

## Part 5

### Dispute resolution

#### *Preliminary provision*

#### **133 Effect of review or appeal on decisions**

- (1) A decision by the Corporation on a claim continues to be of full effect even though—
  - (a) an applicant has made a review application relating to the decision; or
  - (b) any other proceeding relating to the decision has been commenced.
- (2) A review decision continues to be of full effect, unless subsection (3) applies, even though—
  - (a) an appellant has filed a notice of appeal relating to the review decision; or
  - (b) any other proceeding relating to the review decision has been commenced.
- (3) A review decision ceases to be of full effect if all the parties to the review agree to a variation of it for the benefit of the claimant.
- (4) A review decision is subject to section 161 (the court's powers to determine an appeal).
- (5) If a person has a claim under this Act, and has a right of review or appeal in relation to that claim, no court, Employment Relations Authority, Disputes Tribunal, or other body may consider or grant remedies in relation to that matter if it is covered by this Act, unless this Act otherwise provides.

Compare: 1998 No 114 s 134

#### *Reviews*

#### **134 Who may apply for review**

- (1) A claimant may apply to the Corporation for a review of—
  - (a) any of its decisions on the claim;
  - (b) any delay in processing the claim for entitlement that the claimant believes is an unreasonable delay;
  - (c) any of its decisions under the Code on a complaint by the claimant.
- (1A) However, a decision of the Corporation regarding the exercise of discretion under section 68(3) is not reviewable under Part 5.
- (2) An employer may apply to the Corporation for a review of its decision that a claimant's injury is a work-related personal injury suffered during employment with that employer.

- (3) An employer may not apply to the Corporation for a review of a decision about the entitlements that have been or are to be provided to a claimant who has cover for a work-related personal injury.
- (4) *[Repealed]*
- (5) A levy payer may apply to the Corporation for a review of a determination under section 209(1) or a decision referred to in section 236(1).

Compare: 1998 No 114 s 135

Section 134(1A): inserted, on 1 July 2005, by section 25(1) of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

Section 134(4): repealed, on 1 July 2005, by section 25(2) of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

### 135 How to apply for review

- (1) A review application is made by giving an application that complies with subsection (2) to the Corporation.
- (2) The application must—
- (a) be written:
  - (b) whenever practicable, be made on the form made available by the Corporation for the purpose:
  - (c) identify the decision or decisions in respect of which it is made:
  - (d) state the grounds on which it is made:
  - (e) if known by the applicant, state the relief sought:
  - (f) be made within 3 months of—
    - (i) the date on which the claimant has a decision under section 58; or
    - (ii) the date on which the Corporation gives notice under section 64; or
    - (iii) in the case of a decision under the Code, the date on which the claimant is notified of the decision:
  - (g) in the case of a review application relating to a claim for entitlement, not be made less than 21 days after the date the claim for entitlement is made.
- (3) Despite subsection (2)(f) and (g) and any time frame prescribed in regulations made under section 328A for the lodgement of a review application, the Corporation must accept a late application if satisfied that there are extenuating circumstances that affected the ability of the claimant to meet the time limits, such as—
- (a) where the claimant was so affected or traumatised by the personal injury giving rise to the review that he or she was unable to consider his or her review rights; or

- (b) where the claimant made reasonable arrangements to have the application made on his or her behalf by an agent of the claimant, and the agent unreasonably failed to ensure that the application was made within the required time; or
- (c) where the Corporation failed to notify the claimant of the obligations of persons making an application.

Compare: 1998 No 114 s 136

Section 135(3): amended, on 1 July 2005, by section 26 of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

### **135A Time frame for lodging review application where alternative dispute resolution conducted about same matter**

- (1) This section applies to a review application about a matter if an alternative dispute resolution procedure is conducted about the same matter.
- (2) A review application to which this section applies must be lodged within the relevant time frame stated in section 135(2) unless regulations made under section 328A prescribe otherwise.

Section 135A: inserted, on 1 July 2005, by section 27 of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

### **136 Corporation to acknowledge receipt of review application**

When the Corporation receives a review application, it must send the applicant an acknowledgement—

- (a) indicating when the review application was received; and
- (b) containing an explanation of the effect of sections 146 and 147.

