

Addendum to the June 2005 Report of the Ministerial Advisory Panel on Work Related Gradual Process Disease or Infection.

Introduction

The report of the Ministerial Advisory Panel on Work Related Gradual Process Disease or Infection has undergone some changes since the first draft was developed in 2004. As I had suggested changes that were not incorporated into the final report, it was agreed I would provide an addendum outlining my views where they differed from those in the final report. An outline of the comments I suggested for the final report are detailed below:

Cover under Section 30 for gradual process disease and infection

While I agree there are problems with the current application of Section 30 of the Injury Prevention Rehabilitation and Compensation (IPRC) Act, I believe that these problems will not be solved by effectively lowering the criteria for cover for work related conditions only, (as recommended in step two of part 5 of the panel report). I believe this change will move inequities from one group to another, maintaining an ongoing level of dissatisfaction with Section 30 of the Act.

My preferred approach is to consider moving to a system where both work and non-work gradual process conditions are covered by Section 30, in a two stage process:

1. Incapacity/impairment/disability whether work related or not, and subject to agreed cover criteria, is covered under an amended section 30. Immediate treatment and rehabilitation can then commence with an accelerated claims acceptance process.
2. Following claims acceptance, each claim is evaluated to determine the likely causes of the claim, and claim costs are attributed to the appropriate earner/employer/other accounts in proportion to the probable work and non-work component of causation. Epidemiological data may play a part in this calculation, as will individual factors regarding the claimants work and non work history. As outlined in the body of the panel's report, the actual entitlements available, such as earnings related compensation, may be contingent on the final decisions regarding causation.

Any dispute regarding causation is then removed from the claimant, to the account funders, and does impact on early treatment and early rehabilitation. This should result in the claimant being returned to a productive lifestyle as soon as possible and a mechanism to fund the claim costs on a more equitable basis.

There are significant advantages in applying the treatment and rehabilitation models of our current accident compensation to conditions beyond those covered under the Injury Prevention Rehabilitation and Compensation Act. If we are to extend the scheme beyond the conditions traditionally covered, such as outlined in the panel's report, this two-stage process may provide a more equitable system for funding the cover for those conditions.

Scheduled Two of the Injury Prevention Rehabilitation and Compensation Act

I believe it should be clearly stated that only conditions which are almost solely work-related should be included in an amended Schedule 2 of the Act. I do not believe it is appropriate to use Schedule 2 as a mechanism to bypass Section 30 of the Injury Prevention Rehabilitation and Compensation Act for conditions which may include a non-work component.

Consultation

I believe the key stakeholders who will be affected by these recommendations:

- Employer representatives
- Accredited employers
- Employee representatives
- ACC

should have the opportunity to comment on the panel's recommendations before any changes to legislation are contemplated. This should assist in developing long term solutions for moving forward with Section 30, which are supported by those parties who will be mostly affected. This will hopefully help avoid the dramatic changes in accident compensation we have seen in the past two decades that have not always been in the interests of both claimants and funders of the scheme.

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