

I certify that this is a copy of the authorised version of this Act as at 5 November 2021, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 5 November 2021.

Robyn Webb  
Chief Parliamentary Counsel  
Dated 25 November 2021



TASMANIA

---

## **MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION) ACT 1973**

**No. 71 of 1973**

---

### **CONTENTS**

#### **PART I – PRELIMINARY**

1. Short title and commencement
2. Interpretation
- 2A. Meaning of “act of terrorism”
- 2B. Meaning of *resident*
3. Application to the Crown
- 3A. Objects of Act

#### **PART II – ADMINISTRATIVE AND FINANCIAL PROVISIONS**

##### ***Division I – The Motor Accidents Insurance Board***

4. The Motor Accidents Insurance Board
5. Power of Board to reinsure
- [6 - 7A. *Repealed*]

7B. Disclosure of information

[8 - 10A. *Repealed*]

[*Division II – Repealed*

11 - 13. *Repealed*]

**PART IIA – INJURY PREVENTION AND MANAGEMENT FOUNDATION**

13A. Injury Prevention and Management Foundation

13B. Purposes of Foundation

13C. Funds of Foundation

13D. Determination of percentage of premiums payable into Foundation

13E. Delegation

**PART III – LIABILITIES IN RESPECT OF PERSONAL INJURY RESULTING DIRECTLY FROM MOTOR ACCIDENTS**

14. General liability of Board in respect of motor accidents

15. Discharge of obligations of the Board

16. Special provisions as to unidentified vehicles, &c.

17. Negotiations and settlements affecting liability of Board

18. Recovery by Board from owner or driver in certain cases

19. Special provisions as to motor vehicles registered outside State

20. Liability of Board in respect of use of motor vehicles outside the State

21. Duties of registered operator, &c.

22. Actions for damages in respect of third party liabilities

**PART IV – STATUTORY COMPENSATION IN RESPECT OF MOTOR ACCIDENTS**

23. Liability to pay scheduled benefits

24. Exclusions from scheduled benefits

25. Payment of scheduled benefits to infants

26. Effect of Commonwealth pensions

27. Scheduled benefits in relation to liability for damages

- 27A. People requiring daily care
- 27B. Board may require examination
- 28. Determination as to right to scheduled benefits
- 28A. Redemption of periodical payments
- 28B. Recovery by Board of scheduled benefits
- 28C. Recovery by Board from non-indemnifiable person of scheduled benefits

**PART V – PREMIUMS**

- 29. Prohibition on use of motor vehicle without premium cover, &c.
- 30. Premiums for compulsory cover
- [31. *Repealed*]
- 32. Effect of payment of premiums
- 33. Payment of premiums

**PART VI – SUPPLEMENTARY PROVISIONS**

- 33A. Determining whether to recover amount paid by Board
- 33B. Application to Tribunal of *Commissions of Inquiry Act 1995*
- 34. Regulations
- 35. Consequential amendments
- [36. *Repealed*]

[**SCHEDULE 1** – *Repealed*]

**SCHEDULE 2 – PROVISIONS AS TO PERMITTED OUT-OF-STATE VEHICLES**

**SCHEDULE 3** – . . . . .

[**SCHEDULE 4** – *Repealed*]





## **MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION) ACT 1973**

**No. 71 of 1973**

**An Act to make provision for the discharge of liabilities in respect of deaths and bodily injuries arising from motor accidents and for the payment of compensation in respect of those deaths and bodily injuries, and to make provision in relation to the prevention of such deaths and bodily injuries and the management and treatment of such injuries, and for related purposes, and to amend the *Traffic Act 1925* and certain other enactments**

**[Royal Assent 4 December 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:

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 1

Part I – Preliminary

---

**PART I – PRELIMINARY**

**1. Short title and commencement**

- (1) This Act may be cited as the *Motor Accidents (Liabilities and Compensation) Act 1973*.
- (2) This Act shall come into force on a date to be fixed by proclamation.

**2. Interpretation**

- (1) In this Act unless the contrary intention appears

—  
*act of terrorism* has the meaning given by section 2A;

*adult average weekly earnings* means the dollar figure for full-time adult ordinary time earnings for persons set out under the heading “AVERAGE WEEKLY EARNINGS, Australia: Original” in catalogue number 6302.0 published by the Australian Bureau of Statistics, as amended from time to time;

*appointed day* means 1st December 1974;

*beach* means any land (whether above or below high-water mark) which forms, or forms part of, the beach or shore of the sea or any tidal waters;

*Board* means the Motor Accidents Insurance Board;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part I – Preliminary

s. 2

---

***Commonwealth pension*** means any periodical payment made under any Act of the Commonwealth the entitlement to which arises by reason of the death of any person or by reason of the age or disability of any person;

***daily care*** means treatment, therapy, nursing services, assistance, supervision, services for rehabilitation or other care;

***death benefits*** means death benefits referred to in the regulations;

***disability allowance*** means a disability allowance referred to in the regulations;

***disability benefits*** means disability benefits referred to in the regulations;

***Foundation*** means the Injury Prevention and Management Foundation established under section 13A;

***function*** includes duty;

***funeral benefits*** means funeral benefits referred to in the regulations;

***interstate motor vehicle*** means a motor vehicle that –

- (a) is normally used by a resident of another State or a Territory in that State or Territory; and
- (b) is required under a law of that State or Territory to be registered;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 2

Part I – Preliminary

---

***interstate premium*** means a premium, levy or other payment –

- (a) that is required to be made under the law of another State or a Territory in respect of the use of an interstate motor vehicle in that State or Territory; and
- (b) that substantially corresponds, in its effect, to a premium under this Act;

***jurisdiction*** means any State or Territory of the Commonwealth, or any country or other jurisdiction outside the Commonwealth;

***medical benefits*** means medical benefits referred to in the regulations;

***motor accident*** means an accident directly involving a motor vehicle;

***motor vehicle*** means a motor vehicle or a trailer as defined in the *Vehicle and Traffic Act 1999*;

***motor vehicle race*** has the same meaning as it has for the purposes of Division III of Part VI of the *Police Offences Act 1935*;

***offer of compromise*** means an offer of compromise within the meaning of the *Supreme Court Rules 2000*;

***owner*** of a motor vehicle means –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part I – Preliminary

s. 2

- 
- (a) any person who owns or has property in the vehicle; and
  - (b) any person who is the registered operator of the vehicle;

***permitted out-of-State vehicle*** means a motor vehicle that –

- (a) is registered elsewhere than in this State or in respect of which a permit issued elsewhere than in this State is in force; and
- (b) may lawfully be driven or used on a public street in this State without being registered under the *Vehicle and Traffic Act 1999*;

***personal injury*** means death or physical or mental injury and includes –

- (a) prenatal injury; and
- (b) nervous shock; and
- (c) damage to prescription spectacles, a prescription contact lens, denture, hearing aid, crutch, wheelchair, artificial limb, prosthetic device or prescribed item;

***police officer*** means –

- (a) in respect of a personal injury suffered in Tasmania, a police officer in this State; and

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 2

Part I – Preliminary

---

- (b) in respect of a personal injury suffered in another State or a Territory of the Commonwealth, a police officer in that State or Territory;

***premium*** means a premium payable under section 30;

***public street*** has the same meaning as it has for the purposes of the *Traffic Act 1925*;

***registered***, when used in relation to a motor vehicle means –

- (a) registered under the *Vehicle and Traffic Act 1999*; and
- (b) registered under a law of any jurisdiction outside the State requiring the registration of motor vehicles;

***registered operator*** of a motor vehicle means the person registered under the *Vehicle and Traffic Act 1999* or a corresponding law of another State or a Territory as the registered operator of the motor vehicle;

***Registrar*** means the Registrar of Motor Vehicles appointed or employed under section 5 of the *Vehicle and Traffic Act 1999*;

***regulations*** means regulations made and in force under this Act;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part I – Preliminary

s. 2

---

*resident of another State or a Territory* has the meaning given by section 2B(2);

*resident of this State* has the meaning given by section 2B(1);

*scheduled benefits* means the benefits specified in the regulations;

*third party insurance policy* means a policy of insurance indemnifying a person in respect of third party liabilities incurred by him;

*third party liability* means a liability incurred by a person as the owner or user of a motor vehicle in respect of any personal injury to another person resulting directly from a motor accident;

*Tribunal* means the Tasmanian Civil and Administrative Tribunal.

- (2) References in this Act to the damages payable to any person in respect of a personal injury shall be construed as including any damages payable for the benefit of that person in respect of that personal injury.
- (3) For the purposes of this Act a person shall be regarded as taking part in the motor vehicle race while –
  - (a) he is engaged in conducting, or assisting in conducting, the race;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 2

Part I – Preliminary

---

- (b) he is in charge of, or in, a motor vehicle competing or taking part in the race; or
  - (c) he is assisting, or employed to assist, any person regarded as taking part in the race by virtue of paragraph (a) or paragraph (b), in connection with the race or any motor vehicle competing or taking part therein, and any motor vehicle driven by or in charge of any person taking part in a motor vehicle race shall be deemed to be taking part in that race.
- (4) For the purposes of this Act, a person suffers personal injury from a motor accident if the injury results directly from –
  - (a) a collision, or action taken to avoid a collision, with a motor vehicle, whether the motor vehicle is stationary or moving; or
  - (b) a motor vehicle moving out of control; or
  - (c) the driving of a motor vehicle.
- (5) For the purposes of this Act, a person requires daily care if, as a result of having suffered personal injury resulting directly from a motor accident, the person requires, or is likely to require, daily care for at least 2 hours a day for an indefinite period, commencing not later than one year after the date of the accident.

**2A. Meaning of “act of terrorism”**

- (1) For the purposes of this Act, an “**act of terrorism**” is an act done, or threat made, by a person –
  - (a) for an ethnic, ideological, political, religious or similar purpose; and
  - (b) with the intention to –
    - (i) cause personal injury or damage to property; and
    - (ii) influence a government or put the public, or a section of the public, in fear.
- (2) In determining whether an act or threat is an act of terrorism, it does not matter whether the person is acting alone or with others or in connection with an organisation or government.
- (3) In determining whether an act is done or a threat is made for a purpose, or with an intention, referred to in subsection (1), regard may be had to the nature of the act or threat and the context in which the act was done or the threat was made.

**2B. Meaning of *resident***

- (1) A person is a resident of this State only if his or her ordinary place of residence is in this State.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 3

Part I – Preliminary

---

- (2) A person is a resident of another State or a Territory only if his or her ordinary place of residence is in that other State or that Territory.

