

Authorised Version No. 002
Transport Accident (Impairment)
Regulations 2010

S.R. No. 31/2010

Authorised Version as at
24 April 2013

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**Transport Accident (Impairment)
Regulations 2010**

S.R. No. 31/2010

Authorised Version as at
24 April 2013

1 Objective

The objective of these Regulations is to prescribe the manner—

- (a) of calculation of periodic payments of impairment benefits for the purposes of—
 - (i) section 47(4) of the **Transport Accident Act 1986**; and
 - (ii) section 48(1) of the **Transport Accident Act 1986**, as in force immediately before the commencement of section 13 of the **Transport Accident (Amendment) Act 2004**; and
- (b) of determining, for the purposes of section 56 of the **Transport Accident Act 1986**, an amount being in redemption of the sum of periodic payments under section 48 of that Act and the weekly payments under section 49, 50 or 51 of that Act.

2 Authorising provisions

These Regulations are made under sections 132 and 191 of the **Transport Accident Act 1986**.

3 Commencement

These Regulations come into operation on 30 May 2010.

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4 Revocation

The Transport Accident (Impairment) Regulations 1999¹ are **revoked**.

5 Definition

In these Regulations, *the Act* means the **Transport Accident Act 1986**.

6 Periodic payment of impairment benefit

For the purposes of section 47(4) of the Act, periodic payments payable to a person are weekly payments until the person is over 75 years calculated in accordance with the formula—

$$\frac{A}{\$10\,000} \times B$$

where—

A is the amount of the impairment benefit assessed in accordance with section 47(2) of the Act, less the sum of the part of impairment benefit paid under section 47(3)(c) of the Act and any interim benefit paid; and

B is—

- (a) if, at the date of assessment of the impairment benefit, the person is 18 years or over and under 55 years and 1 month, the amount in Column 2 of Schedule 1 opposite the age of the person in completed years at that date; or

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- (b) if, at the date of the assessment of the impairment benefit, the person is 55 years and 1 month or more and under 72 years and 1 week, the amount in Column 2 of Schedule 1 opposite the age of the person in years and completed months at that date; or
- (c) if, at the date of the assessment of the impairment benefit, the person is 72 years and 1 week or more and under 75, the amount in Column 2 of Schedule 1 opposite the age of the person in years and completed weeks at that date; or
- (d) if, at the date of the assessment of the impairment benefit, the person is 75 years or over, \$10 000.

7 Periodic payment of impairment benefit annuity

For the purposes of section 48(1) of the Act, as in force immediately before the commencement of section 13 of the **Transport Accident (Amendment) Act 2004**, periodic payments payable to a person are weekly payments until the person is over 75 years calculated in accordance with the formula—

$$\frac{A}{\$10\,000} \times B$$

where—

A is the amount determined in accordance with section 48(1) of the Act, as in force immediately before the commencement of section 13 of the **Transport Accident (Amendment) Act 2004**; and

B has the same meaning as in regulation 6.

8 Rounding

If the amount of a weekly payment calculated under regulation 6 or 7 includes a fraction of a cent, the amount of each weekly payment may be varied by rounding the amount of each payment except the last to the next highest cent and reducing the last payment accordingly.

9 Redemptions under former section 56(1)

- (1) For the purposes of section 56(1) of the Act, as in force immediately before the commencement of section 11 of the **Transport Accident (Amendment) Act 2004**, the amount payable to a person must be determined in accordance with the formula—

$$\left(\frac{A}{B} \times \$10\,000 \right) + \left(\frac{C}{D} \times \$10\,000 \right)$$

where—

A is the amount of a weekly payment calculated in accordance with regulation 7; and

