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.



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.

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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 Short title. Party Insurance) Amendment Act, 1977".

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

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

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

4.

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.

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

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

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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".

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SCHEDULE

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)—

SCHEDULE

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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—

Interpretation: 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 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 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

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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

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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 calculatedpercentage.

(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 :---

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

(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 :---

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

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

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Act No. , 1977.

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

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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 onetenth—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.

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SCHEDULE 1—continued.

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

33B. (1) The maximum amount of premium to Maximum be charged in respect of a third-party policy that is amount of premium. 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 (Coordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.

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

SCHEDULE

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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 75that number of cents shall be treated as 50 cents: or
- (c) which is more than 74 but less than 99that number of cents shall be treated as 100 cents.

33D. Where there is an adjustment percentage for General a year, the General Manager of the Government G.I.O. to Insurance Office shall, before the end of that year, publicise 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.

adjustments.

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

premiums may be altered by regulation.

SCHEDULE

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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.
- 20 (7) Schedule 1-

At the end of the Act, insert :--

SCHEDULE 1.

MAXIMUM PREMIUMS.

1. (1) In this Schedule—

Interpretation.

Sec. 33B.

"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

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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, beekeeping 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

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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

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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

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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.

2. (1) The maximum amount of premium to be Premiums for yearly and other and other policies.

(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

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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- Changes party policy is expressed to be effective, a change is which increase made in the construction, use or ownership of the maximum motor vehicle or in the place at which it is usually premium. 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).

(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.

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SCHEDULE

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SCHEDULE 1—continued.

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

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

| | the charge is of such a | Vehicle usually garaged— | | | |
|----------|--|--|--|-----------|--|
| 15 20 | Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere | |
| | No. | s | \$ | s | |
| .5 | Motor Car. Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive | 104.00 | 90.50 | 90.50 | |
| 0 5 | 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 3. Goods Vehicle. Any motor vehicle, | 208.50 | 163.00 | 119.00 | |
| 0 | 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 | 115.00 | 02.30 | 72.50 | |

SCHEDULE

Act No. , 1977.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

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

TABLE-continued

| · ebiele usually energed - | Vehicle usually garaged— | | |
|---|---|---|---|
| 0 Class of Vehicle 5 | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| 2 | s | s | s |
| No. 5. Primary Producer's Vehicle. Any primary producer's vehicle (except a motor car) not included in Class 16 or 17- | | A to tao 1996 - 9 1996 - 1997 1997 - 1997 1997 - 1997 | Mar Ca buded in C poor of d for U |
| (a) where the unladen weight does not exceed 2 tonnes (b) where the unladen weight | 75.50 | 53.50 | 37.50 |
| exceeds 2 tonnes | 76.50 | 76.50 | 19.00 |
| 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 | er en public training training training training training | ses of dia stand in a france to on incl | |
| 5 resorts or on sight-seeing tours only— (a) where the vehicle has seating accommodation for more than 16 adult persons (including the | nomina Dans D stat o | drahito Loon na hor COL e Nie o orsa | ca to si dui Iguo si dui Igali otora Cian dogr |
| driver) | 328.50 | 272.00 | 88.00 |
| 5 (c) where the vehicle has seating accommodation for not more than 6 adult persons (including | 208.50 | 163.00 | 119.00 |
| the driver) | 104.00 | 90.50 | 90.50 |
| conveyance of passengers and which stands in a public street for hire | 716.50 | 382.50 | 150.50 |

SCHEDULE

Act No. 1977. 04 15A

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

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

TABLE—continued

| Vehicle usually garaged- | Vehicle usually garaged— | | |
|--|--|--|------------------------|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| 2 2 2 | s | \$ | s |
| No. 8. Private Hire Car. Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of | | r's <i>Pehicle</i> Stablete (Autor in 1 | muhara k Li tan ara |
| passengers, but which does not stand in a public street for hire 9. Drive-Yourself Vehicle. Any motor vehicle, not included in Class 10 or 16 which is let for hire (otherwise) | 261.00 | 90.50 | 90.50 |
| 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 10. Motor Cycle and Similar Vehicle. | 251.50 | 218.00 | 119.00 |
| Any motor vehicle not included in Class 11, 12 or 15— (a) which is equipped with an engine | ing. | on vancen of to dis sociation sociation | |
| of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has | ria than ing the | un tot noi noismít suos | |
| 3 wheels | | in hud bio | 90.50 |
| than 4 wheels (c) which is equipped with an engine | 56.50 | 53.50 | 30.00 |
| 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

Act No. , 1977.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

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

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

Act No. , 1977.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

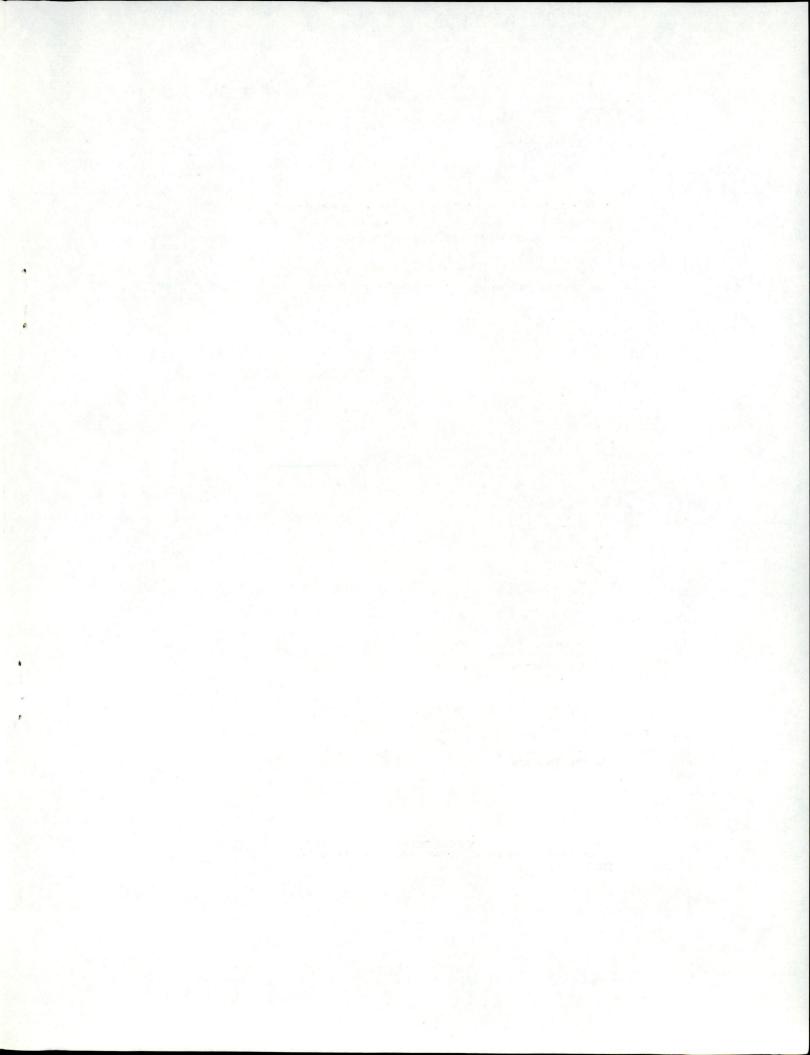
AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—continued.

