

Accident compensation

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Policy statement and principles

What

This chapter provides relevant and important information about the application of the Accident Compensation Act 2001 for Police employees who have a work-related injury or illness, or a non-work injury.

It also summarises what you should do when injured at work and how your claim will be managed under the ACC partnership programme for work related injuries.

Why

Providing easily accessible information to employees will better inform them of their rights, entitlements and responsibilities under the Accident Compensation Act 2001. It also assists employees to access the support they may require in the event of a work-related accident or illness, or a non-work-injury.

How

Police work in partnership with a third party provider to manage all work-related injury claims on behalf of New Zealand Police and non-work and motor vehicle injury claims on behalf of ACC. This ensures employees receive the support they may require.

Police Health & Safety Advisers, Return to Work Co-ordinators and the Rehabilitation Adviser, Wellness and Safety, at PNHQ can also provide advice to staff.

References

[Accident Compensation Act 2001](#) and subsequent amendments

Overview

Purpose

This 'Accident Compensation' chapter details provisions in the [Accident Compensation Act 2001](#) that are related to work and non-work related accidents and injuries.

References to the 'Act'

In this chapter, references to 'the Act' relate to the Accident Compensation Act 2001 and subsequent amendments.

Management of work related claims on behalf of Police

Gallagher Bassett (GB) manages all work-related injury or illness claims on behalf of New Zealand Police (Police) and non-work and motor vehicle injury claims on behalf of ACC.

Wellness and Safety Group manages the relationship between Gallagher Bassett (GB) and Police.

Key definitions

The key definitions in this chapter are:

- [Accident](#)
- [Personal injury](#)
- [Mental injury](#)
- [Work-related mental injury](#)
- [Work-related personal injury](#)
- [Personal injury that is both work-related and motor vehicle injury](#)
- [Personal injury caused by work-related gradual process, disease or infection](#)

Accident

What is an accident?

An accident, defined in section [25\(1\)](#) of the Act, means any of the following kinds of occurrences:

- a specific event or a series of events, other than a gradual process that involves:
 - the application of a force (including gravity), or resistance external to the human body, or
 - the sudden movement of the body to avoid such a force or resistance external to the human body
 - a twisting movement of the body
- the inhalation of any solid, liquid, gas or foreign object on a specific occasion, which kind of occurrence does not include the inhalation of a virus, bacterium, protozoan, or fungus, unless it is the result of the criminal act of a person other than the injured person
- the oral ingestion of any solid, liquid, gas, fungus or foreign object on a specific occasion, which kind of occurrence does not include the ingestion of a virus, bacterium, or protozoan, unless that ingestion is the result of the criminal act of a person other than the injured person
- a burn, or exposure to radiation or rays of a kind, on a specific occasion, which kind of occurrence does not a burn or exposure caused by exposure to the elements
- the absorption of any chemical through the skin within a defined period of time not exceeding one month
- any exposure to elements or extremes of temperature or environment within a defined period of time not exceeding one month, that:
 - for a continuous period exceeding one month, results in any restriction or lack of ability that prevents the person from performing an activity in the manner or within the range considered normal for the person, or
 - causes death.

([s25\(1\)](#))

Exclusions

The definition of accident does not include any of those kinds of occurrences if the occurrence is treatment given:

- in New Zealand by or at the direction of a registered health professional, or
- outside New Zealand by or at the direction of a person who has qualifications the same as or equivalent to those of a registered health professional, or
- any ecto-parasitic infestation (such as scabies), unless it is work related, or
- contracting any disease carried by an arthropod as an active vector (such as malaria that results from a mosquito bite), unless it is work-related.

([s25\(2\)](#))

Note:

The fact that a person has suffered a personal injury is not of itself to be construed as an indication or presumption that it was caused by an accident.

(s25(3))

Personal injury

What is personal injury?