B is—

- (a) if, at the date of the determination, the degree of impairment of the person is less than 50 per centum, the amount in Column 2 of Schedule 2 opposite the number of complete weeks in the period commencing on the day on which the determination is made and ending on—
- (i) the day on which payments under section 48, 49, 50, or 51 of the Act would cease in accordance with section 53(3) of the Act, as in force immediately before the commencement of section 11 of

the **Transport Accident
(Amendment) Act 2004**; or

(ii) the day before the day on which
the person attains 75 years—

whichever is the earlier; or

(b) if, at the date of the determination, the degree of impairment is 50 per centum or more, the amount in Column 2 of Schedule 2 opposite the number of complete weeks, or years and complete months, or complete years as the case requires, in the period commencing on the day on which the determination is made and ending on the day on which the person attains 75 years; and

C is the amount of a weekly payment in respect of loss of earning capacity under section 49, 50 or 51 of the Act; and

D is—

(a) if, at the date of the determination, the degree of impairment of the person is less than 50 per centum, the amount in Column 2 of Schedule 2 opposite the number of complete weeks in the period commencing on the day on which the determination is made and ending on the day on which payments under section 49, 50 or 51 of the Act would cease in accordance with section 53(1) or 53(3) of the Act; or

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- (b) if, at the date of the determination, the degree of impairment of the person is 50 per centum or more, the amount in Column 2 of Schedule 2 opposite the number of complete weeks, or years and complete months, or complete years, as the case requires, in the period commencing on the day on which the determination is made and ending on the day on which the person, by reason of section 53(1), would cease to be entitled to receive payments in respect of loss of earning capacity.
- (2) For the purposes of the definition of "B" and "D" in subregulation (1), a period of less than one week is deemed to be a complete week.

10 Redemptions under current section 56(1)

- (1) For the purposes of section 56(1) of the Act, the amount payable to a person who has a degree of impairment of less than 50 per centum must be determined in accordance with the formula—

$$(A \times (B - C))$$

where—

- A** is the amount of the weekly payment in respect of loss of earnings capacity to which a person is entitled; and
- B** is 78 weeks; and
- C** is number of weeks the person has received loss of earning capacity benefits at the time that the benefits are redeemed.

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- (2) For the purposes of section 56(1) of the Act, the amount payable to a person who is assessed as having a degree of impairment of 50 per centum or more must be determined in accordance with the formula—

$$A \times B$$

where—

A is the amount of the weekly payment in respect of loss of earnings capacity to which a person is entitled at the time the benefit is redeemed; and

B is the number of weeks which in the opinion of the Commission the person is likely to be entitled to loss of earnings capacity payments under the Act.

SCHEDULES

SCHEDULE 1

Regulations 6 and 7

**PERIODIC PAYMENT OF IMPAIRMENT BENEFIT OR
ANNUITY**

<i>Column 1</i>	<i>Column 2</i>
<i>Years</i>	<i>\$ c</i>
18	8.73
19	8.78
20	8.83
21	8.88
22	8.94
23	9.01
24	9.07
25	9.13
26	9.21
27	9.28
28	9.36
29	9.45
30	9.54
31	9.63
32	9.73
33	9.84
34	9.95
35	10.08
36	10.20
37	10.34
38	10.48
39	10.64
40	10.81
41	10.99
42	11.17
43	11.37
44	11.59
45	11.83
46	12.09
47	12.36

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>		<i>\$ c</i>
48		12.65
49		12.97
50		13.32
51		13.70
52		14.11
53		14.55
54		15.05
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
55	0	15.22
55	1	15.25
55	2	15.30
55	3	15.35
55	4	15.39
55	5	15.44
55	6	15.49
55	7	15.53
55	8	15.58
55	9	15.63
55	10	15.67
55	11	15.72
56	0	15.78
56	1	15.82
56	2	15.87
56	3	15.93
56	4	15.97
56	5	16.02
56	6	16.08
56	7	16.12
56	8	16.18
56	9	16.23
56	10	16.28
56	11	16.34
57	0	16.40
57	1	16.44
57	2	16.50
57	3	16.56
57	4	16.61
57	5	16.67
57	6	16.73