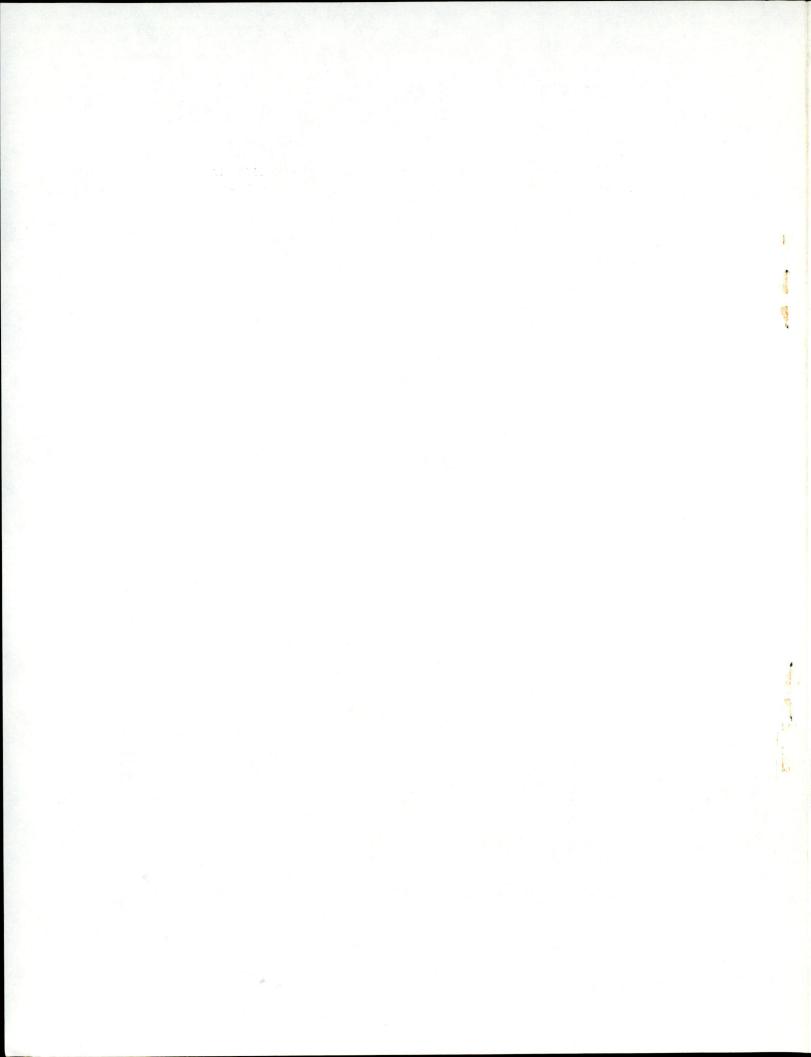
TABLE—continued

| 5 | Vahiele usnally enraged- | Vehicle usually garaged— | | |
|----------|---|--|---|--|
| 10 15 | Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | 5 5 5 | s | \$ | s |
| 20 | No. 16A. Mobile Crane. Any mobile crane (not being a tow-truck) 17. Miscellaneous. Any motor vehicle which is not constructed principally | 263.50 | 209.50 | 145.50 |
| 25 | for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 16A and which comprises— | | te venicle. In isonsellie only or 1 State Fr | orom yn idw bene ofteige e gefeige an |
| | (a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earthmoving equipment or other | | Mittions only Meles Alty Mittioned Users | ann seolara an Construct Construct |
| 30 | machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespec- | | here Any | nker's M used sol el in under |
| 35 | tive of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis | 79.00 | 75.50 | 34.00 |
| 0 | (b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agri- | | n doidw of a | offixed inter cyclo ale is effix |
| | cultural or farming purposes (c) any invalid chair | 15.00 2.00 | 11.00 2.00 | 5.00 2.00 |

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1977 [24c]

SCHEDULES





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

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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 Short title. Party Insurance) Amendment Act, 1977".

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

3. (1) Subject to this section, the notification published Amendment 10 in Gazette No. 32 of 1st April, 1977, and made pursuant of notification. 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.

IMR Cox-17 November, 1977.

4.

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.

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Act No. , 1977.

Motor Vehicles (Third Party Insurance) Amendment.

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

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

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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)—

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

SCHEDULE

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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—

Interpretation: 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 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 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

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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 6

(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

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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 calculatedpercentage.

(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 :---

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

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(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 :----

where Sectoralist quarter in the Sectoralist

P is the percentage to be obtained;

the fodes number for that quarter shall be

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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

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SCHEDULE 1—continued.

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

- where we could (2) Where we could go the solution of the solut
 - (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

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SCHEDULE 1-continued.

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

September quarter an Index number in substitution 5 miniming 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.

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(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 onetenth-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

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SCHEDULE 1—continued.

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

33B. (1) The maximum amount of premium to Maximum be charged in respect of a third-party policy that is premium. 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 (Coordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.

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

SCHEDULE

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

33D. Where there is an adjustment percentage for General a year, the General Manager of the Government G.I.O. to Insurance Office shall, before the end of that year, publicise 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.

adjustments.

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

premiums may be altered by regulation.

SCHEDULE

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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.

20 (7) Schedule 1—

At the end of the Act, insert :---

SCHEDULE 1.

MAXIMUM PREMIUMS.

941 - 14 M

1. (1) In this Schedule—

Interpretation.

Sec. 33B.

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"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

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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, beekeeping 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

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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 notice 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

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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

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SCHEDULE 1—continued.

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

(2) For the purposes of this Schedule—

(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 Premiums charged in respect of a third-party policy shall be— for yearly and other policies.

