



**ACCIDENT INSURANCE (PREMIUM PAYMENT PROCEDURES)
REGULATIONS 1999**

SIAN ELIAS, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 14th day of June 1999

Present:

HER EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to sections 407 and 412 of the Accident Insurance Act 1998, Her Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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REGULATIONS

- 1. Title and commencement**—(1) These regulations may be cited as the Accident Insurance (Premium Payment Procedures) Regulations 1999.
- (2) These regulations come into force on 1 July 1999.

PART 1

PRELIMINARY MATTERS

2. Object of regulations—The general object of these regulations is to provide procedures for the payment of premiums and levies to the manager (the Accident Compensation Corporation), and the Commissioner of Inland Revenue as agent of the manager, in respect of the non-competitive aspects of the provision of accident insurance under Part 10 of the Act.

3. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Accident Insurance Act 1998;

“Commissioner” means the Commissioner of Inland Revenue;

“Due date” means—

(a) In relation to payments required by these regulations to be made to the Commissioner—

(i) By or in respect of an employee (including an irregular payment employee), the date for payment that, in relation to the employee, is the date on which income tax not previously due and payable is due and payable by the employee as specified in section NC 17 (2) of the Income Tax Act 1994;

(ii) By or in respect of any other natural person, the date for payment that, in relation to that person, is the date on which income tax not previously due and payable is due and payable by that person as specified in section MC 1 or section MC 2 of the Income Tax Act 1994;

(b) In relation to payments required by these regulations to be made to the manager by any person, the date by which the manager requires the payment of the premium, levy, or other relevant amount to be made in accordance with an invoice or other appropriate document given in accordance with section 368 of the Act by the manager:

“Earner premium” means the premium payable under section 283 (1) of the Act to fund the Earners’ Account:

“Foreign representative” has the same meaning as in section 196 (3) of the Act:

“Gross income” has the same meaning as in section OB 1 of the Income Tax Act 1994:

“Income year”, for the purpose of determining whether a person has maintained in force an accident insurance contract for all, part, or none of the income year ending on 31 March 2000, means the period from 1 July 1999 to 31 March 2000 (both dates inclusive):

“Irregular payment employee” means an employee who derives gross income to which section OB 2 (2) of the Income Tax Act 1994 applies:

“Manager” means the Accident Compensation Corporation:

“Net loss” has the same meaning as in section OB 1 of the Income Tax Act 1994:

“Paid” in relation to earnings, includes provided in any case where the earnings are provided other than in cash:

“Prescribed” means prescribed by regulations made under the Act:

“Self-Employed Work Account premium” means the premium payable by a self-employed person or a private domestic worker under section 300 of the Act:

“Specified maximum”, in relation to earnings, means the relevant prescribed maximum amount of earnings on which a premium or levy is payable by or in respect of any person:

“Weekly compensation” means the compensation payable by an insurer under clause 7 of Schedule 1 of the Act.

(2) The terms “Earners’ Account levy” and “Residual Claims levy”, and other terms defined in the Act, have the meanings so defined.

4. Limit on offsets, etc, in case of earnings as a self-employed person—(1) In determining a person’s earnings as a self-employed person, no offset may be allowed for the amount of—

(a) Any net loss of the person for an earlier income year that might otherwise be offset by the person under section IE 1 of the Income Tax Act 1994; or

(b) Any part of the net loss of a loss attributing qualifying company (as defined in section OB 1 of the Income Tax Act 1994) attributable to the person as a shareholder of that company under section HG 16 of the Income Tax Act 1994.

(2) If the result of the calculation of a person’s earnings as a self-employed person is a negative amount and the person also derives earnings as an employee, the person’s earnings as an employee must not be reduced by the negative amount.

5. Private domestic workers—For the purposes of regulations 14, 18, and 20 (which relate to the Self-Employed Work Account premium and the Residual Claims levy payable by self-employed persons),—

(a) References to self-employed persons include references to private domestic workers; and

(b) References to earnings as a self-employed person include, in relation to a private domestic worker, references to the private domestic worker’s earnings as a private domestic worker.

