

c2017-015
GRNS--The Greens

LEGISLATIVE COUNCIL

Motor Accident Injuries Bill 2017

First print

Proposed amendments

No. 1 **Treatment and care**

Page 40, clause 3.33, line 34. Omit "resides outside Australia". Insert instead "is not an Australian citizen or a permanent resident of Australia".

No. 2 **Treatment and care**

Page 40, clause 3.33, lines 35 and 36. Omit "while the person is residing".

No. 3 **Damages for economic loss**

Page 48, clause 4.5, lines 5–7. Omit all words on those lines. Insert instead:

- (a) damages for past or future economic loss due to loss of earnings or the deprivation or impairment of earning capacity, and

No. 4 **Persons under legal incapacity**

Page 84, clause 7.33, lines 20–23 and 26–40. Omit all words on those lines.

No. 5 **Persons under legal incapacity**

Page 89. Insert after line 32:

7.48 Persons under legal incapacity

- (1) A claimant who is a person under legal incapacity in relation to proceedings under this Part may not make any application or refer any matter to the Dispute Resolution Service, or carry on proceedings, under this Part except by his or her appointed representative in accordance with the Motor Accident Guidelines.

- (2) In this section:

appointed representative, in relation to a person under legal incapacity, means a person appointed to represent the person under legal incapacity (whether by a claims assessor or otherwise) in accordance with the Motor Accident Guidelines.

person under legal incapacity includes:

- (a) a child under the age of 18 years, and
(b) an involuntary patient or forensic patient within the meaning of the *Mental Health Act 2007*, and

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- (c) a person under guardianship within the meaning of the *Guardianship Act 1987*, and
 - (d) a protected person within the meaning of the *NSW Trustee and Guardian Act 2009*, and
 - (e) an incommunicate person, being a person who has such a physical or mental disability that he or she is unable to receive communications, or express his or her will, with respect to his or her property or affairs.