

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 22 November, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Motor Vehicles (Third Party Insurance) Act, 1942, to provide for the automatic annual adjustment of the maximum amounts of premiums to be charged in respect of third-party insurance policies and to clarify the amounts payable to or recoverable by public hospitals and certain institutions for treatment of out-patients.

BE

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 :—

5 **1.** This Act may be cited as the “Motor Vehicles (Third Party Insurance) Amendment Act, 1977”. Short title.

2. The Motor Vehicles (Third Party Insurance) Act, 1942, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
15, 1942.

3. (1) Subject to this section, the notification published Amendment
of noti-
fication.
10 in Gazette No. 32 of 1st April, 1977, and made pursuant to section 25 (1) of the Motor Vehicles (Third Party Insurance) Act, 1942, shall, as from the commencement of this Act, be deemed—

15 (a) to be amended by omitting the words “attendance for” and by inserting instead the word “separate”;
 and

 (b) as so amended, to have been made pursuant to section 25 (1) of that Act, as amended by this Act.

20 (2) Nothing in subsection (1) applies to or in respect of the notification referred to in that subsection, in so far as that notification was made pursuant to the Workers' Compensation Act, 1926.

Motor Vehicles (Third Party Insurance) Amendment.

4. Notwithstanding anything contained in this Act, section 33 of the Motor Vehicles (Third Party Insurance) Act, 1942, and the regulations made under that section, as in force immediately before the commencement of this Act, shall continue to apply to and in respect of any third-party policy which is expressed to commence before 1st January, 1978.

Maximum amount of premiums for third-party policies before 1978.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942.

10 (1) Section 5 (1), definition of "Commissioner"—

Omit "for Road Transport and Tramways", insert instead "for Motor Transport".

(2) Section 6 (1)—

15 Omit "Department of Road Transport and Tramways", insert instead "Department of Motor Transport".

(3) (a) Section 24, definitions of "Hospital", "Massage treatment" and "Medical treatment"—

20 Omit "an incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts" wherever occurring, insert instead "a public hospital".

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 24, definition of "Public hospital"—

5 Omit the definition, insert instead :—

"Public hospital" means a hospital mentioned
in the Second or Fifth Schedule to the
Public Hospitals Act, 1929, or a separate
institution mentioned in the Third
10 Schedule to that Act.

(c) Section 24 (2)—

At the end of section 24, insert :—

(2) Where, at a public hospital, a person
receives, as an out-patient, treatments of different
15 kinds or at different places, each treatment shall,
for the purposes of sections 25 (1) (b) and 26
(1) (b), be counted as a separate treatment.

(4) (a) Section 25 (1) (b)—

20 Omit "attendance for treatment by", insert
instead "separate treatment of".

(b) Section 25 (1) (b)—

Omit "attendance for" where secondly occurring,
insert instead "separate".

(5) (a) Section 26 (1) (b)—

25 Omit "attendance for treatment by", insert
instead "separate treatment of".

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 26 (1) (b)—

5 Omit “attendance for” where secondly occurring, insert instead “separate”.

(6) Sections 33, 33A–33E—

Omit section 33, insert instead :—

33. (1) In this Part—

Interpre-
tation:
Pt. III.

10 “adjustment percentage”, in relation to a year, means (subject to sections 33A (2) and 33E (3)) the percentage for that year, calculated in accordance with section 33A;

15 “Index number”, in relation to a September quarter, means the number for that September quarter appearing in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician under the provisions of any Act of the
20 Parliament of the Commonwealth;

“maximum premium”, in relation to a third-party policy, means the maximum amount of premium to be charged in respect of that policy under section 33B (1);

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 “September quarter”, in relation to a year, means the period commencing on and including 1st July in that year and ending on and including 30th September in that year;

“year” means—

10 (a) the period commencing on and including 1st January, 1979, and ending on and including 31st December, 1979; or

15 (b) a subsequent period commencing on and including 1st January and ending on and including the next following 31st December.

20 (2) Where a maximum premium is to be adjusted under section 33C by reference to the adjustment percentage for a year, a reference (however expressed) in this Part to adjusting the maximum premium is a reference to—

25 (a) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (a)—increasing the maximum premium; or

(b) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (b)—reducing the maximum premium.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 33A (1) For the purposes of the definition of Calculation
“adjustment percentage” in section 33 (1), the ^{of} adjustment
percentage for a year shall be calculated— percentage.

10 (a) if the Index number for the September
quarter in that year is greater than the Index
number for the immediately preceding Sep-
tember quarter—in accordance with the
following formula :—

$$P = \frac{100 (A - B)}{B}$$

15 (b) if the Index number for the September
quarter in that year is less than the Index
number for the immediately preceding Sep-
tember quarter—in accordance with the
following formula :—

20

$$P = \frac{100 (B - A)}{B}$$

where—

P is the percentage to be obtained;

25 A is the Index number for the September quarter
in that year; and

B is the Index number for the immediately
preceding September quarter.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(2) Where—

- 5 (a) the percentage calculated for a year in
accordance with this section is less than 1.0
per centum; or
- 10 (b) the Index number for the September quarter
in that year is the same as the Index number
for the immediately preceding September
quarter,

there shall be deemed to be no adjustment percentage
for that year.

- 15 (3) Where pursuant to subsection (2) there
is deemed to be no adjustment percentage for a year,
then, for the purposes of calculating the adjustment
percentage for the next year—

- 20 (a) the Index number for the September quarter
in the firstmentioned year shall be deemed
not to have been published; and
- 25 (b) the Index number for that quarter shall be
deemed to be the same as the Index number
for the September quarter in the last year
for which there was an adjustment
percentage.

(4) If at any time, whether before or after
the commencement of this section, the Australian
Statistician has published in respect of a particular

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 September quarter an Index number in substitution
for an Index number previously published by him in
respect of that quarter—

(a) except as provided in paragraph (b)—the
publication of the later Index number shall
be disregarded; or

10 (b) if the Minister so directs—regard shall,
after the direction is given, be had to the
later and not to the earlier Index number,
for the purposes of this section.

15 (5) Notwithstanding subsection (4), if at
any time after the commencement of this section the
Australian Statistician changes the reference base for
the Consumer Price Index (All Groups Index) for
Sydney, then, for the purposes of the application of
20 this section after the change takes place, regard shall
be had only to Index numbers published in terms of
the new reference base.

(6) Where a percentage that is to be calcu-
lated under this section is or includes a fraction of
one-tenth of one per centum—

25 (a) if that fraction is less than one-half of one-
tenth—that fraction shall be disregarded;
and

(b) if that fraction is not less than one-half of
one-tenth—that fraction shall be treated as
30 one-tenth.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 33B. (1) The maximum amount of premium to ^{Maximum} be charged in respect of a third-party policy that is ^{amount of} expressed to commence on or after 1st January, 1978, ^{premium.} shall be the amount of premium prescribed in Schedule 1, as adjusted from time to time under section 33C, in respect of third-party policies of the kind to which that third-party policy belongs.

10 (2) An authorised insurer is guilty of an offence against this Act if he demands, charges or accepts in respect of any third-party policy any amount of premium greater than—

- 15 (a) the appropriate maximum premium;
- (b) where an order has been made pursuant to section 13, the amount of premium specified in the order or the appropriate maximum premium and the additional amount specified in the order, as the case may be;
- 20 or
- (c) where the policy relates to a motor vehicle which is constructed principally for the conveyance of goods and which is, by a permit under the State Transport (Co-ordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.
- 25
- 30

33c. (1) Subject to this Part, where there is an ^{Adjustment} adjustment percentage for a year, the maximum ^{of} amount of premium to be charged in respect of a ^{maximum} premium.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 third-party policy that is expressed to commence on or after 1st January in the following year is hereby adjusted, on and from that date, by that percentage.

(2) Where a maximum premium that is adjusted under subsection (1) is or includes, after it is so adjusted, a number of cents—

- 10 (a) which is less than 25—that number of cents shall be disregarded;
- (b) which is more than 24 but less than 75—that number of cents shall be treated as 50 cents; or
- 15 (c) which is more than 74 but less than 99—that number of cents shall be treated as 100 cents.

20 33D. Where there is an adjustment percentage for a year, the General Manager of the Government Insurance Office shall, before the end of that year, publish in the Gazette a copy of Schedule 1, containing such alterations as may be necessary as a consequence of the adjustment of maximum premiums to be charged in respect of third-party policies that are expressed to commence on or after 1st January in the following year.

25

General Manager of G.I.O. to publicise adjustments.

33E. (1) The Governor may, by regulation, substitute or amend Schedule 1.

Maximum premiums may be altered by regulation.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 (2) Where Schedule 1 is substituted or amended by a regulation made pursuant to subsection (1), that Schedule as so substituted or amended applies in respect of third-party policies that are expressed to commence on or after the date on which the regulation takes effect.

10 (3) Where—

15 (a) a regulation made pursuant to subsection (1) takes effect on 1st January in any year, there shall be deemed to be no adjustment percentage for the previous year unless the regulation otherwise provides; and

(b) there is, pursuant to paragraph (a), no adjustment percentage for any year, section 33A (3) shall not apply as a consequence of there being no such adjustment percentage.

20 (7) Schedule 1—

At the end of the Act, insert :—

SCHEDULE 1.

Sec. 33B.

MAXIMUM PREMIUMS.

1. (1) In this Schedule—

Interpretation.

25 “implement trailer” means a trailer which is exempt from registration and which comprises a plough, rotary hoe, cultivator or road roller, or fire fighting apparatus or other machinery or apparatus, and is not
30 constructed principally for the conveyance of persons or goods;

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 “Metropolitan Premium District” means the County of Cumberland (excluding any portion of the City of Greater Wollongong) and the Parish of Cowan in the County of Northumberland;

10 “motor car” means any motor vehicle constructed principally for the conveyance of persons and includes a self-propelled caravan;

 “Newcastle Premium District” means the Newcastle and District Transport District established under the Transport Act, 1930;

15 “primary producer” means any person who cultivates or uses his own land or that of another for his own benefit—

20 (a) for the production of fruit, grain, flowers, vegetables, tobacco or farm or agricultural produce of any description;

 (b) for dairy farming, poultry or other bird farming, pig farming, bee-keeping or oyster culture;

25 (c) as a nurseryman; or

 (d) as a pastoralist for the rearing or grazing of horses, cattle or sheep,

or who gathers leaves from which eucalyptus or other oil is to be distilled;

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 “primary producer’s vehicle” means any motor
vehicle (not being a motor vehicle which
is used or let for hire)—

(a) which is owned by a primary
producer and is used solely or
principally—

10 (i) for carting primary products
produced by him or
materials, provisions or com-
modities of any kind for use
15 in his business or occupation
as a primary producer or in
his household; or

(ii) for purposes connected with
the clearing of land to be
cultivated or used by him
20 for primary production; or

(b) which is owned by a rural society
formed under the Co-operation Act,
1923, where—

25 (i) at least 75 per centum of
the shares in the society are
held by primary producers;
and

(ii) the vehicle is used solely or
principally for carting pri-
mary products produced by
primary producers who are
members of the society, or
materials, provisions or com-
modities of any kind for use
30

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 in their businesses or occupations as primary producers or in their households, or for carting primary products produced by the society or acquired by it from primary producers who are members of the society, or for purposes connected with the clearing of land to be cultivated or used by members of the society for primary production;

20 “tow-truck” means a motor lorry used for towing broken down or damaged vehicles and which comprises or has permanently affixed thereto a crane or similar apparatus for lifting a vehicle partially clear of the ground and is equipped to maintain it in such a position while towing it;

25 “unladen weight” does not include the weight of any equipment affixed to a motor vehicle for the purposes of enabling the vehicle to be propelled by a type of fuel which the vehicle was not primarily designed to use, and, in the case of a motor vehicle propelled by electricity, does not include the weight of any electric batteries affixed to the vehicle;

30 “Wollongong Premium District” means the City of Greater Wollongong.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

- (2) For the purposes of this Schedule—
- 5 (a) a semi-trailer which is comprised in the registration of an articulated vehicle shall be deemed to be a part of the articulated vehicle, and not to be a trailer; and
- 10 (b) a semi-trailer which is not comprised in the registration of an articulated vehicle shall be deemed to be a trailer.
2. (1) The maximum amount of premium to be charged in respect of a third-party policy shall be— Premiums for yearly and other policies.
- 15 (a) where the policy is expressed to be effective for a period of one year—the amount specified, in the Table in this Schedule, for the classification in which the motor vehicle is comprised on the date on which the policy is expressed to
- 20 commence; or
- (b) where the policy is expressed to be effective for any other period—an amount calculated at the rate of one-twelfth of the amount referred to in paragraph (a) for each month
- 25 or part of a month in that period.
- (2) Where the amount calculated pursuant to subclause (1) (b) includes a number of cents that is not a multiple of 5, that number of cents shall be adjusted to the nearest 5 cents unless that number is

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 exactly intermediate between multiples of 5 when it shall be adjusted to the multiple of 5 next above, 2½ cents being regarded as 5 cents.

10 3. (1) Where, during the period for which a third-party policy is expressed to be effective, a change is made in the construction, use or ownership of the motor vehicle or in the place at which it is usually garaged or otherwise, and the change is of such a nature that an increased amount of premium could be charged if a new third-party policy were issued in relation to the motor vehicle, the maximum amount of premium to be charged in respect of the existing policy is, on and from the date of the change, increased by an amount calculated in accordance with subclause (2).

Changes which increase maximum premium.

