

Processing of Claims

All claims for no-fault benefits are processed in accordance with the provisions of the legislation. The Act provides for disputed claims to be referred to the Motor Accidents Compensation Tribunal for resolution.

For further information regarding the Motor Accidents Compensation Tribunal, it is suggested you visit the Courts and Tribunals section of the Department of Justice website at www.justice.tas.gov.au

Exclusions

There are some cases in which no fault benefits are not available to persons who suffer personal injury resulting directly from a motor accident. These cases are specifically detailed in the legislation. They include, but are not limited to, the following situations:

- (i) Where an employer is liable to pay compensation to an employee for personal injury to that employee resulting from a motor accident in connection with the employee's employment;
- (ii) Where compensation is payable under any law of the Commonwealth or any other State or Territory in relation to the payment of compensation in respect of personal injury resulting directly from motor accidents;
- (iii) Where injuries are suffered in motor vehicle races;
- (iv) Where injuries are suffered by the owner of a vehicle which has had no MAIB premium paid for its use in the circumstances in which it was being used at the time of the motor accident;
- (v) Where injuries suffered by the driver of a motor vehicle who knew, or ought to have known, that no MAIB premium had been paid for the use of the vehicle in the circumstances in which it was being used at the time of the motor accident; and
- (vi) A driver injured in a motor accident who does not hold a driver's licence of the appropriate class.

Damages for Personal Injury

At common law, if it can be shown that your personal injury was caused or contributed to by the negligence of another person, damages can be sought.

In Tasmania this common law principle remains applicable to personal injuries resulting from motor accidents.

Should you believe you may be entitled to damages for personal injury, you should seek legal advice. This should be done as soon as possible as strict time limits apply to making claims of this kind.

Further information is available from:

**Motor
Accidents
Insurance
Board**

Level 1
33 George Street
Launceston Tas 7250

Website: www.maib.tas.gov.au
Email: info@maib.tas.gov.au

Toll Free 1800 006 224

Tel: (03) 6336 4800
Fax: (03) 6336 4848

**Motor
Accidents
Insurance
Board**



Information on

**Claims
Procedures
&
Scheduled
Benefits
Payable**



Level 1
33 George Street
Launceston

Tel: (03) 6336 4800



Introduction

The Motor Accidents Insurance Board (MAIB) provides third party insurance cover for the benefit of persons who suffer personal injury as a result of a motor accident. Funding for this compensation is provided by motorists through the payment of compulsory third party premiums on registered motor vehicles.

Under the *Motor Accidents (Liabilities and Compensation) Act 1973* and *Motor Accidents (Liabilities and Compensation) Regulations 2010* [the legislation], the MAIB provides a range of benefits to eligible persons who have been injured as the result of a motor accident regardless of fault. These are called no-fault or scheduled benefits. A summary of these benefits appears opposite in this brochure.

For more information visit www.maib.tas.gov.au

The MAIB also provides a form of liability insurance for drivers/owners of a motor vehicle. This insurance covers their liability where personal injury to another person is caused through negligence.

Some general information in relation to damages for personal injury can be found on the back of this brochure.

No Fault Benefits

Summary of Benefits Available

Medical/Disability Benefits

Includes the cost of medical, ambulance, hospital (public or private, shared room only), physiotherapy, chiropractic, optical, dental treatment, etc. reasonably and necessarily incurred, together with the reasonable cost of medical appliances, equipment, alterations to building or vehicles, attendant care and the cost of travel to obtain treatment under certain circumstances.

Total amount payable for medical and disability benefits is subject to a maximum sum (\$400,000 where injury was sustained on or after 23 November 2005 or \$500,000 from 1 August 2012 if the injured person was hospitalised continually for more than 4 days commencing on the date of the accident).

Funeral & Death Benefits

Funeral benefits, payments to dependants of the deceased person or counselling services to assist family members with the loss, are payable in accordance with the prescribed maximum sums in the legislation.

Loss of Earnings Allowance

Payable to employed and self employed persons (generally based on 80% of average weekly earnings for the 12 months prior to the accident). Alternatively, self employed persons may claim 80% of the cost of employing a replacement to carry on their business.

There is a cap on the weekly amount payable, but it applies only to persons earning more than three times the adult average weekly earnings as last published before the motor accident.

Loss of earnings allowances may be paid for a period of up to 2 years from the date of injury if the person is unable to carry out their normal occupation. Under certain circumstances, a person may also be eligible for allowance payments for periods falling within the following 3 years.

Housekeeping Allowance

Payable where an injured person is wholly disabled, by reason of the injury, from carrying out household duties which are normally carried out by that person at least once per week.

Housekeeping allowance may be paid for up to 26 weeks (or 39 weeks in some instances) from the date of accident (maximum weekly amount applies).

Loss of Earnings & Housekeeping Allowance Limitations

No loss of earnings or housekeeping allowance is payable for the period of 7 days beginning on the day of the accident and the injured person must be certified as wholly disabled within the first 20 days beginning on the day of the motor accident.

If the driver of a motor vehicle suffers personal injury and is convicted of certain offences under the provision of the *Road Safety (Alcohol & Drugs) Act 1970*, the allowance may be reduced or, in some instances, may not payable at all.

Who Can Claim?

Generally, the scheme is designed to provide benefits to the following persons who suffer "personal injury" resulting directly from a motor accident:

- (i) All Tasmanians injured in Tasmania;
- (ii) Non residents injured in Tasmania, provided their accident involves a motor vehicle registered in Tasmania; or
- (iii) Residents of Tasmania injured outside Tasmania but within the Commonwealth of Australia, provided a Tasmanian registered vehicle is involved in the accident.

Listed overleaf are some of the exclusions under the legislation.

How to Make a Claim

In order to claim no-fault benefits you must have suffered "personal injury" resulting directly from a motor accident as defined in the legislation and have:

- (i) Reported the accident to Police;
- (ii) Completed an MAIB **Application for Scheduled Benefits** form and lodged it with the Board within 12 months of the date of injury; and
- (iii) Completed an MAIB **Notice of Accident** form if you were the driver or owner of one of the vehicles involved in the accident.