



29 April 2024

Kia ora [REDACTED]

Your Official Information Act request, reference: GOV-031708

Thank you for your email of 12 April 2024, to [REDACTED], Team Leader, asking for the following information:

the Legislative Section of the ACC Act that relates to NZ Super or ACC wage compensation but not both

Due to the nature of your request, we are responding under the Official Information Act 1982 (the Act).

The following information is attached

- Accident Compensation Act 2001 section 52: Relationship between weekly compensation and New Zealand superannuation
- Weekly Compensation and New Zealand Superannuation (post-1 July 2019) Policy

As staff names were not requested, they have been deemed out of the scope of your request and removed.

More information about the change in legislation can be viewed on our website here:

<https://www.acc.co.nz/newsroom/stories/passing-of-the-accident-compensation-amendment-bill/>

As this information may be of interest to other members of the public

ACC may decide to release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

Ngā mihi

Christopher Johnston
Manager Official Information Act Services
Government Engagement

New Zealand Legislation

Accident Compensation Act 2001

If you need more information about this Act, please contact the administering agency: **Ministry of Business, Innovation, and Employment**

- Warning Some amendments have not yet been incorporated
- Previous title has changed
- with search matches highlighted

Effect of New Zealand superannuation

52 Relationship between weekly compensation and New Zealand superannuation

- (1) Subclause (2) applies to a claimant who—
 - (a) first becomes entitled to weekly compensation before reaching New Zealand superannuation qualification age; and
 - (b) has been entitled to it for 24 months or longer before reaching that age.
- (2) The claimant loses entitlement to weekly compensation on reaching that age.
- (3) Subclause (4) applies to a claimant who first becomes entitled to weekly compensation—
 - (a) less than 24 months before reaching New Zealand superannuation qualification age; or
 - (b) on or after reaching New Zealand superannuation qualification age.
- (4) The claimant is entitled to weekly compensation for 24 months from the date of entitlement to the compensation.
- (5) Nothing in this clause entitles a claimant to weekly compensation if the claimant is not otherwise entitled to it under this Act.

Schedule 1 clause 52: replaced, on 1 July 2019, by [section 10\(1\)](#) of the Accident Compensation Amendment Act 2019 (2019 No 10).

Weekly Compensation and New Zealand Superannuation (post-1 July 2019) Policy v16.0



Summary

Objective

Refer to this policy when a client reaches the New Zealand superannuation qualification age (NZSQA), and you need to determine when their eligibility to weekly compensation ends (including weekly compensation for loss of potential earnings).

- 1) NZSQA more than 24 months from first becoming eligible for weekly compensation
- 2) First becoming eligible for weekly compensation less than 24 months before NZSQA, OR after reaching NZSQA
- 3) Transitional clients - clients turning 66 after 1 July 2019 and first eligible for weekly compensation 12 months before NZSQA
- 4) Timeframes for making a NZ Super election
- 5) Client request to reverse their election
- 6) When reversals of elections can be considered
- 7) Table of NZ superannuation qualifying dates
- 8) Examples of NZ superannuation qualifying dates
- 9) Links

Background

NZ Superannuation is a government pension scheme available to people who reach NZSQA and who satisfy its eligibility criteria - see the link at the bottom of this page for further information.

This policy covers clients who become eligible for weekly compensation after reaching NZSQA, or who reach NZSQA whilst receiving weekly compensation.

Schedule 1 clause 52 of the Accident Compensation Act 2001 specifies that a person's entitlement to weekly compensation and loss

of potential earnings may end at the following periods when reach NZSQA:

- immediately at reaching NZSQA.
- two years after first entitled to the weekly compensation.

The Accident Compensation Amendment Act 2019 allows clients who turn 66 after 1 July 2019 and were first eligible for weekly compensation 12 months before reaching NZSQA to receive weekly compensation and New Zealand Superannuation (NZ Super) until they turn 66 and choose from the age of 66 either:

- receive either weekly compensation until they turn 67 (NZ Super will stop between 66 and 67 and from age 67 they'll only be eligible to receive NZ Super)

or

- receive only NZ Super from the age of 66 years (no further weekly compensation is payable on that claim from the age of 66)

or

- to receive weekly compensation for up to two years from the date they first became eligible for weekly compensation (eligibility to NZ Super is not affected under this option).

Policy

1.0 Timeframes for receiving weekly compensation when a client reaches NZSQA

- a When a client is nearing or is over NZSQA (age 65), they can only receive weekly compensation for a specified timeframe.
- b The timeframes apply from when the client was first eligible for weekly compensation on their claim. New timeframes don't apply for any subsequent periods of eligibility on the claim.
- c The timeframes below apply for weekly compensation claims made on or after 1 July 2019.

NOTE What if a claim for weekly compensation is made after 1 July 2019 for periods prior to that date?

The timeframes set out in this policy will still apply.

NOTE What if a client has previously made decisions about their weekly compensation and NZ Superannuation prior to 1 July 2019?

Clients are bound by the decisions about their weekly compensation that they made prior to 1 July 2019.

 **PROCESS** Weekly Compensation and New Zealand Superannuation (pre-1 July 2019)

NOTE What if a client made an election about their weekly compensation before 1 July, but the effect of their election takes place after this?


