



18 December 2023

Kia ora [REDACTED]

Your Official Information Act request, reference: GOV-029343

Thank you for your email of 22 November 2023 to [REDACTED] Resolution Specialist, asking for the following information:

So the official answer is that ACC follows, or SHOULD follow recommendations of medical professionals like Drs, Psychologists and Psychiatrists. If they don't have to then what would be their duty of care regarding the Act? This is an important question because the answer will be part of my submissions.

Due to the nature of your request, it was transferred to OIA Services for response under the Official Information Act 1982 (the Act).

Our response

When ACC receives treatment requests or recommendations from a claimant's treatment provider, ACC will then consider the request and issue a reviewable decision on whether to fund treatment. While ACC will give appropriate weight to a treatment provider's recommendations, there is no presumption that it must agree. Rather, ACC's duty, which is set out in section 54 of the Accident Compensation Act 2001 (the AC Act) is to make a decision on reasonable grounds, and in a timely manner, having regard to the requirements of the AC Act, the nature of the decision, and all the circumstances.

This requires ACC to exercise its own independent judgement to determine whether the statutory criteria for an ACC entitlement have been met. If the available information shows that a claimant is not eligible for entitlements under the AC Act, then ACC has to decline the request or recommendation.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

Ngā mihi

Sara Freitag
Manager Official Information Act Services
Government Engagement