

Annex 4: Table of amendments for Workplace Relations and Safety Matters

Accident Compensation Act 2001			
<i>Section</i>	<i>Reason for change</i>	<i>Status quo</i>	<i>Proposed change</i>
Weekly compensation and superannuation,	Keeping the regulatory system up to date and relevant	Under the Act, a client who reaches New Zealand superannuation qualification age loses their entitlement to weekly compensation. However, there are transitional clauses which provide weekly compensation for workers who first become entitled to weekly compensation for a personal injury near to, or after the qualification age for superannuation. Under these provisions a client is eligible for weekly compensation for two to three years depending on a person's age at first entitlement, however, they must elect between receiving weekly compensation and superannuation after receiving one year of both when they reach 65 years.	An amendment to remove the election requirement to allow those people who have reached or are close to superannuation qualification age (and are still working) to receive both superannuation and weekly compensation for up to two years during this transitional period. This proposal will also require consequential amendments to the New Zealand Superannuation and Retirement Income Act 2001 and the Veterans' Support Act 2014 to maintain its alignment with the weekly compensation provisions in the AC Act.
Surviving spouse weekly compensation and superannuation	Keeping the regulatory system up to date and relevant	Currently the AC Act states that after a year of receiving surviving spouse weekly compensation and superannuation, a surviving spouse who is also a superannuitant, is required to choose between receiving either superannuation or weekly compensation.	Use RSB(2) as the legislative vehicle to allow superannuitants to receive both New Zealand superannuation and weekly compensation as a surviving spouse for the five year period as agreed by Cabinet in October 2015 [CAB-15-MIN-0149]. This proposal will also require consequential amendments to the Veterans' Support Act 2014 to maintain its alignment with the weekly compensation provisions in the AC Act. 1
Review of cost of	Keeping the regulatory	ACC is required to carry out an annual review of regulated treatment	Amending the AC Act to allow ACC to

treatment regulations	system up to date and relevant	provider costs (e.g. to GPs) and make recommendations for change to the Minister for ACC. While reviews are being carried out annually, until 2016, there has been no increase to regulated treatment costs since the 2012 review (implemented in 2014).	review the payment amounts biennially. Combined with non-legislative changes to increase administrative efficiency, a biennial review will allow for robust and meaningful reviews that capture the underlying costs and needs of clients.
Biennial levies	Keeping the regulatory system up to date and relevant	The AC Act provides that regulations may specify the maximum amounts and deem minimum amounts of earning for levy purposes. To maintain the maximum and minimum indexation policy under biennial rounds, minimum and maximum earnings would need to be indexed to the minimum wage and Labour Cost Index respectively for the second ley year.	Amending the Act to expressly allow for the minimum and maximum earnings to be indexed to the minimum wage and Labour Cost Index as the current regulation making powers are not sufficient for this purpose.
Disestablishment of the historic Accident Compensation Appeal Authority	Keeping the regulatory system up to date and relevant	The Authority hears appeals under the repealed Accident Compensation Act 1972 and 1982, rather than the District Courts. Currently, there are four active cases before the Authority and seven new appeals have been received to date this year, compared with 11 active cases and 10 new cases during the 2014/15 financial year. The volume has been low and may decline further given that the injuries that could fall under the previous Acts are now more than 24 years old. Maintaining a separate Authority is no longer cost effective or efficient given the low number of appeals to the Authority.	The disestablishment of the Authority was originally included in the Courts and Tribunals Enhanced Services Bill as part of the deferred proposal to establish a stand-alone Accident Compensation Tribunal [CAB MIN (14) 14/5 refers]. Use RSB (2) as the legislative vehicle to give effect to the disestablishment of the AC Appeal Authority.
Employment Relations Act 2000			
<i>Section</i>	<i>Reason for change</i>	<i>Status Quo</i>	<i>Proposed change</i>
171(3)	Keeping the regulatory system up to date and relevant	Section 171(3) currently states that in the case of the Chief of the Authority, the rate of salary and the allowances determined may be higher than those for the other members of the Authority. Currently, delegated members are unable to have their remunerations adjusted once they take over the responsibilities of the Chief of the Authority. Despite the differing levels of work, duties and responsibilities required for the position, their remuneration remains the same. The Remuneration Authority have a temporary mechanism in place to	We propose amending Section 171(3) to allow for the Remuneration Authority to set the remuneration of members when acting under a delegation. In conjunction, we propose amending the <i>Remunerations Authority Act (RA Act)</i> to include Chief Delegates under Schedule 4 to ensure the Remuneration Authority are given legislative authority to set their

		<p>resolve this discrepancy by adding an allowance to the standard remuneration for those acting under the delegation.</p> <p>However, this mechanism was not designed to pay allowance for those acting under a delegation. In addition, the way allowances are used in this context conflicts with the way allowances are used in other pieces of legislation. For example, allowances are considered to be a separate method of payment from salaries or wages in the ER Act.</p>	remunerations.
Remunerations Authority Act 1977			
<i>Section</i>	<i>Reason for change</i>	<i>Status Quo</i>	<i>Proposed change</i>
12B(1)(f)	Keeping the regulatory system up to date and relevant	<p>Section 12B(1)(f) allows for the Authority to have the function to consider and determine the salaries and principal allowances of the Chief Coroner and other Coroners.</p> <p>The RA Act currently does not give the Remuneration Authority the ability to set the salaries and principal allowances of Deputy Chief Coroners to a level that is proportionate to their job title. As a result, Deputy Chief Coroners receive the same remuneration as other coroners.</p> <p>Deputy Chief Coroners are a new office created by the Coroners Amendment Act 2016. Their role is to take over the responsibilities of the Chief Coroner in their absence.</p>	<p>Amending this section by adding in the words 'Deputy Chief Coroners' after the words 'Chief Coroner' in Section 12B(1)(f).</p> <p>This amendment will allow for the Remuneration Authority to set the salaries and principal allowances of the Deputy Chief Coroners that is proportionate to their job requirements.</p>
Holidays Act 2003			
<i>Section</i>	<i>Reason for change</i>	<i>Status Quo</i>	<i>Proposed change</i>
Section 75	Addressing regulatory duplication, gaps, errors, and inconsistencies within and between different pieces of legislation	<p>Section 75 outlines the penalties for an employer who fails to comply with the Holidays Act.</p> <p>Section 75 of the <i>Holidays Act</i> essentially replicates the penalty provisions of the ER Act, providing for maximum penalties of \$10,000 for an individual and \$20,000 for a body corporate.</p> <p>The <i>Employment Standards Legislation Bill</i> introduced liability for third parties 'involved in a breach' of employment standards, and it was intended that this liability attract the same penalties. However, a small</p>	Amending Section 75 to clarify that the maximum penalty for a person involved in a breach depends on whether they are an individual or body corporate instead of depending on whether the employer is an individual or body corporate.

		<p>difference in the way Section 75 is drafted (as compared to the ER Act), has resulted in an error for how the penalty provisions apply to persons involved in a breach.</p> <p>As currently drafted, the penalty for a person involved in a breach depends on the nature of the employer (i.e. individual or body corporate) as opposed to the nature of the person involved themselves. For example, depending on whether the employer in breach is an individual or body corporate, the individual involved in the breach may be liable to a maximum penalty of either \$10,000 or \$20,000.</p>	
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