**3. Application to the Crown**

This Act binds the Crown and applies accordingly to any motor vehicle of which the Crown is the owner or user, and to any motor vehicle used on its behalf.

**3A. Objects of Act**

The objects of this Act are –

- (a) to provide for the payment of compensation in respect of personal injury resulting from a motor accident; and
- (b) to allow the contribution of funds to any or all of the following programs:
  - (i) programs designed to reduce the incidence of motor accidents in Tasmania;
  - (ii) programs designed to enable better and more effective care and treatment of persons who suffer personal injury as the result of a motor accident.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

---

**PART II – ADMINISTRATIVE AND FINANCIAL PROVISIONS**

***Division I – The Motor Accidents Insurance Board***

**4. The Motor Accidents Insurance Board**

(1) There shall be established a board to be known as the Motor Accidents Insurance Board.

(2 - 8) . . . . .

**5. Power of Board to reinsure**

The Board may enter into contracts or arrangements for the reinsurance of its liabilities under this Act.

6 - 7A. . . . .

**7B. Disclosure of information**

(1) Subject to this section, a person who is or has been a member of the Board or an employee of the Board shall not, directly or indirectly, disclose to any other person information obtained by him in the exercise of any powers conferred, or duties imposed, on him by this Act, or by virtue of his employment under, or for the purposes of, this Act.

Penalty: Fine not exceeding 10 penalty units.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**s. 7B**

Part II – Administrative and Financial Provisions

---

- (2) Subsection (1) does not operate to prevent the disclosure of information where that disclosure –
- (a) was made in connection with the administration or execution of this Act;
  - (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;
  - (b) was ordered by a court, or by any other body or person authorized by law to examine witnesses, in the course of, and for the purpose of, the hearing or determination by that court, body, or person of any matter or thing; or
  - (c) relates to a person, and was made with the approval in writing of that person.
- (3) A person who, having as an employee of the Board obtained or received any information in the course of, or for the purpose of, a claim under this Act, takes advantage of knowledge obtained from that information to benefit himself or any other person is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units or to imprisonment for a term not exceeding 6 months, or both.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part II – Administrative and Financial Provisions

---

(4) In this section –

- (a) a reference to information includes a reference to the contents of a record; and
- (b) a reference to the disclosure of information includes a reference to the delivery or giving to a person of that record or a copy of it or any part of it.

8 - 10A. . . . .

*Division II* – . . . . .

11 - 13. . . . .

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 13A

Part IIA – Injury Prevention and Management Foundation

---

**PART IIA – INJURY PREVENTION AND  
MANAGEMENT FOUNDATION**

**13A. Injury Prevention and Management Foundation**

The Board may establish and maintain an account to be known as the Injury Prevention and Management Foundation.

**13B. Purposes of Foundation**

- (1) The money held in the Foundation may be applied at the discretion of the Board for any of the following purposes:
  - (a) to promote and advance road safety, the prevention of motor accidents and the prevention of personal injury as a result of motor accidents;
  - (b) to conduct or support public awareness programmes in respect of the treatment of motor accident victims;
  - (c) to advance and support medical and technical research;
  - (d) to promote and advance techniques for the treatment of motor accident victims at the scene of the accident, during transportation to a hospital or other medical facility and after arrival at a hospital or other medical facility;
  - (e) to educate and support the carers of motor accident victims;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IIA – Injury Prevention and Management Foundation

s. 13C

---

- (f) to support organizations that care for motor accident victims;
  - (g) to provide for the administration of the Foundation.
- (2) In applying the Foundation for a purpose specified in subsection (1), the Board may do any of the following:
- (a) conduct or participate in a programme relating to that purpose;
  - (b) provide financial support to persons and organizations by way of grants, loans, sponsorship or other financial accommodation.

**13C. Funds of Foundation**

The funds of the Foundation consist of –

- (a) all money paid into the Foundation under section 13D(4); and
- (b) all money donated to the Board by any person or organization for the purposes of the Foundation.

**13D. Determination of percentage of premiums payable into Foundation**

- (1) In this section, *prescribed percentage* means the percentage determined by the Board under subsection (2)(b)(i).

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**s. 13D**

Part IIA – Injury Prevention and Management Foundation

---

- (2) In respect of each financial year, the Board must determine –
  - (a) whether a percentage of the total of the premiums paid to the Board during that financial year is to be paid into the Foundation; and
  - (b) if such a percentage is to be paid into the Foundation –
    - (i) what that percentage is to be; and
    - (ii) the manner in which, and the times at which, that percentage is to be paid into the Foundation.
- (3) In determining a prescribed percentage, the Board must determine a percentage that is not greater than 1%.
- (4) If the Board has determined that a prescribed percentage is to be paid into the Foundation in respect of a financial year, the Board must pay the prescribed percentage into the Foundation in the manner, and at the times, determined under subsection (2)(b)(ii).
- (5) Notwithstanding that this section commenced after 30 June 1993, the Board may, within 6 months after the commencement of this section, make determinations under subsection (2) in respect of the financial year that ended on that day.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IIA – Injury Prevention and Management Foundation

**s. 13E**

---

**13E. Delegation**

The Board may, in writing, delegate any of the functions or powers, other than this power of delegation, conferred on it under this Part to a person that the Board considers suitable.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**s. 14** Part III – Liabilities in respect of personal injury resulting directly from motor accidents

---

**PART III – LIABILITIES IN RESPECT OF PERSONAL INJURY RESULTING DIRECTLY FROM MOTOR ACCIDENTS**

**14. General liability of Board in respect of motor accidents**

- (1) By virtue of this Act, but subject to and in accordance with the provisions thereof, the Board is bound to indemnify an owner or user of a motor vehicle, or his legal personal representatives, in respect of any liability (not being a contractual liability) incurred by him in respect of the personal injury to a person resulting directly from a motor accident involving that motor vehicle in this State on or after the appointed day.
- (2) Where a person has incurred, in respect of a personal injury, a liability to which subsection (1) extends that subsection shall be deemed also to extend to any liability of that person to indemnify, or make contribution to, any other person in respect of any damages or compensation required to be paid by that other person in respect of that personal injury.
- (2A) Subsection (1) does not apply where the motor accident which resulted in the personal injury has not been reported to a police officer unless the Board determines that in the circumstances the failure to so report the motor accident should be excused.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

s. 14

- 
- (3) Subsection (1) does not apply to any liability in respect of which –
- (a) a policy of insurance is required to be maintained under section 97 (1) of the *Workers Rehabilitation and Compensation Act 1988*; or
  - (b) a policy of insurance would be required to be maintained by an employer under section 97 (1) of the *Workers Rehabilitation and Compensation Act 1988* but for the fact that the employer is a self-insurer within the meaning of that Act; or
  - (c) a policy of insurance would be required to be maintained by an employer under section 97 (1) of the *Workers Rehabilitation and Compensation Act 1988* but for the fact that the employer is the Crown or an Agency or public statutory body referred to in section 97 (9) of that Act.
- (3A) Subsection (1) does not apply to any liability in relation to the contraction by a person of an asbestos-related disease, within the meaning of the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*, if the person is entitled to compensation under that Act in relation to the contraction by the person of that disease.
- (4) Subsection (1) does not apply to –



*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

s. 14

---

the Board has, in respect of any payments it is liable to make in or towards the indemnity, the same rights of contribution or indemnity against the non-indemnifiable person as the indemnifiable person would have had under the *Wrongs Act 1954* had the liability of both the indemnifiable person and the non-indemnifiable person arisen as a result of a tort.

(4C) The Board may exercise the rights referred to in subsection (4B) by taking proceedings to recover contribution in its own name or the name of the indemnifiable person.

(4D) In subsections (4B) and (4C) –

*indemnifiable person* means a person the Board is bound to indemnify under this section;

*non-indemnifiable person* means a person the Board is not bound to indemnify under this section.

(5) For the purposes of this Part a liability to pay damages includes any liability to pay costs in connection with any proceedings taken in respect of the recovery thereof.

(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.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**s. 15** Part III – Liabilities in respect of personal injury resulting directly from motor accidents

---

**15. Discharge of obligations of the Board**

- (1) All moneys required to be paid by the Board under this Part in respect of a liability incurred by any person shall be applied by the Board in or towards the discharge of that liability in accordance with an agreement, or a determination of a competent tribunal, made in relation thereto.
- (2) Where judgment has been obtained for payment of any sum for which the Board is bound under this Part to indemnify the person against whom the judgment was obtained and that judgment is not satisfied in full within one month after it is entered, the court in which the judgment was obtained may, on the application of the judgment creditor, direct that that judgment be entered against the Board for the like sum.
- (3) No application shall be heard under subsection (2) unless at least 7 days previously a notice of intention to make the application has been served on the Board.
- (4) Where the execution of the judgment referred to in subsection (2) is stayed by order of a court, the time during which it is so stayed shall be excluded in calculating the period of one month referred to in that subsection.
- (5) A judgment entered against the Board under subsection (2) may only be enforced to the extent that the judgment in relation to which it was entered remains unsatisfied.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

**s. 16**

---

**16. Special provisions as to unidentified vehicles, &c.**

- (1) Where it is alleged that some person has, as an owner or user of a motor vehicle, incurred a liability in respect of which he would be entitled to be indemnified by the Board under this Part but—
  - (a) the identity of the motor vehicle cannot be established; or
  - (b) that person has died or cannot, after reasonable inquiry and search, be found—

the like proceedings may be taken against the Board in respect of that liability, and the like judgment obtained against the Board, as could have been taken or had against that person.

- (2) No action lies against the Board under this section unless notice of intention to make a claim, together with a short statement of the grounds thereof, is given to the Board within the period of 3 months following the occurrence of the motor accident as a consequence of which the liability in respect of which the action is brought is alleged to have arisen or within such further time as the court may, on application made not later than 9 months after the occurrence of the motor accident, allow.
- (2A) Notwithstanding subsection (2), an application referred to in that subsection may be made after the expiration of the period of 9 months referred to in that subsection if the court is satisfied that



*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

---

**s. 18**

force or effect unless it has been approved by the Board.

- (4) In exercising its powers under this section in respect of any liability the Board shall be deemed to be acting with the consent and authority of the person whom it is bound to indemnify in respect of that liability, and neither the Board nor any of its servants or agents are liable in defamation in respect of any admission or statement made in good faith in the exercise of those powers.

