

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

(a) to extend the early payment scheme (for treatment and lost earnings of injured persons) and bulk billing arrangements under the Motor Accidents

Compensation Act 1999 to all injured persons (including those who are at fault in a motor accident),

(b) to allow greater flexibility in the adjustment of the Motor Accidents Authority Fund levy by allowing the Authority to vary the period in respect of which contributions to the Fund are to be determined,

(c) to make provision for refunds, on a pro rata basis, of amounts that are contributed to the Motor Accidents Authority Fund and the Lifetime Care and Support Authority Fund in certain circumstances.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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Motor Accidents Compensation Amendment Bill 2009

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Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Motor Accidents

Compensation Act 1999 No 41

Schedule 1 [5] amends section 50 of the Motor Accidents Compensation Act 1999 to extend the early payment scheme (that is, the payment of treatment expenses and lost earnings of persons injured in a motor accident by the insurer who issued the relevant third-party policy) to all injured persons (whether or not the person's injuries were caused by the fault of the owner or driver of the vehicle in the use or operation of the vehicle and even if the motor accident was caused by the fault of the injured person).

Schedule 1 [1], [3], [4] and [6] make consequential amendments.

Schedule 1 [7] makes it clear that the bulk billing arrangements that may be entered into by the Authority with respect to hospital, ambulance and other expenses may extend to cover such expenses for persons injured in a motor accident even if the motor accident was caused, wholly or partly, by the fault of the injured person.

Schedule 1 [2] makes a consequential amendment.

Currently, the Motor Accidents Authority is required to determine the Motor Accidents Authority Fund levy on a yearly basis. Schedule 1 [9] enables the Authority to assess the amount of the levy within a period determined by the Authority to allow greater flexibility in the adjustment of the levy. Schedule 1 [8], [10] and [12] make consequential amendments.

Schedule 1 [11] makes provision for refunds, on a pro rata basis, of amounts that are contributed to the Motor Accidents Authority Fund in conjunction with the payment of the premium of a third-party policy if the policy is cancelled on the cancellation of the registration of the motor vehicle to which the policy relates.

Schedule 1 [13] enables regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [14] inserts savings and transitional provisions into Schedule 5 consequent on the amendments referred to above.

Schedule 2 Amendment of Motor Accidents

(Lifetime Care and Support) Act 2006

No 16

Schedule 2 makes provision for refunds, on a pro rata basis, of amounts that are contributed to the Lifetime Care and Support Authority Fund in conjunction with the payment of the premium of a third-party policy if the policy is cancelled on the

cancellation of the registration of the motor vehicle to which the policy relates.