

NORTHERN TERRITORY OF AUSTRALIA

TERRITORY INSURANCE OFFICE AND OTHER LEGISLATION
AMENDMENT ACT 2010

Act No. 35 of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 35 of 2010

An Act to amend the *Territory Insurance Office Act* and other legislation relating to the Territory's motor accident compensation scheme

[Assented to 18 November 2010]

[Second reading 18 August 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Territory Insurance Office and Other Legislation Amendment Act 2010*.

2 Commencement

- (1) Part 4 commences on 1 January 2011.
- (2) The remaining provisions of this Act commence on the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Territory Insurance Office Act

3 Act amended

This Part amends the *Territory Insurance Office Act*.

4 Section 3 amended

- (1) Section 3, heading

omit, insert

3 Definitions

- (2) Section 3(1)

omit

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

insert

In this Act:

- (3) Section 3, definitions ***Board, Chairman, Deputy Chairman, financial service*** and ***MAC member***

omit

- (4) Section 3

insert (in alphabetical order)

associate, see section 3A.

Board, see section 9(1).

Chairperson means the Chairperson of the Board.

Deputy Chairperson means the Deputy Chairperson of the Board.

financial service means:

- (a) the acceptance of deposits and the making of loans and investments; and
- (b) any matter relating to a service mentioned in paragraph (a).

- (5) Section 3(2)

omit

5 Sections 3A and 3B inserted

After section 3, in Part I

insert

3A Meaning of *associate*

- (1) A person is an ***associate*** of another person if:
- (a) one is a spouse, de facto partner, parent, brother, sister or child of the other; or
 - (b) they are partners in a partnership; or
 - (c) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust; or
 - (d) one is a body corporate and the other is a director or member of the governing body of the body corporate; or
 - (e) one is a body corporate (other than a public company whose shares are listed on a stock exchange) and the other is a shareholder in the body corporate; or
 - (f) they are related bodies corporate within the meaning of the Corporations Act 2001; or
 - (g) a chain of relationships can be traced between them under any one or more of the above paragraphs.
- (2) For subsection (1), a beneficiary of a trust includes an object of a discretionary trust.

3B Application of Part IIAA of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 3B

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

6 Section 4 amended

- (1) Section 4, heading

omit, insert

4 Establishment of Office

- (2) Section 4(1)

omit

hereby

- (3) Section 4(2) and (3)

omit, insert

- (2) The Office:

(a) is a body corporate with perpetual succession; and

(b) has a common seal; and

(c) is capable, in its corporate name, of:

(i) acquiring, holding and disposing of real and personal property; and

(ii) suing and being sued.

- (3) All courts, judges and persons acting judicially must:

(a) take judicial notice of the seal of the Office affixed to a document; and

(b) presume it was properly affixed.

7 Section 6 amended

- (1) Section 6, heading

omit, insert

6 Powers of Office

- (2) Section 6(1)

omit, insert

- (1) Subject to this Act, the Office has, for or in connection with the performance of its functions, all the powers of an individual.

(3) Section 6(2)(d) and (e)

omit, insert

(d) enter into contracts, including, for example, contracts to engage consultants to advise it on the operation of its business; and

(4) Section 6(2)(n)

omit, insert

(n) invest its moneys; and

(5) Section 6(2)(a) to (c) and (f) to (ma), at the end

insert

and

8 Section 7 replaced

Section 7

repeal, insert

7 Ministerial direction

- (1) In exercising its powers and performing its functions, the Office is subject to the direction of the Minister.
- (2) However, the Minister may give a direction to the Office only if:
 - (a) satisfied compliance with the direction is in the public interest; and
 - (b) the Minister has consulted the Board about the direction.
- (3) The Minister must table a copy of the direction in the Legislative Assembly within 6 sitting days after giving it.
- (4) The Office's annual report for a financial year must include details about each direction given in the year.

9 Sections 9 to 11 replaced

Sections 9 to 11

repeal, insert

9 Board of directors

- (1) There is to be a board of directors of the Office (the ***Board***).
- (2) The Board is responsible for the Office's commercial and MAC business activities.
- (3) All acts and things done in the name of or for the Office by or with the authority of the Board are taken to have been done by the Office.

