

# CONCURRENCE COPY

## MOTOR VEHICLES (THIRD PARTY INSURANCE) AMENDMENT BILL, 1984

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### EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:—

Government Insurance (Amendment) Bill, 1984;

Law Reform (Miscellaneous Provisions) Amendment Bill, 1984.

The objects of this Bill are—

- (a) to specify that those provisions of the Motor Vehicles (Third Party Insurance) Act, 1942 ("the Act"), relating to third-party policies shall constitute a scheme to be known as the "Department of Motor Transport Third Party Insurance Scheme" of which the Government Insurance Office of New South Wales shall be the manager (Schedule 1 (3));
- (b) to provide that the Government Insurance Office shall be the sole insurer in respect of third-party policies (Schedule 1 (4)–(8), (10)–(16) and (20)–(23));
- (c) to provide that certain personal injury claims which would previously have been made against the owners or drivers of motor vehicles shall be made against the Government Insurance Office (Schedule 1 (9)—proposed section 14);
- (d) to provide that those personal injury claims which would previously have been made against the nominal defendant shall be made against the Government Insurance Office (Schedule 1 (9)—proposed section 14A—and (16)–(18));
- (e) to provide that claims referred to in paragraphs (c) and (d) do not apply to claims for personal injury arising from the use of a motor vehicle registered outside New South Wales (Schedule 1 (9)—proposed section 14B);
- (f) to provide for the service of documents on the Government Insurance Office (Schedule 1 (9)—proposed section 14C);
- (g) to provide for the payment of claims by the Government Insurance Office out of the Third-party Fund (Schedule 1 (9)—proposed section 14D);
- (h) to enable the joint hearing of certain proceedings brought against the Government Insurance Office (Schedule 1 (9)—proposed section 14E);

- (i) to specify the basis on which premiums for third-party policies shall be calculated (Schedule 2 (1)—proposed section 33A—and (3) (b) and (f));
  - (j) to provide for the rounding-off of premiums and stamp duty to a whole number of dollars (Schedule 2 (1)—proposed section 33B—and (3) (d));
  - (k) to provide for the reduction of premiums payable in respect of pensioners' motor vehicles (Schedule 2 (3) (a) and (e));
  - (l) to provide, in relation to the payment of claims out of the Third-party Fund—
    - (i) for the application of a discount rate of 5 per cent (Schedule 3—proposed section 35B);
    - (ii) for the basis of quantifying compensation for the value of services of a domestic nature or services relating to nursing and attendance which are rendered voluntarily (Schedule 3—proposed section 35C); and
    - (iii) that no interest shall be payable on an amount of general damages for the period from the date of death of or injury to the person in respect of whom the general damages are awarded to the date of the award (Schedule 3—proposed section 35D);
  - (m) to increase penalties for certain offences under the Act (Schedule 4);
  - (n) to make amendments to the Act by way of statute law revision (Schedule 5);
  - (o) to enact certain savings, transitional and other provisions; and
  - (p) to make other provisions of a minor, ancillary or consequential nature.
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**MOTOR VEHICLES (THIRD PARTY INSURANCE)  
AMENDMENT BILL, 1984**

No.           , 1984.

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**A BILL FOR**

An Act to amend the Motor Vehicles (Third Party Insurance) Act, 1942, to provide for the Government Insurance Office of New South Wales to be the sole insurer under the Act and with respect to the calculation of premiums, the awarding of damages payable out of the Third-party Fund and the amount of penalties.

[MR SHEAHAN *on behalf of* MR LANDA—10 May, 1984.]

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See also Government Insurance (Amendment) Bill, 1984; Law Reform (Miscellaneous Provisions) Amendment Bill, 1984.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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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 Short title.**

1. This Act may be cited as the "Motor Vehicles (Third Party Insurance) Amendment Act, 1984".

**Commencement.**

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

(2) Except as provided by subsection (1), this Act shall commence on 1st July, 1984.