Personal injury includes:

- the death of a person
- physical injuries suffered by a person, for example a strain or a sprain
- mental injury suffered by a person because of their physical injuries
- mental injury suffered by a person in the circumstances described in section [21](#)
- work-related mental injury that is suffered by a person in the circumstances described in section [21](#)
- damage (other than wear and tear) to dentures or prostheses that replace a part of the human body.
Note: Prostheses do not include hearing aids, spectacles, or contact lenses
- any degree of hearing loss that is 6% or more of binaural hearing loss caused by a personal injury described in section [20\(2\)](#).

Exclusions

Personal injury does **not** include:

- any degree of hearing loss caused by:
 - a personal injury other than a personal injury described in section [20\(2\)](#), or
 - the ageing process, or
 - any other factors
- personal injury caused wholly or substantially by a gradual process, disease, or infection unless it is personal injury of a kind described in [s20\(2\)\(e\) to \(h\)](#)
- a cardio-vascular or cerebro-vascular episode unless it is personal injury of a kind described in [s20\(2\)\(i\) or \(j\)](#)
- personal injury caused wholly or substantially by the ageing process, or
- personal injury to teeth or dentures caused by the natural use of those teeth or dentures.

([s26](#))

Mental injury

Mental injury is a clinically significant behavioural, cognitive, or psychological dysfunction. ([s27](#)).

See also 'Work-related mental injury' below which outlines the provisions in section [21B](#).

Work-related mental injury

When is an employee covered for work-related mental injuries?

An employee has cover for a personal injury that is a work-related mental injury if:

- they suffer the mental injury inside or outside New Zealand on or after 1 October 2008, and
- the mental injury is caused by a single event of a kind described below.

(s21B(1))

Kinds of single events enabling cover for work-related mental injury

To have cover for a work-related mental injury caused by a single [event](#), the event must be one that:

- the employee [experiences, sees or hears](#) directly in the circumstances described in section 28(1) - see [Work-related personal injury](#), **and**
- is one that could reasonably be expected to cause mental injury to people generally, **and**
- it occurs in New Zealand or outside New Zealand to an employee who is ordinarily resident in New Zealand when the event occurs.

Note:

- it is irrelevant whether or not the employee is ordinarily resident in New Zealand on the date on which they suffered the mental injury
- the date on which an employee suffers mental injury in this circumstance is the date on which the employee first receives treatment for the mental injury see s36(1).

Explanation of "experiencing, seeing or hearing"

A person experiences, sees, or hears an event directly if...	A person does not experience, see, or hear an event directly if...
<p>that person is:</p> <ul style="list-style-type: none"> - involved in or witness the event themselves, and - in close physical proximity to the event at the time it occurs. 	<p>it is done through a secondary source, for example, by:</p> <ul style="list-style-type: none"> - seeing: <ul style="list-style-type: none"> - it on television (including closed circuit television) - pictures of or reading about it in news media - hearing: <ul style="list-style-type: none"> - it on radio or by telephone - about it from radio, telephone, or another person.

(s21B(6))

Event

Event means:

- an event that is sudden or a direct outcome of a sudden event, and
- it includes a series of events that:
 - arise from the same cause or circumstance, and
 - together comprise a single incident or occasion; but
- it does not include a gradual process.

(s21B(7))

If an employee has been diagnosed with a mental injury arising during the course of their work, the claim will be investigated by Gallaghe Bassett. The employee will be referred to a psychiatrist for an assessment. This process may take several months. In the meantime, the employee may have access to assistance under the '[Trauma Policy](#)'.

Distinction between work and non-work related injuries

Work-related injury

An example of a work-related injury is when any employee authorised to drive a Police vehicle from their place of residence to work is injured in a crash during that journey. Any injuries to the authorised driver of the vehicle are classified as work-related and are managed by the Police Third Party Provider (Gallagher Bassett).

Any injuries to the passengers in the car are not classified as work-related, unless their transportation in the vehicle involved in the accident has been authorised by the driver's manager. Without authorisation, any injuries received are classified as non-work related and claims are managed by ACC (currently sub-contracted to Gallagher Bassett).

Non-work related fitness injuries

Any injuries sustained by employees running or exercising during lunch time for general fitness off Police premises, are classified as non-work injuries and managed by ACC (currently sub-contracted to Gallagher Bassett).