Compare: 1998 No 114 s 137

### **137 Corporation to engage and allocate reviewers**

- (1) The Corporation must engage as many persons as it considers necessary to be reviewers under this Part.
- (2) As soon as practicable after receiving an application for review, the Corporation must arrange for the allocation of a reviewer to the review even if it considers that there is no right of review in the circumstances.
- (3) If for any reason the Corporation has to allocate a new reviewer to a review, the Corporation must do this as soon as practicable after becoming aware of the need to allocate a new reviewer.

Compare: 1998 No 114 s 138

### **138 Reviewer's duty to act independently and disclose previous involvement**

- (1) A reviewer must act independently when conducting a review.

- (2) A reviewer to whom the Corporation proposes to allocate a review must disclose to the Corporation any previous involvement that the reviewer has had in the claim other than as a reviewer.

Compare: 1998 No 114 ss 140(1), 141(2)

**139 Corporation's duties to secure independence of reviewer**

- (1) The Corporation must not engage as a reviewer a person who is currently employed or engaged by the Corporation to make decisions on claims in a capacity other than that of reviewer.
- (2) The Corporation may engage a reviewer on a contract of service or contract for services.
- (3) The Corporation must not include in the reviewer's contract any term or condition that could have the effect, directly or indirectly, of influencing the reviewer, when conducting a review, in favour of the Corporation.
- (4) The Corporation must not allocate a claim to a reviewer who discloses to the Corporation any previous involvement in the claim other than as a reviewer.

Compare: 1998 No 114 s 142

**140 Conduct of review: general principles**

The reviewer may conduct the review in any manner he or she thinks fit, but he or she must—

- (a) comply with section 138; and
- (b) comply with any other relevant provision of this Act and any regulations made under this Act; and
- (c) comply with the principles of natural justice; and
- (d) exercise due diligence in decision-making; and
- (e) adopt an investigative approach with a view to conducting the review in an informal, timely, and practical manner.

Compare: 1998 No 114 s 143

**141 Conduct of review: hearing to be held**

- (1) In the course of conducting a review, the reviewer must hold a hearing unless—
- (a) the applicant withdraws the review application; or
- (b) the applicant, the Corporation, and all persons who would be entitled to be present and heard at the hearing agree not to have a hearing.
- (2) The reviewer must hold the hearing at a time and place that are—
- (a) agreed to by all persons who are parties to the application and the reviewer; or
- (b) decided on by the reviewer if those persons do not agree.

- (3) The reviewer must take all practicable steps to ensure that notice of the time and place of the hearing is given—
  - (a) to every person entitled to be present and heard at it; and
  - (b) at least 7 days before the date of the hearing.
- (4) The reviewer may admit any relevant evidence at the hearing from any person who is entitled to be present and be heard at it, whether or not the evidence would be admissible in a court.

Compare: 1998 No 114 s 144

#### **142 Persons entitled to be present and heard at hearing**

The following persons are entitled to be present at the hearing, with a representative if they wish, and to be heard at it, either personally or by a representative:

- (a) on every review, the applicant and the Corporation:
- (b) *[Repealed]*
- (c) *[Repealed]*
- (d) if the review relates to a decision to accept or decline cover for a work-related personal injury,—
  - (i) the claimant; and
  - (ii) the claimant's employer; and
  - (iii) in the case of a claim for cover for personal injury under section 30, any employer whose name the reviewer receives from the claimant or from the claimant's employer or from the Corporation so that notice can be given under section 141(3), if the name is that of any other employer of the claimant or any former employer of the claimant.

Compare: 1998 No 114 s 145

Section 142(b): repealed, on 1 July 2005, by section 28 of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

Section 142(c): repealed, on 1 July 2005, by section 28 of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

#### **143 Record of hearing**

- (1) The reviewer must take reasonable steps to ensure that an accurate record of the evidence given at the hearing is taken.
- (2) The reviewer must keep such records for at least 2 years.

