

Version
as at 28 October 2021



Accident Compensation Act 2001

Public Act 2001 No 49
Date of assent 19 September 2001
Commencement see section 2

Act name: substituted, on 3 March 2010, by section 5(1)(a) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Contents

	Page
1 Title	19
Part 1	
Preliminary provisions	
2 Commencement	19
3 Purpose	19
4 Overview	19
5 Act to bind the Crown	20
5A Transitional, savings, and related provisions	20
6 Interpretation	20
7 Acute treatment	33
8 Cover	34
9 Earnings as an employee: what it means	34
10 Earnings as an employee: payments to spouse or partner	34
11 Earnings as an employee: what it does not include	35

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

12	Earnings as an employee: Work Account levy payable under section 168	37
13	Earnings of private domestic workers	38
14	Earnings as a self-employed person	38
15	Earnings as a shareholder-employee	38
16	New Zealand	40
17	Ordinarily resident in New Zealand	41
18	Spouse (and spouse in relation to deceased claimant)	42
18A	Partner (and partner in relation to deceased claimant)	43

Part 2

Cover

Preliminary provision

19	Key terms in this Part	44
----	------------------------	----

Principles

20	Cover for personal injury suffered in New Zealand (except mental injury caused by certain criminal acts or work-related mental injury)	44
21	Cover for mental injury caused by certain criminal acts	45
21A	Cover under Accident Rehabilitation and Compensation Insurance Act 1992 for mental injury caused by certain criminal acts	46
21B	Cover for work-related mental injury	48
22	Cover for personal injury suffered outside New Zealand (except mental injury caused by certain criminal acts or work-related mental injury)	49
23	Cover for personal injury suffered by persons not ordinarily resident in New Zealand: exclusions while travelling to, around, and from New Zealand	50
24	Cover for personal injury caused by work-related gradual process, disease, or infection: exclusion for events occurring outside New Zealand before 1 April 1974	51

Key terms relating to cover

25	Accident	51
26	Personal injury	53
27	Mental injury	54
28	Work-related personal injury	54
29	Personal injury that is both work-related and motor vehicle injury	55
30	Personal injury caused by work-related gradual process, disease, or infection	56
31	Ministerial advisory panel on work-related gradual process, disease, or infection [<i>Repealed</i>]	58
32	Treatment injury	58
33	Treatment	59

34	Cover for personal injury caused by medical misadventure before 1 July 2005	60
35	Motor vehicle injury	61
	<i>Relevant dates of injury</i>	
36	Date on which person is to be regarded as suffering mental injury	62
37	Date on which person is to be regarded as suffering personal injury caused by work-related gradual process, disease, or infection	62
38	Date on which person is to be regarded as suffering treatment injury	63

Part 3

Code of ACC Claimants' Rights, and claims

Code of ACC Claimants' Rights

39	Meaning of Corporation	63
40	Purpose of Code	63
41	Code applies generally	64
42	Corporation to prepare draft Code in consultation with persons nominated by Minister	64
43	Public consultation on draft Code after agreement by Minister	64
44	Approval of Code by Minister	65
45	Corporation's obligations in respect of Code	65
46	Application of Legislation Act 2012 to Code [<i>Repealed</i>]	66
47	Amendments to Code	66

Claims process

48	Person to lodge claim for cover and entitlement	66
49	Treatment provider lodging claim on behalf of person	66
50	Responsibilities of Corporation after claim lodged	66
51	When claim is lodged and received	67
52	Manner of making claim	67
53	Time for making claim	67
54	Responsibility of Corporation to make reasonable decisions in timely manner	68
55	Responsibilities of claimant to assist in establishment of cover and entitlements	68
56	Steps Corporation takes to action claims for cover	69
57	Steps Corporation takes to action complicated claims for cover	69
58	Effect of failure to meet time limits	70

Decisions on cover and entitlements

59	Decision on cover independent of acceptance of levy	71
60	Decision on claim for Schedule 2 injury	71
61	Decision on claim for noise-induced hearing loss caused by work-related gradual process	71
62	Decision on claim for treatment injury	72

63	Corporation must tell claimant about review rights	72
64	Corporation must give notice of decisions	72
65	Corporation may revise decisions	72
66	Corporation must keep claims files	73

Part 4

Entitlements and related matters

Entitlements

67	Who is entitled to entitlements	73
68	Corporation provides entitlements in accordance with this Act	73
69	Entitlements provided under this Act	74
70	Claimant's and Corporation's obligations in relation to rehabilitation	74
71	Employer's obligations in relation to rehabilitation	74

Responsibilities of claimant

72	Responsibilities of claimant who receives entitlement	75
----	---	----

Treatment

73	Payment of treatment providers for acute treatment	75
74	Limits on treatment providers in decisions on acute treatment	76

Individual rehabilitation plan

75	Corporation to determine need for rehabilitation plan	76
76	Provision of rehabilitation before and after individual rehabilitation plan agreed	77
77	Assessment of needs and content of plan	77
78	Individual rehabilitation plan must be updated	78
79	Purpose of social rehabilitation	78
80	Purpose of vocational rehabilitation	78

Social rehabilitation

81	Corporation's liability to provide key aspects of social rehabilitation	78
82	Corporation may provide other social rehabilitation	79
83	Date of entitlement to social rehabilitation	80
84	Assessment and reassessment of need for social rehabilitation	80

Vocational rehabilitation

85	Corporation liable to provide vocational rehabilitation	81
86	Matters to be considered in deciding whether to provide vocational rehabilitation	82
87	Further matters to be considered in deciding whether to provide vocational rehabilitation	82
88	Vocational rehabilitation may start or resume if circumstances change	83
89	Assessment of claimant's vocational rehabilitation needs	84

90	Occupational assessor	84
91	Conduct of initial occupational assessment	84
92	Report on initial occupational assessment	84
93	Medical assessor	85
94	Assessments when medical assessor unavailable	85
95	Conduct of initial medical assessment	86
96	Report on initial medical assessment	86
	<i>Employer's duty to pay first week compensation</i>	
97	Employee's right to receive first week compensation	87
98	Employer's duty to pay first week compensation	87
99	First week compensation is salary or wages for certain purposes	87
	<i>Weekly compensation</i>	
100	Entitlement to weekly compensation depends on claimant's incapacity for employment and vocational independence	88
101	Procedures for determining incapacity for employment and vocational independence	89
	<i>Incapacity for employment</i>	
102	Procedure in determining incapacity under section 103 or section 105	89
103	Corporation to determine incapacity of claimant who, at time of personal injury, was earner, on unpaid parental leave, or recuperating organ donor	89
104	Effect of determination under section 103 on entitlement to weekly compensation	90
105	Corporation to determine incapacity of certain claimants who, at time of incapacity, had ceased to be in employment, were potential earners, or had purchased weekly compensation under section 223	90
106	Effect of determination under section 105 on entitlement to weekly compensation	91
	<i>Vocational independence</i>	
107	Corporation to determine vocational independence	91
108	Assessment of claimant's vocational independence	92
109	When claimant's vocational independence to be assessed	92
110	Notice to claimant in relation to assessment of vocational independence	93
111	How determination that claimant has vocational independence is to be regarded	93
112	Claimant with vocational independence loses entitlement to weekly compensation	94
113	Claimant who no longer has vocational independence regains entitlement to weekly compensation	94