

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 22 March, 1972, A.M.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act to make further provision concerning the costs payable or recoverable in connection with the hospital treatment of persons injured or dying as a result of the use of a motor vehicle; for this purpose to amend the Motor Vehicles (Third Party Insurance) Act, 1942; and for purposes connected therewith.

BE

Motor Vehicles (Third Party Insurance) Amendment.

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Motor Vehicles (Third Party Insurance) Amendment Act, 1972". Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Motor Vehicles (Third Party Insurance) Act, 1942, is amended— Amendment of Act No. 15, 1942.

15 (a) by inserting in section twenty-four next after the definition of "Nursing" the following new definition :— Sec. 24. (Definitions.)

"Public hospital" means an incorporated hospital or separate institution, within the meaning of the Public Hospitals Act, 1929.

20 (b) (i) by omitting subsection one of section twenty-five and by inserting in lieu thereof the following subsection :— Sec. 25. (Payments in respect of certain matters.)

25 (1) Subject to subsection two of this section, where the death of or bodily injury to any person is caused by or arises out of the use of a motor vehicle, not being a motor vehicle in respect of which persons are exempted by or under this Act from the provisions of subsection one of section seven

of

Motor Vehicles (Third Party Insurance) Amendment.

of this Act, and where any payment is made (whether or not with an admission of liability) by the authorised insurer under or in consequence of the third-party policy, or (in the case of an uninsured or unidentified motor vehicle) by the nominal defendant, in respect of such death or bodily injury, then—

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(a) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an in-patient, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer for each day or part of a day of the treatment of the person, an amount estimated by the Minister for Health and last notified, as the daily average cost to that hospital of the hospital treatment of in-patients;

(b) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an out-patient, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer in respect of each attendance for treatment by the person, an amount estimated by the Minister for Health and last notified, as the average cost to that hospital, for each attendance for treatment, of the hospital treatment of out-patients;

(c) if the person received, in respect of the bodily injury or the injury which caused his death, treatment (whether as an in-patient or as an out-patient)

at

Motor Vehicles (Third Party Insurance) Amendment.

5 at a hospital other than a public hospital, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding a maximum amount (if any) so prescribed;

10 (d) if the person, as a consequence of any such injury, was conveyed in any ambulance vehicle, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be,
15 to the proper officer an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding the maximum amount (if any) so prescribed; and

20 (e) if the person received, in respect of any such injury, reasonably necessary medical treatment by a legally qualified medical practitioner, or reasonably
25 necessary massage treatment by a masseur, or reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary
30 nursing (otherwise than as hospital treatment) by a registered nurse, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to such medical practitioner, masseur, dentist, or nurse,
35 as the case may be, such amount as is reasonably appropriate to the treatment or nursing afforded, having

regard

Motor Vehicles (Third Party Insurance) Amendment.

regard to the reasonable necessity therefor and the customary charge made in the community for such treatment or nursing.

5 (ii) by inserting next after subsection three of the same section the following new subsections :—

10 (4) The estimated costs referred to in paragraphs (a) and (b) of subsection one of this section shall, in respect of any public hospital, be based, wherever practicable, on the costs incurred by that hospital for the year which ended on the thirtieth day of June next preceding any date on which it is proposed to notify the costs, pursuant to either of those paragraphs, in respect of that hospital.

15 (5) Any regulation made in relation to any matter referred to in paragraph (c) or (d) of subsection one of this section may prescribe different scales and different maximum amounts or different scales or different maximum amounts in respect of different classes of hospital treatment or conveyance or according to different circumstances.

20 (6) In this section—
25 “notified” means notified in the Gazette by the Minister for Health;

30 “proper officer” means the officer or person generally or specially authorised by law or by the person or body governing or controlling the hospital or the ambulance vehicle, as the case may be, to receive any amount payable under paragraph (a), (b), (c) or (d) of subsection one of this section.

(c)

Motor Vehicles (Third Party Insurance) Amendment.

(c) (i) by omitting subsection one of section twenty-six and by inserting in lieu thereof the following subsections :—

Sec. 26.
(Right of
action
against
insured
person by
hospital,
etc.)

