**ACCIDENT COMPENSATION LAW IN NEW ZEALAND**

* Money for treatment, medical bills, missed work salary etc.: **compensation**.
* Given up right to sue for personal injury for compensation in exchange for ACC
* Social Contract: S3 ACA 2001 – to **reinforce the social contract** represented by the first ACS
* Entitlement eligibility:
	+ S 17 if ordinarily resident in NZ (excluding OE)
	+ S 22 NZ citizens and residents who are overseas (short term)
	+ S 23 of ACA 2001: visitors to NZ
* Cover available for personal injury regardless of fault:
	+ S 20 ACA 2001: Personal injury caused by accident;
	+ Personal injury caused by a treatment injury (health professional did no observe required standard of care) – no cover if:
		- Did not get desired result
		- Different treatment would have been better
		- Delay in treatment
	+ Personal injury caused by work-related gradual process, disease, or infection suffered by the person
		- Task contributed significantly to the injury
		- Once of the two occupational diseases (schedule 2)
	+ S 21 ACA 2001: cover is available for mental injury – including caused at work which “could reasonably be expected to cause mental injury to people generally”
* **No compensation for:**
	+ Injuries (including death) that result as a consequence of suicide attempts, eg. AP v ACC: only entitlements are those necessary for the treatment of the injury
	+ Injuries sustained while claimant is committing a criminal offence AND injured = convicted AND injured person sentenced to a term of imprisonment.
		- Cover may be denied: the corporation thinks it would be **repugnant to justice** to provide cover.
		- Eg. ACC v Curtis p 106. Curtis got half lump sum + medical expenses.
		- S 122 ACA 2001: harm caused by claimant’s offence; gravity of offence; claimant’s personal culpability for offence; penalties already suffered by claimants because of offence
* What sort of compensation is available under the ACA? (p 108)
	+ Medical treatment
	+ Rehabilitation
	+ Compensation for time unable to work (80% of earnings)
	+ Lump sums
	+ Eg. Ms Teen: no physical injury – merely an upset or physical ailment amounting to a physiological change (eg. paralysis). Court decision = unfair?