(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

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⁽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

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- Changes party policy is expressed to be effective, a change is which increase made in the construction, use or ownership of the maximum 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).

(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.

296—в

SCHEDULE

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SCHEDULE 1-continued.

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

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

| | | Vehicle usually garaged— | | |
|-------------|--|--|--|-----------|
| 15 | Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | No. | \$ | \$ | \$ |
| 5 | Motor Car. Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive | 104.00 | 90.50 | 90.50 |
| 0 5 0 | 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 3. Goods Vehicle. Any motor vehicle, not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods— | 208.50 | 163.00 | 119.00 |
| Ű | (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

| | | Vehicle usually garaged— | | | |
|--------|--|--|--|-----------|--|
| 0 5 | Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere | |
| | | \$ | \$ | \$ | |
| 0 | No. 5. Primary Producer's Vehicle. Any primary producer's vehicle (except a motor car) not included in Class 16 or 17— | | City City | | |
| 5 | (a) where the unladen weight does not exceed 2 tonnes (b) where the unladen weight | 75.50 | 53.50 | 37.50 | |
| | exceeds 2 tonnes | 76.50 | 76.50 | 19.00 | |
| 0 | cluding 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 | | | | |
| 5 | resorts or on sight-seeing tours only— (a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver) (b) where the vehicle has seating accommodation for more than | 328.50 | 272.00 | 88.00 | |
| - | 6 adult persons but not more than 16 adult persons (including the driver)(c) where the vehicle has seating | 208.50 | 163.00 | 119.00 | |
| 5 | accommodation for not more than 6 adult persons (including the driver) | 104.00 | 90.50 | 90.50 | |
| 0 | Taxi-cab. Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which | 104.00 | 30.30 | 90.90 | |
| | 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

| 5 | - Autor and Should be a starter | Vehicle | e usually gar | aged— |
|----------|---|--|---|------------------------------------|
| 10 15 | Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | 2 2 7 | \$ | \$ | \$ |
| 20 | in respect of which payment is | | loff chool biggy chool biggy chool biggy chool | nary Pros any Cada ar car 60 |
| 25 | received for the conveyance of passengers, but which does not stand in a public street for hire | 261.00 | 90.50 | 90.50 |
| 30 | 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 10. Motor Cycle and Similar Vehicle. Any motor vehicle not included in Class 11, 12 or 15— | 251.50 | 218.00 | 119.00 |
| 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. Police Vehicle. 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

| Vehicle usually garaged- | Vehicle usually garaged— | | |
|--|--|--|------------------|
| 10 Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| No. | \$ | S | \$ |
| 10. Fire Brigade Vehicle. 20 (a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales (b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire | 261.00 | 180.50 | 180.50 |
| fighting and State Emergency Services operations only 13. Ambulance Vehicle. Any motor | 2.00 | 2.00 | 2.00 |
| vehicle constructed and used for the conveyance of sick or injured persons 14. Undertaker's Vehicle. Any motor | | 108.00 | 60.50 |
| (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. Motor Trade Vehicles. (a) Motor vehicles, other than motor cycles, to which a trader's plate | | iona suite. Iona suite | inov uo o |
| is affixed | 28.00 | 28.00 | 28.00 |
| (d) Trailer, including caravan trailer, | 20.00 152.00 | 16.00 53.50 | 11.00 36.50 |
| (d) Italier, including catavan italier, to which a trader's plate is affixed 15 16. Trailer. 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 | 20.00 | 16.00 | 11.00 |
| implement trailer | 2.00 | 2.00 | 2.00 |

D. WEST, GOVERNALLAT PELNTER, NEW SOLTH WALKS

SCHEDULE

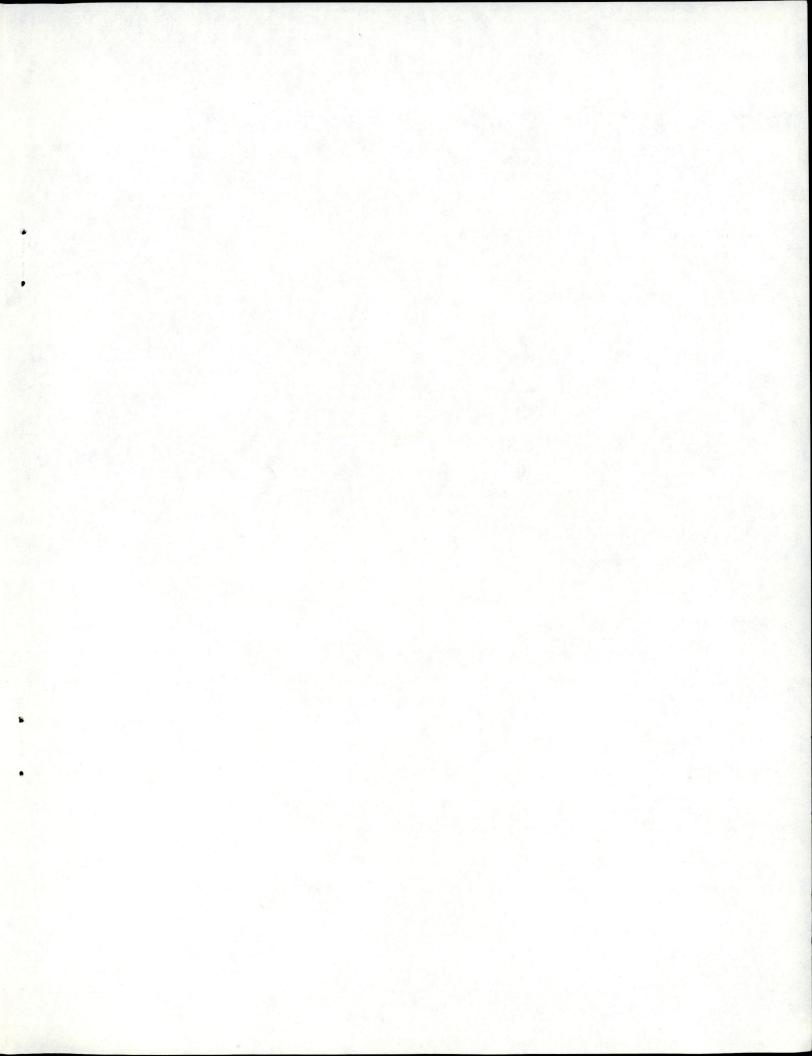
SCHEDULE 1-continued.

