FIRST PRINT

MISCELLANEOUS ACTS (TRANSPORT ACCIDENTS COMPENSATION) AMENDMENT BILL 1987

NEW SOUTH WALES

EXPLANATORY NOTE

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

This Bill is cognate with the Transport Accidents Compensation Bill 1987.

The objects of this Bill are—

(a) to amend certain Acts as a consequence of and in connection with the proposed Transport Accidents Compensation Act 1987;

(b) to specify the amounts of contributions payable in respect of motor vehicles under that Act as from 1 July 1987 (in place of premiums for third-party policies which were paid under the Motor Vehicles (Third Party Insurance) Act 1942); and

(c) to enact savings and transitional provisions consequent upon the enactment of the proposed Transport Accidents Compensation Act 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act. Most of its provisions will commence on 1 July 1987.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Clause 4 specifies that contributions payable in respect of motor vehicles under the proposed Transport Accidents Compensation Act 1987 shall be determined in accordance with Schedule 2.

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Clause 5 is a formal provision which gives effect to the Schedule of savings and transitional provisions.

Schedule 1 contains amendments to certain Acts.

The amendment to the Damages (Infants and Persons of Unsound Mind) Act 1929 excludes the application of that Act to claims made and compensation awarded under the proposed Transport Accidents Compensation Act 1987.

The amendment to the Motor Traffic Act 1909 enables penalty notices to be issued for such offences under the proposed Transport Accidents Compensation Act 1987 as may be prescribed.

The amendment to the Motor Vehicles (Third Party Insurance) Act 1942 limits the application of that Act to events occurring before 1 July 1987. It also facilitates the closure of the Third-party Fund and the transfer of its assets and liabilities to the Transport Accidents Compensation Fund.

The other amendments to the District Court Act 1973, the Industrial Arbitration Act 1940, the Law Reform (Miscellaneous Provisions) Act 1944, the Recreation Vehicles Act 1983 and the Stamp Duties Act 1920 are minor and consequential in nature.

Schedule 2 contains provisions specifying the manner of calculation of amounts payable by way of contributions under the proposed Transport Accidents Compensation Act 1987 in respect of motor vehicles as from 1 July 1987. The provisions are based on the provisions currently found in Schedule 1 to the Motor Vehicles (Third Party Insurance) Act 1942.

Schedule 3 contains savings and transitional provisions consequent upon the enactment of the proposed Transport Accidents Compensation Act 1987.

MISCELLANEOUS ACTS (TRANSPORT ACCIDENTS COMPENSATION) AMENDMENT BILL 1987

NEW SOUTH WALES

TABLE OF PROVISIONS

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MISCELLANEOUS ACTS (TRANSPORT ACCIDENTS COMPENSATION) AMENDMENT BILL 1987

NEW SOUTH WALES

No. , 1987

A BILL FOR

An Act to amend certain Acts as a consequence of and in connection with the enactment of the Transport Accidents Compensation Act 1987; and for other purposes.

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 **Short title**

1. This Act may be cited as the "Miscellaneous Acts (Transport Accidents Compensation) Amendment Act 1987".

Commencement

2. **(1)** Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by this section, this Act shall commence on 1 July 1987.

(3) The amendment made to section 88D of the Stamp Duties Act 1920 by section 3 and Schedule 1 shall commence on 31 July 1987.

15 **Amendment of certain Acts**

3. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Amounts of contributions

4. The contributions payable under section 24 of the Transport
20 Accidents Compensation Act 1987 in respect of motor vehicles from 1 July 1987 and until a determination under section 23 of that Act takes effect shall be determined in accordance with Schedule 2.

Savings and transitional provisions

5. Schedule 3 has effect.

SCHEDULE 1

(Sec. 3)

AMENDMENT OF CERTAIN ACTS

Damages (Infants and Persons of Unsound Mind) Act 1929 No. 25—

5 Section 2 (**Application of Act**)—

Section 2 (4)—

After section 2 (3), insert:

(4) This Act does not apply to claims made or compensation awarded under the Transport Accidents Compensation Act 1987.

10 **District Court Act 1973 No. 9—**

Section 161 (**Civil procedure rules**)—

Section 161 (4) (b) (i)—

After "1942", insert "or the Transport Accidents Compensation Act 1987".

Industrial Arbitration Act 1940 No. 2—

15 Section 88B (**Regulation of certain contracts**)—

Section 88B (5), definitions of "Motor vehicle" and "registered" and "Owner"—

Omit the definitions.