5 (1) Subject to subsection two of this
section, where liability at law is incurred in
respect of the death of or bodily injury to any
person caused by or arising out of the use of
a motor vehicle, not being a motor vehicle in
10 respect of which persons are exempted by or
under this Act from the provisions of
subsection one of section seven of this Act,
then—

15 (a) if the person received, in respect of
the bodily injury or the injury
which caused his death, treatment at
a public hospital as an in-patient, the
proper officer may, in the name and
on behalf of the person, and not-
withstanding that the person may
20 be dead, recover for each day or part
of a day of the treatment of the person,
an amount estimated by the Minister
for Health and last notified, as the
daily average cost to that hospital of
25 the hospital treatment of in-patients;

30 (b) if the person received, in respect of
the bodily injury or the injury which
caused his death, treatment at a public
hospital as an out-patient, the proper
officer may, in the name and on
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withstanding that the person may be
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35 person, an amount estimated by the
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as

Motor Vehicles (Third Party Insurance) Amendment.

- as the average cost to that hospital,
for each attendance for treatment, of
the hospital treatment of out-patients;
- 5 (c) if the person received, in respect of
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caused his death, treatment (whether
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at a hospital other than a public
10 hospital, the proper officer may, in
the name and on behalf of the person,
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may be dead, recover an amount
calculated in accordance with a scale
15 to be prescribed by the regulations, but
not exceeding a maximum amount (if
any) so prescribed;
- (d) if the person, as a consequence of any
such injury, was conveyed in any
20 ambulance vehicle the proper officer
may, in the name and on behalf of the
person, and notwithstanding that the
person may be dead, recover an
amount calculated in accordance with
25 a scale to be prescribed by the
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maximum amount (if any) so
prescribed; and
- (e) if the person received, in respect of
30 any such injury, reasonably necessary
medical treatment by a legally qualified
medical practitioner, or reasonably
necessary massage treatment by a
masseur, or reasonably necessary
35 dental treatment (otherwise than as
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Motor Vehicles (Third Party Insurance) Amendment.

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is reasonably appropriate to the treat-
ment or nursing afforded, having
regard to the reasonable necessity
therefor and the customary charge
10 made in the community for such treat-
ment or nursing.

15 (1A) Any amount recoverable under sub-
section one of this section may be recovered
by way of damages from the owner and the
driver of the motor vehicle jointly, or from
either of them severally or (in the case of an
uninsured or unidentified vehicle) from the
nominal defendant.

20 (ii) by inserting next after subsection four of the
same section the following new subsections :—

25 (5) The estimated costs referred to in
paragraphs (a) and (b) of subsection one of
this section shall, in respect of any public
hospital, be based, wherever practicable, on
the costs incurred by that hospital for the year
which ended on the thirtieth day of June next
preceding any date on which it is proposed to
notify the costs, pursuant to either of those
paragraphs, in respect of that hospital.

30 (6) Any regulation made in relation to
any matter referred to in paragraph (c) or
(d) of subsection one of this section may
prescribe different scales and different
maximum amounts or different scales or
35 different maximum amounts in respect of

different

Motor Vehicles (Third Party Insurance) Amendment.

different classes of hospital treatment or conveyance or according to different circumstances.

(7) In this section—

5 “notified” means notified in the Gazette by the Minister for Health;

10 “proper officer” means the officer or person generally or specially authorised by law or by the person or body governing or controlling the hospital or the ambulance vehicle, as the case may be, to conduct proceedings for the recovery of any amount recoverable under paragraph (a), (b), (c) or (d) of
15 subsection one of this section.

(2) The amendments made by subsection one of this section shall apply to and in respect of any hospital treatment, conveyance by an ambulance vehicle, reasonably necessary medical treatment by a legally qualified medical practitioner,
20 reasonably necessary massage treatment by a masseur, reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse afforded on or after the day appointed for the
25 commencement of this Act for any bodily injury whether received before, on or after that day.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972
[10c]

No. , 1972.

A BILL

To make further provision concerning the costs payable or recoverable in connection with the hospital treatment of persons injured or dying as a result of the use of a motor vehicle; for this purpose to amend the Motor Vehicles (Third Party Insurance) Act, 1942; and for purposes connected therewith.

