



2 September 2011

Consultation on proposed amendments to the Cost of Treatment Regulations  
Accident Compensation Scheme Policy  
Policy and Research Group  
Department of Labour  
PO Box 3705  
**WELLINGTON**

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### **Consultation on proposed changes to the Injury Prevention, Rehabilitation and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003**

The New Zealand Law Society (Law Society) welcomes the opportunity to comment on the proposed changes to the Injury Prevention, Rehabilitation and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003 (Regulations). This submission has been prepared with the assistance of the Law Society's ACC Committee.

#### **General**

The proposed changes to the Regulations have the potential to increase the amount of co-payment required to be made by injured persons to the cost of treatment for their personal injuries. That is because the amount actually charged for treatment is generally more than the amount payable by the ACC under the Regulations and the injured person is required to pay the excess.

In the case of persons suffering work-related injuries this emphasises the ongoing breach by successive New Zealand governments of the provisions of ILO Convention 17 which has been ratified by New Zealand.

ILO Convention 17 article 9 provides:

#### *“Article 9*

*Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.”*

In April 2001, Cabinet agreed to seek compliance with Article 9 over time but little progress has been made to ensure that the medical costs of work related injuries are not borne by workers.

#### **Recommendation**

When making regulations, international conventions to which New Zealand is a ratifying party should be taken into account. Therefore the Law Society recommends that ACC legislation, including the Regulations, should be amended to comply with ILO Convention 17 and to provide that employees injured at work are not required to contribute to the cost of medical treatment for those injuries.

If you would like to discuss this submission, please do not hesitate to contact the Convenor of the ACC Committee, Don Rennie, through the secretary, Julie Smith, on (04) 463 2967 or by email to [Julie.Smith@lawsociety.org.nz](mailto:Julie.Smith@lawsociety.org.nz).

Yours sincerely

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

**Jonathan Temm**  
**President**