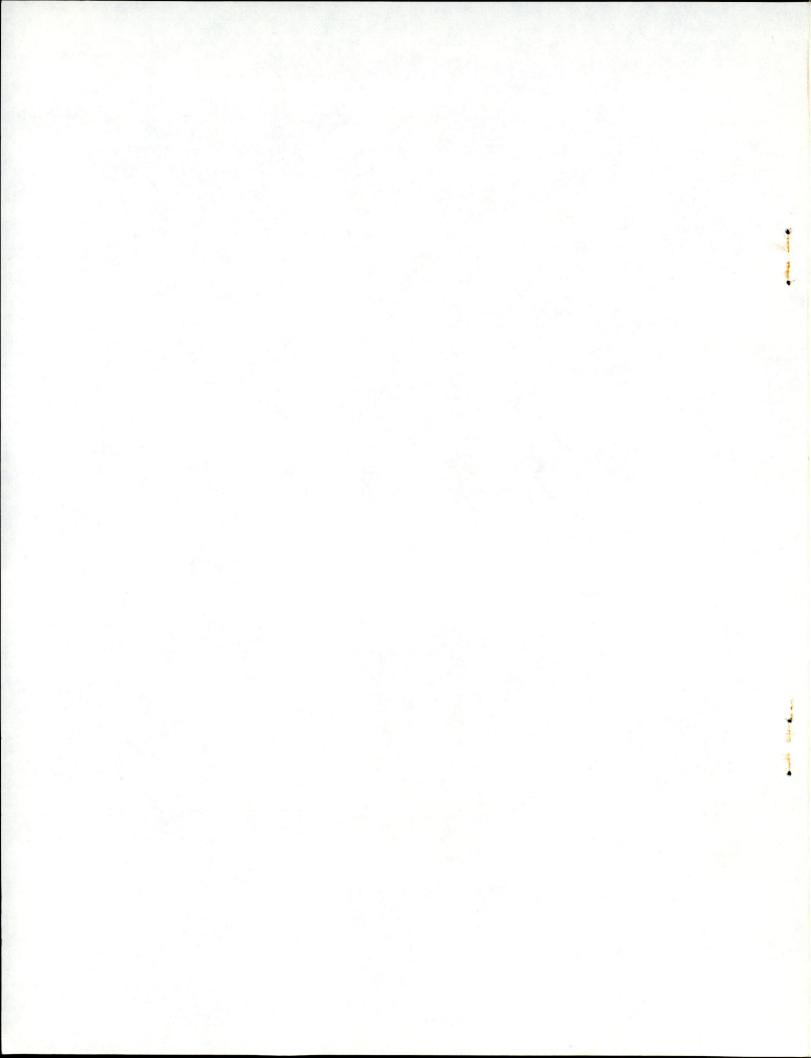
AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—continued.

TABLE-continued

| 5 | Vehicle usually garaged- | | |
|---|--|---|---------------------------|
| 10 Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| 4 (| \$ | \$ | \$ |
| No. 16A. Mobile Crane. Any mobile crane (not being a tow-truck) 17. Miscellaneous. Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, | 263.50 | 209.50 | 145.50 |
| 25 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 | | | taura San ar San ar |
| 30 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 | | in d'Ann 1975 - Star 1986 - Star 1986 - Star 1986 - Star 1986 - Star | |
| or apparatus constructed on a conventional motor vehicle chassis | 79.00 | 75.50 | 34.00 |
| 40 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-1977 [24c]





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.

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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.]

40054D 296-A

BE

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 Short title. Party Insurance) Amendment Act, 1977".

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

3. (1) Subject to this section, the notification published Amendment 10 in Gazette No. 32 of 1st April, 1977, and made pursuant of notito 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.
- 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.

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Motor Vehicles (Third Party Insurance) Amendment.

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

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

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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. 4

(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

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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—

Interpretation: 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 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 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

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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-

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(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

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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 $_{adjustment}^{of}$ 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 :—

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

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(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 :—

d links renew units of B down reader (d)

P

where-

P is the percentage to be obtained;

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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

SCHEDULE

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

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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 onetenth—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.

SCHEDULE

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SCHEDULE 1-continued.

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

33B. (1) The maximum amount of premium to Maximum be charged in respect of a third-party policy that is amount of premium. 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 (Coordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.

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

SCHEDULE

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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 75that number of cents shall be treated as 50 cents; or

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

33D. Where there is an adjustment percentage for General a year, the General Manager of the Government G.I.O. to Insurance Office shall, before the end of that year, publicise 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.

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

may be altered by regulation. SCHEDULE

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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.

20 (7) Schedule 1-

At the end of the Act, insert :---

SCHEDULE 1.

Sec. 33B.

MAXIMUM PREMIUMS.

1. (1) In this Schedule-

Interpre-

"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

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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, beekeeping or oyster culture;

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- (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

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

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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

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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.

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

(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

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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- Changes party policy is expressed to be effective, a change is which made in the construction, use or ownership of the maximum motor vehicle or in the place at which it is usually premium. 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).

increase

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(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

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SCHEDULE 1—continued.

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

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

| name of premium could | Vehicle | e usually gar | aged- | |
|---|--|--|-----------|--|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere | |
| N | \$ | \$ | \$ | |
| No. 1. Motor Car. Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive | 104.00 | 90.50 | 90.50 | |
| 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 3. <i>Goods Vehicle</i> . Any motor vehicle, not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for | 208.50 | 163.00 | 119.00 | |
| 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 | |

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SCHEDULE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

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

TABLE—continued

| 5 | In grangestic rangesticity (6.1) | Vehicle | e usually gar | aged— |
|----------|---|--|--|---|
| 10 15 | Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | | \$ | \$ | \$ |
| 20 | No. 5. Primary Producer's Vehicle. Any primary producer's vehicle (except a motor car) not included in Class 16 or 17— | | atropal CR , a SetO Legister | ndersta (n sperg_of. |
| | (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. Omnibus or Tourist Vehicle. (In- cluding 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— | o de culto or canada pildan pildan selo culto | Y said wat of an entry of the second of the second of the second of the second second of the second second of the second second of the second second second of the second second second of the second second second second of the second | Meles - 200 Alter Polici de Serveral Streame Operative Meles and |
| 35 | (a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver) (b) where the vehicle has seating | 328.50 | 272.00 | 88.00 |
| 40 | accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver) (c) where the vehicle has seating | 208.50 | 163.00 | 119.00 |
| 45 | accommodation for not more than 6 adult persons (including | a sel est | 90.50 | 90.50 |
| | the driver) 7. Taxi-cab. Any motor car, not included in Class 6, in respect of | i Agricea a | 90.30 | 90.30 |
| 50 | 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

SCHEDULE 1-continued.

