**MOTOR ACCIDENT CLAIMS IN THE STATES AND TERRITORIES**

No-fault third-party motor vehicle insurance arrangements (to varying degrees) exist in the New South Wales, Northern Territory, South Australia, Tasmania and Victoria. Compulsary Third Party CTP, fault-based arrangements are in WA, Queensland and the ACT.

**Australian Capitol Territory**

Road Transport (Third-Party Insurance) Act 2008

 A2008-1 Republication No 27

Effective: 11 October 2017

<http://www.legislation.act>.

gov.au/a/2008-1/current/pdf/2008-1.pdf

**New South Wales**

Motor Accident Injuries Act 2017 No 10 Current version as from 8 January 2018

<https://www.legislation.nsw.gov.au/#/view/act/2017/10/full>

Especially Division 7.5 Medical assessment

**Northern Territory**

## The Motor Accidents Compensation (MAC) Scheme is a no-fault scheme, MAC covers drivers, riders, passengers, cyclists and pedestrians injured in a road accident in the Northern Territory.

MAC is a government-owned scheme that is managed by the Motor Accidents Compensation Commission (MACC) and administered on its behalf by TIO.

Motor Accidents (Compensation) Act 1979. Impairment is measured using AMA6

**Queensland**

The Motor Accident Insurance Commission (MAIC) is the regulatory authority responsible for the ongoing management of the Compulsory Third Party (CTP) scheme in Queensland. Motor Accident Insurance Act 1994 as at 1 July 2017

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1994-009>

**South Australia**

Motor Vehicles Act 1959 Version: 20.3.2018 <https://www.legislation.sa.gov.au/LZ/C/A/MOTOR%20VEHICLES%20ACT%201959/CURRENT/1959.53.AUTH.PDF>

Uses blend of GEPIC and Queensland Injury Scale value ISV system in determining levels of impairment

**Tasmania**

# The Motor Accident insurance Board administers the Act

# Motor Accidents (Liabilities and Compensation) Act 1973

Version current from 19 September 2017

https://www.legislation.tas.gov.au/view/html/inforce/2017-09-19/act-1973-071#GS27B@EN

27B.   Board may require examination

Established in 1974 under the Motor Accidents (Liabilities and Compensation) Act 1973 (the Act), the Motor Accidents Insurance Board (MAIB) is a Tasmanian Government Enterprise (GBE). The purpose of the MAIB is to administer the funding and payment of Tasmania’s compulsory third party (CTP) motor accident insurance scheme. The scheme provides medical and income benefits on a no fault basis to people injured as a result of a motor accident while enabling access to common law.

**Victoria**

The Transport Accident Commission (TAC) is a Victorian Government-owned organisation set up to pay for treatment and benefits for people injured in transport accidents, promote road safety and improve Victoria's trauma system.

Transport Accident Act 1986 No. 111 of 1986 Authorised Version incorporating amendments as at

14 December 2016

https://www.tac.vic.gov.au/\_\_data/assets/pdf\_file/0014/27131/86-111aa140-authorised.pdf

WorkSafe runs the workers’ compensation scheme in Victoria and can be viewed at <https://www.worksafe.vic.gov.au/>

**Western Australia**

CTP insurance in WA is solely provided by the Insurance Commission of Western Australia (ICWA), which is also responsible for administering, underwriting, and managing the scheme.

ICWA estimates that 92 people are catastrophically injured in motor vehicle accidents in WA each year, and 44 of these are not compensated through the CTP scheme due to not being able to assert fault against another driver.

Due to this, in 2015 there was an attempt by the WA government to expand the state’s CTP scheme to a no fault scheme, meaning that people injured in a road accident would be able to make a claim and receive compensation regardless of fault. However, this attempt was not successful and as at July 2017, WA remains an ‘at-fault’ CTP state.

<https://www.canstar.com.au/ctp-insurance/western-australia-ctp-insurance/>

# TRANSPORT ACCIDENT COMMISSION - VICTORIA

The TAC supports people injured in transport accidents that are directly caused by the driving of a car, motorcycle, bus, train or tram.

The TAC administers a “no-fault” scheme, which means that anyone injured in a transport accident within Victoria (or interstate if in a Victorian registered vehicle) is eligible to receive support services, irrespective of who caused the crash. Where a person suffers a serious injury in a trans- port accident and the accident was someone else’s fault, they may receive a lump sum payment and make a common law claim.

In the 2016/17 financial year, the TAC accepted 18,066 new claims and paid out a record $1.35 billion in benefits and support.

**COMMON LAW DAMAGES**