6. Remuneration of foreign representative not treated as earnings—The remuneration of a foreign representative in his or her capacity as foreign representative is not earnings to which these regulations apply.

PART 2

PAYMENT OF PREMIUMS AND LEVIES

Earners' Premium and Earners' Account Levy

7. Persons who have earnings as an employee—(1) Except as provided in regulation 8, every person who has earnings as an employee in an income year and is subject to the provisions of the Tax Administration Act 1994 as it relates to income statements or the requirements to furnish a return of income must—

(a) Deliver to the Commissioner a statement of the person's earnings as an employee for the income year, within the applicable time within which the return, income statement, or other relevant information is required under the Tax Administration Act 1994 to be furnished to the Commissioner; and

(b) Pay to the Commissioner, on or before the due date,—

(i) An earner premium, at the rate prescribed, on such earnings as do not exceed the specified maximum; and

(ii) An Earners' Account levy, at the rate prescribed, on such earnings as do not exceed the specified maximum.

(2) The amount of any premium or levy payable under the Act and subclause (1) must have credited towards it the sum of the deductions (excluding any penalty charged or imposed under clause 10 of Schedule 5 of the Act) made by an employer of the employee under section 285 of the Act on account of that premium or levy.

(3) If the sum of the premium or levy deductions made by 1 or more employers from a person's earnings as an employee on account of the earner premium and Earners' Account levy payable by the person exceeds the amount of the earner premium or Earners' Account levy payable on the specified maximum of each of the premium and the levy, the manager must refund the excess to the employee.

8. End of year statement of earnings unnecessary where employee is non-filing taxpayer—(1) Where a person with earnings as an employee is not required to furnish a return of income or an income statement under the Tax Administration Act 1994, and does not in fact do so,—

(a) The amount of the earner premium and Earners' Account levy payable under regulation 7 is to be treated as equal to the total of the deductions required to be made (if any) from those earnings by the person's employer under section 285 of the Act; and

(b) The person need not deliver a statement of earnings as an employee under regulation 7 (1) (a).

(2) If the manager is satisfied that the amount of premium or levy payable by a person under subclause (1) exceeds the amount that would be payable if the premium or levy amount were determined under regulation 7 (1), the manager must refund to the person the amount of the excess or,

at the manager's option, credit the excess in payment of any earner premium or Earners' Account levy due and unpaid by the person.

(3) The manager may not refund or give credit for any amount under subclause (2) more than 4 years after the end of the income year in respect of which the premium or levy is payable, unless written application for a refund or credit is made to the manager by or on behalf of the person concerned before the end of the 4-year period.

9. Self-employed persons with accident insurance contract for whole income year—(1) This regulation applies to every person who—

- (a) Has earnings as a self-employed person in an income year; and
- (b) Is required to furnish a return of income under the Tax Administration Act 1994 for the income year; and
- (c) Has maintained in force an accident insurance contract for the whole of the income year.

(2) Every such person must pay to the Commissioner, on or before the due date, an Earners' Account levy, at the rate prescribed, on such of their earnings as a self-employed person as do not exceed the specified maximum.

(3) If the person also receives earnings as an employee during the income year, regulation 13 may operate to reduce or dispense with the person's liability under subclause (2).

10. Self-employed persons who have no accident insurance contract, or have contract for part-year only—(1) This regulation applies to every person who—

- (a) Has earnings as a self-employed person in an income year; and
- (b) Is required to furnish a return of income under the Tax Administration Act 1994 for the income year; and
- (c) Either—
 - (i) Has not, at any time during the income year, maintained in force an accident insurance contract; or
 - (ii) Has maintained in force an accident insurance contract for a part or parts only of the income year.