Amendments to the Motor Vehicles (Third Party Insurance) Act, 1942—continued.

TABLE—continued

| 5 | Vehicle usually garaged— | | |
|--|--|--|--|
| 10 Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| No. | s | \$ | \$ |
| 8. Private Hire Car. Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of | n ny | laite V Loinide – e Loinide – e Loinide – e | nadar 29 production 20 production 20 production |
| passengers, but which does not stand in a public street for hire 9. Drive-Yourself Vehicle. Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) | 261.00 | 90.50 | 90.50 |
| without the services of a driver but which does not stand in a public street for hire 10. Motor Cycle and Similar Vehicle. Any motor vehicle not included in Class 11, 12 or 15— | 251.50 | 218.00 | 119.00 |
| (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 | | ad Rectore and Solar Constant | |
| 3 wheels (b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less | 104.00 | 90.50 | 90.50 |
| than 4 wheels | 56.50 | 53.50 | 30.00 |
| 5 of 100 ml or less and has less than 4 wheels | 30.00 | 13.50 | 7.50 |
| owned by the Commissioner of Police | 114.00 | 114.00 | 114.00 |

, 1977. Act No.

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

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

| TABLE- | -continued |
|--------|------------|
| | |

| 5 hogotop yllmien olohiov | Vehicle usually garaged— | | |
|--|--|--|----------------|
| 10 Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| No. 2 2 2 | \$ | S | \$ |
| 12. Fire Brigade Vehicle. 20 (a) Any motor vehicle owned by the Board of Fire Commissioners | Ale crane | Any mol | |
| of New South Wales | 261.00 | 180.50 | 180.50 |
| fire fighting only or for fire fighting and State Emergency Services operations only Ambulance Vehicle, Any motor | 2.00 | 2.00 | 2.00 |
| 1. Ambutance venicle. Any motor vehicle constructed and used for the conveyance of sick or injured persons 14. Undertaker's Vehicle. Any motor vehicle used solely— | 157.00 | 108.00 | 60.50 |
| (a) as an undertaker's hearse (b) as an undertaker's mourning | 16.00 | 16.00 | 11.00 |
| 5 coach 15. Motor Trade Vehicles. (a) Motor vehicles, other than motor | 32.50 | 32.50 | 21.00 |
| cycles, to which a trader's plate is affixed 0 (b) Motor cycles to which a trader's | 28.00 | 28.00 | 28.00 |
| c) plate is affixed (c) Tow-trucks (d) Trailer, including caravan trailer, | 20.00 152.00 | 16.00 53.50 | 11.00 36.50 |
| to which a trader's plate is affixed 5 16. <i>Trailer</i> . Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any | 20.00 | 16.00 | 11.00 |
| trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer | 2.00 | 2.00 | 2.00 |

BY AUTHORITY D. WEST, GOVERNMENT PRIMIES, NEW SOUTH WALLES-1971

Motor Vehicles (Third Party Insurance) Amendment.

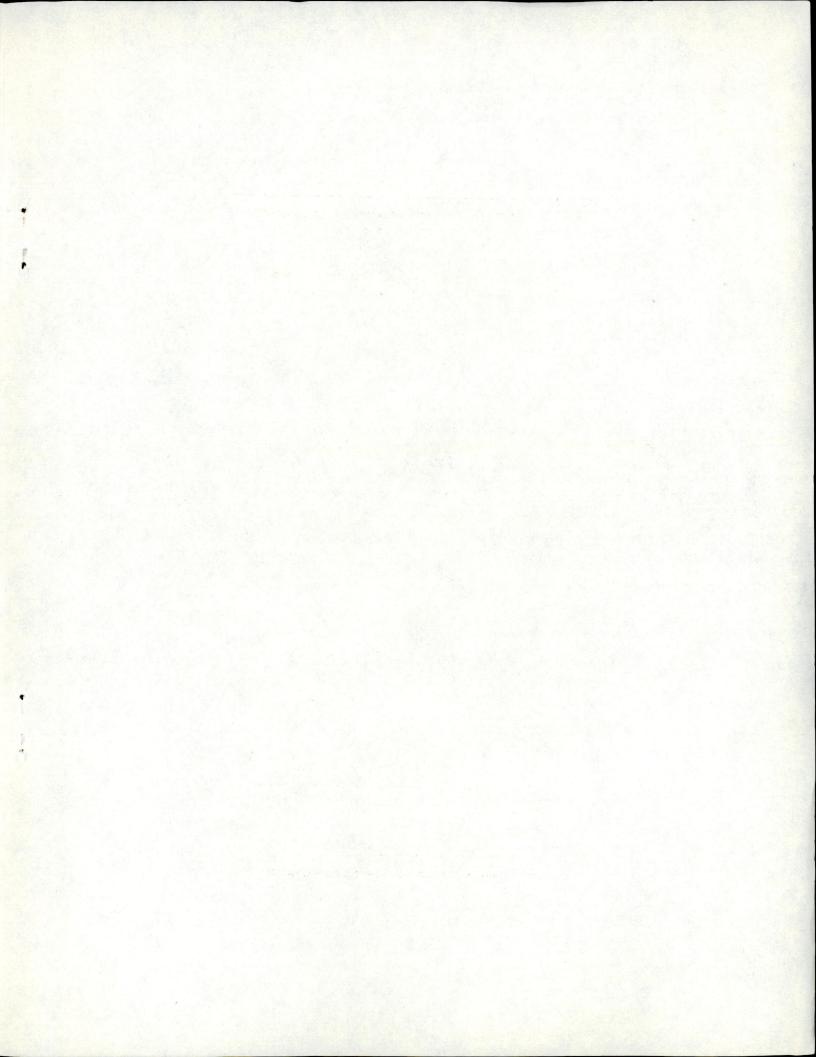
SCHEDULE 1-continued.

