

26 May 2016

Anthony Jordan
fyi-request-3949-367e3a31@requests.fyi.org.nz

Dear Mr Jordan

Official Information Act Request

Thank you for your email of 1 May 2016.

Your request

You asked for the following under the Official information Act 1982 (the Act):

“Official Information Act request – Clients/Claimants requirement to Comply with Current Health and Safety Law in Workplace whilst in ACC ‘Care”

(...)

Please provide information which covers the Corporation and Claimants whilst placements are active in any Workplace or Vocational environment (ie: workplace/environment for the purpose of imminent reintegration to workforce)”

Clarification of request

Thank you also for your response to ACC’s request to clarify your request which we received on 9 May 2016. In this response you asked for the following:

“1/ Is the Corporation obliged to take into consideration current Health and Safety laws when entering claimants into any workplace rehab whether vocational, casual, Part time etc.

In layman's words...Provide information whereby the ACC is liable for prosecution if a claimant is proven to have caused injury (due to any injury pre-existing injuries) to himself or others in a workplace whilst in the care of ACC approved providers, Funded specialists or any ACC directive itself”

Our response

Responding to your request would require that ACC form a legal opinion. We note a distinction under the Act exists between a request for information already known to and held by an agency (official information); and a request to an agency to form an

opinion or provide an explanation or comment and thus create new information to answer the request (not official information).

Accordingly, we will not be providing you with an opinion on the matters you have raised.

Queries or concerns

If you have any questions, ACC will be happy to work with you to answer these. You can contact us at 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. 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