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The Manager, Accident Compensation Policy
Workplace Relations and Safety Policy
Ministry of Business, Innovation and Employment
PO Box 1473
WELLINGTON 6140

By email: ACregs@mbie.govt.nz

Tēnā koe

Updating Accident Compensation Review Costs Regulations

Thank you for the opportunity to comment on the draft updated Accident Compensation Review Costs Regulations.

The Royal New Zealand College of General Practitioners is the largest medical college in New Zealand. Our membership of 5,500 general practitioners comprises almost 40 percent of New Zealand's specialist medical workforce. Our Kaupapa is to set and maintain education and quality standards for general practice, and to support our members to provide competent and equitable patient care.

Background

ACC (Accident Compensation Corporation) claimants who disagree with a decision made by ACC can have the decision reviewed by an independent reviewer. Under section 148 of the Accident Compensation Act 2001, claimants are awarded some of the costs of taking the ACC review. The independent reviewer decides fully or partly in favour of the claimant or considers the claimant has acted reasonably. The cost structure is set out in the Accident Compensation (Review Costs and Appeals) Regulations 2002. This consultation relates to the review of these regulations.

Our Submission

The College's comments relate to Category 3 - Medical and Other Report costs, and to the following questions.

- Question 16: Do you think the proposed new rates will increase access to medical reports (and therefore access to justice) for claimants?
- Question 18: Do you think removing the distinction between registered specialist reports and other reports will improve claimant's access to reports?

The review process should be fair and equitable

The College supports the ACC review process as the proposed change will create a fairer system for Specialist GPs preparing reports to assist claimants. We support integration of a fairer, equitable review which addresses previous inequities.¹

¹ <https://www.mbie.govt.nz/business-and-employment/employment-and-skills/employment-legislation-reviews/accident-compensation-dispute-resolution-review/> Accessed 23/3/22

Vocationally registered GPs (General Practitioners) are specialists

The change to the ACC review process to include Specialist General Practitioners aligns with the Medical Council of New Zealand (MCNZ) which recognises vocationally trained Specialist GPs. Including the list of specialists contained in Clause 3 of the Accident Compensation (Review Costs and Appeals) Regulations 2002 addresses the gap for vocationally registered GPs.²

Doctors who successfully complete their three years of training in the General Practice Education Programme, pass the clinical and written examinations at the end of the first year and the Fellowship assessment at the end of training, are eligible for Fellowship of The Royal New Zealand College of General Practitioners, and enables doctors to apply for vocational registration as a specialist in the scope of general practice by the MCNZ.

Not all doctors working in general practice are vocationally registered

Most doctors working in general practice are either vocationally registered or undertaking vocational training. However, a small percentage of doctors working general practice are not specialist GPs or engaged in training towards vocational registration. In March 2022, they comprise fourteen percent of all doctors working in New Zealand general practices.³ In this respect, we are out of step with countries such as the UK and Australia in not requiring doctors working in general practice to be vocationally trained.

Professor John Campbell, past chair of the Medical Council of New Zealand expressed his concerns about doctors working who are not vocationally registered working in general practices:

“General practice is the specialty, the vocational scope of practice, which treats patients with the widest variety of conditions, with the greatest range of severity (from minor to life threatening to terminal), from the earliest presentation until the end, with the most inseparable intertwining of the biomedical and psychosocial, and treats patients of all ages, from neonates to the elderly, over a lifetime. Why, then, in this most demanding of specialties, can a general registrant, with no postgraduate clinical qualification or formal postgraduate training, practise with no more supervision than a vocationally trained GP...”⁴

In summary

The College welcomes the changes to the awarding of costs for Medical and Other Reports and recognises that it will increase equity for Specialist GPs in preparing reports for claimants.

Please do not hesitate to contact the College if you have any questions or seek additional information at rnzcgcp@rnzcgcp.org.nz, and include 'POLICY' in the subject line.

Nāku noa, nā



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² <https://legislation.govt.nz/regulation/public/2002/0081/latest/DLM117431.html#DLM117431> Accessed 23/3/22

³ Registration data received from MCNZ 16/3/22.

⁴ Campbell J. General registration – time for change. New Zealand Doctor. 2008 Jun 4. Accessed via <https://www.knowledge-basket.co.nz/> 23/3/22