

**NORTHERN TERRITORY OF AUSTRALIA**

**MOTOR ACCIDENTS (COMPENSATION) ACT**

As in force at 11 December 2002

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 11 December 2002

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## MOTOR ACCIDENTS (COMPENSATION) ACT

**An Act to establish a no fault compensation scheme in respect of death or injury in or as a result of motor vehicle accidents, to prescribe the rates of benefits to be paid under the scheme, to abolish certain common law rights in relation to motor vehicle accidents, and for related purposes**

### Part I Preliminary

#### 1 Short title

This Act may be cited as the *Motor Accidents (Compensation) Act*.

#### 2 Commencement

This Act shall come into operation on 1 July 1979.

#### 3 Act binds the Crown

This Act binds the Crown.

#### 4 Interpretation

(1) In this Act, unless the contrary intention appears:

***accident*** means:

(a) in relation to the Territory – an occurrence:

- (i) on a public street, as defined in the *Motor Vehicles Act*, caused by or arising out of the use of a motor vehicle; or
- (ii) in any place in the Territory, other than a public street, caused by or arising out of the use of a Territory motor vehicle in respect of which a compensation contribution under Part V or section 137 of the *Motor Vehicles Act* has been paid or a motor vehicle currently registered in a State or another Territory in accordance with the law relating to the registration of motor vehicles applicable in that State or Territory; and

- (b) in relation to a place outside the Territory – an occurrence caused by or arising out of the use of a motor vehicle,

occurring on or after 1 July 1979, and which results in the death of or injury to a person.

**approved form** means a form approved by the Office in writing.

**attendant care services**, in relation to a person, means services of a standard satisfactory to the Board (other than household services, medical or surgical services or nursing care) that are required for the essential and regular personal care of the person.

**average weekly earnings**, in sections 17, 18 and 18A and Part V, means the Average Weekly Earnings for Full Time Adult Persons, Weekly Ordinary Time Earnings for the Northern Territory last published by the Australian Statistician before 1 January before the date in respect of which they are required under this Act to be assessed.

**Board** means the Board of the Office.

**dependent child**, in relation to a person, means a child of the person, or a child in relation to whom the person stands or stood in loco parentis, who is not the spouse of another person and who:

- (a) has not attained the age of 16 years; or
- (b) having attained that age but not having attained the age of 21 years, is a full-time student or is physically or mentally handicapped,

and is primarily dependent on the person for financial support.

**dependent parent**, in relation to a person, includes an adoptive parent, a stepfather, a stepmother, a grandfather, a grandmother and a parent of the spouse of the person who, at the time of the accident, is primarily dependent on the person for financial support.

**designated person** means a person employed by the Office and appointed as the designated person for the purposes of this Act.

**discounted present values** means the calculation at a 6% discount rate of the present value of future losses or payments by the use of an actuarial multiplier.

**motor vehicle** means any motor car, motor carriage, motor cycle, motor lorry, motor omnibus, motor tractor or other vehicle propelled wholly or partly by any volatile spirit or by steam, gas, oil or electricity or by any means other than human or animal power, and

includes a trailer at any time attached to a motor vehicle, but does not include a vehicle used on a railway.

**Office** means the Territory Insurance Office established by the *Territory Insurance Office Act*.

**permanent impairment** means an impairment or impairments assessed by the Board, in accordance with the American Medical Association Guides to the Evaluation of Permanent Impairment as published from time to time, as being an impairment, or combination of impairments:

- (a) for the purposes of section 17 – of not less than 5% of the whole person; and
- (b) for the purposes of sections 18 and 18A – of not less than 85% of the whole person.

**resident of the Territory** means:

- (a) in relation to an accident occurring in the Territory – a person who at the time of the accident:
  - (i) has resided in the Territory for a continuous period of 3 months;
  - (ii) has entered the Territory to take up residence pursuant to a written direction of his employer, or a written agreement for his employment, that would require his services in the Territory for a period of not less than 3 months;
  - (iii) has, since entering the Territory, entered into a written agreement for his employment that would require his services in the Territory for a period of not less than 3 months calculated from the date that he last entered the Territory before entering into the agreement; or
  - (iv) was residing in the Territory, or had entered the Territory to so reside, as the spouse or a dependant of a person referred to in subparagraph (i), (ii) or (iii); and
- (b) in relation to an accident occurring outside the Territory – a person referred to in paragraph (a):
  - (i) who has not, since so residing in or entering the Territory, resided outside the Territory for a continuous period of 6 months; or

- (ii) who, having so resided outside the Territory, has retained in the Territory his primary dwelling-house or employment,

but does not include a person who has left the Territory with the intention of no longer residing in the Territory.

**spouse**, in relation to a person, means:

- (a) a person who is legally married to the person and who was, at the relevant time, living with the person on a bona fide domestic basis;
- (b) a person who is legally married to the person but who was not living with the person on a bona fide domestic basis at the relevant time, and who, in the opinion of the Board, was wholly or substantially dependent upon the person at that time;
- (c) a person who is not legally married to the person but who, for a continuous period of not less than 2 years immediately preceding the relevant time, had lived with the person as the person's husband or wife, as the case may be, on a bona fide domestic basis;
- (d) a person who was not legally married to the person but who, for a continuous period of less than 2 years immediately preceding the relevant time, had lived with the person as the person's husband or wife, as the case may be, on a bona fide domestic basis, and who, in the opinion of the Board, was wholly or substantially dependent upon the person at the time; and
- (e) where that person is an aboriginal native of Australia – a person referred to in paragraphs (a), (b), (c) or (d) or who is, according to the customs of the group or tribe of aboriginal natives of Australia to which he belongs, married to him.

**Territory motor vehicle** means:

- (a) in relation to an accident occurring outside the Territory – a motor vehicle in respect of which a current compensation contribution, within the meaning of the *Motor Vehicles Act*, has been paid, and includes a motor vehicle currently registered in the Territory under the *Interstate Road Transport Act 1985* of the Commonwealth where that motor vehicle was registered or re-registered within the Territory under that Act; and

(b) in relation to an accident occurring in the Territory – a motor vehicle:

- (i) owned or driven by a resident of the Territory;
- (ii) owned by a body corporate incorporated in the Territory or taken to be registered in the Territory by virtue of section 119A of the Corporations Act 2001; or
- (iii) owned jointly by a resident of the Territory and another person,

and not currently registered outside the Territory except by virtue of having been registered or re-registered within the Territory under the *Interstate Road Transport Act 1985* of the Commonwealth.

***Tribunal*** means the Motor Accidents (Compensation) Appeal Tribunal established by section 28.

(2) The Board shall, in writing, appoint a person employed by the Office to be the designated person for the purposes of this Act.

## **Part II            Liability**

### **5            Abolition of certain common law rights**

- (1) An action for damages shall not lie in the Territory:
- (a) in respect of the death of or injury to a person who at the time of the accident was a resident of the Territory; or
  - (b) in respect of an injury to a person who, at the time of the accident, was not a resident of the Territory:
    - (i) for non-economic loss in excess of the amount from time to time prescribed for the purposes of section 17;
    - (ii) for future loss except at discounted present values; or
    - (iii) for future economic loss or future loss of earning capacity calculated on a weekly basis for any sum in excess of the amount from time to time prescribed for the purposes of section 13,

in or as the result of an accident that occurred in the Territory.

