

15 September 2020

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Accident Compensation (Notice of Decisions) Amendment Bill

1. We have considered whether the Accident Compensation (Notice of Decisions) Amendment Bill ('the Bill'), a Member's Bill in the name of Paulo Garcia MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The Bill's Explanatory note states that decisions are occasionally made by the Accident Compensation Corporation ('ACC') on the acceptance of circumstances that constitute an aggravation or re-injury of a work-related personal injury, and these are invariably made outside the timeframe of the original cover decision. Further, the Explanatory note states that presently ACC is neither required to advise the employer or consider a review in those circumstances, although such a decision may have a material impact on an employer's claim history and experience rating. To remedy this, the Bill amends the Accident Compensation Act 2001 by:
 - a. requiring ACC to notify an employer of its decision to accept an employee's claim as an aggravation or re-injury of a work-related personal injury;
 - b. providing that an employer may apply to ACC for a review of its decision that a claimant's injury is an aggravation or re-injury of a work-related personal injury, and extending to employers the entitlement to be present and heard at a review hearing; and
 - c. providing that an employer may appeal to the District Court against a review decision that an injury is an aggravation or re-injury of a work-related personal injury.
3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



Jeff Orr
Chief Legal Counsel
Office of Legal Counsel