



COVERSHEET

Minister	Hon Carmel Sepuloni	Portfolio	ACC
Title of Cabinet paper	Proposals for the 2021 Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Bill	Date to be published	27 September 2021

List of documents that have been proactively released		
Date	Title	Author
4 August 2021	Proposals for the 2021 Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Bill	Office of the Minister for ACC
30 July 2021	Regulatory Impact Statement: Extending the Accident Compensation Scheme Cover to Obstetric Injuries	Ministry of Business, Innovation and Employment
20 August 2021	Cabinet Minute of Decision, Proposals for the 2021 Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Bill [CAB-21-MIN-0341.01 refers]	Cabinet Office

Information redacted

YES/NO

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.

Some information has been withheld for the reasons confidential advice to Government.



Cabinet

Minute of Decision

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Proposals for the 2021 Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Bill

Portfolio ACC

On 16 August 2021, following reference from the Cabinet Social Wellbeing Committee, Cabinet:

Background

- 1 **noted** that the Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Bill (the Bill) has a category 4 priority on the 2021 Legislation Programme (to be referred to a select committee in 2021);
- 2 **noted** that:
 - 2.1 in July 2019, the Cabinet Economic Development Committee (DEV) approved the following four technical amendments for inclusion in the Regulatory Systems (Immigration and Workforce) Amendment Bill (No.3):
 - 2.1.1 enabling ACC to use the latest employer filing to Inland Revenue when determining a claimant's weekly compensation;
 - 2.1.2 aligning ACC's penalty rules with Inland Revenue's rules, by charging the one percent monthly interest rate from the date a levy invoice is due, rather than 30 days after the payment is due;
 - 2.1.3 excluding Veterans' Support Act 2014 weekly compensation top-up from abatement against ACC's weekly compensation payments;
 - 2.1.4 aligning the definitions of 'moped' and 'motorcycle' in the Accident Compensation Act 2001 with the definitions in the Land Transport Act 1998 to ensure legal clarity;

[DEV-19-MIN-0190];
 - 2.2 in May 2021, DEV noted that the four technical amendments in paragraph 2 above were not being progressed in the Regulatory Systems (Immigration and Workforce) Amendment Bill No.3 [DEV-21-MIN-0088];

Proposals for inclusion in the Bill

- 3 **noted** that the four technical amendments in paragraph 2.1 above will now be progressed through inclusion in the Bill;

- 4 **agreed** to the following technical changes to the Accident Compensation Act 2001, for inclusion in the Bill:
- 4.1 move the definition of ‘medical practitioner’ to the Accident Compensation (Definitions) Regulations 2019;
 - 4.2 clarify the definitions of ‘child’ and ‘other dependant’;
 - 4.3 enable regulations to prescribe a method for setting the rate of interest for levy overpayments on interim assessments;
- 5 **agreed** to the following policy proposals for inclusion in the Bill:
- 5.1 extend cover to the following specified list of acute maternal childbirth injuries to a birthing parent, caused by mechanical trauma during labour and delivery:
 - 5.1.1 Levator avulsion;
 - 5.1.2 Uterine prolapse;
 - 5.1.3 Obstetric fistula (includes vesico-vaginal, colo-vaginal and uretero-vaginal);
 - 5.1.4 Labial, vaginal, vulval, clitoral, cervical, rectal and perineal tears;
 - 5.1.5 Ruptured uterus during labour;
 - 5.1.6 Obstetric haematoma of pelvis;
 - 5.1.7 Pudendal neuropathy;
 - 5.2 clarify that the section 30 test for work-related gradual process, disease or infection cover focuses on work tasks and environments, and restore the more claimant-friendly test in place before 2010;
 - 5.3 require that occupational assessors ‘must’ consider pre-incapacity earnings when undertaking occupational assessments (rather than ‘may’);
 - 5.4 reduce the threshold for injury-related hearing loss cover from 6 percent hearing loss to 5 percent hearing loss;
 - 5.5 ensure legislative certainty for dependents of claimants who have chosen to end their life under the End of Life Choice Act 2019;
 - 5.6 increase the size of the ACC Board from no more than eight members to no more than nine;

Financial Implications

6 **approved** the following changes to appropriations to give effect to the policy decision in paragraph 5.1 above, with a corresponding impact on the operating balance and net core Crown debt:

	\$m – increase/(decrease)				
Vote Labour Market Minister for ACC	2021/22	2022/23	2023/24	2024/25	2025/26 & Outyears
Non-departmental Output Expense: ACC – Rehabilitation Entitlements and Services	-	9.750	13.000	13.000	13.000

7 **agreed** that the expenses incurred under paragraph 6 above be charged as a pre-commitment against the Budget 2022 operating allowance;

8 **noted** that the earners portion of the costs associated with the policy decision in paragraph 5.1 above will be incorporated into the next Levy setting process in 2024, and in the interim, absorbed by the Earner Account;

9 Confidential advice to Government 

10 **invited** the Minister for ACC to issue drafting instructions to the Parliamentary Counsel Office giving effect to the decisions in paragraph 3 to 5 above;

11 **authorised** the Minister for ACC to make decisions on any issues, including appropriate transitional provisions on any minor or technical matters that may arise during the drafting process, consistent with the policy decisions above.

Michael Webster
Secretary of the Cabinet

Secretary’s Note: This minute replaces SWC-21-MIN-0119. Cabinet added paragraph 5.6.