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
57	7	16.78
57	8	16.84
57	9	16.91
57	10	16.96
57	11	17.02
58	0	17.09
58	1	17.14
58	2	17.20
58	3	17.26
58	4	17.33
58	5	17.38
58	6	17.45
58	7	17.52
58	8	17.57
58	9	17.64
58	10	17.70
58	11	17.77
59	0	17.85
59	1	17.91
59	2	17.98
59	3	18.05
59	4	18.11
59	5	18.19
59	6	18.27
59	7	18.33
59	8	18.41
59	9	18.49
59	10	18.56
59	11	18.64
60	0	18.72
60	1	18.79
60	2	18.87
60	3	18.95
60	4	19.02
60	5	19.11
60	6	19.20
60	7	19.27
60	8	19.36
60	9	19.45
60	10	19.52

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
60	11	19.62
61	0	19.71
61	1	19.79
61	2	19.88
61	3	19.98
61	4	20.06
61	5	20.16
61	6	20.26
61	7	20.34
61	8	20.44
61	9	20.55
61	10	20.63
61	11	20.74
62	0	20.85
62	1	20.94
62	2	21.05
62	3	21.16
62	4	21.25
62	5	21.36
62	6	21.48
62	7	21.58
62	8	21.70
62	9	21.82
62	10	21.92
62	11	22.04
63	0	22.17
63	1	22.27
63	2	22.40
63	3	22.51
63	4	22.64
63	5	22.76
63	6	22.89
63	7	23.02
63	8	23.14
63	9	23.28
63	10	23.41
63	11	23.55
64	0	23.70
64	1	23.83
64	2	23.98

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
64	3	24.13
64	4	24.26
64	5	24.42
64	6	24.58
64	7	24.72
64	8	24.88
64	9	25.05
64	10	25.20
64	11	25.37
65	0	25.54
65	1	25.70
65	2	25.88
65	3	26.06
65	4	26.22
65	5	26.41
65	6	26.60
65	7	26.78
65	8	26.98
65	9	27.18
65	10	27.36
65	11	27.57
66	0	27.79
66	1	27.98
66	2	28.20
66	3	28.42
66	4	28.63
66	5	28.86
66	6	29.09
66	7	29.31
66	8	29.56
66	9	29.81
66	10	30.04
66	11	30.31
67	0	30.57
67	1	30.82
67	2	31.09
67	3	31.37
67	4	31.64
67	5	31.93
67	6	32.23

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
67	7	32.51
67	8	32.83
67	9	33.15
67	10	33.45
67	11	33.79
68	0	34.14
68	1	34.46
68	2	34.82
68	3	35.18
68	4	35.53
68	5	35.92
68	6	36.31
68	7	36.69
68	8	37.11
68	9	37.54
68	10	37.95
68	11	38.40
69	0	38.86
69	1	39.31
69	2	39.79
69	3	40.26
69	4	40.78
69	5	41.28
69	6	41.82
69	7	42.38
69	8	42.93
69	9	43.53
69	10	44.12
69	11	44.76
70	0	45.42
70	1	46.06
70	2	46.76
70	3	47.48
70	4	48.20
70	5	48.97
70	6	49.78
70	7	50.58
70	8	51.45
70	9	52.35
70	10	53.25
70	11	54.23

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
71	0	55.25
71	1	56.27
71	2	57.37
71	3	58.52
71	4	59.68
71	5	60.93
71	6	62.25
71	7	63.59
71	8	65.04
71	9	66.57
71	10	68.13
71	11	69.83
<i>Years</i>	<i>Weeks</i>	<i>\$ c</i>
72	0	71.46
72	1	71.88
72	2	72.30
72	3	72.73
72	4	73.17
72	5	73.61
72	6	74.06
72	7	74.51
72	8	74.97
72	9	75.44
72	10	75.91
72	11	76.39
72	12	76.88
72	13	77.37
72	14	77.87
72	15	78.38
72	16	78.89
72	17	79.41
72	18	79.94
72	19	80.48
72	20	81.02
72	21	81.58
72	22	82.14
72	23	82.71
72	24	83.29
72	25	83.88