**18. Recovery by Board from owner or driver in certain cases**

- (1) Where the Board has made payments in or towards the discharge of its obligations under this Part in respect of a liability incurred by a person as an owner or user of a motor vehicle, not being a trailer of a kind prescribed under section 29(1AA), and no premium had been paid for the use of the motor vehicle at the time of the motor accident giving rise to the liability, or a premium had not been paid for its use in the circumstances or under the conditions in which it was being used at that time, the Board may recover the amount of those payments from –
- (a) the owner if the liability was incurred by the owner; or
  - (b) the person by whom the liability was incurred if that person was not the owner; or



*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

**s. 18**

- 
- (b) of an offence under section 32(1) of the *Traffic Act 1925*; or
  - (c) of an offence under section 4 of the *Road Safety (Alcohol and Drugs) Act 1970*; or
  - (d) in another State or a Territory of the Commonwealth of an offence which is substantially the same as an offence referred to in paragraph (a), (ab), (ac), (ad), (b) or (c) –

arising out of his use of that motor vehicle at the time of the motor accident giving rise to the liability the Board may recover the amount of those payments from that person.

(3A) . . . . .

(4) A person from whom a sum is recoverable under this section in respect of that person's liability to another person has the same rights of contribution or indemnity in relation to that sum as that person would have had if –

- (a) section 14(4A) did not apply; and
- (b) that sum were damages to which the *Wrongs Act 1954* applied.

(5) Notwithstanding anything in the foregoing provisions of this section, where, in respect of any liability to which this section applies, the Board has recovered any sum by way of contribution or indemnity the amount otherwise recoverable by the Board under this section from



*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

**s. 21**

---

motor vehicle registered in this State has effect as a compulsory third party insurance policy in force during that period in respect of that vehicle while it is being used in any jurisdiction outside the State that is prescribed as a jurisdiction to which this section applies.

- (2) In relation to the use of a motor vehicle in a jurisdiction to which this section applies the compulsory third party insurance policy referred to in subsection (1) is the third party insurance policy required to be entered into under the laws of that jurisdiction in respect of that motor vehicle while it is being used on public roads or streets in that jurisdiction.
- (3) A third party insurance policy referred to in subsection (1) shall be deemed to contain, and to be subject to, such terms and conditions (including conditions as to the avoidance of liabilities under, or the cancellation of, the policy) as may be prescribed, but, notwithstanding anything in the foregoing provisions of this subsection, the policy has effect subject to, and in accordance with, the laws of the jurisdiction referred to in that subsection in which the motor vehicle is being used.

**21. Duties of registered operator, &c.**

- (1) As soon as practicable after a motor accident, or as soon as practicable after a motor accident comes to his or her knowledge, the registered



*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

---

**s. 21**

is admissible under this Act and, unless the contrary is proved, is evidence of the matters so certified.

- (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 –
  - (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).
- (3) Upon a claim being made to any person in respect of a third party liability arising from a motor accident alleged to have been incurred by the person as owner or user of a motor vehicle involved in the accident, that person is to give notice of that claim to the Board, together with such particulars of the accident as the Board may require.
- (4) . . . . .
- (5) No person shall, without the written consent of the Board –



*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part III – Liabilities in respect of personal injury resulting directly from motor accidents

---

s. 22

reasonable opportunity of being heard in the proceedings.

(2) Where damages are awarded in respect of –

- (a) personal injury to any person resulting directly from a motor accident; and
- (b) any other loss or damage –

the court, in order to determine the liability of the Board under this Part, shall, as part of its judgment, direct what portion of the damages, and what portion of any costs awarded, shall be in respect of the death or bodily injury.

(3) If –

- (a) personal injury, other than death, results directly from a motor accident; and
- (b) the person suffering that personal injury –
  - (i) in contravention of the *Road Rules*, was not wearing a seatbelt at the time when the injury was suffered; and
  - (ii) was not less than 16 years old at that time; and
  - (iii) is entitled to damages in respect of the personal injury –

the court must reduce those damages as provided in subsection (4).



---

**PART IV – STATUTORY COMPENSATION IN  
RESPECT OF MOTOR ACCIDENTS**

**23. Liability to pay scheduled benefits**

(1) The Board must pay the benefits prescribed by the regulations if a resident of this State suffers personal injury resulting directly from a motor accident and –

(a) the motor accident occurs in this State; or

(b) the motor accident occurs in another State or a Territory of the Commonwealth and involves a motor vehicle registered in this State.

(1AA) Despite subsection (1), the benefits payable by the Board under that subsection to a resident of this State who suffers personal injury resulting directly from a motor accident that occurs in another State or a Territory are the prescribed benefits less any benefits payable –

(a) to the person in respect of that injury; and

(b) under the law of that other State or Territory.

(1A) The Board must pay the benefits prescribed by the regulations if a person who is not a resident of this State suffers personal injury resulting directly from a motor accident and –

(a) the motor accident occurs in this State; and

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 23

Part IV – Statutory Compensation in Respect of Motor Accidents

---

- (b) the motor accident involves a motor vehicle registered in this State.
- (2) The Board must pay the medical benefits and disability benefits, and the benefits to family members for counselling services, prescribed by the regulations if a resident of another State or a Territory suffers personal injury resulting directly from a motor accident and –
  - (a) the motor accident occurs in this State; and
  - (b) the motor accident involves an interstate motor vehicle; and
  - (c) the injured person requires daily care.
- (2A) Subsections (1), (1A) and (2) do not apply where the motor accident which resulted in the personal injury has not been reported as soon as practicable to a police officer unless the Board determines that in the circumstances the failure to so report the motor accident should be excused.
- (2B) For the purposes of subsections (1) and (1A), a motor accident involves a motor vehicle registered in this State if –
  - (a) the motor vehicle is registered under the *Vehicle and Traffic Act 1999*, whether or not that registration has been suspended under that Act or the *Traffic Act 1925*; and
  - (b) the personal injury results directly from –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

s. 23

---

- (i) a collision, or action taken to avoid a collision, with the motor vehicle, whether the vehicle is stationary or moving; or
  - (ii) the motor vehicle moving out of control; or
  - (iii) the driving of the motor vehicle.
- (2C) For the purposes of subsection (2), a motor accident involves an interstate motor vehicle –
  - (a) whether or not the motor vehicle’s registration has been suspended under a law of the jurisdiction in which it is registered; and
  - (b) if the personal injury results directly from –
    - (i) a collision, or action taken to avoid a collision, with the motor vehicle, whether the vehicle is stationary or moving; or
    - (ii) the motor vehicle moving out of control; or
    - (iii) the driving of the motor vehicle.
- (3) Where, by virtue of subsection (1), (1A) or (2), scheduled benefits become payable by the Board, those benefits are payable in accordance with the provisions of the regulations.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 23

Part IV – Statutory Compensation in Respect of Motor Accidents

---

- (4) The regulations may prescribe in relation to a person who suffers personal injury which results directly from a motor accident –
- (a) the medical benefits payable to that person and the limit (except in respect of a person requiring daily care) on the amount of medical benefits payable; and
  - (b) the funeral benefits payable to that person's personal representative and the limit on the amount of funeral benefits payable; and
  - (c) the death benefits payable to dependants of that person and the limit on the amount of death benefits payable; and
  - (d) the disability allowance payable to that person and the limit on the amount of disability allowance payable; and
  - (e) the disability benefits payable to that person and the limit (except in respect of a person requiring daily care) on the amount of disability benefits payable; and
  - (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 has died as a result of the personal injury, and the limits on the amount of benefits payable in respect of the counselling services.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

- (5) The regulations may provide that benefits may be paid by way of lump sum payments, by way of payment of expenses as they are incurred, or by way of periodical allowances.
- (6) The regulations may provide that the amount of benefits payable and the period for which benefits are payable may vary in respect of such factors as may be specified in the regulations.
- (7) The regulations may provide limits on the periods within which –
- (a) a claim for scheduled benefits may be lodged with the Board; or
  - (b) entitlements to scheduled benefits accrue.
- (8) In this section –

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

- (a) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; 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,

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 24

Part IV – Statutory Compensation in Respect of Motor Accidents

---

within the meaning of the  
*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.

**24. Exclusions from scheduled benefits**

- (1) Notwithstanding section 23, scheduled benefits are not payable in respect of the personal injury to a person in any of the following cases:
  - (a) Where the personal injury to that person results from that person intentionally causing or attempting to cause the personal injury to himself or herself or any other person;
  - (b) Where compensation is payable in respect of that personal injury under any law of this State or of the Commonwealth or of any other State or Territory of the Commonwealth that relates to the payment of compensation by an employer in respect of the personal injury to persons in his or her employment occurring in connection with that employment;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

- (ba) where compensation is payable in respect of the personal injury under –
  - (i) any law of the Commonwealth, or of any other State or a Territory of the Commonwealth, relating to the payment of compensation in respect of personal injury resulting directly from motor accidents; or
  - (ii) any policy of insurance required by any such law;
- (bb) where the personal injury consists of the contraction by the person of an asbestos-related disease, within the meaning of the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* and the person is entitled to compensation under that Act in relation to the contraction by the person of that disease;
- (c) Where that personal injury results from that person being subjected to ionizing radiation;
- (d) Where the personal injury results from a motor accident occurring in a motor vehicle race in which that person was taking part;
- (e) Where the motor accident results directly from the use of a motor vehicle –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 24

Part IV – Statutory Compensation in Respect of Motor Accidents

---

(i) that is a trail bike, farm bike or beach buggy; and

(ii) in respect of which a premium has not been paid –

and the injured person was the owner or driver of that motor vehicle;

(ea) where the injured person is a resident of another State or a Territory and the motor accident results directly from the use of an interstate motor vehicle –

(i) that is a trail bike, farm bike or beach buggy; and

(ii) in respect of which an interstate premium is required to be paid but has not been paid –

and the injured person was the owner or driver of that motor vehicle;

(f) Where the motor accident results from the use of a motor vehicle in the commission of, or in the furtherance of the commission of, an offence of dishonesty or violence, the injured person being a party to the use of that vehicle for that purpose;

(g) where the motor accident results from the use of a motor vehicle other than a trailer of a kind prescribed for the purposes of section 29(1AA) and –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

s. 24

---

- (i) at the time of the motor accident a premium for the use of the motor vehicle had not been paid or a premium for the use of that motor vehicle in the circumstances, or under the conditions in which the motor vehicle was being used, had not been paid; and
- (ii) at the time of the motor accident the injured person –
  - (A) was the driver of the motor vehicle and knew or ought to have known that such a premium had not been paid; or
  - (B) was the owner of the motor vehicle;
- (ga) where the injured person is a resident of another State or a Territory and the motor accident results from the use of an interstate motor vehicle, other than a trailer of a kind prescribed for the purposes of section 29(1AA), and –
  - (i) at the time of the motor accident an interstate premium for the use of the motor vehicle had not been paid or an interstate premium for the use of that motor vehicle in the circumstances, or under the conditions in which the motor

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 24

Part IV – Statutory Compensation in Respect of Motor Accidents

---

vehicle was being used, had not been paid; and

(ii) at the time of the motor accident the injured person –

(A) was the driver of the interstate motor vehicle and knew or ought to have known that such an interstate premium had not been paid; or

(B) was the owner of the interstate motor vehicle;

(h) where the personal injury to that person results directly from a motor accident involving a motor vehicle that at the time of the accident was being used for the actual doing of an act, or making of a threat, that is an act of terrorism.

