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Committee Secretariat  
Education and Workforce Committee  
Parliament Buildings  
Wellington

Tēnā koe

### **Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Bill**

Tōpūtanga Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on the Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Bill (*the Bill*).

NZNO is the leading professional nursing association and union for nurses in Aotearoa New Zealand, representing 55,000 nurses, midwives, students, kaimahi hauora and health workers on professional and employment matters. NZNO embraces te Tiriti o Waitangi and contributes to the improvements of the health status and outcomes for all Aotearoa New Zealanders through influencing health, employment, and social policy development.

Furthermore, we share the intent of the Ministry of Health's definition of equity which equally applies to NZNO work across professional, industrial and member activities.

NZNO has consulted with members and staff in the preparation of this response.

NZNO welcomes the additional Accident Corporation (AC Scheme) cover for maternal birth injuries. We acknowledge the proposed changes will make up to 18,000 women a year who sustain birth injuries eligible for ACC cover. Injuries sustained during childbirth, no matter how minor, can cause unnecessary physical and mental distress if left untreated. These improvements will contribute to ensuring fair and equitable care is available for all who need it.

This Bill also represents an opportunity to achieve more equitable rehabilitation and compensation for workplace injuries and injuries which impact the ability of women, Māori, Pasifika, and disabled people to participate fully in the workplace.

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## **Maternal Birth Injuries**

The Bill aims to deliver ACC cover for injuries suffered during the birthing process. We hope that this will deliver a fully funded and comprehensive treatment and rehabilitation programme that includes the following options:

- A recovery plan
- Gynaecological services
- Private surgery
- Pelvic physiotherapy classes, and
- Home help.

We note that there is a definitive list of injuries covered by the ACC. This presents several equity issues. We would prefer an approach whereby there is a non-exhaustive list and cover is established on the basis of the injury arising from the birthing process and includes both the physical and mental injuries experienced by women.

Many women experience mental health issues after a traumatic birth and they should be given support to recover, and progress regardless of whether this is addition to a physical injury.

The proposed legislation only allows those who give birth after 1 October 2022 to receive cover. We support a retrospective approach that would allow families dealing with the long-term impact of birth injuries to obtain help for ongoing health and treatment requirements.

NZNO supports birth injuries being covered and available to babies who experience injuries during the birth. This Bill needs to end the current inequitable situation that only gives ACC cover to babies who suffer a *treatment injury* during birth.

NZNO acknowledges that this legislation provides an opportunity for improvements to support tangata whenua who give birth and their pēpi. We support a holistic Te Ao Māori view of maternal health and recognise the importance of whānau wellbeing, and the connection between oranga whānau, oranga tinana, oranga hinengaro, and orange wairua. A commitment to Te Tiriti and equitable care for Māori should also be embedded in the legislation.

## **Policy Changes**

NZNO supports:

- Clarification to Section 30 test for work related gradual process, disease, or infection and restoring the claimant-friendly test in place before 2010
- Requiring that occupational assessors *must* consider pre-incapacity earnings when undertaking occupational assessments (rather than 'may')

- Removing the hearing loss threshold altogether. Shifting the threshold from 6% to 5% under this Bill will not have any substantial impact on access to cover, and
- Increasing the size of the ACC Board from no more than eight members to no more than nine. The additional position should be made available for Māori or Pacifica representation on the Board.

NZNO does not wish to make an oral submission.

Thank you for the opportunity to participate in this consultation.



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