

28 February 2022



Tēnā koe [REDACTED]

Your Official Information Act request, reference: GOV-016606

Thank you for your email of 1/02/2022, asking for the following information under the Official Information Act 1982 (the Act):

1. *I'm hoping to learn more about ACC guidelines on what is considered a clear case of injury and/or reaction deserving of compensation. I note the word "may" is always included, and that is fair enough for mild reactions such as sore arm or flu-like symptoms.*
2. *What about severe injuries, such as heart inflammation (myocarditis, pericarditis, or both)? Face paralysis? Severe immune system failure? Death?*
3. *What sort of medical exams do you recommend in order to show the person was completely healthy prior to COVID-19 vaccination? So as to make any possible claims obvious and easy to process.*
4. *And finally, what sort of amount can be expected for severe injury or death compensations?*
5. *I only ask as it would appear this sort of cover for COVID-19 vaccines is not available from the usual health insurance providers and ACC seems to be the only available option.*

Background information about treatment injuries

Before responding to your request, we would first like to provide you with some background information about treatment injuries.

ACC has provided cover for treatment injuries since 1 July 2005. The treatment injury provisions replaced the medical misadventure provisions of the Accident Compensation Act 2001, to bring it more in line with the no-fault nature of the scheme.

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from, or at the direction of, a registered health professional. In order to fulfil the criteria for cover, the person must have suffered a personal injury and there must be a clear causal link between the treatment and the injury, and the injury must not be a necessary part or ordinary consequence of the treatment.

COVID-19 vaccine injury data published online

You may be interested to know we have recently published the current COVID-19 vaccine injury data on the ACC website: <https://www.acc.co.nz/resources/#/subcategory/213>. This data includes a breakdown of COVID-19 vaccine injury claims, for claims lodged with ACC between 18 February 2021 (when New Zealand began COVID-19 vaccinations) and 5 February 2022. Please note that the data on the ACC website is updated on a monthly basis.

Guidelines for assessing COVID-19 treatment injury claims

ACC has [guidance](#) around 'Necessary Part of Ordinary Consequence of Treatment Policy'. This guidance is used when assessing a treatment injury claim to help determine whether the injury suffered by a client was a necessary part or ordinary consequence of the treatment provided. ACC has no further specific policy or guidelines for assessing COVID-19 claims.

For further information about ACC cover for treatment injuries, please refer to section 32 of the Accident Compensation Act 2001 (the AC Act), [here](#).

Cover available

Where a treatment injury claim is accepted, ACC will pay or contribute to the cost of treatment, rehabilitation, and compensation as appropriate. In the event of a death resulting from the COVID-19 vaccine, the dependents of the deceased may be entitled to weekly compensation. ACC would also contribute to the cost of a funeral.

ACC pays up to 80% of your income as weekly compensation. As per ACC's legislation, to be eligible for weekly compensation, a person must have been receiving a salary or wages 28 days prior to the date of accident. This legislation applies to treatment injuries as well as physical injuries caused by accidents. Therefore, a person who has an accepted treatment injury resulting from a COVID-19 vaccine would only be eligible for weekly compensation if they met the above criteria.

You can find more information about how ACC may be able to help a person, who has an accepted claim, via this link: <https://www.acc.co.nz/im-injured/>.

How to get in touch

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

As this information may be of interest to other members of the public, ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available [here](#).

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood

Manager Official Information Act Services

Government Engagement & Support