Fitness type activities on Police premises causing injury, or injuries arising from team building exercises which occurred on Police premises or during a team building exercise off site during shift time, are work-related injuries.

Injuries arising from fitness training not considered work related include: Injuries arising from fitness training not considered work related include:

- an injury in a Police gym (on Police premises) before or after work, because the issue comes down to whether off-duty exercise is an “employment task”
- off duty exercise to keep fit.

Note

Injuries sustained by an employee playing a game of sport in a Police team must be looked into closely to clarify if the accident:

- occurred during work hours, i.e. during the course of the shift for team building, or fitness
- was a part of recruit training during the course of a 'normal' day
- happened during the course of a shift worked in the community, e.g. Youth Aid, etc.

Work-related personal injury

What is a work-related personal injury?

A work-related personal injury is a [personal injury](#) that an employee may suffer through:

- [motor vehicle personal injury](#), or
- [work-related and motor vehicle personal injury](#).

Motor vehicle personal injury

A motor vehicle personal injury is a personal injury that an employee suffers:

- at any place for the purposes of their employment, including for example, a place that itself moves or a place to or through which the employee moves, or
- when having a break from work for a meal or rest or refreshment at their place of employment.

(s28(1)(a)(b))

Work-related and motor vehicle personal injury

A work-related and motor vehicle personal injury is a personal injury that an employee suffers:

- travelling to or from their place of employment at the start or finish of their day's work and if the transport is:
 - provided by Police, and
 - provided for the purpose of transporting employees, and
 - driven by the employer or at the directions of the employer by another employee or of a related or associated employer, or
- travelling by the most [direct practicable route](#) between their place of employment and another place for the purposes of getting treatment for a work-related personal injury, if the treatment is:
 - necessary for the injury, and
 - a type that the claimant is entitled to under Part 1 of the [Schedule 1](#) of the Act (ACC approved).

(s28(1)(c)(d))

Direct practicable route

The most direct practicable route does not include those parts of a route that deviate unreasonably from, or interrupt, a journey for purposes unrelated to the employment or the treatment.

s28(2)

Criteria for work-related personal injury

Work-related personal injury:

includes...	does not include...
<p>- a cardio-vascular or cerebro-vascular episode suffered by a person, if the episode is caused by physical effort or physical strain in performing their employment, that is abnormal in application or excessive in intensity for the person</p> <p>- personal injury:</p> <ul style="list-style-type: none"> - caused by a work-related gradual process, disease, or infection - work-related mental injury that is suffered in the circumstances described in s21B - suffered by a person resulting from treatment for a work-related personal injury as defined in this criteria whether or not the injury is a personal injury is a treatment injury as defined in s32 <p>(s28(3)- (4))</p>	<p>personal injury suffered by a person when:</p> <ul style="list-style-type: none"> - the personal injury is suffered in any of the circumstances described in What is a work-related personal injury? Also refer to injury classification in a work-related motor vehicle accident or a motor vehicle accident - the personal injury is suffered in the circumstances described in section 21, and - the person elects to have the personal injury regarded as a non-work injury, in which case that personal injury is a non-work injury. <p>s28(6)</p>

It is irrelevant to the decision whether the employee suffered a work-related personal injury that when the event causing the injury occurred, they may have been:

- acting in contravention of any Act or Regulations applicable to the employment, or in contravention of any instructions, or in the absence of instructions, or
- working under an illegal contract, or
- indulging in or may have been the victim of misconduct, skylarking, or negligence, or
- the victim of a force of nature.

([s28\(7\)](#))

Injuries arising from motor vehicle accidents

Personal injury is either both work-related and motor vehicle injury, or solely motor vehicle injury. ([s29](#))

Work-related personal injury that is both work-related and motor vehicle

An injury is a work-related personal injury and is not a motor vehicle injury if it falls within the definitions of both work-related personal injury and motor vehicle injury but is suffered in the circumstances described in section [28](#)(1)(c) or (d) that relates to travel to or from employment or to or from a place of treatment.

