

Reprint
as at 25 September 2020



Accident Insurance (“Counsellor”) Regulations 1999 (SR 1999/166)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 31st day of May 1999

Present:

The Right Hon Jenny Shipley presiding in Council

Pursuant to the Accident Insurance Act 1998, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Accident Insurance (“Counsellor”) Regulations 1999.
- (2) These regulations come into force on 1 July 1999.

2 Interpretation

In these regulations, unless the context otherwise requires,—

the Act means the Accident Insurance Act 1998

course of education means a course provided—

- (a) a university, Te Pūkenga—New Zealand Institute of Skills and Technology and its Crown entity subsidiaries, or a wānanga; or
- (b) as part of the education or training of a registered health professional; or
- (c) as part of a course of study or training approved by the New Zealand Qualifications Authority; or
- (d) as part of a course approved by the insurer from whom a person seeks payment as a counsellor

insurer has the meaning given to it by section 75 of the Act

qualification means a qualification that a person obtains by undertaking 1 or more courses of education in which—

- (a) he or she receives knowledge and training relating to, at least,—
 - (i) 2 or more models of counselling; and
 - (ii) counselling skills; and
 - (iii) human development; and
 - (iv) family dynamics; and
 - (v) abnormal psychology; and
 - (vi) dealing with injury and trauma; and
- (b) is assessed on his or her knowledge and training relating to, at least, the matters in paragraph (a).

Regulation 2 **course of education** paragraph (a): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2 **course of education** paragraph (a): amended, on 25 September 2020, by clause 4(2) of the Education (Name Change for NZIST) Order 2020 (LI 2020/260).

3 When regulations apply

These regulations apply when a person seeks payment as a counsellor from an insurer for counselling an insured for a personal injury that—

- (a) the person assesses the insured as likely to have cover for; or

- (b) the person is aware the insured has cover for.

4 Insurer decides whether person is counsellor

- (1) The insurer is liable to pay the person as a counsellor if—
 - (a) the insurer is satisfied that, at the time when the person is counselling the insured, the person—
 - (i) meets the criteria in regulation 5(1) and (3); or
 - (ii) meets the criteria in regulation 5(2) and (3); and
 - (b) the insurer decides that the person is an appropriate person to counsel the insured, having regard to—
 - (i) the nature of the insured’s personal injury; and
 - (ii) the insured’s age, beliefs, culture, gender, and sexual orientation, and any disability the insured has.
- (2) The insurer is not liable to pay the person as a counsellor if any of the following paragraphs applies to the person:
 - (a) the person has, within the 5 years before the date on which the person seeks payment as a counsellor, been convicted of an offence against any of sections 124 to 210 of the Crimes Act 1961 or of an offence similar to any such offence in another jurisdiction; or
 - (b) the person has, within the 5 years before the date on which the person seeks payment as a counsellor, been released from a prison on completing the custodial portion of a sentence for any of the offences specified in paragraph (a); or
 - (c) the person has, within the 5 years before the date on which the person seeks payment as a counsellor, been disbarred for disciplinary reasons from a body described in regulation 6(1), unless the disciplinary reasons were later proved to be unfounded; or
 - (d) the person has, within the 5 years before the date on which the person seeks payment as a counsellor, had his or her employment or affiliation terminated for disciplinary reasons by a body described in regulation 6(3), unless the disciplinary reasons were later proved to be unfounded.

