

1993 / 214



**THE ACCIDENT REHABILITATION AND COMPENSATION  
INSURANCE (SOCIAL REHABILITATION—ATTENDANT CARE)  
REGULATIONS 1993**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 28th day of June 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 26 and 167 of the Accident Rehabilitation and Compensation Insurance Act 1992, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Application</li> <li>4. Assessment of entitlement to payment for attendant care</li> <li>5. Reassessment of entitlement</li> <li>6. Assessments of claimants receiving payments as at 30 June 1993</li> </ol> | <ol style="list-style-type: none"> <li>7. Payment for attendant care</li> <li>8. Commencement of payment</li> <li>9. No liability to pay carer directly</li> <li>10. Suspension of payment</li> <li>11. Payments by the Crown</li> <li>12. Goods and services tax</li> <li>13. Savings</li> <li>14. Revocations</li> </ol> <p>Schedules</p> |
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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1993.

(2) These regulations shall come into force on the 1st day of July 1993.

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

“Act” means the Accident Rehabilitation and Compensation Insurance Act 1992:

“Attendant care” means the provision, in New Zealand, of physical assistance to enable the claimant to move around, to take care of basic personal needs such as dressing, feeding, and toileting, to assist the claimant with cognitive tasks of daily living such as planning, orientation, task completion and maintenance of emotional stability and communication, and to protect the claimant from further injury in the ordinary environment; but does not include preparing meals, general housekeeping, home maintenance, or child care:

“Claimant” means a person who has suffered personal injury and had a claim in respect of it accepted under the Act:

“Discharge report”, in relation to a claimant, means a report,—

(a) Prepared by the health care facility responsible for the claimant’s in-patient, custodial, or residential care on the discharge of the claimant; and

(b) Including a statement of—

(i) The health status of the claimant immediately prior to discharge, and the prognosis for the claimant; and

(ii) The nature and duration of any continuing treatment, care, or support required; and

(iii) The objective of that continuing treatment, care, or support:

“Hospital” means—

(a) Any licensed hospital within the meaning of the Hospitals Act 1957:

(b) Any hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992:

“Individual rehabilitation programme” means an individual rehabilitation programme required to be prepared pursuant to Part III of the Act.

(2) In these regulations, unless the context otherwise requires, expressions defined in or for the purposes of the Act have the meanings so defined.

**3. Application**—(1) Except as provided in section 149 of the Act and subject to these regulations, these regulations shall apply—

(a) To any application received on or after the 1st day of July 1993 from a claimant for payment for attendant care; and

(b) On and after the 1st day of July 1993, in respect of any claimant for whom any payment for attendant care under section 80 (3) of the Accident Compensation Act 1982 has been continued until the 30th day of June 1993 by virtue of section 149 of the Act; and

(c) To any claimant who at any time in the period beginning on the 1st day of July 1992 and ending with the close of the 30th day of June 1993 was entitled to attendant care under the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1992 and who, immediately before the commencement of the 1st day of July 1993, continued to be so entitled.

(2) A claimant to whom subclause (1) (b) of this regulation applies shall be deemed to have made a written application to the Corporation for attendant care.

**4. Assessment of entitlement to payment for attendant care—**

(1) Within 14 days of receipt of,—

(a) A written application from the claimant for payment for attendant care; and

(b) A discharge report, where appropriate,—

or within such long period as may be agreed to by the claimant, the Corporation or exempt employer shall arrange for an assessment of attendant care entitlement to be commenced.

(2) A registered health professional engaged by the Corporation or exempt employer for the purpose shall, in consultation with the claimant (or a person acting on behalf of the claimant where the claimant is not competent to participate), complete an assessment in accordance with the First Schedule to these regulations.

(3) The numerical ratings applicable to the claimant on the care activity scale specified in the First Schedule to these regulations shall be totalled for each care activity module. The thirteen highest module totals shall be added together to obtain a total care activity rating.

(4) The total care activity rating as determined under subclause (3) of this regulation shall be modified by multiplying that total by the modifying factor in Part II of the Second Schedule to these regulations that is applicable to the claimant so as to obtain an attendant care rating.