[MR MORRIS—8 March, 1972.]

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(Third Party Insurance) Amendment Act, 1972". Short title
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(2) This Act shall commence upon a day to be
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10 published in the Gazette.

2. (1) The Motor Vehicles (Third Party Insurance) Act, Amendment
of Act No.
15, 1942.
1942, is amended—

(a) by inserting in section twenty-four next after the Sec. 24.
(Definitions.)
definition of "Nursing" the following new
15 definition :—

"Public hospital" means an incorporated hospital
or separate institution, within the meaning
of the Public Hospitals Act, 1929.

(b) (i) by omitting subsection one of section twenty- Sec. 25.
(Payments
in respect
of certain
matters.)
five and by inserting in lieu thereof the
20 following subsection :—

(1) Subject to subsection two of this
section, where the death of or bodily injury to
any person is caused by or arises out of the
use of a motor vehicle, not being a motor
25 vehicle in respect of which persons are
exempted by or under this Act from the
provisions of subsection one of section seven

of

Motor Vehicles (Third Party Insurance) Amendment.

5 of this Act, and where any payment is made (whether or not with an admission of liability) by the authorised insurer under or in consequence of the third-party policy, or (in the case of an uninsured or unidentified motor vehicle) by the nominal defendant, in respect of such death or bodily injury, then—

- 10 (a) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an in-patient, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer for each day or part of a day of the treatment of the person, an amount estimated by the Minister for Health and last notified, as the daily average cost to that hospital of the hospital treatment of in-patients ;
- 15
- 20
- 25 (b) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an out-patient, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer in respect of each attendance for treatment by the person, an amount estimated by the Minister for Health and last notified, as the average cost to that hospital, for each attendance for treatment, of the hospital treatment of out-patients ;
- 30
- 35 (c) if the person received, in respect of the bodily injury or the injury which caused his death, treatment (whether as an in-patient or as an out-patient)

at

Motor Vehicles (Third Party Insurance) Amendment.

5 at a hospital other than a public hospital, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding a maximum amount (if any) so prescribed;

10 (d) if the person, as a consequence of any such injury, was conveyed in any ambulance vehicle, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding the maximum amount (if any) so prescribed; and

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20 (e) if the person received, in respect of any such injury, reasonably necessary medical treatment by a legally qualified medical practitioner, or reasonably necessary massage treatment by a masseur, or reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to such medical practitioner, masseur, dentist, or nurse, as the case may be, such amount as is reasonably appropriate to the treatment or nursing afforded, having

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Motor Vehicles (Third Party Insurance) Amendment.

regard to the reasonable necessity therefor and the customary charge made in the community for such treatment or nursing.

5 (ii) by inserting next after subsection three of the same section the following new subsections :—

10 (4) The estimated costs referred to in paragraphs (a) and (b) of subsection one of this section shall, in respect of any public hospital, be based, wherever practicable, on the costs incurred by that hospital for the year which ended on the thirtieth day of June next preceding any date on which it is proposed to
15 notify the costs, pursuant to either of those paragraphs, in respect of that hospital.

20 (5) Any regulation made in relation to any matter referred to in paragraph (c) or (d) of subsection one of this section may prescribe different scales and different maximum amounts or different scales or different maximum amounts in respect of different classes of hospital treatment or conveyance or according to different circumstances.

25 (6) In this section—
“notified” means notified in the Gazette by the Minister for Health;

30 “proper officer” means the officer or person generally or specially authorised by law or by the person or body governing or controlling the hospital or the ambulance vehicle, as the case may be, to receive any amount payable under paragraph (a), (b), (c) or (d) of subsection one of this section.

