

**Reprint  
as at 1 April 2004**

## **Accident Insurance (Insurer's Liability to Pay Cost of Treatment) Amendment Regulations 1999**

(SR 1999/192)

Accident Insurance (Insurer's Liability to Pay Cost of Treatment) Amendment Regulations 1999: revoked, on 1 April 2004, pursuant to regulation 20(1) of the Injury Prevention, Rehabilitation, and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003 (SR 2003/388).

PURSUANT to section 402 of the Accident Insurance Act 1998, Her Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following regulations.

### **Contents**

	Page
1 Title and commencement	1
2 New regulations substituted	2
4 Liability of insurer, except manager, to pay cost of treatment or ancillary service	2
4A Liability of manager to pay cost of treatment	2
4B Liability of manager to pay cost of ancillary service	4
3 Insurer not liable to pay cost of public health acute service	5
4 Counsellors' costs	5

#### **1 Title and commencement**

- (1) These regulations may be cited as the Accident Insurance (Insurer's Liability to Pay Cost of Treatment) Amendment Regulations 1999, and are part of the Accident Insurance (Insurer's Liability to Pay Cost of Treatment) Regulations 1999 ("the principal regulations")<sup>1</sup>.
- (2) These regulations come into force on 1 July 1999.

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

**These regulations are administered by the Department of Labour.**

<sup>1</sup> SR 1999/104

## 2 New regulations substituted

The principal regulations are amended by revoking regulation 4, and substituting the following regulations:

### 4 Liability of insurer, except manager, to pay cost of treatment or ancillary service

- (1) The amount that an insurer, except the manager, is liable to pay under clause 1(2)(b) of Schedule 1 of the Act for treatment other than elective surgery is calculated by—
  - (a) Determining the amount that the treatment provider who treated the insured for a personal injury charges for treating personal injuries of the kind suffered by the insured; and
  - (b) Determining the amount that is payable under these regulations; and
  - (c) Selecting the lesser of the amounts determined under paragraphs (a) and (b).
- (2) For the purposes of subclause (1)(b), the amounts that are payable under these regulations are in—
  - (a) Column 2 of the Schedule, which specifies the amount payable for the treatment, opposite the amount, in column 1 of the Schedule; and
  - (b) Regulations 6 to 12, some of which prescribe amounts that are payable without reference to the Schedule and others of which modify the amounts specified in the Schedule.
- (3) The amount that an insurer, except the manager, is liable to pay under clause 1(2)(b) of Schedule 1 of the Act for elective surgery is calculated under regulation 13.
- (4) The amount that an insurer, except the manager, is liable to pay under clause 2(3) and (4) of Schedule 1 of the Act for an ancillary service is the amount described in whichever of regulations 14 to 18 applies to the ancillary service.

### 4A Liability of manager to pay cost of treatment

- (1) The amount that the manager is liable to pay under clause 1(2)(b) of Schedule 1 of the Act for treatment other than elective surgery is,—
  - (a) If the manager has not made a contract that deals with the kind of treatment given to the insured by the treatment provider, the amount calculated under subclause (3):
  - (b) If the manager has made a contract that deals with the kind of treatment given to the insured by the treatment provider, the amount calculated under subclause (4).
- (2) For the purposes of subclauses (3)(b) and (4)(b), the amounts that are payable under these regulations are in—

- (a) Column 2 of the Schedule, which specifies the amount payable for the treatment, opposite the amount, in column 1 of the Schedule; and
  - (b) Regulations 6 to 12, some of which prescribe amounts that are payable without reference to the Schedule and others of which modify the amounts specified in the Schedule.
- (3) For the purposes of subclause (1)(a), the amount is calculated by—
- (a) Determining the amount that the treatment provider who treated the insured for a personal injury charges for treating personal injuries of the kind suffered by the insured; and
  - (b) Determining the amount that is payable under these regulations; and
  - (c) Selecting the lesser of the amounts determined under paragraphs (a) and (b).
- (4) For the purposes of subclause (1)(b), the amount is calculated by—
- (a) Determining the amount that the treatment provider who treated the insured for a personal injury charges for treating personal injuries of the kind suffered by the insured; and
  - (b) Determining the amount that the manager is liable to pay under payment method A, that is, payment under these regulations; and
  - (c) Determining the amount that the manager is liable to pay under payment method B, that is, payment under the contract. (To avoid any doubt, nothing in regulations 6 to 12 or the Schedule applies to treatment to which such a contract applies); and
  - (d) Determining—
    - (i) Whether the insured would be liable to pay anything to the treatment provider if payment method A were used and, if so, how much; and
    - (ii) Whether the insured would be liable to pay anything to the treatment provider if payment method B were used and, if so, how much; and
  - (e) If the insured would be liable to pay something to the treatment provider under either payment method A or payment method B, selecting whichever payment method results in the insured being liable to pay the least to the treatment provider; and
  - (f) If the insured would not be liable to pay anything to the treatment provider under either payment method A or payment method B, selecting payment method B.
- (5) The amount that the manager is liable to pay under clause 1(2)(b) of Schedule 1 of the Act for elective surgery is calculated under regulation 13.

