

Passed by both Houses



New South Wales

# Motor Accidents Compensation Amendment (Medical Assessments) Bill 2000

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council*

2000

*Clerk of the Parliaments*



New South Wales

## **Motor Accidents Compensation Amendment (Medical Assessments) Bill 2000**

Act No     , 2000

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An Act to amend the *Motor Accidents Compensation Act 1999* to make further provision with respect to certificates of medical assessors.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Motor Accidents Compensation Amendment (Medical Assessments) Act 2000*.

**2 Commencement**

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Motor Accidents Compensation Act 1999 No 41**

The *Motor Accidents Compensation Act 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 61 Status of medical assessments

Omit section 61 (4)–(7). Insert instead:

- (4) In any court proceedings, the court may (despite anything to the contrary in this section) reject a certificate as to all or any of the matters certified in it, on the grounds of denial of procedural fairness to a party to the proceedings in connection with the issue of the certificate, but only if the court is satisfied that admission of the certificate as to the matter or matters concerned would cause substantial injustice to that party.
- (5) If a certificate as to any matter is rejected under subsection (4), the court is to refer that matter again for assessment under this Part and adjourn the proceedings until a further certificate is given and admitted in evidence in the proceedings.
- (6) However, if a certificate as to whether or not the degree of permanent impairment of the injured person is greater than 10% is rejected under subsection (4), the court may, if it considers it appropriate, substitute a determination of the court as to the degree of permanent impairment of the injured person (assessed by the court in accordance with section 133) instead of referring that matter again for assessment under this Part.
- (7) Except as provided by subsection (6), a court may not substitute its own determination as to any matter referred to in subsection (2) (a), (b) or (c).
- (8) This section:
  - (a) does not prevent a court from referring a matter again for assessment under this Part (as provided for by section 62), and
  - (b) does not require a court to refer a matter again for assessment under this Part if the matter is not a matter referred to in subsection (2) (a), (b) or (c).

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Schedule 1 Amendments

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- (9) A certificate is to set out the reasons for any finding by the medical assessor or assessors as to any matter certified in the certificate in respect of which the certificate is conclusive evidence.

**[2] Schedule 5 Savings, transitional and other provisions**

Insert at the end of clause 2 (1):

*Motor Accidents Compensation Amendment (Medical Assessments) Act 2000*

**[3] Schedule 5, Part 3**

Insert after clause 15:

**Part 3 Provisions arising from the Motor Accidents  
Compensation Amendment (Medical  
Assessments) Act 2000**

**16 Application of amendment**

The amendment made to section 61 by the *Motor Accidents Compensation Amendment (Medical Assessments) Act 2000* extends:

- (a) to any certificate given by a medical assessor under Part 3.4 of Chapter 3 before the commencement of that amendment, and
- (b) to any court proceedings commenced, but not finally determined, before the commencement of that amendment.