

MOTOR ACCIDENTS COMPENSATION TRIBUNAL

Introduction

The role of the Motor Accidents Compensation Tribunal is to resolve or determine disputes between the Motor Accidents Insurance Board (MAIB) and any person seeking or in receipt of a benefit payable under the *Motor Accidents (Liabilities & Compensation) Act 1973*.

The Tribunal is an independent judicial body. To be appointed as a member of the Tribunal by the Governor, a person needs to hold office as a Magistrate.

Jurisdiction

If the MAIB has determined:

- a person is not to be treated as a person within a class of persons to whom scheduled benefits may be paid,
- a person is not to be paid any scheduled benefit,
- the amount of any scheduled benefit to be paid to a person;

or the MAIB:

- has refused or failed to make a payment of a scheduled benefit (medical account, funeral benefit, death benefit, disability allowance, disability benefit, or counselling service),

then the person aggrieved may refer that matter to the Tribunal. This referral is to be made within 14 days of receiving notice of the MAIB's decision or such further period as the Tribunal may, upon application, determine.

The MAIB is also entitled to refer to the Tribunal any matter affecting;

- the right of a person to a scheduled benefit, or
- the amount of any scheduled benefit.

A referral to the Tribunal must be accompanied by all relevant documents held by the party making the referral. A referral form is attached.

The MAIB is always represented by a lawyer. You may choose to be legally represented. If you do engage a lawyer, please advise the Tribunal so that we can deal directly with them.

Procedure

Once a reference is received by the Tribunal the parties will be obliged to engage in one or more pre-reference conferences which may be held in person or by telephone. The purpose of these pre-reference conferences is to:

- clarify what the issue is that is before the Tribunal,
- ensure that any necessary investigations or medical examinations are arranged,
- determine the necessary steps for each party to take in order to resolve the claim,
- discuss the claim generally and obtain concessions from the parties as to fact, law or procedure where possible,
- discuss any other matter that may be relevant to achieving a speedy resolution of the reference,
- prepare generally for the conduct of a conciliation conference and, if necessary, a formal hearing.

When the parties have concluded the preparation of their case and all relevant medical evidence to be relied upon has been provided to the other party, the case will proceed to a conciliation conference.

The purpose of the conciliation conference is to provide an opportunity for open and "*without prejudice*" discussion based on all the available information in order to facilitate a resolution of the dispute.

If a case is not resolved at the conciliation conference it will be listed for hearing before the Tribunal. The procedure before the Tribunal follows the format of a civil case heard by a Court. Based upon the evidence given and the application of applicable law, the Tribunal will make a determination of the referral and give written reasons for that determination.

A person aggrieved by a determination of the Tribunal may appeal to the Supreme Court.

On determining a reference, the Tribunal may order a party to the reference to pay costs to another party to the reference and may fix the reasonable amount of those costs.

Contact the Tribunal by writing to GPO Box 1311, Hobart, Tasmania, 7001, by phone: (03) 6166 4750, or by facsimile: (03) 6234 3304.

REFERENCE TO THE MOTOR ACCIDENTS COMPENSATION TRIBUNAL

GPO Box 1311, Hobart TAS 7001

Phone (03) 6166 4750

Fax (03) 6234 3304

TAKE NOTICE that
of
being a person who is aggrieved

by a determination of the Motor Accidents Insurance Board on.....
that:- *(set out particulars of MAIB's determination)*

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OR

**by refusal or failure of the Motor Accidents Insurance Board to make any payments by way of
scheduled benefit**

refers the matter to the Tribunal under section 28(2) of the *Motor Accidents (Liabilities and
Compensation) Act 1973* on the following grounds of reference:

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I advise that I am a party in Supreme Court proceedings for damages arising out of this same motor
accident which is the subject of this Reference to the Tribunal.

Yes: Action No:..... No:

..... (Signature of person making reference)

Dated.....