

Accident Compensation Corporation should clearly identify claimants' rights in leaflet

Legislation	Ombudsmen Act 1975, Accident Rehabilitation and Compensation Insurance Act 1992
Agency	Accident Compensation Corporation
Ombudsman	Sir Brian Elwood
Case number(s)	C5640
Date	1999

Reference to review and appeal rights contained in accompanying leaflets rather than incorporated in decision letter - Accident Rehabilitation & Compensation Insurance Corporation (ACC) agreed to include standard text in letter of advice to claimants - Accident Rehabilitation and Compensation Insurance Act 1992, s 67

Section 67 of the Accident Rehabilitation and Compensation Insurance Act 1992 required the Corporation to provide an affected claimant with general information about the rights of review and appeal available under that Act. It had been the practice for this information to be included in the closing paragraphs of the decision letter. However, in 1998 the Corporation produced leaflets 'You and ACC Working Together' and 'Is There a Problem?' which contained comprehensive information about these rights as well as about other dispute resolution services provided by the Corporation. Henceforth decision letters simply referred complainants to the leaflets for information on their rights.

The complainant in this case acted for a client whose English was less than perfect and who had failed to appreciate the importance of the leaflets accompanying his decision letter. He thus missed the vital information about the strict time limits applying to the lodging of review applications and was ruled out of time when he sought a review. The complaint was that the Corporation's failure to include the information in the decision letter was unreasonable and may not meet the requirements of the Act.

It could not be said that the Corporation had acted unreasonably in an administrative sense but, having regard to section 67, it was put to the Corporation that it should give consideration to more clearly identifying the claimants' rights, set out in some detail in the leaflets.

During the course of the investigation the Corporation agreed that its standard format decision letter would include the paragraph:

Your rights as an ACC claimant are outlined in the enclosed leaflets 'You and ACC Working Together' and 'Is there a Problem?'. This includes your rights to a review and details of the strict time limits that apply to the review process.

Such a statement better reflected the requirements of the legislation and alerted claimants to their rights. The Corporation's action enabled the investigation to be discontinued.

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