

12 September 2022

The Manager
Accident Compensation Policy
Ministry of Business, Innovation & Employment

By email: ACregs@mbie.govt.nz

Tēnā koe,

Re: Proposed amendments to the ACC Hearing Assessment Regulations

- 1.1 I am writing to you as Convenor of the New Zealand Law Society | Te Kāhui Ture o Aotearoa Accident Compensation Committee (**ACC Committee**), regarding MBIE's *Proposed amendments to the Accident Insurance (Occupational Hearing Assessment Procedures) Regulations 1999* Consultation Paper (**Consultation Paper**).
- 1.2 The ACC Committee is concerned that the proposal in the Consultation Paper to update the age scale based on ISO 7029:2017¹ has a disproportionate effect on female claimants. While, as noted, Option 2 would result in a total of 1321 additional accepted claims, that is a net benefit for male claimants only – 1173 women who had previously been accepted would now be declined, compared with just 151 women who had previously been declined, now being accepted.²
- 1.3 The ACC Committee accepts that the proposed changes are based on the new international standard ISO 7029:2017. However, as the standard is based on epidemiological data, the datasets will relate to generations of women who are less likely to have undertaken work with significant occupational noise. Those datasets do not necessarily reflect the shifting demographics of roles with significant noise exposure.
- 1.4 In a recent letter to the Law Society (appended), the Minister for ACC noted that her priority over the course of this term of government is to improve equity within the ACC Scheme, with a focus on women, Māori, and Pāsifika peoples. Given that the Minister for ACC has emphasised the importance of equity for female claimants under the ACC scheme, the ACC Committee proposes the adoption of Option 2 for male claimants, but the retention of Option 1 (i.e., maintaining the current age scale based on ISO 7029:1984) for female claimants.

¹ 'Option 2' on page 15 of the Consultation Paper.

² Table 3 on page 17 of the Consultation Paper.

1.5 We hope this feedback is helpful. Please feel free to contact me via the Law Society's Law Reform & Advocacy Advisor, Nilu Ariyaratne (Nilu.Ariyaratne@lawsociety.org.nz), if you have any questions, or if further discussion would assist.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Peter Sara', with a stylized flourish at the end.

Peter Sara
Convenor, NZLS ACC Committee

App: Letter from Hon Carmel Sepuloni, 30 August 2021

Hon Carmel Sepuloni

MP for Kelston

Minister for Social Development and Employment

Minister for ACC

Minister for Arts, Culture and Heritage

Minister for Disability Issues



30 August 2021

Tiana Epati
President, New Zealand Law Society
PO Box 5041
Wellington 6140
cc: fazleen.ismail@lawsociety.org.nz

Tēnā koe Tiana,

Thank you for your letter dated 8 July 2021 regarding your suggestions of low-cost and high-impact proposals to the Accident Compensation Act 2001.

I understand that officials from the Ministry of Business, Innovation and Employment (MBIE) are already looking at these proposals, and have indicated to you that they will be having more conversations with you as work into these issues progresses.

As you may be aware, my priority over the course of this term of government is to improve equity within the Accident Compensation Scheme (the AC Scheme), with a focus on women, Māori, and Pāsifika peoples. I am also continuing to progress work to deliver on our other Manifesto commitments.

Once the policy work has been further developed on the suggested reform items, my officials and I will engage with you where appropriate.

Thank you for writing to me. I appreciate your ongoing interest in the AC Scheme.

Ngā mihi,

A handwritten signature in black ink, appearing to read 'C Sepuloni'.

Hon Carmel Sepuloni
Minister for ACC