Law Reform (Miscellaneous Provisions) Act 1944 No. 28—

20 Section 2 (**Effect of death on certain causes of action**)—

Section 2 (6)—

After "1942", insert "or the Transport Accidents Compensation Act 1987".

Motor Traffic Act 1909 No. 5—

Section 18B (**Penalty notices for certain offences**)—

25 Section 18B (1) (da)—

After section 18B (1) (d), insert:

(da) has committed any prescribed offence under the Transport Accidents Compensation Act 1987 or any regulation made under that Act;

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

Motor Vehicles (Third Party Insurance) Act 1942 No. 15—

(1) Section 3—

After section 2, insert:

Application of Act

5 3. This Act applies to and in respect of—

(a) the registration or renewal of registration of a motor vehicle effected or required to be effected before 1 July 1987;

(b) the issue of a trader's plate before 1 July 1987;

(c) the use of a motor vehicle before 1 July 1987; and

10 (d) the death of or bodily injury to a person arising out of the use, before 1 July 1987, of a motor vehicle.

(2) Section 5 (**Interpretation**)—

Section 5 (1), definition of "Transport Accidents Compensation Fund"—

Omit the definition of "Third-party Fund" in section 5 (1), insert instead:

15 "Transport Accidents Compensation Fund" means the Fund established under section 15 of the Transport Accidents Compensation Act 1987;

(3) Section 14D (**Payment of claims**)—

Omit "Third-party Fund", insert instead "Transport Accidents Compensation Fund".

20 (4) Sections 33, 33A, 33B, 33E—

Omit the sections.

(5) Section 35A (**Application**)—

Section 35A (b)—

Omit "Third-party Fund", insert instead "Transport Accidents Compensation
25 Fund".

(6) Schedule 1 (**Maximum premiums**)—

Omit the Schedule.

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

Recreation Vehicles Act 1983 No. 136—

(1) Section 17 (**Applications**)—

Section 17 (2) (b) (iii)—

Omit the subparagraph, insert instead:

(iii) evidence that the motor vehicle is an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act 1942 or a motor vehicle in respect of which a contribution to the Transport Accidents Compensation Fund has, within the previous 12 months, been, or is about to be, paid under the Transport Accidents Compensation Act 1987; and

(2) Section 18 (**Registration**)—

Section 18 (2) (b)—

Omit the paragraph, insert instead:

(b) the motor vehicle is an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act 1942 or a motor vehicle in respect of which a contribution to the Transport Accidents Compensation Fund has, within the previous 12 months, been, or is about to be, paid under the Transport Accidents Compensation Act 1987; and

(3) Section 21 (**Cancellation of registration**)—

Section 21 (f)—

After "1942", insert "or a motor vehicle in respect of which no contribution has, within the previous 12 months, been paid into the Transport Accidents Compensation Fund established under the Transport Accidents Compensation Act 1987".

Stamp Duties Act 1920 No. 47—

Section 88D—

Omit the section, insert instead:

Stamp duty on certain insurance policies deemed to have been issued by the Government Insurance Office

88D. (1) The Government Insurance Office shall furnish a return each calendar month to the Chief Commissioner showing the number of policies for which premiums have been paid in that month under section 154 of the Transport Act 1930.

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

(2) The return shall be in such form as the Chief Commissioner may approve.

(3) The return shall be furnished within 7 days after the calendar month to which it relates.

(4) The Government Insurance Office shall pay to the Chief Commissioner at the time the return is furnished (or within such further time as the Chief Commissioner may allow) the duty that would have been payable on the policies shown in the return had those policies been made out and executed.

(5) In this section, "Government Insurance Office" means the Government Insurance Office of New South Wales.

SCHEDULE 2

(Sec. 4)

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987

Interpretation

1. (1) In this Schedule—

"Commissioner" means the Commissioner for Motor Transport;

"contribution" means a contribution payable under section 24 of the Transport Accidents Compensation Act 1987;

"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;

"Metropolitan District" means the County of Cumberland (excluding any portion of the City of 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;

"motor vehicle" has the same meaning as in the Transport Accidents Compensation Act 1987, but does not include a vehicle which is owned by the Commonwealth or by any person or body of persons representing the Commonwealth;

"Newcastle District" means the Newcastle and District Transport District established under the Transport Act 1930;

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

"pensioner" means a person—

(a) who is the holder of a Pensioner Health Benefits Card which is in force issued on behalf of the Commonwealth Department of Health by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or