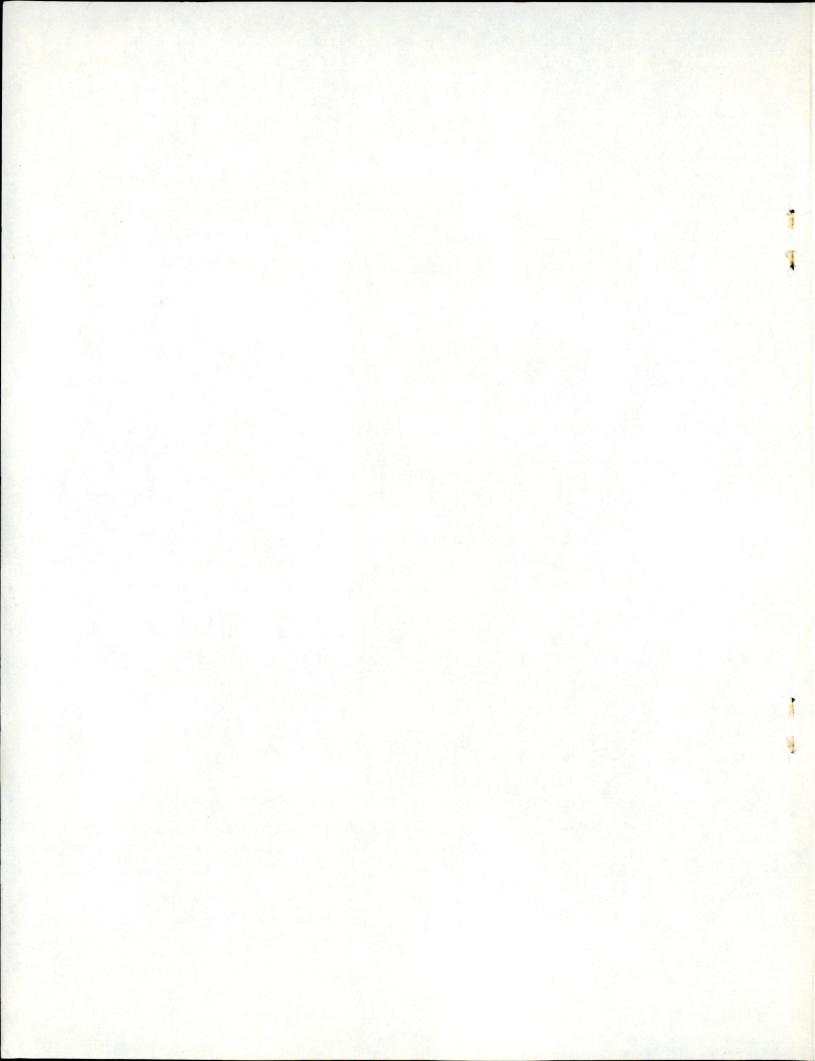
AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—continued.

TABLE—continued

| 5 Babatalag Alama a alaasi V | Vehicle | e usually gar | garaged— | |
|---|--|---|------------------------------------|--|
| 10 Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere | |
| 2 2 3 | \$ | \$ | \$ | |
| No. 16A. Mobile Crane. Any mobile crane (not being a tow-truck) 17. Miscellaneous. Any motor vehicle which is not constructed principally for the conveyance of persons or | 263.50 | 209.50 | 145.50 | |
| 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 | | e pagente contra pagente contra pagente contra materialme ato pagente pagente | | |
| not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespec- tive of its use) which is machinery | ar Suir an | | dana ing nag-panana Pigipana | |
| 35 or apparatus constructed on a conventional motor vehicle chassis | 79.00 | 75.50 | 34.00 | |
| machinery not constructed on a conventional motor vehicle chassis and used solely for agricultural or farming purposes (c) any invalid chair | | 11.00 2.00 | 5.00 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.]

P 43413K—1 [24c]

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 :—

New South Willaies

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.

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

Sec. 2.

SCHEDULE 1.

Amendments to the Motor Vehicles (Third Party Insurance) Act, 1942.

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

a a cateria <u>esta se sala e</u>

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".

(4) (a) South 35 (4) (http://

(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 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—

Interpretation: 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 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 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 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 Calculation "adjustment percentage" in section 33 (1), the of adjustment percentage for a year shall be calculated—

(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 :—

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

(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 :—

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

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 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 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 onetenth—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 (Coordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.

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

Adjustment of maximum premium.

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 75that number of cents shall be treated as 50 cents: or
- (c) which is more than 74 but less than 99that number of cents shall be treated as 100 cents.

33D. Where there is an adjustment percentage for General a year, the General Manager of the Government G.I.O. to Insurance Office shall, before the end of that year, publicise adjustments. 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.

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

altered by regulation.

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 :---

SCHEDULE 1.

MAXIMUM PREMIUMS.

Interpretation.

Sec. 33B.

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, beekeeping 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 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 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 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.

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

Premiums for yearly and other policies.

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.

Changes

3. (1) Where, during the period for which a third- which party policy is expressed to be effective, a change is maximum made in the construction, use or ownership of the premium. 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).

(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.

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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.

| | Vehicle usually garaged— | | |
|---|--|--|-----------|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | \$ | \$ | \$ |
| No. Motor Car. Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive Omnibus Type Car. Any motor car which has seating accommodation | 104.00 | 90.50 | 90.50 |
| 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 | | ti shi Tana Di sh | |
| or on behalf of the authority controlling that hospital or institution 3. Goods Vehicle. Any motor vehicle, | 208.50 | 163.00 | 119.00 |
| 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 (b) where the unladen weight | 113.00 | 82.50 | 72.50 |
| exceeds 2 tonnes | 210.50 | 109.00 | 132.00 |

TABLE

SCHEDULE 1—continued.

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

| TABLE—continued | |
|-----------------|--|
|-----------------|--|

| | Vehicle | e usually gar | aged- |
|--|--|--|-----------|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| 5 | \$ | \$ | S |
| No. | • | - | • |
| Primary Producer's Vehicle. 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 (b) where the unladen weight | 75.50 | 53.50 | 37.50 |
| exceeds 2 tonnes | 76.50 | 76.50 | 19.00 |
| Omnibus or Tourist Vehicle. (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 | 328.50 | 272.00 | 88.00 |
| driver) (b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver) (c) where the vehicle has seating | 208.50 | 163.00 | 119.00 |
| accommodation for not more than 6 adult persons (including the driver) 7. Taxi-cab. Any motor car, not included in Class 6, in respect of which payment is received for the | 104.00 | 90.50 | 90.50 |
| conveyance of passengers and which stands in a public street for hire | 716.50 | 382.50 | 150.50 |

SCHEDULE 1—continued.

