

**Reprint
as at 1 April 2013**



**Accident Compensation
(Experience Rating) Amendment
Regulations 2011**

(SR 2011/213)

Accident Compensation (Experience Rating) Amendment Regulations 2011: revoked, on 1 April 2013, pursuant to regulation 24(1) of the Accident Compensation (Experience Rating) Regulations 2013 (SR 2013/16).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 20th day of June 2011

Present:

His Excellency the Governor-General in Council

Pursuant to sections 169 and 329(1)(ca) of the Accident Compensation Act 2001, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for ACC, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Department of Labour.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations amended	2
4 Calculations underpinning regulations	2
5 Interpretation	3
6 Industry size modification	4
7 Experience rating modification	4

Regulations

1 Title

These regulations are the Accident Compensation (Experience Rating) Amendment Regulations 2011.

2 Commencement

These regulations come into force on 22 July 2011.

3 Principal regulations amended

These regulations amend the Accident Compensation (Experience Rating) Regulations 2011.

4 Calculations underpinning regulations

(1) Regulation 4 is amended by inserting the following subclause after subclause (2):

“(2A) The Corporation must, when making calculations involving an employer who is not an accredited employer in the applicable levy year but was an accredited employer for some or all of the experience period,—

“(a) treat claims accepted by the employer when an accredited employer as claims accepted by the Corporation; and

“(b) treat weekly compensation paid by the employer when an accredited employer as weekly compensation paid by the Corporation; and

“(c) treat qualifying costs of treatment paid by the employer when an accredited employer as qualifying costs of treatment paid by the Corporation.”

(2) Regulation 4(4) is revoked and the following subclause substituted:

“(4) For the qualifying claims described in subclause (3), the Corporation must calculate the total number of weekly compensation days in the claims activity period.”

5 Interpretation

(1) This regulation amends regulation 6.

(2) The definition of **first week of weekly compensation** is revoked.

(3) The definition of **section 167(4)(a) levy** is revoked and the following definition substituted:

“**section 167(4)(a) levy**—

“(a) means the portion of a Work Account levy necessary to provide for the purposes referred to in section 167(4)(a);

“(b) if a Work Account levy is adjusted under section 175 or an accreditation agreement, means the amount of the portion described in paragraph (a) before the levy is adjusted”.

(4) The definition of **self-employed and shareholder-employee levy** is revoked and the following definition substituted:

“**self-employed and shareholder-employee levy**—

“(a) means the levy payable by self-employed persons and shareholder-employees to purchase and maintain weekly compensation under section 208;

“(b) if the levy described in paragraph (a) is adjusted under section 175, means the amount of the levy before the levy is adjusted”.

(5) The definition of **weekly compensation day** is revoked and the following definition substituted:

“**weekly compensation day** means a day within a period recorded by the Corporation as the period, or a period, of weekly compensation on a qualifying claim”.

(6) The following definition is inserted in its appropriate alphabetical order:

“**Work Account levy** means the levy payable by—

“(a) an employer under section 168;

“(b) a private domestic worker under section 168A;

“(c) a self-employed person under section 168B.”

6 Industry size modification

- (1) Regulation 13(4)(a) is amended by omitting “paid”.
- (2) Regulation 13(6)(a) is amended by omitting “paid”.

7 Experience rating modification

- (1) Regulation 15(7)(a) is amended by omitting “paid”.
- (2) Regulation 15(9)(a) is amended by omitting “paid”.

Rebecca Kitteridge,
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 Compensation (Experience Rating) Regulations 2011.

The amendments align the calculation of weekly compensation days under the regulations with the recording of weekly compensation days by ACC, clarify how claims histories of former accredited employers are to be treated in calculations, and ensure that unadjusted levy amounts are used in calculations.

The regulations omit “paid” from the phrase “weekly compensation days paid” used in regulations 13 and 15. This change makes it clear that the regulations’ definition of **weekly compensation day** applies in regulations 13 and 15.

The regulations come into force on 22 July 2011.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 23 June 2011.

Contents

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

Notes

1 General

This is a reprint of the Accident Compensation (Experience Rating) Amendment Regulations 2011. The reprint incorporates all the amendments to the regulations as at 1 April 2013, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Accident Compensation (Experience Rating) Regulations 2013 (SR 2013/16):
regulation 24(1)