(b) who is in receipt of a pension or other amount paid by the Commonwealth Department of Veterans' Affairs in respect of a war caused disability seriously affecting the person's powers of locomotion, being a pension or other amount (or a pension or other amount at a level) approved by the Commissioner for the purposes of this paragraph,

and—

(c) who is the holder of a licence which is in force to drive a motor vehicle, being a licence for which, pursuant to Regulation 5 of the Motor Traffic Regulations 1935, no fee was payable; or

(d) who is not the holder of a licence referred to in paragraph (c) but—

(i) who has satisfied the Commissioner, by the production of a certificate from a medical practitioner, that the person is medically fit to drive a motor vehicle; or

(ii) who has otherwise satisfied the Commissioner that the person should be treated as a pensioner for the purposes of this Schedule;

"pensioner's motor vehicle" means a motor vehicle—

(a) which is solely owned by a pensioner or jointly owned by 2 or more pensioners;

(b) which is not used in the course of any trade, business or profession or let out for hire;

(c) which is used solely or principally by the pensioner or those pensioners, as the case may be;

(d) which is used substantially for social or domestic purposes or for pleasure; and

(e) which does not weigh more than 2 tonnes or is a motor vehicle, or a motor vehicle of a class or description of motor vehicles, approved for the time being by the Commissioner;

"primary producer" means any person who cultivates or uses that person's own land or that of another for that person's own benefit—

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

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

(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;

"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 the primary producer or materials, provisions or commodities of any kind for use in the primary producer's business or occupation as a primary producer or in the primary producer's household; or

(ii) for purposes connected with the clearing of land to be cultivated or used by the primary producer 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 cent 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 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 District" means the City of Wollongong.

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*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 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.

Contributions deemed to have been determined by Minister

2. Contributions determined under this Schedule shall be deemed, for the purposes of the Transport Accidents Compensation Act 1987, to have been duly made by the Minister in accordance with that Act.

Maximum amounts of contributions

3. The maximum amount of contribution for a motor vehicle is—

(a) if the contribution is payable in respect of a period of 1 year—the amount specified in the Table to this Schedule having regard to the classification of the motor vehicle and the place at which the vehicle is usually garaged at the time the contribution is payable; or

(b) if the contribution is payable in respect of 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.

Taxi-cabs and private hire cars—place where vehicle is usually garaged

4. A motor vehicle which is comprised in Class 7 or 8 in the Table to this Schedule shall be deemed to be usually garaged in the Transport District in which the vehicle is licensed to operate as a public motor vehicle under the State Transport (Co-ordination) Act 1931.

Changes which increase maximum contributions

5. (1) If, during the period for which a contribution is payable, a change is made in the construction, use or ownership of the motor vehicle or in the place at which it is usually garaged or otherwise, and the change is of such a nature that an increased amount of contribution could be charged if a contribution were payable immediately after the change, the maximum amount of contribution to be charged in respect of the motor vehicle is, on and from the date of the change, increased by an amount calculated in accordance with subclause (2).

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

(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 contribution to be charged in respect of the motor vehicle at the time the contribution was payable and the maximum amount of contribution which would have been payable had that change been made prior to that time, and by dividing that difference by a number equivalent to the number of months (including any part of a month) of the period for which the contribution was payable.

Motor vehicle in 2 or more classifications

6. If a motor vehicle is within 2 or more classifications in the Table to this Schedule, the maximum contribution payable in respect of the motor vehicle is the highest maximum contribution prescribed by this Schedule for any of those classifications.

Pensioners' motor vehicles

7. A pensioner, in relation to the amount of contribution payable in respect of a pensioner's motor vehicle—

(a) is, except as provided by paragraph (b), entitled to a reduction, determined in accordance with this Schedule, in that amount in respect of one motor vehicle only; or

(b) is entitled to a reduction, determined in accordance with this Schedule, in that amount in respect of 2 motor vehicles if—

(i) the pensioner and another pensioner are the joint registered owners of the motor vehicles; and

(ii) the pensioners referred to in subparagraph (i) are married to each other or reside in the same household.

Contributions

8. The maximum contribution to be charged in respect of a motor vehicle that is registered under the Recreation Vehicles Act 1983 is the amount determined in accordance with this Schedule for a motor vehicle which is comprised in Class 10 in the Table to this Schedule and which is usually garaged elsewhere than in the Metropolitan, Newcastle or Wollongong Districts.