(1A) Paragraph (g) of subsection (1) does not apply to a resident of this State if, at the time of the motor accident, the motor vehicle referred to in that paragraph was a permitted out-of-State vehicle in respect of which a third party insurance policy was then in force.

(2) A medical benefit, disability benefit or disability allowance is not payable in respect of the personal injury to a person resulting directly from a motor accident in either of the following cases, that is to say:

(a) Where that person is convicted–

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

- (i) of manslaughter; or
  - (ia) of causing death by dangerous driving; or
  - (ib) of causing grievous bodily harm by dangerous driving; or
  - (ic) of dangerous driving; or
  - (ii) of an offence under section 32(1) of the *Traffic Act 1925*; or
  - (iii) of an offence under section 4 of the *Road Safety (Alcohol and Drugs) Act 1970*; or
  - (iv) in another State or a Territory of the Commonwealth of an offence that is substantially the same as an offence referred to in subparagraph (i), (ia), (ib), (ic), (ii) or (iii) –  
  
arising out of his driving of a motor vehicle at the time of the motor accident;  
or
- (b) Where at the time of the motor accident the person was driving a motor vehicle and –
- (i) did not hold a driver licence of the relevant class; and
  - (ii) was not exempted from holding such a licence or otherwise

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 24

Part IV – Statutory Compensation in Respect of Motor Accidents

---

authorised to drive a motor  
vehicle of the relevant class.

- (3) Paragraph (b) of subsection (2) does not apply in a case where the person referred to in that paragraph would not have been driving the motor vehicle unlawfully as mentioned therein if a licence or other authority previously held by him had been renewed, so long as –
- (a) the reason for its not being renewed was a failure by inadvertence to apply for its renewal; and
  - (b) it is capable of being renewed and there is no reason to believe that if application were made for its renewal it would not be renewed.
- (3A) Paragraph (b) of subsection (2) does not apply in a case where, at the time of the relevant motor accident –
- (a) a driver licence of the person referred to in that paragraph was suspended under section 55 of the *Monetary Penalties Enforcement Act 2005* or a law of another State or a Territory that substantially corresponds to that section; and
  - (b) were it not for that suspension, the person would not have been driving unlawfully.
- (4) Subject to subsection (4A), if personal injury, other than death, results directly from a motor

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

accident and the person suffering the injury is convicted in respect of the driving of a motor vehicle involved in the accident of an offence against section 6(1), section 14(1A), section 14(2) or section 14(5) of the *Road Safety (Alcohol and Drugs) Act 1970*, any disability allowance payable to that person is to be calculated in accordance with the table below.

| <b>Section of <i>Road Safety (Alcohol and Drugs) Act 1970</i></b> | <b>Concentration of alcohol in breath (grams per 210 litres of breath) or in blood (grams per 100 millilitres of blood)</b> | <b>Proportion of disability allowance otherwise payable</b> |
|---|---|---|
| Section 6(1)  | (a) 0.05 or more but less than 0.12   | Two thirds  |
|   | (b) 0.12 or more but less than 0.24   | One third   |
|   | (c) 0.24 or more  | Nil   |
| Section 14(1A)  |   | Nil   |
| Section 14(2)   |   | Nil   |
| Section 14(5)   |   | Nil   |

(4A) Subsection (4) does not apply in respect of a person who is convicted of an offence against section 6(1) of the *Road Safety (Alcohol and Drugs) Act 1970* if the person satisfies the Board that the alcohol did not contribute in any way to the accident.

(5) The Board may suspend the payment of a disability allowance until any relevant court proceedings under the *Road Safety (Alcohol and Drugs) Act 1970* have been finalised.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 25

Part IV – Statutory Compensation in Respect of Motor Accidents

---

(6) . . . . .

**25. Payment of scheduled benefits to infants**

(1) Subject to subsection (1B), where a scheduled benefit becomes payable to an infant that benefit shall unless the Supreme Court otherwise orders be paid to The Public Trustee to be held on trust for that infant.

(1A) For the purposes of subsection (1) an order of the Supreme Court may be sought by an informal application on affidavit, and any such application may be heard in chambers.

(1B) Where a scheduled benefit, being a periodical allowance for the maintenance of an infant, becomes payable under this Act that allowance may be paid to the person who has the lawful custody or control of the infant.

(2) Notwithstanding anything in the *Public Trustee Act 1930* The Public Trustee may apply the whole or any part of any sum received by it under this section in trust for an infant, or of the income thereof, for the maintenance, education, or advancement, or otherwise for the benefit, of the infant during his minority or may pay the same to some other person to be so applied without seeing to the application or being answerable for the misapplication or non-application thereof.

(3) The expenses incurred by The Public Trustee in the carrying out of any trust under this section and any fees or other charges payable to The

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

s. 26

---

Public Trustee under the *Public Trustee Act 1930* in respect of that trust shall be defrayed by the Board.

**26. Effect of Commonwealth pensions**

Regulations under this Act may, in a case where a scheduled benefit becomes payable to a person who is entitled to, or is in receipt of, a Commonwealth pension –

- (a) provide for the reduction of the benefit;
- (b) provide that the benefit shall not be paid or shall not be paid in respect of a specified period;
- (c) provide for the postponement of the payment of the benefit or any part thereof; or
- (d) provide for the apportionment of any scheduled benefit to which that person may be entitled together with other persons.

**27. Scheduled benefits in relation to liability for damages**

- (1) Except as provided by subsection (2), if a liability has been incurred for the payment of damages to a person in respect of a personal injury the payment to that person of a scheduled benefit in respect of that personal injury shall, so far as it extends, be taken to be a payment in or towards the discharge of that liability, and the

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 27

Part IV – Statutory Compensation in Respect of Motor Accidents

---

amount of those damages shall be reduced accordingly.

- (2) Subsection (1) does not apply in respect of medical benefits, or disability benefits, paid in accordance with section 27A(4).
- (3) Except as provided by section 27A(5), if–
  - (a) a judgment is obtained for the payment of damages to a person in respect of personal injury; or
  - (b) a person has accepted money paid into Court in satisfaction of a claim in respect of personal injury; or
  - (c) a person has agreed to accept an amount in satisfaction of a claim in respect of personal injury –

the Board is not required to make any further payments to that person by way of scheduled benefits in respect of that personal injury except to the extent that the judgment or agreement remains unsatisfied.

- (4) Subsections (1) and (3) do not affect the right to scheduled benefits of any person other than the person to whom or for whose benefit the damages referred to in those subsections are to be paid, and the right of any such other person to scheduled benefits and the amount of those benefits shall be determined as if the judgment under which the damages referred to in subsections (1) and (3) are payable had not been obtained.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

s. 27A

---

**27A. People requiring daily care**

- (1) This section applies where a liability has been incurred for the payment of damages to a person in respect of personal injury resulting directly from a motor accident.
- (2) If a court is satisfied, at the time of giving judgment in respect of a liability referred to in subsection (1), that the person to whom any damages are to be paid requires daily care as a result of suffering the personal injury giving rise to the damages, the court –
  - (a) as part of its judgment, is to certify that the person requires daily care; and
  - (b) is not to include in the damages any amount in respect of the daily care which that person requires as a result of the personal injury after the date of the judgment as will be recoverable by that person under subsection (4) as medical benefits or disability benefits.
- (3) If –
  - (a) a person makes a payment into court or an offer of compromise in respect of a claim arising from a liability referred to in subsection (1); and
  - (b) the person making the payment or the offer of compromise gives notice to the person making the claim that the payment or offer is made on the basis that, because of the personal injury

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 27A

Part IV – Statutory Compensation in Respect of Motor Accidents

---

giving rise to the claim, the person making the claim requires daily care; and

- (c) the person making the claim accepts the payment or offer –

the person making the claim is taken, for the purposes of this Act, to require daily care.

- (4) Subject to subsections (5) and (6), if –

- (a) a court certifies in accordance with subsection (2)(a) that a person requires daily care; or

- (b) a person accepts a payment into court or an offer of compromise in accordance with subsection (3)(c) –

the Board is to pay that person medical benefits or disability benefits for so long as the person needs those benefits because of the personal injury giving rise to the liability referred to in subsection (1).

- (5) If –

- (a) a court awards damages to a person who requires daily care; and

- (b) those damages include an allowance in respect of the future cost of any item or service –

no medical benefits or disability benefits are payable in respect of the cost of that item or service after the date of the judgment awarding the damages.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

s. 27B

---

- (6) If a person who requires daily care and who would otherwise be entitled to medical benefits or disability benefits, accepts a payment into court, or an offer of compromise, which is expressed to include an allowance in respect of the future cost of any item or service, no medical benefits or disability benefits are payable in respect of that item or service after the day of acceptance of the payment or offer.

**27B. Board may require examination**

- (1) In this section –

*consultant* means a person who is –

- (a) a resident of this State or a resident of another State or a Territory and is entitled in accordance with the laws of that State or Territory to practise as a medical practitioner, a dentist, a neuro-psychologist, an occupational therapist, a physiotherapist or a psychologist in that State or Territory; or
- (b) trained or skilled in the rehabilitation of injured people; or
- (c) employed, engaged or retained by the Board in the capacity of care manager or rehabilitation provider;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 27B

Part IV – Statutory Compensation in Respect of Motor Accidents

---

***examination*** means –

- (a) an examination of an injured person by a consultant; or
- (b) an examination of any accommodation or facilities used by or available to an injured person;

***rehabilitation program*** means a program prepared by a consultant at the request of the Board to assist the rehabilitation of a person who has suffered personal injury.

(2) This section applies where –

- (a) a person has suffered personal injury; and
- (b) the personal injury has resulted in, or may result in, the Board being required to pay scheduled benefits.

(3) The Board may require an examination of a person to whom this section applies to be carried out if –

- (a) the Board has requested a rehabilitation program in respect of the person, or is deciding whether or not to request such a program; or
- (b) the right to, or amount of any, scheduled benefits or damages payable in respect of an injury referred to in subsection (2) depends on a determination by the

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

**s. 27B**

---

Board, a decision of the Tribunal or a judgment by a court.

