

Clause No	Amendment	Description of the change
Clause 4 Section 3(1) and 68(3)(a)	Extending the time for a child at the time of the accident to make a dependency claim	A dependant child of a person who dies as a result of a transport accident, who was under the age of 18 at the time of the transport accident, is able to make a claim for dependency benefits at any time before attaining the age of 21 years. This amendment applies to claims for compensation lodged on or after 20 November 2013.
Clause 5 Section 3(1) and 21(1)(a)	Occupational therapy funded as a medical service	Occupational therapy services are funded as medical services, instead of rehabilitation services and these services require prior approval. Occupational therapy services are subject to medical excess and the TAC may require a person to be examined by an occupational therapist for the purpose of assessing entitlements. This amendment applies to claims made for occupational therapy services on or after 20 November 2013.
Clause 6 Section 3(1)	Paid travel expenses to higher education providers and Registered Training Organisations (RTO)	The TAC can pay the reasonable travel costs incurred while attending a university, TAFE institute or RTO for a client who was a student before the transport accident and is unable to travel by their pre-accident means of transport, because of their injuries. This amendment applies to requests for reimbursement of transportation costs made on or after 20 November 2013.
Clause 7 Section 3(1A)	Expanding the definition of "transport accident"	All incidents involving the opening or closing of train, tram and bus doors fall within the definition of transport accident. This amendment applies to transport accidents that occur on or after 20 November 2013.
Clause 8 Part 2A	Repealing Part 2A (Victorian Government security bonds)	Part 2A of the <i>Transport Accident Act 1986</i> is repealed, which finalises the government's response to the collapse of the Farrow Group of Building Societies in 1991. This amendment will take effect from 20 November 2013.
Clause 9 Section 16(3)(d)	Director's resignations	Director's resignations are to be submitted to the minister instead of the Governor in Council. This amendment will take effect from 20 November 2013.
Clause 10 Section 39(3)(b)	Excluding someone from certain benefits who has been convicted of an equivalent offence in another state or territory	The TAC is not liable to pay compensation, other than medical and like services to a driver who is convicted of an offence in another state or territory that is equivalent to culpable driving causing death or dangerous driving causing death in Victoria. This amendment applies to transport accidents that occur on or after 20 November 2013.
Clause 11 Section 42	Defining the term <i>law of a place outside of Victoria</i>	A person is not entitled to compensation under the <i>Transport Accident Act 1986</i> if she/he makes a successful claim regarding the same transport accident under the law of a place outside of Victoria. The amendment clarifies that a law of a place outside of Victoria means a law of the Commonwealth, another state or territory. This amendment applies to transport accidents that occur on or after 20 November 2013.
Clause 12 Section 46A(1A), 67(1) and 67(1A)	'Claim in own right' and common law eligibility	A person who is injured in a transport accident must have an accepted claim for compensation for their own personal injury (a claim in their own right), in order to obtain a determination for impairment and consequently seek access to common law damages. This amendment applies to transport accidents that occur on or after 20 November 2013.
Clause 13 Section 46A(1E)	Accident related impairment	The TAC is only required to determine and compensate impairments that arise from injuries sustained in a transport accident. This amendment applies to any impairment assessment that occurs on or after 19 May 1998.
Clause 14 Section 46A(2C) and 46A(2D)	Modification of the AMA impairment assessment Guides	The TAC has the power to issue 'guidelines' for the assessment of the degree of impairment of a person injured as a result of a transport accident. The guidelines will be published in the Government Gazette and entitled the Guides Modification Document. The Guides Modification Document will provide specific direction about the use and application of the American Medical Associations Guides to Evaluation of Permanent Impairment (Fourth Edition). This amendment will take effect once the Guides Modification Document is published in the Government Gazette.
Clause 15 Section 46A(4)(a) 46A(4)(b)	Assessment of hearing loss	The diminution of hearing must be assessed as binaural loss of hearing. Meaning both ears must be assessed. This amendment applies to all assessments, regardless of when the transport accident occurred.
