

Accident Compensation (Notice of Decisions) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill broadens the range of circumstances that give employers the right to apply for a review of the Accident Compensation Corporation's decisions related to a claim. Section 64 of the Act requires the Accident Compensation Corporation to give notice of a decision on a claim for cover for a work-related personal injury to an employee and every employer who might be entitled to apply for a review of the decision. The definition of cover is provided for in the Accident Compensation Act. Occasionally decisions are made on the acceptance of circumstances that constitute an aggravation or re-injury of a work-related personal injury. These decisions may have a material impact on an employer's claim history and Experience Rating. The decision is invariably made outside the timeframe of the original cover decision and presently the Accident Compensation Corporation is neither required to advise the employer or consider a review in those circumstances. This Bill will remedy that, by including a requirement on the Accident Compensation Corporation to inform the employer and employee of decisions in respect of aggravation or re-injury of a work-related injury and provide for a review by the employer of that decision.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force the day after it receives the Royal assent.

Clause 3 states that the Bill amends the Accident Compensation Act 2001 (the **principal Act**).

Clause 4 amends section 64, which relates to those whom the Corporation must notify of decisions, to include notifying employers of decisions to accept a claim as an aggravation or re-injury of a work-related injury.

Clause 5 amends section 134, which relates to who may apply for a review of a decision by the Corporation, to include employers if the decision is to accept a claim as an aggravation or re-injury of a work-related injury.

Clause 6 amends section 142, which relates to who may be present and heard at a review hearing, to include employers in the case of reviews of decisions accepting an injury as an aggravation or re-injury of a work-related injury.

Clause 7 amends section 149, which relates to who may appeal review decisions, to include employers if the review was of a decision to accept an injury as an aggravation or re-injury of a work-related injury.

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Accident Compensation (Notice of Decisions) Amendment Act **2020**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Accident Compensation Act 2001 (the **principal Act**).
- 4 Section 64 amended (Corporation must give notice of decisions)** 10
Replace section 64(2) with:

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- (2) The Corporation must give notice of its decision to every employer entitled to apply for a review of a decision—
- (a) on a claim for cover for a work-related personal injury to an employee; and
 - (b) to accept a claim as an aggravation or re-injury of a work-related personal injury to an employee.

5 Section 134 amended (Who may apply for review)

Replace section 134(2) with:

- (2) An employer may apply to the Corporation for a review of its decision that a claimant's injury is—
- (a) a work-related personal injury suffered during employment with that employer; or
 - (b) an aggravation or re-injury of a work-related personal injury suffered during employment with that employer.

6 Section 142 amended (Persons entitled to be present and heard at hearing)

In section 142(d), after “work-related personal injury”, insert “(including as an aggravation or re-injury of a work-related personal injury)”.

7 Section 149 amended (Who may appeal against review decision)

In section 149(4), after “work-related personal injury”, insert “or an aggravation or re-injury of a work-related personal injury”.