(5) Where the attendant care rating as determined under subclause (4) of this regulation is not a whole number, then it shall be rounded to the nearest whole number as follows:

(a) Where the figure immediately after the decimal point is 5 or greater, the total care activity rating shall be rounded up to the nearest whole number:

(b) Where the figure immediately after the decimal point is less than 5, the total care activity rating shall be rounded down to the nearest whole number.

(6) The amount of any entitlement to payment for attendant care (including the administrative cost of arranging and paying for attendant care, if any) shall be established using the table set out in the Third Schedule to these regulations, but in any case shall not be more than \$480.

(7) Neither the Corporation nor the exempt employer shall be liable for any administration costs incurred by the claimant in purchasing attendant care.

(8) The Corporation shall not, and an exempt employer shall not be required to, pay for attendant care where the attendant care rating calculated in accordance with this regulation is less than 41.

**5. Reassessment of entitlement**—(1) The Corporation or exempt employer may at any time reassess a claimant's entitlement under these regulations, but no such entitlement shall be reassessed within 4 weeks of a previous assessment.

(2) Where the Corporation is responsible for payment, it shall reassess entitlement at intervals of 13 weeks unless it is satisfied that the claimant's entitlement to payment for attendant care would remain unchanged.

(3) Where the Corporation is responsible for payment and no reassessment of the claimant's entitlement under these regulations has been undertaken for a period of 12 months from the date of the last assessment, the Corporation shall arrange a further assessment of entitlement to payment for attendant care under these regulations.

(4) A claimant may, at any time, request a reassessment of entitlement under these regulations, but neither the Corporation nor the exempt employer shall be obliged to reassess the claimant's entitlement under these regulations where—

- (a) The Corporation or exempt employer has made an assessment or reassessment of the claimant's entitlement under these regulations within 2 months prior to the date of such request; or
- (b) The claimant has previously requested 2 reassessments in the previous 12-month period.

(5) The costs involved in any assessment or reassessment under this regulation shall be met by the Corporation or exempt employer.

(6) Any reassessment under this regulation shall be undertaken in the same manner as an initial assessment under these regulations.

**6. Assessments of claimants receiving payments as at 30 June 1993**—(1) Subject to regulation 4 (8) of these regulations, where a claimant who was in receipt of payments under section 149 of the Act on the 30th day of June 1993 is first assessed under these regulations, the entitlement of that claimant shall not be reduced as a result of that assessment or any reassessment until after the close of the 30th day of June 1994.

(2) Subject to regulation 4 (8) of these regulations, where a claimant who—

- (a) Was in receipt of payments under the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1992 on the 30th day of June 1993; and
- (b) First had his or her attendant care entitlement assessed under the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1992 before that date,—

has his or her entitlement reassessed, the Corporation shall reassess the claimant's entitlement, both,—

- (c) In accordance with the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1992 as if those regulations had not been revoked; and
- (d) In accordance with these regulations—

and the claimant's entitlement shall, until the close of the 30th day of June 1994, be whichever is the greater.

(3) Subject to regulation 4 (8) of these regulations, after the 30th day of June 1994 the entitlement of a claimant to whom subclause (2) of this

regulation applies shall be the entitlement calculated under subclause (2) (d) of this regulation.

**7. Payment for attendant care**—(1) The amount of any entitlement under these regulations shall be paid weekly to the claimant.

(2) In accordance with section 74 (1) of the Act, the Corporation shall not, and an exempt employer shall not be required to, make any payment under these regulations in advance of the provision of attendant care to the claimant.

(3) Neither the Corporation nor the exempt employer shall be liable for making or arranging for the making of any deduction of premiums payable under the Act, or source deduction payment under the Income Tax Act 1976, from any payment.

(4) Where entitlement is for a period of less than 1 week the entitlement shall be calculated on the basis that each day of entitlement is one-seventh of the weekly entitlement established in accordance with the Third Schedule to these regulations.

(5) No payment shall be made by the Corporation or be required to be made by an exempt employer for more than 13 weeks from the date of personal injury unless the provision of attendant care forms part of an individual rehabilitation programme approved under section 20 (4) of the Act.

**8. Commencement of payment**—(1) Subject to subclause (2) of this regulation, where a person is assessed as entitled to an attendant care payment, that payment shall become due and payable from the date of the written application or the date of discharge from a hospital following initial treatment for the personal injury, whichever is the later.