Clause 16 Section 60(2)(a)	Vocational rehabilitation services and the reasonable test	The TAC's liability for vocational rehabilitation services is subject to the 'reasonableness' test. The TAC can pay the reasonable costs of these services. This amendment applies to all claims (new and existing).
Clause 17 Section 60(2A)(a)	Increase of family counselling cap	The family counselling services cap is increased from \$5, 870 to a total of \$15,000 for the immediate family of a person who has died or is severely injured in a transport accident. This applies to all claims (new and existing).

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Clause 18 Section 60(2A)(a)	Increased funeral, burial/cremation and monument entitlements	The TAC can pay the reasonable costs incurred for a funeral, burial/cremation and/or monument up to a total of \$14, 135. This amount will be subject to annual indexation. This applies to transport accidents that occur on or after 20 November 2013.
Clause 19 Section 60(2BA)	Increased period for paid travel for return to work	The period for which travel expenses to and from work may be claimed is extended from 12 weeks to 24. The 24 weeks do not have to be consecutive or limited to the first attempt at returning to work. This amendment applies to transport accidents that occur on or after 20 November 2013.
Clause 20 Section 60(2D)(c) and 60(2E)	Increased non-client travel and accommodation expenses	The amount that can be claimed for travel and accommodation expenses by immediate family visiting an injured person in hospital is increased from \$7, 310 to \$10, 000. This amendment applies to all claims (new and existing claims).
Clause 21 Section 60(2F) and 71(1)	Reimbursement of medical reports	The TAC can pay the reasonable costs of a certificate, a report, or other documentation obtained for medico-legal purposes, when requested jointly by the TAC and plaintiff lawyers. The TAC is not liable to pay for medico-legal reports requested solely by plaintiff lawyers. This amendment will commence from 1 July 2014. Invoices for solicitor requested documentation received on or after 1 July 2014 will not be reimbursed.
Clause 22 Section 60(11A) and 61(7)	Indexation of client contribution towards daily living expenses	Contributions towards daily living expenses made by a person living in shared support accommodation must not exceed \$32.50 per day. This amount is subject to annual indexation. This amendment will take effect from 20 November 2013.
Clause 23 Section 61A(4)(e)	Individual Funding Agreements	The cap on aids, appliances or apparatus that can be purchased under the terms of an Individual Funding Agreement is increased from \$200 to \$1000. This amendment applies to all claims (new and existing).
Clause 24 Section 67A	Making a client's authority to release information irrevocable	When requested by the TAC a client must sign an authority to release information as soon as practicable. The TAC may ask a client to sign more than one authority to release information. An authority to release information cannot be revoked until a claim is finally determined. This amendment takes effect from 20 November 2013.
Clause 25 Section 74(2)(b)	Cessation or review of liability to pay loss of earnings capacity benefits in certain circumstances	The TAC has the power to discontinue or reduce a person's entitlement to loss of earnings capacity benefits if he/she does not accept a reasonable offer of suitable employment or a reasonable offer of rehabilitation or vocational rehabilitation services. This amendment applies to all claims (new and existing).
Clause 26 Section 93(2)	Common law damages claims for mental injury suffered where no third party is at fault	A person who is injured as a result of a transport accident may not recover damages in respect of mental injury (including nervous shock) in circumstances where the person was not directly involved in and did not witness the transport accident, and the mental injury was suffered as a result of the injury or death of another person who was intending to commit suicide or predominately negligent. This amendment applies to transport accidents that occur on or after 20 November 2013.
Clause 27 Section 93(17)	Serious injury applications	This amendment provides a clinical framework to define a severe long-term mental or severe long-term behavioural disturbance or disorder. This amendment applies to serious injury certificate applications made on or after 16 October 2013.
Clause 28 Section 120(4)	Increasing the time limit for certain criminal prosecutions	The time limit for criminal prosecutions under section 116, 117 or 117C is increased from two years to three years after the alleged offence occurred. This amendment applies to an offence that is alleged to have been committed on or after 20 November 2013.
Clause 29 Section 127(3A) and 124(4)	Employment enquiries	The definition of employer is extended to include a person who is or was any time after 3 years preceding the transport accident, an employer of a person who is injured or dies in a transport accident. This amendment takes effect from 20 November 2013.