

3 June 2016

David Lawson  
[fyi-request-3918-fc5668b7@requests.fyi.org.nz](mailto:fyi-request-3918-fc5668b7@requests.fyi.org.nz)

Dear Mr Lawson

### Official Information Act Request

Thank you for your requests for information received 22 April 2016 under the Official Information Act 1982 (the Act).

Your requests and our corresponding response are set out below. The wording of your specific requests is set out in ACC's response, written in *italics*.

#### Request

*Requested was part of my complaint concerning the non release of information to me including, but not limited to my requests for Dr Thakuradus and Janet Milnes written statements as defined within the referred correspondence. The only reason that I am still requesting this information 16 months latter is because ACC have breached their obligations to me under the OIA Act 1982, through not having already provided this information to me in response to any one, or number of my previous requests noted above to ACC.*

*I also pointed out to Mr Holmes; "The legal concept of equity applies in this situation in that ACC's original inappropriate responses to not arrange the written statements from Dr Thakurdas, and Janet Milne, should not place ACC in a subsequent position of power over me, and or the limiting of my rights to have this information provided. "*

*My letter of 12 March 2016, drew Mr Holmes that the significance of this information is of substantive relevance and importance to me to help me understand Dr Peter Thakaurdas and Janet Milne's rational behind the concerns discussed and decisions that followed. Mr Holmes is also aware that I am seeking this information for the purposes of once received preparing review submissions in matters relating to the review of several of ACC's decisions.*

*My request for Mr Holmes reconsideration and release of the information I requested, and provided the substantive and valid reasons why the information should be released to me under section 23 of the Official Information Act 1982, was made now 28 working days ago, without a response being provided to me by Mr Paul Holmes nor ACC.*

*I am therefore requesting that ACC remedy the current non provision of this information and satisfy ACC's obligations to me under section 23 of the Official Information Act 1982 and provide the information as requested, and further that urgency is applied to my request in this instance and the information is released to me to me with in the next 5 working days.*

**Response**

You have asked for information about the concerns Dr Peter Thakurdas expressed to Janet Milne in relation to “the need for timely intervention” in the context of Ms Milne considering whether to recommend referring you to a clinical psychologist. The only record of that discussion is as noted in Ms Milne’s BAP opinion of 11 August 2014.

In order to try to resolve this issue for you, we contacted Ms Milne and Dr Thakurdas to establish what was discussed. Both confirmed that they cannot recall the content of the conversation that took place in August 2014. They did both advise that any recommendation for a psychological evaluation is always done in the best interest of the client’s wellbeing and recovery from injury. While we appreciate that you will be disappointed by this we are unable to take this matter any further and will not be engaging in any further correspondence on this matter.

Having said that, and in order to assist your understanding, we note that the observation that such assessments are recommended with the client’s best interests in mind accords with ACC’s approach to the use of psychological evaluation and support. In addition to the physical aspect of an injury, we need to be very mindful of the impact injury can have on psychological wellbeing. This becomes especially important where a client’s injury or pain is not resolving over time. Because of that, ACC will often decide to refer a client for psychological evaluation. A psychological evaluation can help identify additional support that will assist a client’s recovery. Such support may include further sessions with a psychologist aimed at helping the client develop new or alternative coping strategies in relation to the injury related issues they are experiencing.

We can find nothing to suggest that the circumstances surrounding Ms Milne’s recommendation were anything other than in keeping with the purpose of assisting your recovery and in line with how such recommendations are usually made.

**Queries or concerns about ACC’s response**

If you have further questions, contact us by email at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz).

You have the right to make a complaint to the Office of the Ombudsman regarding our response. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to: The Office of the Ombudsman, PO Box 10 152, Wellington 6143.

Yours sincerely

**Government Services**