

NORTHERN TERRITORY OF AUSTRALIA

MOTOR ACCIDENT (COMPENSATION) REGULATIONS

As in force at 18 November 2010

Table of provisions

1	Citation	1
2	Commencement	1
3	Definitions.....	1
4	Guides to the evaluation of permanent impairment	1
5	Commutation of compensation for loss of earning capacity	1
6	Commutation of benefits where eligible person resides or is about to reside outside Australia	2

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 18 November 2010. Any amendments that commence after that date are not included.

MOTOR ACCIDENT (COMPENSATION) REGULATIONS

Regulations under the *Motor Accidents (Compensation) Act*

1 Citation

These Regulations may be cited as the *Motor Accident (Compensation) Regulations*.

2 Commencement

These Regulations come into operation on 1 July 2007.

3 Definitions

In these regulations:

CPI means the All Groups Consumer Price Index, being the weighted average of the 8 capital cities, published by the Australian Statistician.

(indexed) indicates that the sum of money to which it relates is to be adjusted to reflect changes in the CPI between 1 July 2007 and 1 July in the financial year in which the relevant motor accident occurred.

4 Guides to the evaluation of permanent impairment

The most recent edition of the American Medical Association Guides to the Evaluation of Permanent Impairment must be available for inspection (in the form of a physical copy or on computer), during ordinary business hours, at the Office's office in Darwin.

5 Commutation of compensation for loss of earning capacity

- (1) The Office may commute a liability to pay compensation for loss of earning capacity.
- (2) A commutation may be made under this regulation:
 - (a) on the application of the eligible person; or

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- (b) if the amount of the compensation to which the eligible person is entitled does not justify, in the Office's opinion, the administrative cost of making periodic payments.
 - (3) In determining the amount for which an entitlement to future benefits should be commuted, a discount rate of 6% will be applied.
 - (4) The payment of the amount assessed on commutation discharges the Office from further liability to pay benefits of the kind to which the commutation relates.
 - (5) However, the Office has a discretion to re-open a commutation under this regulation if:
 - (a) the commutation was made without the eligible person's consent; and
 - (b) there has been a substantial deterioration of the eligible person's medical condition since the date of the commutation.

6 Commutation of benefits where eligible person resides or is about to reside outside Australia

- (1) This regulation applies to statutory benefits of the following kinds:
 - (a) compensation for loss of earning capacity under section 13 of the Act;
 - (b) compensation for the reasonable cost of medical and rehabilitation services under section 18 of the Act;
 - (c) long-term benefits for attendant care services under section 18B of the Act.
- (2) The Office may, on application by an eligible person, commute a liability to pay statutory benefits to which this regulation applies if satisfied that:
 - (a) the eligible person is ordinarily resident outside Australia or is about to leave Australia to take up residence, for a substantial period, outside Australia; and
 - (b) the eligible person is entitled to benefits of the kind for which commutation is sought; and
 - (c) the eligible person has suffered a permanent impairment as a result of the injury received in, or as a result of, the relevant motor accident and the degree of the permanent impairment (as assessed by the Office) is 15% or more; and

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- (d) the eligible person's medical condition has stabilised to a point where it is possible to predict the future course of the condition (i.e. the nature and extent of future amelioration or deterioration of the condition) with reasonable certainty.
- (3) For determining the amount for which an entitlement to future benefits should be commuted:
 - (a) the amount of the future benefits will be assessed on the assumption that the eligible person will remain in Australia; and
 - (b) the probable future amelioration or deterioration of the eligible person's medical condition will be taken into account (and, for this purpose, it will be assumed that the eligible person will receive the benefit of rehabilitative services equivalent to the best that would have been available to the eligible person if he or she had remained in Australia); and
 - (c) a discount rate of 6% will be applied.
 - (4) The total amount for which statutory benefits are commuted under this regulation cannot exceed \$1million (indexed) and the component of such an amount representing compensation for the reasonable cost of medical and rehabilitation services cannot exceed \$300 000 (indexed).
 - (5) The payment of the amount assessed on commutation discharges the Office from further liability to pay benefits of the kind to which the commutation relates.

 ENDNOTES

1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION

Motor Accidents (Compensation) Rates of Benefit Regulations (SL No. 38, 1984)

Notified	29 June 1984
Commenced	1 July 1984 (r 2, s 2 <i>Motor Accidents (Compensation) Amendment Act (No. 2) 1984</i> (Act No. 8, 1984) and <i>Gaz</i> S34, 29 June 1984)

Amendments of the Motor Accidents (Compensation) Rates of Benefits Regulations (SL No. 37, 1986)

Notified	1 October 1986
Commenced	1 October 1986 (r 2, s 2 <i>Motor Accidents (Compensation) Amendment Act 1986</i> (Act No. 32, 1986) and <i>Gaz</i> S70, 1 October 1986, p 2)

Amendments of the Motor Accidents (Compensation) Rates of Benefit Regulations (SL No. 29, 1989)

Notified	8 November 1989
Commenced	8 November 1989 (r 1, s 2 <i>Motor Accidents (Compensation) Amendment Act (No.2) 1989</i> (Act No. 61, 1989) and <i>Gaz</i> G44, 8 November 1989, p 3)

Amendments of the Motor Accidents (Compensation) Rates of Benefit Regulations (SL No. 67, 1992)

Notified	11 November 1992
Commenced	11 November 1992

Motor Accident (Compensation) Rates of Benefit Amendment Regulations 2007 (SL No. 13, 2007)

Notified	23 May 2007
Commenced	23 May 2007

Territory Insurance Office and Other Legislation Amendment Act 2010 (Act No. 35, 2010)

Assent date 18 November 2010
Commenced pt 4: 1 January 2011; rem: 18 November 2010 (s 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

r 11 *Amendments of the Motor Accidents (Compensation) Rates of Benefit Regulations (SL No. 29, 1989)*

4 LIST OF AMENDMENTS

- r 1 sub No. 13, 2007, r 3
- r 2 sub No. 13, 2007, r 3
- r 3A ins No. 29, 1989, r 3
 rep No. 13, 2007, r 3
- r 3 amd No. 29, 1989, r 4
 rep No. 67, 1992
- r 4 ins No. 13, 2007, r 3
 amd No. 29, 1989, r 5
 rep No. 67, 1992
 ins No. 13, 2007, r 3
 amd Act No. 35, 2010, s 49
- r 4A ins No. 29, 1989, r 6
 rep No. 13, 2007, r 3
- r 4B ins No. 29, 1989, r 6
 rep No. 67, 1992
- r 5 sub No. 37, 1986, r 4
 amd No. 29, 1989, r 7
 rep No. 67, 1992
 ins No. 13, 2007, r 3
 amd Act No. 35, 2010, s 49
- r 6 rep No. 37, 1986, r 5
 ins No. 13, 2007, r 3
 amd Act No. 35, 2010, s 49
- r 7 amd No. 37, 1986, r 6; No. 29, 1989, r 8
 rep No. 67, 1992
- r 8 amd No. 37, 1986, r 7; No. 29, 1989, r 9
 rep No. 67, 1992
- r 9 amd No. 37, 1986, r 8; No. 29, 1989, r 10
 rep No. 67, 1992