

CHRISTCHURCH CITY COUNCIL
MEMORANDUM

(MFM)
Ref: LN/CD/3

9 September 1992

From: SENIOR COMMUNITY DEVELOPMENT ADVISER

To: CITY MANAGER

Copies To: MFM

A.C.C CLAIMS RELEVANT TO CIVIC CHILD CARE CENTRE

I have had discussions recently with several parents who wish to make claims with the Accident Compensation Corporation in relation to the Civic Child Care inquiry. In particular parents wish to make claims in respect of time off their paid work to attend interviews/court proceedings and briefings.

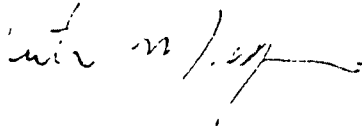
I have referred all such enquiries to the Local Accident Compensation Corporation office.

Parents have subsequently informed us that the Accident Compensation Corporation is unable to give any indication if their claims will be accepted. This is apparently because the Accident Compensation Corporation is yet to formulate new regulations concerning this type of claim and inform the local office of these regulations. The new regulations were promised for July this year.

It would be helpful if you could fax Mr David Hutton, General Manager Accident Compensation Corporation Operations, and express concern that the lack of regulations covering claims related to the inquiry is causing unnecessary distress to families. Mr Hutton's Fax No. in Wellington is 04-4993-663.

The acceptance by the Accident Compensation Corporation of these claims will also remove pressure from the City Council.

Thank you.



Martin Maguire
SENIOR COMMUNITY DEVELOPMENT ADVISER

MFM:SCC



CHRISTCHURCH CITY COUNCIL

PO Box 237 Christchurch New Zealand
Office of the City Manager

TELEFAX MESSAGE

FROM FAX: Local: 379 7786 STD: 0-3-379 7786 ISD: 64-3-379 7786

TO: Name **DAVID HUTTON**
Organisation **ACCIDENT COMPENSATION CORPORATION**
Location **WELLINGTON**
Fax No **0 4 499 3663**

SENDER: **JOHN GRAY**
CITY MANAGER Direct Dial 3-371 1553

DATE: 11 September 1992 **NO OF PAGES** 1
(including this page)

Dear Mr Hutton

A.C.C. CLAIMS RELEVANT TO CIVIC CHILDCARE CENTRE

Martin Maguire (Senior Community Development Adviser) of our staff has recently been in discussion with several parents who wished to make claims on the Corporation in relation to the Civic Childcare inquiry. These claims relate to time off their paid work to attend interviews, court proceedings and briefings.

When they have been referred to your local office the parents have been advised that it is unable to give any indication if their claims will be accepted. This is apparently because the ACC has yet to confirm new regulations (promised for July) concerning this type of claim.

We are concerned that the lack of such regulations is causing unnecessary distress to parents and families who are under considerable pressure already arising from the events themselves.

We are led to believe that you can assist from Head Office, and we would be grateful if you could give some positive advice in this connection to the local office of the ACC.

Please address any reply to this fax to Martin Maguire, Christchurch City Council.



City Manager



7211500

DATE	TIME	DATE	TIME

14 September 1992

City Manager
Christchurch City Council
PO Box 237
CHRISTCHURCH

Attention: Martin Maguire

Dear Sir,

ACC Claims Arising from the Civic Childcare Centre

This is a response to your facsimile of 11 September 1992 and confirmation of my telephone call to Martin Maguire.

ACC operates a no fault insurance scheme which provides cover to those who have suffered an injury by accident. The legislation includes certain sexual abuse crimes within the definition of injuries which are covered by the scheme. The scheme is designed to provide benefits to the person who suffers the injury and does not extend benefits to other family members (except in cases involving accidental death). It may be helpful if I outline the procedures for lodgement of claims and the main benefits which will generally apply in cases of sexual abuse.

The first step in lodging a claim is to attend a doctor. The doctor will arrange for a claim for cover form (an M46) to be completed and make referral to a suitable counsellor. Note that not all counsellors are "approved" for refund of counselling costs for sexual abuse by ACC. GPs have a booklet of approved counsellors. For claims which relate to pre 1 July 1992 accidents a slightly different process may be followed up to 30 September 1992. In this case a C1 Claim Form may be lodged directly with any ACC branch supported by a medical certificate (form C14). In either case, We need information (normally a counsellor's report) which provides persuasive evidence that an event has occurred which is "covered" under the ACC legislation. Note that the level of evidence is persuasion rather than the level of proof required for a Court of law.

Once a claim has been accepted, we can then provide benefits. The main benefit in the case of a claim for sexual abuse is counselling. We pay a contribution which covers

ACCIDENT REHABILITATION & COMPENSATION
INSURANCE CORPORATION

most of the cost of counselling of the victim, but not of other family members. However, in some cases involving young children, there may be considerable benefit from a parent attending some of the counselling sessions with the child and this is accepted as part of counselling for the child. There is no provision in the legislation for ACC to pay compensation to the parents for time off work to attend interviews, court proceedings and briefings, nor to provide childcare. We do provide childcare and household help where the injured person is an adult who is unable to undertake their normal activities. This does not apply in the situation where the injured person is a child, though we may pay for "attendant care" for an injured child. Incidentally, your comment that there are no regulations to cover this type of situation as being the reason why we cannot provide assistance is incorrect. There are interim regulations in force authorising both household help and child care and the suggestion that the fact that some regulations (which affect other aspects of social rehabilitation) have not been passed is not relevant in the case of sexual abuse.

For cases involving sexual abuse prior to 1 July 1992, there is still provision for lump sum compensation under the 1982 Act. However, this is only available where the claim for cover is lodged with ACC by 30 September 1992 and a request for consideration of lump sum payment is received by 31 March 1993. The provision for lump sums in cases of sexual abuse, relate to a provision for compensation for pain and suffering and loss of enjoyment of life. There is provision for payment of a lump sum up to the maximum of \$10,000 under this provision. The lump sum must be applied for the maintenance, education, advancement or benefit of the child.

There are three ACC branches in the Christchurch metropolitan area:

Christchurch Branch
 242 Manchester St
 PO Box 13-350
 Christchurch
 Phone 379-1405
 Branch Manager: Bill McDonald

Papanui Branch
 18 Winston Avenue
 PO Box 5293
 Christchurch
 Phone 355-6699
 Branch Manager: Doris McLennan

Riccarton Branch
 Church Corner
 398 Riccarton Road
 PO Box 6037
 Christchurch
 Branch Manager: Phil Riley

Please feel free to contact any of the branch managers or the District Manager, Ken Judd (who is on a special project but who has an acting District Manager, Max Willyams), phone 365-4304.

I hope that these comments are useful. I am certain that my staff will do all to help.

Yours sincerely

A handwritten signature in black ink, appearing to read "D.R. Hutton".

D.R. Hutton
GENERAL MANAGER OPERATIONS