

Reprint
as at 1 June 2005



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 section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Department of Labour.

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) by a college of education, a polytechnic, a university, or a wananga; 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).

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 Acts and Regulations Publication Act 1989.
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Notes

1 General

This is a reprint of the Accident Insurance (“Counsellor”) Regulations 1999. The reprint incorporates all the amendments to the regulations as at 1 June 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint*

(most recent first)

Corrections Act 2004 (2004 No 50): section 207

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