Clients who were previously required to make an election between 1 June 2019 and 30 June 2019 (one month before the election came into effect) can be advised that the new rules apply to them and their election is not required. The following letter can be sent:

 WCO47 NZ Super Retracting Election Notice


- d A client will not lose their eligibility for NZ Superannuation if they are receiving weekly compensation.
- e When a client's weekly compensation is about to end due to these rules, send the following decision:


 WCO46 NZ Super Reminder WC Ending

 Ceasing weekly compensation for a client at NZSQA

 Ceasing accidental death weekly compensation for other dependant at NZSQA

 New Zealand Superannuation qualification age

 Ceasing weekly compensation post-NZSQA for clients not eligible for NZ super election

 Ceasing accidental death weekly compensation post-NZSQA for other dependant not eligible for NZ Super election

2.0 If the client was first eligible for weekly compensation more than 24 months before NZSQA

- a Clients first eligible more than 24 months before NZSQA (ie before the age of 63) will stop receiving weekly compensation at NZSQA.

[Out of Scope]

3.0 If the client was first eligible for weekly compensation less than 24 months before NZSQA

- a A client who was first eligible for weekly compensation less than 24 months before NZSQA (ie between the ages of 63 and 65) can receive weekly compensation for up to 24 months. They can also receive any NZ Superannuation they may be eligible for from NZSQA.

4.0 If the client was first eligible for weekly compensation on or after reaching NZSQA

- a A client who is first eligible for weekly compensation on or after NZSQA (ie they are 65 or over) can receive weekly compensation along with NZ Superannuation for up to 24 months:

5.0 Transitional clients - clients turning 66 after 1 July 2019 and first entitled to weekly compensation 12 months before NZSQA

- a Clients who turn 66 on or after 1 Jul 2019 and were first eligible for weekly compensation:

- before 1 July 2019; and

- within 12 months of reaching NZSQA (ie between the ages of 64 and 65);


can receive weekly compensation and any NZ Superannuation that they may be eligible for until the day before they turn 66.


- b From age 66 these clients can elect to:


- receive either weekly compensation OR New Zealand Superannuation until they turn 67. From age 67, they will only receive NZ Superannuation;


or


- receive weekly compensation for up to two years from the date they first became eligible for weekly compensation. Their eligibility to receive New Zealand Superannuation will not be affected during this period. At the expiry of the two year period, only NZ Superannuation will be available.


 Eligibility for a client to make NZ Super Election


 Ceasing accidental weekly compensation post-NZSQA for other dependant who elect NZ Super


 Ceasing weekly compensation post-NZSQA for clients who elect NZ Super

 Eligibility for other dependants to make NZ Super election





 Ceasing weekly compensation for a client at 67 years

 Ceasing accidental weekly compensation for other dependant of deceased client at 67 years



 Ceasing weekly compensation for a client electing NZ Super and weekly compensation

 Ceasing weekly compensation for other dependants of a deceased client electing NZ Super and weekly compensation








5.1 Time limits for NZSQA elections

- a Clients who are eligible to elect the period of their weekly compensation and NZ Superannuation must make their election before the date it would have taken effect (ie before their 66th birthday).
- b Where the rate or the period of entitlement has been in dispute, or where the entitlement application is made retrospectively, the client must elect within one month after they have been advised of the amount of weekly compensation.
- c Below are the business rules specifying the timeframes for making an election:
 -  The standard timeframe for clients to make an NZ Super election
 -  The standard timeframe for other dependants of deceased clients to make an NZ Super election
 -  Timeframe for clients to make NZ Super election following a dispute or retrospective decision on a weekly compensation entitlement
 -  The timeframe for an other dependant of a deceased client to make an NZ Super election following a dispute or retrospective decision on an accidental death weekly compensation entitlement




5.2 Clients who fail to elect in time

- a Clients who don't make their election within the prescribed timeframes, will be deemed to have elected to receive weekly compensation for a period of 24 months from the date they first became eligible for it on their claim. The business rule below specifies this criteria:
 -  Ceasing weekly compensation post-NZSQA for clients with deemed NZ super election
 -  Ceasing accidental death weekly compensation post-NZSQA for other dependant with deemed NZ super election

5.3 Decision letters for transitional clients

- a We need to give eligible clients the opportunity to elect the period of weekly compensation they wish to receive.
- b The following letter can be sent to the client to notify them of their options. ACC will also discuss these with them:
 -  WCO48 NZ Super Transition Pre Discussion
- c Once the client has been advised of their options and they have verbally made their election, the following decision letter can be sent confirming this:
 -  WCO49 NZ Super Transition Confirmation Post Discussion
- d When weekly compensation entitlement is about to end, send the following decision:
 -  WCO46 NZ Super Reminder WC Ending
- e The following business rules specifying how ACC is to be notified of the client's choice. The rules also specifying our obligation to record and confirm the election with the client/other dependant.
 -  Method of notifying ACC of an NZ Super election
 -  Recording of an NZ Super election made by a client
 -  Recording of an NZ Super election made by an other dependant
 -  Confirming NZ Super election

6.0 Links

-  Manage Client NZ Super Qualifying Age (NZSQA)
 -  New Zealand Superannuation (NZ Super)
<https://www.workandincome.govt.nz/eligibility/seniors>
 -  Accident Compensation Act 2001, Schedule 1,
clause 52 Relationship between weekly compensation and New Zealand superannuation
<http://www.legislation.govt.nz/act/public/2001/0049/lat>
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OFFICIAL INFORMATION ACT