





14 September 1992

City Managei Christchuich 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

D.R. Hutton

GENERAL MANAGER OPERATIONS