



NORTHERN TERRITORY OF AUSTRALIA

No. 32 of 1986

AN ACT

to amend the *Motor Accidents (Compensation) Act*

[Assented to 19 September 1986]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Motor Accidents (Compensation) Amendment Act 1986*.

2. COMMENCEMENT

(1) Sections 1 and 2 shall come into operation on the day on which the Administrator's assent to this Act is declared.

(2) The remaining provisions of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Motor Accidents (Compensation) Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 4 of the Principal Act is amended -

- (a) by omitting the definition of "head of a household"; and
- (b) by omitting from the definition of "Territory motor vehicle" paragraph (a) and substituting the following:

"(a) in relation to an accident occurring outside the Territory - a motor vehicle currently registered in the Territory under the *Motor Vehicles Act*; and".

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5. COMPENSATION FOR LOSS OF EARNING CAPACITY

(1) Section 13(2) of the Principal Act is amended by omitting "of the same sex as the person".

(2) Notwithstanding the amendment effected by subsection (1), a person who was immediately before the commencement of this section receiving compensation under section 13(2) of the Principal Act as then in force at a rate higher than that to which he would be entitled to receive under that section as amended by subsection (1) shall, subject to the Principal Act, continue to receive compensation at that higher rate until the rate of compensation calculated under section 13(2) of the Principal Act as amended by subsection (1) exceeds that rate.

6. BENEFITS MAY BE COMMUTED AT REQUEST OF BENEFICIARY

Section 16(2) of the Principal Act is amended by inserting after "commute at" the word "discounted".

7. REPEAL AND SUBSTITUTION

Sections 22 and 23 of the Principal Act are repealed and the following substituted:

"22. DEATH BENEFITS

"(1) Subject to section 37, where a qualifying person dies in an accident, or as a result of an accident within 2 years after that accident, leaving a spouse who survives the deceased qualifying person for a period of 30 days, that spouse shall be paid the prescribed amount.

"(2) In addition to any amount payable under subsection (1), where the spouse of a deceased qualifying person referred to in that subsection survives him, there shall be paid to that spouse, or to such other person who has the care and custody of them, the prescribed amount per week in respect of each dependent child of the deceased qualifying person in the care and custody of the spouse or of that person, as the case may be."

8. DEPENDENT PARENTS' BENEFIT

Section 24 of the Principal Act is amended by omitting "per week for as long as they remain dependent".

9. DEPENDENT CHILDREN'S BENEFIT

Section 25 of the Principal Act is amended by omitting "per week".

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10. GENERAL MANAGER'S DECISION AND REFERRAL TO BOARD

Section 27 of the Principal Act is amended -

- (a) by omitting subsection (1) and substituting the following:

"(1) Subject to subsections (1A) and (4A), the General Manager 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.

"(1A) Where within the 30 days referred to in subsection (1) the General Manager 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.";

- (b) by omitting from subsection (2) "sub-section (1)" and substituting "subsection (1) or any extension of that time limit under subsection (1A)";
- (c) by omitting from subsection (3) "The Board" and substituting "Subject to subsection (4A), the Board";
- (d) by omitting from subsection (4) all words after "the aggrieved person";
- (e) by inserting after subsection (4) the following:

"(4A) Before the General Manager 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 General Manager, 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

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the part of the General Manager or the Board, be extended by the period equal to the period between the service of the notice and the holding of the conference.";

(f) by inserting in subsection (5), after "take into account", the words "the prescribed information and"; and

(g) by adding at the end the following:

"(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.".

11. NEW SECTION

The Principal Act is amended by inserting in Part VI after section 30 the following:

"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.

12. MULTIPLE SPOUSES OF ABORIGINES

Section 37 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(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.".