



**THE ACCIDENT REHABILITATION AND COMPENSATION  
INSURANCE (SOCIAL REHABILITATION—MODIFICATIONS TO  
RESIDENTIAL PREMISES) REGULATIONS 1992,  
AMENDMENT NO. 1**

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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.

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ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Assessment of entitlement</li> </ol> |  | <ol style="list-style-type: none"> <li>4. Limitations relating to modifications</li> <li>5. Payments by the Crown</li> <li>6. Savings</li> </ol> |
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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Modifications to Residential Premises) Regulations 1992, Amendment No. 1, and shall be read together with and deemed part of the Accident Rehabilitation and Compensation Insurance (Social

Rehabilitation—Modifications to Residential Premises) Regulations 1992\* (hereinafter referred to as the principal regulations).

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

**2. Interpretation**—Regulation 2 (1) of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘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:

“ ‘Long term disability’ means any restriction or lack of ability to perform an activity to the extent that the claimant was able to do so before the personal injury or, in the case of a claimant under the age of 16 years, within the range considered normal for a person of that age, where that restriction or lack of ability—

“(a) Results from personal injury covered by the Act; and

“(b) Is expected to persist, or does persist, for a period of more than 3 months after the date of the first discharge from in-patient services following initial treatment for the personal injury.”

**3. Assessment of entitlement**—Regulation 4 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:

“(1) Within 14 days of the receipt of—

“(a) A written application from a claimant for payment for modifications to residential premises; and

“(b) A discharge report, where appropriate,—

or within such longer period as may be agreed to by the claimant, the Corporation or exempt employer shall arrange for an assessment of the modifications necessary for the claimant to achieve independence in daily living to be commenced.

“(1A) The assessment shall be undertaken at the expense of the Corporation or the exempt employer, as the case may be.”

**4. Limitations relating to modifications**—Regulation 6 of the principal regulations is hereby amended by inserting, after subclause (2), the following subclause:

“(2A) No approval shall be given by the Corporation or be required to be given by an exempt employer unless the claimant has a long term disability.”

**5. Payments by the Crown**—The principal regulations are hereby amended by revoking regulation 15, and substituting the following regulation:

“15. (1) Where any payment has been made by the Crown in respect of modifications to residential premises 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 modifications 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.

“(4) Where any payment has been made by the Crown in respect of the modification to residential premises then, for the purposes of this regulation, any requirement under these regulations for the prior approval of the Corporation or exempt employer to the modifications to residential premises shall not apply.”

**6. Savings**—Notwithstanding these regulations, where any application or proposal referred to in regulation 3 of the principal regulations has been made before the close of the 30th day of June 1993, the principal regulations shall be read as if these regulations had not been made.

DIANE WILDERSPIN,  
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, which come into force on 1 July 1993, amend the Accident Rehabilitation and Compensation Insurance (Social Rehabilitation—Modifications to Residential Premises) Regulations 1992.

For applications made after 30 June 1993 the Corporation shall not, and an exempt employer shall not be required to, contribute to the costs of modifications to residential premises unless the claimant has a long term disability as defined in these regulations.

After 30 June 1993 a claimant applying for assessment under these regulations 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.

Regulation 15 of the principal regulations is revoked and replaced by a new *regulation 15* (which deals with payments by the Crown towards the modification to residential premises). The revoked regulation 15 deals with payments by the Department of Social Welfare and area health boards.

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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.