**Principal Act.**

3. The Motor Vehicles (Third Party Insurance) Act, 1942, is referred  
15 to in this Act as the Principal Act.

**Schedules.**

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS.

20 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE AWARDING OF DAMAGES.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

5 SCHEDULE 6.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

**Amendment of Act No. 15, 1942.**

5. The Principal Act is amended in the manner set forth in Schedules 1-5.

**Savings, transitional and other provisions.**

10 6. Schedule 6 has effect.

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SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS.

(1) Section 4—

15 Omit the matter relating to Division 4 of Part II, insert instead:—  
DIVISION 4.—*Recovery of certain amounts—s. 32.*

(2) (a) Section 5 (1), definition of “Authorised insurer”—  
Omit the definition.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

(b) Section 5 (1), definition of “Nominal defendant”—  
Omit the definition.

5 (c) Section 5 (1), definition of “Third-party Fund”—  
After the definition of “Regulations”, insert:—

10 “Third-party Fund” means the fund for the time being of the  
Government Insurance Office in respect of that division  
of the business of that Office being the motor vehicles  
(third party) insurance business conducted under this  
Act.

(3) Section 6A—

After section 6, insert:—

**Scheme.**

15 6A. (1) The provisions of this Act relating to third-party policies  
shall constitute a scheme to be known as the “Department of Motor  
Transport Third Party Insurance Scheme”.

20 (2) The Government Insurance Office shall be the manager  
of the Department of Motor Transport Third Party Insurance  
Scheme.

(4) (a) Section 8 (1) (a)—  
Omit the paragraph.

(b) Section 8 (2) (a)—  
Omit the paragraph.

25 (5) (a) Section 9 (1)—  
Omit the subsection.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

- (b) Section 9 (2), (3)—  
Omit “authorised” wherever occurring.
- 5 (6) (a) Sections 10 (1) (a), (5), (6), 12 (1) (b), (4) (c), 13 (1)—  
Omit “an authorised insurer” wherever occurring, insert instead  
“the Government Insurance Office”.
- (b) Sections 10 (5) (a), (6) (b), 12 (1) (a), (4) (a), (5), (6),  
17, 18 (1), (2), (3), 20 (1) (e)—  
10 Omit “the authorised insurer” wherever occurring, insert instead  
“the Government Insurance Office”.
- (c) Sections 10 (5) (a), 12 (1) (b), (4) (c), 18 (1) (b)—  
Omit “he” wherever occurring, insert instead “it”.
- (d) Section 10 (5) (b)—  
15 Omit “the same or another authorised insurer”, insert instead  
“the Government Insurance Office”.
- (e) Section 10 (6)—  
20 Omit “Whilst any authorised insurer is exempted under para-  
graph (b)”, insert instead “(6A) While the Government  
Insurance Office is exempted under subsection (6) (b)”.
- (f) Section 10 (7)—  
Omit “an authorised insurer”, insert instead “the Government  
Insurance Office in”.
- (g) Section 10 (8)—  
25 Omit “In this subsection ‘insured person’ means a person so  
referred to in paragraph (a) of subsection (2) of section 15.”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

(h) Section 10 (9)—

After section 10 (8), insert:—

- 5           (9) In subsection (8), “insured person” means a person who is insured against liability in respect of the death of or bodily injury to any other person caused by or arising out of the use of a motor vehicle under—
- 10           (a) a third-party policy; or
- 15           (b) a policy of insurance complying with the provisions of any statute which is in force in any prescribed part of the Commonwealth of Australia (other than this State) and which requires the owner or driver of a motor vehicle to be insured against liability in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle.

(7) Section 11—

Omit the section.

(8) (a) Section 12 (2)—

- 20           Omit “the authorised insurer who issued such policy”, insert instead “the Government Insurance Office”.

(b) Section 12 (3)—

- 25           Omit “the authorised insurer who issued the third-party policy in relation to that motor vehicle”, insert instead “the Government Insurance Office”.



