

22 February 2013

Mr Anthony Jordan  
[fyi-request-730-014adffd@requests.fyi.org.nz](mailto:fyi-request-730-014adffd@requests.fyi.org.nz)

Dear Mr Jordan

### Official Information Act Request

Thank you for your email of 24 January 2013, requesting information under the Official Information Act 1982 (the Act).

ACC has responded to each part of your request in turn below.

1. *Disclosure of submission made by Dr John Lewis Collier... that requests the non disclosure of further income and years pertaining to earlier requests.*
2. *Proof that would have been provided by Dr Collier to convince and justify a Government Department that he has made it known to [an appropriate agency] that is required under New Zealand medical law/code of ethics for such matters, that he has safety concerns.*
3. *Disclosure of other applicants with same concerns as Dr Collier.*

ACC declines to provide these details to protect the privacy of the people whose information you have requested. This decision is made pursuant to section 9(2)(a) of the Act. ACC concludes that the privacy interests of this information outweigh any public interest.

4. *Assessors or figures of previously [accredited] by the ACC that have been discredited by the ACC due to misconduct and ethical practices contrary to New Zealand medical code.*

ACC does not keep a record of the number of providers it has stopped using by reason. Over the years, there have been a large number of providers that ACC has stopped using for various reasons (e.g. retirement, leaving New Zealand, death). Determining the number of providers that ACC has stopped using due to misconduct reasons would require a manual search of files. ACC declines to provide this information pursuant to section 18(f) of the Act, as the information cannot be made available without substantial collation or research.

ACC's response to concerns regarding a provider's performance will depend on the individual circumstances. In these cases, ACC can take any of the following actions: a specific monitoring and performance plan, contract suspension, or referral to the provider's registration authority for investigation. Any of these actions could potentially result in, or lead to, termination or non-renewal of contract. However, in the majority of cases ACC is able to address issues without resorting to either of these measures.

ACC will immediately suspend a contract pending further information if:

- it receives formal notification that a registration authority has reason to believe that the practice of a health practitioner may pose a risk of harm to the public (under section 35 of the Health Practitioners Competence Assurance Act 2003);
  - a provider is either under an investigation (e.g. a regulatory body, the Police) or has already been assessed as a 'risk of harm' to the public.
5. *The best avenue to take from the ACC's perspective to formally raise ethical concerns of a 'sole source of income' assessor when allegations such as questionable report compiling is concerned.*

If you have concerns regarding assessments from a health professional you can make a complaint to the Health and Disability Commissioner. Information on this can be sought at [www.hdc.org.nz](http://www.hdc.org.nz).

In terms of an Official Information Act response, ACC is not able to advise what the 'best avenue' is for raising such concerns. There may be more than one option that could be considered, and the best avenue will depend on the individual circumstances. The Act applies to information held by agencies, rather than advice or recommendations that may be sought.

6. *Definition of 'employee' because it would appear Dr Collier could be classed as an employee (given the sole source of income and closure of private practice).*

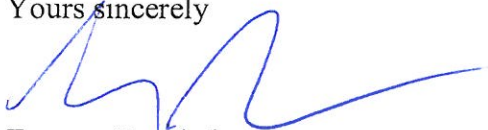
You have requested ACC to clarify a particular legal distinction. This is not within the scope of the Act, as it seeks a comment or opinion, rather than information that exists. ACC is therefore unable to provide a response under the Act to this question.

Please contact me at [terence.routledge@acc.co.nz](mailto:terence.routledge@acc.co.nz) if you would like discuss the information provided.

If you are still not happy, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsman  
P O Box 10 152  
WELLINGTON 6143

Yours sincerely



Terence Routledge  
**Advisor, Government Services**