



ANALYSIS

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1985, No. 66

An Act to amend the Accident Compensation Act 1982

[29 March 1985]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Accident Compensation Amendment Act 1985, and shall be read together with and deemed part of the Accident Compensation Act 1982 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 3, 8, 9, and 10 of this Act, this Act shall come into force on the 1st day of April 1985.

2. Staff not in service of the Crown—Section 15 (3) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) The Managing Director shall be the employing authority.”.

3. Purposes and scope of Act—(1) Section 26 of the principal Act is hereby amended, as from its commencement, by adding the following subsection:

“(3) Sections 30 to 34, 36, 37, 52 to 56, 59 (2), 59 (3), 59 (8), 65, 68, 69, and 118 of this Act shall, on and after the 1st day

of April 1983, apply in relation to any person who suffered personal injury by accident on or after the 1st day of April 1974 and on or before the 31st day of March 1983 to the extent that the person had cover or was entitled to cover under the Accident Compensation Act 1972 in relation to that personal injury by accident.”

(2) Section 65 of the principal Act is hereby consequentially amended, as from its commencement, by repealing subsection (10).

(3) Section 122 (4) of the principal Act is hereby consequentially amended, as from its commencement, by omitting the expression “65”, and substituting the expression “26 (3)”.

4. Statements by employers—(1) Section 43 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Every employer who, on the disposal or cessation of his business, is required to furnish, pursuant to and for the purposes of section 353 (1) (f) of the Income Tax Act 1976, a reconciliation statement as defined in that Act shall—

“(a) Within the time in which he is required to furnish that reconciliation statement, deliver a statement of the amount of earnings as employees that have been paid or have become payable by him during the period commencing on the 1st day of April last preceding the date on which he so ceases to be an employer and ending at the time at which he so ceases; and

“(b) Either—

“(i) Where he was, on the 31st day of March 1980, an employer and has continued to be an employer, in relation to that business, until the date of that disposal or cessation, make an application for an adjustment under section 44A of this Act to the amount of the levy otherwise payable in relation to that statement, and pay the amount (if any) of the adjusted levy then payable within one month of the date of the determination by the Corporation under that section; or

“(ii) In any other case, at the same time pay in relation to that statement a levy calculated in accordance with subsection (3) of this section.”

(2) Section 43 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(4) Notwithstanding anything in this section, it shall not be necessary for an employer to furnish a statement of the amount of earnings as employees that have been paid by him in the preceding year if—

“(a) The only such earnings were domestic earnings; and

“(b) The domestic earnings during that period amount to less than \$400 or such other amount as may from time to time be prescribed for the purposes of this subsection by the Governor-General by Order in Council:

“Provided that where such earnings are in excess of the amount specified by paragraph (b) of this subsection, the statement of earnings shall include only the excess.”

5. Statements by self-employed persons—Section 44 of the principal Act is hereby amended by adding the following subsection:

“(6) Every person who ceases to be a self-employed person shall—

“(a) Deliver a statement of his earnings in accordance with this section; and

“(b) Either—

“(i) Where he was, on the 30th day of September 1979, a self-employed person and has continued to be a self-employed person until the date he so ceased, make an application for an adjustment under section 44A of this Act to the amount of the levy otherwise payable in relation to that statement, and pay the amount (if any) of the adjusted levy then payable within one month of the date of the determination by the Corporation under that section; or

“(ii) In any other case pay in relation to that statement the amount of the levy in accordance with this section.”

6. Adjustment of amount of levy on cessation—The principal Act is hereby amended by inserting, after section 44, the following section:

“44A. Where any application is made pursuant to section 43 (2) (b) (i) or section 44 (6) (b) (i) of this Act for an adjustment to be made to the amount of the levy, the Corporation shall determine the amount which, in the opinion of the Corporation, is a fair and reasonable amount of levy to be payable in the circumstances and shall inform the applicant

accordingly and, where as a result of the determination any amount of levy has been paid in excess, the Corporation shall refund the amount of the excess as soon as practicable.”

7. Relevant earnings—Section 53 (8) of the principal Act is hereby amended by omitting the words “his cover is deemed under section 69 of this Act to extend”, and substituting the words “he is deemed under section 69 of this Act to continue to be an earner”.

8. First week—Section 57 (8) (a) of the principal Act is hereby amended, as from its commencement, by omitting the words “section 28 of the Waterfront Industry Act 1953”, and substituting the words “section 38 of the Waterfront Industry Act 1976”.

9. Earnings related compensation after first week for temporary loss of earning capacity—Section 59 (2) of the principal Act is hereby amended, as from its commencement, by repealing the proviso, and substituting the following proviso: “Provided that in so fixing the amount to be deducted the Corporation may, in its discretion, in any particular case, disregard all or any part of the earnings received by an earner in the course of his reinstatement or placement in employment for the purposes of his rehabilitation pursuant to section 37 of this Act.”

10. Conveyance by ambulance—Section 74 of the principal Act is hereby amended, as from its commencement, by omitting from the proviso the words “in either case”.

11. Compensation not assignable—Section 89 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) Nothing in this section shall affect sections 4 and 5 of the Maori Housing Act 1935, sections 27Y and 71 of the Social Security Act 1964, section 400 of the Income Tax Act 1976, and sections 110, 118, and 121 of the Family Proceedings Act 1980.”