



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY  
13<sup>th</sup> Assembly

**Petition**

Registration No.	29
Title	Section 13 of the Motor Accident (Compensation) Act NT
Presented on	Tuesday 30 October 2018
Presented by	Member for Spillett (Mrs Finocchiaro MLA)
Referred to	Treasurer (Hon Nicole Manison MLA) and to the Economic Policy Scrutiny Committee for consideration to debate
Assembly debate	If the Committee recommends the Petition be debated it will appear on the Notice Paper
Date referred	30 October 2018
Response due	19 March 2019
Response received	22 March 2019
Response to be presented	7 May 2019

**Petition**

To THE HONOURABLE SPEAKER AND MEMBERS OF LEGISLATIVE ASSEMBLY OF THE  
NORTHERN TERRITORY  
PETITION  
WE THE UNDERSIGNED RESPECTFULLY SHOWETH

That working Territorians over the pension age are not entitled to compensation for loss of earning capacity under section 13, subsection 5(a) of the Motor Accident (Compensation) ACT (NT)

That working Territorians over the pension age pay for Motor Vehicle Registration annually, and the registration fee includes a compulsory contribution to the Motor Accident Compensation scheme.

That working Territorians over the pension age are paying for an insurance service that they are statute-barred from receiving, and that this amounts to an age-based discrimination and possibly unlawful fees being charged by the Northern Territory Government.

YOUR PETITIONERS THEREFORE HUMBLY PRAY THAT *the Northern Territory Government* launch an immediate and urgent review of section 13 of the Motor Accident (Compensation) Act (NT) AND YOUR PETITIONERS, AS IN DUTY BOUND, WILL EVER PRAY.

## Response

The MAC Scheme is a no-fault compensation scheme that provides a range of benefits to those injured in motor accidents, including attendant care benefits, rehabilitation benefits, medical benefits, vocational rehabilitation benefits, LOEC benefits and dependency benefits.

LOEC benefits are paid by the MAC Scheme to approved claimants when their capability to earn an income has been reduced as a result of a motor vehicle accident. With respect to weekly compensation benefits, the maximum amount paid is prescribed under the MAC Act, as 85 per cent of average weekly earnings. As at 1 January 2019, this equates to \$965.98 per week.

The LOEC exclusion for those who have reached or exceed the pension age has been in place since the commencement of the Scheme following self-government, and was based on the premise that individuals who exceed the pension age are unlikely to be employed and were likely to be receiving the age pension, and therefore had a diminished requirement for LOEC compensation.

In recognition of the senior Territorians who remain working past the pension age and contributing to the Territory's economy, a review of this exclusion has been undertaken.

On 13 February 2019, the *Motor Accidents (Compensation) Amendment Bill* was introduced to ensure anybody who is working and injured in a motor vehicle accident, regardless of their age, is eligible to receive loss of earning compensation under the MAC Act, subject to a two-year time limit for those who have reached or exceed pension age which is consistent with the Return to Work Act.

The changes to the MAC Act will ensure a fairer outcome for claimants who have reached