- (2) In subsection (1)(b):
- (a) **non-economic loss** means:
- (i) pain and suffering;
  - (ii) loss of amenities of life;
  - (iii) loss of expectation of life; or
  - (iv) disfigurement; and
- (b) **future loss** means:
- (i) future economic loss;
  - (ii) future loss of earning capacity; or
  - (iii) future expenditure on needs resulting from the injury,
- and includes:
- (iv) in the case of the person's death, future loss by a spouse, dependent child or dependent parent of income due to loss of earning capacity referred to in paragraph (ii); and
  - (v) a claim for damages under the *Compensation (Fatal Injuries) Act*.
- (3) An action for damages in respect of the death of or injury to a person in or as a result of an accident that occurred in the Territory cannot be commenced unless notice of an intention to make the claim is given to the Office.
- (4) Notice under subsection (3) must be:
- (a) in writing and in the approved form; and
  - (b) given to the Office:
    - (i) within 3 months of the relevant date; or
    - (ii) within any other period that a court, on sufficient cause being shown, allows.
- (5) For the purposes of subsection (4), the relevant date is:
- (a) the date of the accident; or



- 
- (b) if the action is for damages in respect of the death of a person – the date the person died.
  - (6) In an action for damages in respect of the death of or injury to a person in or as a result of an accident that occurred in the Territory, if the person was not being restrained by a seat belt at the time of the accident and the person was required to wear a seat belt under the *Traffic Act*, any damages that are awarded are to be reduced by 25% on account of the person's failure to use a seat belt.
  - (7) Subsection (6) does not apply if the person had not attained the age of 16 years at the date of the accident.

## **6 Office to indemnify certain persons**

- (1) Subject to subsections (2) and (3), where a person is liable to pay damages in respect of the death of or injury to any person in or as a result of an accident:
  - (a) that occurred in the Territory and at the time of that accident the first-mentioned person was in control of a motor vehicle other than a Territory motor vehicle; or
  - (b) that occurred in any place, whether or not in the Territory, and at the time of that accident the first-mentioned person was:
    - (i) the owner of a Territory motor vehicle involved in the accident and in respect of which he was so liable; or
    - (ii) in control of a Territory motor vehicle,

the Office shall indemnify him or his personal representatives to the extent of his liability.

- (2) The Office is not bound to indemnify a person under subsection (1) where that person is already indemnified under any contract of insurance or under the law applicable in the place where the accident occurred.
- (3) The indemnity provided under subsection (1) does not include any liability to pay punitive or exemplary damages (however described).
- (4) A person who is entitled to be indemnified under subsection (1) must co-operate with the Office in respect of any action for damages in respect of the accident.
- (5) Without limiting subsection (4), the person must provide any information that the Office may reasonably require and attend to any matter that is reasonably incidental to the defence of any action for damages in respect of the accident.

## **Part III Entitlement to benefits**

### **7 Benefits in respect of injuries**

Subject to this Part, where a resident of the Territory dies or suffers injuries in or as a result of an accident that occurred in the Territory or in or from a Territory motor vehicle, there is payable:

- (a) to or on behalf of that person, in the case where he is injured;  
or
- (b) to his spouse, dependent child or dependent parent, in the case of his death,

such benefits as are provided for in this Act.

### **8 Payments to non-residents**

- (1) Where a person would have been entitled to a benefit under this Act had he or some other person been a resident of the Territory at the date of an accident, and it appears to the Board that the person or that other person was, on that date, likely to reside or to have resided in the Territory for a period of not less than 3 months after that date, it may, at the request in writing signed by the first-mentioned person, treat that person or that other person as a resident of the Territory for the purposes of this Act, and the first-mentioned person shall be entitled to such benefits as are provided for in this Act for or in respect of a resident of the Territory in the same circumstances.
- (2) A person treated by the Board as a resident of the Territory in pursuance of subsection (1) shall, for the purposes of section 5, be deemed to be a resident of the Territory.

### **9 Exclusion of persons committing offences from certain benefits**

- (1) A person is not entitled to a benefit referred to in section 13 or 17 in respect of an injury received in or as a result of an accident:
  - (a) that occurred while the person was driving a motor vehicle while under the influence of alcohol or of a drug or while he had a concentration of alcohol in his blood equal to 80 milligrams or more of alcohol per 100 millilitres of blood; or
  - (b) in respect of which he is found guilty of:
    - (i) manslaughter;
    - (ii) an offence against section 154 of the Criminal Code;

- (iii) dangerous driving; or
- (iv) an offence in respect of an act or omission occurring outside the Territory which, if it had occurred in the Territory, would constitute an offence referred to in paragraph (i), (ii) or (iii),

where, in the opinion of the Board, the influence or quantity of alcohol or the influence of the drug, or the manner of driving giving rise to the finding of guilt, materially contributed to the accident;

- (c) that occurred while he was in a motor vehicle and taking part in a race or other competition or trial, or testing the motor vehicle in preparation for a race, competition or trial;
- (d) that occurred while he was driving a motor vehicle while not the holder of a licence to drive a motor vehicle of the class of motor vehicle in relation to which the accident occurred:
  - (i) having never at any time held in any part of Australia a licence to drive a motor vehicle of the class of motor vehicle in relation to which the accident occurred; or
  - (ii) because his licence to drive a motor vehicle of the class of motor vehicle in relation to which the accident occurred had been suspended (other than as an enforcement procedure for the purposes of the *Fines and Penalties (Recovery) Act*) or cancelled,

except where, in the opinion of the Board, the vehicle was being driven in an emergency situation; or

- (e) that occurred while the person was using a motor vehicle in a manner that created a substantial risk of injury to the person and the person consciously and unjustifiably disregarded the risk or was recklessly indifferent to it.
- (2) If the concentration of alcohol in the blood of a person was at the time of the accident equal to 80 milligrams or more of alcohol per 100 millilitres of blood, the quantity of alcohol is to be taken to have materially contributed to the accident, unless the contrary is proved.

**10 Non-entitlement**

A person is not entitled to a benefit under this Act in respect of the death of another person or injury to himself in or as a result of an accident:

- (a) that occurred while he was using a motor vehicle without the consent of the owner or the person in lawful charge thereof or for or in connection with, or in the commission of, an indictable offence, resisting or preventing the lawful apprehension or detention of himself or any other person or inflicting or attempting to inflict injury on himself or another person; or
- (b) where he is entitled to compensation in respect of that accident under the *Workers' Compensation Act* or the *Work Health Act* or another Act providing for compensation for death of or injury to employees in the Territory, the *Compensation (Commonwealth Government Employees) Act 1971* or the *Safety Rehabilitation and Compensation Act 1988* of the Commonwealth or under a law of a State or another Territory that is, in relation to the *Workers' Compensation Act* or the *Work Health Act*, a corresponding law.

