



ACCIDENT COMPENSATION COMMISSION, FIJI

UPDATE ON THE ACCIDENT COMPENSATION SCHEME

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Legislative Framework



The Accident Compensation Act 2017

Came into force from 01 January 2018

Regulations

- Accident Compensation Regulations 2017
- Accident Compensation (Levies) Regulations 2017
- Accident Compensation (Medical Assessment) Regulations 2017
- Accident Compensation (Amendment) Regulations 2018
- Accident Compensation (Employment Accidents) Regulations 2018
- Accident Compensation (School Accidents) Regulations 2018

The AC Act covers all motor vehicle accidents occurring on or after 1 January 2018.

From 1 January 2019 ACCF compensates for employment and school injuries and deaths.

The Act provides for a '***no fault compensation scheme***'

Coverage extends beyond ***third parties*** i.e. any personal injury or death suffered by any person as a result of an accident in Fiji is eligible for compensation under the Act.

Passenger liability in buses limited to an amount considered not adequate in today's dollar (\$40,000 for each accident; \$4,000 for each passenger)

Motor Vehicle Accidents

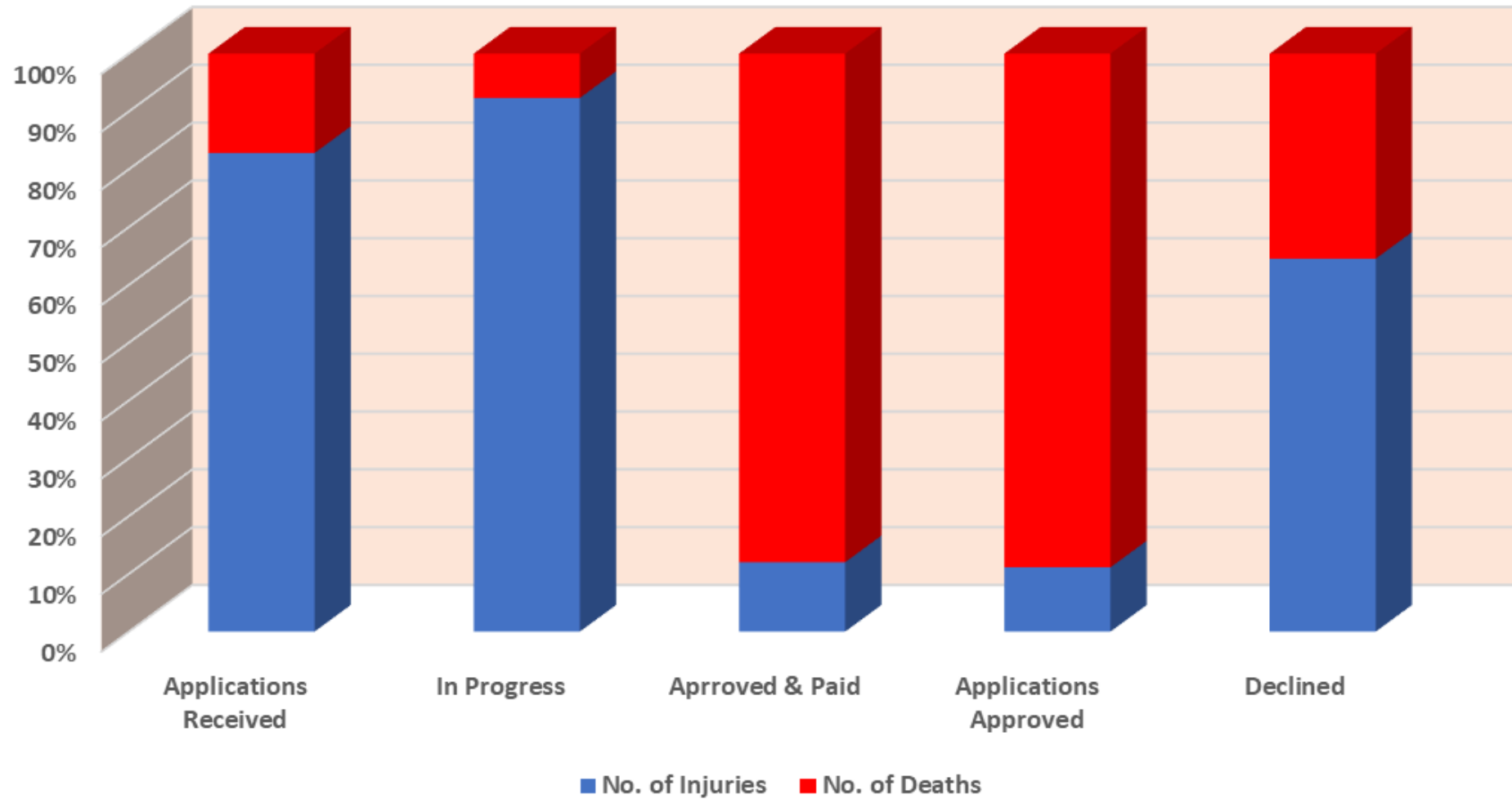


ACCF has been receiving applications for compensation for motor vehicle accidents since 1st January 2018. As at 12th March 2019:

Motor Vehicle Accident Compensation Applications							
Particulars	Applications Received	Approved & Paid	Amount Paid	Applications Approved	Approved Amount	Declined	In Progress
No. of Injuries	313	3	33,000.00	1	3,000.00	20	289
No. of Deaths	65	22	1,650,000.00	8	600,000.00	11	24
Total	378	25	1,683,000.00	9	603,000.00	31	313

Whole Person Impairment assessment determines compensation.

MVA Compensation Applications by Percentage



What's New Since 1st January, 2019

- From 1 January 2019 workers and pupils will be compensated for injuries, deaths and any incident that causes a prescribed disease as a result of employment or school accidents.
- Workmens Compensation Act needed to be updated and made more victim friendly.
- The Accident Compensation (Amendment) Regulation 2018 provides for compensation on a no fault basis.
- Maximum compensation amounts are higher under the new scheme.

Employment Accidents



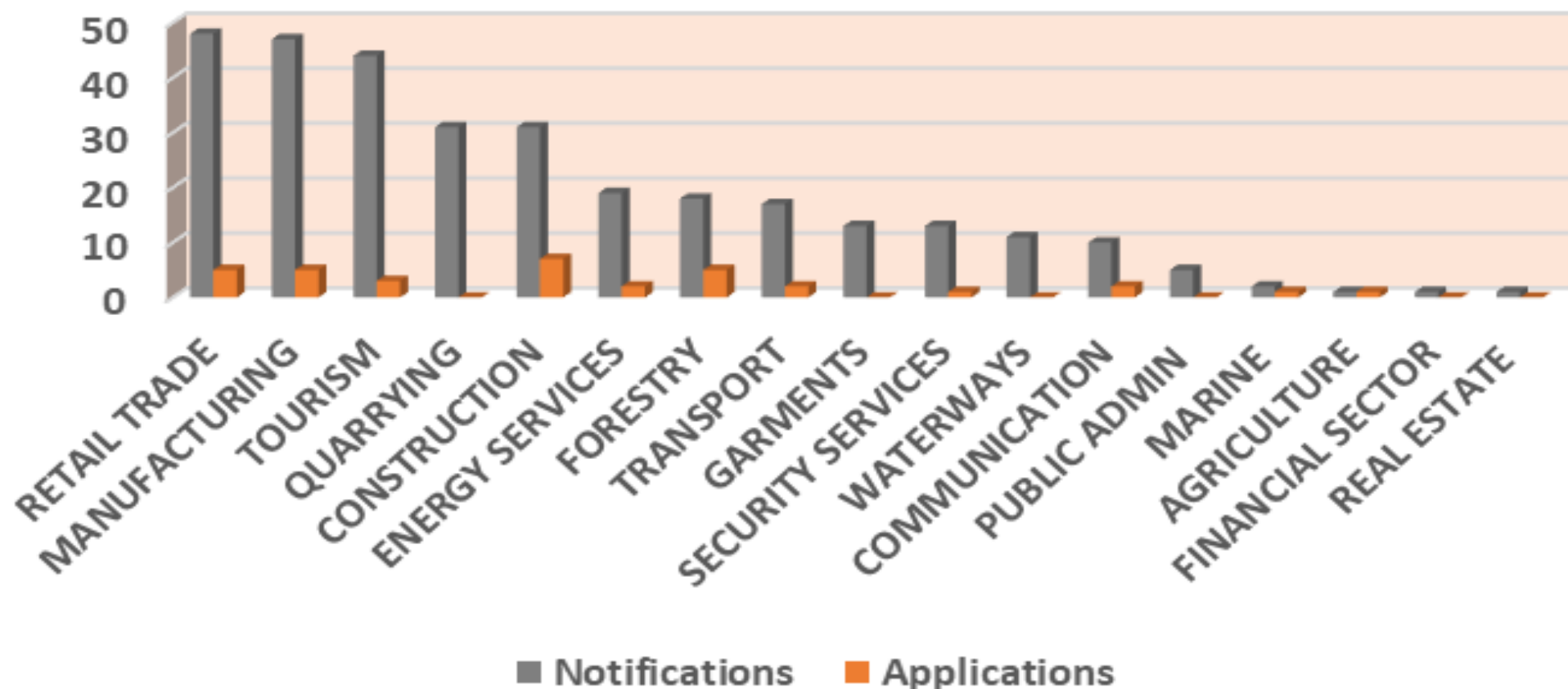
Who is Entitled to Claim Compensation for Employment Accidents?

