

Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2003

Public Act 2003 No 80
Date of assent 21 October 2003

Contents

	Page
1 Title	2
2 Commencement	2
3 Claimant who no longer has vocational independence regains entitlement to weekly compensation	2
4 Classification of industries or risks	2
5 Purchase of weekly compensation by shareholder- employees	2
6 Classification of industries or risk	2
7 New sections 206A to 206C inserted	2
206A Risk adjustment of Self-Employed Work Account levy	2
206B Incorporation by reference	3
206C Copy of material incorporated by reference to be available to public	3
8 Corporation to comply with Government policy	3
9 Compensation payable to surviving spouses under 1972 and 1982 Acts	4
10 Compensation for pecuniary loss not related to earnings under former Acts: child care for child of deceased person	4

The Parliament of New Zealand enacts as follows:**1 Title**

- (1) This Act is the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2003.
- (2) In this Act, the Injury Prevention, Rehabilitation, and Compensation Act 2001 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Claimant who no longer has vocational independence
regains entitlement to weekly compensation**

Section 113(1) of the principal Act is amended by omitting the expression “section 107(5)”, and substituting the expression “section 109”.

4 Classification of industries or risks

Section 170(3) of the principal Act is amended by inserting, after the word “threshold”, the words “(if any)”.

**5 Purchase of weekly compensation by
shareholder-employees**

Section 190(2) of the principal Act is amended by inserting, after the word “sections”, the expression “206A”.

6 Classification of industries or risk

Section 195(3) of the principal Act is amended by inserting, after the word “threshold”, the words “(if any)”.

7 New sections 206A to 206C inserted

The principal Act is amended by inserting, after section 206, the following sections:

“206A Risk adjustment of Self-Employed Work Account levy

- “(1) A levy determined for the purposes of section 202 or section 211 may be adjusted down, in accordance with regulations made under this Act, for a particular self-employed person on

the basis of the person's safety management capabilities (including, for example, practices and qualifications).

- “(2) Section 331 (which prescribes consultation requirements for regulations relating to levy setting) applies in relation to the making of regulations for the purposes of this section as if the regulations prescribed rates of levies.
- “(3) The Corporation must decide whether an adjustment to a Self-Employed Work Account levy is to be made and the level of the adjustment.

“Compare: 1998 No 114 s 301

“206B Incorporation by reference

- “(1) Regulations made for the purpose of section 206A may incorporate by reference all or any part of any—
- “(a) New Zealand standard; or
- “(b) standard, requirement, recommended practice, rule, statute, or regulation, of any foreign government or organisation.
- “(2) Any material incorporated in regulations by reference is to be regarded for all purposes as forming part of the regulations, but any amendment made to the material after the commencement of the regulations does not have effect until regulations have been made incorporating the amendment into the regulations.

“206C Copy of material incorporated by reference to be available to public

A copy of all material incorporated in regulations must be made available by the Corporation for inspection by the public free of charge.”

8 Corporation to comply with Government policy

Section 270(4)(b) of the principal Act is amended by omitting the expression “271(6)”, and substituting the expression “271(5)”.

9 Compensation payable to surviving spouses under 1972 and 1982 Acts

Section 384 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) For the purposes of subsection (1), section 446 continues to apply as if subsection (4) of that section provided as follows:

“(4) The compensation does not cease if, when compensation would otherwise cease under subsection (3), the spouse—

“(a) is 45 years or older; or

“(b) would have been entitled to continue to receive compensation under section 123 of the Accident Compensation Act 1972 or section 65 of the Accident Compensation Act 1982.”

10 Compensation for pecuniary loss not related to earnings under former Acts: child care for child of deceased person

Section 387(1)(c) of the principal Act is amended by omitting the expression “149(5)”, and substituting the expression “149(7)”.

Legislative history

16 October 2003

Divided from Statutes Amendment Bill (No 3),
third reading