(2) Where a person is assessed as entitled to an attendant care payment and the intended carer of that person requires training before that person is discharged from a hospital following initial treatment for the personal injury, the attendant care payment shall, for the purposes of such training, become due and payable from the date 2 days before the final discharge from hospital following initial treatment for the personal injury.

**9. No liability to pay carer directly**—Neither the Corporation nor the exempt employer shall have any liability to ensure that the claimant pays any person or organisation who or which provides attendant care or any liability to pay that person or organisation directly.

**10. Suspension of payment**—(1) Entitlement to payment for attendant care payments shall not apply during any period when a claimant is—

- (a) An inpatient of a hospital during the initial period of hospitalisation following personal injury; or
- (b) An inpatient of a hospital for 28 days or more during any subsequent period of hospitalisation; or
- (c) An inmate of a penal institution, or a resident in any institution funded principally by the Crown or one or more regional health authorities, for 28 days or more,—

but, in respect of paragraphs (b) and (c) of this subclause and subject to any reassessment, entitlement shall resume on the date of subsequent discharge or release.

(2) Where a claimant is absent from a hospital or institution for weekend leave, a home trial period, or for a similar purpose, the claimant shall be entitled to payments for attendant care during those periods in accordance with these regulations.

(3) Where the claimant is entitled to payment for attendant care under subclause (2) of this regulation, the entitlement to payment for attendant care shall be calculated on the basis of regulation 7 (4) of these regulations for each day that the claimant spends outside the hospital or institution. For the purposes of this subclause the day of discharge and the day of return shall be treated as one day.

**11. Payments by the Crown**—(1) Where any payment has been made in respect of attendant care by the Crown in respect of a period for which a claimant subsequently establishes an entitlement under these regulations, the Corporation shall pay the Crown the amount so paid in respect of the period of entitlement, but such amount shall not exceed the maximum permitted under these regulations.

(2) Subject to subclause (3) of this regulation, where—

(a) Subclause (1) of this regulation applies; and

(b) The claimant has paid or incurred a liability to pay for attendant care for which the claimant is entitled to payment under these regulations; and

(c) The amount so paid or incurred is in excess of the amount paid by the Corporation or exempt employer under subclause (1) of this regulation,—

then the Corporation or exempt employer shall pay that excess to the claimant.

(3) The combined amounts paid by the Corporation or exempt employer under subclauses (1) and (2) of this regulation shall not, in any case, exceed the entitlement of the claimant under these regulations.

**12. Goods and services tax**—All amounts specified or referred to in these regulations are inclusive of goods and services tax.

**13. Savings**—Notwithstanding these regulations, where any application for attendant care has been made or is deemed to have been made by a claimant before the close of the 30th day of June 1993, no discharge report shall be required in respect of that application.

**14. Revocations**—The following regulations are hereby consequentially revoked:

(a) The Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1992\*:

(b) The Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1992, Amendment No. 1†.

## SCHEDULES

## FIRST SCHEDULE

Regs. 4 (2), 4 (3)

## ATTENDANT CARE ACTIVITY SCALE

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
<b>1. Medication—</b> The attendant carer will—						
(a) Administer prescribed medication(s):	3	3	3	3	3	
(b) Monitor medication intake and effect (including B.M. sticks for diabetics):	2	2	2	2	2	
(c) Maintain and control medication supply (setting up medication dispenser, collecting medication):	1	1	1	1	1	
<b>2. Respiratory Therapy—</b> The attendant carer will—						
(a) Administer prescribed dosage as required (oxygen and other medication):	2	2	2	2	2	
(b) Maintain equipment and control inhalation supplies:	1	1	1	1	1	
(c) Activate postural drainage:	1	1	1	1	1	
<b>3. Elimination—</b> The attendant carer will—						
(a) Apply, empty, and clean drainage systems:	-	4	4	4	4	
(b) Monitor excreta:	0.5	0.5	0.5	0.5	0.5	
(c) Administer enemas or suppositories and perform stimulation or disempaction:	4	4	4	4	4	
(d) Perform colostomy/ileostomy/urostomy:	4	4	4	4	4	
(e) Clean person and equipment after procedure/incontinence:	2	2	2	2	2	
(f) Apply incontinence clothing/aids:	-	1	1	1	1	
Maximum possible:	6.5	11.5	11.5	11.5	11.5	