Regulation 4(2)(b): amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

5 Criteria for purposes of regulation 4(1)(a)

- (1) The criteria for regulation 4(1)(a)(i) are that—
 - (a) the person has a qualification; and
 - (b) the person has, since obtaining his or her qualification, had at least 1 year’s work experience in counselling that has been supervised by a person with at least 3 years’ work experience in counselling; and

- (c) the person has an understanding of the influence of age, beliefs, culture, gender, sexual orientation, and disability on responses to injury and trauma; and
 - (d) the person has an understanding of, and is able to respond to, the cultural values and beliefs of Maori insureds.
- (2) The criterion for regulation 4(1)(a)(ii) is that the person was a person to whom regulation 20(1) and (3) of the Accident Rehabilitation and Compensation Insurance (Counselling Costs) Regulations 1992 applied immediately before 1 July 1999.
- (3) The criteria for regulation 4(1)(a)(i) and (ii) are that—
- (a) the person—
 - (i) is a full member of, or is represented by, 1 or more of the bodies described in regulation 6(1); and
 - (ii) meets the body’s current requirements for membership, or representation, and certification; and
 - (iii) has paid any relevant fees for the current year; and
 - (iv) is covered by the body’s code of ethics, complaints procedure, disciplinary procedure, and requirements for compulsory peer supervision, continuing education, and professional development; or
 - (b) the person—
 - (i) is employed by, or affiliated to, 1 or more of the bodies described in regulation 6(3); and
 - (ii) is accountable to, and covered by, the body’s code of ethics, complaints procedure, disciplinary procedure, and requirements for compulsory peer supervision, continuing education, and professional development.

6 Bodies for purposes of regulation 5(3)

- (1) A body for the purposes of regulation 5(3)(a) is a body—
- (a) that—
 - (i) immediately before 1 July 1999, had a name listed in subclause (2); or
 - (ii) is a body that, in the opinion of the insurer, represents counsellors, whether as members or otherwise; and
 - (b) that has in place—
 - (i) a code of ethics; and
 - (ii) an effective complaints procedure; and
 - (iii) an effective disciplinary procedure; and

- (iv) requirements, in relation to counselling, for an appropriate level of compulsory peer supervision, continuing education, and professional development for its members or those it represents.
- (2) The names are—
- (a) The Institute of Australasian Psychiatrists Incorporated:
 - (b) The New Zealand Association of Child and Adolescent Psychotherapists (Incorporated):
 - (c) New Zealand Association of Counsellors Incorporated:
 - (d) New Zealand Association of Psychotherapists Incorporated:
 - (e) The New Zealand Association of Social Workers Incorporated:
 - (f) The New Zealand College of Clinical Psychologists Incorporated:
 - (g) New Zealand Psychological Society Incorporated.
- (3) A body for the purposes of regulation 5(3)(b) is a body—
- (a) that—
 - (i) immediately before 1 July 1999, had a name listed in subclause (4); or
 - (ii) is a body that, in the opinion of the insurer, represents counsellors as employees or affiliates; and
 - (b) that has in place—
 - (i) a code of ethics; and
 - (ii) an effective complaints procedure; and
 - (iii) an effective disciplinary procedure; and
 - (iv) requirements, in relation to counselling, for an appropriate level of compulsory peer supervision, continuing education, and professional development for its employees or affiliates.
- (4) The names are—
- (a) Auckland Sexual Abuse HELP Foundation Charitable Trust:
 - (b) Awhina Wahine Incorporated:
 - (ba) Hauraki Help Incorporated:
 - (c) Miriam Centre Child Abuse Treatment and Research Trust:
 - (d) The National Collective of Rape Crisis and Related Groups of Aotearoa Incorporated:
 - (e) Presbyterian Support Services (Northern): Leslie Centre:
 - (f) Relationship Services Incorporated:
 - (g) Tauranga Help Foundation Incorporated:
 - (h) Waitakere Abuse and Trauma Counselling Service Incorporated.

Regulation 6(4)(ba): inserted, on 1 July 1999, by regulation 2 of the Accident Insurance (“Counsellor”) Amendment Regulations 1999 (SR 1999/207).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 June 1999.

Reprints notes

1 *General*

This is a reprint of the Accident Insurance (“Counsellor”) Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Education (Name Change for NZIST) Order 2020 (LI 2020/260): clause 4(2)

Education and Training Act 2020 (2020 No 38): section 668

Corrections Act 2004 (2004 No 50): section 207

Accident Insurance (“Counsellor”) Amendment Regulations 1999 (SR 1999/207)