20 (2) The amount of the increase is the sum ascertained by adding together the proportionate amount for each month or part of a month in that portion of the period during which the change is effective, that proportionate amount to be calculated by taking the difference between the maximum amount of premium to be charged in respect of the existing policy at the commencement of the policy and the maximum amount of premium which would have been payable had that change been made prior to the commencement of that policy, and by dividing that difference by a number equivalent to the number of months (including any part of a month) for which the existing policy is expressed to be effective.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 4. Where a third-party policy relates to a motor vehicle which is comprised in 2 or more classifications in the Table in this Schedule, the maximum premium to be charged in respect of the policy shall be the highest maximum premium prescribed by this Schedule for any of those classifications. Motor vehicle in 2 or more classifications.

10 TABLE

Class of Vehicle	Vehicle usually garaged—		
	In Metropolitan and Wollongong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
25 1. <i>Motor Car.</i> Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive	104.00	90.50	90.50
30 2. <i>Omnibus Type Car.</i> Any motor car which has seating accommodation for 8 or more adults (exclusive of the driver) not included in Class 6 and not used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution	208.50	163.00	119.00
35 3. <i>Goods Vehicle.</i> Any motor vehicle, not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods—			
40 (a) where the unladen weight does not exceed 2 tonnes	113.00	82.50	72.50
(b) where the unladen weight exceeds 2 tonnes	210.50	109.00	132.00

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5 10 15	Class of Vehicle	Vehicle usually garaged—		
		In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
		\$	\$	\$
No.				
20	5. <i>Primary Producer's Vehicle.</i> Any primary producer's vehicle (except a motor car) not included in Class 16 or 17—			
	(a) where the unladen weight does not exceed 2 tonnes	75.50	53.50	37.50
25	(b) where the unladen weight exceeds 2 tonnes	76.50	76.50	19.00
	6. <i>Omnibus or Tourist Vehicle.</i> (Including Service Car). Any motor car in respect of which payment is received for the conveyance of passengers and which is authorised to convey those passengers on a specified route only or to tourist resorts or on sight-seeing tours only—			
30	(a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver)	328.50	272.00	88.00
40	(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver)	208.50	163.00	119.00
45	(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver)	104.00	90.50	90.50
50	7. <i>Taxi-cab.</i> Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire ..	716.50	382.50	150.50

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

TABLE—*continued.*

5	Class of Vehicle	Vehicle usually garaged—		
		In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
10				
15				
No.		\$	\$	\$
20	8. <i>Private Hire Car.</i> Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire	261.00	90.50	90.50
25	9. <i>Drive-Yourself Vehicle.</i> Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire	251.50	218.00	119.00
30	10. <i>Motor Cycle and Similar Vehicle.</i> Any motor vehicle not included in Class 11, 12 or 15—			
35	(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels	104.00	90.50	90.50
40	(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels	56.50	53.50	30.00
45	(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels	30.00	13.50	7.50
	11. <i>Police Vehicle.</i> Any motor vehicle owned by the Commissioner of Police	114.00	114.00	114.00

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—continued.

TABLE—continued

5	Class of Vehicle	Vehicle usually garaged—		
		10 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
15		\$	\$	\$
No.				
20	12. <i>Fire Brigade Vehicle.</i> (a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales	261.00	180.50	180.50
25	(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operations only	2.00	2.00	2.00
30	13. <i>Ambulance Vehicle.</i> Any motor vehicle constructed and used for the conveyance of sick or injured persons	157.00	108.00	60.50
35	14. <i>Undertaker's Vehicle.</i> Any motor vehicle used solely— (a) as an undertaker's hearse	16.00	16.00	11.00
	(b) as an undertaker's mourning coach	32.50	32.50	21.00
40	15. <i>Motor Trade Vehicles.</i> (a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed	28.00	28.00	28.00
	(b) Motor cycles to which a trader's plate is affixed	20.00	16.00	11.00
	(c) Tow-trucks	152.00	53.50	36.50
	(d) Trailer, including caravan trailer, to which a trader's plate is affixed	20.00	16.00	11.00
45	16. <i>Trailer.</i> Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer	2.00	2.00	2.00
50				

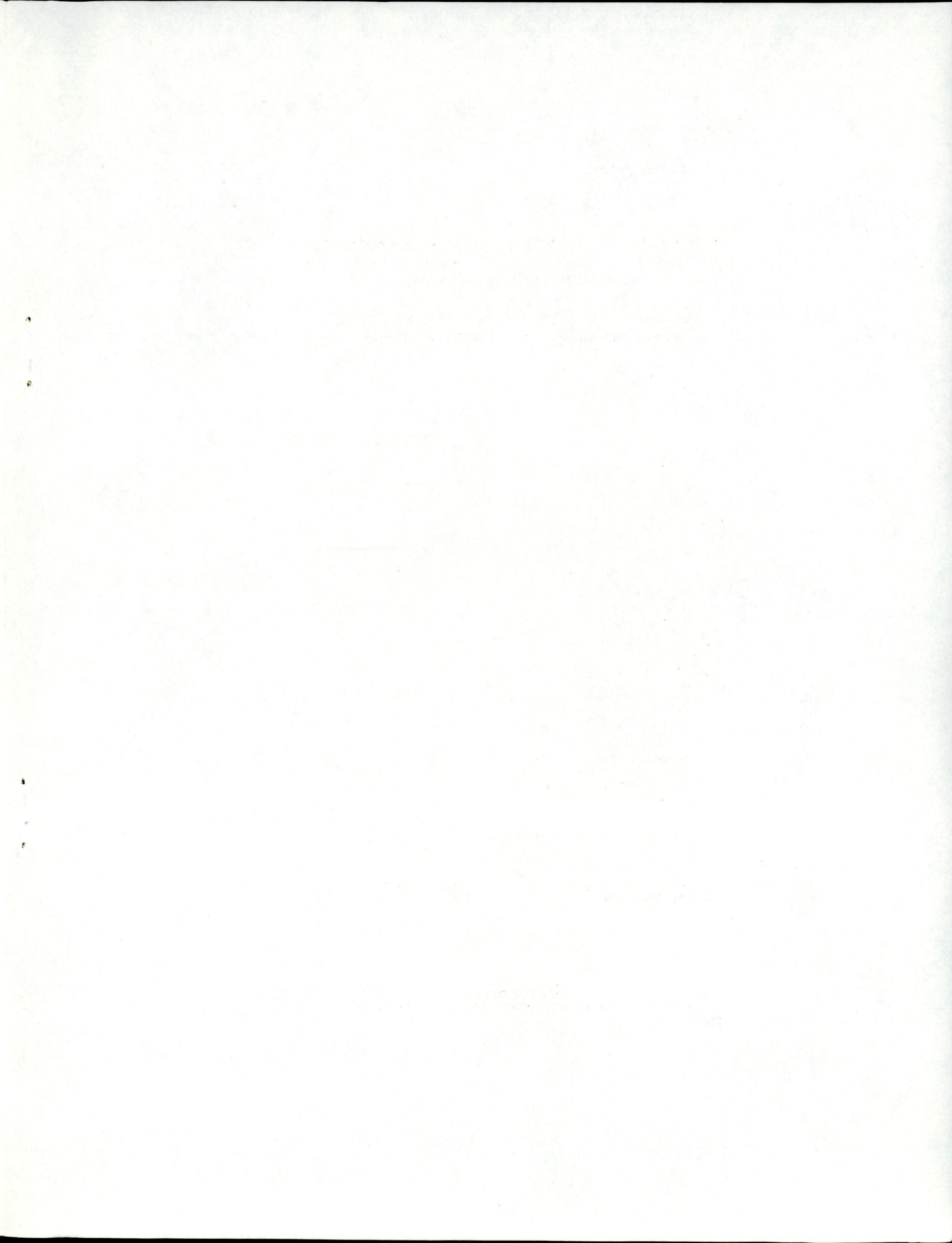
*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

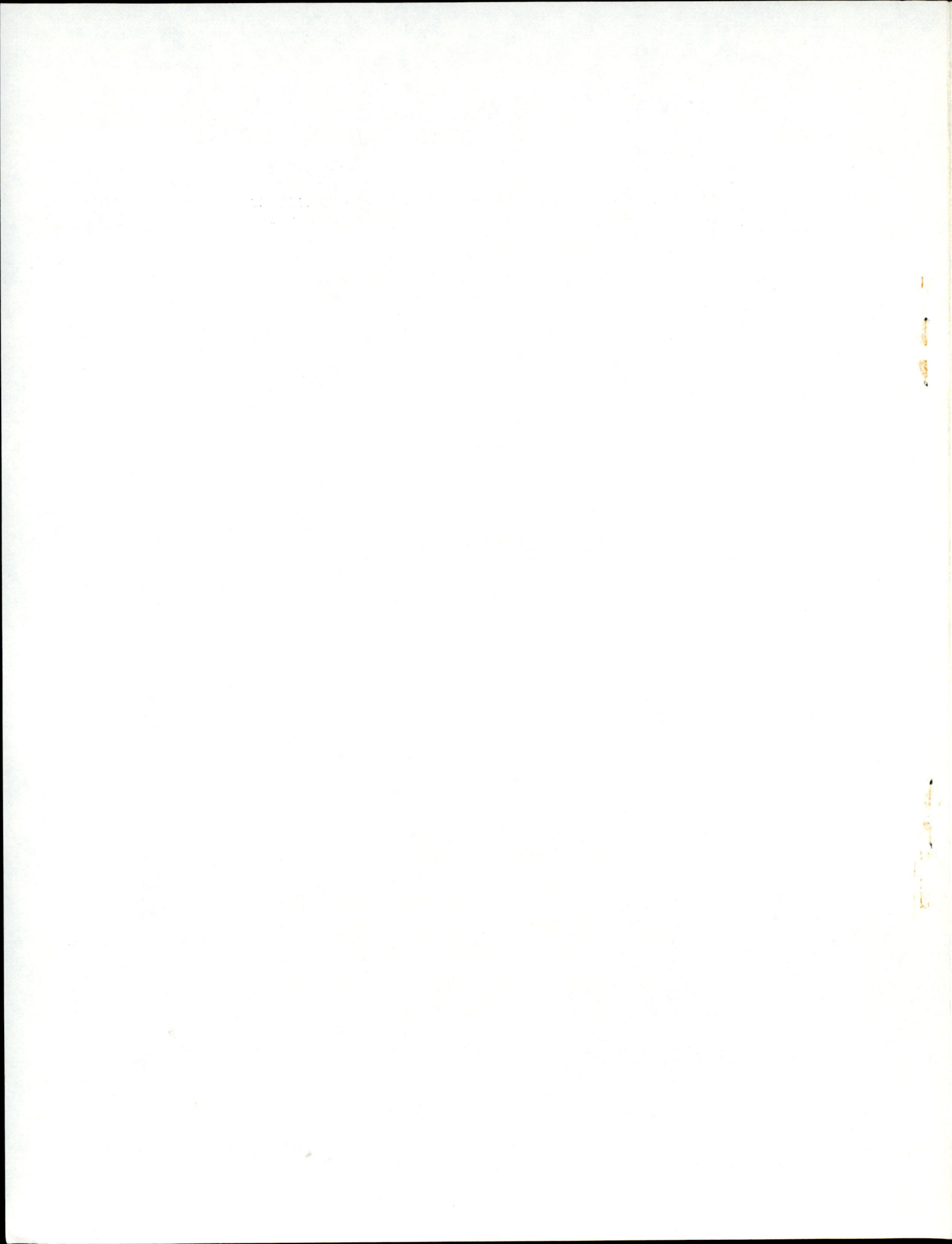
5	Class of Vehicle	Vehicle usually garaged—		
		10 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
15		\$	\$	\$
20	No. 16A. <i>Mobile Crane.</i> Any mobile crane (not being a tow-truck)	263.50	209.50	145.50
25	17. <i>Miscellaneous.</i> Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 16A and which comprises—			
30	(a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earthmoving equipment or other machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespective of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis	79.00	75.50	34.00
35	(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agricultural or farming purposes	15.00	11.00	5.00
40	(c) any invalid chair	2.00	2.00	2.00

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[24c]





**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT BILL, 1977**

No. , 1977.

A BILL FOR

An Act to amend the Motor Vehicles (Third Party Insurance) Act, 1942, to provide for the automatic annual adjustment of the maximum amounts of premiums to be charged in respect of third-party insurance policies and to clarify the amounts payable to or recoverable by public hospitals and certain institutions for treatment of out-patients.

[Mr Cox—17 November, 1977.]

BE

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 :—

5 **1.** This Act may be cited as the “Motor Vehicles (Third Party Insurance) Amendment Act, 1977”. Short title.

2. The Motor Vehicles (Third Party Insurance) Act, 1942, is amended in the manner set forth in Schedule 1. Amendment of Act No. 15, 1942.

3. (1) Subject to this section, the notification published Amendment of notification.
10 in Gazette No. 32 of 1st April, 1977, and made pursuant to section 25 (1) of the Motor Vehicles (Third Party Insurance) Act, 1942, shall, as from the commencement of this Act, be deemed—

15 (a) to be amended by omitting the words “attendance for” and by inserting instead the word “separate”; and

 (b) as so amended, to have been made pursuant to section 25 (1) of that Act, as amended by this Act.

20 (2) Nothing in subsection (1) applies to or in respect of the notification referred to in that subsection, in so far as that notification was made pursuant to the Workers' Compensation Act, 1926.

Motor Vehicles (Third Party Insurance) Amendment.