10 Composition of Board

- (1) The Board consists of at least 3 members appointed by the Minister.
- (2) The Chief Executive Officer may be appointed as a member of the Board.
- (3) The exercise of a power or performance of a function by the Board is not affected merely because of:
 - (a) a vacancy in the office of a member; or
 - (b) a member's absence from a Board meeting.

11 Period of appointment

- (1) A member, other than the Chief Executive Officer, holds office for:
 - (a) 3 years from the date of appointment; or
 - (b) if a shorter period is stated in the member's instrument of appointment – that period.
- (2) A member is eligible for reappointment.

10 Sections 14 and 15 replaced

Sections 14 and 15

repeal, insert

14 Resignation of member

A member, other than the Chief Executive Officer, may resign office by signed notice given to the Minister.

15 Termination of member's appointment

- (1) The Minister may terminate the appointment of a member on the grounds of inability, inefficiency, misbehaviour or physical or mental incapacity.
- (2) In addition, the Minister must terminate the appointment of a member if the member is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board.
- (3) The termination of a member's appointment under subsection (1) or (2) must be in writing given to the member.
- (4) A member's appointment terminates if the member:
 - (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of the member's remuneration for their benefit; or
 - (b) is convicted:
 - (i) in the Territory of an offence that is punishable by imprisonment for 12 months or more; or
 - (ii) is convicted elsewhere than in the Territory of an offence that, if committed in the Territory, would be an offence punishable by imprisonment for 12 months or more; or
 - (c) is disqualified under Part 2D.6 of the Corporations Act 2001 from managing a corporation.
- (5) This section does not limit section 12(1A).
- (6) In this section:

member does not include the Chief Executive Officer.

11 Section 17 replaced

Section 17

*repeal, insert***17 Disclosure of interest**

- (1) If a member has a direct or indirect interest in a matter being considered, or about to be considered, by the Board, the member must disclose the nature of the interest to a meeting of the board as soon as practicable after the relevant facts come to the member's knowledge.

Fault element: The member intentionally fails to make the disclosure.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

- (2) However, subsection (1) does not apply to the obtaining, negotiating or renewing of a director's and officer's insurance policy.
- (3) The disclosure must be recorded in the Board's minutes.
- (4) A member who has disclosed an interest under subsection (1):
- (a) must not, while the member has the interest, take part after the disclosure in any deliberation or decision of the Board in relation to the matter in which the member has the interest; and
 - (b) is to be disregarded for the purpose of constituting a quorum of the Board in relation to the deliberation or decision of the Board in relation to the matter in which the member has the interest.
- (5) Subsection (4) does not apply to a member if the Board resolves that the subsection does not apply to the member.
- (6) A member who has disclosed an interest under subsection (1) may withdraw from the meeting during a period of deliberation or decision of the Board in relation to the matter in which the member has the interest, even if the Board has made a resolution under subsection (5) in relation to the matter.

12 Section 17A amended

Section 17A(1), penalty provision

omit, insert

Fault element: The member intentionally fails to give the notice.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

13 Section 17B amended

(1) Section 17B, heading

omit, insert

17B Register of members' interests

(2) Section 17B(1)(b)

omit, insert

(b) particulars of deposit accounts with the Office of the member or an associate of the member; and

(c) particulars of directorships of companies held by the member or an associate of the member; and

(d) particulars of the nature and extent of interests disclosed by a member under section 17(1).

(3) After section 17B(1)

insert

(1A) The Board must, within 3 days after a member discloses an interest under section 17(1), enter in the register the particulars mentioned in subsection (1)(d).

14 Section 17C amended

Section 17C(2)

omit, insert

(2) A member or associate of a member commits an offence if:

(a) the member or associate obtains a loan from the Office; and

- (b) the Office is prohibited from providing the loan under subsection (1).

Fault element: The member or associate knows the Office is prohibited from providing the loan.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

15 Section 18 replaced

Section 18

repeal, insert

18 Meetings of Board

- (1) The Board must meet as often as is necessary for the exercise of its powers and the performance of its functions.
- (2) The Chairperson must make the arrangements to enable the Board to meet.
- (3) At a meeting of the Board:
- (a) 3 members constitute a quorum; and
 - (b) questions arising must be decided by a majority of the votes of the members present and voting and, in the event of an equality of votes, the member presiding has a casting vote; and
 - (c) subject to this Act, the Board decides the procedures to be followed at or in connection with the meeting.
- (4) The Board must keep a record of its meetings.
- (5) The record must:
- (a) be made within a reasonable time after the meeting; and
 - (b) state the date of the meeting; and
 - (c) be signed by the presiding member at the next meeting.