Motor vehicle injury

An injury is a motor vehicle injury and is **not** a work-related personal injury if it falls within the definitions of both motor vehicle injury and work-related personal injury but is suffered in the circumstances described in section [28](#)(1)(a) or (b) relating to being at any place for the purpose of their work and taking a break from work for a meal or rest.

However, a person is entitled to first week compensation if either [Work-related personal injury](#) or the above definition for a [Motor vehicle injury](#) arising during the course of employment applies.

Personal injury caused by work-related gradual, process, disease, or infection

What is personal injury caused by a work-related gradual process, disease or infection?

Personal injury caused by a work-related gradual process, disease or infection means personal injury:

- suffered by an employee, and
- caused by a gradual process, disease or infection, and
- caused in the [circumstances](#) described below, or

is of a type described in [Schedule 2](#). (s30(1))

Personal injury caused by a work-related gradual process, disease, or infection is a personal injury that:

includes...	does not include:
<ul style="list-style-type: none"> - a type described in circumstances below, and - suffered by an employee who is or has been in employment: <ul style="list-style-type: none"> - involving exposure to agents, dusts, compounds, substances, radiation, or things, described in Schedule 2, or - in an occupation, industry, or process in relation to that type of personal injury as described in Schedule 2 - Occupational diseases in relation to that type of personal injury, or - the exposure to gradual process, disease, or infection occurred in New Zealand, or - the person concerned was ordinarily resident in New Zealand when the exposure actually occurred. 	<ul style="list-style-type: none"> - personal injury related to non-physical stress, or - any degree of deafness for which compensation has been paid under the Workers' Compensation Act 1956.

Circumstances referred to in section 30(2)

The “circumstances” of personal injury caused by work-related gradual process, disease or infection are when:

- the person performs an employment task or is employed in an environment that has a particular property or characteristic, and
- the particular property or characteristic:
 - causes or contributes to the cause of the personal injury, and
 - is not found to any material extent in the person's non-employment activities or environment, and
 - may or may not be present throughout the whole of the person's employment, and

- the risk of suffering the personal injury is significantly greater for persons who:
 - perform the employment task, than for persons who do not perform it, or
 - are employed in that type of environment than for persons who are not.

(s30(2))

Assessment of claims

A claim is lodged under section [57](#) for cover for a work-related gradual process, disease, or infection, and requires, among other things, that the Accident Compensation Corporation investigate the claim at its own expense.

Personal injury caused by occupational diseases (as set out in [Schedule 2](#)) does not require an assessment of causation by:

- a gradual process, disease or infection, or
- the circumstances above.

If the person performed an employment task that had a particular property or characteristic or was employed in an environment that had a particular property or characteristic, (s30(6)) then this does not prevent the person's personal injury from being personal injury caused by a work-related gradual process, disease, or infection, (This refers to exposure before 1 April 1974.) but they do not have cover for it if section [24](#) or [361](#) applies to them.

Schedule 2 - Occupational diseases

[Schedule 2](#) of the Accident Compensation Act 2001 lists occupational diseases that may constitute personal injury by a work-related gradual process, disease, or infection under section [30\(3\)](#).

In summary, Schedule 2 - Occupational diseases includes:

Pneumoconioses caused by sclerogenetic mineral dust (silicosis, anthracosilicosis, asbestosis) and silicotuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.
Lung cancer or mesothelioma diagnosed as caused by asbestos.
Diseases of a type generally accepted by the medical profession as caused by: <ul style="list-style-type: none"> - beryllium or its toxic compounds - phosphorus or its toxic compounds - chrome or its toxic compounds - manganese or its toxic compounds - arsenic or its toxic compounds - mercury or its toxic compounds - lead or its toxic compounds - carbon bisulfide - the toxic halogen derivatives of hydrocarbons of the aliphatic series - benzene or its toxic homologues - nitro-and amidotoxic derivatives of benzene or its homologues - ionising radiations
Primary epitheliomatous cancer of the skin diagnosed as caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products, or residues of these substances.
Anthrax infection.
Leptospirosis diagnosed as caused by working with animals or their carcasses.
Brucellosis diagnosed as caused by working with animals or their carcasses.
Orf diagnosed as caused by working with animals or their carcasses.
Streptococcus suis diagnosed as caused by working with animals or their carcasses.
Angiosarcoma of the liver diagnosed as caused by vinyl chloride monomer.
Byssinosis diagnosed as caused by working with cotton, flax, hemp, or sisal dust.
Pneumoconiosis diagnosed as caused by tin, iron oxide, barium, or cobalt.