**12 Rights to benefits to be determined by Board**

- (1) The right of any person to, and the amount of, a benefit under this Act shall be determined by the Board, and regulations under this Act may prescribe the manner in which any such determination is to be made.
- (2) Where, in any case, the right to, or the amount, variation or continuation of a benefit depends on a determination with respect to a disability or infirmity of a person, the Board may require that person to undergo an examination by a medical practitioner nominated by the Board.
- (3) Where after considering any medical advice available to it the Board is of the opinion that the condition of a person to or in respect of whom a benefit is payable under this Act would improve from undertaking a reasonable rehabilitation programme nominated by the Board so that any such benefit or the period during which such a benefit is to be paid is likely to be reduced as a result of the person so doing, the Board may require the person to submit to the rehabilitation programme.
- (4) If the Board makes a requirement under subsection (2) or (3), it is not required to make any payment of the benefit referred to in that subsection or may discontinue any such payment if the person, without good reason, refuses or fails to comply with the requirement, or it may suspend such payment (without the need to

make up any suspended amount if the person subsequently complies with the requirement) while the refusal continues.

- (5) To assist in determining the disability or infirmity of a person for the purposes of this section, the Board may require a medical practitioner or other person who has examined or treated the person to provide it with any results of that examination or details of the treatment which the medical practitioner or that other person is authorized by the person to give, and for that purpose a document purporting to be a copy of a signed authority to provide the information, certified as a true copy by the designated officer, is sufficient authority for the medical practitioner or other person so to do, notwithstanding the date of the authority.
- (6) An authorization under subsection (5) is irrevocable.

## **Part IV                      Payments in respect of injuries**

### **13                      Compensation for loss of earning capacity**

- (1) A person who suffers an injury in or as a result of an accident that occurred in the Territory or in or from a Territory motor vehicle:
  - (a) who was, at the time of the accident, a resident of the Territory; and
  - (b) whose capacity to earn income from personal exertion (either physical or mental) is, in the opinion of the Board, reduced as a result of the injury,

shall be paid such compensation for that loss of earning capacity as is provided in this section.

- (2) Subject to subsections (3), (4) and (5) and section 14, the amount of compensation payable to a person referred to in subsection (1) is to be calculated in accordance with the following:
  - (a) the maximum amount payable per week is the amount determined by the Board, for each 6 month period commencing on 1 January or 1 July, to be 85% of the average weekly earnings for all employees' total employment earnings in the Territory based on what, in the opinion of the Board, are the best statistics available to it before 1 January or 1 July (as the case may be), less a notional deduction for income tax;
  - (b) compensation is not payable to the person under subsection (1) for any of the following periods:
    - (i) the day of the accident;

- 
- (ii) any weekly period that the Board determines the person is capable of working full-time, regardless of the type of work;
  - (iii) any weekly period that the Board determines the person earned a sum equal to or exceeding the maximum amount determined by the Board under paragraph (a);
  - (c) an amount of compensation is payable to the person under subsection (1) for the person's loss of earning capacity, as determined by the Board, during any 6 month period referred to in paragraph (a), which amount is calculated in accordance with subsection (3);
  - (d) an amount of compensation payable under subsection (1) is to be paid without any deduction for income tax.
- (3) For the purposes of subsection (2)(c), the Board must calculate the amount of compensation payable to a person under subsection (1) in accordance with the following formula:

$$\left( \frac{40 - X}{40} \right) \times MA$$

where:

- X is the number of hours per week (not exceeding 40) the Board determines, based on a medical assessment, that the person is capable of working in any employment, whether such employment is reasonably available or not; and
- MA is the maximum amount payable per week determined by the Board under subsection (2)(a).
- (4) Where a person referred to in subsection (1) is admitted as a full-time patient in a hospital or rehabilitation institution for any period which, in the opinion of the Board, is likely to exceed 6 months, the Board may suspend payment of the whole or part of the amounts otherwise payable under this section to that person for all or such part of that period as it thinks fit and, where that person has dependants, may make payments otherwise payable to that person to or for the benefit of such dependants, and in such amounts, as it thinks fit.
- (5) A person who has attained the age of 65 years or who is qualified for an age pension under the *Social Security Act 1991* of the Commonwealth shall not be paid a benefit under this section.

- (6) An amount of benefit payable under this section may be paid in such instalments and at such times as the Board, from time to time, determines, and the Office may make any such payment in advance pending the calculation of a person's actual entitlement under this section.

#### **14 Benefits payable to young persons**

- (1) A person who would have been entitled to a benefit under section 13 had he suffered a reduction of earning capacity but who, at the time of the relevant accident:
- (a) had not attained the age of 15 years; or
  - (b) had attained that age but was a full-time student at a school, college or university:
    - (i) there being, in the opinion of the Board, no substantial break in the continuation of his studies;
    - (ii) who was not married or living in a relationship which, in the opinion of the Board, was in the nature of marriage; and
    - (iii) whose earnings from personal exertion (either physical or mental) in the 3 months to that time did not exceed 25% of what, in the opinion of the Board, were the average earnings during that period of wage earners in the Territory,

shall not receive a benefit under that section except in respect of a period commencing on the date on which:

- (c) he attains the age of 15 years; or
- (d) he ceases to be a full-time student or sooner marries or establishes a relationship of the kind referred to in paragraph (b)(ii),

whichever is the later, and on so attaining that age, ceasing to be a full-time student or marrying or establishing that relationship, as the case may be, he shall be deemed to have suffered a reduction in earning capacity for the purposes of, and to be entitled to a benefit under, that section.

- (2) Subject to subsection (3), the amount of benefit payable under section 13 to a person entitled or deemed to be entitled to receive such a benefit but who has not attained the age of 21 years and is not married is, in respect of that period while he remains of the age indicated in Column 1 of the following Table the relevant

percentage, indicated in Column 2 of the Table and set out opposite the age in Column 1, of the amount that would otherwise be payable to him under section 13:

TABLE

Column 1 Age	Column 2 Percentage
15	40
16	55
17	60
18	70
19	80
20	90

(3) A person referred to in subsection (2) who:

- (a) marries;
- (b) establishes a relationship which, in the opinion of the Board, is in the nature of marriage; or
- (c) has a child or other person primarily dependent on him for financial support,

shall be entitled to the full amount of benefit calculated in accordance with section 13 in respect of the period commencing on the date of the marriage, establishment of the relationship or commencement of the dependence, as the case may be.

## **15 Small benefits may be commuted by Board**

- (1) Where, in the opinion of the Board, because of the small amount of a benefit payable under section 13 to a person the administrative costs in calculating and paying that benefit place an unnecessary burden on the administration of the compensation scheme established by this Act, it may commute those payments at discounted present values and pay the commuted amount to the person and, subject to subsection (2), the payment of that amount is a full discharge of the obligations under section 13 of the Office and the Board.
- (2) Where at any time after an amount has been paid under subsection (1) the circumstances in relation to a person to or in respect of whom it was paid change to such an extent as, in the



opinion of the Board, to warrant further payments under section 13 being made, the Board may determine that such payments shall be made but, notwithstanding anything in that section, may reduce the amounts otherwise payable under that section by such amounts as it determines have already been paid in respect of the relevant period in the commuted amount paid under subsection (1) of this section.