Compare: 1998 No 114 s 146

#### **144 Review decisions: formalities**

- (1) The reviewer must make a review decision within 28 days after—
  - (a) the day on which the hearing of the review finishes; or

- (b) if there is no hearing,—
  - (i) the day that the applicant, the Corporation, and all persons who would be entitled to be present and heard at the hearing specify for the purposes of this section in their agreement not to have a hearing; or
  - (ii) if those persons do not specify a day, the day on which those persons agree not to have a hearing.
- (2) A review decision must—
  - (a) be written; and
  - (b) contain the reasons for the decision; and
  - (c) contain information about the right of appeal.
- (3) As soon as practicable after making a review decision under subsection (1), the reviewer must give a copy of the decision to—
  - (a) the applicant and the Corporation; and
  - (b) every other person who was entitled to be present and heard at the hearing and who was present at it.
- (4) The reviewer must give a copy of the decision to a person who was entitled to be present and heard at the hearing, but who was not present at it, if that person asks the reviewer for a copy.
- (5) The Corporation must supply a copy of the review decision to any other person who asks for a copy, but must ensure that the copy supplied contains no information that may identify any individual. The Corporation may charge a fee for supplying the copy, which must be no greater than the cost of preparing the copy for supply and supplying it.

Compare: 1998 No 114 s 147

#### **145 Review decisions: substance**

- (1) In making a decision on the review, the reviewer must—
  - (a) put aside the Corporation's decision and look at the matter afresh on the basis of the information provided at the review; and
  - (b) put aside the policy and procedure followed by the Corporation and decide the matter only on the basis of its substantive merits under this Act.
- (2) However, on the review of a decision revised by the Corporation under section 65(1), the Corporation must establish that the decision revised under that subsection was made in error.
- (3) The reviewer must—
  - (a) dismiss the application; or
  - (b) modify the Corporation's decision; or
  - (c) quash the Corporation's decision; or

- (d) direct the Corporation to make a decision within a time frame specified by the reviewer if the Corporation has not made the decision in a timely manner as contemplated by sections 54 and 134(1)(b); or
  - (e) make the decision for the Corporation if it has not made a decision in a timely manner as contemplated by sections 54 and 134(1)(b).
- (4) If the reviewer quashes the Corporation's decision, the reviewer must—
- (a) substitute the reviewer's decision for that of the Corporation; or
  - (b) require the Corporation to make the decision again in accordance with directions the reviewer gives.
- (5) The reviewer may make a decision even though a person entitled to be present and heard at the hearing did not attend it unless, before the reviewer makes the decision,—
- (a) the person gives the reviewer a reasonable excuse for the person's non-attendance; and
  - (b) the reviewer considers that a decision should not be made until the person has been heard.

Compare: 1998 No 114 s 148

#### **146 Deemed review decisions**

- (1) The reviewer is deemed to have made a decision on the review in favour of the applicant if—
- (a) the date for the hearing has not been set within 3 months after the review application is received by the Corporation; and
  - (b) the applicant did not cause, or contribute to, the delay.
- (2) The date of the deemed decision is 3 months after the review application is received.

Compare: 1998 No 114 s 149

#### **147 Effect of review decisions**

- (1) A review decision is binding on—
- (a) the applicant and the Corporation; and
  - (b) any person who has a responsibility under this Act that is invoked in the decision; and
  - (c) any other party to the review.
- (2) Subsection (1) is subject to subsections (3) and (4).
- (3) The Corporation is not liable to provide entitlements as a result of a deemed review decision under section 146 other than those able to be provided under this Act.

- (4) A claimant who is not an applicant cannot lose his or her cover as the result of a deemed review decision under section 146, unless he or she caused or contributed to the delay.

Compare: 1998 No 114 s 150

#### **148 Costs on review**

- (1) The Corporation is responsible for meeting all the costs incurred by a reviewer in conducting a review.
- (2) Whether or not there is a hearing, the reviewer—
- (a) must award the applicant costs and expenses, if the reviewer makes a review decision fully or partly in favour of the applicant:
  - (b) may award the applicant costs and expenses, if the reviewer does not make a review decision in favour of the applicant but considers that the applicant acted reasonably in applying for the review:
  - (c) may award any other person costs and expenses, if the reviewer makes a review decision in favour of the person.
- (3) If a review application is made and the Corporation revises its decision fully or partly in favour of the applicant for review before a review is heard, whether before or after a reviewer is appointed and whether or not a review hearing has been scheduled, the Corporation must award costs and expenses on the same basis as a reviewer would under subsection (2)(a).
- (4) The award of costs and expenses under this section must be in accordance with regulations made for the purpose.
- (5) If any costs and expenses are awarded against the Corporation under this section, the Corporation is liable to pay them within 28 days of the decision to award them.