- (4) If the Board has required an examination to be carried out and –
- (a) the injured person unreasonably refuses or fails to be examined by a consultant in accordance with the requirement; or
  - (b) a person caring for the injured person unreasonably refuses or fails to give a consultant reasonable access to the injured person to carry out an examination in accordance with the requirement; or
  - (c) access to any accommodation or facilities required to be examined in accordance with the requirement is unreasonably refused or not given –

the Board is not required to pay scheduled benefits in respect of the injured person, and proceedings in any court relating to the personal injury to the injured person may be stayed on the application of the Board for so long as the refusal or failure continues.

- (5) If an injured person unreasonably refuses or fails to comply, whether wholly or partly, with a rehabilitation program prepared for, or in respect of, that person, the Board is not required to pay scheduled benefits in respect of that person and proceedings in any court relating to the personal injury to that person may be stayed on the

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 28

Part IV – Statutory Compensation in Respect of Motor Accidents

---

application of the Board for so long as the refusal or failure continues.

**28. Determination as to right to scheduled benefits**

- (1) The Board is to determine –
  - (a) whether or not a person is to be treated as a person within a class of persons to whom scheduled benefits may be paid; and
  - (b) the right of a person to be paid any scheduled benefit; and
  - (c) the amount of any scheduled benefit to be paid to a person.
- (2) A person aggrieved –
  - (a) by a determination under subsection (1); or
  - (b) by a refusal or failure of the Board to make a payment by way of a scheduled benefit –

may refer the matter to the Tribunal.
- (3) The Board may, at any time, refer any matter to the Tribunal affecting –
  - (a) the right of a person to a scheduled benefit; or
  - (b) the amount of any scheduled benefit.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

- 
- (4) The Tribunal shall make such determination on a matter referred to it as it considers proper in the circumstances.
  - (5) A determination under subsection (4) binds –
    - (a) the Board; and
    - (b) any other party to the reference to the Board.
  - (6) . . . . .
  - (7) A determination of the Tribunal varied by the Supreme Court under the *Tasmanian Civil and Administrative Tribunal Act 2020* has effect, as varied, as a determination by the Tribunal.
  - (8) Regulations made for the purpose of this section may –
    - (a) prescribe the manner in which any determination by the Board or the Tribunal is to be made; and
    - (b) prescribe the manner in which a matter shall be referred to the Tribunal and the time in which it can be so referred; and
    - (ba) prescribe the procedures for hearing and determining a matter referred to the Tribunal, including the manner in which the Tribunal may inform itself in respect of such a matter; and
    - (c) make provision with respect to –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 28

Part IV – Statutory Compensation in Respect of Motor Accidents

---

- (i) the exercise of rights of infants in relation to references to the Tribunal and the determinations on such references; and
  - (ii) the determination, apportionment, payment and other matters relating to the amount of costs to be paid by a party to a reference to the Tribunal; and
  - (iii) the enforcement of orders of the Tribunal for the payment of costs; and
  - (iv) the discontinuance or dismissal of a reference to the Tribunal for want of prosecution.
- (9) A determination of the Tribunal under this section, or an order as to costs made by the Tribunal in respect of a determination under this section, made before the commencement of the *Motor Accidents (Liabilities and Compensation) Amendment Act 2019*, is declared to be as valid as it would have been if the amendments effected by that Act had been in force at the time when the determination or order was made.
- (10) A reference in subsection (9) to the Tribunal is taken to be a reference to the Tribunal, within the meaning of this Act as in force before the day on which this Act is amended by the *Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021*.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

s. 28A

---

**28A. Redemption of periodical payments**

- (1) Where scheduled benefits have been paid by way of periodical allowance to a person by the Board under this Act for a period of not less than 12 months, the liability of the Board to continue the payment of those benefits may be redeemed by the payment of –
  - (a) where the payments have been made in respect of an infant, such lump sum as may be determined by the Supreme Court upon application by the Board or the person to whom the benefits have been paid; or
  - (b) where the payments have been to a person who has attained full age, such lump sum as may be determined by agreement or by the Supreme Court upon application by the Board and the person to whom the benefits have been paid.
- (2) Where the Supreme Court makes a determination under subsection (1), it may order that the lump sum be invested or otherwise applied for the benefit of the person in respect of whom the benefits have been paid.

**28B. Recovery by Board of scheduled benefits**

- (1) In this section,  
  
*scheduled benefits* includes payments by the Board in respect of its legal costs which are properly and reasonably incurred and

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**s. 28B**

Part IV – Statutory Compensation in Respect of Motor Accidents

---

which relate to, or are incidental to, the payment of the scheduled benefits including, but not limited to –

- (a) a reference of any matter to the Tribunal; and
  - (b) any legal proceedings relating to the payment of the scheduled benefits.
- (2) The Board may recover from the person who owned a motor vehicle at the time that motor vehicle was involved in a motor accident resulting in personal injury scheduled benefits paid to that person or any other person in respect of that personal injury if –
- (a) that motor vehicle was not a trailer of a kind prescribed for the purposes of section 29(1AA); and
  - (ab) that motor vehicle was not a permitted out-of-State vehicle in respect of which a third party insurance policy was then in force; and
  - (b) at the time of the motor accident a premium or interstate premium for the use of that motor vehicle had not been paid or a premium or interstate premium for the use of that motor vehicle in the circumstances or under the conditions in which the motor accident occurred had not been paid.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

**s. 28B**

---

- (3) Subsection (2) does not apply if it is shown that the motor vehicle was being used without the owner's consent or acquiescence.
- (4) The Board may recover from a person who, at the time a motor vehicle was involved in a motor accident resulting in personal injury, was using but was not the owner of that motor vehicle scheduled benefits paid to that person or any other person in respect of that personal injury if –
- (a) that person did not have the consent or acquiescence of the owner to so use that motor vehicle; and
  - (b) the person did not have reasonable grounds for believing that the person had the consent or acquiescence of the owner to so use that motor vehicle.
- (5) If a person is convicted in respect of a motor accident –
- (a) of manslaughter; or
  - (b) of causing death by dangerous driving; or
  - (c) of causing grievous bodily harm by dangerous driving; or
  - (ca) of dangerous driving; or
  - (d) of an offence under section 32(1) of the *Traffic Act 1925*; or
  - (e) of an offence under section 4 of the *Road Safety (Alcohol and Drugs) Act 1970*; or

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 28C

Part IV – Statutory Compensation in Respect of Motor Accidents

---

- (f) in another State or a Territory of the Commonwealth of an offence that is substantially the same as an offence referred to in paragraph (a), (b), (c), (ca), (d) or (e) –

the Board may recover from that person scheduled benefits paid to that person or any other person in respect of personal injury resulting directly from that accident.

- (6) If a person intentionally causes a motor accident, the Board may recover from that person scheduled benefits paid to that person or any other person in respect of personal injury resulting directly from that motor accident.
- (7) The Board may recover from an insurer, confirmed under section 49(5) of the *Police Offences Act 1935*, who issued the policy of insurance in respect of a motor vehicle race, any benefits payable to a person who suffers personal injury from a motor vehicle accident arising out of, or in the course of, that motor vehicle race.

**28C. Recovery by Board from non-indemnifiable person of scheduled benefits**

- (1) In this section –

*indemnifiable person* means a person who is entitled to be indemnified by the Board in respect of a liability;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

s. 28C

---

***non-indemnifiable person*** means a person who is not entitled to be indemnified by the Board in respect of a liability;

***scheduled benefits*** includes payments by the Board in respect of its legal costs which are properly and reasonably incurred and which relate to, or are incidental to, the payment of the scheduled benefits including, but not limited to –

- (a) a reference of any matter to the Tribunal; and
- (b) any legal proceedings relating to the payment of the scheduled benefits.

(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
- (b) would have created such a liability in the non-indemnifiable person if the motor accident had occurred in this State.

(3) The Board has, in respect of scheduled benefits paid in respect of personal injury, the same rights of contribution and indemnity against a non-indemnifiable person as would have vested in an indemnifiable person by the *Wrongs Act 1954* if –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 28C

Part IV – Statutory Compensation in Respect of Motor Accidents

---

- (a) the circumstances of the motor accident which resulted in the personal injury also created liability in both the non-indemnifiable person and the indemnifiable person to pay damages or would have created such a liability if the motor accident had occurred in this State; and
  - (b) the scheduled benefits had been damages paid by the indemnifiable person towards meeting the liability; and
  - (c) the liability had arisen as the result of a tort.
- (4) If under section 4 of the *Wrongs Act 1954* a person is given a right to reduced damages in respect of a personal injury, the amount recoverable by the Board under subsection (2) or (3) in respect of that personal injury is reduced in the same proportion.
- (5) If –
- (a) the circumstances of a motor accident which resulted in personal injury to a person also create, otherwise than in tort, a liability in another person to pay damages in respect of that injury; and
  - (b) section 4 of the *Wrongs Act 1954* would have applied so as to reduce the damages payable had that liability arisen in tort –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part IV – Statutory Compensation in Respect of Motor Accidents

**s. 28C**

---

the amount recoverable by the Board under subsection (2) or (3) in respect of that personal injury is reduced in the same proportion.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 29

Part V – Premiums

---

**PART V – PREMIUMS**

**29. Prohibition on use of motor vehicle without premium cover, &c.**

(1) No person shall use, or cause or allow any other person to use, a motor vehicle in a public street unless a premium has been paid for its use at the time, and in the circumstances and under the conditions, in which it was so used.

Penalty: Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

(1AA) Subsection (1) does not apply to a trailer of a prescribed kind.

(1A) Subsection (1) does not apply to a motor vehicle to which section 19 applies.

(1B) In any proceedings for an offence under subsection (1) the production of a document purporting to be signed by an employee of the Board authorized by it to sign that document certifying whether or not a premium has been paid for the use of a specified vehicle and, if a premium has been paid, particulars of the use in respect of which it was so paid, shall be *prima facie* evidence of the facts so certified.

(1C) It is a defence to a charge of an offence under subsection (1) to prove that, at the time the motor vehicle was being used –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part V – Premiums

s. 29

---

- (a) it was proceeding (under its own power or under tow) for the purpose of registration, by the most direct or convenient route to a place at which vehicles are registered, a vehicle inspection station, a weighbridge or another place directly associated with the registration process; or
  - (b) it was proceeding (under its own power or under tow) from any such place by the most direct or convenient route to –
    - (i) another such place; or
    - (ii) a place where the vehicle could be conveniently garaged or kept; or
    - (iii) a convenient place of repair after failing to pass inspection.
- (2) Section 17 of the *Vehicle and Traffic Act 1999* applies as if an offence under subsection (1) of this section were an offence against that Act.
- (3) Where a motor vehicle is used in a public street by any person that person and the owner of that motor vehicle shall give such information as may be required of him by a police officer or an authorized officer, for the purpose of determining whether the motor vehicle was or was not being used in contravention of this section.