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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

## (9) Sections 14–14E—

Omit section 14, insert instead:—

5 **Making of claims—identified motor vehicles.**

14. (1) Every claim for damages in respect of the death of or  
bodily injury to any person caused by or arising out of the use of  
a motor vehicle, the identity of which is established and which, at  
the time the circumstances resulting in the death or bodily injury  
10 occurred, was—

(a) in the case of an insured motor vehicle, being used in any  
place, whether within New South Wales or otherwise; or

(b) in the case of an uninsured motor vehicle, being used on any  
public street in New South Wales,

15 being a claim which, but for this section, could be made against the  
owner or driver of the motor vehicle, shall be made against the  
Government Insurance Office and any proceedings to enforce any  
such claim for damages shall be taken against the Government  
Insurance Office and not against the owner or driver of the motor  
20 vehicle.

(2) A claim referred to in subsection (1) may be made and  
proceedings so referred to may be taken notwithstanding that the  
owner or driver of the motor vehicle is dead or cannot be found or is  
the spouse of the person whose death or to whom bodily injury has  
25 been caused.

(3) In respect of a claim referred to in subsection (1), the  
Government Insurance Office shall, except as provided by section  
14D, be liable as if it were the owner or driver of the motor vehicle  
in relation to which the claim is made.

30 (4) Where, in relation to the death of or bodily injury to  
any person caused by or arising out of the use of a motor vehicle, a  
claim lies against an insurer, otherwise than under a third-party

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

5 policy, nothing in this section or section 14D limits or otherwise affects the making of any such claim or prevents the recovery of any contribution by the Government Insurance Office as the insurer under the third-party policy from any other insurer.

(5) Nothing in this section affects the liability of a driver referred to in section 17.

**Making of claims—unidentified motor vehicles.**

10 14A. (1) Where the death of or bodily injury to any person is caused by or arises out of the use of a motor vehicle upon a public street in New South Wales but the identity of the motor vehicle cannot after due inquiry and search be established, any person who could have enforced a claim for damages against the owner or driver of the motor vehicle in respect of the death or bodily injury may enforce  
15 against the Government Insurance Office the claim which the second-mentioned person could have enforced against the owner or driver of the motor vehicle.

20 (2) The inquiry and search referred to in subsection (1) may be proved orally or by the affidavit of the person who made the inquiry and search.

**Exclusion of certain claims.**

25 14B. Nothing in section 14 or 14A entitles a person to make a claim for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle which, at the time the circumstances resulting in the death or bodily injury occurred, was registered pursuant to the law of a place other than New South Wales.

**Service of documents on the GIO.**

30 14C. A document required or authorised by this Act or any other law to be delivered to or served upon the Government Insurance Office in respect of a claim under section 14 or 14A shall be

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

5 sufficiently delivered or served if delivered to, or sent by post in a prepaid letter addressed to, the Government Insurance Office at an address prescribed for the purposes of this section.

**Payment of claims.**

10 14D. The Government Insurance Office shall not be personally liable to pay any amount payable in satisfaction of any claim made under section 14 or 14A, any judgment recovered against it or the amount of any costs or expenses incurred by it in relation to any such claim or to the proceedings in which the judgment was obtained, but every such amount shall be paid by the Government Insurance Office out of the Third-party Fund.

**Joint hearing of certain proceedings.**

15 14E. (1) Where 2 or more proceedings have been commenced against the Government Insurance Office by persons who would, but for section 14, be parties to the same proceedings or could, but for section 14, be joined as parties to the same proceedings, a court before which those proceedings or any of those proceedings have  
20 been commenced shall, on the application of the Government Insurance Office, order that those proceedings be heard at the same time.

(2) Where proceedings referred to in subsection (1) have  
25 been commenced in different courts, the court to which an application under that subsection is made shall, when making an order under subsection (1), order that the proceedings not commenced in that court be transferred to it.