Compare: 1998 No 114 s 151

### *Appeals*

#### **149 Who may appeal against review decision**

- (1) A claimant may appeal to a District Court against—
- (a) a review decision; or
  - (b) a decision as to an award of costs and expenses under section 148.
- (2) The Corporation may appeal to a District Court against—
- (a) a review decision; or
  - (b) a decision as to an award of costs and expenses under section 148.
- (3) However, neither a claimant nor the Corporation may appeal to the District Court against a review decision on a decision by the Corporation under the Code on a complaint by the claimant.



- (4) The employer may appeal to a District Court against a review decision that an injury is a work-related personal injury.
- (5) *[Repealed]*
- (6) A person who had a right to be present and to be heard at a hearing because of section 142(d) may appeal to a District Court against a review decision that an injury is a work-related personal injury.
- (7) Any affected person may appeal to a District Court against a decision on the award of costs and expenses under section 148.

Compare: 1998 No 114 s 152

Section 149(5): repealed, on 1 July 2005, by section 29 of the Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005 (2005 No 45).

#### **150 District Courts rules and this Act apply to appeal**

An appeal under section 149 is dealt with in accordance with the District Courts rules made under section 122 of the District Courts Act 1947, as modified by this Act and any regulations made under it.

Compare: 1998 No 114 s 153

#### **151 Manner of bringing appeal**

- (1) An appellant brings an appeal by sending a notice of appeal to, or filing a notice of appeal in, a specified registry.
- (2) The notice must be in the prescribed form.
- (3) The notice must be received by the specified registry—
  - (a) within 28 days after the date on which the reviewer gives a copy of the review decision to the appellant; or
  - (b) in the case of a deemed review decision under section 146, within 28 days of the date specified in section 146(2); or
  - (c) within any longer time allowed by a District Court.

Compare: 1998 No 114 s 154

#### **152 Corporation to provide names of persons entitled to be heard**

- (1) As soon as practicable after receiving the notice of appeal, the Registrar must notify the Corporation that an appeal has been lodged and request the information described in subsection (2).
- (2) The information is the names and contact details of any person who had a right to be present and heard at the hearing of the review (other than the appellant).
- (3) The Corporation must provide the Registrar with the information within 7 days of receiving the request from the Registrar.

Compare: 1998 No 114 s 155

**153 Notice of hearing place and date**

- (1) The hearing of an appeal must be at a time and place fixed by the Registrar.
- (2) The appeal must be heard at a place that the Registrar considers is convenient having regard to the needs of the parties and the efficient administration of the court.
- (3) The Registrar must notify the appellant of the time and place.
- (4) The Registrar must also notify any person (other than the appellant) who had a right to be present and heard at the hearing of the review of the time and place, and give the person a copy of the notice of appeal.

Compare: 1998 No 114 s 156

**154 Corporation's duty to make record available**

- (1) On receiving a copy of the notice of appeal, the Corporation must provide to the Registrar any of the following that exist:
  - (a) a copy of the decision appealed against; and
  - (b) the record of the review hearing; and
  - (c) all documents, items, and exhibits relating to the review that are in the custody of the Corporation or the reviewer; and
  - (d) a copy of any notes made by, or by direction of, the reviewer relating to the hearing of the review.
- (2) A person who had a right to be present and heard at the hearing of the review may request the Corporation to provide any of the items described in subsection (1) that exist, and the Corporation must comply with the request as soon as practicable.

Compare: 1998 No 114 s 157

**155 Hearing of appeal**

- (1) The following persons are entitled to appear at the hearing of the appeal and to be heard at it, either personally or by a representative:
  - (a) the appellant;
  - (b) any other person who had a right to be present and heard at the hearing of the review.
- (2) An appeal is a rehearing, but evidence about a question of fact may be brought before the court under section 156(2).

Compare: 1998 No 114 s 158

**156 Evidence at appeal**

- (1) The court may hear any evidence that it thinks fit, whether or not the evidence would be otherwise admissible in a court of law.