Penalty: Fine not exceeding 2 penalty units.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 30

Part V – Premiums

---

- (4) For the purposes of this section, *an authorized officer* means any person authorized by the Transport Commission to act as an authorized officer under the *Traffic Act 1925*.
- (5) This section commences on the appointed day.

**30. Premiums for compulsory cover**

- (1) In accordance with this Part premiums are payable for the use of vehicles, and, subject to this Act, those premiums shall be paid over to the Board.
- (2) The Board must set the premiums payable for the use of a motor vehicle.
- (2A) . . . . .
- (3) The premiums may be set by reference to one or more of the following matters:
  - (a) the type or class of the motor vehicle;
  - (b) the conditions to be complied with in relation to the use of the motor vehicle.
- (4) The conditions referred to in subsection (3) may include one or more of the following conditions:
  - (a) whether the motor vehicle is let for hire, or intended to be let for hire, whether with or without a driver and whether only in Tasmania or in Tasmania and another jurisdiction that is prescribed as a jurisdiction to which section 20 applies;

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part V – Premiums

s. 31

- 
- (b) any other purposes for which, or circumstances in which, the motor vehicle is used or intended to be used;
  - (c) any other circumstances pertaining to, or affecting, the motor vehicle, its owner or the person by whom it is used;
  - (d) any other conditions to be complied with in relation to the use of the motor vehicle.

(5 - 7) . . . . .

31. . . . .

**32. Effect of payment of premiums**

- (1) Where a premium is paid in respect of a motor vehicle that premium is paid for the use of that vehicle during a specified period, and may be so paid for its use only so long as specified conditions are complied with.
- (2) Where a premium has been paid for the use of a vehicle during a period a portion of that premium may, in the manner prescribed, be refunded, and, if that portion is so refunded, a premium shall be deemed not to have been paid for the use of that vehicle for the remainder of that period.
- (3) Where a premium has been paid for the use of a vehicle during a period an additional premium calculated as determined by the Board may, in

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 32

Part V – Premiums

---

the manner prescribed, be paid, or a portion of the premium may, as prescribed, be refunded, in respect of a variation during the remainder of the period of the conditions in relation to which the premium was originally paid; and, if an additional premium is so paid, or a portion of the premium is so refunded, the premium paid for the use of that vehicle shall, as respects the remainder of that period, be deemed to have been paid for the use of the motor vehicle so long as the conditions as so varied are complied with.

- (4) Where a premium is paid for the use of a motor vehicle as a motor vehicle of a particular type or class that premium shall be deemed to have been paid for the use of that motor vehicle only so long as it remains a vehicle of that type or class; and that condition shall be deemed to be a condition that is referred to in the foregoing provisions of this section.
- (5) Without prejudice to the provisions of subsection (4), the conditions that may be specified for the purposes of this section are those prescribed for the purposes of section 30 in relation to which the amount of a premium is determined.
- (6) References in this section to the variation of a condition shall be construed as including references to the removal or addition of a condition, and the substitution of one condition for another.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part V – Premiums

s. 33

---

**33. Payment of premiums**

- (1) Subject to this section, premiums shall be paid as prescribed.
- (2) Regulations under this Act may –
  - (a) prescribe the persons to whom, and the manner in which, premiums may be or are to be paid;
  - (b) prescribe the persons by whom, and the manner in which, any refunds of portions of premiums are to be or may be made; and
  - (c) impose duties on any person accepting a premium in relation to his acceptance of the premium; and
  - (ca) confer powers or impose duties on the Transport Commission, the Registrar of Motor Vehicles or any other person responsible for the administration or enforcement of transport legislation; and
  - (d) provide that if a motor vehicle is unregistered and parked, left standing or used on a public street, the person who was the last registered operator of the vehicle is liable for premiums for a period not exceeding 2 years.
- (3) . . . . .
- (4) The Registrar is to record–

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 33

Part V – Premiums

---

- (a) the payment of any premiums and the refund of the portions of any premiums; and
  - (b) the motor vehicle in respect of which any such payment or refund is made; and
  - (c) the period for which any such premium is paid and the conditions attaching pursuant to section 32 to the use of the motor vehicle for which the premium is paid; and
  - (d) . . . . .
  - (e) such other particulars with respect to the matters referred to in the foregoing provisions of this section as may be prescribed.
- (5) Regulations under this Act may prescribe the extent to which any records referred to in subsection (4) or any copies thereof are evidence of the matters appearing therein.
- (6) Regulations under this Act may provide for the inspection of, and the obtaining of copies of, any of the records made or kept for the purposes of subsection (4), and for the payment of fees in respect thereof.
- (7) When information required to be recorded under subsection (4) is recorded by the Registrar in a register kept under the *Vehicle and Traffic Act 1999*, a certificate for the purposes of section 29(1B) may be signed by the Registrar or the Registrar's delegate and that certificate is, unless

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part V – Premiums

**s. 33**

---

the contrary is established, evidence of the matters stated in that certificate.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 33A

Part VI – Supplementary Provisions

---

**PART VI – SUPPLEMENTARY PROVISIONS**

**33A. Determining whether to recover amount paid by Board**

In determining whether to exercise a right under Part III or IV to recover from a person an amount paid under that Part, the Board may take into account one or more of the following:

- (a) whether a failure to pay any premium at all in respect of a motor vehicle or the correct premium for use of a motor vehicle in the circumstances or conditions in which a motor accident resulting in personal injury occurred was due to reasonable mistake or any other reasonable cause;
- (b) whether the payment of that amount by that person would be likely to impose substantial hardship on that person or a dependant of that person;
- (c) any other matter the Board considers relevant.

**33B. Application to Tribunal of *Commissions of Inquiry Act 1995***

Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to matters referred to the Tribunal under this Act as if –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

Part VI – Supplementary Provisions

s. 34

---

- (a) the Tribunal were a Commission established under section 4 of that Act; and
- (b) the matter were the matter into which the Commission had been directed to inquire under that Act.

**34. Regulations**

- (1) The Governor may make regulations for the purposes of this Act and in relation to the following matters:
  - (a) the classes of persons to whom scheduled benefits may be paid;
  - (b) the matters to be taken into account by the Board in determining whether persons are to be treated as persons within a class of persons to whom scheduled benefits may be paid;
  - (c) the exercise by the Board of its power to enter into an arrangement or agreement of a kind referred to in section 5.
- (2) Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Board or the Tribunal.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

s. 35

Part VI – Supplementary Provisions

---

**35. Consequential amendments**

- (1) *See Schedule 3.*
- (2) This section commences on the appointed day.
- (3) Nothing in this section prejudices or affects any rights or liabilities that have arisen or may arise from a motor accident occurring before the appointed day, and in relation to any such accident resulting in personal injury the Acts referred to in subsection (1) shall continue to have effect as if this section had not been enacted.

36. . . . .

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 1**

---

**SCHEDULE 1 – . . . . .**

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

sch. 2

---

**SCHEDULE 2 – PROVISIONS AS TO PERMITTED  
OUT-OF-STATE VEHICLES**

Section 19

1. In this Schedule, references to the motor vehicle shall be construed as references to any motor vehicle to which this Schedule applies and, in relation to such a motor vehicle, *the policy* means the third party insurance policy by virtue of which this Schedule applies to that motor vehicle, and *the insurer* means the insurer under that policy.
2. (1) Subject to this paragraph, the Board is not bound to indemnify a person in respect of any liability incurred by him as the person owning or using the motor vehicle.  
(2) Section 16 has effect in relation to the motor vehicle as if the Board were bound, in accordance with Part III, to indemnify the person owning or using it in respect of liabilities incurred by him, but where the Board has made payments under that section in respect of such a liability the Board may recover the amount of those payments from the insurer under the policy that was in force at the time of the accident giving rise to the liability.  
(3) Where the damages in respect of which the insurer is bound to indemnify any person are reduced by virtue of section 27 the Board may recover from the insurer as a debt due to it the amount by which those damages are so reduced.

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

sch. 2

---

3. (1) Subject to this Schedule, nothing in Part III prejudices or affects the operation of the policy in force in respect of the motor vehicle.
- (2) Notwithstanding any other law or rule of law to the contrary the insurer under the policy is liable to indemnify –
- (a) the owner for the time being of the motor vehicle;
  - (b) any other person who, at any time during the currency of the policy, and whether with or without the authority or acquiescence of the owner thereof, uses the motor vehicle; and
  - (c) the personal representatives of any such person as is referred to in clause (a) or clause (b) –
- in respect of any liability that the policy purports to cover.
- (3) No condition in the policy that provides –
- (a) for the avoidance of any liability thereunder on the ground of misrepresentation or breach of any condition precedent; or
  - (b) that no liability shall arise under the policy, or that any liability so arising shall cease, in the event of any act or omission on the part of any person after an occurrence that would otherwise give rise to that liability –

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 2**

---

shall have the effect of relieving the insurer of any obligations otherwise imposed by the policy.

- (4) Subject to subparagraph (5) nothing in this paragraph prejudices or affects the right of an insurer –
    - (a) to cancel any policy of insurance in conformity with any condition contained therein; or
    - (b) to recover from the insured, in accordance with any condition in the policy, any moneys which the insurer has been required to pay, and has paid, in pursuance of the policy.
  - (5) Notwithstanding anything in the foregoing provisions of this paragraph, or in the policy of insurance, no cancellation of the policy is of any effect until the expiration of 21 days after notice thereof has been served on the Board and on the insured, either personally or by registered post.
4. Sections 15, 17, and 18 apply in relation to the insurer under the policy as they apply in relation to the Board as if the rights and obligations arising under the policy were rights and obligations arising under Part III.

