



13 February 2024

Anon

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Kia ora Anon

Your Official Information Act request, reference: GOV-030289

Thank you for your email of 25 January 2024, asking for the following information under the Official Information Act 1982 (the Act):

Please provide me with the reference to the case law that states ACC has 4 months to investigate and make a decision on a complicated claim. Section 57 of the Act clearly states ACC has 2 months to make it's first decision.

ACC cannot make a decision to extend the time-frame before first commencing an investigation. I also reference ACC's internal documents which are available through ACC's website, cover-timeframes-policy-request-response-gov-006562, which include:

- *Timeframes to Determine Cover Policy*
- *Extend Cover Decision Timeframe Policy*
- *Deemed Cover Decisions When Timeframes Not Met Policy*

Which all state that a decision must be made within 2 months, and only after "you've made a genuine attempt to investigate the claim within the original timeframe". [See Extend Cover Decision Timeframe Policy at 1(a)].

Thus, please provide me with the reference to the higher authority that allowed ACC to circumvent the requirements under section 57 of the Act, which requires ACC to conduct an investigation prior to extending the legislative time frame, and effectively rewrite the law.

As advised in our 15 December 2023 response (ref: GOV-029412), ACC has two months to investigate a claim

However, section 57(2)(b)(ii) of the Accident Compensation Act 2001 (the AC Act) also states that if ACC cannot make its decision on the claim without additional information, we may tell the person of an extension, which must not exceed two months.

To determine that an extension is needed, staff would first need to review and investigate what information is available on the claim. This means that step 1(a) of 'Extend Cover Decision Timeframe Policy' is followed. If it is quickly determined that more information is needed, we may advise of this extension within the first two months (and let the client know that we will require a total of four months to make the decision). This allows for the time it requires to receive additional medical notes, complete assessments, and review new information.

To further clarify, the four-month (total) timeframe comes strictly from section 57 of the AC Act, and there is no case law to refer to.

As this information may be of interest to other members of the public

ACC may publish a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you have any questions about this response, please get in touch
You can email me at GovernmentServices@acc.co.nz.

Ngā mihi



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Government Engagement