FIRST SCHEDULE—*continued*

ATTENDANT CARE ACTIVITY SCALE—*continued*

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
Care Activity Modules	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
<p>4. <i>Skin Care (Outside of Bathing)</i>— The attendant carer will—</p>						
(a) Attend to skin care needs, wounds, sores, eruptions, e.g. amputees, severe burns, spinal cord injuries, etc.:	2	3	4	4	4	
(b) Apply creams/lotions/pastes/ointments/powders as prescribed or required:	1	2	3	3	3	
(c) Check body area(s) for evidence of pressure sores, skin breakdown/eruptions:	3	3	3	3	3	
<p>5. <i>Positioning</i>— The attendant carer will—</p>						
(a) Alter the position of person in wheelchair/bed:	2	4	5	6	6	
(b) Supervise/assist in walking:	-	6	6	6	6	
(c) Perform transfer needs, i.e. bed to wheelchair, wheelchair to bed, car, sofa:	3	3	6	6	6	
(d) Change person's position in bed through lifting to prevent/minimise pressure sores, skin breakdown/shearing, including groin care:	4	4	6	6	6	
<p>6. <i>Exercise</i>— The attendant carer will—</p>						
(a) Assist person with prescribed exercise, stretching (passive) programme (including use of devices):	4	4	6	6	6	
(b) Assist into/out of standing device:	-	6	6	6	6	



## FIRST SCHEDULE—continued

## ATTENDANT CARE ACTIVITY SCALE—continued

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
Care Activity Modules	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
(c) Assist person with mobility activities using crutches, walker, braces, and/or sticks:	-	4	6	6	6	
(d) Assist person to move in wheelchair when unable to push themselves:	-	2	5	5	5	
Maximum possible:	4	12	17	17	17	
<b>7. Hygiene—</b> The attendant carer will—						
(a) Transfer from person to and from bed/ wheelchair to bath/tub/ shower (including use of equipment):	-	4	6	6	6	
(b) Bed bath or bath or shower and dry person:	-	4	6	6	6	
(c) Prepare, clean, and maintain equipment (only if home help absent):	0.5	0.5	0.5	0.5	0.5	
(d) Attend to menstrual cycle needs as required:	-	-	3	3	3	
<b>8. Oral Hygiene—</b> The attendant carer will—						
(a) Brush and floss and clean dentures as required:	-	1.5	1.5	1.5	1.5	
(b) Clean mouth as required:	2	2	2	2	2	
<b>9. Grooming—</b> The attendant carer will—						
<b>FACE—</b> Wash, rinse, dry—morning and evening and after meals:	2	2	3	3	3	
<b>HANDS—</b> Wash, rinse, dry—morning and evening, before and after meals, and following elimination:	2	2	2	2	2	

FIRST SCHEDULE—*continued*

ATTENDANT CARE ACTIVITY SCALE—*continued*

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
Care Activity Modules	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
SHAVING— Shave or assist person using an electric/safety razor:	-	-	-	2	2	
COSMETICS— Apply makeup as desired/required:	-	-	-	2	2	
HAIR— (a) Brush/comb as required: (b) Shampoo, blow/towel dry: (c) Perform styling, set, and comb-out:	-	0.5	2	2	2	
FINGERNAILS— Clean and manicure as required:	-	-	2	2	2	
TOENAILS— Clean and trim as required:	-	-	1	1	1	
10. <i>Nutrition</i> — The attendant carer will— (a) Prepare person for meals:	-	2	3	3	3	
(b) Provide assistance— feeding:	-	3	5	5	5	
(c) Ensure adequate fluid intake:	2	3	4	4	4	
11. <i>Dressing</i> — The attendant carer will— UPPER BODY— Undress person—e.g. gloves, jacket/wind- breaker/coat, sweater/ cardigan, tie/scarf, underwear:	-	2	3	3	3	
LOWER BODY— Undress person—e.g. slippers and shoes, skirt/pants, socks/ panty hose/support hose, disposable adult briefs, underwear:	-	2	3	3	3	