**SCHEDULE 3 – CONSEQUENTIAL AMENDMENTS**

Section 35

*The amendments effected by this Schedule have been incorporated into the authorised version of the following Acts:*

- (a) Hire-Purchase Act 1959;*
- (b) Police Offences Act 1935;*
- (c) Traffic Act 1925.*

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 4**

---

**SCHEDULE 4 – . . . . .**

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

sch. 4

**NOTES**

The foregoing text of the *Motor Accidents (Liabilities and Compensation) Act 1973* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 5 November 2021 are not specifically referred to in the following table of amendments.

| Act  | Number and year | Date of commencement  |
|--|-----------------|---|
| <i>Motor Accidents (Liabilities and Compensation) Act 1973</i>                   | No. 71 of 1973  | 23.1.1974   |
| <i>Motor Accidents (Liabilities and Compensation) Act 1974</i>                   | No. 40 of 1974  | 14.10.1974  |
| <i>Status of Children Act 1974</i>   | No. 36 of 1974  | 1.3.1975  |
| <i>Motor Accidents (Liabilities and Compensation) Act 1975</i>                   | No. 32 of 1975  | 24.6.1975   |
| <i>Traffic Act (No. 2) 1976</i>  | No. 96 of 1976  | 22.12.1976  |
| <i>Motor Accidents (Liabilities and Compensation) Act 1977</i>                   | No. 57 of 1977  | 21.9.1977   |
| <i>Motor Accidents (Liabilities and Compensation) Act (No. 2) 1977</i>           | No. 95 of 1977  | 17.11.1977  |
| <i>Motor Accidents (Liabilities and Compensation) Act (No. 3) 1977</i>           | No. 122 of 1977 | 14.12.1977  |
| <i>Motor Accidents (Liabilities and Compensation) Act 1978</i>                   | No. 44 of 1978  | 13.12.1978  |
| <i>Motor Accidents (Liabilities and Compensation) Act 1979</i>                   | No. 16 of 1979  | 16.5.1979   |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act (No. 2) 1979</i> | No. 83 of 1979  | 14.12.1979  |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1980</i>         | No. 32 of 1980  | 1.7.1980  |
| <i>Retirement Benefits Act 1982</i>  | No. 10 of 1982  | 1.7.1982<br>(Sched. 8, Pt. I)<br>1.7.1983<br>(Sched. 8, Pt. II) |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1984</i>         | No. 90 of 1984  | 30.11.1984  |
| <i>Statute Law Revision Act 1985</i>   | No. 51 of 1985  | 23.5.1985   |

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 4**

| Act   | Number and year | Date of commencement |
|---|-----------------|----------------------|
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1985</i>          | No. 45 of 1985  | 19.6.1985            |
| <i>Tasmanian State Service (Miscellaneous Amendments) Act 1984</i>                | No. 29 of 1984  | 1.12.1985            |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1986</i>          | No. 4 of 1986   | 17.4.1986            |
| <i>Traffic Amendment (Common Expiry Dates) Act 1986</i>                           | No. 10 of 1986  | 4.11.1987            |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act (No. 2) 1988</i>  | No. 39 of 1988  | 15.11.1988           |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1988</i>          | No. 32 of 1988  | 17.8.1988<br>(s. 5)  |
|   |                 | 15.11.1988<br>(s. 4) |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1991</i>          | No. 6 of 1991   | 28.6.1991            |
| <i>State Authorities Financial Management (Consequential Amendments) Act 1991</i> | No. 40 of 1991  | 1.7.1991             |
| <i>Penalty Units and Other Penalties Amendment Act 1991</i>                       | No. 43 of 1991  | 18.12.1991           |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1992</i>          | No. 18 of 1992  | 6.8.1992             |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act (No. 2) 1992</i>  | No. 33 of 1992  | 10.12.1992           |
| <i>Workers Compensation (Miscellaneous Amendments) Act 1993</i>                   | No. 84 of 1993  | 23.11.1993           |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1993</i>          | No. 85 of 1993  | 23.11.1993           |
| <i>Tasmanian Government Insurance Office (Sale) Act 1993</i>                      | No. 27 of 1993  | 9.3.1994             |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1994</i>          | No. 50 of 1994  | 1.10.1994            |
| <i>Statute Law Revision Act 1994</i>  | No. 68 of 1994  | 25.11.1994           |
| <i>Government Business Enterprises (Consequential Amendments) Act 1995</i>        | No. 20 of 1995  | 1.7.1995             |

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 4**

| Act   | Number and year | Date of commencement |
|---|-----------------|----------------------|
| <i>Government Business Enterprises (Consequential Amendments) Act (No. 2) 1995</i>            | No. 52 of 1995  | 1.7.1995             |
| <i>Workers Rehabilitation and Compensation Reform Act 1995</i>                                | No. 16 of 1995  | 16.8.1995            |
| <i>Workers Rehabilitation and Compensation Reform (Consequential Amendments) Act 1996</i>     | No. 42 of 1996  | 16.8.1995            |
| <i>Commissions of Inquiry (Consequential Amendments) Act 1995</i>                             | No. 71 of 1995  | 14.11.1995           |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1995</i>                      | No. 89 of 1995  | 1.9.1996             |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 1997</i>                      | No. 49 of 1997  | 1.12.1997            |
| <i>Legislation Publication Act 1996</i>   | No. 17 of 1996  | 15.5.1998            |
| <i>Motor Accidents (Liabilities and Compensation) Amendment (Reinsurance Powers) Act 1999</i> | No. 10 of 1999  | 30.4.1999            |
| <i>Driving Offences (Miscellaneous Amendments) Act 2000</i>                                   | No. 15 of 2000  | 28.4.2000            |
| <i>Vehicle and Traffic (Transitional and Consequential) Act 1999</i>                          | No. 90 of 1999  | 14.8.2000            |
| <i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>                    | No. 86 of 2000  | 1.5.2001             |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 2002</i>                      | No. 20 of 2002  | 1.8.2002             |
| <i>Motor Accidents (Liabilities and Compensation) Amendment (Terrorism) Act 2002</i>          | No. 61 of 2002  | 19.12.2002           |
| <i>Police Service (Consequential Amendments) Act 2003</i>                                     | No. 76 of 2003  | 1.1.2004             |
| <i>Civil Liability Amendment Act 2005</i>   | No. 69 of 2005  | 15.12.2005           |
| <i>Road Safety (Alcohol and Drugs) Amendment Act (No. 2) 2005</i>                             | No. 28 of 2005  | 1.2.2006             |
| <i>Justice and Related Legislation (Further Miscellaneous Amendments) Act 2006</i>            | No. 43 of 2006  | 18.12.2006           |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 2007</i>                      | No. 16 of 2007  | 1.8.2007             |
| <i>Police Offences Amendment Act 2007</i>   | No. 39 of 2007  | 21.11.2007           |

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 4**

| Act   | Number and year | Date of commencement |
|---|-----------------|----------------------|
| <i>Traffic Amendment (Notice of Demand) Act 2004</i>  | No. 27 of 2004  | 3.12.2007            |
| <i>Supreme Court Amendment Act 2007</i>   | No. 55 of 2007  | 1.3.2008             |
| <i>Justice and Related Legislation (Miscellaneous Amendments) Act 2009</i>                                | No. 23 of 2009  | 28.4.2009            |
| <i>Traffic Amendment (Road Rules Consequential Amendments) Act 2009</i>                                   | No. 61 of 2009  | 20.11.2009           |
| <i>Health Practitioner Regulation National Law (Tasmania) (Consequential Amendments) Act 2010</i>         | No. 3 of 2010   | 1.7.2010             |
| <i>Asbestos-Related Diseases (Occupational Exposure) Compensation (Consequential Amendments) Act 2011</i> | No. 28 of 2011  | 31.10.2011           |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 2013</i>                                  | No. 55 of 2013  | 19.11.2013           |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 2015</i>                                  | No. 25 of 2015  | 14.9.2015            |
| <i>Criminal Code Amendment (Dangerous Driving) Act 2017</i>   | No. 35 of 2017  | 19.9.2017            |
| <i>Motor Accidents (Liabilities and Compensation) Amendment Act 2019</i>                                  | No. 6 of 2019   | 8.5.2019             |
| <i>Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021</i>                    | No. 18 of 2021  | 5.11.2021            |

**TABLE OF AMENDMENTS**

| Provision affected | How affected   |
|--------------------|--|
| Long Title         | Amended by No. 85 of 1993, s. 4  |
| Section 2          | Amended by No. 40 of 1974, s. 3, No. 122 of 1977, s. 2, No. 32 of 1980, s. 4, No. 90 of 1984, s. 5, No. 45 of 1985, s. 4, No. 6 of 1991, s. 5, No. 85 of 1993, s. 5, No. 89 of 1995, s. 4, No. 49 of 1997, s. 4, No. 90 of 1999, Sched. 1, No. 20 of 2002, s. 4, No. 61 of 2002, s. 4, No. 76 of 2003, Sched. 1, No. 55 of 2013, s. 4 and No. 18 of 2021, s. 287 |
| Section 2A         | Inserted by No. 61 of 2002, s. 5   |
| Section 2B         | Inserted by No. 55 of 2013, s. 5   |

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

sch. 4

| Provision affected     | How affected   |
|------------------------|--|
| Section 3              | Amended by No. 90 of 1999, Sched. 1  |
| Section 3A             | Inserted by No. 49 of 1997, s. 5   |
| Part 2                 | Amended by No. 20 of 2002, s. 5  |
| Section 4              | Amended by No. 32 of 1980, s. 5, No. 29 of 1984, s. 3 and Sched. 1, No. 27 of 1993, Sched. 1 and No. 52 of 1995, s. 3 and Sched. 1   |
| Section 5              | Subsection (4A) inserted by No. 29 of 1984, s. 3 and Sched. 1<br>Substituted by No. 52 of 1995, s. 3 and Sched. 1 and No. 10 of 1999, s. 4   |
| Section 6              | Repealed by No. 52 of 1995, s. 3 and Sched. 1  |
| Section 7              | Amended by No. 122 of 1977, s. 3, No. 10 of 1982, Sched. 8, No. 29 of 1984, s. 3 and Sched. 1<br>Subsection (3) omitted by No. 84 of 1993, s. 3 and Sched. 1   |
| Section 7A             | Repealed by No. 52 of 1995, s. 3 and Sched. 1<br>Inserted by No. 29 of 1984, s. 3 and Sched. 1   |
| Section 7B             | Repealed by No. 52 of 1995, s. 3 and Sched. 1<br>Inserted by No. 90 of 1984, s. 6  |
| Section 8              | Amended by No. 43 of 1991, s. 5 and Sched. 1, No. 52 of 1995, s. 3 and Sched. 1 and No. 16 of 2007, s. 4<br>Amended by No. 40 of 1974, s. 4, No. 40 of 1991, s. 25, No. 85 of 1993, s. 6   |
| Section 9              | Repealed by No. 52 of 1995, s. 3 and Sched. 1<br>Substituted by No. 40 of 1991, s. 26  |
| Section 9A             | Repealed by No. 52 of 1995, s. 3 and Sched. 1<br>Inserted by No. 40 of 1991, s. 26   |
| Section 9B             | Repealed by No. 52 of 1995, s. 3 and Sched. 1<br>Inserted by No. 40 of 1991, s. 26   |
| Section 10             | Repealed by No. 52 of 1995, s. 3 and Sched. 1<br>Amended by No. 40 of 1974, s. 5   |
| Section 10A            | Repealed by No. 52 of 1995, s. 3 and Sched. 1<br>Inserted by No. 18 of 1992, s. 4  |
| Part II, Div. II       | Amended by No. 90 of 1984, s. 7  |
| Division II of Part II | Repealed by No. 18 of 2021, s. 288   |
| Section 11             | Amended by No. 40 of 1974, s. 6, No. 122 of 1977, s. 4, No. 44 of 1978, s. 2<br>Substituted by No. 90 of 1984, s. 8<br>Amended by No. 85 of 1993, s. 7, No. 52 of 1995, s. 3 and Sched. 1<br>Subsection (3) substituted by No. 71 of 1995, s. 3 and Sched. 1<br>Subsection (3A) inserted by No. 71 of 1995, s. 3 and Sched. 1<br>Repealed by No. 49 of 1997, s. 6 and No. 18 of 2021, s. 288 |