(2) Every such person must—

- (a) Pay to the Commissioner, on or before the due date, an Earners' Account levy, at the rate prescribed, on such of the person's earnings as a self-employed person as do not exceed the specified maximum; and
- (b) Pay to the manager, on or before the due date,—

- (i) In the case of a person who has not maintained an accident insurance contract in force at any time during the income year, the earner premium, at the rate prescribed, on such earnings as a self-employed person as do not exceed the specified maximum;

- (ii) In the case of a person who has maintained an accident insurance contract in force for part or parts only of the income year, the appropriate proportionate amount (determined under section 308 (2) of the Act) of the earner premium, at the rate prescribed, on such earnings as a self-employed person as do not exceed the specified maximum.

(3) If the person also receives earnings as an employee during the income year, regulations 12 and 13 may operate to reduce or dispense with the person's liability under subclause (2).

11. Self-employed persons who receive weekly compensation under accident insurance contract—(1) This regulation applies to impose duties on insurers who pay weekly compensation, in respect of the person's employment as a self-employed person, to a self-employed person who has an accident insurance contract.

(2) Every insurer to whom this regulation applies must, before the end of each calendar month,—

- (a) Deduct from the weekly compensation paid to such a self-employed person in respect of the person's employment as a self-employed person, the amount of the Earners' Account levy applicable to the weekly compensation payable in that month; and
- (b) Deliver to the manager a monthly statement, in the form and manner required or agreed by the manager, in respect of the weekly compensation payments of that insurer for all self-employed persons with an accident insurance contract; and
- (c) Pay to the manager the monthly total of deductions made under paragraph (a).

12. Mixed earnings in relation to earner premium—(1) This regulation applies to persons who, in an income year, have both earnings as an employee and earnings as a self-employed person.

(2) If such a person's earnings as an employee for the income year exceed the specified maximum in relation to the earner premium, the person is not obliged to pay the premium determined under regulation 10 (2) (b) on the person's earnings as a self-employed person for the income year.

(3) If the person's earnings as an employee for the income year do not exceed the specified maximum, the premium payable under regulation 10 (2) (b) is to be calculated on the basis of an amount equal to the lesser of—

- (a) The specified maximum for the earner premium reduced by the person's earnings as an employee for the income year; and
- (b) The person's earnings as a self-employed person for the income year.

13. Mixed earnings in relation to Earners' Account levy—(1) This regulation applies to persons who, in an income year, have both earnings as an employee and earnings as a self-employed person.

(2) If such a person's earnings as an employee for the income year exceed the specified maximum in relation to the Earners' Account levy, the person is not obliged to pay the levy determined under regulation 9 (2) or regulation 10 (2) (a) on the person's earnings as a self-employed person for the income year.

(3) If the person's earnings as an employee for the income year do not exceed the specified maximum, the Earners' Account levy payable under regulation 9 (2) or regulation 10 (2) (a) is to be calculated on an amount equal to the lesser of—

- (a) The specified maximum for the Earners' Account levy reduced by the person's earnings as an employee for the income year; and
- (b) The person's earnings as a self-employed person for the income year.

Self-Employed Work Account Premium

14. Self-Employed Work Account premium—(1) This regulation applies to every person who—

- (a) Has earnings as a self-employed person in an income year; and
 - (b) Either—
 - (i) Has not, at any time during the income year, maintained in force an accident insurance contract; or
 - (ii) Has maintained in force an accident insurance contract for a part or parts only of the income year.
- (2) Such a person must pay to the manager, on or before the due date,—
- (a) In the case of a person who has not maintained an accident insurance contract in force at any time during the income year, the Self-Employed Work Account premium, at the rate prescribed, on so much of the person's earnings as a self-employed person as do not exceed the specified maximum:
 - (b) In the case of a person who has maintained an accident insurance contract in force for part or parts only of the income year, the appropriate proportionate amount (determined under section 308 (2) of the Act) of the Self-Employed Work Account premium, at the rate prescribed, on so much of the person's earnings as a self-employed person as do not exceed the specified maximum.