FIRST SCHEDULE—*continued*

ATTENDANT CARE ACTIVITY SCALE—*continued*

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
Care Activity Modules	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
UPPER BODY— Dress person—e.g. underwear, shirt/blouse, sweater/cardigan, tie/scarf, jacket/windbreaker/coat, gloves, and jewellery:	-	2	3	3	3	
LOWER BODY— Dress person—e.g. underwear, disposable adult briefs, skirt/pants, socks/ pantyhose/support hose, slippers, and shoes:	-	2	3	3	3	
12. <i>Aids and Appliances</i> — The attendant carer will— PROSTHETICS—						
(a) Apply upper/lower limb prosthesis and stump sock(s):	2	2	2	2	2	
(b) Exchange terminal devices and adjust prosthesis as required:	2	2	2	2	2	
(c) Ensure that prosthesis is properly maintained and in good working condition:	1	1	1	1	1	
ORTHOTICS— Assist person to apply prescribed orthotics, e.g. burn garment(s), brace(s), supports, splints, elastic stockings:	3	3	3	3	3	
OTHER THERAPY INVOLVING EQUIPMENT (NOT ALREADY SCORED UNDER EXERCISE)— Prepare equipment, administer treatment as prescribed or required, maintain equipment, e.g. computers, typewriters, apnoea monitors:	4	4	4	4	4	

FIRST SCHEDULE—*continued*

ATTENDANT CARE ACTIVITY SCALE—*continued*

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
Care Activity Modules	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
13. <i>Maintenance</i> — The attendant carer will—						
(a) Monitor, order and maintain required supplies and equipment:	1	1	1	1	1	
(b) Ensure that wheelchairs, prosthetic devices, lifts, shower commodes, and other specialised medical equipment and devices are safe and secure:	1	1	1	1	1	
(c) Launder person's bedding and clothing as a result of incontinence/spillage (not to be scored if person receives home help):	-	2.5	2.5	2.5	2.5	
(d) Launder/clean orthotic supplies which require special care (not to be scored if person receives home help):	2	2	2	2	2	
14. <i>Planning and Organising</i> — The attendant carer will plan, organise, and supervise all the person's daily activities; OR The attendant carer will supervise daily activities and assist the person in problem solving when necessary; OR The attendant carer will regularly monitor the person's daily activities and assist in problem solving when necessary; OR The person manages own daily activities. Only one response can be scored	-	4	6	6	6	
	-	2	4	4	4	
	-	1	2	2	2	
	-	-	-	-	-	

## FIRST SCHEDULE—continued

## ATTENDANT CARE ACTIVITY SCALE—continued

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
15. <i>Orientation and Memory</i> — The attendant carer will continuously provide the person with information on where they are and what to do; OR The attendant carer will assist the person's ability to remember what to do in different situations by prompt; OR The attendant carer will regularly monitor the person's ability to remember what to do in different situations and provide support; OR The person functions independently. Only one response can be scored	-	4	6	6	6	
	-	2	4	4	4	
	-	1	2	2	2	2
	-	-	-	-	-	
16. <i>Fatigue/Loss of Motivation</i> — The attendant carer will provide comprehensive support and direction to ensure the person completes daily activities; OR The attendant carer will provide feedback processes to ensure the person completes daily activities; OR The attendant carer will provide verbal support to ensure completion of daily activities; OR The person functions independently. Only one response can be scored	-	3	4	4	4	
	-	2	2	2	2	
	-	1	1	1	1	
	-	-	-	-	-	