Adjustment of maximum contributions

9. (1) If—

(a) the maximum amount of contribution determined in accordance with this Schedule, after the addition of any stamp duty payable in respect of the registration or renewal of registration of the motor vehicle to which the contribution relates; or

(b) an amount calculated under clause 3 (b),

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

comprises an amount which is not a whole number of dollars, the amount so comprised shall, subject to subclause (2), be adjusted upwards or downwards, as the case requires, to the nearer amount which produces a whole number of dollars.

(2) If, but for this subclause, an amount could, in accordance with subclause (1), be adjusted upwards or downwards, it shall be adjusted upwards.

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

TABLE

CONTRIBUTIONS

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
1. *Motor Car.* Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive.	262	228	262	228	243	211	243	211
2. *Omnibus Type Car.* Any motor car which has seating accommodation for 9 or more adults (including 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.	524	413	524	299	485	382	485	276

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
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—								
(a) being a motor vehicle other than a station waggon where the unladen weight does not exceed 2 tonnes.	283	207	283	184	262	192	262	170
(b) being a motor vehicle other than a station waggon where the unladen weight exceeds 2 tonnes.	531	275	531	333	491	255	491	308
4. *Station Waggon.* Any station waggon, not included in Class 5, 7, 9, 11, 12 or 15—								
(a) where the unladen weight does not exceed 2 tonnes.	283	207	283	184	262	192	262	170
(b) where the unladen weight exceeds 2 tonnes.	531	275	531	333	491	255	491	308

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
5. *Primary Producer's Vehicle.* Any primary producer's vehicle (except a motor car) not included in Class 16 or 18—								
(a) where the unladen weight does not exceed 2 tonnes.	1~~1~~9	136	189	94	..	..	..	..
(b) where the unladen weight exceeds 2 tonnes.	191	191	191	47	..	..	..	..
6. *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 driver).	826	681	826	220	..	..	..	..

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SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver).	524	413	524	299	..	..	..	..
(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver).	262	228	262	228	..	..	..	..
7. *Taxi-cab.* Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire.	1,802	963	1,802	380	..	..	..	..
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.	655	228	655	228	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
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) without the services of a driver but which does not stand in a public street for hire, except a motor car which—								
(a) is 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; and								
(b) is operated in connection with a community transport project approved by the Minister.	636	550	636	299	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
10. *Motor Cycle and Similar Vehicle.* Any motor vehicle not included in Class 11, 12 or 15—								
(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels.	262	228	262	228	243	211	243	211
(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels.	142	136	142	76	131	126	131	70
(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels.	76	34	76	20	70	32	70	18
11. *Police Vehicle.* Any motor vehicle owned by the Commissioner of Police.	286	286	286	286	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
12. *Fire Brigade Vehicle.*								
(a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales.	655	452	655	452	..	..	..	..
(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operation only.	4	4	4	4	..	..	..	..
13. *Ambulance Vehicle.* Any motor vehicle constructed and used for the conveyance of sick or injured persons.	393	273	393	152	..	..	..	..
14. *Undertaker's Vehicle.* Any motor vehicle used solely—								
(a) as an undertaker's hearse.	42	42	42	28	..	..	..	..
(b) as an undertaker's mourning coach.	81	81	81	53	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
15. *Motor Trade Vehicles*—								
(a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed.	71	71	71	71	..	..	..	..
(b) Motor cycles to which a trader's plate is affixed.	50	42	50	28	..	..	..	..
(c) Tow-trucks.	383	136	383	91	..	..	..	..
(d) Trailer including caravan trailer, to which a trader's plate is affixed.	50	42	50	28	..	..	..	..
16. *Trailer.* Any trailer not included in Class 15 (d); except that no contribution shall be payable in respect of any other trailer which is hauled at the rear of any trailer, or in respect of any implement trailer.	4	4	4	4	4	4	4	4
17. *Mobile Crane.* Any mobile crane (not being a tow-truck).	662	524	662	367	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
18. *Miscellaneous.* Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 17 and which comprises—								
(a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earth-moving equipment or other machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespective of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis.	199	189	199	87	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agricultural or farming purposes.	37	28	37	12	..	..	..	..
(c) any invalid chair.	4	4	4	4	4	4	4	4

SCHEDULE 3

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. Words and expressions used in this Schedule have the same meanings as in the Transport Accidents Compensation Act 1987.