(3) Where, in relation to proceedings which have been  
30 transferred from the District Court of New South Wales to the Supreme Court of New South Wales in accordance with an order under subsection (2)—

- (a) an order for costs is made against the plaintiff, the plaintiff shall pay those costs assessed as if those proceedings had been conducted in the District Court; or

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

- 5 (b) an order for costs is made against the Government Insurance Office, the Government Insurance Office shall pay those costs assessed—
- (i) in accordance with the rules of the Supreme Court; or
  - (ii) as if those proceedings had been conducted in the District Court,
- whichever assessment is the higher.
- 10 (4) Notwithstanding subsections (1) and (2), a court, in relation to an application under subsection (1), may refuse to make an order referred to in those subsections, or may make any other order, if the court is of the opinion that, in the interests of justice, it is desirable to do so.
- 15 (10) Sections 15, 16—  
Omit the sections.
- (11) Section 18 (1)—  
Omit “The authorised insurer who issued any third-party policy”, insert instead “The Government Insurance Office”.
- 20 (12) (a) Section 20 (1) (a)—  
Omit “the authorised insurer (where the motor vehicle is an insured motor vehicle) or to the nominal defendant (where the motor vehicle is an uninsured motor vehicle)”, insert instead “the Government Insurance Office”.
- 25 (b) Section 20 (1) (b)—  
Omit “the authorised insurer (where the motor vehicle is an insured motor vehicle) or the nominal defendant (where the motor vehicle is an uninsured motor vehicle).”, insert instead “the Government Insurance Office.”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

- (c) Sections 20 (1) (c), (d), 26 (3) (a) (i)—  
5 Omit “the authorised insurer or the nominal defendant” wherever occurring, insert instead “the Government Insurance Office”.
- (13) (a) Sections 21 (2) (a), 22 (2) (a)—  
Omit “the authorised insurer who issued the third-party policy” wherever occurring, insert instead “the Government Insurance Office”.
- 10 (b) Sections 21 (2) (b), 22 (2) (b)—  
Omit “such authorised insurer” wherever occurring, insert instead “the Government Insurance Office”.
- (14) (a) Section 23 (1)—  
Omit the subsection.
- 15 (b) Section 23 (2)—  
Omit “who, not being an authorised insurer, advertises himself or holds himself out to be an authorised insurer or”, insert instead “, other than the Government Insurance Office, who”.
- (15) (a) Section 25 (1)—  
20 Omit “the authorised insurer under or in consequence of the third-party policy, or (in the case of an uninsured or unidentified motor vehicle) by the nominal defendant,”, insert instead “the Government Insurance Office”.
- (b) Sections 25 (3), 26 (4), 27—  
25 Omit “an authorised insurer or the nominal defendant” wherever occurring, insert instead “the Government Insurance Office”.
- (c) Section 25 (3)—  
Omit “him”, insert instead “it”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

## (16) Section 26 (1A)—

5 Omit “the owner and the driver of the motor vehicle jointly, or from either of them severally or (in the case of an uninsured or unidentified vehicle) from the nominal defendant”, insert instead “the Government Insurance Office”.

## (17) Part II, Division 4, heading—

10 Omit “*Nominal Defendant.*”, insert instead “*Recovery of certain amounts.*”.

## (18) Sections 29–31A—

Omit the sections.

## (19) (a) Section 32 (1)—

15 Omit “the nominal defendant” wherever occurring, insert instead “the Government Insurance Office”.

## (b) Section 32 (1)—

20 Omit “or judgment recovered against him”, insert instead “under section 14 in respect of an uninsured motor vehicle or under section 14A in respect of a motor vehicle, any judgment recovered against it”.

## (c) Section 32 (1)—

Omit “him” where secondly occurring, insert instead “it”.

## (d) Section 32 (2)—

Omit the subsection.

## 25 (20) Section 34 (2)—

Omit “The authorised insurer”, insert instead “The Government Insurance Office”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

(21) (a) Section 36 (1)—

Omit the subsection.

5 (b) Section 36 (2) (b)—

Omit “cancelled; or”, insert instead “cancelled”.

(c) Section 36 (2) (c)—

Omit the paragraph.

