



## Summary

### Objective

We will accept a claim for a death if it meets the same criteria as a non-fatal injury. The death must have been caused by either:

- an accident
- a work-related gradual process disease or infection
- a consequence of treatment for personal injury
- a treatment injury
- an End of Life Choice where a person's terminal condition is covered by ACC.

We may cover a death resulting from suicide, although no eligibility for support may apply in some cases.

Owner

[Name withheld]

Expert

## Policy

### 1.0 Gathering information

- a** You must gather as much information as possible when determining whether a death can be covered. Sources of information include:
- ACC45 ACC Injury claim (174K) form
  - ACC21 Advice of accidental death (250K) form
  - doctor's certificate (death certificate). Get a copy from the funeral director identified on the ACC21 form. You can find the funeral director's contact details by:
    - checking the invoice for funeral expenses
    - contacting the deceased's personal representative
  - pathology reports
  - occupational health and safety reports
  - death certificate or interim coroners' report (this is not whether the client chose assisted dying under the End of Life Choice Act 2019)
  - police report. A police report may be available depending on the circumstances of death, eg death resulting from a motor vehicle accident or assault. If this is a possibility, write to the Police and request a copy of the report
  - local newspapers. Check for any articles relating to the death and scan to claim file. You must consider any media articles alongside the available medical information
  - eyewitness reports, if needed to help determine the cause of death. Get copies of the reports relating to the accident from the Police.

When you contact the bereaved you must treat them sensitively and professionally. Staff from the Accidental Death Unit should contact the:

- applicant, to help complete the ACC21 (250K)
- surviving spouse, next of kin or their representative, to explain how ACC can help.

- ACC21 Advice of accidental death
- ACC45 Injury claim form

### 2.0 Requesting a coroner's report

- a** You must obtain a coroner's report or post-mortem report in the following situations:
- when a body cannot be found
  - if you have reason to believe the cause of death may be related to a medical condition rather than an accident, eg a motor vehicle accident where the driver may have suffered a heart attack
  - when the cause of death is not clear from the reports and certificates received by ACC.

### 3.0 Accepting a doctor's certificate (death certificate) in place of a coroner's report

- a** Doctors can issue a death certificate stating the cause of death without any referral to a coroner, under the Births, Deaths and Marriages Registration Act 1995, Section 38.

We will not accept a doctor's report in place of a coroner's report unless it states that the death meets all the following criteria:

- the death was caused by injuries, or the injuries contributed substantially to the death
- the injuries were caused by an accident
- it was not a violent or unnatural death, or a death that required an inquest to be held according to the Coroners Act 1988.

Births Deaths and Marriages Registration Act 1995, Section 38  
<https://www.westlaw.co.nz/maf/wlnz/app/document?d>

Coroners Act 1988  
<https://www.westlaw.co.nz/maf/wlnz/app/document?d>

### 4.0 Timeframes for cover decisions

- a** Statutory timeframes to determine cover apply for all claims. Generally, we must give the deceased's personal representative a decision within 21 days of the date of lodgement, unless we extend the timeframe. Treatment injury and gradual process claims have different timeframes.

Timeframes to determine cover Policy

### 5.0 Body is not recovered

- a** When a body is not recovered it can be difficult to establish both the death and the cause of death. If the body has not been found, and the person is presumed dead, we can only give cover if the evidence is sufficient to indicate a person is 'missing, presumed dead'.

Cover is:

- considered on a case-by-case basis
- decided only after you consult either a Team Leader – Accidental Death or Technical Specialist.

Once there is legal recognition of the person's death, eg a coroner's findings or a High Court 'Order to Presume Death', we can revisit the cover decision if necessary.