

13 May 2015

L K Barber
fyi-request-2709-61ac1514@requests.fyi.org.nz
fyi-request-2705-ebdf2f86@requests.fyi.org.nz

Dear L Barber

Official Information Act Request

Thank you for your emails of 8 and 10 May 2015 requesting the following information:

8 May 2015 email

- 1) *How are complicated claims processed differently to a standard claim? Please give examples.*

From a previous request

Q. Does ACC determine whether any of the information supplied on this form (ACC 21) is factually correct & no information has been withheld? If not, why not?

A. ACC does not rely entirely on this form.....ACC asks for documentation to support.....

- 2) *Is the information gathered by police during the investigation into a death, provided to ACC used to help with it's decision making (as this is available much sooner than a death cert.), or does ACC await the documentation, being the death certificate & rely solely on that for verification that a dependant exists, or needs to be contacted ?*

Does ACC obtain multiple or singular verification where available?

10 May 2015 email

- 1) *Does a Govt. Dept. issued 'document' e.g. birth cert, passport, drivers license etc. carry equal, higher or lower legal integrity to an ACC claims handler when compared with an ACC 'statutory declaration'?*

I believe that a 'document' is a formal & legal representation of a certain set of events, & a 'statutory declaration' has legal implication with regard to almost all other non formal sets of events, but, I am unsure how an ACC claims handler approaches this issue.

- 2) *How does a claims handler proceed with a claim when presented with conflicting information of equal stature, quantity & quality of source?*
- 3) *Is there a flow chart or process that is followed?*

- 4) *If so what is the process & has this process changed when each act has changed?*
- 5) *If this process has changed with the various acts, please explain the changes in process in relation to the 1982 act & the present act?*
- 6) *Is a signed & witnessed statement, produced by a police officer to a Coronial inquest, considered to have equal, more or lesser veracity to a claims handler, than an ACC 'statutory declaration'?*

I understand that ACC have requirements of evidential standard before a claim can be accepted, & insomuch as all the acts allow ACC to receive & consider any information, regardless of whether it CAN be used in a court of law, is information, regarding a certain set of events that HAVE been accepted by a court of law as fact, considered to be more or less accurate, to a claims handler gathering information in consideration of a claim, than a 'statutory declaration' that has not yet faced a legal test?

I am interested in ACC policy regarding the procedural use of 'documentary', 'declaratory' & 'evidential' information & which, if any FORM of information, carries the higher onus of proof during the information gathering stage of an entitlement decision, (cover has been accepted) where there is conflicting information (non-medical).

Document-Information of public record - Information supplied is true & correct as recorded by appropriate Govt. agency for public record?

Declaratory-Information supplied as true & correct where an individual/s can be held accountable to a court of law?

Evidential-Information that has been accepted by a court of law as being factual?

ACC is working on your request and will be in touch with you as soon as possible, and certainly by 9 June 2015.

If you have any questions I will be happy to work with you to resolve these. I can be contacted via email at GovernmentServices@acc.co.nz.

Yours sincerely

Advisor
Government Services