4. Notwithstanding anything contained in this Act, section 33 of the Motor Vehicles (Third Party Insurance) Act, 1942, and the regulations made under that section, as in force immediately before the commencement of this Act, shall continue to apply to and in respect of any third-party policy which is expressed to commence before 1st January, 1978.

Maximum amount of premiums for third-party policies before 1978.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942.

- 10 (1) Section 5 (1), definition of "Commissioner"—
Omit "for Road Transport and Tramways", insert instead "for Motor Transport".

- (2) Section 6 (1)—
15 Omit "Department of Road Transport and Tramways", insert instead "Department of Motor Transport".

- (3) (a) Section 24, definitions of "Hospital", "Massage treatment" and "Medical treatment"—
20 Omit "an incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts" wherever occurring, insert instead "a public hospital".

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 24, definition of “Public hospital”—

5 Omit the definition, insert instead :—

“Public hospital” means a hospital mentioned
in the Second or Fifth Schedule to the
Public Hospitals Act, 1929, or a separate
institution mentioned in the Third
10 Schedule to that Act.

(c) Section 24 (2)—

At the end of section 24, insert :—

(2) Where, at a public hospital, a person
receives, as an out-patient, treatments of different
15 kinds or at different places, each treatment shall,
for the purposes of sections 25 (1) (b) and 26
(1) (b), be counted as a separate treatment.

(4) (a) Section 25 (1) (b)—

20 Omit “attendance for treatment by”, insert
instead “separate treatment of”.

(b) Section 25 (1) (b)—

Omit “attendance for” where secondly occurring,
insert instead “separate”.

(5) (a) Section 26 (1) (b)—

25 Omit “attendance for treatment by”, insert
instead “separate treatment of”.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 26 (1) (b)—

5 Omit “attendance for” where secondly occurring,
insert instead “separate”.

(6) Sections 33, 33A–33E—

Omit section 33, insert instead :—

33. (1) In this Part—

Interpre-
tation:
Pt. III.

10 “adjustment percentage”, in relation to a year,
means (subject to sections 33A (2) and 33E
(3)) the percentage for that year,
calculated in accordance with section 33A;

15 “Index number”, in relation to a September
quarter, means the number for that Sep-
tember quarter appearing in the Consumer
Price Index (All Groups Index) for Sydney
published by the Australian Statistician
20 under the provisions of any Act of the
Parliament of the Commonwealth;

“maximum premium”, in relation to a third-party
policy, means the maximum amount of
premium to be charged in respect of that
policy under section 33B (1);

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 “September quarter”, in relation to a year, means
the period commencing on and including
1st July in that year and ending on and
including 30th September in that year;

“year” means—

10 (a) the period commencing on and
including 1st January, 1979, and
ending on and including 31st
December, 1979; or

15 (b) a subsequent period commencing on
and including 1st January and
ending on and including the next
following 31st December.

(2) Where a maximum premium is to be
adjusted under section 33C by reference to the adjust-
ment percentage for a year, a reference (however
expressed) in this Part to adjusting the maximum
premium is a reference to—

20 (a) where the adjustment percentage is calcu-
lated in accordance with the formula set
out in section 33A (1) (a)—increasing the
maximum premium; or

25 (b) where the adjustment percentage is calcu-
lated in accordance with the formula set
out in section 33A (1) (b)—reducing the
maximum premium.

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 33A (1) For the purposes of the definition of Calculation
 “adjustment percentage” in section 33 (1), the ^{of} adjustment
 percentage for a year shall be calculated— _{percentage.}

10 (a) if the Index number for the September
 quarter in that year is greater than the Index
 number for the immediately preceding Sep-
 10 tember quarter—in accordance with the
 following formula :—

$$P = \frac{100 (A - B)}{B}$$

15 (b) if the Index number for the September
 quarter in that year is less than the Index
 number for the immediately preceding Sep-
 20 tember quarter—in accordance with the
 following formula :—

$$P = \frac{100 (B - A)}{B}$$

where—

P is the percentage to be obtained;

25 A is the Index number for the September quarter
 in that year; and

B is the Index number for the immediately
 preceding September quarter.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) Where—

- 5 (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum; or
- 10 (b) the Index number for the September quarter in that year is the same as the Index number for the immediately preceding September quarter,

there shall be deemed to be no adjustment percentage for that year.

- 15 (3) Where pursuant to subsection (2) there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the adjustment percentage for the next year—

- 20 (a) the Index number for the September quarter in the firstmentioned year shall be deemed not to have been published; and
- 25 (b) the Index number for that quarter shall be deemed to be the same as the Index number for the September quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after the commencement of this section, the Australian Statistician has published in respect of a particular

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 September quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

(a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

10 (b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number, for the purposes of this section.

15 (5) Notwithstanding subsection (4), if at any time after the commencement of this section the Australian Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this section after the change takes place, regard shall
20 be had only to Index numbers published in terms of the new reference base.

(6) Where a percentage that is to be calculated under this section is or includes a fraction of one-tenth of one per centum—

25 (a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and

30 (b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 33B. (1) The maximum amount of premium to ^{Maximum} be charged in respect of a third-party policy that is ^{amount of} expressed to commence on or after 1st January, 1978, ^{premium.} shall be the amount of premium prescribed in Schedule 1, as adjusted from time to time under section 33c, in respect of third-party policies of the kind to which that third-party policy belongs.

10 (2) An authorised insurer is guilty of an offence against this Act if he demands, charges or accepts in respect of any third-party policy any amount of premium greater than—

15 (a) the appropriate maximum premium;

(b) where an order has been made pursuant to section 13, the amount of premium specified in the order or the appropriate maximum premium and the additional amount specified in the order, as the case may be; ²¹
or

20 (c) where the policy relates to a motor vehicle which is constructed principally for the conveyance of goods and which is, by a permit under the State Transport (Co-ordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph. ²⁵

25

30

33C. (1) Subject to this Part, where there is an ^{Adjustment} adjustment percentage for a year, the maximum ^{of} amount of premium to be charged in respect of a ^{maximum} premium.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 third-party policy that is expressed to commence on or after 1st January in the following year is hereby adjusted, on and from that date, by that percentage.

(2) Where a maximum premium that is adjusted under subsection (1) is or includes, after it is so adjusted, a number of cents—

10 (a) which is less than 25—that number of cents shall be disregarded;

(b) which is more than 24 but less than 75—that number of cents shall be treated as 50 cents; or

15 (c) which is more than 74 but less than 99—that number of cents shall be treated as 100 cents.

20 33D. Where there is an adjustment percentage for a year, the General Manager of the Government Insurance Office shall, before the end of that year, publish in the Gazette a copy of Schedule 1, containing such alterations as may be necessary as a consequence of the adjustment of maximum premiums to be charged in respect of third-party policies that are expressed to commence on or after 1st January in the following year.

General Manager of G.I.O. to publicise adjustments.

25 33E. (1) The Governor may, by regulation, substitute or amend Schedule 1.

Maximum premiums may be altered by regulation.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 (2) Where Schedule 1 is substituted or amended by a regulation made pursuant to subsection (1), that Schedule as so substituted or amended applies in respect of third-party policies that are expressed to commence on or after the date on which the regulation takes effect.

10 (3) Where—

(a) a regulation made pursuant to subsection (1) takes effect on 1st January in any year, there shall be deemed to be no adjustment percentage for the previous year unless the regulation otherwise provides; and

15 (b) there is, pursuant to paragraph (a), no adjustment percentage for any year, section 33A (3) shall not apply as a consequence of there being no such adjustment percentage.

20 (7) Schedule 1—

At the end of the Act, insert :—

SCHEDULE 1.

Sec. 33B.

MAXIMUM PREMIUMS.

1. (1) In this Schedule—

25 “implement trailer” means a trailer which is exempt from registration and which comprises a plough, rotary hoe, cultivator or road roller, or fire fighting apparatus or other machinery or apparatus, and is not
30 constructed principally for the conveyance of persons or goods;

Interpretation.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 “Metropolitan Premium District” means the
 County of Cumberland (excluding any
 portion of the City of Greater Wollongong)
 and the Parish of Cowan in the County of
 Northumberland;

10 “motor car” means any motor vehicle constructed
 principally for the conveyance of persons
 and includes a self-propelled caravan;

 “Newcastle Premium District” means the
 Newcastle and District Transport District
 established under the Transport Act, 1930;

15 “primary producer” means any person who culti-
 vates or uses his own land or that of another
 for his own benefit—

20 (a) for the production of fruit, grain,
 flowers, vegetables, tobacco or farm
 or agricultural produce of any
 description;

 (b) for dairy farming, poultry or other
 bird farming, pig farming, bee-
 keeping or oyster culture;

25 (c) as a nurseryman; or

 (d) as a pastoralist for the rearing or
 grazing of horses, cattle or sheep,

 or who gathers leaves from which
 eucalyptus or other oil is to be distilled;

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 “primary producer’s vehicle” means any motor vehicle (not being a motor vehicle which is used or let for hire)—

(a) which is owned by a primary producer and is used solely or principally—

10 (i) for carting primary products produced by him or materials, provisions or commodities of any kind for use in his business or occupation as a primary producer or in his household; or

15 (ii) for purposes connected with the clearing of land to be cultivated or used by him for primary production; or

20 (b) which is owned by a rural society formed under the Co-operation Act, 1923, where—

25 (i) at least 75 per centum of the shares in the society are held by primary producers; and

30 (ii) the vehicle is used solely or principally for carting primary products produced by primary producers who are members of the society, or materials, provisions or commodities of any kind for use

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 in their businesses or occupations as primary producers or in their households, or for carting primary products produced by the society or acquired by it from primary producers who are members of the society, or for purposes connected with the clearing of land to be cultivated or used by members of the society for primary production;

20 "tow-truck" means a motor lorry used for towing broken down or damaged vehicles and which comprises or has permanently affixed thereto a crane or similar apparatus for lifting a vehicle partially clear of the ground and is equipped to maintain it in such a position while towing it;

25 "unladen weight" does not include the weight of any equipment affixed to a motor vehicle for the purposes of enabling the vehicle to be propelled by a type of fuel which the vehicle was not primarily designed to use, and, in the case of a motor vehicle propelled by electricity, does not include the weight of any electric batteries affixed to the vehicle;

30 "Wollongong Premium District" means the City of Greater Wollongong.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) For the purposes of this Schedule—

- 5 (a) a semi-trailer which is comprised in the registration of an articulated vehicle shall be deemed to be a part of the articulated vehicle, and not to be a trailer; and
- 10 (b) a semi-trailer which is not comprised in the registration of an articulated vehicle shall be deemed to be a trailer.

2. (1) The maximum amount of premium to be charged in respect of a third-party policy shall be— Premiums for yearly and other policies.

- 15 (a) where the policy is expressed to be effective for a period of one year—the amount specified, in the Table in this Schedule, for the classification in which the motor vehicle is comprised on the date on which the policy is expressed to commence; or
 - 20 (b) where the policy is expressed to be effective for any other period—an amount calculated at the rate of one-twelfth of the amount referred to in paragraph (a) for each month or part of a month in that period.
- 25

(2) Where the amount calculated pursuant to subclause (1) (b) includes a number of cents that is not a multiple of 5, that number of cents shall be adjusted to the nearest 5 cents unless that number is

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 exactly intermediate between multiples of 5 when it shall be adjusted to the multiple of 5 next above, 2½ cents being regarded as 5 cents.

10 3. (1) Where, during the period for which a third-party policy is expressed to be effective, a change is made in the construction, use or ownership of the motor vehicle or in the place at which it is usually garaged or otherwise, and the change is of such a nature that an increased amount of premium could be charged if a new third-party policy were issued in relation to the motor vehicle, the maximum amount of premium to be charged in respect of the existing policy is, on and from the date of the change, increased by an amount calculated in accordance with subclause (2).

Changes which increase maximum premium.

20 (2) The amount of the increase is the sum ascertained by adding together the proportionate amount for each month or part of a month in that portion of the period during which the change is effective, that proportionate amount to be calculated by taking the difference between the maximum amount of premium to be charged in respect of the existing policy at the commencement of the policy and the maximum amount of premium which would have been payable had that change been made prior to the commencement of that policy, and by dividing that difference by a number equivalent to the number of months (including any part of a month) for which the existing policy is expressed to be effective.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

4. Where a third-party policy relates to a motor vehicle which is comprised in 2 or more classifications in the Table in this Schedule, the maximum premium to be charged in respect of the policy shall be the highest maximum premium prescribed by this Schedule for any of those classifications.