Transfer of money in Third-party Fund

2. (1) In this clause—

"Compensation Fund" means the Transport Accidents Compensation Fund;

"Third-party Fund" means the fund administered by the GIO within the insurance funds administration business division of the GIO which comprises amounts (other than commission held by the GIO as manager of the Department of Motor Transport Third Party Insurance Scheme).

(2) On 1 July 1987, the GIO shall pay into the Compensation Fund all money then standing to the credit of the Third-party Fund.

(3) On and from 1 July 1987—

(a) money which would, but for the enactment of the Transport Accidents Compensation Act 1987 and this Act, have been paid or payable out of the Third-party Fund shall be paid or payable out of the Compensation Fund; and

(b) money which would, but for the enactment of the Transport Accidents Compensation Act 1987 and this Act, have been paid or payable into the Third-party Fund shall be paid or payable into the Compensation Fund.

Regulations

3. (1) The regulations under the Transport Accidents Compensation Act 1987 may contain other provisions of a savings or transitional nature consequent on the enactment of that Act and this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect as from 1 July 1987 or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

SCHEDULE 3—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1987

MISCELLANEOUS ACTS (TRANSPORT ACCIDENTS COMPENSATION) AMENDMENT ACT 1987 No. 102

NEW SOUTH WALES

TABLE OF PROVISIONS

70518-15722 (28)

MISCELLANEOUS ACTS (TRANSPORT ACCIDENTS COMPENSATION) AMENDMENT ACT 1987 No. 102

NEW SOUTH WALES

Act No. 102, 1987

An Act to amend certain Acts as a consequence of and in connection with the enactment of the Transport Accidents Compensation Act 1987; and for other purposes. [Assented to 12 June 1987]

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 "Miscellaneous Acts (Transport Accidents Compensation) Amendment Act 1987".

Commencement

2. **(1)** Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by this section, this Act shall commence on 1 July 1987.

(3) The amendment made to section 88D of the Stamp Duties Act 1920 by section 3 and Schedule 1 shall commence on 31 July 1987.

Amendment of certain Acts

3. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Amounts of contributions

4. The contributions payable under section 24 of the Transport Accidents Compensation Act 1987 in respect of motor vehicles from 1 July 1987 and until a determination under section 23 of that Act takes effect shall be determined in accordance with Schedule 2.

Savings and transitional provisions

5. Schedule 3 has effect.

SCHEDULE 1

(Sec. 3)

AMENDMENT OF CERTAIN ACTS

Damages (Infants and Persons of Unsound Mind) Act 1929 No. 25—

Section 2 (**Application of Act**)—

Section 2 (4)—

After section 2 (3), insert:

(4) This Act does not apply to claims made or compensation awarded under the Transport Accidents Compensation Act 1987.

District Court Act 1973 No. 9—

Section 161 (**Civil procedure rules**)—

Section 161 (4) (b) (i)—

After "1942", insert "or the Transport Accidents Compensation Act 1987".

Industrial Arbitration Act 1940 No. 2—

Section 88B (**Regulation of certain contracts**)—

Section 88B (5), definitions of "Motor vehicle" and "registered" and "Owner"—

Omit the definitions.

Law Reform (Miscellaneous Provisions) Act 1944 No. 28—

Section 2 (**Effect of death on certain causes of action**)—

Section 2 (6)—

After "1942", insert "or the Transport Accidents Compensation Act 1987".

Motor Traffic Act 1909 No. 5—

Section 18B (**Penalty notices for certain offences**)—

Section 18B (1) (da)—

After section 18B (1) (d), insert:

(da) has committed any prescribed offence under the Transport Accidents Compensation Act 1987 or any regulation made under that Act;

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

Motor Vehicles (Third Party Insurance) Act 1942 No. 15—

(1) Section 3—

After section 2, insert:

Application of Act

3. This Act applies to and in respect of—

(a) the registration or renewal of registration of a motor vehicle effected or required to be effected before 1 July 1987;

(b) the issue of a trader's plate before 1 July 1987;

(c) the use of a motor vehicle before 1 July 1987; and

(d) the death of or bodily injury to a person arising out of the use, before 1 July 1987, of a motor vehicle.

(2) Section 5 (**Interpretation**)—

Section 5 (1), definition of "Transport Accidents Compensation Fund"—

Omit the definition of "Third-party Fund" in section 5 (1), insert instead:

"Transport Accidents Compensation Fund" means the Fund established under section 15 of the Transport Accidents Compensation Act 1987;

(3) Section 14D (**Payment of claims**)—

Omit "Third-party Fund", insert instead "Transport Accidents Compensation Fund".

