

17 April 2018

Mr Anthony Jordan
Email: fyi-request-7463-71652da1@requests.fyi.org.nz

Dear Mr Jordan

Ref: 0051636

Official Information Act Request

Thank you for your request of 16 March 2018, asking for the following information under the Official Information Act 1982 (the Act):

- 1/ Eligibility for a claimant to apply for historical lost weekly earnings*
- 2/ Eligibility for a claimant to receive historical lost weekly earnings*
- 3/ Maximum limit Claimant can claim for in monetary value of historical weekly lost earnings*
- 4/ How many cases have the ACC paid out, as the result of any type of review or Court Hearing, that exceeded 20 years worth of weekly lost earnings*
- 5/ Financial and Counselling assistance/support ACC can provide to help a Claimant whilst going through the process.*

Response

Making claims for historic weekly compensation (Questions 1 – 3)

Clients are eligible for weekly compensation if all of the following apply:

- They have an accepted ACC claim.
- They were an earner when they became injured.
- ACC has determined they have an incapacity for work because of their personal injury.

Under section 53 of the Accident Compensation Act 2001, clients are required to request weekly compensation (or any other entitlement or decision on cover) within 12 months of the date the need for the entitlement arose. However, ACC is not able to decline a claim lodged after this time limit unless the lateness of the request prejudices ACC's ability to make a decision.

Decisions on whether a client is able to receive backdated weekly compensation are determined on a case-by-case basis. Further information on backdated weekly compensation payments can be viewed on ACC's website at the following link:

<https://www.acc.co.nz/home/search?Search=backdated&submit.x=17&submit.y=10>

There is no cap on the total amount of weekly compensation that a client can claim for a single backdated weekly compensation entitlement.

Backdated weekly compensation payments due to review or court decisions (Question 4)

In order to provide this information we would need to run a data search to identify all claims with a backdated weekly compensation payment of 20 or more years, and that have had a court or a review decision relating to cover or weekly compensation. We would then need to manually review the decisions to confirm whether they lead to the subsequent backdated payment.

The information you have requested is not held by ACC, as it is not recorded in any document, nor could it be generated from our data systems. In effect, ACC would have to create the information in order to make it available. Due to this, our decision is to decline this request as the information is not held. This decision is made under section 18(g) of the Act.

Financial and counselling assistance (Question 5)

There is no financial assistance or counselling support that is provided specifically for clients who are seeking a backdated weekly compensation claim. With regards to counselling services, these are funded for clients in relation to their injury claims.

ACC is happy to answer your questions

If you have any questions or concerns about the information provided, ACC will be happy to work with you to resolve these. Please address any concerns by emailing GES@acc.co.nz or in writing to *Government Engagement and Support, PO Box 242, Wellington 6140*.

If you're unhappy with ACC's response, you may make a complaint to the Office of the Ombudsman. 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 Engagement of Support
ACC**