TABLE

Class of Vehicle	Vehicle usually garaged—		
	In Metropolitan and Wollongong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
1. <i>Motor Car.</i> Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive	104.00	90.50	90.50
2. <i>Omnibus Type Car.</i> Any motor car which has seating accommodation for 8 or more adults (exclusive of the driver) not included in Class 6 and not used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution	208.50	163.00	119.00
3. <i>Goods Vehicle.</i> Any motor vehicle, not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods—			
(a) where the unladen weight does not exceed 2 tonnes	113.00	82.50	72.50
(b) where the unladen weight exceeds 2 tonnes	210.50	109.00	132.00

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5	Class of Vehicle	Vehicle usually garaged—		
		10 15 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
		\$	\$	\$
No.				
20	5. <i>Primary Producer's Vehicle.</i> Any primary producer's vehicle (except a motor car) not included in Class 16 or 17—			
	(a) where the unladen weight does not exceed 2 tonnes	75.50	53.50	37.50
25	(b) where the unladen weight exceeds 2 tonnes	76.50	76.50	19.00
	6. <i>Omnibus or Tourist Vehicle.</i> (Including Service Car). Any motor car in respect of which payment is received for the conveyance of passengers and which is authorised to convey those passengers on a specified route only or to tourist resorts or on sight-seeing tours only—			
30	(a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver)	328.50	272.00	88.00
40	(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver)	208.50	163.00	119.00
45	(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver)	104.00	90.50	90.50
50	7. <i>Taxi-cab.</i> Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire . .	716.50	382.50	150.50

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5	Class of Vehicle	Vehicle usually garaged—		
		10 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
15				
		\$	\$	\$
No.				
20	8. <i>Private Hire Car.</i> Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire	261.00	90.50	90.50
25	9. <i>Drive-Yourself Vehicle.</i> Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire	251.50	218.00	119.00
30	10. <i>Motor Cycle and Similar Vehicle.</i> Any motor vehicle not included in Class 11, 12 or 15—			
35	(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels	104.00	90.50	90.50
40	(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels	56.50	53.50	30.00
45	(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels	30.00	13.50	7.50
	11. <i>Police Vehicle.</i> Any motor vehicle owned by the Commissioner of Police	114.00	114.00	114.00

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5	Class of Vehicle	Vehicle usually garaged—		
		10 15 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
		\$	\$	\$
No.				
20	12. <i>Fire Brigade Vehicle.</i> (a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales	261.00	180.50	180.50
25	(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operations only ..	2.00	2.00	2.00
30	13. <i>Ambulance Vehicle.</i> Any motor vehicle constructed and used for the conveyance of sick or injured persons	157.00	108.00	60.50
35	14. <i>Undertaker's Vehicle.</i> Any motor vehicle used solely— (a) as an undertaker's hearse ..	16.00	16.00	11.00
	(b) as an undertaker's mourning coach	32.50	32.50	21.00
40	15. <i>Motor Trade Vehicles.</i> (a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed	28.00	28.00	28.00
	(b) Motor cycles to which a trader's plate is affixed	20.00	16.00	11.00
	(c) Tow-trucks	152.00	53.50	36.50
	(d) Trailer, including caravan trailer, to which a trader's plate is affixed	20.00	16.00	11.00
45	16. <i>Trailer.</i> Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer	2.00	2.00	2.00
50				

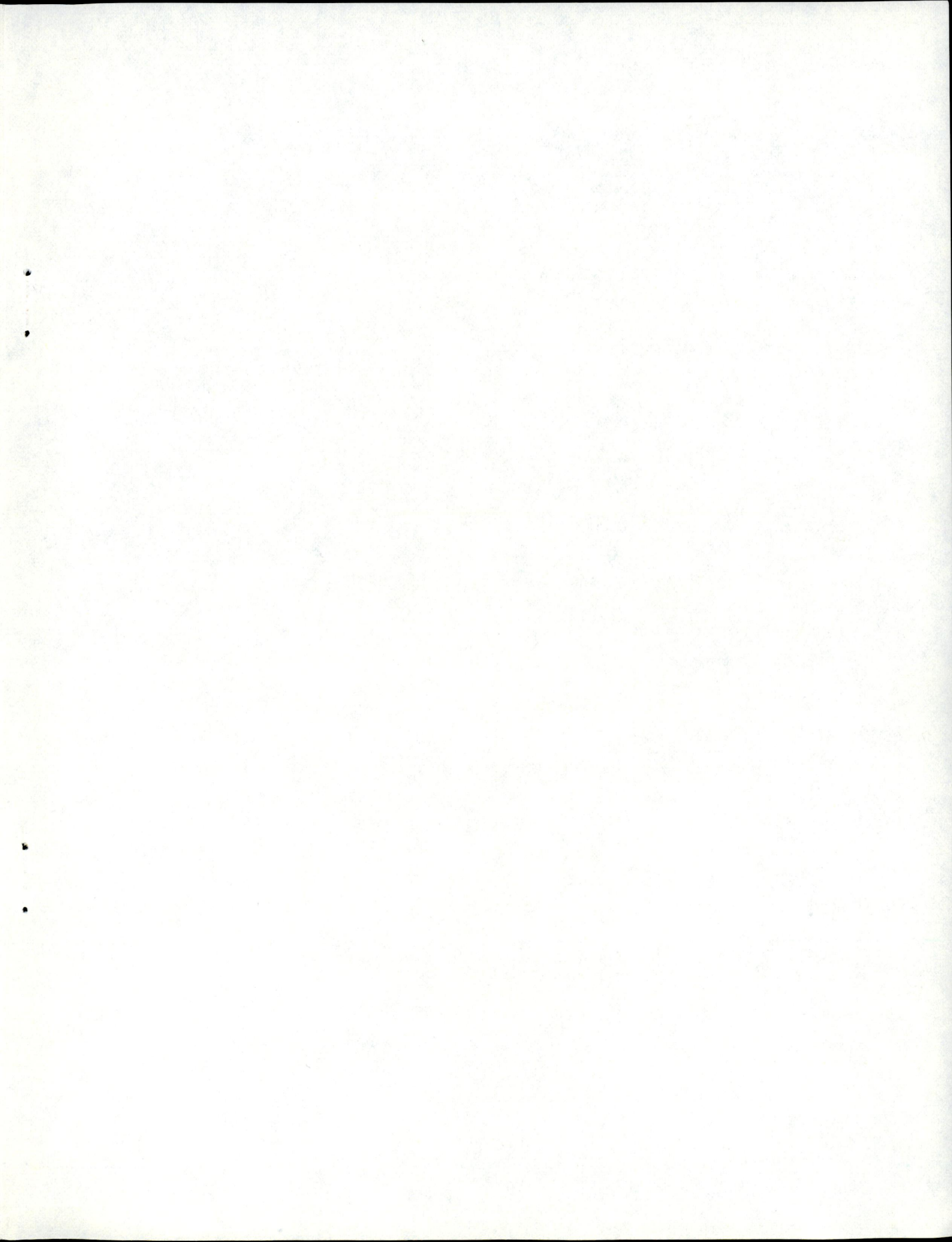
SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5 10 15	Class of Vehicle	Vehicle usually garaged—		
		In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
		\$	\$	\$
20	No. 16A. <i>Mobile Crane.</i> Any mobile crane (not being a tow-truck)	263.50	209.50	145.50
25	17. <i>Miscellaneous.</i> Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 16A and which comprises—			
30	(a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earthmoving equipment or other machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespec- tive of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis	79.00	75.50	34.00
35	(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agri- cultural or farming purposes	15.00	11.00	5.00
40	(c) any invalid chair	2.00	2.00	2.00

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[24c]



PROOF

**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT BILL, 1977**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to provide that the amount estimated by the Minister for Health and published in the Government Gazette as the average cost to each particular public hospital (including any separate institution) for providing out-patient treatment is payable for each separate out-patient treatment of victims of motor vehicle accidents (Schedule 1 (3), (4) and (5));
 - (b) to extend the definition of "Public Hospital" in section 24 of the Motor Vehicles (Third Party Insurance) Act, 1942, so that it includes hospitals operated by the Health Commission of New South Wales (Schedule 1 (3));
 - (c) to provide that the existing maximum premiums that may be charged in respect of compulsory third-party insurance policies may be adjusted on 1st January each year according to the percentage movement over the 12 months ending on 30th September in the previous year in the All Groups Consumer Price Index for Sydney (Schedule 1 (6) and (7)); and
 - (d) to make certain amendments of a minor, ancillary or consequential nature or by way of statute law revision.
-

FLOOR

MINION VENTURES TRUST PARTY FINANCED
INVESTMENT BILL, 1937

EXPLANATORY NOTE

(The following is a summary of the Bill as introduced into Parliament)

The Bill is intended to provide for the establishment of a trust for the purpose of financing the investment of the proceeds of the sale of the property of the Minion Ventures Trust. The Bill provides for the appointment of a trustee to hold the property on behalf of the trust and to manage the same in accordance with the directions of the court. The Bill also provides for the appointment of a receiver to receive the proceeds of the sale of the property and to distribute the same to the beneficiaries of the trust.

The Bill is intended to provide for the establishment of a trust for the purpose of financing the investment of the proceeds of the sale of the property of the Minion Ventures Trust. The Bill provides for the appointment of a trustee to hold the property on behalf of the trust and to manage the same in accordance with the directions of the court. The Bill also provides for the appointment of a receiver to receive the proceeds of the sale of the property and to distribute the same to the beneficiaries of the trust.

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The Bill is intended to provide for the establishment of a trust for the purpose of financing the investment of the proceeds of the sale of the property of the Minion Ventures Trust. The Bill provides for the appointment of a trustee to hold the property on behalf of the trust and to manage the same in accordance with the directions of the court. The Bill also provides for the appointment of a receiver to receive the proceeds of the sale of the property and to distribute the same to the beneficiaries of the trust.

PROOF

**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT BILL, 1977**

No. , 1977.

A BILL FOR

An Act to amend the Motor Vehicles (Third Party Insurance) Act, 1942, to provide for the automatic annual adjustment of the maximum amounts of premiums to be charged in respect of third-party insurance policies and to clarify the amounts payable to or recoverable by public hospitals and certain institutions for treatment of out-patients.

[Mr Cox—17 November, 1977.]

BE

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 :—

5 **1.** This Act may be cited as the “Motor Vehicles (Third Party Insurance) Amendment Act, 1977”. Short title.

2. The Motor Vehicles (Third Party Insurance) Act, 1942, is amended in the manner set forth in Schedule 1. Amendment of Act No. 15, 1942.

3. (1) Subject to this section, the notification published Amendment of notification.
10 in Gazette No. 32 of 1st April, 1977, and made pursuant to section 25 (1) of the Motor Vehicles (Third Party Insurance) Act, 1942, shall, as from the commencement of this Act, be deemed—

15 (a) to be amended by omitting the words “attendance for” and by inserting instead the word “separate”; and

 (b) as so amended, to have been made pursuant to section 25 (1) of that Act, as amended by this Act.

20 (2) Nothing in subsection (1) applies to or in respect of the notification referred to in that subsection, in so far as that notification was made pursuant to the Workers' Compensation Act, 1926.

Motor Vehicles (Third Party Insurance) Amendment.

4. Notwithstanding anything contained in this Act, section 33 of the Motor Vehicles (Third Party Insurance) Act, 1942, and the regulations made under that section, as in force immediately before the commencement of this Act, shall continue to apply to and in respect of any third-party policy which is expressed to commence before 1st January, 1978.

Maximum amount of premiums for third-party policies before 1978.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942.

(1) Section 5 (1), definition of "Commissioner"—

Omit "for Road Transport and Tramways", insert instead "for Motor Transport".

(2) Section 6 (1)—

Omit "Department of Road Transport and Tramways", insert instead "Department of Motor Transport".

(3) (a) Section 24, definitions of "Hospital", "Massage treatment" and "Medical treatment"—

Omit "an incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts" wherever occurring, insert instead "a public hospital".

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 24, definition of “Public hospital”—

5 Omit the definition, insert instead :—

“Public hospital” means a hospital mentioned
in the Second or Fifth Schedule to the
Public Hospitals Act, 1929, or a separate
institution mentioned in the Third
10 Schedule to that Act.

(c) Section 24 (2)—

At the end of section 24, insert :—

(2) Where, at a public hospital, a person
receives, as an out-patient, treatments of different
15 kinds or at different places, each treatment shall,
for the purposes of sections 25 (1) (b) and 26
(1) (b), be counted as a separate treatment.

(4) (a) Section 25 (1) (b)—

20 Omit “attendance for treatment by”, insert
instead “separate treatment of”.

(b) Section 25 (1) (b)—

Omit “attendance for” where secondly occurring,
insert instead “separate”.

(5) (a) Section 26 (1) (b)—

25 Omit “attendance for treatment by”, insert
instead “separate treatment of”.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 26 (1) (b)—

5 Omit “attendance for” where secondly occurring,
insert instead “separate”.

(6) Sections 33, 33A–33E—

Omit section 33, insert instead :—

33. (1) In this Part—

Interpre-
tation:
Pt. III.

10 “adjustment percentage”, in relation to a year,
means (subject to sections 33A (2) and 33E
(3)) the percentage for that year,
calculated in accordance with section 33A;

15 “Index number”, in relation to a September
quarter, means the number for that Sep-
tember quarter appearing in the Consumer
Price Index (All Groups Index) for Sydney
published by the Australian Statistician
20 under the provisions of any Act of the
Parliament of the Commonwealth;

“maximum premium”, in relation to a third-party
policy, means the maximum amount of
premium to be charged in respect of that
policy under section 33B (1);

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 “September quarter”, in relation to a year, means the period commencing on and including 1st July in that year and ending on and including 30th September in that year;

“year” means—

10 (a) the period commencing on and including 1st January, 1979, and ending on and including 31st December, 1979; or

15 (b) a subsequent period commencing on and including 1st January and ending on and including the next following 31st December.

(2) Where a maximum premium is to be adjusted under section 33c by reference to the adjustment percentage for a year, a reference (however expressed) in this Part to adjusting the maximum premium is a reference to—

20 (a) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (a)—increasing the maximum premium; or

25 (b) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (b)—reducing the maximum premium.

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 33A (1) For the purposes of the definition of Calculation
 “adjustment percentage” in section 33 (1), the ^{of} adjustment
 percentage for a year shall be calculated— percentage.