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

TABLE—continued

| And the second s | | Vehicle usually garaged— | | | |
|--|--|---|--|--|-----------|
| | Class of Ve | hicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | 5 | 2 | \$ | \$ | \$ |
| 8. Private not inc | cluded in Clas | Any motor car, as 6, 9 or 14 (b), ich payment is | | ा के स्टाइ के अधिक स्ट्राइ | |
| receive passeng in a pu 9. Drive- vehicle | d for the gers, but whic blic street for Yourself Vehic , not included | conveyance of h does not stand | 261.00 | 90.50 | 90.50 |
| than un withou which street for 10. <i>Motor</i> Any m | der a hire-pur t the services does not sta or hire <i>Cycle and</i> | chase agreement) of a driver but and in a public Similar Vehicle. not included in | 251.50 | 218.00 | 119.00 |
| (a) wl of wl | hich is equipped more than 3 heels, or whe | ed with an engine 00 ml and has 2 re a side-car or | an an Alba Star San | n an star Turchina a Turchina a | |
| (b) wl | wheels | ched thereto, has ed with an engine 100 ml but not | 104.00 | 90.50 | 90.50 |
| th (c) wh | ore than 300 an 4 wheels nich is equippe | ml and has less ed with an engine | 56.50 | 53.50 | 30.00 |
| th | an 4 wheels | ess and has less | 30.00 | 13.50 | 7.50 |
| 1. Fonce | by the Commi | motor vehicle issioner of Police | 114.00 | 114.00 | 114.00 |

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SCHEDULE 1—continued.

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

| TABLE—continued | E-continued |
|-----------------|-------------|
|-----------------|-------------|

| Layfeirer - Li Sirel Blea A | Vehicle | e usually gan | aged- |
|---|--|--|---|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | \$ | \$ | \$ |
| No. 12. Fire Brigade Vehicle. (a) Any motor vehicle owned by the Board of Fire Convenience | | | ninger († 1997) 1994 - Level 1994 - Level |
| the Board of Fire Commissioners of New South Wales (b) Any motor vehicle, not so | 261.00 | 180.50 | 180.50 |
| owned, which is used either for fire fighting only or for fire | | | . 1. 1 |
| fighting and State Emergency Services operations only 3. Ambulance Vehicle. Any motor | 2.00 | 2.00 | 2.00 |
| vehicle constructed and used for the conveyance of sick or injured persons 4. Undertaker's Vehicle. Any motor | 157.00 | 108.00 | 60.50 |
| (a) as an undertaker's hearse | 16.00 | 16.00 | 11.00 |
| (b) as an undertaker's mourning coach 5. Motor Trade Vehicles. | 32.50 | 32.50 | 21.00 |
| (a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed (b) Motor cycles to which a trader's | 28.00 | 28.00 | 28.00 |
| plate is affixed | 20.00 | 16.00 | 11.00 |
| (c) Tow-trucks(d) Trailer, including caravan trailer, | 152.00 | 53.50 | 36.50 |
| to which a trader's plate is affixed Trailer. 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 | 20.00 | 16.00 | 11.00 |
| implement trailer | 2.00 | 2.00 | 2.00 |

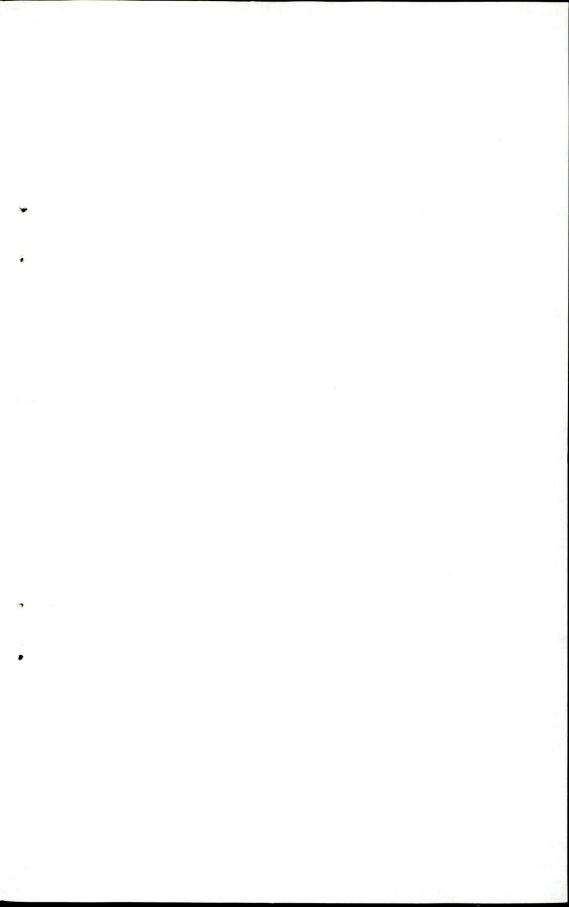
SCHEDULE 1—continued.

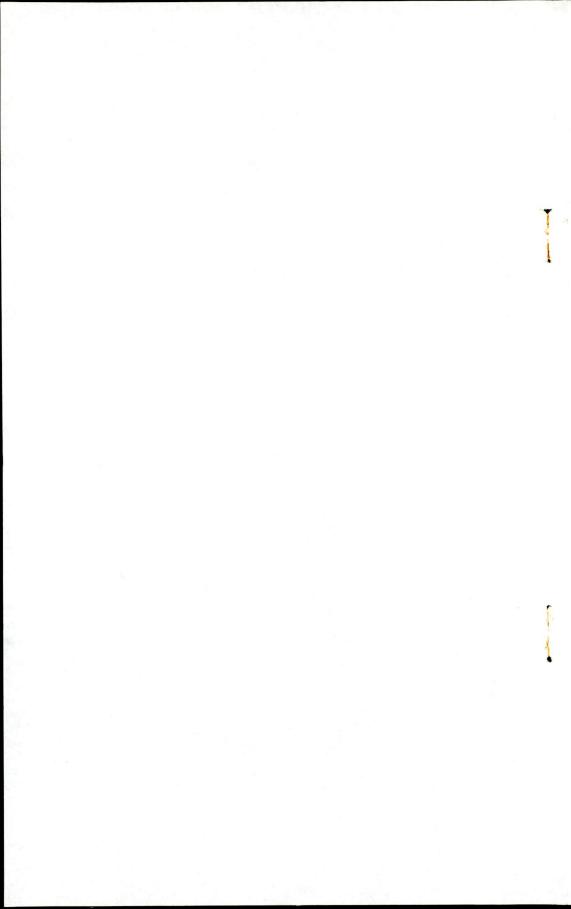
AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, 1942—continued.