- (2) If a question of fact is involved in an appeal, the evidence taken before or received by the reviewer about the question may be brought before the court under any of subsections (3) to (5), subject to any order of the court.
- (3) Evidence given orally about a question of fact may be brought before the court by the production of a copy of—
  - (a) the notes of the reviewer; or
  - (b) the reviewer's record of hearing; or
  - (c) a written statement read by a witness; or
  - (d) any other material that the court thinks expedient.
- (4) Evidence taken by affidavit about a question of fact may be brought before the court by the production of any of the affidavits that have been forwarded to the Registrar.
- (5) Exhibits relating to a question of fact may be brought before the court by—
  - (a) the production of any of the exhibits that have been forwarded to the Registrar; or
  - (b) the production by the parties to the appeal of any exhibits in their custody.

Compare: 1998 No 114 s 159

### **157 Appointment of assessor**

- (1) A Judge hearing an appeal may appoint a person to be an assessor for the purposes of the appeal if the Judge considers that—
  - (a) the appeal involves consideration of matters of a professional, technical, or specialised nature; and
  - (b) it would be desirable to appoint as an assessor a person with expert knowledge of those matters.
- (2) The Judge must consult the parties on the person to be appointed, and must—
  - (a) appoint the person whom the Judge and the parties agree to be suitable; or
  - (b) appoint a person the Judge thinks suitable if the Judge and the parties are unable to agree on a suitable person.
- (3) The Ministry of Justice must pay assessors the remuneration and allowances determined for assessors from time to time by the Minister of the Crown who is responsible for the Ministry of Justice.
- (4) An appointment of an assessor may not be called in question, in any proceedings, on the grounds that the occasion for the appointment had not arisen or had ceased.

Compare: 1998 No 114 s 160

Section 157(3): amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

**158 Involvement of assessor**

- (1) The duties of an assessor are to—
  - (a) sit with the court; and
  - (b) act in all respects as an extra member of the court for the hearing of the appeal; and
  - (c) act as an extra member of the court to assist in the determination of the appeal, but the Judge alone determines the appeal.
- (2) Before starting his or her duties, an assessor must take an oath before a District Court Judge that the assessor will faithfully and impartially perform the duties.
- (3) The failure of an assessor to perform his or her duties does not prevent the Judge from making a decision on the appeal without the input of the assessor.
- (4) A Judge who is satisfied that it is appropriate to do so may revoke the appointment of an assessor and may—
  - (a) conduct the hearing, or the rest of it, without an assessor; or
  - (b) appoint a substitute assessor in accordance with section 157.

Compare: 1998 No 114 s 161

**159 Court may make order as to persons who may be present**

- (1) The court may order that the only persons who may be present during the hearing of an appeal are—
  - (a) the Judge; and
  - (b) any assessor; and
  - (c) officers of the court; and
  - (d) the parties and their representatives; and
  - (e) any other person who is entitled to appear and be heard, and his or her representative; and
  - (f) witnesses; and
  - (g) any other person whom the Judge permits to be present.
- (2) The court may make an order under subsection (1)—
  - (a) on its own initiative or on the application of a party or any other person who is entitled to appear and be heard; and
  - (b) if it considers it necessary and appropriate to do so to protect the privacy of a party or any other person who is entitled to appear and be heard, but the court may not make the order to protect the Corporation.

Compare: 1998 No 118 s 162

**160 Court may make order prohibiting publication**

- (1) The court may make—

- (a) an order forbidding publication of any report or account of the whole or part of—
    - (i) the evidence adduced; or
    - (ii) the submissions made:
  - (b) an order forbidding the publication of the name, address, or occupation, or particulars likely to lead to the identification, of—
    - (i) a party to the appeal; or
    - (ii) a person who is entitled to appear and be heard; or
    - (iii) a witness.
- (2) The court may make an order under subsection (1) if it is of the opinion that it is necessary and appropriate to do so to protect the privacy of a person referred to in subsection (1)(b), but the court may not make the order to protect the Corporation.
- (3) An order under subsection (1)—
- (a) may be made for a limited period or permanently; and
  - (b) if made for a limited period, may be renewed for a further period or periods; and
  - (c) if made permanently, may be reviewed by the court at any time.
- (4) Every person who commits a breach of any order made under subsection (1) or evades or attempts to evade any such order commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$1,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$5,000.