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Weeks</i>	<i>\$ c</i>
72	26	84.47
72	27	85.08
72	28	85.70
72	29	86.32
72	30	86.96
72	31	87.60
72	32	88.26
72	33	88.93
72	34	89.61
72	35	90.30
72	36	91.00
72	37	91.71
72	38	92.44
72	39	93.18
72	40	93.93
72	41	93.69
72	42	95.47
72	43	96.26
72	44	97.07
72	45	97.89
72	46	98.73
72	47	99.58
72	48	100.44
72	49	101.33
72	50	102.23
72	51	103.15
73	0	104.08
73	1	105.03
73	2	106.00
73	3	106.99
73	4	108.00
73	5	109.03
73	6	110.08
73	7	111.15
73	8	112.25
73	9	113.36
73	10	114.50
73	11	115.67
73	12	116.86
73	13	118.08

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Weeks</i>	<i>\$ c</i>
73	14	119.33
73	15	120.60
73	16	121.91
73	17	123.24
73	18	124.61
73	19	126.01
73	20	127.44
73	21	128.91
73	22	130.41
73	23	131.95
73	24	133.53
73	25	135.15
73	26	136.81
73	27	138.52
73	28	140.27
73	29	142.07
73	30	143.92
73	31	145.82
73	32	147.77
73	33	149.78
73	34	151.85
73	35	153.98
73	36	156.17
73	37	158.43
73	38	160.76
73	39	163.16
73	40	165.64
73	41	168.20
73	42	170.84
73	43	173.57
73	44	176.40
73	45	179.32
73	46	182.34
73	47	185.47
73	48	188.71
73	49	192.09
73	50	195.47
73	51	198.84
74	0	202.22
74	1	205.59

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Weeks</i>	<i>\$ c</i>
74	2	208.97
74	3	212.34
74	4	215.72
74	5	220.15
74	6	224.77
74	7	229.59
74	8	234.64
74	9	239.92
74	10	245.45
74	11	251.25
74	12	257.34
74	13	263.74
74	14	270.49
74	15	277.59
74	16	285.09
74	17	293.02
74	18	301.41
74	19	310.32
74	20	319.78
74	21	329.85
74	22	340.59
74	23	352.08
74	24	364.38
74	25	377.60
74	26	391.83
74	27	407.20
74	28	423.85
74	29	441.95
74	30	461.70
74	31	483.33
74	32	507.12
74	33	533.41
74	34	562.63
74	35	595.28
74	36	632.02
74	37	673.65
74	38	721.23
74	39	776.13
74	40	840.19
74	41	915.89

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Weeks</i>	<i>\$ c</i>
74	42	1006.73
74	43	1117.75
74	44	1256.54
74	45	1434.97
74	46	1672.89
74	47	2005.97
74	48	2505.60
74	49	3338.31
74	50	5003.73
74	51	10000.00

SCHEDULE 2

Regulation 9

REDEMPTIONS

<i>Column 1</i>	<i>Column 2</i>
<i>Weeks</i>	<i>\$ c</i>
1	10 000.00
2	5001.88
3	3335.84
4	2502.82
5	2003.01
6	1669.80
7	1431.79
8	1253.29
9	1114.45
10	1003.39
11	912.51
12	836.78
13	772.70
14	717.78
15	670.18
16	628.53
17	591.78
18	559.11
19	529.88
20	503.58
21	479.78
22	458.14
23	438.39
24	420.28
25	403.62
26	388.24
27	374.00
28	360.78
29	348.47
30	336.98
31	326.23
32	316.15
33	306.69