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(c) (i) by omitting subsection one of section twenty-six and by inserting in lieu thereof the following subsections :—

Sec. 26.
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5 (1) Subject to subsection two of this section, where liability at law is incurred in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, not being a motor vehicle in respect of which persons are exempted by or under this Act from the provisions of subsection one of section seven of this Act, then—

15 (a) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an in-patient, the proper officer may, in the name and on behalf of the person, and notwithstanding that the person may be dead, recover for each day or part of a day of the treatment of the person, an amount estimated by the Minister for Health and last notified, as the daily average cost to that hospital of the hospital treatment of in-patients;

25 (b) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an out-patient, the proper officer may, in the name and on behalf of the person, and notwithstanding that the person may be dead, recover in respect of each attendance for treatment by the person, an amount estimated by the Minister for Health and last notified,

as

Motor Vehicles (Third Party Insurance) Amendment.

- as the average cost to that hospital,
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- 5 (c) if the person received, in respect of
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at a hospital other than a public
10 hospital, the proper officer may, in
the name and on behalf of the person,
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may be dead, recover an amount
calculated in accordance with a scale
15 to be prescribed by the regulations, but
not exceeding a maximum amount (if
any) so prescribed;
- (d) if the person, as a consequence of any
such injury, was conveyed in any
20 ambulance vehicle the proper officer
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Motor Vehicles (Third Party Insurance) Amendment.

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10 made in the community for such treat-
ment or nursing.

(1A) Any amount recoverable under sub-
section one of this section may be recovered
by way of damages from the owner and the
15 driver of the motor vehicle jointly, or from
either of them severally or (in the case of an
uninsured or unidentified vehicle) from the
nominal defendant.

(ii) by inserting next after subsection four of the
20 same section the following new subsections :—

(5) The estimated costs referred to in
paragraphs (a) and (b) of subsection one of
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25 hospital, be based, wherever practicable, on
the costs incurred by that hospital for the year
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notify the costs, pursuant to either of those
paragraphs, in respect of that hospital.

(6) Any regulation made in relation to
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Motor Vehicles (Third Party Insurance) Amendment.

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5 “notified” means notified in the Gazette by the Minister for Health;

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15

(2) The amendments made by subsection one of this section shall apply to and in respect of any hospital treatment, conveyance by an ambulance vehicle, reasonably necessary medical treatment by a legally qualified medical practitioner, 20 reasonably necessary massage treatment by a masseur, reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse afforded on or after the day appointed for the 25 commencement of this Act for any bodily injury whether received before, on or after that day.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972
[10c]

ANNALS

OF THE

ROYAL SOCIETY OF LONDON

— 1880 —

CONTENTS

1	1880
10	1881
20	1882
30	1883
40	1884
50	1885
60	1886
70	1887
80	1888
90	1889
100	1890

1880

1881

1882

1883

1884

1885

1886

1887

1888

1889

1890

1880

PROOF

**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT BILL, 1972**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that the costs payable or recoverable in respect of hospital treatment at a public hospital of any person injured or dying as a result of the use of a motor vehicle shall be the full cost of providing that treatment;
- (b) to make other provisions of a consequential or ancillary character.

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PHYSICS DEPARTMENT

PROOF

No. , 1972.

A BILL

To make further provision concerning the costs payable or recoverable in connection with the hospital treatment of persons injured or dying as a result of the use of a motor vehicle; for this purpose to amend the Motor Vehicles (Third Party Insurance) Act, 1942; and for purposes connected therewith.

[MR MORRIS—8 March, 1972.]

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Motor Vehicles (Third Party Insurance) Amendment.

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and with the advice and consent of the Legislative
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1942, is amended—

(a) by inserting in section twenty-four next after the Sec. 24.
(Definitions.)
definition of "Nursing" the following new
15 definition :—

"Public hospital" means an incorporated hospital
or separate institution, within the meaning
of the Public Hospitals Act, 1929.

(b) (i) by omitting subsection one of section twenty- Sec. 25.
(Payments
in respect
of certain
matters.)
five and by inserting in lieu thereof the
20 following subsection :—

(1) Subject to subsection two of this
section, where the death of or bodily injury to
any person is caused by or arises out of the
25 use of a motor vehicle, not being a motor
vehicle in respect of which persons are
exempted by or under this Act from the
provisions of subsection one of section seven

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case of an uninsured or unidentified motor
vehicle) by the nominal defendant, in respect
of such death or bodily injury, then—

10 (a) if the person received, in respect of the
bodily injury or the injury which
caused his death, treatment at a public
hospital as an in-patient, there shall
also be paid by the authorised insurer
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may be, to the proper officer for each
15 day or part of a day of the treatment
of the person, an amount estimated by
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at

Motor Vehicles (Third Party Insurance) Amendment.