16 Section 19 amended

Section 19(7) and (8)

omit, insert

- (7) The Chief Executive Officer may resign office by written notice to the Board.
- (8) The Chief Executive Officer may delegate any of the Officer's powers and functions under this Act to an employee of the Office.

17 Sections 19A to 21 replaced

Sections 19A to 21

repeal, insert

20 Acting Chief Executive Officer

- (1) The Board may appoint an employee of the Office to act in the office of the Chief Executive Officer:
 - (a) during a vacancy, or all vacancies, in the office whether or not an appointment has previously been made to the office; or
 - (b) during any period, or all periods, when the Chief Executive Officer is unable to perform the duties of the office.
- (2) The appointment may be made only after consultation with the Minister.

21 Delegation by Board

The Board may, by resolution, delegate any of its powers and functions to:

- (a) a director of the Board; or
- (b) a committee of the Board; or
- (c) the Chief Executive Officer; or
- (d) an employee of the Office.

18 Section 22 amended

Section 22(e)

omit, insert

- (e) interest and distributions on investments of moneys of the Office, including, for example, trust distributions; and

19 Sections 24 and 25 replaced

Sections 24 and 25

*repeal, insert***25 Financial records**

- (1) The Office must keep written financial records that:
- (a) correctly record and explain its transactions and financial position and performance; and
 - (b) enable true and fair financial statements to be prepared and audited.
- (2) The Office must keep the financial records for 7 years after the transactions covered by the records are completed.

20 Section 26 replaced

Section 26

*repeal, insert***26 Payment of surplus amount in Fund to Territory**

- (1) This section applies if the Minister is satisfied an amount in the Fund is in excess of that required as adequate provision for conducting the MAC business for a financial year for the following:
- (a) actual and contingent liabilities of the Office;
 - (b) reasonable operating and other expenses of the Office.
- (2) The Minister may direct the Office to pay the amount, or part of it, into the Central Holding Authority by the date stated in the direction.
- (3) The amount paid under subsection (2) may be paid out of the Central Holding Authority only for promoting road safety.

Note for subsection (3)

For authorised payments out of the Central Holding Authority, see section 5(2) of the Financial Management Act.

26A Payment of other surplus amounts to Territory

- (1) This section applies if the Minister is satisfied an amount held by the Office (other than an amount in the Fund) is in excess of that required as adequate provision for conducting the commercial business for a financial year for the following:
 - (a) actual and contingent liabilities of the Office;
 - (b) reasonable operating and other expenses of the Office.
- (2) The Minister may direct the Office to pay the amount, or part of it, into the Central Holding Authority by the date stated in the direction.
- (3) The Minister must table a copy of the direction under subsection (2) in the Legislative Assembly within 6 sitting days after giving it.

21 Section 27 amended

- (1) Section 27(1) and (1A)

omit, insert

- (1) The Board must, within 4 months after the end of each financial year or the longer period allowed by the Minister:
 - (a) prepare an annual report of the Office's operations during the year; and
 - (b) give it to the Minister.
- (1A) The annual report must:
 - (a) conform to the requirements of similar reports under the Corporations Act 2001; and
 - (b) include:
 - (i) a report for the Office as a whole; and
 - (ii) a separate report for the commercial business; and
 - (iii) a separate report for the MAC business; and
 - (c) include all information that is required by the Minister to enable an informed assessment of the Office's operations.

(2) Section 27(2)

omit

shall table the report under subsection (1)

insert

must table the annual report

22 Section 32 amended

After section 32(4)

insert

- (5) Sections 52 (other than section 52(1)(d)) and 53 of the *Government Owned Corporations Act* apply to the Office as if it were a Government owned corporation.