- All workers will be entitled to compensation for injuries as a result of an accident **arising out of and in the course of employment** from 1st January 2019. This includes any incident that causes a prescribed disease. In the case of the death of a worker their personal representative is entitled to make an application on the deceased workers behalf.
- A worker means any person who has entered into or works under a contract of service or apprenticeship with an employer.

ACCF has been receiving Notifications and Applications for Compensation for Employment accidents since 1st January 2019. As at 12th March 2019:

Notifications and Applications for Employment Accidents	
Particulars	Numbers
Employment accident notifications received	312
Employment accident applications received	34

Industry Classification of Employment Accident Notifications & Applications



Employers Duty to Report

- If a “worker” suffers any personal injury as a result of an accident arising out of and in the course of employment, the workers employer must report the accident to the Permanent Secretary responsible for employment and ACCF within **14 days** from the date the employer becomes aware of the accident and injury (ACCF Form 1).
- If a “worker” dies as a result of an accident arising out of and in the course of employment, the workers employer must report the death of the worker to the Permanent Secretary responsible for employment and ACCF within **7 days** from the date that the employer becomes aware of the accident and death (ACCF Form 1).

Duty to Pay Two-Thirds Weekly Earnings

- If a “worker” suffers any personal injury as a result of an accident arising out of and in the course of employment, the workers employer must pay the worker a weekly payment of two-thirds of the weekly earnings which the worker was earning at the time of the accident.
- The maximum duration of two-thirds weekly payments must not exceed 260 weeks. **It is the employers duty to make these payments.**
- An employer may elect to dispute the duty to pay the weekly payment by making an application to the Permanent Secretary for Employment only on the grounds that the accident did not arise out of and in the course of employment.

Do Employers Have to Pay a Levy to ACCF

- Employers do not have to pay a levy to ACCF.
- Funding for the scheme is being sourced from the 1% FNU Levy.
- Employers need to continue paying the 1% FNU levy. A Compliance letter from the Levy and Grants Department at FNU must be obtained after paying the levy.
- If the employer is exempt from paying the levy then an exemption certificate must be obtained.

FNU Levy Queries

For any queries in respect of the FNU levy and Compliance Letter please contact the following;

- Ms. Gurmindar Singh on 3389277/ 9918078
- Ms. Motofaga Itautoka 3389274/ 9990855
- **EMAIL** to EveryoneLevy@fnu.ac.fj

The office is Located at Fiji National University, Lot 1 Beaumont Road, Narere, Nasinu.

Notification of Employment Accidents

In the event of personal injury/ death/ occupational disease arising out of and in the course of **EMPLOYMENT, ACCF Form 01** is to be completed and addressed to:

The Permanent Secretary Ministry for Employment, Productivity & Industrial Relations and **HAND DELIVER** to Level 4 Civic House, Suva; or Ministry of Employment Offices around Fiji; or **POST** to P O Box 2216, Govt Building Suva; or **EMAIL** to customercare@employment.gov.fj

AND;

POST to ACCF, Employment and School Accidents Team, P O Box 1257, Suva; OR
HAND DELIVER to Level 8, BSP Life Centre, Thomson Street, Suva; OR
Level 1, HLB House, 3 Cruickshank Rd, Nadi Airport; OR
EMAIL to accfclaims@ihl.com.fj

School Accidents



- From 01 January 2019 all pupils will be entitled to compensation for injuries and death as a result of an accident occurring on any school premises or during a school event or activity.