(4) Sections 33, 33A, 33B, 33E—

Omit the sections.

(5) Section 35A (**Application**)—

Section 35A (b)—

Omit "Third-party Fund", insert instead "Transport Accidents Compensation Fund".

(6) Schedule 1 (**Maximum premiums**)—

Omit the Schedule.

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

Recreation Vehicles Act 1983 No. 136—

(1) Section 17 **(Applications)—**

Section 17 (2) (b) (iii)—

Omit the subparagraph, insert instead:

(iii) evidence that the motor vehicle is an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act 1942 or a motor vehicle in respect of which a contribution to the Transport Accidents Compensation Fund has, within the previous 12 months, been, or is about to be, paid under the Transport Accidents Compensation Act 1987; and

(2) Section 18 **(Registration)—**

Section 18 (2) (b)—

Omit the paragraph, insert instead:

(b) the motor vehicle is an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act 1942 or a motor vehicle in respect of which a contribution to the Transport Accidents Compensation Fund has, within the previous 12 months, been, or is about to be, paid under the Transport Accidents Compensation Act 1987; and

(3) Section 21 **(Cancellation of registration)—**

Section 21 (f)—

After "1942", insert "or a motor vehicle in respect of which no contribution has, within the previous 12 months, been paid into the Transport Accidents Compensation Fund established under the Transport Accidents Compensation Act 1987".

Stamp Duties Act 1920 No. 47—

Section 88D—

Omit the section, insert instead:

Stamp duty on certain insurance policies deemed to have been issued by the Government Insurance Office

88D. (1) The Government Insurance Office shall furnish a return each calendar month to the Chief Commissioner showing the number of policies for which premiums have been paid in that month under section 154 of the Transport Act 1930.

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

(2) The return shall be in such form as the Chief Commissioner may approve.

(3) The return shall be furnished within 7 days after the calendar month to which it relates.

(4) The Government Insurance Office shall pay to the Chief Commissioner at the time the return is furnished (or within such further time as the Chief Commissioner may allow) the duty that would have been payable on the policies shown in the return had those policies been made out and executed.

(5) In this section, "Government Insurance Office" means the Government Insurance Office of New South Wales.

SCHEDULE 2

(Sec. 4)

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987

Interpretation

1. (1) In this Schedule—

"Commissioner" means the Commissioner for Motor Transport;

"contribution" means a contribution payable under section 24 of the Transport Accidents Compensation Act 1987;

"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;

"Metropolitan District" means the County of Cumberland (excluding any portion of the City of 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;

"motor vehicle" has the same meaning as in the Transport Accidents Compensation Act 1987, but does not include a vehicle which is owned by the Commonwealth or by any person or body of persons representing the Commonwealth;

"Newcastle District" means the Newcastle and District Transport District established under the Transport Act 1930;

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

"pensioner" means a person—

(a) who is the holder of a Pensioner Health Benefits Card which is in force issued on behalf of the Commonwealth Department of Health by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or

(b) who is in receipt of a pension or other amount paid by the Commonwealth Department of Veterans' Affairs in respect of a war caused disability seriously affecting the person's powers of locomotion, being a pension or other amount (or a pension or other amount at a level) approved by the Commissioner for the purposes of this paragraph,

and—

(c) who is the holder of a licence which is in force to drive a motor vehicle, being a licence for which, pursuant to Regulation 5 of the Motor Traffic Regulations 1935, no fee was payable; or

(d) who is not the holder of a licence referred to in paragraph (c) but—

(i) who has satisfied the Commissioner, by the production of a certificate from a medical practitioner, that the person is medically fit to drive a motor vehicle; or

(ii) who has otherwise satisfied the Commissioner that the person should be treated as a pensioner for the purposes of this Schedule;

"pensioner's motor vehicle" means a motor vehicle—

(a) which is solely owned by a pensioner or jointly owned by 2 or more pensioners;

(b) which is not used in the course of any trade, business or profession or let out for hire;

(c) which is used solely or principally by the pensioner or those pensioners, as the case may be;

(d) which is used substantially for social or domestic purposes or for pleasure; and

(e) which does not weigh more than 2 tonnes or is a motor vehicle, or a motor vehicle of a class or description of motor vehicles, approved for the time being by the Commissioner;

"primary producer" means any person who cultivates or uses that person's own land or that of another for that person's own benefit—

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

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

(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;

"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 the primary producer or materials, provisions or commodities of any kind for use in the primary producer's business or occupation as a primary producer or in the primary producer's household; or

(ii) for purposes connected with the clearing of land to be cultivated or used by the primary producer 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 cent 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 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 District" means the City of Wollongong.