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10 (d) if the person, as a consequence of any such injury, was conveyed in any ambulance vehicle, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding the maximum amount (if any) so prescribed; and

20 (e) if the person received, in respect of any such injury, reasonably necessary medical treatment by a legally qualified medical practitioner, or reasonably necessary massage treatment by a masseur, or reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to such medical practitioner, masseur, dentist, or nurse, as the case may be, such amount as is reasonably appropriate to the treatment or nursing afforded, having

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15 paragraphs, in respect of that hospital.

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10 respect of which persons are exempted by or under this Act from the provisions of subsection one of section seven of this Act, then—

15 (a) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an in-patient, the proper officer may, in the name and on behalf of the person, and notwithstanding that the person may
20 be dead, recover for each day or part of a day of the treatment of the person, an amount estimated by the Minister for Health and last notified, as the daily average cost to that hospital of the hospital treatment of in-patients;

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- (d) if the person, as a consequence of any
such injury, was conveyed in any
20 ambulance vehicle the proper officer
may, in the name and on behalf of the
person, and notwithstanding that the
person may be dead, recover an
amount calculated in accordance with
a scale to be prescribed by the
25 regulations, but not exceeding the
maximum amount (if any) so
prescribed; and
- (e) if the person received, in respect of
30 any such injury, reasonably necessary
medical treatment by a legally qualified
medical practitioner, or reasonably
necessary massage treatment by a
masseur, or reasonably necessary
35 dental treatment (otherwise than as
hospital treatment) by a registered
dentist, or reasonably necessary
nursing (otherwise than as hospital
treatment) by a registered nurse, the
medical

Motor Vehicles (Third Party Insurance) Amendment.

5 medical practitioner, masseur, dentist,
 or nurse, as the case may be, may, in
 the name and on behalf of the person,
 and notwithstanding that the person
 may be dead, recover such amount as
 is reasonably appropriate to the treat-
 ment or nursing afforded, having
 regard to the reasonable necessity
 therefor and the customary charge
 10 made in the community for such treat-
 ment or nursing.

15 (1A) Any amount recoverable under sub-
 section one of this section may be recovered
 by way of damages from the owner and the
 driver of the motor vehicle jointly, or from
 either of them severally or (in the case of an
 uninsured or unidentified vehicle) from the
 nominal defendant.

20 (ii) by inserting next after subsection four of the
 same section the following new subsections :—

25 (5) The estimated costs referred to in
 paragraphs (a) and (b) of subsection one of
 this section shall, in respect of any public
 hospital, be based, wherever practicable, on
 the costs incurred by that hospital for the year
 which ended on the thirtieth day of June next
 preceding any date on which it is proposed to
 notify the costs, pursuant to either of those
 paragraphs, in respect of that hospital.

30 (6) Any regulation made in relation to
 any matter referred to in paragraph (c) or
 (d) of subsection one of this section may
 prescribe different scales and different
 maximum amounts or different scales or
 35 different maximum amounts in respect of

different

Motor Vehicles (Third Party Insurance) Amendment.

different classes of hospital treatment or conveyance or according to different circumstances.

(7) In this section—

5 “notified” means notified in the Gazette by the Minister for Health;

10 “proper officer” means the officer or person generally or specially authorised by law or by the person or body governing or controlling the hospital or the ambulance vehicle, as the case may be, to conduct proceedings for the recovery of any amount recoverable under paragraph (a), (b), (c) or (d) of subsection one of this section.

15

(2) The amendments made by subsection one of this section shall apply to and in respect of any hospital treatment, conveyance by an ambulance vehicle, reasonably necessary medical treatment by a legally qualified medical practitioner, 20 reasonably necessary massage treatment by a masseur, reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse afforded on or after the day appointed for the 25 commencement of this Act for any bodily injury whether received before, on or after that day.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

1870
The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the City of New York, held on the 10th day of January, 1870.