FIRST SCHEDULE—*continued*

ATTENDANT CARE ACTIVITY SCALE—*continued*

Care Activity	Group 1		Group 2		Group 3 Group 4	Total
Care Activity Modules	Age (in whole months) 0-12 mths	Age (in whole months) 13-71 mths	Age (in whole years) 6-12 yrs	Age (in whole years) 13-17 yrs	Age (in whole years) 18 yrs and over	
<p>17. <i>Emotional Instability/Reduced Self Control—</i> The attendant carer will continuously monitor the person's emotional response to reduce distress, disinhibited behaviour for safety of self and others; OR The attendant carer will regularly monitor the person's emotional responses and redirect attention appropriately; OR The attendant carer will be available if the person requires emotional support to manage activities as necessary; OR The person functions independently and safely. Only one response can be scored</p>	-	12	12	12	12	
	-	8	8	8	8	
	-	4	4	4	4	
	-	-	-	-	-	
<p>18. <i>Communication—</i> The attendant carer will determine the person's self-care needs or safety needs or both by facilitating any expression of these; OR The attendant carer will support the person's self-expression of self-care needs or safety needs or both; OR The person expresses own self-care needs or safety needs or both. Only one response can be scored</p>	-	2	3	3	3	
	-	1	1	1	1	
	-	-	-	-	-	

SECOND SCHEDULE

Reg. 4 (4)

PART I

DEFINITIONS OF MODIFYING FACTORS

For the purposes of this Schedule—

*Location*

“Urban” means living in a centre with a population of more than 1,000.

“Rural” means living in any other area.

*Support*

“Support” refers to the environment in which attendant care will be given.

A supportive environment is one where there are other persons in the household who can assist the claimant in such things as—

- (a) Getting help in an emergency;
- (b) Answering calls at the door;
- (c) Using the telephone;
- (d) Attending to security features such as locking/opening doors and windows;
- (e) Handling household fixtures such as plugs and switches;
- (f) Handling objects such as television, radios, books, and magazines; and
- (g) Protecting from injury.

For a less supportive environment the rating is “No”. This will apply where there is no other person aged 17 years or over in the household or the availability of such a person is limited due to absence resulting from that person’s employment, the disability of that person, or similar factors.

*Needs Known*

“Needs known” means the ability to relate to others and communicate needs without undue difficulty.

A rating of “No” applies where a claimant is unable for reasons such as their developmental stage (children), language, communication aids, or intellectual ability to make their needs known to others.

*Goals*

“Goals” means the ability to set goals and the motivation to carry them through.

*Transport*

“Transport” means the ability to transport oneself within and outside the home.

A rating of “No” implies that the claimant depends on others for assistance in mobility.

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SECOND SCHEDULE—*continued*

PART II

MODIFYING FACTORS

*Age Group (Whole Years) 0–5*

Sex	Location	Support	Needs Known	Goals	Transport	Modifying factor
-	Rural	No	No		-	1.443
-	Rural	No	Yes		-	1.356
-	Rural	Yes	No	-	-	1.243
-	Rural	Yes	Yes	-	-	1.089
-	Urban	No	No	-	-	1.420
-	Urban	No	Yes	-	-	1.327
-	Urban	Yes	No	-	-	1.211
-	Urban	Yes	Yes			1.055

*Age Group (Whole Years) 6–17*

Sex	Location	Support	Needs Known	Goals	Transport	Modifying factor
-	Rural	No	No	No	No	1.496
-	Rural	No	No	No	Yes	1.439
-	Rural	No	No	Yes	No	1.402
-	Rural	No	No	Yes	Yes	1.349
-	Rural	No	Yes	No	No	1.383
-	Rural	No	Yes	No	Yes	1.305
-	Rural	No	Yes	Yes	No	1.300
-	Rural	No	Yes	Yes	Yes	1.202
-	Rural	Yes	No	No	No	1.374
-	Rural	Yes	No	No	Yes	1.293
-	Rural	Yes	No	Yes	No	1.289
-	Rural	Yes	No	Yes	Yes	1.195
-	Rural	Yes	Yes	No	No	1.225
-	Rural	Yes	Yes	No	Yes	1.154
-	Rural	Yes	Yes	Yes	No	1.112
-	Rural	Yes	Yes	Yes	Yes	1.039
-	Urban	No	No	No	No	1.474
-	Urban	No	No	No	Yes	1.411
-	Urban	No	No	Yes	No	1.340
-	Urban	No	No	Yes	Yes	1.307
-	Urban	No	Yes	No	No	1.364
-	Urban	No	Yes	No	Yes	1.293
-	Urban	No	Yes	Yes	No	1.264
-	Urban	No	Yes	Yes	Yes	1.163
-	Urban	Yes	No	No	No	1.360
-	Urban	Yes	No	No	Yes	1.273
-	Urban	Yes	No	Yes	No	1.208
-	Urban	Yes	No	Yes	Yes	1.131