Residual Claims Levy

15. Payment of Residual Claims levy by employers—(1) This regulation applies to the following employers:

- (a) Every employer to whom section NC 2 (1) of the Income Tax Act 1994 applies:
 - (b) Every employer who is a shearing contractor to whom regulation 12 (b) of the Income Tax (Withholding Payments) Regulations 1979 applies.
- (2) Every such employer must—
- (a) Not later than 31 May in each year, deliver to the Commissioner a statement (referred to in these regulations as the employer's statement) of the total amount of earnings as an employee of the employees of the employer (excluding irregular payment employees) for the immediately preceding income year; and
 - (b) At the same time as the statement is delivered, pay to the Commissioner the Residual Claims levy payable on such earnings at the rate prescribed.
- (3) Nothing in subclause (2) (b) requires an employer to pay a Residual Claims levy on the earnings as an employee paid to a person by the employer to the extent to which the amount of that person's earnings paid by the employer exceeds the specified maximum.

16. Payment by employers in respect of irregular payment employees—(1) Every employer who makes a payment of an amount to which section OB 2 (2) of the Income Tax Act 1994 applies (referred to in this regulation as "irregular payment employee earnings") must—

- (a) Within the time within which the employer is required to furnish a return of income under the Tax Administration Act 1994, deliver to the Commissioner a statement of the total amount of irregular

payment employee earnings paid or payable by the employer for the income year to which the return relates; and

- (b) Pay to the Commissioner, by the date that income tax not previously due and payable is due and payable by the employer as specified in sections MC 1 or MC 2 of the Income Tax Act 1994, the Residual Claims levy on such irregular payment employee earnings calculated at the rate prescribed.

(2) Nothing in subclause (1) (b) requires an employer to pay a Residual Claims levy on the irregular payment employee earnings paid to a person by the employer to the extent to which the amount of that person's earnings paid by the employer exceeds the specified maximum.

17. Residual Claims levy where 2 or more employers—(1) Where a person's earnings as an employee for an income year are paid by 2 or more employers, and those earnings exceed the specified maximum,—

- (a) Each employer must pay a Residual Claims levy on all such earnings paid by the employer (up to the specified maximum); but
- (b) Each employer may apply in writing to the manager for a pro rata refund, taking into account the specified maximum and the proportions of levy paid and payable by the employers in respect of the person's earnings.

(2) An employer is not entitled to a refund under subclause (1) (b) after the expiry of 4 years from the date on which the relevant statement for the income year is required to be delivered by the employer under regulation 15 or regulation 16.

18. Payment of Residual Claims levy by self-employed persons—

(1) Every person who has earnings as a self-employed person in any income year, and who is required to furnish a return of income for that income year under the Tax Administration Act 1994 including earnings as a self-employed person, must, within the time in which the person is required to furnish the return of income,—

- (a) Deliver to the Commissioner a statement of the earnings as a self-employed person for the income year; and
- (b) Pay to the Commissioner, on or before the due date, a Residual Claims levy, at the rate prescribed, on the amount referred to in subclause (2).

(2) The amount is equal to—

- (a) If the person does not also have earnings as an employee for the income year, the lesser of—
- (i) The earnings as a self-employed person for the income year; or
 - (ii) The specified maximum.
- (b) If the person does also have earnings as an employee for the income year, the smallest of the following amounts:
- (i) The earnings as a self-employed person for the income year; or
 - (ii) The specified maximum reduced by the earnings as an employee of the person for the income year; or
 - (iii) If the earnings of the person as an employee for the income year exceed the specified maximum, nil.

Payment of Premiums and Levies on Cessation or Disposal of Business

19. Residual claims levy payable to Commissioner by employers on cessation or disposal of business—Every employer who disposes of or otherwise ceases carrying on a business in respect of which the employer has made tax deductions, and who is required by section NC 15 (1) (e) of the Income Tax Act 1994 to notify the Commissioner of the disposal or cessation of conduct of the business, must, within the time by which the employer is required to so notify the Commissioner,—

- (a) Deliver to the Commissioner a statement of the total amount of earnings as an employee paid by the employer to each employee during the period commencing with 1 April in the relevant income year and ending with the time at which the employer so ceases to be an employer; and
- (b) Pay to the Commissioner the Residual Claims levy referred to in regulation 15 on the total amount of earnings as an employee included in that statement.

