

BULLETIN

Guidelines for Journey Claims

These guidelines are to be used to assist in determining whether an injury or death sustained as a result of an accident involving a motor vehicle is a claim under the [Motor Accidents \(Compensation\) Act](#) (MACA), or a workers' compensation claim under the [Workers Rehabilitation and Compensation Act](#) (WRC Act)

Under both pieces of legislation a determining factor is the definition of accident under MACA. This can be summarised as:

An occurrence caused by or arising out of the use of a motor vehicle which results in death or injury; if the accident is not on a public street, it must involve a registered vehicle.

Some scenarios

The following scenarios are a guide only, as each case needs to be taken on its merits.

a) These scenarios would most probably be workers' compensation, not MACA

- between the residence and a business appointment other than at the office/workplace to which the worker reports and/or attends. This could apply to sales representatives, estate agents, drivers, etc.
- journeys to and from the residence for workers on call that are required to attend emergency situations and are paid some amount for the time travelled.
- journeys between the residence and a destination other than the regular workplace where attendance is required by the employer.
- journeys between the residence and the regular workplace in company arranged/paid transport, e.g. company bus, taxi. This does not include company cars which are part of a salary package, or provided to a sales representative to carry out their duties, etc.
- travel associated with a trip away and the ensuing travel including during the visit, e.g. between the residence and the airport for a trip; travel whilst intra or interstate.

b) These scenarios would most probably be MACA, not workers' compensation

- usual everyday commuting travel between the residence and the regular workplace.
- travel to and from the residence by a construction worker to a building site at which they usually work or where the work is for a continuous extended period.
- travel to and from the residence to a training school or for medical purposes associated with a claim.
- travel between workplaces of different employers.
- recess journeys unconnected with employment (eg; lunch and smoko breaks).

Disputes

The welfare of the injured person, or dependents in the case of a fatality, is the prime concern of work health insurers and the Motor Accidents Compensation scheme. Therefore a dispute will be resolved as quickly as possible to enable commencement of benefits under one or other scheme.

Where a claim has been rejected by the work health insurer on the basis only that it is a journey claim, and TIO (MAC) disputes that it is a journey claim only on the basis that it is a workers' compensation claim, then:

1. TIO (MAC) will inform the work health insurer and request a meeting to resolve the issue, before rejecting the MACA claim.
2. If the matter is not resolved at this meeting, the work health insurer will inform the Work Health Authority.
3. The Work Health Authority will convene a meeting of the parties to attempt to resolve the issue utilising these guidelines.
4. Should the matter still not be resolved, compensation is payable under MACA in accordance with section 61(2) of the *Workers Rehabilitation and Compensation Act* until it is determined that compensation is payable under that Act.

Review

The Work Health Authority will monitor the success of these guidelines by maintaining a record of all disputes which are referred to it.

If at any time an improvement to the guidelines can be made which further clarifies the intent and reduces disputes, the Authority will circulate the amended proposal to all work health insurers and TIO (MAC) for comment prior to its adoption.

For further information please contact NT WorkSafe on 1800 250 713 or visit www.worksafe.nt.gov.au