10 (a) if the Index number for the September
 quarter in that year is greater than the Index
 number for the immediately preceding Sep-
 tember quarter—in accordance with the
 following formula :—

$$P = \frac{100 (A - B)}{B}$$

15 (b) if the Index number for the September
 quarter in that year is less than the Index
 number for the immediately preceding Sep-
 tember quarter—in accordance with the
 following formula :—

20
$$P = \frac{100 (B - A)}{B}$$

where—

P is the percentage to be obtained;

25 A is the Index number for the September quarter
 in that year; and

B is the Index number for the immediately
 preceding September quarter.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(2) Where—

- 5 (a) the percentage calculated for a year in
accordance with this section is less than 1.0
per centum; or
- (b) the Index number for the September quarter
10 in that year is the same as the Index number
for the immediately preceding September
quarter,

there shall be deemed to be no adjustment percentage
for that year.

- 15 (3) Where pursuant to subsection (2) there
is deemed to be no adjustment percentage for a year,
then, for the purposes of calculating the adjustment
percentage for the next year—

- 20 (a) the Index number for the September quarter
in the firstmentioned year shall be deemed
not to have been published; and
- (b) the Index number for that quarter shall be
deemed to be the same as the Index number
for the September quarter in the last year
25 for which there was an adjustment
percentage.

(4) If at any time, whether before or after
the commencement of this section, the Australian
Statistician has published in respect of a particular

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 September quarter an Index number in substitution
for an Index number previously published by him in
respect of that quarter—

- (a) except as provided in paragraph (b)—the
publication of the later Index number shall
be disregarded; or
- 10 (b) if the Minister so directs—regard shall,
after the direction is given, be had to the
later and not to the earlier Index number,
for the purposes of this section.

(5) Notwithstanding subsection (4), if at
15 any time after the commencement of this section the
Australian Statistician changes the reference base for
the Consumer Price Index (All Groups Index) for
Sydney, then, for the purposes of the application of
this section after the change takes place, regard shall
20 be had only to Index numbers published in terms of
the new reference base.

(6) Where a percentage that is to be calcu-
lated under this section is or includes a fraction of
one-tenth of one per centum—

- 25 (a) if that fraction is less than one-half of one-
tenth—that fraction shall be disregarded;
and
- (b) if that fraction is not less than one-half of
one-tenth—that fraction shall be treated as
30 one-tenth.

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 33B. (1) The maximum amount of premium to ^{Maximum} be charged in respect of a third-party policy that is ^{amount of} expressed to commence on or after 1st January, 1978, shall be the amount of premium prescribed in Schedule 1, as adjusted from time to time under section 33C, in respect of third-party policies of the kind to which ^{premium.} that third-party policy belongs.

10

(2) An authorised insurer is guilty of an offence against this Act if he demands, charges or accepts in respect of any third-party policy any amount of premium greater than—

- 15 (a) the appropriate maximum premium;
- (b) where an order has been made pursuant to section 13, the amount of premium specified in the order or the appropriate maximum premium and the additional amount specified in the order, as the case may be;
- 20 or
- (c) where the policy relates to a motor vehicle which is constructed principally for the conveyance of goods and which is, by a permit under the State Transport (Co-
- 25 ordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this
- 30 paragraph.

33C. (1) Subject to this Part, where there is an ^{Adjustment} adjustment percentage for a year, the maximum ^{of} amount of premium to be charged in respect of a ^{maximum} premium.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 third-party policy that is expressed to commence on or after 1st January in the following year is hereby adjusted, on and from that date, by that percentage.

(2) Where a maximum premium that is adjusted under subsection (1) is or includes, after it is so adjusted, a number of cents—

10 (a) which is less than 25—that number of cents shall be disregarded;

(b) which is more than 24 but less than 75—that number of cents shall be treated as 50 cents; or

15 (c) which is more than 74 but less than 99—that number of cents shall be treated as 100 cents.

20 33D. Where there is an adjustment percentage for a year, the General Manager of the Government Insurance Office shall, before the end of that year, publish in the Gazette a copy of Schedule 1, containing such alterations as may be necessary as a consequence of the adjustment of maximum premiums to be charged in respect of third-party policies that are expressed to commence on or after 1st January in the following year.

General Manager of G.I.O. to publicise adjustments.

25 33E. (1) The Governor may, by regulation, substitute or amend Schedule 1.

Maximum premiums may be altered by regulation.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 (2) Where Schedule 1 is substituted or amended by a regulation made pursuant to subsection (1), that Schedule as so substituted or amended applies in respect of third-party policies that are expressed to commence on or after the date on which the regulation takes effect.

10 (3) Where—

(a) a regulation made pursuant to subsection (1) takes effect on 1st January in any year, there shall be deemed to be no adjustment percentage for the previous year unless the regulation otherwise provides; and

15 (b) there is, pursuant to paragraph (a), no adjustment percentage for any year, section 33A (3) shall not apply as a consequence of there being no such adjustment percentage.

20 (7) Schedule 1—

At the end of the Act, insert :—

SCHEDULE 1.

Sec. 33B.

MAXIMUM PREMIUMS.

1. (1) In this Schedule—

Interpre-
tation.

25 “implement trailer” means a trailer which is exempt from registration and which comprises a plough, rotary hoe, cultivator or road roller, or fire fighting apparatus or other machinery or apparatus, and is not
30 constructed principally for the conveyance of persons or goods;

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 “Metropolitan Premium District” means the
County of Cumberland (excluding any
portion of the City of Greater Wollongong)
and the Parish of Cowan in the County of
Northumberland;

10 “motor car” means any motor vehicle constructed
principally for the conveyance of persons
and includes a self-propelled caravan;

“Newcastle Premium District” means the
Newcastle and District Transport District
established under the Transport Act, 1930;

15 “primary producer” means any person who culti-
vates or uses his own land or that of another
for his own benefit—

20 (a) for the production of fruit, grain,
flowers, vegetables, tobacco or farm
or agricultural produce of any
description;

(b) for dairy farming, poultry or other
bird farming, pig farming, bee-
keeping or oyster culture;

25 (c) as a nurseryman; or

(d) as a pastoralist for the rearing or
grazing of horses, cattle or sheep,

or who gathers leaves from which
eucalyptus or other oil is to be distilled;

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 “primary producer’s vehicle” means any motor vehicle (not being a motor vehicle which is used or let for hire)—

(a) which is owned by a primary producer and is used solely or principally—

10 (i) for carting primary products produced by him or materials, provisions or commodities of any kind for use in his business or occupation as a primary producer or in his household; or

15 (ii) for purposes connected with the clearing of land to be cultivated or used by him for primary production; or

20 (b) which is owned by a rural society formed under the Co-operation Act, 1923, where—

25 (i) at least 75 per centum of the shares in the society are held by primary producers; and

30 (ii) the vehicle is used solely or principally for carting primary products produced by primary producers who are members of the society, or materials, provisions or commodities of any kind for use

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

5 in their businesses or occu-
pations as primary producers
or in their households, or for
carting primary products
10 produced by the society or
acquired by it from primary
producers who are members
of the society, or for pur-
poses connected with the
clearing of land to be culti-
vated or used by members of
15 the society for primary
production;

“tow-truck” means a motor lorry used for
towing broken down or damaged vehicles
and which comprises or has permanently
20 affixed thereto a crane or similar apparatus
for lifting a vehicle partially clear of the
ground and is equipped to maintain it in
such a position while towing it;

“unladen weight” does not include the weight
25 of any equipment affixed to a motor vehicle
for the purposes of enabling the vehicle
to be propelled by a type of fuel which the
vehicle was not primarily designed to use,
and, in the case of a motor vehicle
30 propelled by electricity, does not include
the weight of any electric batteries affixed
to the vehicle;

“Wollongong Premium District” means the City
of Greater Wollongong.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) For the purposes of this Schedule—

- 5 (a) a semi-trailer which is comprised in the registration of an articulated vehicle shall be deemed to be a part of the articulated vehicle, and not to be a trailer; and
- 10 (b) a semi-trailer which is not comprised in the registration of an articulated vehicle shall be deemed to be a trailer.

2. (1) The maximum amount of premium to be charged in respect of a third-party policy shall be— Premiums for yearly and other policies.

- 15 (a) where the policy is expressed to be effective for a period of one year—the amount specified, in the Table in this Schedule, for the classification in which the motor vehicle is comprised on the date on which the policy is expressed to
- 20 commence; or
- 25 (b) where the policy is expressed to be effective for any other period—an amount calculated at the rate of one-twelfth of the amount referred to in paragraph (a) for each month or part of a month in that period.

(2) Where the amount calculated pursuant to subclause (1) (b) includes a number of cents that is not a multiple of 5, that number of cents shall be adjusted to the nearest 5 cents unless that number is

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

5 exactly intermediate between multiples of 5 when it shall be adjusted to the multiple of 5 next above, 2½ cents being regarded as 5 cents.

10 3. (1) Where, during the period for which a third-party policy is expressed to be effective, a change is made in the construction, use or ownership of the motor vehicle or in the place at which it is usually garaged or otherwise, and the change is of such a nature that an increased amount of premium could be charged if a new third-party policy were issued in relation to the motor vehicle, the maximum amount of premium to be charged in respect of the existing policy is, on and from the date of the change, increased by an amount calculated in accordance with subclause (2).

Changes which increase maximum premium.

20 (2) The amount of the increase is the sum ascertained by adding together the proportionate amount for each month or part of a month in that portion of the period during which the change is effective, that proportionate amount to be calculated by taking the difference between the maximum amount of premium to be charged in respect of the existing policy at the commencement of the policy and the maximum amount of premium which would have been payable had that change been made prior to the commencement of that policy, and by dividing that difference by a number equivalent to the number of months (including any part of a month) for which the existing policy is expressed to be effective.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

4. Where a third-party policy relates to a motor vehicle which is comprised in 2 or more classifications in the Table in this Schedule, the maximum premium to be charged in respect of the policy shall be the highest maximum premium prescribed by this Schedule for any of those classifications.

10

TABLE

Class of Vehicle	Vehicle usually garaged—		
	In Metropolitan and Wollongong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No. 1. <i>Motor Car.</i> Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive	104.00	90.50	90.50
2. <i>Omnibus Type Car.</i> Any motor car which has seating accommodation for 8 or more adults (exclusive of the driver) not included in Class 6 and not used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution	208.50	163.00	119.00
3. <i>Goods Vehicle.</i> Any motor vehicle, not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods—			
(a) where the unladen weight does not exceed 2 tonnes	113.00	82.50	72.50
(b) where the unladen weight exceeds 2 tonnes	210.50	109.00	132.00

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5	Class of Vehicle	Vehicle usually garaged—		
		10 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
15		\$	\$	\$
No.				
20	5. <i>Primary Producer's Vehicle.</i> Any primary producer's vehicle (except a motor car) not included in Class 16 or 17—			
	(a) where the unladen weight does not exceed 2 tonnes	75.50	53.50	37.50
25	(b) where the unladen weight exceeds 2 tonnes	76.50	76.50	19.00
30	6. <i>Omnibus or Tourist Vehicle.</i> (Including Service Car). Any motor car in respect of which payment is received for the conveyance of passengers and which is authorised to convey those passengers on a specified route only or to tourist resorts or on sight-seeing tours only—			
35	(a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver)	328.50	272.00	88.00
40	(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver)	208.50	163.00	119.00
45	(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver)	104.00	90.50	90.50
50	7. <i>Taxi-cab.</i> Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire . . .	716.50	382.50	150.50

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5	Class of Vehicle	Vehicle usually garaged—		
		10 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
15		\$	\$	\$
No.				
20	8. <i>Private Hire Car.</i> Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire	261.00	90.50	90.50
25	9. <i>Drive-Yourself Vehicle.</i> Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire	251.50	218.00	119.00
30	10. <i>Motor Cycle and Similar Vehicle.</i> Any motor vehicle not included in Class 11, 12 or 15—			
35	(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels	104.00	90.50	90.50
40	(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels	56.50	53.50	30.00
45	(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels	30.00	13.50	7.50
	11. <i>Police Vehicle.</i> Any motor vehicle owned by the Commissioner of Police	114.00	114.00	114.00

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5	Class of Vehicle	Vehicle usually garaged—		
		10 In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
15		\$	\$	\$
No.				
12.	<i>Fire Brigade Vehicle.</i>			
20	(a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales	261.00	180.50	180.50
25	(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operations only	2.00	2.00	2.00
13.	<i>Ambulance Vehicle.</i> Any motor vehicle constructed and used for the conveyance of sick or injured persons	157.00	108.00	60.50
14.	<i>Undertaker's Vehicle.</i> Any motor vehicle used solely—			
	(a) as an undertaker's hearse	16.00	16.00	11.00
35	(b) as an undertaker's mourning coach	32.50	32.50	21.00
15.	<i>Motor Trade Vehicles.</i>			
	(a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed	28.00	28.00	28.00
40	(b) Motor cycles to which a trader's plate is affixed	20.00	16.00	11.00
	(c) Tow-trucks	152.00	53.50	36.50
	(d) Trailer, including caravan trailer, to which a trader's plate is affixed	20.00	16.00	11.00
45	16. <i>Trailer.</i> Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer	2.00	2.00	2.00
50				

