
Accident Compensation (Access Reporting and Other Matters) Amendment Bill

10/02/2023

Accident Compensation (Access Reporting and Other Matters) Amendment Bill 2022

1 Introduction

- 1.1 The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) welcomes the opportunity to comment on the Accident Compensation (Access Reporting and Other Matters) Amendment Bill (**Bill**).
- 1.2 This submission has been prepared with input from the Law Society's Accident Compensation Committee,¹ and makes several recommendations to improve the Bill, and to ensure the Bill meets its policy objectives.
- 1.3 The Law Society does not wish to be heard.

2 Data on access to the accident compensation scheme

- 2.1 Clauses 4 and 5 of the Bill amend sections 3 and 262 of Accident Compensation Act 2001 (**Act**), to provide that the functions of the Accident Compensation Corporation (**ACC**) include monitoring access to the accident compensation scheme (**AC scheme**) by Māori and other population groups. Clause 6 inserts new section 278B, which requires ACC to prepare an 'annual scheme access report' (**access report**) which identifies:
 - (a) the level of access to the AC scheme by Māori and other population groups;
 - (b) any disparities between those population groups in accessing the AC scheme; and
 - (c) any barriers which affect access to the AC scheme by those population groups.
- 2.2 Together, these amendments seek to improve the delivery of services under the Act to injured persons in those population groups.²
- 2.3 The Law Society supports these amendments, and the proposed requirement for ACC to prepare access reports. However, we consider the Bill should more clearly specify the various subsets of data that should be collected and published in an access report. It would be useful for access reports to include information on access by Māori and other population groups to:
 - (a) the various types of entitlements, including:
 - (i) weekly compensation;
 - (ii) treatment and rehabilitation, including rongoā Māori (traditional Māori healing);
 - (iii) ongoing support;³
 - (iv) payments for permanent injuries; and
 - (v) financial support for fatal injuries;

¹ See the Law Society's website for more information about this Committee: <https://www.lawsociety.org.nz/branches-sections-and-groups/law-reform-committees/accident-compensation-committee/>.

² Clause 5 of the Bill.

³ Including, for example, transport, counselling and therapy, aids and equipment to help with an injury, home help and attendant care, and support with childcare and education.

- (b) the processes for resolving disputes;⁴ and
 - (c) the AC scheme across the various regions.⁵
- 2.4 Access reports could also include data on the number of claims by Māori and other population groups which are lodged out of time,⁶ and the reasons for the delays in lodging these claims.⁷
- 2.5 This data will help meet the objectives of the Bill to understand *how* people and population groups access and benefit from the AC scheme, and to increase the transparency of the levels of access to the AC scheme.⁸ In addition, this data will help understand whether:
- (a) the provision of certain services (for example, rongoā Māori) has resulted in increased access to the AC scheme, and increased engagement with ACC, by Māori and other population groups;
 - (b) the ongoing provision of those services (including, for example, rongoā Māori) will assist in the recovery and rehabilitation of Māori and other population groups;
 - (c) there are disparities in access to the AC scheme across the country, and how bespoke services and assistance might help mitigate any disparities;
 - (d) there is a correlation between the ability (or inability) to access the AC scheme, and the ability (or inability) to access dispute resolution processes;
 - (e) improvements are needed to ensure claimants can access dispute resolution services and receive the support needed to resolve a dispute; and
 - (f) the statutory timeframes for lodging claims prevent or discourage access to the AC scheme (and therefore, whether a review of the timeframes is required).
- 2.6 We recommend amending new section 278B, and inserting a requirement for access reports to include the information listed in paragraphs 2.3 and 2.4 above. If the select committee determines it is not appropriate for this requirement to be set out in primary legislation, we recommend including this as a requirement in any secondary legislation, standard operating procedures or guidelines which complement the Act.

3 Bringing forward eligibility for weekly compensation

- 3.1 The Law Society supports the amendments to Schedule 1 of the Act, which bring forward eligibility for the minimum rate of weekly compensation. This change is long overdue, and

⁴ This should include internal reviews, mediation or conciliation, external independent reviews, and appeals to the District Court and higher courts. It would also be helpful to include data on claimant representation, and the timeframes for resolving disputes.

⁵ This could include, for example, data on where claims are lodged, regions with disparities in access to the AC scheme, and barriers affecting access across the regions.

⁶ Section 53 of the Act prescribes the timeframes for lodging claims for cover and entitlements.

⁷ This data can be collected by updating the claim forms and including a question about why it has taken, for example, six months after the date of the injury to lodge a claim. The claim form could also include checkboxes which list potential causes for the delay (such as time and/or money constraints, and needing to travel to see a treatment provider).

⁸ Explanatory Note of the Bill.

will promote the purpose of AC scheme to minimise the impact of injury on the community (including economic, social, and personal costs).⁹

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Taryn Gudmanz
Vice-President

⁹ Section 3 of the Act.