Diseases of a type generally accepted by the medical profession as caused by tungsten.
Hand-arm vibration syndrome diagnosed as caused by hand and/or arm vibration.
Sino-nasal carcinoma diagnosed as caused by working with wood dust.
Diseases of a type generally accepted by the medical profession as caused by ethylene oxide.
Extrinsic allergic alveolitis diagnosed as caused by work involving the inhalation of organic dusts.
Naso-pharyngeal carcinoma diagnosed as caused by formaldehyde.
Laryngeal carcinoma diagnosed as caused by sulphuric acid mists or organic solvents.
Lung cancer diagnosed as caused by bis (chloromethyl) ether (and chloromethyl methyl ether), cadmium, coke oven emissions, nickel, radon, silica, or soot.
Primary epitheliomatous cancer of the skin diagnosed as caused by shale oil.
Bladder carcinoma diagnosed as caused by 2-naphthylamine, benzidine, 4aminobiphenyl, N, N-Bis (2chloroethyl) 2naphthylamine, other aromatic amines, or polycyclic aromatic hydrocarbons.
Hodgkin's lymphoma diagnosed as caused by wood dust.
Chronic solvent-induced encephalopathy diagnosed as caused by organic solvents, particularly styrene, toluene, xylene, trichloroethylene, methylene chloride, or white spirit.
Peripheral neuropathy diagnosed as caused by organic solvents such as n-hexane, carbon disulphide, or trichloroethylene; pesticides such as organophosphates; acrylamide.
Occupational asthma diagnosed as caused by recognised sensitising agents inherent in the work process such as, but not limited to, isocyanates, certain wood dusts, flour dusts, animal proteins, enzymes, and latex.
Chronic obstructive pulmonary disease diagnosed as caused by coal, silica, cotton dust, or grain dust.
Chronic renal failure diagnosed as caused by metals such as cadmium or copper, including via welding fumes.
Occupational allergic contact dermatitis diagnosed as caused by recognised sensitising agents inherent in the work process such as, but not limited to, nickel and other metals, rubber additives, resins, petroleum distillates, solvents, soaps, detergents, and plant allergens.
Vitiligo diagnosed as caused by para-tertiary-butylphenol, para-tertiary-butylcatechol, para-amylphenol, hydroquinone, or the monobenzyl or monobutyl ether of hydroquinone.

Social rehabilitation

The purpose of social rehabilitation is to assist in restoring a claimant's independence to the maximum extent practicable.

([s81](#) - [s84](#))

The Accident Compensation Act 2001 provides for social rehabilitation and in some circumstances provides:

- aids and appliances
- attendant care
- education support
- contribution to cost of travel to obtain treatment, public transport costs/ minimal mileage
- home help
- child care
- any other needs assessment.

Issues considered in the assessment relate to the level of independence an individual has lost due to their accident.

ACC partnership programme for work related injuries

Information for all employees

New Zealand Police (Police) as an accredited employer under the ACC Partnership Programme provide case management and rehabilitation services through Gallagher Bassett for work-related personal injuries (excluding certain [motor vehicle accidents](#)) suffered by Police employees.

Gallagher Bassett can be contacted as below:

Gallagher Bassett

PO Box 91049

Victoria Street West

Auckland, 1142

Telephone 0508 333 999

Fax 0508 333 990

police@gbtpa.co.nz

What should I do if I'm injured at work?

Report the injury to your supervisor as soon as practicable. Remember that all work accidents must be reported. Complete an Incident Report in My Police. If you are unable to complete an Incident Report, then your supervisor, with your input, can complete this task. Your local Wellness & Safety Adviser or Return to Work Co-ordinator may also be able to provide advice in these circumstances.

Seek treatment

If you require treatment, you should visit a treatment provider.

