



COVERSHEET

Minister	Hon Matt Doocey	Portfolio	ACC
Title of Cabinet paper	Accident Compensation definitions and other amendment regulations	Date to be published	13 December 2024

List of documents that have been proactively released

Date	Title	Author
November 2024	Accident Compensation definitions and other amendment regulations	Office of the Minister for ACC
7 November 2024	ACC Amendment Regulations LEG-24-MIN-0222 Minute	Cabinet Office

Information redacted

YES / NO [select one]

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

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Office of the Minister for ACC

Chair, Cabinet Legislation Committee

Accident Compensation definitions and other amendment regulations

Proposal

- 1 I propose that the Cabinet Legislation Committee authorise the submission of the Accident Compensation (Definitions) Amendment Regulations 2024, the Accident Compensation (Liability to Pay or Contribute to Cost of Treatment) Amendment Regulations (No 3) 2024 and the Accident Compensation (Apportioning Entitlements for Hearing Loss) Amendment Regulations (No 2) 2024 (collectively the ACC Amendment Regulations) to the Executive Council.

Policy

- 2 MBIE recently undertook consultation on my behalf on a set of proposed updates to ACC regulations defining treatment providers and regulating treatment payments, to make them consistent with the health sector. The proposed changes were largely well supported, and Cabinet agreed to all of them on 12 August 2024 [CAB-24-MIN-0292 refers].
- 3 The Accident Compensation (Definitions) Regulations 2019 (Definitions Regulations) define which health professionals can be funded as treatment providers and which health professional's treatment is covered by the ACC treatment injury provisions.
- 4 The agreed changes to the Definitions Regulations facilitate continued access to acupuncturists by ACC claimants by recognising the Chinese Medicine Council as the new regulatory body.
- 5 The agreed changes improve the access to paramedics and audiometrists by defining them as treatment providers to allow ACC to fund treatment provided by them.
- 6 The agreed changes also ensure the treatment of Chinese medicine practitioners and paramedics are covered by the ACC treatment injury provisions by defining these practitioners as registered health professionals.
- 7 In addition, some minor changes to the definition of audiologist and nurse were agreed to ensure they continue to apply as intended.
- 8 The Accident Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003 and Accident Compensation (Apportioning Entitlements for Hearing Loss) Regulations 2010 (Cost of Treatment Regulations) specify the payments that ACC

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can make toward the cost of treatment for ACC claimants. These apply where ACC does not have specific contracts with treatment providers.

- 9 Given that paramedics and audiometrists are becoming treatment providers it is appropriate they have treatment payments set under the Cost of Treatment Regulations. A scale of payments similar to that applying to nurses was agreed for paramedics. For audiometrists the same treatment rates as apply to audiologists was agreed.
- 10 No material increase in costs to ACC is expected as a result of the agreed changes. Some ACC funded treatment may be undertaken by different health professionals than those currently administering treatment.

Timing and 28-day rule

- 11 The Amendment Regulations are planned to come into force on 19 December 2024 which will ensure compliance with the 28-day rule.

Compliance

- 12 The proposed Amendment Regulations comply with each of the following:
 - 12.1. the principles of the Treaty of Waitangi;
 - 12.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 12.3. the principles and guidelines set out in the Privacy Act 2020;
 - 12.4. relevant international standards and obligations;
 - 12.5. the Legislation Design and Advisory Committee's Legislation Guidelines (2021 edition).
- 13 Section 324(2) of the Accident Compensation Act 2001 sets out requirements for receiving recommendations, and consulting with persons I consider appropriate, on any changes to the Cost of Treatment Regulations; while section 322(3) sets out requirements for consulting with persons I consider appropriate on any changes to the Definitions Regulations. I am satisfied these requirements were complied with.

Regulations Review Committee

- 14 There are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 15 The ACC Amendment Regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 16 A Regulatory Impact Assessment was prepared in accordance with the necessary requirements and was submitted at the time Cabinet approval for the recommended changes was sought on 23 July 2024.

Publicity

- 17 ACC, as the operational agency, will communicate with treatment providers on the changes to the regulated payments for treatment.

Proactive release

- 18 MBIE will proactively release this Cabinet paper and accompanying Cabinet minute. No redactions are proposed.

Consultation

- 19 ACC, the Ministry of Health, Te Puni Kōkiri, the Ministry for Pacific Peoples, Veterans' Affairs New Zealand and Worksafe New Zealand were consulted on the proposed changes to the Definitions Regulations and the Cost of Treatment Regulations. Health New Zealand, the Treasury, Whaikaha – the Ministry of Disabled People, the Ministry of Social Development, the Ministry for Women and the Department of the Prime Minister and Cabinet were informed or offered the opportunity to comment on the proposed changes.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 12 August 2024 after the completion of public consultation, Cabinet agreed to a set of updates to ACC regulations [CAB-24-MIN-0292 refers] that:
 - 1.1. facilitate continued access to acupuncturists by ACC claimants by recognising the Chinese Medicine Council as the new regulatory body;
 - 1.2. improve access to paramedics and audiometrists by defining them as treatment providers to allow ACC to fund treatment provided by them in general practice;
 - 1.3. ensure the treatment of Chinese medicine practitioners and paramedics are covered by the ACC treatment injury provisions by defining these practitioners as registered health professionals;

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- 1.4. make minor changes to the definition of audiologist and nurse to ensure they continue to apply as intended; and
- 1.5. set treatment payment rates for paramedics and audiometrists;
2. note that the Accident Compensation (Definitions) Amendment Regulations 2024, the Accident Compensation (Liability to Pay or Contribute to Cost of Treatment) Amendment Regulations (No 3) 2024 and the Accident Compensation (Apportioning Entitlements for Hearing Loss) Amendment Regulations (No 2) 2024 will give effect to the decisions referred to in the preceding paragraph;
3. authorise the submission to the Executive Council of the Accident Compensation (Definitions) Amendment Regulations 2024, the Accident Compensation (Liability to Pay or Contribute to Cost of Treatment) Amendment Regulations (No 3) 2024 and the Accident Compensation (Apportioning Entitlements for Hearing Loss) Amendment Regulations (No 2) 2024;
4. note that the Accident Compensation (Definitions) Amendment Regulations 2024, the Accident Compensation (Liability to Pay or Contribute to Cost of Treatment) Amendment Regulations (No 3) 2024 and the Accident Compensation (Apportioning Entitlements for Hearing Loss) Amendment Regulations (No 2) 2024 will come into force on 19 December 2024;
5. note that Section 322(3) of the Accident Compensation Act 2001 requires that the responsible Minister may not make any recommendation about the Definitions Regulations without first consulting the persons or organisations the Minister considers appropriate. Section 324(2) requires that the responsible Minister must not make any recommendation about treatment cost regulations without first receiving a recommendation from ACC and consulting the persons and organisations the Minister considers appropriate;
6. note that the advice of the Minister for ACC is that the requirements of sections 322(3) and 324(2) have been met.

Authorised for lodgement

Hon Matt Doocey

Minister for ACC

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