**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?