23 Section 33 amended

(1) Section 33(2)

omit

Where

insert

Subject to subsection (4), if

(2) Section 33(3)

omit

all words from "and the Minister" to "thinks fit"

(3) Section 33(4)

omit

all words from "Where" to "matter, the"

insert

The

24 Section 34 replaced

Section 34

repeal, insert

34 Regulations

- (1) The Administrator may make regulations under this Act.
- (2) Regulations may be made about the procedures for the preparation, amendment and approval of a statement of corporate intent.

25 Further amendments

Schedule 1 has effect.

**Part 3 Amendment of Motor Accidents
 (Compensation) legislation**

Division 1 Motor Accidents (Compensation) Act

26 Act amended

This Division amends the *Motor Accidents (Compensation) Act*.

27 Section 4 amended

- (1) Section 4, heading

omit, insert

4 Definitions

- (2) Section 4(1)

omit

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

insert

In this Act:

- (3) Section 4, definitions ***Board, designated person*** and ***nursing care***

omit

(4) Section 4

insert (in alphabetical order)

claim, for Part 6, see section 26.

claimant, for Part 6, see section 26.

designated person, means the person holding or occupying the office of designated person mentioned in section 27.

nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a student).

nursing care means care provided by a nurse other than as a member of the nursing staff at a hospital or other institution.

original decision, for Part 6, see section 28A(1).

review decision, for Part 6, see section 28B(1)(c).

(5) Section 4, definition **spouse**, paragraphs (a) to (c), at the end

insert

or

(6) Section 4(2)

omit

28 Section 4E inserted

After section 4D, in Part I

insert

4E Application of Part IIAA of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 4E

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

29 Section 27 replaced

Section 27

repeal, insert

Division 1 Preliminary matters

26 Definitions

In this Part:

claim, for a benefit, includes a claim for the variation of a benefit.

claimant, for a benefit, means the person who made a claim for the benefit.

original decision, see section 28A(1).

review decision, see section 28B(1)(c).

27 Designated person

- (1) There is an office of designated person for this Act.
- (2) The Board of the Office must appoint an employee of the Office as the designated person.

30 Part 6, Division 2 inserted

After section 28

insert

Division 2 Review of claims

28A Review by designated person

- (1) A claimant who is aggrieved by a decision made on the claimant's claim for a benefit (the *original decision*) may ask the designated person to review the merits of the decision.
- (2) The claimant must request the review within 90 days after:
 - (a) receipt of notice of the original decision; or
 - (b) if notice of the original decision is not given – the claimant becomes aware of the decision.
- (3) The request must be in the approved form.

28B Conducting review

- (1) The designated person must:
 - (a) conduct the review in a way that is fair and expeditious; and
 - (b) give proper consideration to the issues; and
 - (c) make a decision on the request (a *review decision*) within 30 business days after the request is made or that period as extended under subsection (3).
- (2) In conducting the review the designated person may, by written notice, request the claimant within a reasonable stated period:
 - (a) to attend a conference; or
 - (b) to give additional information that is relevant to, and reasonably required to enable the assessment of, the claimant's claim for a benefit.
- (3) If, in conducting the review, the designated person requests a conference or additional information, the period for making a review decision on the request is extended by the lesser of the following:
 - (a) the period equal to the period between the giving of the notice making the request and the holding of the conference or giving of the information;
 - (b) the period equal to the period between the giving of the notice and the period stated in the notice for attending a conference or giving the information.
- (4) This section is subject to section 28D.

28C Decision on review

- (1) In making a review decision on the request, the designated person must:
 - (a) confirm the original decision; or
 - (b) vary the original decision; or
 - (c) revoke the original decision and substitute another decision for it.
- (2) The designated person must give the claimant written notice of the review decision as soon as practicable after making it.

- (3) The notice must include:
 - (a) the reasons for the review decision; and
 - (b) the procedures for referral to the Tribunal under Division 3.
- (4) The validity of the review decision is not affected by a contravention of subsection (2) or (3).
- (5) A decision under subsection (1)(b) or (c) is, for this Act (other than this Part), taken to be the decision of the Office.

31 Section 29 replaced

Section 29

repeal, insert

insert

Division 3 Referral of claims to Tribunal

28D Referral to Tribunal – designated person's initiative

The designated person may, if satisfied it is appropriate in the circumstances to do so, refer a request under section 28A to the Tribunal for its decision.