- “School accident” means an accident that occurs-

- (a) On any school premises during normal school hours; or
- (b) At any venue during a school event or activity; and

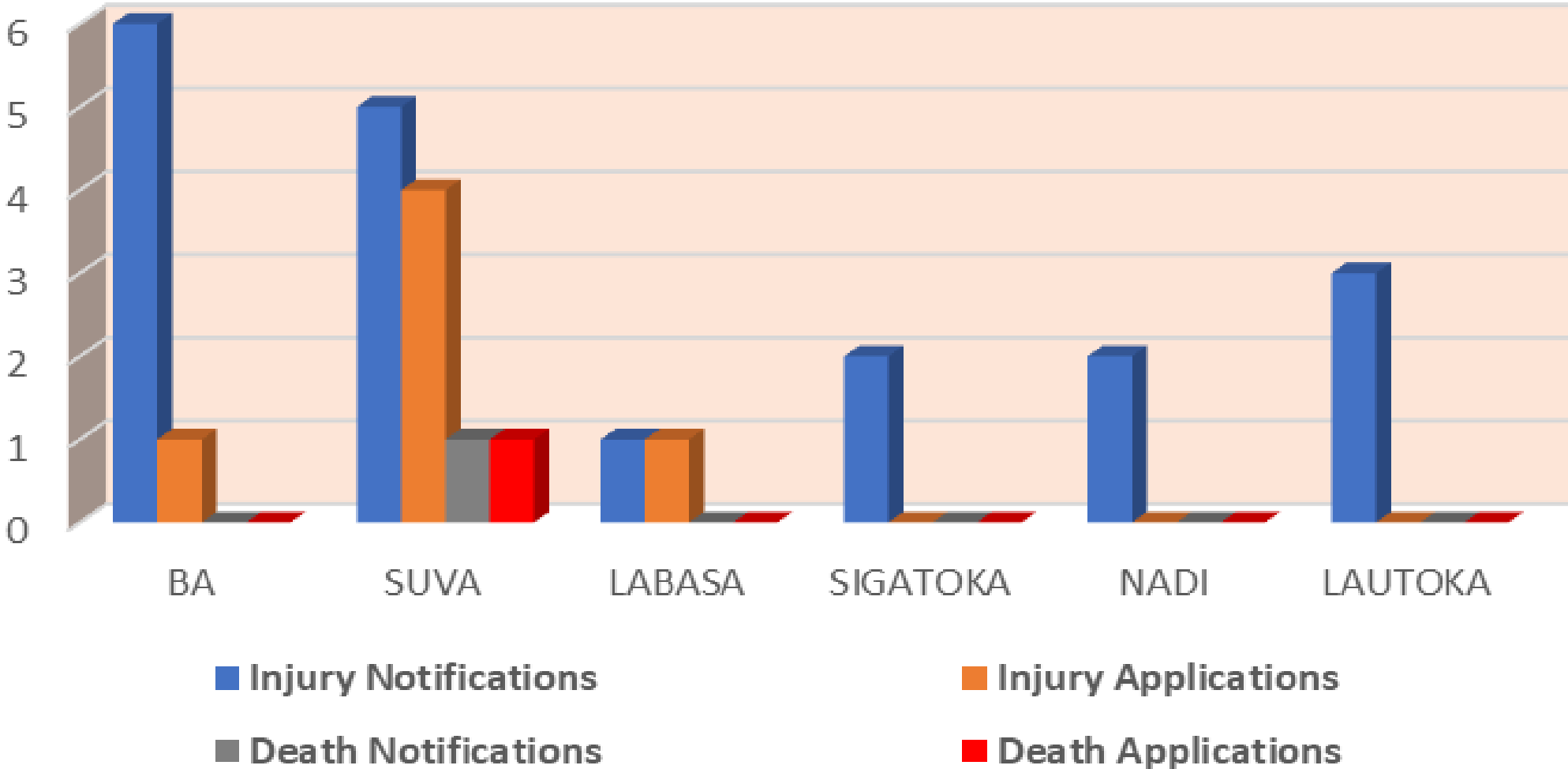
“School premises” includes any school building, office, classroom, workshop, dormitory, hostel, kitchen, clinic and any play area or playground within the school compound.

- In the case of the death of a pupil their personal representative is entitled to make an application on the deceased pupil’s behalf.

ACCF has been receiving Notifications and Applications for compensation for school accidents since 1st January 2019. As at 12th March 2019:

School Accident Notifications and Applications				
	Injury Notifications	Injury Applications	Death Notifications	Death Applications
BA	6	1	0	0
SUVA	5	4	1	1
LABASA	1	1	0	0
SIGATOKA	2	0	0	0
NADI	2	0	0	0
LAUTOKA	3	0	0	0
TOTAL	19	6	1	1

School Accident Notifications and Applications by District



School's Duty to Report

- If a pupil suffers any personal injury as a result of a school accident, the **controlling authority** of the school must report the school accident and injury to the Permanent Secretary responsible for education and ACCF within **14 days** the date that the controlling authority becomes aware of the school accident and injury (ACCF Form 1).
- If a pupil dies as a result of a school accident, the **controlling authority** of the school must report the death of the pupil to the Permanent Secretary responsible for education and ACCF within **7 days** from the date that the controlling authority becomes aware of the school accident and death (ACCF Form 1).