When seeking medical treatment take a copy of the Gallagher Bassett card which has been provided (or can be obtained from your Wellness & Safety Adviser or Return to Work Co-ordinator) and advise the health professional that you work for Police and that invoices and medical certificates should be sent to Gallagher Bassett.

This will mean you should not be charged for your visit. If the treatment provider still insists on charging, ask for an invoice. (The same applies to any medicines your doctor or a registered nurse practitioner may prescribe).

You must complete the Injured Person Details section of the ACC45 Medical Certificate. (First medical certificate)

The treatment provider will supply and complete their section of ACC45 and give a copy to you.

One copy of the Certificate should be attached to your Leave Requests. If you are unable to complete a Leave Request, provide the medical certificate and any invoices to your supervisor as soon as possible. Your supervisor will then complete a Leave Request in MyPolice on your behalf. Keep a copy of the medical certificate for your own records.

Time off work

If time off work or alternative work is required, a medical practitioner or a registered nurse practitioner must note the restrictions and specify a time period in the Work Capacity portion of the ACC45.

A physiotherapist/ osteopath cannot certify time off work.

If you need to take time off work, your salary entitlement will continue to be paid by the Police. Your entitlements for social and vocational rehabilitation are set out in the [Accident Compensation Act 2001](#).

Claims procedure

Advising your supervisor and completing a Leave Request attaching your ACC medical certificate (or if you cannot do this, then providing the medical certificate to your supervisor) will ensure you receive your correct salary for the time you are unable to work.

Case management and payment of claims

Gallagher Bassett will appoint a Claims/Case Manager who will be responsible for managing your claim and rehabilitation by working with you and your supervisor.

The Claims/Case Manager will contact you within two working days of receiving the claim to discuss your accident and your subsequent needs and advise you whether your claim will be accepted or not. It is important to provide them with full contact details of your supervisor.

If your claim is accepted, you will also receive, by mail from Gallagher Bassett, written advice of your entitlements and obligations.

You should co-operate fully with the case manager and your supervisor to enable an early and safe return to work.

Back at work

Not all injuries require time-off. However, some injuries may require a rehabilitation plan, (Return to Work /Stay at Work Plan) which will allow you to continue working or return to work without further risk of injury. This may involve returning to:

- the same job
- a modified job
- alternative duties.

Assessments

You may be required to have a general medical assessment or a work assessment carried out by a specialist if you have an ongoing claim. It is important for you to attend these assessments. Failure to do so without a good reason could lead to your entitlements being suspended.

Advice

If you are unsure of what to do, contact your Wellness & Safety Adviser or your Return to Work Co-ordinator.

The Rehabilitation Adviser, Wellness and Safety, PNHQ, is also available to provide advice on (04) 474 9551.

If you disagree with the handling of your claim

If you have any concerns about decisions relating to your claim, you should first discuss them with your Gallagher Bassett Case Manager.

If, after consulting your Case Manager, you still have concerns, you may apply to Gallagher Bassett for a review of the decision by an independent reviewer. This application must be in writing using a GB form and must be made within 3 months of the decision. Gallagher Bassett must arrange for an independent review at their cost. The review will involve a hearing unless you agree otherwise.

Any party to the review may appeal the reviewer's decision to the District Court.

Further details of the procedures are available from Gallagher Bassett and will be supplied if you apply for a review. Gallagher Bassett can be contacted on 0508 333 999

Code of ACC Claimant's Rights

The [Code of ACC Claimants Rights \(ACC Code\)](#) has been established under the Accident Compensation Act 2001. It acknowledges the claimant's or employee's rights and imposes obligations on ACC, the employer, Gallagher Bassett (GB) as a third party administrator, and service providers about how employees should be treated when injured.

For work injuries, a copy of the Code of ACC Claimants Rights is incorporated in "Working together to resolve concerns" information sheets and is available from Gallagher Bassett.

For non-work injuries, ACC will provide you with a copy of your rights as part of their "Working together to resolve issues" information sheets.

