



NORTHERN TERRITORY OF AUSTRALIA

No. 8 of 1984

AN ACT

To amend the *Motor Accidents (Compensation) Act*.

[Assented to 28 June 1984]

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 (No. 2) 1984*.

2. COMMENCEMENT

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. INTERPRETATION

Section 4 of the Principal Act is amended by omitting the definition of "resident of the Territory" and substituting the following:

"'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;

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- (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 sub-paragraph (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."

5. ABOLITION OF COMMON LAW RIGHTS

Section 5 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "(1) Subject to sub-section (2), no action" and substituting "No action"; and
- (b) by omitting sub-sections (2) and (3).

6. EXCLUSION OF PERSONS COMMITTING OFFENCES FROM CERTAIN BENEFITS

Section 9 of the Principal Act is amended -

- (a) by omitting from paragraph (a) ", and he is convicted accordingly";

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- (b) by omitting paragraph (b) and substituting the following:

"(b) in respect of which he is convicted 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);"; and
- (c) by omitting ", the influence of drugs or the manner of driving, as the case may be, giving rise to the conviction," and substituting "or the influence of the drug, or the manner of driving giving rise to the conviction,".

7. REPEAL AND SUBSTITUTION

Section 10 of the Principal Act is repealed and the following substituted:

"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 *Workmen's Compensation Act* or another Act providing for compensation for death of or injury to employees in the Territory, the *Compensation (Commonwealth Government Employees) Act 1971* of the Commonwealth or under a law of a State or another Territory that is, in relation to the *Workmen's Compensation Act*, a corresponding law."

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8. COMPENSATION FOR LOSS OF LIMB, &c.

Section 17 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "\$28,000" and substituting "the prescribed amount";
- (b) by omitting from sub-section 6(b) "3 months" and substituting "6 months"; and
- (c) by omitting from sub-section (7) "\$28,000" and substituting "the prescribed amount".

9. MEDICAL AND REHABILITATION EXPENSES

Section 18(5) of the Principal Act is amended by omitting "\$50,000" and substituting "the prescribed amount".

10. DEATH BENEFITS

Section 22 of the Principal Act is amended by omitting "\$45,000", "\$6,000" and "\$15" and substituting "the prescribed maximum amount", "the prescribed minimum amount" and "the prescribed amount" respectively.

11. DEATH OF DEPENDENT SPOUSE

Section 23 of the Principal Act is amended by omitting "\$6,000" (twice occurring) and "\$45,000" and substituting "the prescribed minimum amount" and "the prescribed maximum amount" respectively.

12. DEPENDENT PARENTS' BENEFIT

Section 24 of the Principal Act is amended by omitting "\$25" and substituting "the prescribed amount".

13. DEPENDENT CHILDREN'S BENEFIT

Section 25 of the Principal Act is amended by omitting "\$25" and substituting "the prescribed amount".

14. FUNERAL BENEFITS

Section 26 of the Principal Act is amended by omitting "\$650" and substituting "the prescribed amount".

15. OFFICE MAY RECOVER CERTAIN PAYMENTS

Section 38(1) of the Principal Act is amended -

- (a) by omitting from paragraph (e) "or";
- (b) by omitting from paragraph (f) "section 40A(1)" and substituting "section 40A(1); or";

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(c) by inserting after paragraph (f) the following:

"(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 convicted of an offence against a law of the Territory or of a State or another Territory of the Commonwealth in which the accident occurred,"; and

(d) by omitting "the amount that the Office has paid in respect of that death or injury" and substituting "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.".

16. REPEAL

Section 39 of the Principal Act is repealed.

17. REPEAL AND SUBSTITUTION OF SCHEDULE

The Schedule to the Principal Act is repealed and the following substituted:

"SCHEDULE

Section 17(1)

Injuries in respect of which special compensation
is payable

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

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SCHEDULE - continued

Column 1 Injury	Column 2 Percentage
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
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

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SCHEDULE - continued

Column 1 Injury	Column 2 Percentage
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

18. APPLICATION

The amendments effected by this Act apply only to and in relation to accidents which occur on or after the commencement of this Act and, in relation to accidents which occurred before that commencement, the Principal Act continues to apply as if this Act had never commenced.