- (6) The power of the manager to make, under section 329 of the Act, contracts of the kind referred to in subclause (1)(b) is affected by section 339 of the Act, as to both the ability to enter into the contract and the contents of the contract.

#### **4B Liability of manager to pay cost of ancillary service**

- (1) The amount that the manager is liable to pay under clause 2(3) and (4) of Schedule 1 of the Act for an ancillary service is,—
- (a) If the manager has not made a contract that deals with the kind of service provided to the insured by the service provider, the amount stated in subclause (2):
  - (b) If the manager has made a contract that deals with the kind of service provided to the insured by the service provider, the amount calculated under subclause (3).
- (2) For the purposes of subclause (1)(a), the amount is the amount described in whichever of regulations 14 to 18 applies to the ancillary service.
- (3) For the purposes of subclause (1)(b), the amount is calculated by—
- (a) Determining the amount that the service provider who provided the service to the insured charges for providing services of the kind provided to the insured; and
  - (b) Determining the amount that the manager is liable to pay under payment method A, that is, payment under whichever of regulations 14 to 18 applies to the ancillary service; and
  - (c) Determining the amount that the manager is liable to pay under payment method B, that is, payment under the contract. (To avoid any doubt, nothing in regulations 14 to 18 applies to services to which such a contract applies); and
  - (d) Determining—
    - (i) Whether the insured would be liable to pay anything to the service provider if payment method A were used and, if so, how much; and
    - (ii) Whether the insured would be liable to pay anything to the service provider if payment method B were used and, if so, how much; and
  - (e) If the insured would be liable to pay something to the service provider under either payment method A or payment method B, selecting whichever payment method results in the insured being liable to pay the least to the service provider; and
  - (f) If the insured would not be liable to pay anything to the service provider under either payment method A or payment method B, selecting payment method B.

- (4) The power of the manager to make, under section 329 of the Act, contracts of the kind referred to in subclause (1)(b) is affected by section 339 of the Act, as to both the ability to enter into the contract and the contents of the contract.

### **3 Insurer not liable to pay cost of public health acute service**

Regulation 5(2) of the principal regulations is amended by—

- (a) Inserting in paragraph (a), after the expression “regulation 4”, the expression “or regulation 4A”:
- (b) Inserting in paragraph (b), after the expression “regulation 4”, the expression “or regulation 4A”:
- (c) Inserting in paragraph (c), after the expression “regulation 4”, the expression “or regulation 4B”.

### **4 Counsellors' costs**

Regulation 6 of the principal regulations is amended by adding the following subclauses:

- (5) The insurer is liable to pay only for counselling provided on a face-to-face basis. This subclause is subject to subclause (6).
- (6) The insurer is liable to pay for 1 session of counselling provided on other than a face-to-face basis if the counselling is provided because the insured needs it urgently for a mental injury the insured suffered in the circumstances described in section 40 of the Act.

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 amend the Accident Insurance (Insurer's Liability to Pay Cost of Treatment) Regulations 1999.

The first amendment provides for the Accident Compensation Corporation to pay, for an insured's treatment and services, either the prescribed amounts or the amounts the Corporation has agreed to pay under contracts that cover the treatment and service providers, whichever is better for the insured.

The second amendment sets out the circumstances in which an insurer is liable to pay for counselling provided to an insured on other than a face-to-face basis.

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

**Eprint notes****1    *General***

This is an eprint of the Accident Insurance (Insurer's Liability to Pay Cost of Treatment) Amendment Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

**2    *About this eprint***

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

**3    *Amendments incorporated in this eprint***

Injury Prevention, Rehabilitation, and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003 (SR 2003/388): regulation 20(1)