The rights

You have the right to:

- be treated with dignity and respect, honesty and courtesy.
- be treated fairly, and to have your views considered.
- have your culture, values and beliefs respected.
- have a support person or persons.
- communication that is open and honest.
- be fully informed about your entitlements and your responsibilities.
- have your privacy respected.
- make a complaint.

Roles of Gallagher Bassett and your employer

The role of Gallagher Bassett and your employer is to investigate and resolve employees' concerns or issues when they are first raised to eliminate time-consuming formal complaint investigations.

Concern

A concern:

- is an issue raised by an employee with the employer
- may be addressed on the spot by the employer, or may escalate into a complaint
- is not a formal complaint lodged with ACC's complaint's service.

Complaint or dispute

If a formal complaint is lodged under the ACC Code, it is ACC's role to manage the complaint. A complaint:

- refers to complaints lodged with ACC's complaint service. This is a formal mechanism
- is investigated by the complaint service and results in a decision by ACC's complaints service that carries review rights.

A formal complaint can be made by writing a letter of complaint by using the standard ACC complaint form and posting it to P.O. Box 242, Wellington or by telephoning 0800 650 222.

Complaining under the ACC Code

To resolve a concern, you can make a complaint under the ACC Code to raise the concern with the person directly responsible for managing your claim or your Performance Leader.

This "concern" should be resolved as quickly as possible or a formal complaint can be lodged with the ACC's Complaint Service. It is your right to choose how you complain.

Note that it is not necessary to raise your concern directly with the person you are dealing with. You may deal with ACC's complaint service in the first instance.

Remedies

The ACC Code sets out the remedies available where a breach of the ACC Code has occurred. These remedies do not extend to financial compensation.

Reviewing decisions

You have the right to seek a review of a decision issued by the Complaint Service on your ACC Code complaint. If you request a review, ACC's Complaints Service will refer to Fairways (formerly Dispute Resolution Services Ltd (DRSL)) for an independent reviewer to be allocated.

Note that a copy of the [Code of ACC Claimant's Rights](#) is available from Gallagher Bassett.

Health information privacy code 1994

Part 2 of the [Health information privacy code 1994](#) sets out 12 health information privacy rules. These are briefly summarised:

Rule 1: The purpose of collection of health information

Police must ensure that the collection of health related information is for a lawful purpose, that is, relating to the rehabilitation process or as part of an assessment of an employee's fitness to undertake the duties associated with their role or position description.

Rule 2: Source of health information

The employee must provide consent for the collection of information.

Rule 3: Collection of health information from individual

The employee must be made aware of the purpose of collecting the health related information.

Rule 4: Manner of collection of health information

Information is to be sought by lawful means and that information should not intrude to an unreasonable extent upon the personal affairs of the employee.

Rule 5: Storage and security of health information

Health information is protected at all times by such security safeguards as is reasonable to prevent unauthorised access, use or disclosure of that information.

Rule 6: Access to personal health information

An employee has the right of access to all their personal health related information held by the Police.

Rule 7: Correction of health information

An employee may request correction of any health related information and also to request that notice of their desire that the information be corrected is attached to the health information.

Rule 8: Accuracy, etc. of health information to be checked before use

Police must take all practical steps as are reasonable in the circumstances to ensure that before the information collected is used, that it is accurate, up to date, complete, relevant and not misleading.

Rule 9: Retention of health information

Police must not keep health information for longer than necessary.

Rule 10: Limits on the use of health information

Police are only able to use the information collected for the purpose for which it was originally collected, unless authorised by the employee.

Exceptions to rule 10 apply if:

- the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to:
 - public health or public safety, or
 - the life or health of the individual concerned or another individual, or
- the information is used:
 - in a form in which the individual concerned is not identified, or
 - for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

Rule 11: Limits on disclosure of health information:

Police must not disclose the information unless it is for one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained.

Exceptions to Rule 11 apply if:

- the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to:
 - public health or public safety, or
 - the life or health of the individual concerned or another individual, or
- the information is used:
 - in a form in which the individual concerned is not identified, or
 - for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned,

Rule 12: Unique identifiers

Police must not place any unique identifiers on an employee's medical file other than their name and QID.

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