



ANALYSIS

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1989, No. 52

An Act to amend the Accident Compensation Act 1982

[31 July 1989

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Accident Compensation Amendment Act 1989, and shall be read together with and deemed part of the Accident Compensation Act 1982 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of December 1989.

2. Purposes and scope of Act—(1) Section 26 of the principal Act is hereby amended by adding, after subsection (3) (as added by section 3 (1) of the Accident Compensation Amendment Act 1985), the following subsection:

“(4) Sections 75, 76, and 77 of this Act shall, on and after the 1st day of December 1989, apply in relation to any person who suffered personal injury by accident on or after the 1st day of April 1974 and on or before the 31st day of March 1983 to the extent that the person had cover or was entitled to cover under the Accident Compensation Act 1972 in relation to that personal injury by accident.”

(2) Section 122 (4) of the principal Act (as amended by section 3 (3) of the Accident Compensation Act 1985) is hereby consequentially amended by omitting the expression “26 (3)”, and substituting the words “subsection (3) and subsection (4) of section 26”.

(3) Section 3 (3) of the Accident Compensation Amendment Act 1985 is hereby consequentially repealed.

3. Medical treatment—(1) Section 75 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where a person suffers personal injury by accident in respect of which that person has cover and, as a result of the personal injury, that person requires—

“(a) A medical certificate for the purposes of this Act; or

“(b) Any treatment to which this section applies—

the Corporation shall contribute to the cost of that certificate or treatment to the extent required or permitted by regulations made under this Act.”

(2) Section 75 (2) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Treatment of the person by a registered medical practitioner or a person acting on referral from a registered medical practitioner:”.

(3) Section 75 of the principal Act is hereby amended by repealing subsections (3) to (7), and substituting the following subsections:

“(3) The Corporation may enter into arrangements with employers and other persons in respect of the provision of medical and first aid assistance in appropriate places, and shall contribute towards the cost thereof to the extent required or permitted by regulations made under this Act.

“(4) Where a person suffers personal injury by accident in respect of which that person has cover, and, as a result of the personal injury, the person requires treatment by the provision of any pharmaceutical requirement which is not specified in any Drug Tariff for the time being in force under section 99 of the Social Security Act 1964 and which is prescribed for the injured person by a registered medical practitioner, the Corporation shall contribute, to the extent required or permitted by regulations made under this Act, to the cost of that treatment.”

4. Damage to natural teeth—Section 76 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Where a person suffers personal injury by accident in respect of which that person has cover and, as a result of the personal injury that person suffers damage to his or her natural

teeth, the Corporation shall contribute, to the extent required or permitted by regulations made under this Act, to the cost of repairing the teeth or replacing them (as appropriate).

“(2A) The Corporation may refuse to make any payment that it would otherwise make under subsection (2) of this section unless notice of the damage is given as soon as practicable after the accident, in accordance with section 93 of this Act.”

5. Damage to artificial limbs or aids or clothing—Section 77 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where as a result of an accident a person suffers damage to or loses any artificial limb or aid, or any clothing or spectacles being used or worn by the person at the time of the accident, the Corporation shall contribute, to the extent required or permitted by regulations made under this Act, to the cost of repairing or, if necessary, replacing the artificial limb or aid or clothing or spectacles.”

6. Corporation not obliged to make payments—The principal Act is hereby amended by inserting, after section 77, the following section:

“77A. (1) Nothing in this Act shall require or permit the Corporation to pay the whole or any part of the cost of any certificate, treatment, repair, or replacement under section 75 or section 76 or section 77 of this Act unless the payment is required or permitted by regulations made under this Act.

“(2) The Corporation shall not be regarded as being in breach of section 36 or section 37 of this Act by reason of it paying less than the full amount of the cost of any certificate, treatment, repair, or replacement under section 75 or section 76 or section 77 of this Act or not paying any part of any such cost.”

7. Regulations—(1) Section 120 (1) of the principal Act is hereby amended by repealing paragraphs (f) and (g), and substituting the following paragraph:

“(f) Prescribing the circumstances in which, the extent to which, and the method by which the Corporation shall make any payment under section 75 or section 76 or section 77 of this Act, and may enter into arrangements and make contributions under those sections; and prescribing the persons to whom those payments may be so made:”.

(2) Section 120 of the principal Act is hereby amended by inserting, after subsection (1), the following subsections:

“(1A) Without limiting the matters that may be prescribed by regulations, regulations made under paragraph (f) of subsection (1) of this section may—

“(a) Prescribe a percentage or different percentages of the total costs to be paid by the Corporation, or prescribe a specified amount or specified amounts which the Corporation shall pay in respect of those costs in specified circumstances:

“(b) Provide that the Corporation shall make payments in respect of costs only to the extent that costs exceed amounts specified in the regulations:

“(c) Provide that the Corporation shall make payments only in respect of treatment, certificates, repair, or replacement provided by, or on referral from, or under the direct supervision of persons who are members of classes prescribed in the regulations:

“(d) Provide that the Corporation shall not pay any of the cost of specified certificates, treatments, repair, or replacements, or shall pay some or all of such costs only if conditions specified in the regulations or by the Corporation are met:

“(e) Provide that the Corporation shall make payments in respect of treatment, certificates, repair, or replacement on such other basis as is specified in the regulations.

“(1B) Without limiting the matters that may be prescribed by regulations, regulations made under paragraph (f) of subsection (1) of this section may contain different provisions in respect of—

“(a) Payments relating to personal injury by accident arising out of and in the course of employment, and other personal injury by accident:

“(b) Payments relating to personal injury by accident suffered by persons who are entitled to earnings related compensation, and personal injury by accident suffered by other persons:

“(c) Payments relating to personal injury by accident suffered by persons who have different entitlements to benefits under the Social Security Act 1964:

“(d) Payments relating to persons or treatments, certificates, repairs, or replacements, on such other basis as is specified in the regulations.

“(1c) No regulations made under this section shall be regarded as being contrary to the purposes of this Act by reason of those regulations providing for the payment by the Corporation of less than the full amount of the cost of any certificate, treatment, repair, or replacement, or not permitting any payment in respect of any such cost.”

This Act is administered in the Accident Compensation Corporation.
