

Motor Accidents (Amendment) Bill 1983

NOTES ON CLAUSES

Clause 1 contains the usual citation clause and provides that the Act shall be deemed to have come into operation on 15 December 1982.

Clause 2 amends section 13 of the Principal Act by extending the operation of the Principal Act to cover the passengers and the driver of Victorian registered motor cars anywhere in Australia.

Clause 3 inserts a new sub-section into section 13 of the Principal Act which extends for the purpose of section 13 (2) the meaning of accident to include incidents arising out of the use of a motor car outside Victoria.

Clause 4 inserts a new section, section 31A, into the Principal Act which provides that any compensation or damages received outside Victoria must be taken into account where there is an entitlement under the Principal Act. Sub-section (1) sets out the rights of an injured person to claim a payment under the Principal Act and the method of taking account of compensation or damages received outside Victoria; sub-section (2) gives the Motor Accident Board an entitlement to recover payments from the injured person; sub-section (4) requires the injured person to declare amounts claimed or received from outside Victoria; sub-section (5) sets up a presumption that amounts obtained in respect to injuries received outside Victoria are amounts in respect to the same injuries for which a claim is made under the Principal Act. This section closely follows a similar section in the *Workers Compensation Act 1958*.

Clause 5 inserts a new section, section 74A, into the Principal Act which enables the Motor Accidents Board to enter reciprocal agreements with corresponding authorities outside Victoria relating to the entitlements of persons injured in the home State of one of the parties to such an agreement but who are residents in the home State of the other party.

Clause 6 provides that the Principal Act as amended by this Act shall not apply in relation to injuries or deaths caused by or arising out of the use of a motor car before 15 December 1982.