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<i>Column 1</i>	<i>Column 2</i>
<i>Weeks</i>	<i>\$ c</i>
34	297.78
35	289.38
36	281.45
37	273.94
38	266.83
39	260.09
40	253.68
41	247.59
42	241.78
43	236.25
44	230.96
45	225.92
46	221.09
47	216.47
48	212.03
49	207.78
50	203.71
51	199.79
52	196.02
53	192.39
54	188.90
55	185.53
56	182.29
57	179.16
58	176.13
59	173.21
60	170.39
61	167.66
62	165.02
63	162.46
64	159.98
65	157.58
66	155.25
67	152.99
68	150.79
69	148.66
70	146.59
71	144.58
72	142.63
73	140.73

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<i>Column 1</i>	<i>Column 2</i>
<i>Weeks</i>	<i>\$ c</i>
74	138.88
75	137.08
76	135.32
77	133.61
78	131.95
79	130.33
80	128.75
81	127.21
82	125.70
83	124.23
84	122.80
85	121.40
86	120.03
87	118.70
88	117.39
89	116.12
90	114.87
91	113.65
92	112.46
93	111.29
94	110.14
95	109.03
96	107.93
97	106.86
98	105.81
99	104.78
100	103.77
101	102.78
102	101.81
103	100.86
104	99.92
105	99.01
106	98.11
107	97.23
108	96.37
109	95.52
110	94.68
111	93.87
112	93.06
113	92.27

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<i>Column 1</i>	<i>Column 2</i>
<i>Weeks</i>	<i>\$ c</i>
114	91.50
115	90.73
116	89.99
117	89.25
118	88.53
119	87.81
120	87.12
121	86.43
122	85.75
123	85.09
124	84.43
125	83.79
126	83.15
127	82.53
128	81.91
129	81.31
130	80.71
131	80.13
132	79.55
133	78.98
134	78.42
135	77.87
136	77.32
137	76.79
138	76.26
139	75.74
140	75.22
141	74.72
142	74.22
143	73.73
144	73.24
145	72.76
146	72.29
147	71.83
147	71.37
147	70.92
150	70.47
151	70.03
152	69.59

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<i>Column 1</i>		<i>Column 2</i>
<i>Weeks</i>		<i>\$ c</i>
153		69.16
154		68.74
155		68.32
156		67.91
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
3	0	67.91
3	1	66.31
3	2	64.42
3	3	62.99
3	4	61.62
3	5	60.00
3	6	58.77
3	7	57.59
3	8	56.18
3	9	55.11
3	10	53.83
3	11	52.85
4	0	51.91
4	1	50.79
4	2	49.92
4	3	49.09
4	4	48.09
4	5	47.33
4	6	46.59
4	7	45.69
4	8	45.01
4	9	44.34
4	10	43.54
4	11	42.93
5	0	42.33
5	1	41.60
5	2	41.04
5	3	40.50
5	4	39.85
5	5	39.34
5	6	38.84
5	7	38.25
5	8	37.78

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
5	9	37.22
5	10	36.78
5	11	36.36
6	0	35.84
6	1	35.44
6	2	35.05
6	3	34.57
6	4	34.20
6	5	33.84
6	6	33.40
6	7	33.06
6	8	32.73
6	9	32.32
6	10	32.00
6	11	31.69
7	0	31.32
7	1	31.02
7	2	30.73
7	3	30.38
7	4	30.10
7	5	29.84
7	6	29.51
7	7	29.25
7	8	28.94
7	9	28.69
7	10	28.45
7	11	28.15
8	0	27.92
8	1	27.70
8	2	27.42
8	3	27.21
8	4	26.99
8	5	26.73
8	6	26.53
8	7	26.33
8	8	26.08
8	9	25.89
8	10	25.70
8	11	25.47

