in responding to official information requests. You have declined to assist ACC by providing information that might permit ACC to deal with your request along with many other related requests. ACC has received similar refusals to assist in the eight other requests referred to above. Your request and your refusal to answer questions about it appear to be part of a course of conduct designed to prevent ACC from taking legitimate steps to minimise the costs and inconvenience of responding to a series of related requests.

If ACC is wrong and your request is not one among many related requests then please let me know urgently, or if you prefer, take the issue to the Ombudsman via [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phoning 0800 802 602. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Ngā mihi



Christopher Johnston  
**Manager Official Information Act Services**  
Government Engagement