(22) Section 37—

10 Omit “Any”, insert instead “Except as provided by section 14c, any”.

(23) Section 38 (1)—

15 Omit “and, if so, as to the name and address of the authorised insurer who issued the third-party policy in relation to the motor vehicle”.

(24) Section 45 (2) (d)—

Omit “any authorised insurer”, insert instead “the Government Insurance Office”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

## SCHEDULE 2.

(Sec. 5.)

## AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS.

## (1) Sections 33–33D—

5 Omit the sections, insert instead:—

**Interpretation.**

33. In this Part—

10 “Board” means the Government Insurance Office of New South  
Wales Board established by section 3B of the Government  
Insurance Act, 1927;

“financial year” means a period commencing on and including  
1st July and ending on and including the next following  
30th June;

“year” means—

15 (a) the period commencing on and including 1st January,  
1985, and ending on and including 31st December,  
1985; or

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

**Maximum amount of premium.**

25 33A. (1) Except as provided by subsection (4), the maximum  
amount of premium to be charged in respect of a third-party policy  
that is expressed to commence at any time during a year commencing  
on or after 1st January, 1985, shall be the amount of premium  
which is determined for that year in respect of third-party policies  
of the class to which that third-party policy belongs in accordance  
with the formula—

$$P = BP \times RF$$

30 where—

P is the amount of premium;

BP is the base premium; and

RF is the relativity factor for that class.



*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

5 (2) For the purposes of subsection (1), the base premium  
for a year shall be calculated in accordance with the formula—

$$BP = \frac{(CP + EX - II)}{NV \times (1 - CR)} \times AF$$

where—

10 BP is the base premium;

CP is the amount paid out of the Third-party Fund for the  
immediately preceding financial year in satisfaction of claims  
made against the Fund or in connection with the exercise and  
discharge of the powers, authorities, duties and functions of  
15 the person who, for the time being, was the nominal defendant  
for the purposes of this Act as in force at any time before  
1st July, 1984, or as continued in force on and from that date  
pursuant to the Motor Vehicles (Third Party Insurance)  
Amendment Act, 1984;

20 EX is the amount, determined by the Board on the recommenda-  
tion of its accountant, of the expenses of the Third-party  
Fund for the immediately preceding financial year, not  
including any commission paid or payable in respect of that  
financial year to the Commissioner;

25 II is the amount, determined by the Board on the  
recommendation of its accountant, comprising the income  
derived from the investment, during the immediately preceding  
financial year, of the whole or any part of the Third-party  
Fund;

30 NV is the number of motor vehicles insured pursuant to this  
Act as at 31st December of the immediately preceding  
financial year;

35 CR is the rate of commission payable to the Commissioner as at  
1st January of the year for which the base premium is  
calculated; and

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

5 AF is the adjustment factor prescribed in Schedule 1 having regard to the anticipated income and the anticipated expenditure of the Third-party Fund for the year to which the base premium relates.

10 (3) For the purposes of subsection (1), the relativity factor for a class of third-party policies, being a class determined by reference to—

(a) a district prescribed in Schedule 1; and

(b) a class of motor vehicles prescribed in Schedule 1,

shall, except as provided by Schedule 1, be the relativity factor prescribed in the Table in Schedule 1.

15 (4) The maximum amount of premium to be charged in respect of a third-party policy which relates to a motor vehicle which is constructed principally for the conveyance of goods and which is, by a permit under the State Transport (Co-ordination) Act, 1931, authorised to carry passengers, is the appropriate maximum premium determined in accordance with subsections (1)–(3) and any  
20 additional amount of premium prescribed for the purposes of this subsection.

**Adjustment of maximum premium.**

25 33B. (1) Where a maximum amount of premium determined in accordance with section 33A would, after the addition of any stamp duty payable in respect of the policy to which the premium relates, comprise an amount which is not a whole number of dollars, the amount of premium shall, subject to subsection (2), be adjusted upwards or downwards, as the case may require, to the nearer  
30 amount which, with the addition of that stamp duty, would produce a whole number of dollars.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

5 (2) Where, but for this subsection, an amount of premium could, in accordance with subsection (1), be adjusted upwards or downwards, it shall be adjusted upwards.