**16 Benefits may be commuted at request of beneficiary**

- (1) A person receiving a benefit under section 13 may, at any time, apply in writing to the Board for a lump-sum payment of that benefit.
- (2) On receiving an application under subsection (1) the Board may, at its discretion, commute at discounted present values the benefit payable to the applicant and pay the commuted amount to him.
- (3) The payment of an amount under subsection (2) is a full discharge of the obligation under section 13 of the Office and the Board in respect of the injury in respect of which the benefit was payable.

**17 Compensation for loss of limb or other permanent impairment**

- (1) In addition to any other benefit payable under this Act, a resident of the Territory:
  - (a) who suffers permanent impairment in or as a result of an accident that occurred in the Territory or in or from a Territory motor vehicle;
  - (b) who survives that accident for a period of 3 months; and
  - (c) whose permanent impairment is assessed by the Board at a percentage of the whole person equal to not less than 5%,

shall, subject to subsection (2), be paid compensation equal to that assessed percentage of the prescribed amount.

- (2) Where the percentage of permanent impairment of a person is assessed by the Board as a percentage of 5% or more but less than 15% as shown in Column 1 of the following Table, the percentage of the prescribed amount payable as compensation shall be that shown in Column 2 of the Table opposite to the relevant percentage in Column 1:

TABLE

Column 1 Degree of impairment	Column 2 Percentage of prescribed amount payable
not less than 5% but less than 10%	2
10%	3
11%	4
12%	6
13%	8
14%	12

- (3) In this section **prescribed amount**, in relation to a payment, means 208 times average weekly earnings at the time the payment is made.

## 18 Medical and rehabilitation expenses

- (1) Subject to subsections (2A) and (3) and sections 18A and 18B, there is payable to or on behalf of a person entitled to a benefit under this Act in respect of an injury received by him in or as a result of an accident all the expenses reasonably incurred by him or on his behalf for the provision of the treatment required by him in respect of that injury other than:
- (a) accommodation and treatment as a public patient in a public hospital;
  - (b) accommodation as a private patient in a public hospital; or
  - (c) single room accommodation in a private hospital,  
in the Territory.
- (2) In subsection (1) **treatment** means:
- (a) medical, surgical or dental treatment or nursing or other care provided to the person referred to in that subsection;

- (b) training, education or care required for the rehabilitation of that person; and
  - (c) the conveyance of that person to any place for the purpose of his receiving any treatment referred to in this subsection or to a hospital.
- (2A) Any payment made under subsection (1) to or on behalf of a person who is not permanently impaired in respect of attendant care services shall be limited to an amount per hour calculated at a rate of 2% of the average weekly earnings indexed annually, in respect of those services provided to the person for the number of hours, not exceeding 28 hours, in any one week.
- (3) Subject to subsection (4), where a person referred to in subsection (1) requests the Board to approve the provision to him of treatment or care of a particular kind or by a particular medical practitioner, whether or not in the Territory, and the Board is of the opinion that the request is reasonable in the circumstances, the reasonable expenses incurred in providing that treatment or care, as the case may be, shall be payable to or on behalf of that person.
- (4) The Board shall not give its approval to a request under subsection (3) unless it is satisfied on medical advice that the requested treatment or care is necessary on medical grounds.

**18A Reimbursement of attendant care expenses for permanently impaired persons**

Subject to section 18B, in addition to any amount payable under section 18, there is payable to or on behalf of a person referred to in that section:

- (a) who has suffered a permanent impairment for not less than 2 years; or
- (b) who has suffered a permanent impairment that, in the opinion of the Board, is likely to endure for more than 2 years,

in the absolute discretion of the Board, an amount per hour calculated at a rate of 2% of average weekly earnings indexed annually, in respect of attendant care services of a standard acceptable to the Board provided or to be provided after the commencement of this section to the person for the number of hours, not exceeding 28 hours, in any one week.

**18B Attendant care payments not to be made while person hospitalised**

No payment in respect of attendant care services shall be made in respect of any period during which the person to whom or for whose benefit they would otherwise be payable is an inpatient in a hospital, nursing home or other care or treatment institution.

**19 Alterations to house, &c.**

In addition to the benefits provided under section 18, a person referred to in that section shall be entitled to:

- (a) the cost of providing appliances required for his use as a consequence of the injury; and
- (b) the reasonable cost of necessary alterations to:
  - (i) the building in which he resides or proposes to reside;
  - (ii) a motor vehicle used by him; and
  - (iii) such other articles of personal use as, in the opinion of the Board, require modification; and
- (c) the reasonable cost of providing such special facilities and equipment as the Board considers necessary for his rehabilitation.

**Part V Payments in respect of death****20 Interpretation**

In this Part, unless the contrary intention appears:

***qualifying person***, in relation to an accident means:

- (a) where the accident occurred in the Territory – a resident of the Territory; and
- (b) where the accident occurred outside the Territory – a resident of the Territory who dies in or as a result of injuries received in or from a Territory motor vehicle.

**21 Death benefits may be paid in respect of certain injured persons**

Where a person who, if he had died in or as a result of the accident would have been a qualifying person is a full-time patient in a hospital or other institution because of his injuries received in or as

a result of an accident and, in the opinion of the Board, he is likely permanently to remain a full-time patient in a hospital or institution, the Board may, at the written request of the spouse of the person, determine that this Part shall apply to and in relation to that person, and on that determination being made the person shall, for the purposes of this Part, be deemed to have died on the date of the determination and to have been a qualifying person on that date.

## **22 Lump-sum compensation in respect of death**

(1) Subject to section 37, where the death of a qualifying person results from or is materially contributed to by an injury suffered in or as a result of an accident that occurred in the Territory or in or from a Territory motor vehicle, there is payable:

(a) to the person liable to meet the expense of the qualifying person's funeral, a funeral benefit equal to:

(i) the cost of the funeral; or

(ii) 10% of the annual equivalent of average weekly earnings,

whichever is the lesser amount; and

(b) for the benefit of the qualifying person's spouse or dependent child or dependent children, or a spouse and a dependent child or dependent children:

(i) the prescribed proportions; or

(ii) in the case of a dependent child or dependent children such proportions as the Board determines on an application under subsection (2), having regard to the relative needs and degrees of dependency of the dependent child or dependent children,

of an amount equal to 156 times average weekly earnings at the time the payment is made.

(2) For the purposes of subsection (1)(b), a person claiming to be a spouse or a dependent child of the deceased qualifying person may apply to the Board for a determination under that subsection.

- (3) For the purposes of subsection (1)(b)(i), the prescribed proportions are those specified in column 2 of the Table in respect of the spouse or dependent child or dependent children specified opposite in Column 1 of the Table.

TABLE

Column 1 Dependants	Column 2 Proportion
Spouse	100%
one child	100%
2 or more children	Equally between children
Spouse and one child	10% to child, balance to spouse
Spouse and not more than 5 children	5% to each child, balance to spouse
Spouse and more than 5 children	25% divided equally between children, balance to spouse

### **23 Dependent children's benefits**

- (1) In addition to an amount payable under section 22(1)(b) to or for the benefit of a dependent child but subject to subsection (2), there shall be paid to or for the benefit of each dependent child of a deceased qualifying person an amount per week equal to 10% of average weekly earnings at the time the payment is made.
- (2) The aggregate of all amounts paid or payable per week under subsection (1) shall not exceed average weekly earnings and where there are more than 10 dependent children entitled to compensation under that subsection they shall be entitled in equal shares to an amount equal to average weekly earnings at the time the payment is made.

