



**National Council of
Women of New Zealand**

Te Kaunihera
Wahine O Aotearoa

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**Submission to the Transport and Industrial Relations Select Committee
on the Injury and Prevention Rehabilitation Bill**

The National Council of Women of New Zealand Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella organisation representing 43 nationally organised societies. It has 34 branches spread throughout the country to which women from some 150 societies are affiliated.

This submission has been prepared by the NCWNZ Consumer Affairs Standing Committee, which consists of a small nucleus committee plus corresponding members throughout New Zealand. Opinion has also been canvassed from both the Economics and Employment Standing Committees.

NCWNZ has formal policy that 'compensation for personal injury is based firmly on the Woodhouse principle of comprehensive entitlement so that the injured, regardless of earning status or accident locality, may have equal access to financial compensation and equal provision for rehabilitative treatment' (1971).

Comments on specific clauses:

**Part 1
Preliminary Provisions**

Page 23 Clause 8 Capacity for work. 1a ...suited by reason of experience, education or training...

NCWNZ does not agree with this condition because a claimant could well be offered an unsuitable position. The clause as worded appears to give the claimant little choice.

Page 23 Clause 8 Capacity for work. 2a the Corporation is not required to take into consideration any condition that is not related to this injury

NCWNZ is concerned about the effect of this clause on a claimant with a prior illness or condition, eg arthritis. A claimant with an existing condition may not be fit to take up some forms of employment.

**Part 4
Entitlements and related matters**

Page 68 Clause 94 Report on medical assessment

While this section appears to address our concerns in relation to 1a and 2a of Clause 8 in Part 1 Clause 64 gives the Corporation the right to revise decisions. NCWNZ members are concerned at this apparent anomaly.





Part 7
Accident Compensation Corporation

Page 155 Clause 258 Obligation to report medical misadventure

NCWNZ members would prefer that **all** medical misadventure must be reported to the Director-General of Health. The wording of this section is considered to be too vague to deal with this very serious issue.

Page 240 Schedule 1 Part 2 Weekly compensation

NCWNZ members found this section very difficult to follow, and consider that claimants would not easily be able to understand their entitlements. It would be disappointing if claimants did not receive their true entitlements because of the complexity of this section.

P 257 Schedule 1 Part 3 Lump sum compensation for permanent impairment.

NCWNZ expresses the same concerns regarding this section as expressed regarding Schedule 1 Part 2. It appears unnecessarily complicated for claimants to interpret.

Page 258 Schedule 1 Part 3 Clause 63 Corporation not to assess entitlement until it receives medical certificate as to stability of claimant's condition

NCWNZ members have expressed concern with regard to the 'assessment of the claimant's entitlement to lump sum compensation for mental injury before the claimant turns 16 years of age, unless the Corporation is satisfied that there are compelling reasons for the claimant's early entitlement'. This section needs to indicate clearly whether birth injuries will be classed as a 'compelling reason'.

Conclusion

NCWNZ is concerned that some sections of this Bill appear to be contradictory. The average claimant, or his/her agent, needs to be able to understand and determine their entitlements and not be confused by the information provided.

NCWNZ appreciates the opportunity to comment on this very important Bill, and would appreciate being informed of future developments and proposals.

Barbara Glenie
National President

Eileen Imlach
Convener, Consumer Affairs Standing Committee