TABLE—continued

| | Vehicle usually garaged— | | | |
|---|--|--|--------------|--|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere | |
| Na | \$ | \$ | \$ | |
| No. 16A. Mobile Crane. Any mobile crane (not being a tow-truck) | 263.50 | 209.50 | 145.50 | |
| tive of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis | 79.00 | 75.50 | 34.00 | |
| chassis and used solely for agri- cultural or farming purposes (c) any invalid chair | 15.00 2.00 | 11.00 2.00 | 5.00 2.00 | |

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1978





I certify that this PUBLIC BILL, which originated in the LEGISLA-TIVE 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.



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. 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.

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Motor Vehicles (Third Party Insurance) Amendment.

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

Interpretation: 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 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 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

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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

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 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 :—

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

(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 :—

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

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

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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

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 onetenth—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.

SCHEDULE

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 (Coordination) Act, 1931, authorised to carry passengers, the appropriate maximum premium and any additional amount of premium prescribed for the purposes of this paragraph.

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

Adjustment of maximum premium. 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 75that number of cents shall be treated as 50 cents; or
- (c) which is more than 74 but less than 99that number of cents shall be treated as 100 cents.

33D. Where there is an adjustment percentage for General a year, the General Manager of the Government G.I.O. to Insurance Office shall, before the end of that year, publicise 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.

adjustments.

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

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.

Interpretation. 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, beekeeping 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- Changes party policy is expressed to be effective, a change is which increase made in the construction, use or ownership of the maximum 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).

(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.

| n noue to er sgrenn information blives finistering to mostras be a | Vehicle usually garaged— | | |
|--|--|--|-----------|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| No. | \$ | \$ | \$ |
| Motor Car. Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive Omnibus Type Car. Any motor car which has seating accommodation for 8 or more adults (exclusive of the | 104.00 | 90.50 | 90.50 |
| 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 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— | 208.50 | 163.00 | 119.00 |
| (a) where the unladen weight does not exceed 2 tonnes | 113.00 | 82.50 | 72.50 |
| exceeds 2 tonnes | 210.50 | 109.00 | 132.00 |

TABLE

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

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

TABLE—continued

| | Vehicle | Vehicle usually garaged— | | |
|---|--|--|-----------|--|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere | |
| | \$ | \$ | \$ | |
| No. | | | | |
| Primary Producer's Vehicle. An primary producer's vehicle (except motor car) not included in Class 1 or 17— | a | | | |
| (a) where the unladen weight doe not exceed 2 tonnes (b) where the unladen weight | . 75.50 | 53.50 | 37.50 | |
| exceeds 2 tonnes | 76.50 | 76.50 | 19.00 | |
| 6. Omnibus or Tourist Vehicle. (In | - dhag a sain a | | 17100 | |
| cluding Service Car). Any moto car in respect of which payment i | | 1 - 1 - 5 - 5 | | |
| received for the conveyance o | f | | | |
| passengers and which is authorised | 1 | | | |
| to convey those passengers on a | a | 1 1 1 1 1 1 | | |
| specified route only or to touris resorts or on sight-seeing tours only- | | | | |
| (a) where the vehicle has seating accommodation for more than 16 adult persons (including th | g | | | |
| driver) | 328.50 | 272.00 | 88.00 | |
| (b) where the vehicle has seating accommodation for more than 6 adult persons but not mor than 16 adult persons (including) | e | | | |
| (c) where the vehicle has seating accommodation for not mor | . 208.50 g | 163.00 | 119.00 | |
| than 6 adult persons (includin, the driver) | g 104.00 | 90.50 | 90.50 | |
| which payment is received for th conveyance of passengers and which stands in a public street for hire | e | 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—con | | | |
|---|--|---|-----------|
| Class of Vehicle | Vehicle usually garaged— | | |
| | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| No. | \$ | \$ | \$ |
| No. 8. Private Hire Car. 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 9. Drive-Yourself Vehicle. Any motor vehicle, not included in Class 10 or | 261.00 | 90.50 | 90.50 |
| 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 |
| (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 | iku - | an a carao a bio canac a carao a carao | |
| 3 wheels (b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less | 104.00 | 90.50 | 90.50 |
| (c) which is equipped with an engine of 100 ml or less and has less | 56.50 | 53.50 | 30.00 |
| than 4 wheels | 30.00 | 13.50 | 7.50 |
| 11. Police Vehicle. Any motor vehicle owned by the Commissioner of Police | 114.00 | 114.00 | 114.00 |

TABLE—continued

Motor Vehicles (Third Party Insurance) Amendment.

SCHEDULE 1—continued.

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

TABLE—continued

| | Vehicle usually garaged- | | |
|---|--|--|-----------|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| No | \$ | \$ | \$ |
| No. 12. Fire Brigade Vehicle. (a) Any motor vehicle owned by the Board of Fire Commissioners | | | |
| of New South Wales (b) Any motor vehicle, not so | 261.00 | 180.50 | 180.50 |
| owned, which is used either for fire fighting only or for fire fighting and State Emergency | | e o supo e las Internetiones en | 18 |
| Services operations only 13. Ambulance Vehicle. Any motor vehicle constructed and used for the | 2.00 | 2.00 | 2.00 |
| conveyance of sick or injured persons 14. Undertaker's Vehicle. Any motor vehicle used solely— | 157.00 | 108.00 | 60.50 |
| (a) as an undertaker's hearse (b) as an undertaker's mourning | 16.00 | 16.00 | 11.00 |
| coach | 32.50 | 32.50 | 21.00 |
| cycles, to which a trader's plate is affixed | 28.00 | 28.00 | 28.00 |
| plate is affixed | 20.00 | 16.00 | 11.00 |
| (c) Tow-trucks(d) Trailer, including caravan trailer, | 152.00 | 53.50 | 36.50 |
| to which a trader's plate is affixed 6. <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 | 20.00 | 16.00 | 11.00 |
| 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

| - Server of the area of the official of the | Vehicle usually garaged— | | |
|---|--|--|--------------|
| Class of Vehicle | In Metro- politan and Wollon- gong Premium Districts | In Newcastle Premium District | Elsewhere |
| | \$ | \$ | \$ |
| No. 16A. Mobile Crane. Any mobile crane (not being a tow-truck) 17. Miscellaneous. Any motor vehicle | 263.50 | 209.50 | 145.50 |
| 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- | 19.00 | | 04.00 |
| cultural or farming purposes (c) any invalid chair | 15.00 2.00 | 11.00 2.00 | 5.00 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.

