

12 March 2021

Anthony Jordan

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Tēnā koe Anthony

Your Official Information Act request, reference: GOV-009515

Thank you for your email of 3 March 2021, asking for the following information under the Official Information Act 1982 (the Act):

References to the parts of the act that the ACC relies upon to exclude Work and Income medical certificate as a source of proving Impairment/Inability of any level of Employment Ability

References to the parts of the act that the ACC relies upon to exclude Work and Income medical certificate as a source of a duration of Impairment

We have interpreted your request to relate to ACC's legislation in relation to a client's incapacity to work.

Incapacity for employment

There is no specific legislation that excludes ACC from accepting Work and Income medical certificates when determining a client's incapacity for employment. Therefore, your request is refused under section 18(e) of the Act, as the information does not exist.

However, we can provide the following information.

The legislation around how ACC determines incapacity is found in sections 102 to 106 "*Incapacity for Employment*", of the Accident Compensation Act 2001 (AC Act). More specifically section 103(2) states:

103 Corporation to determine incapacity of claimant who, at time of personal injury, was earner, on unpaid parental leave, or recuperating organ donor

(2) The question that the Corporation must determine is whether the claimant is unable, because of his or her personal injury, to engage in employment in which he or she was employed when he or she suffered the personal injury.

In general, a Work and Income medical certificate would not contain the information that ACC requires. The cause of a person's incapacity may not be important for Work and Income, whereas, incapacity in the ACC context must relate to a client's covered injuries. However, ACC can accept Work and Income certificates where the overall information allows a determination of incapacity to be made under s103 or s105 of the AC Act. Such certificates may support the consideration of incapacity even if they do not provide all of the information required by ACC.

How to contact us

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā

A handwritten signature in black ink, appearing to read 'Sasha Wood', written in a cursive style.

Sasha Wood
Manager Official Information Act Services
Government Engagement & Support