20. Premiums and levies payable to Commissioner and manager by self-employed person who ceases to derive earnings as such—
(1) Every self-employed person who, during an income year, ceases to derive earnings as a self-employed person must—

- (a) Deliver to the Commissioner a statement of the person's earnings as a self-employed person for the income year concerned, within the applicable time within which a return for that income year is required to be furnished to the Commissioner under the Tax Administration Act 1994; and
 - (b) Pay to the Commissioner, on or before the due date,—
 - (i) The Earners' Account levy, at the rate prescribed, to the extent that it applied to the person's earnings as a self-employed person in that income year; and
 - (ii) The Residual Claims levy, at the rate prescribed, to the extent that it applied to the person's earnings as a self-employed person in that income year; and
 - (iii) In the case of a private domestic worker, the earner premium.
- (2) Every such self-employed person who does not have in force an accident insurance contract at the time that they cease to derive earnings as a self-employed person must also—
- (a) Notify the manager of the fact that they have ceased deriving earnings as a self-employed person, and of the date of that cessation, in such manner and at such time as is required by the manager from time to time; and
 - (b) On request from the manager, deliver to the manager a statement of the person's earnings as a self-employed person for the income year concerned; and
 - (c) Pay to the manager, on or before the due date,—
 - (i) The Self-Employed Work Account premium, at the rate prescribed, to the extent that it applied to the person's earnings as a self-employed person in that income year; and
 - (ii) The earner premium, at the rate prescribed, to the extent that it applied to the person's earnings as a self-employed person in that income year.

21. Proportionate premiums and levies only are payable—Section 308 of the Act (which provides for proportionate premiums and levies for part-year activities) applies to the amount of each of the premiums and levies payable under regulations 19 and 20.

PART 3

MISCELLANEOUS PROVISIONS

22. Payments hierarchy, etc—(1) The manager must apply every payment it receives from a person under these regulations to the Account under section 281 of the Act in respect of which the payment is made, in the following order:

- (a) Firstly, to any unpaid interest;
- (b) Secondly, to any unpaid penalty;
- (c) Thirdly, to any unpaid premium or levy amount;
- (d) Fourthly, to any other amount due or owing to the manager.

(2) If the person does not identify the specific purpose of the payment, the manager may apply the payment to any amount that has become due or that the manager expects will become due in respect of a premium or levy in respect of an Account, and must notify the person accordingly.

(3) The manager may invoice a person for any payments required to be made to it under these regulations in the same invoice.

(4) This regulation does not apply to a premium or levy that is payable to the Commissioner.

23. Determinations—For the purposes of these regulations, the manager may determine—

- (a) Whether any income derived by a person is earnings as an employee or earnings as a self-employed person or private domestic worker; and
- (b) Whether a person is an employer, an employee, an irregular payment employee, a private domestic worker, or a self-employed person, and such other related matters as it considers necessary or relevant for the purpose of assessing the amount of any premium payable.

24. Statements—(1) Statements of an earner's earnings as an employee, or of earnings as a self-employed person or private domestic worker, employers' statements, and insurers' statements must be in such form and contain such particulars as the manager may from time to time determine.

(2) An employer's statement or a statement of earnings as an employee or earnings as a self-employed person or private domestic worker purporting to be delivered by or on behalf of an employer, an employee, or a self-employed person or private domestic worker is to be treated for the purposes of these regulations as having been delivered by, or by the authority of, that employer, that employee, or that self-employed person or private domestic worker, as the case may be, until the contrary is proved.

25. Refunds—(1) If the manager is satisfied that a premium or levy payable under the Act and these regulations has been paid in excess of the amount properly payable, the manager must—

- (a) Refund the amount paid in excess; or
 - (b) Credit any amount so paid in excess on account against the amount of any other premium or levy or other amount that may for the time being be due and payable by the person by whom the payment in excess was made, and notify the person accordingly.
- (2) The manager may refrain from making a refund under subclause (1)(a), or notifying the crediting of an amount under subclause (1)(b), if the amount of the refund or credit is less than \$20.