28E Referral to Tribunal – claimant's request

- (1) This section applies if:
 - (a) a claimant is aggrieved by a review decision; or
 - (b) the designated person does not make a review decision on a claimant's request for a review of the original decision within the period provided under section 28B.
- (2) The claimant may refer the matter to the Tribunal by giving written notice to the Tribunal in the approved form.
- (3) The notice must be given within 28 days after:
 - (a) if subsection (1)(a) applies:
 - (i) receipt of notice of the review decision given under section 28C; or
 - (ii) if notice of the review decision is not so given – the claimant becomes aware of the decision; or

- (b) if subsection (1)(b) applies – the end of the period provided under section 28B.

29 Hearing of referral

- (1) On referral of a matter, the Tribunal must conduct a hearing into the matter in the way it considers appropriate.
- (2) In conducting a hearing, the Tribunal must:
 - (a) consider the matter afresh; and
 - (b) is not bound by anything considered in making the original or review decision to which the hearing relates (the *referred decision*).
- (3) Without limiting subsection (2), the Tribunal may:
 - (a) take evidence that was not considered in making the referred decision; and
 - (b) refuse to take evidence that was considered in making the referred decision.
- (4) In deciding the referral, the Tribunal must:
 - (a) confirm the referred decision; or
 - (b) vary the referred decision; or
 - (c) revoke the referred decision and substitute another decision for it.
- (5) The Tribunal may make the orders it considers appropriate to give effect to its decision and the orders as to costs it considers just.
- (6) In making an order about costs, the Tribunal:
 - (a) must take into account the efforts of the parties made to reach an agreement on the claimant's claim for a benefit; and
 - (b) may include as costs the reasonable costs of a party incurred in relation to the efforts.
- (7) A decision under subsection (4)(b) or (c) is, for this Act (other than this Part), taken to be the decision of the Office.

32 Section 29A amended

- (1) Section 29A(1)(a) and (b), at the end

insert

and

- (2) After section 29A(2)

insert

- (2A) In addition, the rules may provide for the approval of forms for carrying out the Tribunal's functions.

33 Section 30A amended

- (1) Section 30A(a)

omit (all references)

his

- (2) Section 30A(a) and (b), at the end

insert

or

- (3) Section 30A, after paragraph (d)

insert

Fault element: The person intentionally does the act or thing.

34 Section 30B inserted

After section 30A

insert

30B Operation and implementation of decision pending review or referral

- (1) A request under section 28A by a claimant for a review of an original decision does not affect the operation or implementation of the decision.

- (2) However, the designated person may, by written notice to the claimant:
 - (a) suspend the operation or implementation of so much of the original decision as the designated person considers appropriate to effectively review the decision; or
 - (b) impose conditions on the operation or implementation of the decision until a review decision is made.
- (3) A referral of a matter under section 28D or 28E does not affect the operation or implementation of the original or review decision.
- (4) However, the Tribunal may make an order staying or otherwise affecting the operation or implementation of so much of the original or review decision as the Tribunal considers appropriate to effectively decide the matter.
- (5) The order:
 - (a) is subject to the conditions stated in the order; and
 - (b) has effect:
 - (i) for the period stated in the order; or
 - (ii) if no period is stated – until the Tribunal decides the matter.

35 Section 32 replaced

Section 32

repeal, insert

32 Office not subject to direction

In the exercise of its powers and performance of its functions under this Act the Office is not subject to the direction of anyone other than the Minister.

36 Section 36 replaced

Section 36

repeal, insert

36 Delegation by Office

The Office may delegate any of the Office's powers and functions under this Act to the designated person or another employee of the Office.

37 Section 42 replaced

Section 42

repeal, insert

42 Regulations

The Administrator may make regulations under this Act.

38 Part 9 inserted

After section 43

insert

**Part 9 Savings matter for *Territory Insurance Office
and Other Legislation Amendment Act 2010***

44 Things previously done by Office for Board

If, before the commencement of this section, the Office has purportedly done something under this Act for the Board, the thing is taken to have been done under this Act by the Board.

39 Further amendments

Schedule 2 has effect.