### **24 Dependent parents' benefit**

Where a qualifying person dies in or as a result of an accident leaving him surviving neither a spouse nor a dependent child but a dependent parent or parents who normally resides or reside with him, that parent or those parents shall be paid an amount equal to 156 times average weekly earnings and, if more than one, in equal shares.

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## Part VI                      Review and appeals

### 27                      Designated person's decision and referral to Board

(1) Subject to subsections (1A) and (4A), the designated person shall, within 30 business days of the Office after being requested in writing so to do by a person who claims to be entitled to a benefit or the variation of a benefit under this Act and being provided with the prescribed information:

- (a) make a decision on the person's claim; or
- (b) refer the matter to the Board for its determination,

and by notice in writing served on the person, advise the person of his decision or of the fact and date of the referral of the matter to the Board.

(1AA) For the purposes of subsection (1), **prescribed information** means information that is relevant to, and reasonably required to enable the designated person to assess a claim, including:

- (a) whether a person is or was entitled or qualified for benefits;
- (b) whether a benefit or variation of a benefit is or was payable to a person;
- (c) the rate of benefit that is or was applicable to a person; and
- (d) such information as is requested in approved forms.

(1A) Where within the 30 days referred to in subsection (1) the designated person requests from the person making the claim or from any other person information reasonably required to enable him to assess the claimant's entitlement to the benefit or the variation of a benefit, that time limit is extended by a period equal to the period during which the information remains outstanding.

(2) Where the designated person exercises a discretion under this Act, whether as a delegate of or with the authority of the Board, or, within the 30 days referred to in subsection (1) or any extension of that time limit under subsection (1A), refuses or fails to make a decision or refer the matter to the Board, a person aggrieved by his decision in the exercise of that discretion or by that refusal or failure may, within 28 days after receiving written notice of that decision or the expiration of that period, as the case may be, request in writing that the designated person refer the matter to the Board for its determination and the designated person shall, as soon as practicable, refer the matter accordingly.

- (3) Subject to subsection (4A), the Board shall, within 60 days after a matter is referred to it under this section, consider and determine it by confirming the decision of the designated person or substituting its decision for that of the designated person.
- (4) A determination referred to in subsection (3) shall be in writing and a copy shall be served on the aggrieved person.
- (4A) Before the designated person makes a decision or refers a matter under subsection (1) or the Board determines a matter under subsection (3), he or it may, by notice in writing served on the person who claims to be entitled to a benefit or the variation of a benefit or who is aggrieved by the decision of the designated person, request a conference with the person or a representative of the person and, without limiting the generality of section 33(1), any time limit under this section shall, except to the extent that the holding of a conference is delayed unreasonably by an act or neglect on the part of the designated person or the Board, be extended by the period equal to the period between the service of the notice and the holding of the conference.
- (5) The designated person or the Board may determine any matter before him or it without giving any person the right to be heard but shall consider all written submissions to him or it by or on behalf of the person concerned and may take into account the prescribed information and such other material as he or it, as the case may be, thinks fit.
- (6) Neither the designated person nor the Board is required to give reasons for his or its decisions under this Act.
- (7) Subject to section 29, no matter shall be referred to the Tribunal unless it has been considered by the Board.
- (8) A notice or determination in writing required by this section to be served on a person shall be served on him personally or by post addressed to him at his address stated in the relevant request or his last known address.

## **28 Motor Accidents (Compensation) Appeal Tribunal**

There is hereby established a Motor Accidents (Compensation) Appeal Tribunal which shall be constituted by a judge of the Supreme Court.

## **29 Appeals to the Tribunal**

- (1) Any person who is aggrieved:
  - (a) by a determination of the Board under this Act; or



- (b) by the failure of the Board to make a determination within the 60 days referred to in section 27(3),

may, within 28 days after being served under section 27(4) with a copy of the determination of the Board or the expiration of that time, as the case may be, refer the matter to the Tribunal.

- (2) The Board may, at any time, refer to the Tribunal any matter affecting the right of any person to a benefit, or the amount of a benefit, under this Act.
- (3) Where a matter is referred to the Tribunal, it shall conduct such hearings into the matter as it thinks fit and may make such determination as the Board could have made thereon as the Tribunal considers proper in the circumstances having regard to the intention of the Act, and such determination is binding on the Board.
- (4) A hearing conducted under this Part by the Tribunal shall be a hearing de novo.

### **29A Rules and procedure of Tribunal**

- (1) The Judges appointed under section 32(1) of the Supreme Court Act who are not additional Judges, or a majority of them, may make rules, not inconsistent with this Act:
- (a) regulating the practice and procedures of the Tribunal;
- (b) providing for the awarding of costs in matters before the Tribunal;
- (c) regulating the referral of matters to the Tribunal; and
- (d) conferring on the Tribunal additional powers which are necessary or convenient for carrying out its functions, including powers to impose and enforce penalties for a contravention of or failure to comply with the rules.
- (2) The rules made under subsection (1) may confer on the Master of the Supreme Court powers and functions in relation to the Tribunal and matters referred to the Tribunal, and the Master may exercise those powers and shall perform those functions accordingly.
- (3) Subject to subsection (1), the practice and procedures of the Tribunal in relation to a matter referred to it are as determined by it.

### **30 Tribunal's decision is final**

A decision of the Tribunal is final and shall not be capable of being reviewed in any court of law by prerogative writ or otherwise.

**30A Contempt of Tribunal**

A person shall not:

- (a) insult the Judge constituting the Tribunal in or in relation to the performance of his functions or exercise of his powers as the Tribunal;
- (b) repeatedly interrupt the proceedings of the Tribunal;
- (c) create a disturbance or take part in creating or continuing a disturbance in or near a place where the Tribunal is sitting; or
- (d) do any other act or thing that would, if the Tribunal were a court of record, constitute a contempt of that court.

Penalty: \$2,000 or imprisonment for 12 months.

**Part VII Miscellaneous****31 Time for making claims**

(1) A claim:

- (a) for a benefit; or
- (b) for the variation of a benefit,

under this Act shall be made as soon as practicable after the accident in or as a result of which the death or injury giving rise to the claim for a benefit, or the change in circumstances giving rise to the claim for variation of the benefit, occurred.

(1A) A claim under this section shall be in an approved form containing the particulars and information requested in the form signed by or on behalf of the claimant.

(2) The Board may refuse to consider:

- (a) a claim in respect of an accident; or
- (b) a claim for the variation of a benefit,

made later than 6 months after the date of the accident or the occurrence giving rise to the claim for variation, as the case may be.

(3) The Board shall refuse to consider:

- (a) a claim in respect of an accident; or

(b) a claim for the variation of a benefit,

made:

(c) later than 3 years after the date of the accident or the occurrence giving rise to the claim for variation, as the case may be; or

(d) in the case of a claimant who had not attained the age of majority at the time of the accident or the occurrence giving rise to the claim for the variation, as the case may be, later than 3 years after the date the claimant attained the age of majority.

### **32 Board not subject to directions**

In the performance of its function and the exercising of its powers under this Act the Board is not subject to the directions of any person.

