

FACT SHEET

Motor Accidents (Liabilities and Compensation) Amendment Bill 2015

The Motor Accidents (Liabilities and Compensation) Amendment Bill 2015 (the Bill) proposes amendments to the *Motor Accidents (Liabilities and Compensation) Act 1973* (the Act) in relation to the appointment of the members to the Motor Accidents Compensation Tribunal (MACT).

The MACT is established under section 12 of the Act. Its purpose is to resolve or determine disputes between the Motor Accidents Insurance Board (MAIB) and persons seeking or in receipt of scheduled benefits under the Act (for example, medical benefits and disability allowances and benefits).

Members of the MACT are appointed by the Governor. Section 12(2A) of the Act provides that a person is not qualified for appointment unless he or she is a Magistrate, Judge or Associate Judge of the Supreme Court.

The amendments proposed in the Bill introduce an additional category of people who can be appointed as members of the MACT – that is, Australian lawyers of not less than 5 years' standing as an Australian legal practitioner. These amendments are consistent with the membership provisions relating to most other Boards and Tribunals in Tasmania. These amendments will provide a more flexible option for appointing appropriately qualified people to these roles, along with using the existing Magistrates where available.

The Bill also introduces a new provision to specify the terms of appointment as a member of the MACT, including a maximum appointment period of 5 years (members can be reappointed) and the circumstances in which a member ceases to hold office. The Act is currently silent on these matters, therefore the proposed new provision will provide greater certainty and clarity. The new provision has been drafted along the lines of similar provisions relating to other Tribunals such as the Workers Rehabilitation and Compensation Tribunal, the Resource Management and Planning Appeal Tribunal and the Mental Health Tribunal.

Under the amendments, a member will cease to hold office if:

- The member ceases to hold the relevant qualification specified in section 12(2A), i.e., ceases to be qualified as a Magistrate, Judge, Associate Judge or as an Australian lawyer; or
- The member dies or becomes bankrupt; or
- The Governor is satisfied that the person is unable to competently perform the duties of a member; or
- The member is convicted of a crime, or offence, that is punishable by a period of imprisonment of 12 months or more; or
- The member is absent from the office of member for a period of 14 days or more for reasons other than illness or leave; or
- The member submits a letter of resignation to the Governor.

The new provision also allows the Governor to remove a member where there has been misbehaviour, neglect of duty or incompetence on the part of that member.