Division 2 Motor Accidents (Compensation) Appeal Tribunal Rules

40 Rules amended

This Division amends the *Motor Accidents (Compensation) Appeal Tribunal Rules*.

41 Rule 3 replaced

Rule 3

repeal, insert

3 Definitions

In these Rules:

Master means the Master of the Supreme Court.

party means a party to a reference, and includes the Office.

reference means a matter referred to the Tribunal under section 28D or 28E of the Act.

Registrar means the Registrar of the Tribunal.

42 Rule 4 amended

Rule 4(2)

omit, insert

- (2) The Registrar must keep a register of each reference containing the following information:
- (a) the name of the person making the reference;
 - (b) the other parties to the reference;
 - (c) the date the reference is lodged;
 - (d) the date of the Tribunal hearing;
 - (e) the date of the Tribunal's decision;
 - (f) the nature of the decision;
 - (g) the other information the Registrar considers appropriate.

43 Rule 5 amended

Rule 5(1)(a)

omit, insert

(a) notice in the approved form; and

44 Rule 6 amended

Rule 6(1)(a)

omit, insert

(a) an answer in the approved form; and

45 Rule 10 repealed

Rule 10

repeal

46 Rule 16 replaced

Rule 16

repeal, insert

16 Approved forms

The Registrar may approve forms for use under these Rules.

47 Forms repealed

Forms 1 to 4

repeal

48 Further amendments

Schedule 3 has effect.

Division 3 Motor Accidents (Compensation) Regulations

49 Regulations amended

Schedule 4 amends the *Motor Accident (Compensation) Regulations*.

Part 4 Amendment of Motor Vehicles legislation

Division 1 Motor Vehicles Act

50 Act amended

This Division amends the *Motor Vehicles Act*.

51 Part V, Division 1 replaced

Part V, Division 1

repeal, insert

Division 1 Interpretation

44 Definition

In this Part:

Minister means the minister administering the *Territory Insurance Office Act*.

52 Sections 47 to 47C replaced

Sections 47 to 47C

repeal, insert

47 Declaration of compensation contributions

(1) The Minister must, by *Gazette* notice, declare the amount of compensation contributions payable on and after the date stated in the notice for the following:

- (a) the grant or renewal of the registration of a motor vehicle;
- (b) the grant or renewal of a pastoral vehicle permit;
- (c) the grant of an exemption from registration of a visiting motor vehicle under section 8A;

- (d) the grant of a licence under section 137;
 - (e) the issuing of a trader's plate;
 - (f) an application for registration or re-registration under the *Interstate Road Transport Act 1985* (Cth) of a motor vehicle or trailer.
- (2) The declared amount of the compensation contributions must be:
- (a) the amount previously declared under this section indexed in accordance with a method decided by the Minister; or
 - (b) another amount decided by the Minister in accordance with a recommendation made on a review under section 47A.

47A Reviews

- (1) The Minister must ensure the amounts of compensation contributions are reviewed by a competent person at intervals of not more than 3 years.
- (2) In addition, the Minister may at any time require the review of:
- (a) the amounts of compensation contributions; or
 - (b) another matter arising from the compensation scheme under the *Motor Accidents (Compensation) Act*.
- (3) Without limiting subsection (2)(b), the requirement may relate to any of the following:
- (a) a benefit payable under the scheme;
 - (b) the design of the scheme;
 - (c) the contribution structure for the scheme, including, for example, the proportion of the contribution by the Territory, or any of the amounts of compensation contributions, to the overall contribution for the scheme.
- (4) In this section:
- competent person*** means a person who:
- (a) is not a public sector employee or employee of the Office; and
 - (b) has the qualifications and experience to conduct the review.

53 Part V, Division 3 repealed

Part V, Division 3

repeal

54 Part IX inserted

After section 138

insert

**Part IX Transitional matters for *Territory Insurance
Office and Other Legislation Amendment
Act 2010***

139 Compensation contributions

The amount specified by *Gazette* notice made under section 47 and in force immediately before the commencement of section 52 of the *Territory Insurance Office and Other Legislation Amendment Act 2010* is taken to be the amount previously declared for section 47(2)(a).

Division 2 Motor Vehicles Regulations

55 Regulations amended

This Division amends the *Motor Vehicles Regulations*.