### **33 Board may extend limits**

(1) In the exercising of its powers under this Act the Board may, where it considers that the circumstances of a particular case warrant such action because of special hardship that is likely to be suffered by any person, determine that the time limits imposed by this Act on the payment of benefits under Part III, IV (other than section 18(2A) or 18A) or V may be extended, and the benefits may be paid accordingly.

### **34 Board may take advice**

In considering any matter before it, the Board may take such medical and other advice, and from such sources, as it considers necessary.

### **35 Payments to minors**

(1) Where under this Act a payment is required to be made to a person who has not attained the age of majority or is under some other legal disability, that payment may be made on behalf of that person to the Public Trustee or to the guardian or other person who, from time to time, has the responsibility for the immediate care and welfare of that person.

(2) A payment made in pursuance of subsection (1) is a full discharge of the Board's obligations in respect of that payment and it is not bound to see to the application of the money so paid.

**36 Delegation of the Board**

- (1) The Board may, by writing under its seal, delegate to the designated person, either generally or otherwise as provided by the instrument of delegation, any of its powers or functions under this Act, other than this power of delegation, and a power or function so delegated may be exercised or performed by the designated person in accordance with the instrument of delegation.
- (2) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Board.
- (3) The Board may review the exercise of any delegated power under this section and substitute for the decision of the delegate in respect of any matter its own decision.

**37 Multiple spouses of aboriginals**

- (1) Notwithstanding any other provision of this Act, where, in respect of a resident of the Territory who is an aboriginal native of Australia married to more than one person according to the custom of the group or tribe of aboriginal natives of Australia to which he belongs (whether or not one of those marriages is a marriage in accordance with the law in force in the Territory) a benefit would, but for the operation of this section, be payable to or in respect of each of those persons, the amount of such benefit that is payable is the amount that would be so payable if the resident of the Territory had contracted only one such marriage and, in the case of a benefit payable under this Act to a spouse, it shall be payable to such spouses in equal shares.
- (2) Where under section 22 there is payable to an aboriginal native of Australia a benefit in respect of the death of his spouse and he has more than one spouse, the amount of benefit payable to him shall be the amount provided in that section divided by the number of his spouses at the date of death of the spouse.

**38 Office may recover certain payments**

- (1) Subject to this section, the Office may, from time to time, sue for and recover as a debt from:
  - (a) a manufacturer or repairer of a motor vehicle;
  - (b) the owner, or driver, of a motor vehicle that was not, at the time of the accident, a Territory motor vehicle; or
  - (c) a person who has intentionally or culpably caused the death of or injury to another person;

- (d) a person referred to in section 6(1)(a);
- (e) the Commonwealth;
- (f) the owner or driver of a motor vehicle referred to in section 40A(1); or
- (g) a person who was, at the time of the accident, driving under the influence of alcohol or of a drug or while he had a concentration of alcohol in his blood of 80 milligrams or more of alcohol per 100 millilitres of blood, in respect of which he was found guilty of an offence against a law of the Territory or of a State or another Territory of the Commonwealth in which the accident occurred,

who is, or but for section 5 or 40A would be, liable to pay damages in respect of the death or injury of a person in or as a result of an accident, so much of the amount that the Office has paid in respect of that death or injury as the court before which the recovery action is brought thinks reasonable having regard to the ability or likely ability of the person to pay.

- (2) Where a person in respect of whom a benefit has been paid under this Act was partly responsible for the accident in or as a result of which his death or injury occurred, the amount recoverable by the Office under subsection (1) shall be the total amount from time to time paid by it in respect of the death or injury reduced by the percentage agreed on between the Office and the person against whom the claim is made as the degree of responsibility, if any, of the first-mentioned person for his death or injury.
- (3) Where, under subsection (2), the Office and the person against whom a claim is made cannot agree on the degree of responsibility required to be determined, the court before which an action under subsection (1) is brought shall determine the degree of responsibility, if any, of the person in respect of whom the benefit has been paid by the Office and reduce accordingly the amount otherwise payable under subsection (1).
- (4) If a person referred to in section 6(1) is indemnified under that section by the Office and the person has, to the prejudice of the Office, failed to co-operate with the Office as required by section 6(4), the Office may sue and recover as a debt from the person so much of the money paid or costs incurred by the Office in indemnifying the person as the court before which the recovery action is brought thinks just and equitable in the circumstances.

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**40 Office may conduct certain legal, &c., proceedings**

- (1) The Office:
  - (a) may undertake the settlement of any claim against a person referred to in section 6(1) in respect of his liability referred to in that section;
  - (b) may take over during such period as it thinks fit the conduct on behalf of that person of any proceedings taken or had to enforce the claim or for the settlement of any question arising with reference to the claim;
  - (c) may defend or conduct those proceedings in the name and on behalf of that person; and
  - (d) shall indemnify that person against all costs and expenses of or incidental to any of those proceedings while the Office retains the defence or conduct of the proceedings.
- (2) The person referred to in subsection (1) shall sign all such warrants and authorities as the Office requires for the purpose of enabling it to have the defence or conduct of any proceedings referred to in that subsection and, in default of his so doing, the court in which the proceedings are pending may order that the warrants and authorities be signed by the Office on behalf of that person.
- (3) Nothing said or done by or on behalf of the Office in connection with the settlement of any such claim or the defence or conduct of any such proceedings shall be regarded as an admission of liability in respect of, or shall in any way prejudice, any other claim, action or proceeding arising out of the same occurrence.

**40A Nominal defendant provision**

- (1) Subject to subsection (5), a claim for damages in respect of the death of, or injury to, a person who was not at the time of the accident a resident of the Territory caused by or arising out of an accident in the Territory involving a motor vehicle:
  - (a) that was not a Territory motor vehicle; and
  - (b) in relation to which there was not in force a policy of insurance complying with the provisions of a law in force in a State or another Territory requiring the owner or driver of a motor vehicle to be insured against liability in respect of the death of, or injury to, any person caused by or arising out of the use of the motor vehicle,

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shall lie, and may be enforced, against the Office and not against the owner or driver of the motor vehicle.

- (2) A claim referred to in subsection (1) may be made and proceedings may be taken notwithstanding that the owner or driver of the motor vehicle referred to in that subsection is dead or cannot be found.
- (3) Subject to subsection (5), where the death of, or injury to, a person is caused by or arises out of an accident in the Territory involving a motor vehicle but the identity of the motor vehicle cannot, after due inquiry and search, be established, any person who could have enforced a claim for damages against the owner or driver of the motor vehicle in respect of the death or injury may enforce against the Office the claim that he could have enforced against the owner or driver of the motor vehicle.
- (4) The inquiry and search for the purposes of establishing the identity of the motor vehicle referred to in subsection (3) may be proved orally or by affidavit of the person who made the inquiry and search.
- (5) An action to enforce a claim referred to in this section shall not lie against the Office unless notice of intention to make a claim is given by the claimant to the Office within a period of 3 months after the occurrence out of which the right to make the claim under this section arose, or within such further period as the court, upon sufficient cause being shown, allows.