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*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 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.

Contributions deemed to have been determined by Minister

2. Contributions determined under this Schedule shall be deemed, for the purposes of the Transport Accidents Compensation Act 1987, to have been duly made by the Minister in accordance with that Act.

Maximum amounts of contributions

3. The maximum amount of contribution for a motor vehicle is—

(a) if the contribution is payable in respect of a period of 1 year—the amount specified in the Table to this Schedule having regard to the classification of the motor vehicle and the place at which the vehicle is usually garaged at the time the contribution is payable; or

(b) if the contribution is payable in respect of 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.

Taxi-cabs and private hire cars—place where vehicle is usually garaged

4. A motor vehicle which is comprised in Class 7 or 8 in the Table to this Schedule shall be deemed to be usually garaged in the Transport District in which the vehicle is licensed to operate as a public motor vehicle under the State Transport (Co-ordination) Act 1931.

Changes which increase maximum contributions

5. (1) If, during the period for which a contribution is payable, a change is made in the construction, use or ownership of the motor vehicle or in the place at which it is usually garaged or otherwise, and the change is of such a nature that an increased amount of contribution could be charged if a contribution were payable immediately after the change, the maximum amount of contribution to be charged in respect of the motor vehicle is, on and from the date of the change, increased by an amount calculated in accordance with subclause (2).

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

(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 contribution to be charged in respect of the motor vehicle at the time the contribution was payable and the maximum amount of contribution which would have been payable had that change been made prior to that time, and by dividing that difference by a number equivalent to the number of months (including any part of a month) of the period for which the contribution was payable.

Motor vehicle in 2 or more classifications

6. If a motor vehicle is within 2 or more classifications in the Table to this Schedule, the maximum contribution payable in respect of the motor vehicle is the highest maximum contribution prescribed by this Schedule for any of those classifications.

Pensioners' motor vehicles

7. A pensioner, in relation to the amount of contribution payable in respect of a pensioner's motor vehicle—

(a) is, except as provided by paragraph (b), entitled to a reduction, determined in accordance with this Schedule, in that amount in respect of one motor vehicle only; or

(b) is entitled to a reduction, determined in accordance with this Schedule, in that amount in respect of 2 motor vehicles if—

(i) the pensioner and another pensioner are the joint registered owners of the motor vehicles; and

(ii) the pensioners referred to in subparagraph (i) are married to each other or reside in the same household.

Contributions

8. The maximum contribution to be charged in respect of a motor vehicle that is registered under the Recreation Vehicles Act 1983 is the amount determined in accordance with this Schedule for a motor vehicle which is comprised in Class 10 in the Table to this Schedule and which is usually garaged elsewhere than in the Metropolitan, Newcastle or Wollongong Districts.

Adjustment of maximum contributions

9. (1) If—

(a) the maximum amount of contribution determined in accordance with this Schedule, after the addition of any stamp duty payable in respect of the registration or renewal of registration of the motor vehicle to which the contribution relates; or

(b) an amount calculated under clause 3 (b),

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

comprises an amount which is not a whole number of dollars, the amount so comprised shall, subject to subclause (2), be adjusted upwards or downwards, as the case requires, to the nearer amount which produces a whole number of dollars.

(2) If, but for this subclause, an amount could, in accordance with subclause (1), be adjusted upwards or downwards, it shall be adjusted upwards.

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

TABLE

CONTRIBUTIONS

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
1. *Motor Car.* Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive.	262	228	262	228	243	211	243	211
2. *Omnibus Type Car.* Any motor car which has seating accommodation for 9 or more adults (including 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.	524	413	524	299	485	382	485	276

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
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—								
(a) being a motor vehicle other than a station waggon where the unladen weight does not exceed 2 tonnes.	283	207	283	184	262	192	262	170
(b) being a motor vehicle other than a station waggon where the unladen weight exceeds 2 tonnes.	531	275	531	333	491	255	491	308
4. *Station Waggon.* Any station waggon, not included in Class 5, 7, 9, 11, 12 or 15—								
(a) where the unladen weight does not exceed 2 tonnes.	283	207	283	184	262	192	262	170
(b) where the unladen weight exceeds 2 tonnes.	531	275	531	333	491	255	491	308