56 Regulations 19 and 20 repealed

Regulations 19 and 20

repeal

Schedule 1 Further amendments of Territory Insurance Office Act

section 25

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	whole heading	Part 1 Preliminary matters
Part II, heading	whole heading	Part 2 Territory Insurance Office
section 5(a) to (e)	;	; and
Part III, heading	whole heading	Part 3 Board of Territory Insurance Office
section 12, heading	Chairman	Chairperson
section 12(1) to (3)	Chairman (all references)	Chairperson
section 12(2)	his	or her
section 12(3)	an acting chairman	a member to act as Chairperson
section 13(1)	who is not the Chief Executive Officer, or a Chief Executive officer or employee, as defined in the <i>Public Sector Employment and Management Act</i> , shall	, other than the Chief Executive Officer, is to
section 16(1)	Where a member who is not the Chief Executive Officer, or a Chief Executive officer or employee, as defined in the <i>Public Sector Employment and Management Act</i>	If a member, other than the Chief Executive Officer,

Part IV, heading	whole heading	Part 4 Financial matters
section 25A(1)	he	the Minister
Part V, heading	whole heading	Part 5 Miscellaneous matters
section 29, heading	whole heading	29 Internal insurance
section 29(1)	or internal re-insurance	
section 30(1)	Authority (first reference)	authority
Part VI, heading	Part VI	Part 6
Part VII, heading	Part VII	Part 7

Schedule 2 Further amendments of Motor Accidents (Compensation) Act

section 39

Part 1 Amendments relating to references to Board

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
sections 4, definition <i>spouse</i> , paragraphs (b) and (d), 4C(1), 9(2), (6) and (7), 12(1), (2), (3), and (5) to (7), 13(1), (2)(a), (b)(ii) and (iii) and (c), (3), (4) and (6), 14(1)(b)(i) to (iii) and (d) and (3)(b), 17(1)(b) and (2), 18(4), 18A(2) and (5), 18B(1)(b) and (2), 18C(1) and (3), 19(1)(b)(iii) and (c), 20A(1) to (4), 21, 22(2), 31(2) and (3), 33 and 34	Board (all references)	Office
sections 9(1)(c) and (3)(a), 12(3)(b), 20A(1)(c) and 35(2)	Board's	Office's
sections 12, 33 and 34, heading	Board	Office

Part 2 Other minor amendments

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	whole heading	Part 1 Preliminary matters
Part II, heading	Part II	Part 2
Part III, heading	Part III	Part 3
Part IV, heading	Part IV	Part 4
sections 14(1) and (2) and 21	he (all references)	the person
sections 14(1)(b)(i) and 21	his	
sections 14(2) and (3)(c) and 24	him (all references)	the person
section 14(3)(a), at the end		or
Part V, heading	Part V	Part 5
Part VA, heading	Part VA	Part 5A
Part VI, heading	whole heading	Part 6 Reviews and referrals to Tribunal
after section 29		Division 4 Miscellaneous matters
Part VII, heading	whole heading	Part 7 Miscellaneous matters
section 33	(1)	
section 33	Part III, IV (other than section 18(2A) or 18A) or V	Part 3, 4 (other than section 18(2A) or 18A) or 5
section 37(2), before "an Aboriginal"		a qualifying person who is

section 37(2)	his spouse and he	the person's spouse and the person
section 37(2)	him shall be	the person is
section 37(2)	his	
section 40, heading	whole heading	40 Office may conduct certain proceedings
section 40(1)(a)	his	the person's
section 40(1)(a) and (b), at the end		and
section 40(2)	his	
Part VIII, heading	Part VIII	Part 8
section 43(3)(a)	Part VI	Part 6

**Schedule 3 Amendments of Motor Accidents
(Compensation) Appeal Tribunal Rules**

section 48

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
rules 5(2) and 6(2)	him	the party
rule 6(1)	he	the party
rule 9(2) and (4)	him	the person
rule 9(2)	his	the person's
rule 9(4)	he	the person

**Schedule 4 Amendments of Motor Accidents
(Compensation) Regulations**

section 49

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulations 4 and 5(2)(b)	Board's	Office's
regulations 5(1) and (5) and 6(2) and (2)(c)	Board	