#### **41 Savings and enforcement of certain rights**

- (1) In this section ***authorized insurer*** and ***third-party policy*** have the same meaning as they respectively have in Part V of the *Motor Vehicles Act* as in force immediately before the commencement of this Act.
- (2) Notwithstanding anything in this Act, where an action in respect of the death or injury of a person in or as a result of an accident would have lain under the law applicable immediately before the commencement of this Act had the accident then occurred, nothing in this Act shall apply so as to prevent a person pursuing such action against a person who, at the time of the accident, was the holder of a current third-party policy.
- (3) Notwithstanding anything in this Act, the Board may, as a condition of paying or continuing to pay a benefit under this Act:
  - (a) in a case referred to in subsection (2); or
  - (b) in a case where a person entitled to a benefit under this Act has a right of action against any other person as a result of the accident in respect of which that entitlement arose,

require the person to commence or continue an action against the person holding a current third-party policy or that other person, as the case may be.

- (4) Where a person recovers damages as a result of an action commenced or continued in pursuance of a requirement under subsection (3):
  - (a) the payment of benefits under this Act to that person shall cease; and
  - (b) there shall be reimbursed to the Office from any amount so recovered the amount of benefits under this Act paid by the Office to or on behalf of that person, and that amount shall be paid to the Office by the authorized insurer concerned, in a case referred to in subsection (2), or the person against whom judgment is given in any other case, before any amount of the judgment (other than the costs in the action) are paid to the person.
- (5) Where a person commences or continues an action in pursuance of a requirement under subsection (3), and that action is unsuccessful or the amount recovered is not sufficient to reimburse the person for the costs in bringing the action, the Office shall pay to the person the reasonable amount of those costs or the amount by which the amount recovered falls short of the amount of those costs, as the case may be.

## **42 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.



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**Schedule Injuries in respect of which special compensation is payable**

section 17(1)

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Column 1 Injury	Column 2 Percentage
Loss of, or total loss of sight of, both eyes	100
Loss of, or total loss of sight of, a useful eye, the other being blind or absent	100
Loss of both hands	100
Loss of hand and foot	100
Loss of both feet	100
Loss of, or total loss of sight of, one eye with serious diminution of the sight of the other	75
Loss of, or total loss of sight of, one eye	40
Total loss of hearing	70
Complete deafness of one ear	20
Total loss of power of speech	70
Loss of genitals	50
Total and permanent loss of capacity to engage in sexual intercourse	50
Severe and permanent facial disfigurement	50
Total and permanent loss of sense of taste or smell	10
Loss of arm at or above elbow	80
Loss of arm below elbow, loss of hand or loss of thumb and 4 fingers of the one hand	70
Loss of thumb	30
Loss of forefinger	20

Column 1 Injury	Column 2 Percentage
Loss of middle finger	16
Loss of ring finger	14
Loss of little finger	13
Total loss of movement of joint of thumb	14
Loss of distal phalanx or joint of thumb	16
Loss of portion of terminal segment of thumb involving one-third of its flexor surface without loss of distal phalanx or joint	14
Loss of 2 phalanges or joints of forefinger	12
Loss of 2 phalanges or joints of middle or ring finger	11
Loss of 2 phalanges or joints of little finger	10
Loss of distal phalanx or joint of forefinger	10
Loss of distal phalanx or joint of other finger	8
Loss of leg at or above knee	75
Loss of leg below knee	65
Loss of foot	60
Loss of great toe	20
Loss of any other toe	8
Loss of 2 phalanges or joints of any other toe	7
Loss of phalanx or joint of great toe	10
Loss of phalanx or joint of any other toe	6

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Motor Accidents (Compensation) Act 1979 (Act No. 75, 1979)***

Assent date 29 June 1979  
Commenced 1 July 1979 (s 2)

***Motor Accidents (Compensation) Act (No. 2) 1979 (Act No. 117, 1979)***

Assent date 15 October 1979  
Commenced 1 July 1979 (s 2)

***Motor Accidents (Compensation) Amendment Act 1981 (Act No. 111, 1981)***

Assent date 24 December 1981  
Commenced 1 July 1981 (s 2)

***Motor Accidents (Compensation) Amendment Act 1982 (Act No. 47, 1982)***

Assent date 20 July 1982  
Commenced ss 4 and 10: 1 July 1979; ss 7 to 9: 1 February 1982;  
rem: 20 July 1982 (s 2)

***Statute Law Revision Act (No. 2) 1982 (Act No. 54, 1982)***

Assent date 8 October 1982  
Commenced 8 October 1982

***Motor Accidents (Compensation) Amendment Act 1984 (Act No. 3, 1984)***

Assent date 3 April 1984  
Commenced s 4: 1 January 1984; ss 5 and 6: 1 July 1979;  
rem: 1 August 1984 (Gaz S40, 1 August 1984)

***Motor Accidents (Compensation) Amendment Act (No. 2) 1984 (Act No. 8, 1984)***

Assent date 28 June 1984  
Commenced 1 July 1984 (Gaz S34, 29 June 1984)

***Motor Accidents (Compensation) Amendment Act 1985 (Act No. 36, 1985)***

Assent date 18 September 1985  
Commenced 18 September 1985

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***Motor Accidents (Compensation) (Costs in Proceedings Before the Appeal Tribunal) Act 1985 (Act No. 51, 1985)***

Assent date 1 October 1985  
Commenced 1 October 1985

***Motor Accidents (Compensation) Amendment Act 1986 (Act No. 32, 1986)***

Assent date 19 September 1986  
Commenced 1 October 1986 (*Gaz S70*, 1 October 1986, p 2)

***Motor Accidents (Compensation) Amendment Act (No. 2) 1986 (Act No. 51, 1986)***

Assent date 19 December 1986  
Commenced 1 January 1987 (*Gaz S90*, 24 December 1986)

***Statute Law Revision Act 1987 (Act No. 9, 1987)***

Assent date 27 May 1987  
Commenced 27 May 1987

***Motor Accidents (Compensation) Amendment Act 1989 (Act No. 51, 1989)***

Assent date 20 September 1989  
Commenced 8 November 1989 (s 2, s 2 *Territory Insurance Office Amendment Act 1989* (Act No. 36, 1989) and *Gaz G44*, 8 November 1989, p 2)

***Motor Accidents (Compensation) Amendment Act (No. 2) 1989 (Act No. 61, 1989)***

Assent date 26 October 1989  
Commenced 8 November 1989 (*Gaz G44*, 8 November 1989, p 3)

***Motor Accidents (Compensation) Amendment Act 1991 (Act No. 8, 1991)***

Assent date 7 March 1991  
Commenced 1 July 1990 (s 2)

***Statute Law Revision Act 1991 (Act No. 31, 1991)***

Assent date 25 June 1991  
Commenced 25 June 1991

***Motor Accidents (Compensation) Amendment Act (No. 2) 1991 (Act No. 48, 1991)***

Assent date 26 September 1991  
Commenced 15 October 1991 (*Gaz S35*, 15 October 1991)

***De Facto Relationships (Miscellaneous Amendments) Act 1991 (Act No. 82, 1991)***

Assent date 24 December 1991  
Commenced 1 January 1992 (s 2)

***Statute Law Revision Act 1994 (Act No. 50, 1994)***

Assent date 20 September 1994  
Commenced 20 September 1994

***Motor Accidents (Compensation) Amendment Act 1994 (Act No. 77, 1994)***

Assent date 30 December 1994  
Commenced 30 December 1994

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date 19 April 1996  
Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