Compare: 1998 No 114 s 163

### **161 Decisions on appeal**

- (1) The court must determine an appeal by—
- (a) dismissing the appeal; or
  - (b) modifying the review decision; or
  - (c) quashing the review decision.
- (2) If the court quashes the review decision, it must indicate the effect clearly. The effect may be, for example, to—
- (a) endorse the Corporation's decision; or
  - (b) require the Corporation to take the action the court specifies in relation to the Corporation's decision; or
  - (c) require another review to be conducted in accordance with directions the court gives.
- (3) Without limiting subsections (1) and (2),—

- (a) if the appellant, without reasonable excuse, does not appear at the time appointed for hearing the appeal, the court may dismiss the appeal:
- (b) if the appellant does not prosecute the appeal with due diligence, the court may, on the application of any party, dismiss the appeal.

Compare: 1998 No 114 s 164

### *Further appeals*

#### **162 Appeal to High Court on question of law**

- (1) A party to an appeal who is dissatisfied with the decision of a District Court as being wrong in law may, with the leave of the District Court, appeal to the High Court.
- (2) The leave of the District Court must be sought within 21 days after the District Court's decision.
- (3) If the District Court refuses to grant leave, the High Court may grant special leave to appeal.
- (4) The special leave of the High Court must be sought within 21 days after the District Court refused leave.
- (5) The High Court Rules and sections 74 to 78 of the District Courts Act 1947, with all necessary modifications, apply to an appeal under this section as if it were an appeal under section 72 of that Act.

Section 162: substituted, on 24 November 2003, by section 4(1) of the Injury Prevention, Rehabilitation, and Compensation Amendment Act 2003 (2003 No 29).

#### **163 Appeal to Court of Appeal on question of law**

- (1) A party to an appeal before the High Court under section 162 who is dissatisfied with any determination or decision of the Court on the appeal as being wrong in law may, with the leave of the High Court, appeal to the Court of Appeal by way of case stated for the opinion of that court on a question of law only.
- (2) If the High Court refuses to grant leave to appeal to the Court of Appeal, the Court of Appeal may grant special leave to appeal.
- (3) An appeal to the Court of Appeal must be dealt with in accordance with the rules of the court.
- (4) The decision of the Court of Appeal on any application for leave to appeal, or on an appeal under this section, is final.

Compare: 1998 No 114 s 166

#### **164 Recovery of costs of appeals**

- (1) The Corporation must in each financial year pay to the Ministry of Justice such amount as the Corporation and that Ministry agree as being—
  - (a) the reasonable administrative costs of appeals under this Part; and

- (b) the reasonable costs of appeals under this Part in relation to judicial salaries, fees, and allowances.
- (2) Subsection (1) applies to costs that are not met by the parties to appeals under this Part.

Compare: 1998 No 114 s 167

Section 164(1): amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

## Part 6 Management of the Scheme

### 165 Duty of Corporation

- (1) The Corporation has a duty to—
  - (a) determine cover for persons for whom claims for cover are lodged; and
  - (b) provide entitlements, in accordance with the provisions of this Act, in respect of persons who have cover under this Act; and
  - (c) manage the Accounts required by this Part to be maintained and operated, while complying with Part 7; and
  - (d) collect levies under this Act; and
  - (e) administer Part 5 (dispute resolution); and
  - (f) carry out functions and duties in relation to or under Part 10 (saving of competitive provisions).
- (2) The Corporation may, in respect of persons who lodge claims with the Corporation that would have been lodged under Part 4 of the Accident Insurance Act 1998 if it were still in force, choose which Account to provide the entitlement from, and must repay to that Account any amount later received from an insurer in respect of the provision of that entitlement.

Compare: 1998 No 114 s 280

### *Financial management*

### 166 Separate Accounts

- (1) The Corporation must maintain and operate—
  - (a) a Work Account for the purpose set out in section 167:
  - (b) *[Repealed]*
  - (c) *[Repealed]*
  - (d) a Motor Vehicle Account for the purpose set out in section 213:
  - (e) an Earners' Account for the purpose set out in section 218:
  - (f) a Non-Earners' Account for the purpose set out in section 227:
  - (g) a Treatment Injury Account for the purpose set out in section 228.