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
9	0	25.29
9	1	25.11
9	2	24.89
9	3	24.72
9	4	24.51
9	5	24.35
9	6	24.18
9	7	23.98
9	8	23.83
9	9	23.67
9	10	23.48
9	11	23.33
10	0	23.19
10	1	23.01
10	2	22.87
10	3	22.73
10	4	22.56
10	5	22.42
10	6	22.29
10	7	22.13
10	8	22.00
10	9	21.87
10	10	21.71
10	11	21.59
11	0	21.47
11	1	21.32
11	2	21.21
11	3	21.06
11	4	20.95
11	5	20.84
11	6	20.70
11	7	20.59
11	8	20.48
11	9	20.35
11	10	20.25
11	11	20.15
12	0	20.02
12	1	19.92
12	2	19.82
12	3	19.70

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
12	4	19.60
12	5	19.51
12	6	19.39
12	7	19.30
12	8	19.21
12	9	19.10
12	10	19.01
12	11	18.93
13	0	18.82
13	1	18.73
13	2	18.63
13	3	18.55
13	4	18.47
13	5	18.37
13	6	18.29
13	7	18.21
13	8	18.11
13	9	18.03
13	10	17.96
13	11	17.87
14	0	17.79
14	1	17.72
14	2	17.63
14	3	17.56
14	4	17.49
14	5	17.40
14	6	17.33
14	7	17.27
14	8	17.18
14	9	17.12
14	10	17.05
14	11	16.97
15	0	16.91
15	1	16.83
15	2	16.76
15	3	16.70
15	4	16.63
15	5	16.57
15	6	16.51
15	7	16.43

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
15	8	16.37
15	9	16.32
15	10	16.25
15	11	16.19
16	0	16.13
16	1	16.06
16	2	16.01
16	3	15.95
16	4	15.89
16	5	15.83
16	6	15.78
16	7	15.72
16	8	15.67
16	9	15.62
16	10	15.55
16	11	15.50
17	0	15.44
17	1	15.39
17	2	15.34
17	3	15.28
17	4	15.24
17	5	15.19
17	6	15.13
17	7	15.09
17	8	15.04
17	9	14.98
17	10	14.94
17	11	14.90
18	0	14.84
18	1	14.80
18	2	14.75
18	3	14.70
18	4	14.66
18	5	14.62
18	6	14.57
18	7	14.53
18	8	14.47
18	9	14.43
18	10	14.39
18	11	14.35

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<i>Column 1</i>		<i>Column 2</i>
<i>Years</i>	<i>Months</i>	<i>\$ c</i>
19	0	14.31
19	1	14.27
19	2	14.22
19	3	14.18
19	4	14.14
19	5	14.10
19	6	14.06
19	7	14.02
19	8	13.98
19	9	13.94
19	10	13.91
19	11	13.86
20	0	13.83
<i>Years</i>		<i>\$ c</i>
21		13.40
22		13.01
23		12.64
24		12.32
25		12.03
26		11.76
27		11.51
28		11.27
29		11.06
30		10.86
31		10.68
32		10.51
33		10.35
34		10.20
35		10.06
36		9.94
37		9.81
38		9.70
39		9.59
40		9.49
41		9.40
42		9.31
43		9.22
44		9.14
45		9.07

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<i>Column 1</i>	<i>Column 2</i>
<i>Years</i>	<i>\$ c</i>
46	8.99
47	8.93
48	8.86
49	8.80
50	8.75
51	8.69
52	8.64
53	8.59
54	8.54
55	8.50
56	8.45
57	8.41
58	8.38
59	8.34
60	8.30
61	8.27
62	8.24
63	8.21
64	8.18
65	8.15
66	8.12
67	8.10
68	8.07
69	8.05
70	8.03
71	8.01
72	7.99
73	7.97
74	7.95
75	7.93
76	7.92

ENDNOTES

1. General Information

The Transport Accident (Impairment) Regulations 2010, S.R. No. 31/2010 were made on 25 May 2010 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under sections 132 and 191 of the **Transport Accident Act 1986**, No. 111/1986 and came into operation on 30 May 2010: regulation 3.

The Transport Accident (Impairment) Regulations 2010 will sunset 10 years after the day of making on 25 May 2020 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Transport Accident (Impairment) Regulations 2010 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 4: S.R. No. 65/1999.