

Julie Jones

09 February 2021

Tēnā koe Ms Jones,

Thank you for your email to the Accident Compensation Corporation (ACC) on 7 December 2020 requesting the following information under the *Official Information Act 1982* (OIA):

*“Please could you send me the information you have relating to the reasons and justification for excluding commercially sponsored clinical trials from ACC cover. In particular, the decision that resulted in the removal of cover for all trials from the ACC act.”*

Your request was transferred to the Ministry of Business, Innovation and Employment (MBIE) on 18 December 2020, as the request concerns the *Accident Compensation Act 2001* (the AC Act), which is administered by MBIE.

#### **Decision that resulted in the removal of cover for all trials from the AC Act**

The exclusion of cover for injuries resulting from a commercial clinical trial under section 32(6) of the AC Act was originally introduced in the *Accident Rehabilitation and Compensation Insurance Act 1992* (the 1992 Act). Unfortunately, we are unable to locate documents detailing the decisions that resulted in introducing the exclusion in the 1992 Act and, as such, we are refusing the second part of your request under section 18(e) of the OIA.

#### **Rationale for excluding commercially sponsored clinical trials from ACC cover**

We are able to provide the relevant page (page 45) from the Department of Labour’s Departmental Report in 2001 on the Injury Prevention and Rehabilitation Bill, which became the *Injury Prevention and Rehabilitation Act 2001* and was renamed the AC Act in 2010. Page 45 provides the Department of Labour’s commentary on the rationale for continuing the exclusion of cover for injuries resulting from a commercial clinical trial.

We are also releasing to you four MBIE briefings from between 2015 to 2019, which provide advice to various Ministers for ACC on the rationale for excluding cover for injuries resulting from a commercial clinical trial.

You will see that these four briefings are released in part, with some information being withheld under section 9(2)(a) of the OIA to protect the privacy of natural persons. We do not consider that the public interest in the information outweighs the interest to withhold the information under section 9(2)(a) of the OIA.





I trust you find the information helpful. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or Freephone 0800 802 602.

Ngā mihi,

Hayden Fenwick  
Manager, Accident Compensation Policy  
Workplace Relations and Safety Policy

