



**THE ACCIDENT REHABILITATION AND COMPENSATION
INSURANCE (SOCIAL REHABILITATION-HOME HELP)
REGULATIONS 1992**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of September 1992

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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation-Home Help) 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:

“Area health board” means an area health board constituted under the Area Health Boards Act 1983:

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

“Home” means residential premises which are owned, leased, rented, or otherwise occupied by the claimant and in which the claimant lives; but does not include any hotel, motel, rest home, hostel, hospital, or other institution:

“Home help” means the provision, in New Zealand, of services related to meal preparation, laundry, and cleaning:

“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) 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 payment for home help; and

(b) On and after the 1st day of January 1993, in respect of any claimant for whom any payment for home help under section 80 (1) 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 had a written application for home help processed by the Corporation.

4. Assessment of entitlement to payment for home help—(1) Upon receipt of a written application from a claimant for payment for home help, the Corporation or exempt employer shall commence an assessment of entitlement to home help within 7 days of the date of receipt of the written application or such longer period as may be agreed to by the claimant.

(2) The Corporation or exempt employer shall assess entitlement to payment for home help under these regulations in consultation with the claimant, or a person acting on behalf of the claimant where the claimant is not competent to participate.

(3) The numerical rating assessed for the claimant on each task set out in the First Schedule to these regulations shall be added together to obtain a home help rating.

(4) The amount of any entitlement to payment for home help (including the administrative costs of arranging and paying for home help, if any) shall be established using the table set out in the Second Schedule to these regulations, but in any case shall not be more than \$260.

(5) Neither the Corporation nor exempt employer shall be liable for any administration costs incurred by the claimant in purchasing home help.

(6) The Corporation shall not, and an exempt employer shall not be required to, pay for home help where the total home help rating calculated under the First Schedule to these regulations is less than 10.

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

(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 home help 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 reassess the claimant's entitlement to payment for home help 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 shall be undertaken in the same manner as an initial assessment under these regulations.

6. Payment for home help—(1) The amount of any entitlement under these regulations shall be paid to the claimant upon receipt by the Corporation or exempt employer from the claimant of accounts from the person providing home help, which accounts specify the dates and the time on those dates during which home help was provided 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 home help to the claimant.

(3) Neither the Corporation nor exempt employer shall be liable for making or arranging for the making of any deduction of premiums payable under the Act, or source deduction payments 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 amount established in accordance with the Second 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 the personal injury unless the provision of home help forms part of an individual rehabilitation programme approved under section 20 (4) of the Act.

(6) No payment shall be made in respect of home help provided subsequent to the personal injury of the claimant by a person who lives in the claimant's home or lived in the claimant's home immediately prior to the occurrence of the personal injury.

(7) No payment shall be made in respect of home help provided by an employee of an area health board in the course of the employee's duties where the personal injury is a work injury or a motor vehicle injury.

7. Commencement of payment—Where a person is assessed as entitled to a payment for household help, that payment shall become due and payable from the date of the written application.

8. No liability to pay provider 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 home help or any liability to pay that person or organisation directly.

9. Conditions of payment—(1) No payment for home help shall be made under these regulations for a period that extends beyond 4 weeks from the date of the written application unless the claimant is residing in the home.

(2) Home help must be provided in the home in which the claimant ordinarily resides.

10. Payments by Department of Social Welfare or area health boards—(1) Where any payment has been made in respect of home help by the Department of Social Welfare or an area health board in respect of a period for which a claimant subsequently establishes an entitlement under these regulations, the Corporation shall pay the Department of Social Welfare or area health board the amount paid by those organisations 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 home help 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 subclause (1) and subclause (2) of this regulation shall not, in any case, exceed the entitlement of the claimant under these regulations.

(4) No payment under this regulation shall be made to an area health board where the personal injury of the claimant is a work injury or motor vehicle injury.

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

12. Revocation—The Accident Rehabilitation and Compensation Insurance (Interim Household Help) Regulations 1992 (S.R. 1992/179) are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 4 (3)

PART I

For the purposes of this Schedule—

Predominantly Responsible for the Task

“Predominantly responsible for the task” means the person usually did the task at least 80 percent of the times it was performed.

Where the claimant is living alone, or in a home which does not contain another person over the age of 18 years who lives in the home on a permanent basis, or such person over the age of 18 years is incapable by reason of disability to perform the tasks defined as home help, the assessment shall be made without regard to whether the claimant was predominantly responsible for the task before the personal injury occurred.

Any need for home help that arises from causes other than the personal injury (such as disease, infection, or the ageing process) shall be disregarded unless that disease or infection is itself personal injury as defined in the Act.

Meal Preparation

“Shopping” means all activities to do with ordering and purchasing food for the home; and includes taking the claimant shopping for food.

“Cooking” means all activities to do with preparing ingredients for meals and cooking of meals.

“Dishes” means washing, drying, and putting dishes and utensils away.

“Kitchen cleaning” means all cleaning activities including cleaning of cooking surfaces, refrigerators, stoves, and floors.

Laundry

“Washing” means soaking and cleaning clothes either by hand or machine.

“Drying” means drying clothes either by machine or on an outside line.

“Ironing” means pressing clothes with electric iron, folding, and putting away.

Cleaning

“Vacuuming” means cleaning floor surfaces with an electric vacuum cleaner.

“Dusting” means cleaning of window sills, furniture, and ornaments.

“Cleaning bathroom and toilet” means cleaning basin, bath, shower, toilet, and floor.

“Rubbish” means emptying home rubbish and getting it ready for collection.

“Bedmaking” means making bed(s), including changing linen.

**PART II
HOME HELP ASSESSMENT**

	Before Personal Injury (1)	Following Personal Injury (2)	Rating (3)
Task	<p>Was injured person predominantly responsible for the task before the personal injury occurred?</p> <p style="text-align: center;">YES/NO</p> <p>If yes continue to next column.</p>	<p>Can person do task now?</p> <p style="text-align: center;">YES/NO</p>	<p>Rating for the task if the answer in column (2) is No.</p>
<p><i>Meal Preparation</i></p> <ul style="list-style-type: none"> • Shopping • Cooking • Dishes • Kitchen cleaning 			<p>6</p> <p>11</p> <p>3</p> <p>3</p>
<p><i>Laundry</i></p> <ul style="list-style-type: none"> • Washing • Drying • Ironing 			<p>4</p> <p>5</p> <p>5</p>
<p><i>Cleaning</i></p> <ul style="list-style-type: none"> • Vacuuming and/or sweeping • Dusting • Cleaning bathroom and toilet • Rubbish • Bedmaking 			<p>6</p> <p>1</p> <p>3</p> <p>1</p> <p>2</p>
TOTAL			50

**SECOND SCHEDULE
HOME HELP PROVISION**

Regs. 4 (4), 6 (4)

Total Rating	Weekly Amount \$
0-10	0
11-15	80
16-20	100
21-25	120
26-30	140
31-35	160
36-43	210
44 or more	260

BOB MacFARLANE,
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 provide for the assessment of eligibility of claimants for home help and prescribe the rates payable.

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

Date of notification in *Gazette*: 17 September 1992.

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