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
5. *Primary Producer's Vehicle.* Any primary producer's vehicle (except a motor car) not included in Class 16 or 18—								
(a) where the unladen weight does not exceed 2 tonnes.	189	136	189	94	..	..	..	..
(b) where the unladen weight exceeds 2 tonnes.	191	191	191	47	..	..	..	..
6. *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 driver).	826	681	826	220	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver).	524	413	524	299	..	..	..	..
(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver).	262	228	262	228	..	..	..	..
7. *Taxi-cab.* Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire.	1,802	963	1,802	380	..	..	..	..
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.	655	228	655	228	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
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) without the services of a driver but which does not stand in a public street for hire, except a motor car which—								
(a) is 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; and								
(b) is operated in connection with a community transport project approved by the Minister.	636	550	636	299	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
10. *Motor Cycle and Similar Vehicle.* Any motor vehicle not included in Class 11, 12 or 15—								
(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels.	262	228	262	228	243	211	243	211
(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels.	142	136	142	76	131	126	131	70
(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels.	76	34	76	20	70	32	70	18
11. *Police Vehicle.* Any motor vehicle owned by the Commissioner of Police.	286	286	286	286	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
12. *Fire Brigade Vehicle.*								
(a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales.	655	452	655	452	..	..	..	..
(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operation only.	4	4	4	4	..	..	..	..
13. *Ambulance Vehicle.* Any motor vehicle constructed and used for the conveyance of sick or injured persons.	393	273	393	152	..	..	..	..
14. *Undertaker's Vehicle.* Any motor vehicle used solely—								
(a) as an undertaker's hearse.	42	42	42	28	..	..	..	..
(b) as an undertaker's mourning coach.	81	81	81	53	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
15. *Motor Trade Vehicles*—								
(a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed.	71	71	71	71	..	..	..	..
(b) Motor cycles to which a trader's plate is affixed.	50	42	50	28	..	..	..	..
(c) Tow-trucks.	383	136	383	91	..	..	..	..
(d) Trailer including caravan trailer, to which a trader's plate is affixed.	50	42	50	28	..	..	..	..
16. *Trailer.* Any trailer not included in Class 15 (d); except that no contribution shall be payable in respect of any other trailer which is hauled at the rear of any trailer, or in respect of any implement trailer.	4	4	4	4	4	4	4	4
17. *Mobile Crane.* Any mobile crane (not being a tow-truck).	662	524	662	367	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
18. *Miscellaneous.* Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 17 and which comprises—								
(a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earth-moving equipment or other machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespective of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis.	199	189	199	87	..	..	..	..

SCHEDULE 2—*continued*

AMOUNTS OF CONTRIBUTIONS PAYABLE UNDER SECTION 24 OF THE TRANSPORT ACCIDENTS COMPENSATION ACT 1987—*continued*

CLASS OF VEHICLE	Vehicle usually garaged—							
	VEHICLE OTHER THAN PENSIONER MOTOR VEHICLE				PENSIONER MOTOR VEHICLE			
	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere	In Metropolitan District	In Newcastle District	In Wollongong District	Elsewhere
No.	$	$	$	$	$	$	$	$
(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agricultural or farming purposes.	37	28	37	12	..	..	..	..
(c) any invalid chair.	4	4	4	4	4	4	4	4

SCHEDULE 3

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. Words and expressions used in this Schedule have the same meanings as in the Transport Accidents Compensation Act 1987.

Transfer of money in Third-party Fund

2. (1) In this clause—

"Compensation Fund" means the Transport Accidents Compensation Fund;

"Third-party Fund" means the fund administered by the GIO within the insurance funds administration business division of the GIO which comprises amounts (other than commission held by the GIO as manager of the Department of Motor Transport Third Party Insurance Scheme).

(2) On 1 July 1987, the GIO shall pay into the Compensation Fund all money then standing to the credit of the Third-party Fund.

(3) On and from 1 July 1987—

(a) money which would, but for the enactment of the Transport Accidents Compensation Act 1987 and this Act, have been paid or payable out of the Third-party Fund shall be paid or payable out of the Compensation Fund; and

(b) money which would, but for the enactment of the Transport Accidents Compensation Act 1987 and this Act, have been paid or payable into the Third-party Fund shall be paid or payable into the Compensation Fund.

Regulations

3. (1) The regulations under the Transport Accidents Compensation Act 1987 may contain other provisions of a savings or transitional nature consequent on the enactment of that Act and this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect as from 1 July 1987 or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

SCHEDULE 3—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1987