26. Change of balance date—If any person (with the consent of the Commissioner) changes the date of the annual balance of the person's accounts for the purposes of the Tax Administration Act 1994, the person must comply with such requirements from time to time notified by the manager concerning the delivery of statements as, in the opinion of the manager, are necessary in order for the manager to make consequential adjustments in relation to the person, and the manager must notify the person in writing of any consequential adjustments made.

27. Failure to furnish—(1) Every person who is required to deliver any statement, document, or other information under these regulations to the Commissioner or the manager and who intentionally fails to do so commits an offence against these regulations, and is liable to the penalty specified in section 381 of the Act.

(2) Subclause (1) does not limit Schedule 5 of the Act or the provisions of the Income Tax Act 1994 or the Tax Administration Act 1994.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 1999, provide procedures for the payment of premiums and levies to the ACC and the IRD in respect of the non-competitive aspects of the provision of accident insurance. In particular, the regulations provide for the method of payment by employers, employees, self-employed, and private domestic workers of the following premiums and levies:

- (a) The earner premium (in relation to cover for non-work injuries arising on or after 1 July 1999; not payable by self-employed persons who have privately-arranged cover);
- (b) The Earners' Account levy (in relation to the outstanding claims liability of the Earners' Account as at 30 June 1999; payable regardless of whether a person has privately-arranged cover);
- (c) The Self-Employed Work Account premium (in relation to work-related injuries arising on or after 1 July 1999 to self-employed persons and private domestic workers who do not have privately-arranged cover);
- (d) The Residual Claims levy (in relation to work-related injuries arising before 1 July 1999; payable regardless of whether a person has privately-arranged cover).

The regulations also provide for the case where a person has both earnings as an employee and earnings as a self-employed person in the same year, or is privately insured for part of a year only. Special provision is also made for the deduction of premiums and levies from weekly compensation paid out by a private insurer.

Individual Provisions

Regulation 1 is the Title and commencement provision. The regulations come into force on 1 July 1999.

PART 1

PRELIMINARY MATTERS

Regulation 2 sets out the general object of the regulations.

Regulation 3 defines various terms used in the regulations. Of particular relevance is the definition of the "due date" for various payments, which is tied to tax return and tax payment dates in the case of premiums and levies payable to the IRD, and to the date specified in the appropriate invoice or other document, in the case of premiums and levies payable direct to the ACC.

Regulation 4 provides that a self-employed person's earnings may not be reduced for the purposes of the regulations by the amount of any loss carried forward from a previous year under section 1E 1 of the Income Tax Act 1994, or by any loss from a loss attributing qualifying company. Similarly, if a self-employed person is in a loss situation, that loss may not be deducted from any earnings of the person as an employee.

Regulation 5 provides for private domestic workers to be treated as if they were self-employed persons in appropriate cases, in relation to the Self-Employed Work Account premium and the Residual Claims levy.

Regulation 6 provides that remuneration as a foreign representative is not earnings to which the regulations apply.

PART 2

PAYMENT OF PREMIUMS AND LEVIES

Earners' Account premiums and levies—employee earnings

Regulation 7 deals with the situation of persons with earnings as an employee. Except as provided in *regulation 8* in relation to employees who are "non-filing taxpayers", such persons are required to pay both the earner premium and the Earners' Account levy to the IRD at their normal tax payment time (although, obviously, reduced by the amount of any employer deductions). Any excess premium or levy paid must be refunded to the person by the ACC.

Regulation 8 basically deals with the situation of employees who are not required to, and do not in fact, furnish tax returns or income statements under the Tax Administration Act 1994. In such cases the amount of earner premium and Earners' Account levy payable is treated as equal to the total of the premium and levy deductions required to be made by the person's employer.

If the ACC is satisfied that the amount deducted is in excess of what would be payable under *regulation 7* by an employee furnishing a tax return or income statement, the ACC must refund the excess to the person (subject to a 4-year limitation period if the person does not make a written request for the refund in that time).

Earners' Account premiums and levies—self-employed persons

Regulation 9 deals with self-employed persons who have a privately-arranged accident insurance contract for the whole of the income year.