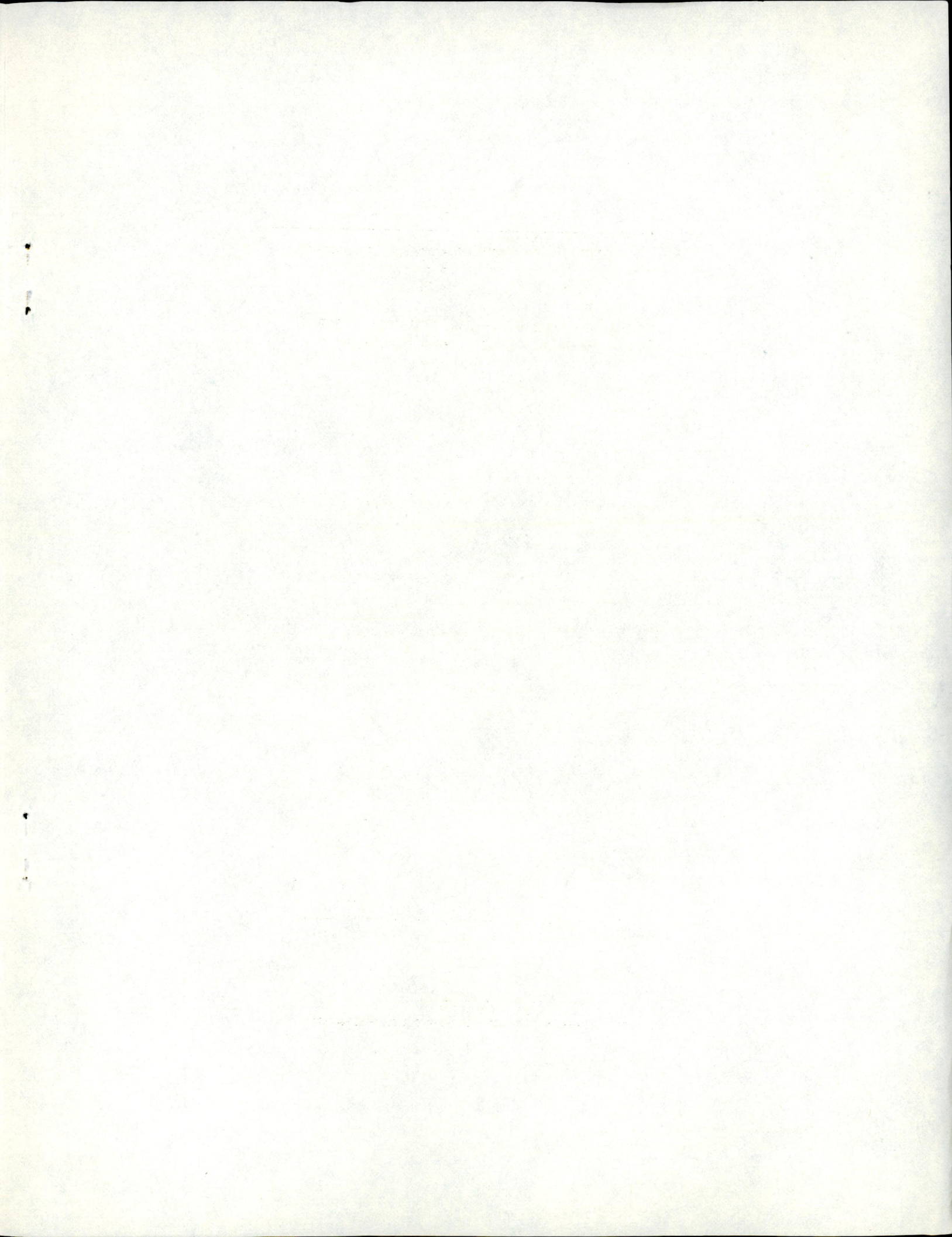
SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

5	10	15	Vehicle usually garaged—		
			In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
			\$	\$	\$
No.					
20	16A.		263.50	209.50	145.50
25	17.				
30					
35			79.00	75.50	34.00
40			15.00	11.00	5.00
			2.00	2.00	2.00

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977



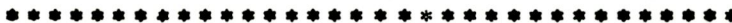
**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ



Act No. 113, 1977.

An Act to amend the Motor Vehicles (Third Party Insurance) Act, 1942, to provide for the automatic annual adjustment of the maximum amounts of premiums to be charged in respect of third-party insurance policies and to clarify the amounts payable to or recoverable by public hospitals and certain institutions for treatment of out-patients. [Assented to, 2nd December, 1977.]

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. **1.** This Act may be cited as the "Motor Vehicles (Third Party Insurance) Amendment Act, 1977".

Amendment of Act No. 15, 1942. **2.** The Motor Vehicles (Third Party Insurance) Act, 1942, is amended in the manner set forth in Schedule 1.

Amendment of notification. **3.** (1) Subject to this section, the notification published in Gazette No. 32 of 1st April, 1977, and made pursuant to section 25 (1) of the Motor Vehicles (Third Party Insurance) Act, 1942, shall, as from the commencement of this Act, be deemed—

- (a) to be amended by omitting the words "attendance for" and by inserting instead the word "separate"; and
- (b) as so amended, to have been made pursuant to section 25 (1) of that Act, as amended by this Act.

(2) Nothing in subsection (1) applies to or in respect of the notification referred to in that subsection, in so far as that notification was made pursuant to the Workers' Compensation Act, 1926.

Motor Vehicles (Third Party Insurance) Amendment.

4. Notwithstanding anything contained in this Act, section 33 of the Motor Vehicles (Third Party Insurance) Act, 1942, and the regulations made under that section, as in force immediately before the commencement of this Act, shall continue to apply to and in respect of any third-party policy which is expressed to commence before 1st January, 1978.

Maximum amount of premiums for third-party policies before 1978.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942.

(1) Section 5 (1), definition of "Commissioner"—

Omit "for Road Transport and Tramways", insert instead "for Motor Transport".

(2) Section 6 (1)—

Omit "Department of Road Transport and Tramways", insert instead "Department of Motor Transport".

(3) (a) Section 24, definitions of "Hospital", "Massage treatment" and "Medical treatment"—

Omit "an incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts" wherever occurring, insert instead "a public hospital".

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 24, definition of “Public hospital”—

Omit the definition, insert instead :—

“Public hospital” means a hospital mentioned in the Second or Fifth Schedule to the Public Hospitals Act, 1929, or a separate institution mentioned in the Third Schedule to that Act.

(c) Section 24 (2)—

At the end of section 24, insert :—

(2) Where, at a public hospital, a person receives, as an out-patient, treatments of different kinds or at different places, each treatment shall, for the purposes of sections 25 (1) (b) and 26 (1) (b), be counted as a separate treatment.

(4) (a) Section 25 (1) (b)—

Omit “attendance for treatment by”, insert instead “separate treatment of”.

(b) Section 25 (1) (b)—

Omit “attendance for” where secondly occurring, insert instead “separate”.

(5) (a) Section 26 (1) (b)—

Omit “attendance for treatment by”, insert instead “separate treatment of”.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 26 (1) (b)—

Omit “attendance for” where secondly occurring,
insert instead “separate”.

(6) Sections 33, 33A–33E—

Omit section 33, insert instead :—

33. (1) In this Part—

Interpre-
tation:
Pt. III.

“adjustment percentage”, in relation to a year,
means (subject to sections 33A (2) and 33E
(3)) the percentage for that year,
calculated in accordance with section 33A;

“Index number”, in relation to a September
quarter, means the number for that Sep-
tember quarter appearing in the Consumer
Price Index (All Groups Index) for Sydney
published by the Australian Statistician
under the provisions of any Act of the
Parliament of the Commonwealth;

“maximum premium”, in relation to a third-party
policy, means the maximum amount of
premium to be charged in respect of that
policy under section 33B (1);

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

“September quarter”, in relation to a year, means the period commencing on and including 1st July in that year and ending on and including 30th September in that year;

“year” means—

- (a) the period commencing on and including 1st January, 1979, and ending on and including 31st December, 1979; or
- (b) a subsequent period commencing on and including 1st January and ending on and including the next following 31st December.

(2) Where a maximum premium is to be adjusted under section 33C by reference to the adjustment percentage for a year, a reference (however expressed) in this Part to adjusting the maximum premium is a reference to—

- (a) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (a)—increasing the maximum premium; or
- (b) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (b)—reducing the maximum premium.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

33A (1) For the purposes of the definition of “adjustment percentage” in section 33 (1), the percentage for a year shall be calculated—

Calculation of adjustment percentage.

- (a) if the Index number for the September quarter in that year is greater than the Index number for the immediately preceding September quarter—in accordance with the following formula :—

$$P = \frac{100 (A - B)}{B}$$

- (b) if the Index number for the September quarter in that year is less than the Index number for the immediately preceding September quarter—in accordance with the following formula :—

$$P = \frac{100 (B - A)}{B}$$

where—

P is the percentage to be obtained;

A is the Index number for the September quarter in that year; and

B is the Index number for the immediately preceding September quarter.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum; or
- (b) the Index number for the September quarter in that year is the same as the Index number for the immediately preceding September quarter,

there shall be deemed to be no adjustment percentage for that year.

(3) Where pursuant to subsection (2) there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the adjustment percentage for the next year—

- (a) the Index number for the September quarter in the firstmentioned year shall be deemed not to have been published; and
- (b) the Index number for that quarter shall be deemed to be the same as the Index number for the September quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after the commencement of this section, the Australian Statistician has published in respect of a particular

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

September quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

- (a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or
- (b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number,

for the purposes of this section.

(5) Notwithstanding subsection (4), if at any time after the commencement of this section the Australian Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this section after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

(6) Where a percentage that is to be calculated under this section is or includes a fraction of one-tenth of one per centum—

- (a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and
- (b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

Maximum amount of premium.

33B. (1) The maximum amount of premium to be charged in respect of a third-party policy that is expressed to commence on or after 1st January, 1978, shall be the amount of premium prescribed in Schedule 1, as adjusted from time to time under section 33C, in respect of third-party policies of the kind to which that third-party policy belongs.

(2) An authorised insurer is guilty of an offence against this Act if he demands, charges or accepts in respect of any third-party policy any amount of premium greater than—

- (a) the appropriate maximum premium;
- (b) where an order has been made pursuant to section 13, the amount of premium specified in the order or the appropriate maximum premium and the additional amount specified in the order, as the case may be; or
- (c) where the policy relates to a motor vehicle which is constructed principally for the conveyance of goods and which is, by a permit under the State Transport (Co-ordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.

Adjustment of maximum premium.

33C. (1) Subject to this Part, where there is an adjustment percentage for a year, the maximum amount of premium to be charged in respect of a

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

third-party policy that is expressed to commence on or after 1st January in the following year is hereby adjusted, on and from that date, by that percentage.

(2) Where a maximum premium that is adjusted under subsection (1) is or includes, after it is so adjusted, a number of cents—

- (a) which is less than 25—that number of cents shall be disregarded;
- (b) which is more than 24 but less than 75—that number of cents shall be treated as 50 cents; or
- (c) which is more than 74 but less than 99—that number of cents shall be treated as 100 cents.

33D. Where there is an adjustment percentage for a year, the General Manager of the Government Insurance Office shall, before the end of that year, publish in the Gazette a copy of Schedule 1, containing such alterations as may be necessary as a consequence of the adjustment of maximum premiums to be charged in respect of third-party policies that are expressed to commence on or after 1st January in the following year.

General
Manager of
G.I.O. to
publicise
adjustments.

33E. (1) The Governor may, by regulation, substitute or amend Schedule 1.

Maximum
premiums
may be
altered by
regulation.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) Where Schedule 1 is substituted or amended by a regulation made pursuant to subsection (1), that Schedule as so substituted or amended applies in respect of third-party policies that are expressed to commence on or after the date on which the regulation takes effect.

(3) Where—

- (a) a regulation made pursuant to subsection (1) takes effect on 1st January in any year, there shall be deemed to be no adjustment percentage for the previous year unless the regulation otherwise provides; and
- (b) there is, pursuant to paragraph (a), no adjustment percentage for any year, section 33A (3) shall not apply as a consequence of there being no such adjustment percentage.

(7) Schedule 1—

At the end of the Act, insert :—

Sec. 33B.

SCHEDULE 1.

MAXIMUM PREMIUMS.

Interpre-
tation.

1. (1) In this Schedule—

“implement trailer” means a trailer which is exempt from registration and which comprises a plough, rotary hoe, cultivator or road roller, or fire fighting apparatus or other machinery or apparatus, and is not constructed principally for the conveyance of persons or goods;

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

“Metropolitan Premium District” means the County of Cumberland (excluding any portion of the City of Greater Wollongong) and the Parish of Cowan in the County of Northumberland;

“motor car” means any motor vehicle constructed principally for the conveyance of persons and includes a self-propelled caravan;

“Newcastle Premium District” means the Newcastle and District Transport District established under the Transport Act, 1930;

“primary producer” means any person who cultivates or uses his own land or that of another for his own benefit—

- (a) for the production of fruit, grain, flowers, vegetables, tobacco or farm or agricultural produce of any description;
- (b) for dairy farming, poultry or other bird farming, pig farming, bee-keeping or oyster culture;
- (c) as a nurseryman; or
- (d) as a pastoralist for the rearing or grazing of horses, cattle or sheep,

or who gathers leaves from which eucalyptus or other oil is to be distilled;

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

“primary producer’s vehicle” means any motor vehicle (not being a motor vehicle which is used or let for hire)—

(a) which is owned by a primary producer and is used solely or principally—

- (i) for carting primary products produced by him or materials, provisions or commodities of any kind for use in his business or occupation as a primary producer or in his household; or
- (ii) for purposes connected with the clearing of land to be cultivated or used by him for primary production; or

(b) which is owned by a rural society formed under the Co-operation Act, 1923, where—

- (i) at least 75 per centum of the shares in the society are held by primary producers; and
- (ii) the vehicle is used solely or principally for carting primary products produced by primary producers who are members of the society, or materials, provisions or commodities of any kind for use

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

in their businesses or occupations as primary producers or in their households, or for carting primary products produced by the society or acquired by it from primary producers who are members of the society, or for purposes connected with the clearing of land to be cultivated or used by members of the society for primary production;

“tow-truck” means a motor lorry used for towing broken down or damaged vehicles and which comprises or has permanently affixed thereto a crane or similar apparatus for lifting a vehicle partially clear of the ground and is equipped to maintain it in such a position while towing it;

“unladen weight” does not include the weight of any equipment affixed to a motor vehicle for the purposes of enabling the vehicle to be propelled by a type of fuel which the vehicle was not primarily designed to use, and, in the case of a motor vehicle propelled by electricity, does not include the weight of any electric batteries affixed to the vehicle;

“Wollongong Premium District” means the City of Greater Wollongong.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) For the purposes of this Schedule—

- (a) a semi-trailer which is comprised in the registration of an articulated vehicle shall be deemed to be a part of the articulated vehicle, and not to be a trailer; and
- (b) a semi-trailer which is not comprised in the registration of an articulated vehicle shall be deemed to be a trailer.

