



NORTHERN TERRITORY OF AUSTRALIA

No. 47 of 1982

AN ACT

To amend the *Motor Accidents (Compensation) Act*

[Assented to 20 July 1982]

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 1982*.

2. COMMENCEMENT

(1) Sections 4 and 10 shall be deemed to have come into operation on 1 July 1979.

(2) Sections 7, 8 and 9 shall be deemed to have come into operation on 1 February 1982.

(3) Subject to sub-sections (1) and (2), this Act shall come into operation on the day on which it is assented to by the Administrator.

3. PRINCIPAL ACT

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

4. EXCLUSION OF PERSONS COMMITTING OFFENCES FROM CERTAIN BENEFITS

Section 9 of the Principal Act is amended by omitting "substantially contributed to the accident;" and substituting "substantially contributed to the accident; or".

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5. COMPENSATION FOR LOSS OF EARNING CAPACITY

Section 13 of the Principal Act is amended by omitting sub-section (1) and substituting the following:

"(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."

6. BENEFITS PAYABLE TO YOUNG PERSONS

Section 14 of the Principal Act is amended -

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

"(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 16 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 of the same sex as the person,

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 16 years; or

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- (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."; and

- (b) by omitting from sub-section (2) "person entitled" and substituting "person entitled or deemed to be entitled".

7. COMPENSATION FOR LOSS OF LIMB, &c.

Section 17 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "\$25,000" and substituting "\$28,000"; and
- (b) by omitting from sub-section (7) "\$25,000" and substituting "\$28,000".

8. DEATH BENEFITS

Section 22(1)(a) of the Principal Act is amended -

- (a) by omitting "- \$40,000" and substituting "- \$45,000";
- (b) by omitting "- \$20,000" and substituting "- \$23,000";
- (c) by omitting "- \$10,000" and substituting "- \$12,000";
- (d) by omitting "- \$5,000" (twice occurring) and substituting "- \$6,000"; and
- (e) by omitting all words opposite "B" and substituting the following:

"is the amount by which, in the opinion of the Board, the total of the average incomes of both the deceased and his spouse calculated to the date of the accident would be reduced if, for the purpose only of calculating that reduction, the deceased had died at the beginning of the period used in calculating the average incomes, having then the same testamentary arrangement as at the date of his death, reduced by the amount which the Board estimates

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will be payable to or for the benefit of his spouse as income consequential upon his death in respect of the 12 months immediately following his death;"

9. DEATH OF DEPENDENT SPOUSE

Section 23 of the Principal Act is amended by omitting "\$5,000" and substituting "\$6,000".

10. NOMINAL DEFENDANT PROVISIONS

Section 40A(3) of the Principal Act is amended by omitting "who is not a resident of the Territory".

11. TRANSITIONAL

Notwithstanding section 40A(5) of the Principal Act as amended by this Act, notice referred to in that subsection relating to a claim in respect of an injury to a resident of the Territory caused by or arising out of an accident in the Territory that occurred before the commencement of this section may be given within the period of 3 months after that commencement or within such further period as the court, upon sufficient cause being shown, allows, and for the purposes of the *Limitation Act* the limitation period for the cause of action shall be deemed not to have commenced to run until the commencement of this section.
