

House of Representatives

Supplementary Order Paper

Thursday, 11 August 2022

**Accident Compensation (Maternal Birth Injury and Other Matters)
Amendment Bill**

Proposed amendments

Hon Carmel Sepuloni, in Committee, to move the following amendments:

Clause 16

After *clause 16(2)* (page 5, after line 35), insert:

(2A) In Schedule 1, replace clause 42(3) with:

- (3) The minimum weekly earnings are,—
- (a) for a person under the age of 18 years, the amount as at each assessment date that is the greatest of—
 - (i) the minimum weekly adult rate prescribed under section 4 of the Minimum Wage Act 1983; and
 - (ii) 125% of the rate of the supported living payment for a single person under the age of 18 years without dependent children under the Social Security Act 2018; and
 - (iii) the greater of the amounts calculated under **subparagraphs (i) and (ii)** as at the date of the preceding assessment.
 - (b) for a person 18 years of age or over, the amount as at each assessment date that is the greatest of—
 - (i) the minimum weekly adult rate prescribed under section 4 of the Minimum Wage Act 1983; and

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- (ii) 125% of the rate of the supported living payment for any other single person without dependent children under the Social Security Act 2018; and
 - (iii) the greater of the amounts calculated under **subparagraphs (i) and (ii)** as at the date of the preceding assessment.
- (3A) In **subclause (3)**, **assessment date** means the most recent of the following dates that results in a greater amount being calculated under **paragraph (a) or (b)** of that subclause (as applicable):
- (a) the date on which the current order prescribing the rate of the supported living payment for a single person under the age of 18 years without dependent children under the Social Security Act 2018 came into force; and
 - (b) the date on which the current order prescribing the rate of the supported living payment for any other single person without dependent children under the Social Security Act 2018 came into force; and
 - (c) the date on which the current order prescribing the minimum wage made under section 4 of the Minimum Wage Act 1983 came into force.

Explanatory note

This Supplementary Order Paper amends *clause 16* of the Accident Compensation (Maternal Birth Injury and Other Matters) Bill to include amendments to clause 42 of Schedule 1 of the Accident Compensation Act 2001. Clause 42 provides, in certain circumstances, for an increase to the weekly compensation of relevant claimants who were in full-time employment immediately before their incapacity commenced. For the purpose of calculating this weekly compensation, a claimant is deemed to have had the minimum weekly earnings calculated under clause 42(3) as at 1 July each year, being the greatest of—

- the minimum weekly adult rate prescribed under the Minimum Wage Act 1983; and
- 125% of the relevant supported living payment under the Social Security Act 2018; and
- the greater of either of those amounts as calculated as at 1 July in the preceding year.

The amendments to clause 42 have the effect that minimum weekly earnings calculated under clause 42(3) will now be calculated each time there is an increase to the minimum wage or supported living payments (each assessment date). In practice, this removes any lag between any increase to the minimum wage or supported living payments and a corresponding increase to minimum weekly earnings.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. The disclosure statement provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=sop&subtype=government&year=2022&no=218&>