Premiums
for yearly
and other
policies.

2. (1) The maximum amount of premium to be charged in respect of a third-party policy shall be—

- (a) where the policy is expressed to be effective for a period of one year—the amount specified, in the Table in this Schedule, for the classification in which the motor vehicle is comprised on the date on which the policy is expressed to commence; or
- (b) where the policy is expressed to be effective for any other period—an amount calculated at the rate of one-twelfth of the amount referred to in paragraph (a) for each month or part of a month in that period.

(2) Where the amount calculated pursuant to subclause (1) (b) includes a number of cents that is not a multiple of 5, that number of cents shall be adjusted to the nearest 5 cents unless that number is

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

exactly intermediate between multiples of 5 when it shall be adjusted to the multiple of 5 next above, $2\frac{1}{2}$ cents being regarded as 5 cents.

3. (1) Where, during the period for which a third-party policy is expressed to be effective, a change is made in the construction, use or ownership of the motor vehicle or in the place at which it is usually garaged or otherwise, and the change is of such a nature that an increased amount of premium could be charged if a new third-party policy were issued in relation to the motor vehicle, the maximum amount of premium to be charged in respect of the existing policy is, on and from the date of the change, increased by an amount calculated in accordance with subclause (2).

Changes
which
increase
maximum
premium.

(2) The amount of the increase is the sum ascertained by adding together the proportionate amount for each month or part of a month in that portion of the period during which the change is effective, that proportionate amount to be calculated by taking the difference between the maximum amount of premium to be charged in respect of the existing policy at the commencement of the policy and the maximum amount of premium which would have been payable had that change been made prior to the commencement of that policy, and by dividing that difference by a number equivalent to the number of months (including any part of a month) for which the existing policy is expressed to be effective.

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

Motor vehicle in 2 or more classifications.

4. Where a third-party policy relates to a motor vehicle which is comprised in 2 or more classifications in the Table in this Schedule, the maximum premium to be charged in respect of the policy shall be the highest maximum premium prescribed by this Schedule for any of those classifications.

TABLE

Class of Vehicle	Vehicle usually garaged—		
	In Metropolitan and Wollongong Premium Districts	In Newcastle Premium District	Elsewhere
No.	\$	\$	\$
1. <i>Motor Car.</i> Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive	104.00	90.50	90.50
2. <i>Omnibus Type Car.</i> Any motor car which has seating accommodation for 8 or more adults (exclusive of the driver) not included in Class 6 and not used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution	208.50	163.00	119.00
3. <i>Goods Vehicle.</i> Any motor vehicle, not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods—			
(a) where the unladen weight does not exceed 2 tonnes	113.00	82.50	72.50
(b) where the unladen weight exceeds 2 tonnes	210.50	109.00	132.00

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
No.	\$	\$	\$
5. <i>Primary Producer's Vehicle.</i> Any primary producer's vehicle (except a motor car) not included in Class 16 or 17—			
(a) where the unladen weight does not exceed 2 tonnes	75.50	53.50	37.50
(b) where the unladen weight exceeds 2 tonnes	76.50	76.50	19.00
6. <i>Omnibus or Tourist Vehicle.</i> (Including Service Car). Any motor car in respect of which payment is received for the conveyance of passengers and which is authorised to convey those passengers on a specified route only or to tourist resorts or on sight-seeing tours only—			
(a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver)	328.50	272.00	88.00
(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver)	208.50	163.00	119.00
(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver)	104.00	90.50	90.50
7. <i>Taxi-cab.</i> Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire	716.50	382.50	150.50

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No.			
8. <i>Private Hire Car.</i> Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire	261.00	90.50	90.50
9. <i>Drive-Yourself Vehicle.</i> Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire	251.50	218.00	119.00
10. <i>Motor Cycle and Similar Vehicle.</i> Any motor vehicle not included in Class 11, 12 or 15—			
(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels	104.00	90.50	90.50
(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels	56.50	53.50	30.00
(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels	30.00	13.50	7.50
11. <i>Police Vehicle.</i> Any motor vehicle owned by the Commissioner of Police	114.00	114.00	114.00

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

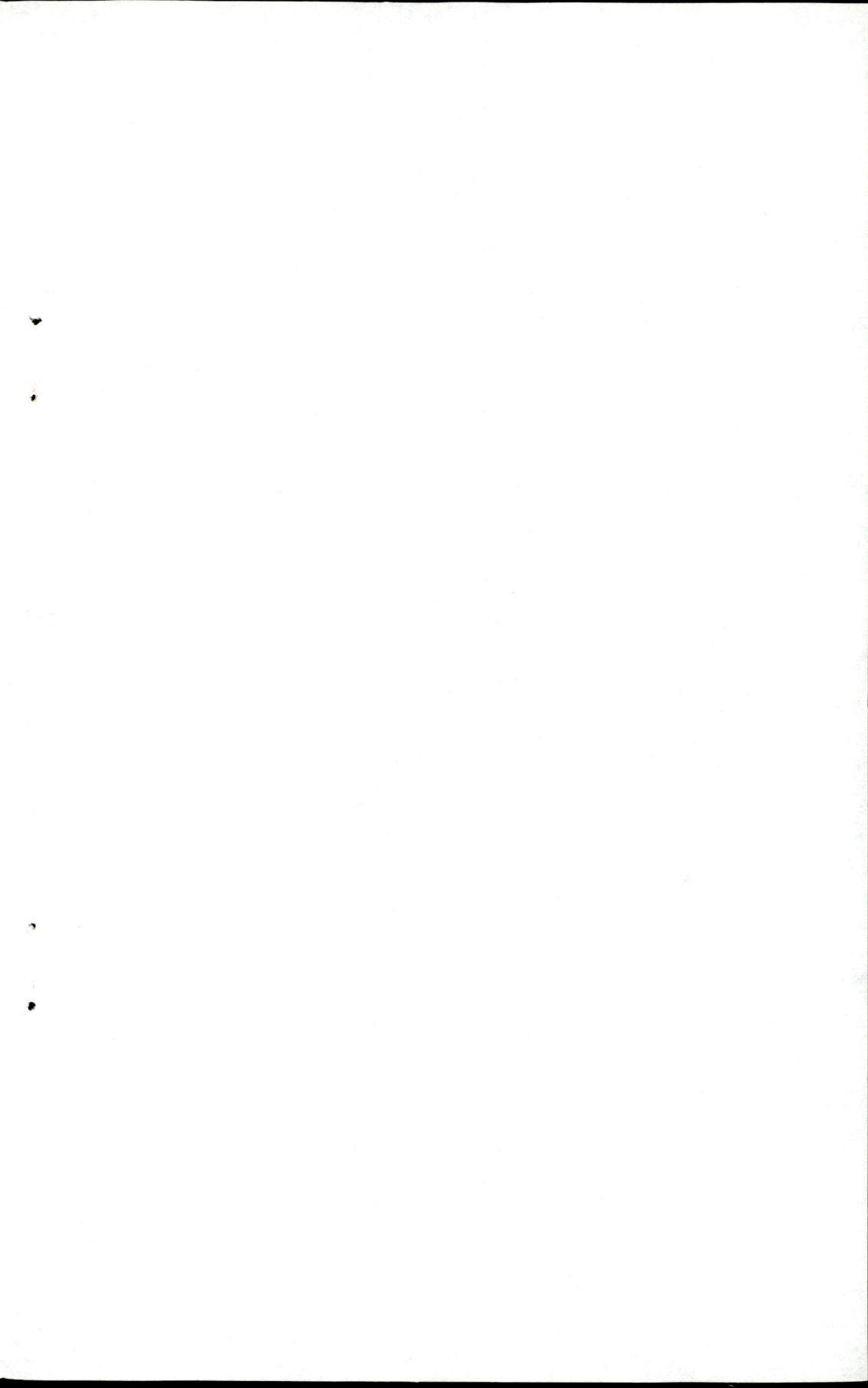
Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No.			
12. <i>Fire Brigade Vehicle.</i>			
(a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales	261.00	180.50	180.50
(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operations only	2.00	2.00	2.00
13. <i>Ambulance Vehicle.</i> Any motor vehicle constructed and used for the conveyance of sick or injured persons	157.00	108.00	60.50
14. <i>Undertaker's Vehicle.</i> Any motor vehicle used solely—			
(a) as an undertaker's hearse	16.00	16.00	11.00
(b) as an undertaker's mourning coach	32.50	32.50	21.00
15. <i>Motor Trade Vehicles.</i>			
(a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed	28.00	28.00	28.00
(b) Motor cycles to which a trader's plate is affixed	20.00	16.00	11.00
(c) Tow-trucks	152.00	53.50	36.50
(d) Trailer, including caravan trailer, to which a trader's plate is affixed	20.00	16.00	11.00
16. <i>Trailer.</i> Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer	2.00	2.00	2.00

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No. 16A. <i>Mobile Crane.</i> Any mobile crane (not being a tow-truck)	263.50	209.50	145.50
17. <i>Miscellaneous.</i> Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 16A and which comprises—			
(a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earthmoving equipment or other machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespec- tive of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis	79.00	75.50	34.00
(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agri- cultural or farming purposes . . .	15.00	11.00	5.00
(c) any invalid chair	2.00	2.00	2.00

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978



1

2

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 November, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 113, 1977.

An Act to amend the Motor Vehicles (Third Party Insurance) Act, 1942, to provide for the automatic annual adjustment of the maximum amounts of premiums to be charged in respect of third-party insurance policies and to clarify the amounts payable to or recoverable by public hospitals and certain institutions for treatment of out-patients. [Assented to, 2nd December, 1977.]

BE

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

T. J. CAHILL,
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. **1.** This Act may be cited as the "Motor Vehicles (Third Party Insurance) Amendment Act, 1977".

Amendment of Act No. 15, 1942. **2.** The Motor Vehicles (Third Party Insurance) Act, 1942, is amended in the manner set forth in Schedule 1.

Amendment of notification. **3.** (1) Subject to this section, the notification published in Gazette No. 32 of 1st April, 1977, and made pursuant to section 25 (1) of the Motor Vehicles (Third Party Insurance) Act, 1942, shall, as from the commencement of this Act, be deemed—

(a) to be amended by omitting the words "attendance for" and by inserting instead the word "separate"; and

(b) as so amended, to have been made pursuant to section 25 (1) of that Act, as amended by this Act.

(2) Nothing in subsection (1) applies to or in respect of the notification referred to in that subsection, in so far as that notification was made pursuant to the Workers' Compensation Act, 1926.

Motor Vehicles (Third Party Insurance) Amendment.

4. Notwithstanding anything contained in this Act, section 33 of the Motor Vehicles (Third Party Insurance) Act, 1942, and the regulations made under that section, as in force immediately before the commencement of this Act, shall continue to apply to and in respect of any third-party policy which is expressed to commence before 1st January, 1978.

Maximum amount of premiums for third-party policies before 1978.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942.

(1) Section 5 (1), definition of "Commissioner"—

Omit "for Road Transport and Tramways", insert instead "for Motor Transport".

(2) Section 6 (1)—

Omit "Department of Road Transport and Tramways", insert instead "Department of Motor Transport".

(3) (a) Section 24, definitions of "Hospital", "Massage treatment" and "Medical treatment"—

Omit "an incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts" wherever occurring, insert instead "a public hospital".

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 24, definition of “Public hospital”—

Omit the definition, insert instead :—

“Public hospital” means a hospital mentioned in the Second or Fifth Schedule to the Public Hospitals Act, 1929, or a separate institution mentioned in the Third Schedule to that Act.

(c) Section 24 (2)—

At the end of section 24, insert :—

(2) Where, at a public hospital, a person receives, as an out-patient, treatments of different kinds or at different places, each treatment shall, for the purposes of sections 25 (1) (b) and 26 (1) (b), be counted as a separate treatment.

(4) (a) Section 25 (1) (b)—

Omit “attendance for treatment by”, insert instead “separate treatment of”.

(b) Section 25 (1) (b)—

Omit “attendance for” where secondly occurring, insert instead “separate”.

(5) (a) Section 26 (1) (b)—

Omit “attendance for treatment by”, insert instead “separate treatment of”.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(b) Section 26 (1) (b)—

Omit “attendance for” where secondly occurring,
insert instead “separate”.

(6) Sections 33, 33A–33E—

Omit section 33, insert instead :—

33. (1) In this Part—

Interpre-
tation:
Pt. III.

