



**THE ACCIDENT REHABILITATION AND COMPENSATION  
INSURANCE (SOCIAL REHABILITATION—TRAINING FOR  
INDEPENDENT LIVING) REGULATIONS 1992**

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CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 21st day of December 1992

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 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.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Training for Independent Living) Regulations 1992.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

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

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

“Assessor” means a person or organisation (not being a provider) whom the Corporation or exempt employer has engaged to carry out the assessment under regulation 5 of these regulations:

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

“Provider” means a person or organisation recognised by the Corporation under regulation 4 of these regulations as appropriate to provide training for independent living to claimants:

“Registered medical practitioner” means any person who holds a current annual practising certificate issued by the Medical Council of New Zealand.

(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) Subject to these regulations, these regulations shall apply—

(a) To any application received on or after the 1st day of July 1992 from a claimant for training for independent living; and

(b) On and after the 1st day of January 1993, in respect of any claimant for whom any payment for training for independent living under section 80 of the Accident Compensation Act 1982 has been continued until the 31st day of December 1992 by virtue of section 149 of the Act.

(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 training for independent living.

**4. Contracting to provide training for independent living**—(1) For the purpose of providing training for independent living the Corporation shall contract with providers whom the Corporation believes capable of providing the necessary training.

(2) Without limiting the terms and conditions that the Corporation may agree with a provider, each contract shall provide—

(a) For the provision by the provider of specific training services to agreed standards and the measures that the Corporation may employ to monitor the services and judge whether those standards are being met; and

(b) A statement of the specific outcomes expected of such training; and

(c) For the information requirements of the Corporation and the form in which that information is to be provided by the provider to the Corporation; and

(d) The amount to be paid by the Corporation for such training and the conditions of payment; and

(e) That payment may be reduced, delayed, or withheld if the provider does not comply with the terms and conditions of the contract; and

(f) That the services of the provider will be made available (subject only to exclusion for lack of resources on the part of the provider) to persons referred by exempt employers on the same basis as persons referred by the Corporation.

**5. Assessment of entitlement to training for independent living—**

(1) Upon receipt of a written application from a claimant for training for independent living, the Corporation or exempt employer shall arrange for an assessment of the appropriate training for independent living for the claimant.

(2) The assessment shall be commenced within 14 days of the date of receipt of the application or such longer period as may be agreed to by the claimant.

(3) An assessor shall complete an assessment in consultation with the claimant or a person acting on behalf of the claimant where the claimant is not competent to participate.

(4) The assessor shall review the claimant's medical, physical, psychological, and social history to ascertain the extent to which the personal injury has adversely affected the ability of the claimant—

- (a) To perform routine daily activities which the claimant previously and regularly undertook before the personal injury, or, in the case of a child under the age of 16 years, routine daily activities that are considered usual for a child the same age as the claimant; and
- (b) To convey and receive information to the extent the claimant was able to before the personal injury, or, in the case of a child under the age of 16 years, to convey and receive information that is considered usual for a child the same age as the claimant; and
- (c) To interact with persons the claimant previously and regularly interacted with before the personal injury, or, in the case of a child under the age of 16 years, to interact with persons in a manner that is considered usual for a child the same age as the claimant.

(5) The assessor may, with the consent of the claimant and as a part of the assessment, talk to the persons with whom the claimant was living at the time of the personal injury and the persons with whom the claimant is living at the time of the assessment to assist the assessor in ascertaining the extent to which the personal injury has adversely affected the claimant in respect of the matters referred to in subclause (4) of this regulation.

(6) The assessor shall, in consultation with other rehabilitation specialists and the registered medical practitioner currently managing the rehabilitation of the claimant, recommend the appropriate training for independent living, if any, for the claimant to achieve independence in daily living upon the completion of the training.

(7) The recommendation under subclause (6) of this regulation shall include—

- (a) The nature of the training; and
- (b) The period for which training is recommended; and
- (c) The person or organisation considered appropriate to provide such training.

(8) Upon completion of the assessment the assessor shall provide a written report to the Corporation or exempt employer and the claimant.

(9) On receipt of the assessor's report, the Corporation or exempt employer shall decide the entitlement of the claimant to training for independent living under these regulations.

(10) The training undertaken by a claimant pursuant to these regulations shall be incorporated in the claimant's individual rehabilitation programme.

**6. Reassessment**—(1) The Corporation or exempt employer may at any time reassess a claimant's entitlement under these regulations.

(2) A claimant may, at any time, request a reassessment 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 before the date of such request; or
- (b) There have been 2 reassessment in the previous 12-month period at the request of the claimant.

**7. Advice of decision**—The Corporation or exempt employer shall advise the claimant of any entitlement to training for independent living pursuant to regulation 5 of these regulations.

**8. Provision of training for independent living**—(1) An exempt employer may decline to make any payment in respect of training for independent living unless it is provided by a provider with whom the Corporation has a contract to provide training for independent living.

(2) Where the training for independent living is provided by a provider with whom the Corporation has a contract, no exempt employer shall be obliged to pay under these regulations an amount greater than the Corporation would have had to pay if the Corporation were liable to make the payment under these regulations.

**9. Exempt employers**—(1) Subject to subclause (2) of this regulation, the obligations imposed on an exempt employer by these regulations shall apply only in respect of training for independent living approved by an exempt employer within the period for which the exempt employer is liable to make payments by virtue of section 106 of the Act.

(2) An exempt employer shall, after the period for which the exempt employer is liable to make payments by virtue of section 106 of the Act, remain liable under these regulations for the cost of training for independent living provided during that period by the exempt employer under these regulations.

(3) An exempt employer shall not approve any training for independent living which will extend beyond the period for which the exempt employer is liable to make payment by virtue of section 106 of the Act without prior consultation with the Corporation.

(4) The Corporation shall not be liable for training for independent living approved by an exempt employer, whether or not the Corporation subsequently becomes responsible for the cost of the personal injury.

BOB MacFARLANE,  
Acting for Clerk of the Executive Council.

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## EXPLANATORY NOTE

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

These regulations provide for the assessment of entitlement of claimants for training for independent living and for the provision of that training.

In particular the regulations provide for—

- (a) The minimum terms and conditions to be contained in contracts between the Corporation and the providers of training for independent living;
- (b) The method of assessment of the entitlement of a claimant to training for independent living;
- (c) Reassessment, at the request of the claimant, of the claimant's entitlement to training for independent living.

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

Date of notification in *Gazette*: 23 December 1992.

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