



## Factsheet - Personal Injuries

### *See A Doctor*

Seeing a doctor straight after an accident is always a good idea. The doctor will treat and record any injuries that you have suffered. This could be important later if it is suggested that you have in any way fabricated or exaggerated your injuries.

### *MAIB*

As part of your registration costs for your vehicle you pay an amount to fund the Motor Accidents Insurance Board (MAIB). The MAIB provides benefits to residents of Tasmania who are injured as a result of the operation of Tasmanian registered motor vehicles. In certain circumstances non-residents may be entitled to benefits.

### *What MAIB Will Pay*

The MAIB will pay what are termed scheduled benefits, which include:

- reasonable medical expenses to a maximum of \$400,000, including rehabilitation costs;
- travelling costs for medical treatment provided the distance travelled exceeds 20 kms one way;
- funeral expenses, the amount depending on when the death occurred;
- death benefits based on the age of the deceased's dependents;
- a weekly disability allowance of the lesser of either 80% of an employed person's weekly wage or 3 times the average adult weekly wage, provided they earn in excess of \$250 per week. If the person did not earn more than \$250 per week at the time of the accident, then the allowance is the lesser of \$200 per week or the average adult weekly wage. If the driver was convicted of exceeding 0.05 arising from the accident, the amount of the allowance will be reduced, depending on the reading and, in some cases, will not be paid at all;
- an allowance for self-employed people of the lesser of either 80% of the cost of paying someone to carry on their business or 3 times the average adult weekly earnings;
- a housekeeping allowance;
- limited counselling expenses to persons who meet certain criteria.

### *Making An MAIB Claim*

If you are the driver or registered owner of a vehicle involved in an accident where a person is injured, you must submit a "Notification of Accident By Owner" form to the MAIB. If you have been injured you will need to complete an "Application For Benefits" form and send it to the MAIB. If you are claiming loss of income your employer must complete an "Employers Confirmation of Loss of Salary" form. All of these forms are available from the MAIB, most insurance companies, some medical facilities, and lawyers. MAIB benefits are payable regardless of whether you were the person who caused the accident or not.

### *Common Law Claims For Damages*

You may also make a common law claim for damages if you can prove that the person responsible for your injuries was negligent. This may be the driver of the car in which you were travelling or any other person involved in the accident. You have 3 years from the date of the accident to sue for common law damages.

FREE TELEPHONE LEGAL ADVICE **1300 366 611** VISIT OUR WEB SITE: <http://www.legalaid.tas.gov.au>

#### **HOBART**

158 Liverpool St Hobart 7000  
GPO Box 1422 Hobart 7001  
**Telephone 03 6236 3800**  
Facsimile 03 6236 3811  
DX 123

#### **LAUNCESTON**

64 Cameron St Launceston 7250  
PO Box 810 Launceston 7250  
**Telephone 03 6336 2050**  
Facsimile 03 6336 2074  
DX 70126

#### **BURNIE**

50 Alexander St Burnie 7320  
PO Box 550 Burnie 7320  
**Telephone 03 6434 6444**  
Facsimile 03 6434 6440  
DX 70209

#### **DEVONPORT**

8 Griffith St Devonport 7310  
PO Box 87 Devonport 7310  
**Telephone 03 6421 7870**  
Facsimile 03 6421 7871  
DX 70354

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### *If The Accident Was Your Fault*

If the accident was your fault and someone was injured, then the MAIB will represent you and take over responsibility for defence of any claim made against you. When that claim is resolved the MAIB will pay any amount of damages awarded. You do not have to pay. The MAIB may recover what it has paid out if you were convicted of a serious driving offence over the accident or were driving an unregistered/uninsured vehicle at the time of the accident.

### *Special Cases*

If you cannot identify the vehicle that caused the accident or the driver, or if the driver has died, or cannot be located, you still are entitled to seek common law damages from the MAIB. Within 3 months of the accident you must advise the MAIB in writing of the problem and state that you intend to seek damages. You must provide the MAIB with details of the circumstances of the accident.

### **RELEVANT LEGISLATION**

Motor Accidents (Liabilities and Compensation) Act 1973

Motor Accidents (Liabilities and Compensation) Regulations 2000

### **CONTACTS**

Magistrates Court (Civil Division)

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*The information contained in this factsheet is not legal advice. If you have a legal problem you should talk to a lawyer before making a decision about what to do. The information in this factsheet is written for people resident in, or affected by, the laws of Tasmania, Australia only. All questions concerning this factsheet to [info@legalaid.tas.gov.au](mailto:info@legalaid.tas.gov.au).*