



ACCIDENT INSURANCE (“COUNSELLOR”) REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of May 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to the Accident Insurance Act 1998, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Insurance (“Counsellor”) Regulations 1999.

(2) These regulations come into force on 1 July 1999.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Accident Insurance Act 1998;

“Course of education” means a course provided—

(a) By a college of education, a polytechnic, a university, or a wananga; or

(b) As part of the education or training of a registered health professional; or

(c) As part of a course of study or training approved by the New Zealand Qualifications Authority; or

(d) As part of a course approved by the insurer from whom a person seeks payment as a counsellor:

“Insurer” has the meaning given to it by section 75 of the Act:

“Qualification” means a qualification that a person obtains by undertaking 1 or more courses of education in which—

(a) He or she receives knowledge and training relating to, at least,—

(i) Two or more models of counselling; and

(ii) Counselling skills; and

(iii) Human development; and

(iv) Family dynamics; and

(v) Abnormal psychology; and

(vi) Dealing with injury and trauma; and

(b) Is assessed on his or her knowledge and training relating to, at least, the matters in paragraph (a).

3. When regulations apply—These regulations apply when a person seeks payment as a counsellor from an insurer for counselling an insured for a personal injury that—

(a) The person assesses the insured as likely to have cover for; or

(b) The person is aware the insured has cover for.

4. Insurer decides whether person is counsellor—(1) The insurer is liable to pay the person as a counsellor if—

(a) The insurer is satisfied that, at the time when the person is counselling the insured, the person—

(i) Meets the criteria in regulation 5 (1) and (3); or

(ii) Meets the criteria in regulation 5 (2) and (3); and

(b) The insurer decides that the person is an appropriate person to counsel the insured, having regard to—

(i) The nature of the insured’s personal injury; and

(ii) The insured’s age, beliefs, culture, gender, and sexual orientation, and any disability the insured has.

(2) The insurer is not liable to pay the person as a counsellor if any of the following paragraphs applies to the person:

(a) The person has, within the 5 years before the date on which the person seeks payment as a counsellor, been convicted of an offence against any of sections 124 to 210 of the Crimes Act 1961 or of an offence similar to any such offence in another jurisdiction; or

(b) The person has, within the 5 years before the date on which the person seeks payment as a counsellor, been released from a penal institution on completing the custodial portion of a sentence for any of the offences specified in paragraph (a); or

(c) The person has, within the 5 years before the date on which the person seeks payment as a counsellor, been disbarred for

disciplinary reasons from a body described in regulation 6 (1), unless the disciplinary reasons were later proved to be unfounded; or

- (d) The person has, within the 5 years before the date on which the person seeks payment as a counsellor, had his or her employment or affiliation terminated for disciplinary reasons by a body described in regulation 6 (3), unless the disciplinary reasons were later proved to be unfounded.

5. Criteria for purposes of regulation 4 (1) (a)—(1) The criteria for regulation 4 (1) (a) (i) are that—

- (a) The person has a qualification; and
 (b) The person has, since obtaining his or her qualification, had at least 1 year's work experience in counselling that has been supervised by a person with at least 3 year's work experience in counselling; and
 (c) The person has an understanding of the influence of age, beliefs, culture, gender, sexual orientation, and disability on responses to injury and trauma; and
 (d) The person has an understanding of, and is able to respond to, the cultural values and beliefs of Maori insureds.

(2) The criterion for regulation 4 (1) (a) (ii) is that the person was a person to whom regulation 20 (1) and (3) of the Accident Rehabilitation and Compensation Insurance (Counselling Costs) Regulations 1992 applied immediately before 1 July 1999.

(3) The criteria for regulation 4 (1) (a) (i) and (ii) are that—

- (a) The person—
 (i) Is a full member of, or is represented by, 1 or more of the bodies described in regulation 6 (1); and
 (ii) Meets the body's current requirements for membership, or representation, and certification; and
 (iii) Has paid any relevant fees for the current year; and
 (iv) Is covered by the body's code of ethics, complaints procedure, disciplinary procedure, and requirements for compulsory peer supervision, continuing education, and professional development; or
 (b) The person—
 (i) Is employed by, or affiliated to, 1 or more of the bodies described in regulation 6 (3); and
 (ii) Is accountable to, and covered by, the body's code of ethics, complaints procedure, disciplinary procedure, and requirements for compulsory peer supervision, continuing education, and professional development.

6. Bodies for purposes of regulation 5 (3)—(1) A body for the purposes of regulation 5 (3) (a) is a body—

- (a) That—
 (i) Immediately before 1 July 1999, had a name listed in subclause (2); or
 (ii) Is a body that, in the opinion of the insurer, represents counsellors, whether as members or otherwise; and
 (b) That has in place—

- (i) A code of ethics; and
 - (ii) An effective complaints procedure; and
 - (iii) An effective disciplinary procedure; and
 - (iv) Requirements, in relation to counselling, for an appropriate level of compulsory peer supervision, continuing education, and professional development for its members or those it represents.
- (2) The names are—
- (a) The Institute of Australasian Psychiatrists Incorporated:
 - (b) The New Zealand Association of Child and Adolescent Psychotherapists (Incorporated):
 - (c) New Zealand Association of Counsellors Incorporated:
 - (d) New Zealand Association of Psychotherapists Incorporated:
 - (e) The New Zealand Association of Social Workers Incorporated:
 - (f) The New Zealand College of Clinical Psychologists Incorporated:
 - (g) New Zealand Psychological Society Incorporated.
- (3) A body for the purposes of regulation 5 (3) (b) is a body—
- (a) That—
 - (i) Immediately before 1 July 1999, had a name listed in subclause (4); or
 - (ii) Is a body that, in the opinion of the insurer, represents counsellors as employees or affiliates; and
 - (b) That has in place—
 - (i) A code of ethics; and
 - (ii) An effective complaints procedure; and
 - (iii) An effective disciplinary procedure; and
 - (iv) Requirements, in relation to counselling, for an appropriate level of compulsory peer supervision, continuing education, and professional development for its employees or affiliates.
- (4) The names are—
- (a) Auckland Sexual Abuse HELP Foundation Charitable Trust:
 - (b) Awhina Wahine Incorporated:
 - (c) Miriam Centre Child Abuse Treatment and Research Trust:
 - (d) The National Collective of Rape Crisis and Related Groups of Aotearoa Incorporated:
 - (e) Presbyterian Support Services (Northern): Leslie Centre:
 - (f) Relationship Services Incorporated:
 - (g) Tauranga Help Foundation Incorporated:
 - (h) Waitakere Abuse and Trauma Counselling Service Incorporated.

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 define the term “counsellor” for the purposes of the Accident Insurance Act 1998.

The regulations come into force, contemporaneously with the Act, on 1 July 1999.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 June 1999.
These regulations are administered in the Department of Labour.