(2) Section 33E (3)—

Omit the subsection.

10 (3) (a) Schedule 1, clause 1 (1), definitions of “pensioner”, “pensioner’s motor vehicle”—

After the definition of “Newcastle Premium District”, insert:—

15 “pensioner” means a person 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 and—

20 (a) 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

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

25 (i) who has satisfied the Commissioner, by the production of a certificate from a medical practitioner, that the person is not 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 Act;

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

“pensioner’s motor vehicle” means a motor vehicle—

- 5                   (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, busi-  
                          ness or profession or let out for hire;
- 10                   (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  
15                   motor vehicle, or a motor vehicle of a class or  
                          description of motor vehicles, approved for the time  
                          being by the Commissioner;

(b) Schedule 1, clause 1A—

After clause 1, insert:—

**Adjustment factor.**

- 20                   1A. For the purposes of section 33A, the adjustment factor  
                          is 215 per cent.

(c) Schedule 1, clause 2 (1) (a)—

Omit “specified, in the Table in this Schedule,” insert instead  
“determined in accordance with this Act”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

## (d) Schedule 1, clause 2 (2)—

5 Omit the subclause, insert instead:—

(2) Section 33B applies to and in respect of an amount calculated pursuant to subclause (1) (b) in the same way as it applies to and in respect of a maximum amount of premium determined in accordance with section 33A.

## 10 (e) Schedule 1, clause 5—

After clause 4, insert:—

**Relativity factors—pensioners' motor vehicles.**

15 5. (1) The relativity factor for a class of third-party policies shall, in respect of a policy within that class which relates to a pensioner's motor vehicle, be reduced by 7.5 per cent.

(2) A pensioner, in relation to the amount of premium to be charged in respect of a third-party policy relating to a pensioner's motor vehicle—

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

(b) shall be entitled to a reduction, determined in accordance with this Act, in that amount in respect of 2 motor vehicles where—

25 (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.

## 30 (f) Schedule 1, Table—

Omit the Table, insert instead:—

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

TABLE.

5

RATE RELATIVITY FACTORS.

Class of Vehicle	Vehicle usually garaged—			
	In Metro- politan Premium District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
No.	%	%	%	%
1. <i>Motor Car.</i> Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive.	100	87	100	87
20 2. <i>Omnibus Type Car.</i> Any motor car which has seating accommodation for 8 or more adults (exclusive of the driver) not included in Class 6 and not used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution.	200	157.5	200	114
25 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—				
30 (a) being a motor vehicle other than a station waggon where the unladen weight does not exceed 2 tonnes.	108	79	108	70
35 (b) being a motor vehicle other than a station waggon where the unladen weight exceeds 2 tonnes.	202.5	105	202.5	127
4. <i>Station Waggon.</i> Any station waggon, not included in Class 5, 7, 9, 11, 12 or 15—				
40 (a) where the unladen weight does not exceed 2 tonnes.	108	79	108	70
(b) where the unladen weight exceeds 2 tonnes.	202.5	105	202.5	127
45 5. <i>Primary Producer's Vehicle.</i> 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.	72	52	72	36
50 (b) where the unladen weight exceeds 2 tonnes.	73	73	73	18

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—*continued.*TABLE—*continued.*

5	Class of Vehicle	Vehicle usually garaged—			
		In Metro- politan Premium District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
10					
15	No.	%	%	%	%
20	6. <i>Omnibus or Tourist Vehicle.</i> (Including Service Car.) Any motor car in respect of which payment is received for the conveyance of passengers and which is authorized to convey those passengers on a specified route only or to tourist resorts or on sight-seeing tours only—				
25	(a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver).	315	260	315	84
30	(b) where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver).	200	157.5	200	114
35	(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver).	100	87	100	87
40	7. <i>Taxi-cab.</i> Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire.	687.5	367.5	687.5	145
45	8. <i>Private Hire Car.</i> Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire.	250	87	250	87
50	9. <i>Drive-Yourself Vehicle.</i> Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire.	242.5	210	242.5	114
55	10. <i>Motor Cycle and Similar Vehicle.</i> Any motor vehicle not included in Class 11, 12 or 15—				
	(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels.	100	87	100	87
	(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels.	54	52	54	29
	(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels.	29	13	29	7.5

*Motor Vehicles (Third Party Insurance) Amendment.*

## SCHEDULE 2—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
continued.

TABLE—continued.