SECOND SCHEDULE—*continued*

PART II—*continued*

MODIFYING FACTORS—*continued*

*Age Group (Whole Years) 6–17—continued*

Sex	Location	Support	Needs Known	Goals	Transport	Modifying factor
–	Urban	Yes	Yes	No	No	1.203
–	Urban	Yes	Yes	No	Yes	1.124
–	Urban	Yes	Yes	Yes	No	1.106
–	Urban	Yes	Yes	Yes	Yes	1.011

*Age Group (Whole Years) 18–55*

Sex	Location	Support	Needs Known	Goals	Transport	Modifying factor
Female	Rural	No	No	No	No	1.500
Male	Rural	No	No	No	No	1.487
Female	Rural	No	No	No	Yes	1.440
Male	Rural	No	No	No	Yes	1.437
Female	Rural	No	No	Yes	No	1.407
Male	Rural	No	No	Yes	No	1.376
Female	Rural	No	No	Yes	Yes	1.313
Male	Rural	No	No	Yes	Yes	1.309
Female	Rural	No	Yes	No	No	1.380
Male	Rural	No	Yes	No	No	1.358
Female	Rural	No	Yes	No	Yes	1.317
Male	Rural	No	Yes	No	Yes	1.305
Female	Rural	No	Yes	Yes	No	1.263
Male	Rural	No	Yes	Yes	No	1.266
Female	Rural	No	Yes	Yes	Yes	1.181
Male	Rural	No	Yes	Yes	Yes	1.172
Female	Rural	Yes	No	No	No	1.373
Male	Rural	Yes	No	No	No	1.371
Female	Rural	Yes	No	No	Yes	1.286
Male	Rural	Yes	No	No	Yes	1.282
Female	Rural	Yes	No	Yes	No	1.271
Male	Rural	Yes	No	Yes	No	1.279
Female	Rural	Yes	No	Yes	Yes	1.170
Male	Rural	Yes	No	Yes	Yes	1.172
Female	Rural	Yes	Yes	No	No	1.260
Male	Rural	Yes	Yes	No	No	1.245
Female	Rural	Yes	Yes	No	Yes	1.152
Male	Rural	Yes	Yes	No	Yes	1.169
Female	Rural	Yes	Yes	Yes	No	1.108
Male	Rural	Yes	Yes	Yes	No	1.126
Female	Rural	Yes	Yes	Yes	Yes	1.034

SECOND SCHEDULE—*continued*

PART II—*continued*

MODIFYING FACTORS—*continued*

*Age Group (Whole Years) 18-55—continued*

Sex	Location	Support	Needs Known	Goals	Transport	Modifying factor
Male	Rural	Yes	Yes	Yes	Yes	1.022
Female	Urban	No	No	No	No	1.474
Male	Urban	No	No	No	No	1.467
Female	Urban	No	No	No	Yes	1.400
Male	Urban	No	No	No	Yes	1.387
Female	Urban	No	No	Yes	No	1.349
Male	Urban	No	No	Yes	No	1.349
Female	Urban	No	No	Yes	Yes	1.280
Male	Urban	No	No	Yes	Yes	1.284
Female	Urban	No	Yes	No	No	1.365
Male	Urban	No	Yes	No	No	1.356
Female	Urban	No	Yes	No	Yes	1.285
Male	Urban	No	Yes	No	Yes	1.286
Female	Urban	No	Yes	Yes	No	1.263
Male	Urban	No	Yes	Yes	No	1.233
Female	Urban	No	Yes	Yes	Yes	1.136
Male	Urban	No	Yes	Yes	Yes	1.133
Female	Urban	Yes	No	No	No	1.343
Male	Urban	Yes	No	No	No	1.347
Female	Urban	Yes	No	No	Yes	1.285
Male	Urban	Yes	No	No	Yes	1.261
Female	Urban	Yes	No	Yes	No	1.214
Male	Urban	Yes	No	Yes	No	1.233
Female	Urban	Yes	No	Yes	Yes	1.165
Male	Urban	Yes	No	Yes	Yes	1.145
Female	Urban	Yes	Yes	No	No	1.232
Male	Urban	Yes	Yes	No	No	1.188
Female	Urban	Yes	Yes	No	Yes	1.139
Male	Urban	Yes	Yes	No	Yes	1.135
Female	Urban	Yes	Yes	Yes	No	1.072
Male	Urban	Yes	Yes	Yes	No	1.068
Female	Urban	Yes	Yes	Yes	Yes	1.000
Male	Urban	Yes	Yes	Yes	Yes	1.005

