

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to enable a person who was injured in a motor accident before the commencement of the Lifetime Care and Support Scheme (the Scheme) to participate in the Scheme by buying in, and
- (b) to provide that a child under 3 years of age who is accepted as an interim participant in the Scheme remains a participant until the child is 5 years of age rather than for 2 years as is currently the case.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act except for specified provisions that commence on a day or days to be appointed by proclamation.

Explanatory note page 2

Motor Accidents (Lifetime Care and Support) Amendment Bill 2009

Explanatory note

Schedule 1 Amendment of Motor Accidents

(Lifetime Care and Support) Act 2006

No 16

Schedule 1 [3] inserts proposed section 7A into the Motor Accidents (Lifetime Care and Support) Act 2006 (the Principal Act). The proposed section enables a person who was injured in a motor accident occurring before the relevant Scheme commencement date to be accepted as a lifetime participant in the Scheme if the person pays to the Lifetime Care and Support Authority (the Authority), for payment into the Lifetime Care and Support Authority Fund, an amount that the Authority determines as the amount required to fund the treatment and care needs of the person as a lifetime participant in the Scheme in respect of the injury.

Such a person is eligible to participate in the Scheme only if the person would have been eligible to participate in the Scheme had the motor accident occurred immediately after the relevant Scheme commencement date and had no damages been awarded to the person in respect of the injury.

An application for participation in such a case cannot be made by an insurer and is to be made by or on behalf of the person.

Proposed section 7A also provides that guidelines issued under section 58 of the Principal Act may make provision for or with respect to how a person's contribution for participation in the Scheme under the proposed section is to be determined.

Schedule 1 [1] inserts a proposed definition of relevant Scheme commencement date, being 1 October 2006 in the case of a person who was under 16 years of age when injured in a motor accident and 1 October 2007 in any other case.

Schedule 1 [5] amends section 54 of the Principal Act to provide that the Authority is not permitted to recover damages under that section in respect of injuries to a participant in the Scheme if the participant paid an amount to the Authority under proposed section 7A in respect of those injuries. Schedule 1 [2] makes a consequential amendment.

Schedule 1 [4] provides that a child under 3 years of age who is accepted as an interim participant in the Scheme remains an interim participant until the child is 5 years of age. Currently such a child would only remain an interim participant for 2 years.

Schedule 1 [7] omits a redundant Schedule, provides for regulations of a savings and transitional nature to be made consequential on the enactment of the proposed Act and provides for the amendment proposed to be made by Schedule 1 [4] to extend to children who are interim participants in the Scheme on the commencement of that

amendment and who were under 3 years of age when they became interim participants. This means any such child will now continue to be an interim participant until he or she is 5 years of age.
Schedule 1 [6] omits a redundant provision.