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***Motor Accidents (Compensation) Amendment Act 1997 (Act No. 16, 1997)***

Assent date 11 April 1997  
Commenced 6 August 1997 (*Gaz G31*, 6 August 1997, p 2)

***Motor Accidents (Compensation) Amendment Act 1998 (Act No. 40, 1998)***

Assent date 27 May 1998  
Commenced 27 May 1998

***Motor Accidents (Compensation) Amendment Act 2000 (Act No. 24, 2000)***

Assent date 27 June 2000  
Commenced 1 September 2000 (*Gaz G34*, 30 August 2000, p 3)

***Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)***

Assent date 29 June 2001  
Commenced 15 July 2001 (s 2, s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and Cth *Gaz S285*, 13 July 2001)

***Fines and Penalties (Recovery) (Consequential Amendments) Act 2001 (Act No. 60, 2001)***

Assent date 11 December 2001  
Commenced 1 January 2002 (s 2, s 2 *Fines and Penalties (Recovery) Act 2001* (Act No. 59, 2001) and *Gaz G50*, 19 December 2001, p 3)

***Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)***

Assent date 11 December 2001  
Commenced 11 December 2001

***Motor Accidents (Compensation) Amendment Act 2002 (Act No. 73, 2002)***

Assent date 11 December 2002  
Commenced s 5: 1 July 1979; rem: 11 December 2002 (s 2)

**3**

**SAVINGS AND TRANSITIONAL PROVISIONS**

- s 11 *Motor Accidents (Compensation) Amendment Act 1982* (Act No. 47, 1982)
- s 12 *Motor Accidents (Compensation) Amendment Act 1984* (Act No. 3, 1984)
- s 18 *Motor Accidents (Compensation) Amendment Act (No. 2) 1984* (Act No. 8, 1984)
- s 3(2) *Motor Accidents (Compensation) (Costs in Proceedings Before the Appeals Tribunal) Act 1985* (Act No. 51, 1985)
- s 5(2) *Motor Accidents (Compensation) Amendment Act 1989* (Act No. 51, 1989)
- s 4 *Motor Accidents (Compensation) Amendment Act 1991* (Act No. 8, 1991)
- s 15 *Motor Accidents (Compensation) Amendment Act (No. 2) 1991* (Act No. 48, 1991)
- s 11(3) *De Facto Relationships (Miscellaneous Amendments) Act 1991* (Act No. 82, 1991)
- s 8 *Motor Accidents (Compensation) Amendment Act 2000* (Act No. 24, 2000)
- ss 4 and 6 *Motor Accidents (Compensation) Amendment Act 2002* (Act No. 73, 2002)

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**4 LIST OF AMENDMENTS**

- s 4 amd No. 117, 1979, s 4; No. 8, 1984, s 4; No. 32, 1986, s 4; No. 51, 1986, s 3; No. 51, 1989, s 4; No. 61, 1989, s 4; No. 48, 1991, s 4; No. 82, 1991, s 11; No. 16, 1997, ss 4 and 13; No. 17, 2001, s 21
- s 5 amd No. 8, 1984, s 5  
sub No. 61, 1989, s 5  
amd No. 48, 1991, s 5  
sub No. 16, 1997, s 5  
amd No. 24, 2000, s 4
- s 6 amd No. 117, 1979, s 5; No. 24, 2000, s 5
- s 7 amd No. 117, 1979, s 6
- s 8 amd No. 61, 1989, s 6
- s 9 amd No. 47, 1982, s 4; No. 3, 1984, s 4; No. 8, 1984, s 6; No. 17, 1996, s 6; No. 16, 1997, s 6; No. 24, 2000, s 6; No. 60, 2001, s 11
- s 10 amd No. 117, 1979, s 7  
sub No. 8, 1984, s 7  
amd No. 36, 1985, s 2; No. 9, 1987, s 2; No. 31, 1991, s 14; No. 50, 1994, s 16
- s 11 rep No. 48, 1991, s 6
- s 12 amd No. 61, 1989, s 7; No. 16, 1997, s 7
- s 13 amd No. 47, 1982, s 5; No. 32, 1986, s 5; No. 61, 1989, s 8; No. 48, 1991, s 7; No. 16, 1997, s 8; No. 73, 2002, s 5
- s 14 amd No. 47, 1982, s 6; No. 61, 1989, s 9
- s 15 amd No. 16, 1997, s 13; No. 62, 2001, s 15
- s 16 amd No. 32, 1986, s 6
- s 17 amd No. 47, 1982, s 7; No. 8, 1984, s 8  
sub No. 61, 1989, s 10  
amd No. 48, 1991, s 8
- s 18 amd No. 111, 1981, s 3; No. 8, 1984, s 9; No. 61, 1989, s 11; No. 8, 1991, s 3; No. 48, 1991, s 9; No. 16, 1997, s 9
- s 18A ins No. 61, 1989, s 12  
amd No. 16, 1997, s 10
- s 18B ins No. 61, 1989, s 12  
amd No. 40, 1998, s 2
- s 19 amd No. 61, 1989, s 13; No. 48, 1991, s 10
- s 20 amd No. 61, 1989, s 14
- s 21 amd No. 16, 1997, s 13
- s 22 amd No. 47, 1982, s 8  
sub No. 3, 1984, s 5  
amd No. 8, 1984, s 10  
sub No. 32, 1986, s 7; No. 48, 1991, s 11
- s 23 amd No. 47, 1982, s 9  
sub No. 3, 1984, s 5  
amd No. 8, 1984, s 11  
rep No. 32, 1986, s 7  
ins No. 48, 1991, s 11
- s 24 amd No. 8, 1984, s 12; No. 32, 1986, s 8  
sub No. 48, 1991, s 12
- s 25 amd No. 3, 1984, s 6; No. 8, 1984, s 13; No. 32, 1986, s 9  
rep No. 48, 1991, s 13
- s 26 amd No. 8, 1984, s 14  
rep No. 48, 1991, s 13
- s 27 sub No. 3, 1984, s 7  
amd No. 32, 1986, s 10; No. 51, 1989, s 5; No. 16, 1997, s 11
- s 28 amd No. 3, 1984, s 8; No. 36, 1985, s 3
- s 29 amd No. 3, 1984, s 9
- s 29A ins No. 3, 1984, s 10

## ENDNOTES

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s 29B	ins No. 51, 1985, s 3(1) rep No. 51, 1985, s 3(2)
s 30A	ins No. 32, 1986, s 11
s 31	amd No. 77, 1994, s 2; No. 16, 1997, s 12
s 33	amd No. 3, 1984, s 11; No. 61, 1989, s 15; No. 48, 1991, s 14
s 36	amd No. 51, 1989, s 6
s 37	amd No. 54, 1982, s 2; No. 32, 1986, s 12
s 38	amd No. 117, 1979, s 8; No. 8, 1984, s 15; No. 17, 1996, s 6; No. 24, 2000, s 7
s 39	rep No. 8, 1984, s 16
s 40A	ins No. 117, 1979, s 9 amd No. 47, 1982, s 10
sch	sub No. 8, 1984, s 17