SECOND SCHEDULE—*continued*

PART II—*continued*

MODIFYING FACTORS—*continued*

*Age Group (Whole Years) 56 and Over*

Sex	Location	Support	Needs Known	Transport	Modifying factor
Female	Rural	No	No	No	1.453
Male	Rural	No	No	No	1.451
Female	Rural	No	No	Yes	1.369
Male	Rural	No	No	Yes	1.360
Female	Rural	No	Yes	No	1.296
Male	Rural	No	Yes	No	1.333
Female	Rural	No	Yes	Yes	1.206
Male	Rural	No	Yes	Yes	1.178
Female	Rural	Yes	No	No	1.296
Male	Rural	Yes	No	No	1.288
Female	Rural	Yes	No	Yes	1.221
Male	Rural	Yes	No	Yes	1.210
Female	Rural	Yes	Yes	No	1.156
Male	Rural	Yes	Yes	No	1.139
Female	Rural	Yes	Yes	Yes	1.050
Male	Rural	Yes	Yes	Yes	1.037
Female	Urban	No	No	No	1.427
Male	Urban	No	No	No	1.408
Female	Urban	No	No	Yes	1.337
Male	Urban	No	No	Yes	1.326
Female	Urban	No	Yes	No	1.268
Male	Urban	No	Yes	No	1.286
Female	Urban	No	Yes	Yes	1.159
Male	Urban	No	Yes	Yes	1.170
Female	Urban	Yes	No	No	1.275
Male	Urban	Yes	No	No	1.258
Female	Urban	Yes	No	Yes	1.190
Male	Urban	Yes	No	Yes	1.171
Female	Urban	Yes	Yes	No	1.109
Male	Urban	Yes	Yes	No	1.080
Female	Urban	Yes	Yes	Yes	1.016
Male	Urban	Yes	Yes	Yes	1.012

Reg. 4 (6)

**THIRD SCHEDULE**

**ATTENDANT CARE ENTITLEMENT**

Attendant Care Rating	Weekly Entitlement \$
0-40	0
41-54	55
55-68	105
69-82	160
83-96	210
97-110	265
111-124	320
125-138	370
139-149	425
150 or more	480 <sup>7</sup> .

DIANE WILDERSPIN,  
Acting for 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 1993, provide for the assessment of eligibility of claimants for the payment of attendant care and prescribe the rates payable.

These regulations revoke and replace the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Attendant Care) Regulations 1992.

The new regulations make the following changes to the attendant care regime:

- (a) After 30 June 1993 under *regulation 4 (1)* a claimant applying for assessment will be required, where appropriate, to provide a discharge report from the health care facility responsible for the claimant's care. The information required in a discharge report is specified in the regulations:
- (b) References to area health boards are removed from the regulations:
- (c) *Regulation 6* deals with transitional arrangements for claimants who are receiving payments as at 30 June 1993. Provided that their need for attendant care remains the same, these claimants will not have their entitlements reduced under any assessment made in accordance with these regulations until after 30 June 1994:
- (d) *Regulation 11* deals with payments made by the Crown towards the cost of attendant care. In the former regulations the equivalent provision dealt with payments made by the Department of Social Welfare and area health boards:
- (e) The *First Schedule* differs from the First Schedule to the former regulations in that 5 activity care modules have been added to the 13 assessment modules. This is intended—
  - (i) To provide increased sensitivity to assessing cognitive needs, particularly for claimants with a head injury; and
  - (ii) To maximise identification of need by calculating entitlement on the 13 highest care activity scores:
- (f) The *Third Schedule* differs from the Third Schedule to the former regulations in that the number of rating levels is increased from 8 to 10. This is intended to provide a more sensitive measure of entitlement.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 30 June 1993.

These regulations are administered in the Accident Rehabilitation and Compensation Insurance Corporation.