5	Class of Vehicle	Vehicle usually garaged—			
		In Metro- politan Premium District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
10					
15		%	%	%	%
No.					
11.	<i>Police Vehicle.</i> Any motor vehicle owned by the Commissioner of Police.	109	109	109	109
12.	<i>Fire Brigade Vehicle.</i>				
20	(a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales.	250	172.5	250	172.5
	(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operations only.	1.5	1.5	1.5	1.5
25	13. <i>Ambulance Vehicle.</i> Any motor vehicle constructed and used for the conveyance of sick or injured persons.	150	104	150	58
30	14. <i>Undertaker's Vehicle.</i> Any motor vehicle used solely—				
	(a) as an undertaker's hearse . . . . .	16	16	16	10.5
	(b) as an undertaker's mourning coach . . . . .	31	31	31	20
15.	<i>Motor Trade Vehicles—</i>				
35	(a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed.	27	27	27	27
	(b) Motor cycles to which a trader's plate is affixed.	19	16	19	10.5
	(c) Tow-trucks . . . . .	146	52	146	34.5
40	(d) Trailer, including caravan trailer, to which a trader's plate is affixed.	19	16	19	10.5
16.	<i>Trailer.</i> Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer.	1.5	1.5	1.5	1.5
45	17. <i>Mobile Crane.</i> Any mobile crane (not being a tow-truck).	252.5	200	252.5	140
18.	<i>Miscellaneous.</i> Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 17 and which comprises—				
50	(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	76	72	76	33
55					



*Motor Vehicles (Third Party Insurance) Amendment.*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

TABLE—*continued.*

5	Class of Vehicle	Vehicle usually garaged—			
		10 In Metro- politan Premium District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
15	or farming purposes and any self-propelled vehicle (irrespective of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis.	%	%	%	%
20	(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agricultural or farming purposes.	14	10.5	14	4.5
25	(c) any invalid chair . . . . .	1.5	1.5	1.5	1.5

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES.

5 (1) Section 4—

After the matter relating to Part III, insert:—

PART IIIA.—AWARDING OF DAMAGES—SS. 35A–35D.

(2) Part IIIA—

After Part III, insert:—

10

PART IIIA.

AWARDING OF DAMAGES.

**Application.**

35A. This Part applies to and in respect of an award of damages—

15

(a) which relates to the death of or bodily injury to a person caused by or arising out of the use of a motor vehicle; and

(b) which is payable out of the Third-party Fund,

but does not include an award of damages in an action—

20

(c) which arises out of or in the course of the employment of an employee by an employer within the meaning of section 6 (1) of the Workers' Compensation Act, 1926;

(d) which is brought by or in relation to the employee and against the employer; and

25

(e) which does not arise out of the use of another motor vehicle owned by the employer and driven on any public street by the employer or another employee of the employer.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES—*continued.***Discount rate applicable to certain awards of damages.**

- 5           35B. (1) Where an award of damages to which this Part applies  
is to include compensation, assessed as a lump sum, in respect of  
damage for future loss which is referable to—
- (a) deprivation or impairment of earning capacity;
  - (b) loss of the expectation of financial support; or
  - 10          (c) a liability to incur expenditure in the future,
- the present value of the future loss shall be qualified by adopting—
- (d) a discount rate of the prescribed percentage; or
  - (e) where no percentage is prescribed as referred to in paragraph  
    (d), a discount rate of 5 per cent,
- 15           in order to make appropriate allowance for inflation, for future  
changes in rates of wages generally or of prices, and for tax (either  
actual or notional) upon income from investment of the sum  
awarded.
- 20           (2) Except as provided by this section, nothing in this  
section affects any other law relating to the discounting of sums  
awarded as damages.

