

TASMANIA

MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION) AMENDMENT BILL 2007

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**MOTOR ACCIDENTS (LIABILITIES AND
COMPENSATION) AMENDMENT BILL 2007**

*(Brought in by the Minister for Infrastructure, the Honourable
James Glennister Cox)*

A BILL FOR

**An Act to amend the *Motor Accidents (Liabilities and
Compensation) Act 1973***

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Motor Accidents
(Liabilities and Compensation) Amendment Act
2007*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Motor Accidents (Liabilities and Compensation) Act 1973** is referred to as the Principal Act.

4. Section 7B amended (Disclosure of information)

Section 7B(2) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (ab) was made in reporting, for the purposes of investigating a possible offence –
 - (i) a suspected unroadworthy vehicle; or
 - (ii) a suspected fraudulent activity discovered during the administration or execution of this Act;

5. Section 14 amended (General liability of Board in respect of motor accidents)

Section 14 of the Principal Act is amended by inserting after subsection (5) the following subsection:

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(6) For the purposes of this Part, the Board is not bound to pay exemplary or punitive damages claimed against –

- (a) an indemnifiable person; or
- (b) the Board.

6. Section 18 amended (Recovery by Board from owner or driver in certain cases)

Section 18(3)(b) of the Principal Act is amended by omitting “or (2A)”.

7. Section 21 amended (Duties of registered operator, &c.)

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “is to” and substituting “must”;
- (b) by inserting the following subsections after subsection (2):
 - (2A) After receiving notification of an accident under subsection (1), the Board may require, by notice in writing, that the registered operator or the driver of any motor vehicle involved in the accident –

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(a) provide full details of each insurance policy that is or may be relevant, so far as the details are known to the registered operator or driver; and

(b) provide those details by the date specified in the notice.

(2B) A person must comply with a notice given to the person under subsection (2A).

8. Section 23 amended (Liability to pay scheduled benefits)

Section 23 of the Principal Act is amended as follows:

(a) by omitting from subsection (4)(e) “medical benefits payable.” and substituting “disability benefits payable; and”;

(b) by inserting the following paragraph after paragraph (e) in subsection (4):

(f) the benefits payable to family members of that person for counselling services, if that person requires daily care as a result of the personal injury or

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has died as a result of the personal injury, and the limits on the amount of benefits payable in respect of the counselling services.

(c) by inserting the following subsection after subsection (7):

(8) In this section –

“counselling services” means counselling that is provided by, or under the supervision of –

- (a) a registered psychologist within the meaning of the *Psychologists Registration Act 2000*; or
- (b) any other prescribed person;

“family member”, in relation to a person, means –

- (a) the spouse of the person or a person in a significant relationship with the person, within the meaning of the

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*Relationships Act
2003; or*

- (b) a child of the person; or
- (c) a parent of the person; or
- (d) a sibling of the person; or
- (e) a relative, or step-relative, of the person who lives with the person; or
- (f) a prescribed person.

9. Section 24 amended (Exclusions from scheduled benefits)

Section 24(2)(a)(ii) of the Principal Act is amended by omitting “or (2A)”.

10. Section 27 amended (Scheduled benefits in relation to liability for damages)

Section 27 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

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- (2) Subsection (1) does not apply in respect of medical benefits, or disability benefits, paid in accordance with section 27A(4).

11. Section 28B amended (Recovery by Board of scheduled benefits)

Section 28B(5)(d) of the Principal Act is amended by omitting “or (2A)”.

12. Section 28C amended (Recovery by Board from non-indemnifiable person of scheduled benefits)

Section 28C of the Principal Act is amended as follows:

- (a) by omitting subsection (2) and substituting the following subsection:
 - (2) The Board may recover from a non-indemnifiable person a scheduled benefit paid to any other person in respect of personal injury if the circumstances of the motor accident which resulted in the personal injury –
 - (a) created a liability in the non-indemnifiable person to pay damages; or

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- (b) would have created such a liability in the non-indemnifiable person if the motor accident had occurred in this State.
- (b) by omitting from subsection (3)(a) “damages” and substituting “damages or would have created such a liability if the motor accident had occurred in this State”.