

## Notes on Clauses

### Motor Accidents (Liabilities and Compensation) Amendment Bill 2013

- Clause 1            Short title.
- Clause 2            Provides for all provisions in the Act to commence on the day the Act receives the Royal Assent.
- Clause 3            This clause defines the *Motor Accidents (Liabilities and Compensation) Act 1973* as the Principal Act for the purposes of this Bill.
- Clause 4            This clause inserts definitions in section 2 of the Act for the purposes of the amendments to the Principal Act.
- Clause 5            This clause provides definitions of a resident of Tasmania and a resident of another state or territory.
- Clause 6            This clause provides that, in cases of a motor accident interstate where a Tasmanian resident is injured, the Motor Accident Insurance Board is only required to pay the scheduled benefits under the Act to the extent that they are not payable under the law of the jurisdiction where the accident occurs.

The clause also provides that the Motor Accidents Insurance Board must pay medical, disability and counselling benefits in cases where a resident from another state or territory is very seriously injured arising from a motor accident in Tasmania that involves an interstate vehicle. The Act currently requires that benefits are payable by the Board only if such an accident involves a Tasmanian-registered vehicle.

The Act currently contains provisions relating to motor accidents and personal injuries, for the purpose of the liability of the Motor Accidents Insurance Board to pay benefits, for motor accidents that involve a Tasmanian-registered vehicle. This clause also includes the same provisions relating to a motor accident that involves an interstate motor vehicle.

- Clause 7            This clause provides that the benefits under the Act are not payable to an injured person who is a resident of another state or territory if that person is the driver or owner of an interstate vehicle that is a trail or farm bike or a beach buggy and, at the time of the motor accident in Tasmania, that vehicle is not insured for use in the jurisdiction where the vehicle is normally used. Section 24 of the Act has the equivalent exclusion from benefits for residents of Tasmania in cases where the Motor Accidents Insurance Board premium has not been paid for such a vehicle that is normally used in Tasmania.
- This clause also provides that the benefits under the Act are not payable to a person who is resident of another state or territory if the motor accident in Tasmania involves an interstate vehicle that is not insured for use in the jurisdiction where it is normally used and that injured person is the owner of the vehicle, or the driver who knew or ought to have known that the vehicle is not insured. Under section 24 of the Act, the equivalent exclusion from benefits applies to residents of Tasmania in cases where the Motor Accidents Insurance Board premium has not been paid for a vehicle normally used in Tasmania.
- The Act, at section 24, currently provides that certain benefits are not payable to a person injured in a motor accident if that person is the driver and not licensed to drive the vehicle involved the accident, but allows for an exception if the driver licence has been suspended under the *Monetary Penalties Enforcement Act 2005*. This clause extends this exception to cover equivalent legislation to the *Monetary Penalties Enforcement Act 2005* in other states and territories of Australia.
- Clause 8            Section 27B of the Act defines a consultant who may prepare a rehabilitation program for an injured person. This section has a provision relating to residency requirements. As an earlier section of the Bill contains definitions of resident, this clause amends this provision by referring to these definitions.
- Clause 9            Section 28C allows the Motor Accidents Insurance Board to recover from the owner of a motor vehicle the value of benefits paid by the Board to that person or other injured persons under some circumstances, including if the Motor Accidents Insurance Board premium has not been paid for the vehicle involved in the motor accident. This clause amends this section by allowing the Board to recover the value of benefits paid by the Board to an injured person arising from an accident in Tasmania involving an interstate vehicle if that vehicle is not insured in the jurisdiction where it is normally used.
- Clause 10           This clause repeals the amendment Act one year after commencement of the Act.