Such persons must pay the Earners' Account levy to the IRD, but by reason of their private insurance are not required to pay the earner premium.

The amount of the levy payable under *regulation 9* may be reduced if the person also has earnings as an employee from which levy payments are deducted (see *regulation 13*).

Regulation 10 deals with self-employed persons who have no accident insurance contract during an income year, or have a contract for a part or parts only of the year.

Such persons must—

- (a) Pay the Earners' Account levy to the IRD; and
- (b) Pay the earner premium to the ACC (subject to a proportionate reduction under section 308 (2) of the Act, in the case of persons who have privately-arranged cover for part of the year).

As with *regulation 9*, the amount payable under *regulation 10* may be reduced if the person also has deductions made from earnings as an employee (see *regulations 12 and 13*).

Regulation 11 provides a special payment regime in the case of self-employed persons with an accident insurance contract who are in receipt of weekly compensation as a self-employed person. In this case, it is their insurer who will deduct the appropriate Earners' Account levy from their weekly compensation payments, and deliver it to the ACC.

Earners' Account premiums and levies—mixed earnings

Regulations 12 and 13 deal with the situation where a person has earnings both as an employee and as a self-employed person in any income year.

If their earnings as an employee exceed the specified maximum, there will be no need for them to pay any earner premium or Earners' Account levy as self-employed persons under *regulations 9 and 10*.

If their earnings as an employee don't exceed the specified maximum, the premium and levy payable under *regulations 9 and 10* will be reduced to take appropriate account of the deductions from their earnings as an employee.

Self-Employed Work Account premiums

Regulation 14 deals with the Self-Employed Work Account premium, which is payable in respect of work-related accidents by self-employed persons and private domestic workers who do not have privately-arranged work accident insurance that covers the whole income year. The premium is payable direct to the ACC.

Residual Claims levy—payments by employers

Regulation 15 applies to require deductions of the Residual Claims levy (which covers pre-July 1999 work-related accidents) to be made by employers who make PAYE deductions or are shearing contractors to whom regulation 12 (b) of the Income Tax (Withholding Payments) Regulations 1979 applies.

Such employers must, by 31 May in each year, supply the IRD with a statement of total earnings as an employee paid by them to their employees, and at the same time pay the appropriate amount of Residual Claims levy.

Regulation 16 makes similar provision in respect of "irregular payment employees", who are shareholder-employees of close companies within the meaning of section OB 2 (2) of the Income Tax Act 1994.

Regulation 17 deals with the situation where 2 or more employers are required to pay Residual Claims levy in respect of the same employee in any income year.

Residual Claims levy—self-employed persons and private domestic workers

Regulation 18 provides for the payment of the Residual Claims levy to the IRD by self-employed persons. Special provision is made for the case where such persons also have earnings as an employee.

Such persons must pay the appropriate amount of levy to the ACC (or a proportionate amount, in the case of persons who have partial private cover for the year).

Provision is made in subclause (2) for persons who also have earnings as an employee in the relevant year.

Payment of premiums and levies on cessation or disposal of business

Regulations 19 to 21 make special provision for returns and payments to be made where an employer or self-employed person disposes of their business or otherwise ceases to carry on business.

PART 3

MISCELLANEOUS PROVISIONS

Regulation 22 makes provision for the order in which the ACC is to apply payments, in the case where a payment is not enough to pay all amounts outstanding or the payer has failed to specify the Account in respect of which the payment is made.

Regulation 23 provides for determinations by the ACC as to the status of any particular category of earner or earnings.

Regulation 24 provides for the form and content of statements of earnings and other statements required by the regulations, and provides for a rebuttable presumption of authority and origin for statements purporting to be delivered by or on behalf of a person.

Regulation 25 provides for refunds and credits by the ACC of amounts paid in excess. An amount less than \$20 need not be refunded.

Regulation 26 makes provision for adjustments where a person changes their balance date for tax purposes.

Regulation 27 creates an offence in relation to the intentional failure to deliver any statement or other document required under the regulations.

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