“adjustment percentage”, in relation to a year,
means (subject to sections 33A (2) and 33E
(3)) the percentage for that year,
calculated in accordance with section 33A;

“Index number”, in relation to a September
quarter, means the number for that Sep-
tember quarter appearing in the Consumer
Price Index (All Groups Index) for Sydney
published by the Australian Statistician
under the provisions of any Act of the
Parliament of the Commonwealth;

“maximum premium”, in relation to a third-party
policy, means the maximum amount of
premium to be charged in respect of that
policy under section 33B (1);

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

“September quarter”, in relation to a year, means the period commencing on and including 1st July in that year and ending on and including 30th September in that year;

“year” means—

- (a) the period commencing on and including 1st January, 1979, and ending on and including 31st December, 1979; or
- (b) a subsequent period commencing on and including 1st January and ending on and including the next following 31st December.

(2) Where a maximum premium is to be adjusted under section 33c by reference to the adjustment percentage for a year, a reference (however expressed) in this Part to adjusting the maximum premium is a reference to—

- (a) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (a)—increasing the maximum premium; or
- (b) where the adjustment percentage is calculated in accordance with the formula set out in section 33A (1) (b)—reducing the maximum premium.

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

33A (1) For the purposes of the definition of Calculation “adjustment percentage” in section 33 (1), the ^{of} adjustment percentage for a year shall be calculated— _{percentage.}

- (a) if the Index number for the September quarter in that year is greater than the Index number for the immediately preceding September quarter—in accordance with the following formula :—

$$P = \frac{100 (A - B)}{B}$$

- (b) if the Index number for the September quarter in that year is less than the Index number for the immediately preceding September quarter—in accordance with the following formula :—

$$P = \frac{100 (B - A)}{B}$$

where—

P is the percentage to be obtained;

A is the Index number for the September quarter in that year; and

B is the Index number for the immediately preceding September quarter.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

(2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum; or
- (b) the Index number for the September quarter in that year is the same as the Index number for the immediately preceding September quarter,

there shall be deemed to be no adjustment percentage for that year.

(3) Where pursuant to subsection (2) there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the adjustment percentage for the next year—

- (a) the Index number for the September quarter in the firstmentioned year shall be deemed not to have been published; and
- (b) the Index number for that quarter shall be deemed to be the same as the Index number for the September quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after the commencement of this section, the Australian Statistician has published in respect of a particular

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

September quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

(a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

(b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number,

for the purposes of this section.

(5) Notwithstanding subsection (4), if at any time after the commencement of this section the Australian Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this section after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

(6) Where a percentage that is to be calculated under this section is or includes a fraction of one-tenth of one per centum—

(a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and

(b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

Maximum amount of premium.

33B. (1) The maximum amount of premium to be charged in respect of a third-party policy that is expressed to commence on or after 1st January, 1978, shall be the amount of premium prescribed in Schedule 1, as adjusted from time to time under section 33c, in respect of third-party policies of the kind to which that third-party policy belongs.

(2) An authorised insurer is guilty of an offence against this Act if he demands, charges or accepts in respect of any third-party policy any amount of premium greater than—

- (a) the appropriate maximum premium;
- (b) where an order has been made pursuant to section 13, the amount of premium specified in the order or the appropriate maximum premium and the additional amount specified in the order, as the case may be; or
- (c) where the policy relates to a motor vehicle which is constructed principally for the conveyance of goods and which is, by a permit under the State Transport (Co-ordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.

Adjustment of maximum premium.

33c. (1) Subject to this Part, where there is an adjustment percentage for a year, the maximum amount of premium to be charged in respect of a

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

third-party policy that is expressed to commence on or after 1st January in the following year is hereby adjusted, on and from that date, by that percentage.

(2) Where a maximum premium that is adjusted under subsection (1) is or includes, after it is so adjusted, a number of cents—

- (a) which is less than 25—that number of cents shall be disregarded;
- (b) which is more than 24 but less than 75—that number of cents shall be treated as 50 cents; or
- (c) which is more than 74 but less than 99—that number of cents shall be treated as 100 cents.

33D. Where there is an adjustment percentage for a year, the General Manager of the Government Insurance Office shall, before the end of that year, publish in the Gazette a copy of Schedule 1, containing such alterations as may be necessary as a consequence of the adjustment of maximum premiums to be charged in respect of third-party policies that are expressed to commence on or after 1st January in the following year.

General
Manager of
G.I.O. to
publicise
adjustments.

33E. (1) The Governor may, by regulation, substitute or amend Schedule 1.

Maximum
premiums
may be
altered by
regulation.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) Where Schedule 1 is substituted or amended by a regulation made pursuant to subsection (1), that Schedule as so substituted or amended applies in respect of third-party policies that are expressed to commence on or after the date on which the regulation takes effect.

(3) Where—

- (a) a regulation made pursuant to subsection (1) takes effect on 1st January in any year, there shall be deemed to be no adjustment percentage for the previous year unless the regulation otherwise provides; and
- (b) there is, pursuant to paragraph (a), no adjustment percentage for any year, section 33A (3) shall not apply as a consequence of there being no such adjustment percentage.

(7) Schedule 1—

At the end of the Act, insert :—

Sec. 33B.

SCHEDULE 1.

MAXIMUM PREMIUMS.

Interpre-
tation.

1. (1) In this Schedule—

“implement trailer” means a trailer which is exempt from registration and which comprises a plough, rotary hoe, cultivator or road roller, or fire fighting apparatus or other machinery or apparatus, and is not constructed principally for the conveyance of persons or goods;

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

“Metropolitan Premium District” means the County of Cumberland (excluding any portion of the City of Greater Wollongong) and the Parish of Cowan in the County of Northumberland;

“motor car” means any motor vehicle constructed principally for the conveyance of persons and includes a self-propelled caravan;

“Newcastle Premium District” means the Newcastle and District Transport District established under the Transport Act, 1930;

“primary producer” means any person who cultivates or uses his own land or that of another for his own benefit—

- (a) for the production of fruit, grain, flowers, vegetables, tobacco or farm or agricultural produce of any description;
- (b) for dairy farming, poultry or other bird farming, pig farming, bee-keeping or oyster culture;
- (c) as a nurseryman; or
- (d) as a pastoralist for the rearing or grazing of horses, cattle or sheep,

or who gathers leaves from which eucalyptus or other oil is to be distilled;

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

“primary producer’s vehicle” means any motor vehicle (not being a motor vehicle which is used or let for hire)—

- (a) which is owned by a primary producer and is used solely or principally—
 - (i) for carting primary products produced by him or materials, provisions or commodities of any kind for use in his business or occupation as a primary producer or in his household; or
 - (ii) for purposes connected with the clearing of land to be cultivated or used by him for primary production; or
- (b) which is owned by a rural society formed under the Co-operation Act, 1923, where—
 - (i) at least 75 per centum of the shares in the society are held by primary producers; and
 - (ii) the vehicle is used solely or principally for carting primary products produced by primary producers who are members of the society, or materials, provisions or commodities of any kind for use

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

in their businesses or occupations as primary producers or in their households, or for carting primary products produced by the society or acquired by it from primary producers who are members of the society, or for purposes connected with the clearing of land to be cultivated or used by members of the society for primary production;

“tow-truck” means a motor lorry used for towing broken down or damaged vehicles and which comprises or has permanently affixed thereto a crane or similar apparatus for lifting a vehicle partially clear of the ground and is equipped to maintain it in such a position while towing it;

“unladen weight” does not include the weight of any equipment affixed to a motor vehicle for the purposes of enabling the vehicle to be propelled by a type of fuel which the vehicle was not primarily designed to use, and, in the case of a motor vehicle propelled by electricity, does not include the weight of any electric batteries affixed to the vehicle;

“Wollongong Premium District” means the City of Greater Wollongong.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*

(2) For the purposes of this Schedule—

- (a) a semi-trailer which is comprised in the registration of an articulated vehicle shall be deemed to be a part of the articulated vehicle, and not to be a trailer; and
- (b) a semi-trailer which is not comprised in the registration of an articulated vehicle shall be deemed to be a trailer.

Premiums
for yearly
and other
policies.

2. (1) The maximum amount of premium to be charged in respect of a third-party policy shall be—

- (a) where the policy is expressed to be effective for a period of one year—the amount specified, in the Table in this Schedule, for the classification in which the motor vehicle is comprised on the date on which the policy is expressed to commence; or
- (b) where the policy is expressed to be effective for any other period—an amount calculated at the rate of one-twelfth of the amount referred to in paragraph (a) for each month or part of a month in that period.

(2) Where the amount calculated pursuant to subclause (1) (b) includes a number of cents that is not a multiple of 5, that number of cents shall be adjusted to the nearest 5 cents unless that number is

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

exactly intermediate between multiples of 5 when it shall be adjusted to the multiple of 5 next above, $2\frac{1}{2}$ cents being regarded as 5 cents.

3. (1) Where, during the period for which a third-party policy is expressed to be effective, a change is made in the construction, use or ownership of the motor vehicle or in the place at which it is usually garaged or otherwise, and the change is of such a nature that an increased amount of premium could be charged if a new third-party policy were issued in relation to the motor vehicle, the maximum amount of premium to be charged in respect of the existing policy is, on and from the date of the change, increased by an amount calculated in accordance with subclause (2).

Changes
which
increase
maximum
premium.

(2) The amount of the increase is the sum ascertained by adding together the proportionate amount for each month or part of a month in that portion of the period during which the change is effective, that proportionate amount to be calculated by taking the difference between the maximum amount of premium to be charged in respect of the existing policy at the commencement of the policy and the maximum amount of premium which would have been payable had that change been made prior to the commencement of that policy, and by dividing that difference by a number equivalent to the number of months (including any part of a month) for which the existing policy is expressed to be effective.

SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD
PARTY INSURANCE) ACT, 1942—*continued.*

Motor
vehicle in 2
or more
classifica-
tions.

4. Where a third-party policy relates to a motor vehicle which is comprised in 2 or more classifications in the Table in this Schedule, the maximum premium to be charged in respect of the policy shall be the highest maximum premium prescribed by this Schedule for any of those classifications.

TABLE

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No. 1. <i>Motor Car.</i> Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive	104.00	90.50	90.50
2. <i>Omnibus Type Car.</i> Any motor car which has seating accommodation for 8 or more adults (exclusive of the driver) not included in Class 6 and not used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution	208.50	163.00	119.00
3. <i>Goods Vehicle.</i> Any motor vehicle, not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods—			
(a) where the unladen weight does not exceed 2 tonnes	113.00	82.50	72.50
(b) where the unladen weight exceeds 2 tonnes	210.50	109.00	132.00

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
No.	\$	\$	\$
5. <i>Primary Producer's Vehicle.</i> Any primary producer's vehicle (except a motor car) not included in Class 16 or 17—			
(a) where the unladen weight does not exceed 2 tonnes	75.50	53.50	37.50
(b) where the unladen weight exceeds 2 tonnes	76.50	76.50	19.00
6. <i>Omnibus or Tourist Vehicle.</i> (Including Service Car). Any motor car in respect of which payment is received for the conveyance of passengers and which is authorised to convey those passengers on a specified route only or to tourist resorts or on sight-seeing tours only—			
(a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver)	328.50	272.00	88.00
(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver)	208.50	163.00	119.00
(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver)	104.00	90.50	90.50
7. <i>Taxi-cab.</i> Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire	716.50	382.50	150.50

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No. 8. <i>Private Hire Car.</i> Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire	261.00	90.50	90.50
9. <i>Drive-Yourself Vehicle.</i> Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire	251.50	218.00	119.00
10. <i>Motor Cycle and Similar Vehicle.</i> Any motor vehicle not included in Class 11, 12 or 15—			
(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels	104.00	90.50	90.50
(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels	56.50	53.50	30.00
(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels	30.00	13.50	7.50
11. <i>Police Vehicle.</i> Any motor vehicle owned by the Commissioner of Police	114.00	114.00	114.00

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No.			
12. <i>Fire Brigade Vehicle.</i>			
(a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales	261.00	180.50	180.50
(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operations only	2.00	2.00	2.00
13. <i>Ambulance Vehicle.</i> Any motor vehicle constructed and used for the conveyance of sick or injured persons	157.00	108.00	60.50
14. <i>Undertaker's Vehicle.</i> Any motor vehicle used solely—			
(a) as an undertaker's hearse	16.00	16.00	11.00
(b) as an undertaker's mourning coach	32.50	32.50	21.00
15. <i>Motor Trade Vehicles.</i>			
(a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed	28.00	28.00	28.00
(b) Motor cycles to which a trader's plate is affixed	20.00	16.00	11.00
(c) Tow-trucks	152.00	53.50	36.50
(d) Trailer, including caravan trailer, to which a trader's plate is affixed	20.00	16.00	11.00
16. <i>Trailer.</i> Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer	2.00	2.00	2.00

SCHEDULE

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—*continued.*TABLE—*continued*

Class of Vehicle	Vehicle usually garaged—		
	In Metro- politan and Wollon- gong Premium Districts	In Newcastle Premium District	Elsewhere
	\$	\$	\$
No. 16A. <i>Mobile Crane.</i> Any mobile crane (not being a tow-truck)	263.50	209.50	145.50
17. <i>Miscellaneous.</i> Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 16A and which comprises—			
(a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earthmoving equipment or other machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespec- tive of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis	79.00	75.50	34.00
(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agri- cultural or farming purposes ..	15.00	11.00	5.00
(c) any invalid chair	2.00	2.00	2.00

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 2nd December, 1977.