Attest: My hand and seal this 10th day of January, 1870.

Mayor

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

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 March, 1972, A.M.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 35, 1972.

An Act to make further provision concerning the costs payable or recoverable in connection with the hospital treatment of persons injured or dying as a result of the use of a motor vehicle; for this purpose to amend the Motor Vehicles (Third Party Insurance) Act, 1942; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Motor Vehicles (Third Party Insurance) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Motor Vehicles (Third Party Insurance) Amendment Act, 1972".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
15, 1942.

2. (1) The Motor Vehicles (Third Party Insurance) Act, 1942, is amended—

Sec. 24.
(Definitions.)

(a) by inserting in section twenty-four next after the definition of "Nursing" the following new definition :—

"Public hospital" means an incorporated hospital or separate institution, within the meaning of the Public Hospitals Act, 1929.

Sec. 25.
(Payments
in respect
of certain
matters.)

(b) (i) by omitting subsection one of section twenty-five and by inserting in lieu thereof the following subsection :—

(1) Subject to subsection two of this section, where the death of or bodily injury to any person is caused by or arises out of the use of a motor vehicle, not being a motor vehicle in respect of which persons are exempted by or under this Act from the provisions of subsection one of section seven

of

Motor Vehicles (Third Party Insurance) Amendment.

of this Act, and where any payment is made (whether or not with an admission of liability) by the authorised insurer under or in consequence of the third-party policy, or (in the case of an uninsured or unidentified motor vehicle) by the nominal defendant, in respect of such death or bodily injury, then—

- (a) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an in-patient, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer for each day or part of a day of the treatment of the person, an amount estimated by the Minister for Health and last notified, as the daily average cost to that hospital of the hospital treatment of in-patients;
- (b) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an out-patient, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer in respect of each attendance for treatment by the person, an amount estimated by the Minister for Health and last notified, as the average cost to that hospital, for each attendance for treatment, of the hospital treatment of out-patients;
- (c) if the person received, in respect of the bodily injury or the injury which caused his death, treatment (whether as an in-patient or as an out-patient)

at

Motor Vehicles (Third Party Insurance) Amendment.

at a hospital other than a public hospital, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding a maximum amount (if any) so prescribed;

- (d) if the person, as a consequence of any such injury, was conveyed in any ambulance vehicle, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to the proper officer an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding the maximum amount (if any) so prescribed; and
- (e) if the person received, in respect of any such injury, reasonably necessary medical treatment by a legally qualified medical practitioner, or reasonably necessary massage treatment by a masseur, or reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse, there shall also be paid by the authorised insurer or the nominal defendant, as the case may be, to such medical practitioner, masseur, dentist, or nurse, as the case may be, such amount as is reasonably appropriate to the treatment or nursing afforded, having

regard

Motor Vehicles (Third Party Insurance) Amendment.

regard to the reasonable necessity therefor and the customary charge made in the community for such treatment or nursing.

(ii) by inserting next after subsection three of the same section the following new subsections :—

(4) The estimated costs referred to in paragraphs (a) and (b) of subsection one of this section shall, in respect of any public hospital, be based, wherever practicable, on the costs incurred by that hospital for the year which ended on the thirtieth day of June next preceding any date on which it is proposed to notify the costs, pursuant to either of those paragraphs, in respect of that hospital.

(5) Any regulation made in relation to any matter referred to in paragraph (c) or (d) of subsection one of this section may prescribe different scales and different maximum amounts or different scales or different maximum amounts in respect of different classes of hospital treatment or conveyance or according to different circumstances.

(6) In this section—

“notified” means notified in the Gazette by the Minister for Health;

“proper officer” means the officer or person generally or specially authorised by law or by the person or body governing or controlling the hospital or the ambulance vehicle, as the case may be, to receive any amount payable under paragraph (a), (b), (c) or (d) of subsection one of this section.

(c)

Motor Vehicles (Third Party Insurance) Amendment.

Sec. 26.
(Right of
action
against
insured
person by
hospital,
etc.)

