

26 January 2016

Lee M

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Dear Lee M

### Official Information Act Requests

Thank you for your request of 19 December 2015 (at 9.17pm) asking for information under the Official Information Act 1982 (the Act). Your questions and ACC's responses are set out below. Due to the similarity in subject matter and the response given, some answers have been grouped.

#### Questions 1-2

1. *How many times can the ACC revoke and substitute cover decisions made under the AC Act and what part/section of the AC Act provides for this? If no part/section of the AC Act provides for this, please provide me with a copy of the ACC policy, procedure, guideline or rule that does provide for this.*

2. *In the case of a claim for cover, does the AC Act provide for the ACC making a primary decision, then revoking and substituting it with a second decision and later making a third decision which does not revoke or substitute the second decision but is separate to same? If so what part/section of the AC Act provides for this. And, if no part/section of the AC Act provides for this, please provide me with a copy of the ACC policy, procedure, guideline or rule that does provide for this.*

Under section 65 of the Accident Compensation Act 2001 (AC Act) ACC may revise decisions if it considers a decision has been made in error, whatever the reason for the error. A revision may amend the original decision, or revoke the original decision and substitute it with a new decision.

There is no limit on the number of times ACC can revoke and substitute cover decisions made under the AC Act.

#### Questions 3-4

3. *How long a period of time can the ACC continue to investigate claims for cover and does the AC Act or the ACC's policies, procedures, guidelines or rules allow the ACC to continue investigating claims - ad infinitum - beyond the 4 month and 9 month time-limits provided under Sections 56 and 57 of the AC Act? And if there is no such provision in the AC Act, please provide me with a copy of the ACC policy, procedure, guideline or rule that does provide for this.*

4. *Is a client's agreement required if the ACC wants to continue investigating a claim for cover beyond the 4 and 9 month time-limits provided in Sections 56 and 57 of the AC Act? If so, what part/section of the AC Act provides for this? And if there is no such provision in the AC Act, please provide me with a copy of the ACC policy, procedure, guideline or rule that does provide for this.*

Sections 56 and 57 of the AC Act set out the timeframes for decisions for cover and complicated claims for cover respectively. Under section 58, when ACC fails to comply with these legislated timeframes, cover is deemed to be granted to the client. However, as above, section 65 enables ACC to revise a cover decision if it considers a decision has been made in error. Where this revision occurs, ACC may not recover any payments made to the client, unless the client has provided intentionally misleading information to ACC.

The client's agreement is not required to investigate a claim for cover beyond the timeframe, as the ACC45 claim form provides authority for this investigation.

### **ACC is happy to answer your questions**

If you have any questions about the information provided, ACC will be happy to work with you to answer these. You can contact us at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz) or in writing to Government Services, PO Box 242, Wellington 6140.

You have the right to complain to the Office of the Ombudsman about our decision to withhold some of the information. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to The Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

*Government Services*

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