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 4**

| Provision affected | How affected  |
|--------------------|---|
| Section 12         | Amended by No. 122 of 1977, s. 5<br>Subsection (2A) inserted by No. 122 of 1977, s. 5<br>Amended by No. 51 of 1985, s. 4 and Sched. 2<br>Subsection (7) substituted by No. 71 of 1995, s. 3 and Sched. 1<br>Amended by No. 20 of 2002, s. 6, No. 55 of 2007, Sched. 1<br>Subsection (2A) substituted by No. 25 of 2015, s. 4<br>Amended by No. 25 of 2015, s. 4<br>Repealed by No. 18 of 2021, s. 288 |
| Section 12A        | Inserted by No. 25 of 2015, s. 5<br>Repealed by No. 18 of 2021, s. 288  |
| Section 13         | Subsection (2) substituted by No. 29 of 1984, s. 3 and Sched. 1<br>Subsection (2A) inserted by No. 29 of 1984, s. 3 and Sched. 1<br>Amended by No. 90 of 1984, s. 9<br>Subsection (2A) substituted by No. 90 of 1984, s. 9<br>Amended by No. 86 of 2000, Sched. 1<br>Repealed by No. 18 of 2021, s. 288   |
| Part IIA           | Inserted by No. 85 of 1993, s.8   |
| Section 13A        | Inserted by No. 85 of 1993, s. 8  |
| Section 13B        | Inserted by No. 85 of 1993, s. 8<br>Amended by No. 49 of 1997, s. 7   |
| Section 13C        | Inserted by No. 85 of 1993, s. 8  |
| Section 13D        | Inserted by No. 85 of 1993, s. 8  |
| Section 13E        | Inserted by No. 85 of 1993, s. 8  |
| Part 3             | Amended by No. 49 of 1997, s. 8 and No. 20 of 2002, s. 7  |
| Section 14         | Amended by No. 40 of 1974, s. 7, No. 122 of 1977, s. 6, No. 32 of 1988, s. 4, No. 33 of 1992, s. 4, No. 16 of 1995, s. 96, No. 42 of 1996, s. 3 and Sched. 1, No. 49 of 1997, s. 9, No. 90 of 1999, Sched. 1, No. 20 of 2002, s. 8, No. 61 of 2002, s. 6, No. 43 of 2006, s. 45, No. 16 of 2007, s. 5, No. 39 of 2007, s. 23 and No. 28 of 2011, s. 41  |
| Section 15         | Amended by No. 40 of 1974, s. 8   |
| Section 16         | Amended by No. 40 of 1974, s. 9, No. 122 of 1977, s. 7, No. 49 of 1997, s. 10 and No. 90 of 1999, Sched. 1  |
| Section 17         | Amended by No. 40 of 1974, s. 10  |
| Section 18         | Amended by No. 40 of 1974, s. 11, No. 57 of 1977, s. 2, No. 95 of 1977, s. 2, No. 90 of 1984, s. 10, No. 49 of 1997, s. 11, No. 90 of 1999, Sched. 1, No. 15 of 2000, s. 4, No. 20 of 2002, s. 9, No. 43 of 2006, s. 46, No. 16 of 2007, s. 6 and No. 35 of 2017, s. 10   |
| Section 19         | Amended by No. 16 of 1979, s. 3, No. 90 of 1999, Sched. 1 and No. 20 of 2002, s. 10   |
| Section 21         | Amended by No. 40 of 1974, s. 12, No. 122 of 1977, s. 8, No. 32 of 1980, s. 6, No. 90 of 1984, s. 11, No. 43 of 1991, s. 5 and Sched. 1, No. 49 of 1997, s. 12, No. 90  |

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

sch. 4

| Provision affected | How affected  |
|--------------------|---|
|                    | of 1999, Sched. 1, No. 20 of 2002, s. 11 and No. 16 of 2007, s. 7   |
| Section 22         | Amended by No. 40 of 1974, s. 13, No. 122 of 1977, s. 9, No. 49 of 1997, s. 13, No. 20 of 2002, s. 12, No. 69 of 2005, s. 9 and No. 61 of 2009, s. 6  |
| Section 23         | Substituted by No. 122 of 1977, s. 10   |
|                    | Amended by No. 45 of 1985, s. 5, No. 6 of 1991, s. 6, No. 17 of 1996, No. 49 of 1997, s. 14, No. 20 of 2002, s. 13, No. 27 of 2004, s. 15, No. 16 of 2007, s. 8, No. 3 of 2010, Sched. 1 and No. 55 of 2013, s. 6   |
| Section 24         | Amended by No. 40 of 1974, s. 14, No. 57 of 1977, s. 3, No. 90 of 1984, s. 12, No. 39 of 1988, s. 4, No. 6 of 1991, s. 7, No. 16 of 1995, s. 96, No. 17 of 1996, No. 49 of 1997, s. 15, No. 90 of 1999, Sched. 1, No. 15 of 2000, s. 4, No. 20 of 2002, s. 14, No. 61 of 2002, s. 7, No. 28 of 2005, s. 22, No. 16 of 2007, s. 9, No. 39 of 2007, s. 24, No. 23 of 2009, s. 36, No. 28 of 2011, s. 42, No. 55 of 2013, s. 7 and No. 35 of 2017, s. 11 |
| Section 25         | Amended by No. 40 of 1974, s. 15, No. 122 of 1977, s. 11 and No. 20 of 1995, s. 5 and Sched. 3  |
| Section 27         | Amended by No. 32 of 1988, s. 5<br>Substituted by No. 6 of 1991, s. 8<br>Amended by No. 17 of 1996, No. 49 of 1997, s. 16 and No. 16 of 2007, s. 10   |
| Section 27A        | Inserted by No. 6 of 1991, s. 8<br>Substituted by No. 20 of 2002, s. 15   |
| Section 27B        | Inserted by No. 6 of 1991, s. 8<br>Substituted by No. 20 of 2002, s. 15   |
| Section 28         | Amended by No. 55 of 2013, s. 8<br>Subsection (8) substituted by No. 122 of 1977, s. 12<br>Substituted by No. 6 of 1991, s. 8<br>Amended by No. 50 of 1994, s. 4, No. 6 of 2019, s. 4 and No. 18 of 2021, s. 289  |
| Section 28A        | Inserted by No. 90 of 1984, s. 13   |
| Section 28B        | Inserted by No. 49 of 1997, s. 17   |
|                    | Amended by No. 15 of 2000, s. 4, No. 20 of 2002, s. 16, No. 16 of 2007, s. 11, No. 39 of 2007, s. 25, No. 55 of 2013, s. 9 and No. 35 of 2017, s. 12  |
| Section 28C        | Inserted by No. 49 of 1997, s. 17<br>Amended by No. 43 of 2006, s. 47 and No. 16 of 2007, s. 12   |
| Section 29         | Amended by No. 40 of 1974, s. 16, No. 32 of 1975, s. 2, No. 96 of 1976, s. 15 and Sched. 2, No. 95 of 1977, s. 3, No. 122 of 1977, s. 13, No. 90 of 1984, s. 14, No. 43 of 1991, s. 5 and Sched. 1, No. 68 of 1994, s. 3 and Sched. 1, No. 89 of 1995, s. 5 and No. 90 of 1999, Sched. 1  |
| Section 30         | Amended by No. 40 of 1974, s. 17, No. 122 of 1977, s. 14,   |

*Motor Accidents (Liabilities and Compensation) Act 1973*  
*Act No. 71 of 1973*

**sch. 4**

| Provision affected | How affected  |
|--------------------|---|
|                    | No. 90 of 1984, s. 15, No. 4 of 1986, s. 4, No. 10 of 1986, s. 5 and Sched. 1, No. 52 of 1995, s. 3 and Sched. 1, No. 89 of 1995, s. 6 and No. 49 of 1997, s. 18                |
| Section 31         | Repealed by No. 90 of 1999, Sched. 1  |
| Section 32         | Substituted by No. 40 of 1974, s. 18<br>Amended by No. 49 of 1997, s. 19  |
| Section 33         | Substituted by No. 40 of 1974, s. 18<br>Amended by No. 32 of 1980, s. 7, No. 89 of 1995, s. 7, No. 17 of 1996, No. 90 of 1999, Sched. 1 and No. 20 of 2002, s. 17               |
| Section 33A        | Inserted by No. 40 of 1974, s. 18<br>Repealed by No. 32 of 1980, s. 8<br>Inserted by No. 49 of 1997, s. 20<br>Amended by No. 20 of 2002, s. 18                                  |
| Section 33B        | Inserted by No. 18 of 2021, s. 290  |
| Section 34         | Substituted by No. 50 of 1994, s. 5<br>Amended by No. 52 of 1995, s. 3 and Sched. 1, No. 49 of 1997, s. 21 and No. 6 of 2019, s. 5  |
| Section 35         | Amended by No. 40 of 1974, s. 19 and No. 20 of 2002, s. 19  |
| Section 36         | Repealed by No. 90 of 1999, Sched. 1  |
| Schedule 1         | Amended by No. 36 of 1974, s. 12 & Sched. 1, No. 122 of 1977, s. 15, No. 44 of 1978, s. 3, No. 83 of 1979, ss. 3 & 4, No. 90 of 1984, s. 16<br>Repealed by No. 45 of 1985, s. 6 |
| Schedule 2         | Amended by No. 16 of 1979, s. 4   |
| Schedule 3         | Amended by No. 40 of 1974, s. 20  |
| Schedule 4         | Repealed by No. 90 of 1999, Sched. 1  |