Notification of School Accidents

In the event of personal injury/ death/ occupational disease from a **SCHOOL ACCIDENT, ACCF Form 01** is to be completed and addressed to:

The Permanent Secretary Ministry of Education, Heritage and Arts and **HAND DELIVER** to Marela House, Thurston Street, Suva; or **POST** to Private Mail Bag, Govt Building, Suva; or **EMAIL** to MEHAaccident@govnet.gov.fj

AND;

POST to ACCF, Employment and School Accidents Team, P O Box 1257, Suva; OR **HAND DELIVER** to Level 8, BSP Life Centre, Thomson Street, Suva; OR Level 1, HLB House, 3 Cruickshank Rd, Nadi Airport; OR **EMAIL** to accfclaims@ihl.com.fj

The Accident Compensation Commission Will Not Consider The Following Applications:

- The applicant refuses to provide information as required by the ACCF;
- An application for a person who refuses to undergo medical assessment;
- A fraudulent application; and
- An application that has been previously determined by the ACCF.

Exclusions

- Driving under the influence of alcohol over the prescribed limit or under the influence of drugs;
- Failing or refusing to permit a breath test or a specimen of blood to be taken;
- Not holding a valid driving license authorising that person to drive the motor vehicle of the class or use for which it is registered;
- Failure to comply with all the conditions of the driving license;
- Being convicted for any act or omission that directly caused the accident;

Exclusions

- Any injury or death that did not directly arise from the accident;
- Owner of a vehicle who, failed to pay the Motor Vehicle Accident levy;
- Deliberate self-injury;
- Attempted suicide or suicide.

How Much Compensation Is Paid?

Maximum Payments

Permanent Partial Incapacity	\$75,000
Permanent Total Incapacity	\$150,000
Any other cases (other than the above)	\$75,000
Death	\$75,000

Who Can Apply for Compensation

Victims	Who Can Apply
Injured Person	On behalf of themselves or representative
Injured Child (Below 18 years)	Parent or legal guardian
Person Suffering from Mental Disorder	Legally appointed representative
Unable to Make Application Himself or Herself	Legally appointed representative
Death	Personal representative (as per LOA or Probate)

How To Apply For Compensation

- Application forms are available at any LTA Office and the ACCF office in Valelevu, or the ACCF website www.accf.com.fj
- Fill in an application form and provide the required information.
- Provide certified true copies of photo ID (applicant & injured person, if applying for somebody else) e.g. joint card, drivers license & passport photo, police report, medical report, birth certificate, death certificate (if applicable), TIN number (if no joint card), bank statement, Probate or Letters of Administration (if applicable) and other pertinent information.

Key Provisions

- Limitation period – 3 years.
- 28 days to accept offer of compensation.
- Acceptance of compensation to be bar to any proceeding.
- Applicant may decline offer and commence proceedings under common law.
- Parties to proceedings to serve any claims on ACCF. Anyone who is sued must not enter into any settlement negotiations, without the consent of ACCF.
- ACCF must satisfy any judgement from those proceedings.

Application for Compensation – MOTOR VEHICLE ACCIDENTS

You can lodge your application form and any supporting documents in the following ways:

- **POST to** The CEO, ACCF, P O Box 6677, Valelevu, Nasinu; OR
- **HAND DELIVER** to The CEO, ACCF, Lot 1 Daniva Road, Valelevu, Nasinu or any LTA Office
- For any queries regarding Motor Vehicle Accidents please **CALL 8924190**

Application for Compensation - EMPLOYMENT/SCHOOL ACCIDENTS

POST APPLICATION form and any supporting documents to ACCF, Employment and School Accidents Team, P O Box 12752, Suva.

HAND DELIVER to:

- Level 8, BSP Life Centre, Thomson Street, Suva
- Level 1, HLB House, 3 Cruickshank Rd, Nadi Airport

Or **EMAIL** to accfclaims@ihl.com.fj

- For any queries regarding employment or school accidents please **CALL** on **3235990**

Questions?