(c) (i) by omitting subsection one of section twenty-six and by inserting in lieu thereof the following subsections :—

(1) Subject to subsection two of this section, where liability at law is incurred in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, not being a motor vehicle in respect of which persons are exempted by or under this Act from the provisions of subsection one of section seven of this Act, then—

- (a) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an in-patient, the proper officer may, in the name and on behalf of the person, and notwithstanding that the person may be dead, recover for each day or part of a day of the treatment of the person, an amount estimated by the Minister for Health and last notified, as the daily average cost to that hospital of the hospital treatment of in-patients;
- (b) if the person received, in respect of the bodily injury or the injury which caused his death, treatment at a public hospital as an out-patient, the proper officer may, in the name and on behalf of the person, and notwithstanding that the person may be dead, recover in respect of each attendance for treatment by the person, an amount estimated by the Minister for Health and last notified,

as

Motor Vehicles (Third Party Insurance) Amendment.

- as the average cost to that hospital, for each attendance for treatment, of the hospital treatment of out-patients;
- (c) if the person received, in respect of the bodily injury or the injury which caused his death, treatment (whether as an in-patient or as an out-patient) at a hospital other than a public hospital, the proper officer may, in the name and on behalf of the person, and notwithstanding that the person may be dead, recover an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding a maximum amount (if any) so prescribed;
- (d) if the person, as a consequence of any such injury, was conveyed in any ambulance vehicle the proper officer may, in the name and on behalf of the person, and notwithstanding that the person may be dead, recover an amount calculated in accordance with a scale to be prescribed by the regulations, but not exceeding the maximum amount (if any) so prescribed; and
- (e) if the person received, in respect of any such injury, reasonably necessary medical treatment by a legally qualified medical practitioner, or reasonably necessary massage treatment by a masseur, or reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse, the
medical

Motor Vehicles (Third Party Insurance) Amendment.

medical practitioner, masseur, dentist, or nurse, as the case may be, may, in the name and on behalf of the person, and notwithstanding that the person may be dead, recover such amount as is reasonably appropriate to the treatment or nursing afforded, having regard to the reasonable necessity therefor and the customary charge made in the community for such treatment or nursing.

(1A) Any amount recoverable under subsection one of this section may be recovered by way of damages from the owner and the driver of the motor vehicle jointly, or from either of them severally or (in the case of an uninsured or unidentified vehicle) from the nominal defendant.

(ii) by inserting next after subsection four of the same section the following new subsections :—

(5) The estimated costs referred to in paragraphs (a) and (b) of subsection one of this section shall, in respect of any public hospital, be based, wherever practicable, on the costs incurred by that hospital for the year which ended on the thirtieth day of June next preceding any date on which it is proposed to notify the costs, pursuant to either of those paragraphs, in respect of that hospital.

(6) Any regulation made in relation to any matter referred to in paragraph (c) or (d) of subsection one of this section may prescribe different scales and different maximum amounts or different scales or different maximum amounts in respect of

different

Motor Vehicles (Third Party Insurance) Amendment.

different classes of hospital treatment or conveyance or according to different circumstances.

(7) In this section—

“notified” means notified in the Gazette by the Minister for Health;

“proper officer” means the officer or person generally or specially authorised by law or by the person or body governing or controlling the hospital or the ambulance vehicle, as the case may be, to conduct proceedings for the recovery of any amount recoverable under paragraph (a), (b), (c) or (d) of subsection one of this section.

(2) The amendments made by subsection one of this section shall apply to and in respect of any hospital treatment, conveyance by an ambulance vehicle, reasonably necessary medical treatment by a legally qualified medical practitioner, reasonably necessary massage treatment by a masseur, reasonably necessary dental treatment (otherwise than as hospital treatment) by a registered dentist, or reasonably necessary nursing (otherwise than as hospital treatment) by a registered nurse afforded on or after the day appointed for the commencement of this Act for any bodily injury whether received before, on or after that day.

In the name and on behalf of Her Majesty I assent to this Act.

L. J. HERRON, C.J.
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 11th April, 1972.*

1971, 30

Department of Health, Education and Welfare
Public Health Service
Washington, D.C. 20462

OFFICE OF THE DIRECTOR

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