**Maximum amount of damages for provision of certain services.**

- 25           35C. (1) Where an award of damages to which this Part applies  
is to include compensation for the value of services of a domestic  
nature or services relating to nursing and attendance—
- (a) which have been or are to be provided by another person  
    to the person in whose favour the award is made; and
  - (b) for which the person in whose favour the award is made has  
    not paid and is not liable to pay,

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES—*continued.*

the amount of the compensation shall not exceed—

- 5 (c) where the services provided or to be provided are not less than 40 hours per week—
- 10 (i) the amount per week comprising the amount estimated by the Australian Statistician as the average weekly total earnings of all employees in New South Wales for—
- 15 (A) in respect of the whole or any part of a quarter occurring between the date of the injury in relation to which the award is made and the date of the award, being a quarter for which such an amount has been estimated by the Australian Statistician and is, at the date of the award, available to the court making the award—that quarter; or
- 20 (B) in respect of the whole or any part of any other quarter—the most recent quarter occurring before the date of the award for which such an amount has been estimated by the Australian Statistician and is, at that date, available to the court making the award; or
- 25 (ii) where the Australian Statistician fails or ceases to estimate the amount referred to in subparagraph (i), the prescribed amount or the amount determined in such manner or by reference to such matters, or both, as may be prescribed; or
- 30 (d) where the services provided or to be provided are less than 40 hours per week—the amount calculated at an hourly rate of one-fortieth of the amount determined in accordance with paragraph (c) (i) or (ii), as the case may be.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES—*continued.*

5 (2) Except as provided by this section, nothing in this  
section affects any other law relating to the value of services of the  
kind referred to in subsection (1).

**Payment of interest.**

10 35D. (1) A court shall not, in relation to an award of damages  
to which this Part applies, order the payment of interest, and no  
interest shall be payable, on an amount of general damages in  
respect of the period from the date of the death of or injury to the  
person in respect of whom the award is made to the date of the  
award.

15 (2) Except as provided by this section, nothing in this  
section affects any other law relating to the payment of interest on  
an amount of general damages.

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SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

20 Sections 41 (1), 45 (3)—

Omit "forty dollars" wherever occurring, insert instead "\$300".

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*Motor Vehicles (Third Party Insurance) Amendment.*

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## SCHEDULE 5.

(Sec. 5.)

## AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

- (1) Section 3—  
5 Omit the section.
- (2) (a) Section 5 (1)—  
Omit “unless”, insert instead “except in so far as”.
- (b) Section 5 (1), definition of “Government Insurance Office”—  
Omit “Acts, 1927–1941”, insert instead “Act, 1927”.
- 10 (c) Section 5 (1), definition of “Motor vehicle”—  
(i) After “tramway”, insert “or any vehicle which is owned  
by the Commonwealth or by any person or body of  
persons representing the Commonwealth”.
- 15 (ii) Omit “The expression ‘motor vehicle’ does not include  
any motor vehicle which is owned by the Commonwealth  
of Australia or by any person or body of persons  
representing the Commonwealth of Australia.”.
- (d) Section 5 (1), definition of “Prescribed”—  
Omit the definition.
- 20 (e) Section 5 (1), definition of “Trader’s plate”—  
Omit “, as amended by subsequent Acts”.
- (f) Section 5 (1), definition of “Uninsured motor vehicle”—  
(i) From paragraph (a), omit “subsection (1) of section  
7”, insert instead “section 7 (1)”.
- 25 (ii) From paragraph (b), omit “subsection (6) of section  
10”, insert instead “section 10 (6)”.
- (3) Section 6 (2)—  
Omit “, as amended by subsequent Acts”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (4) Section 7 (1)—  
5 Omit “five hundred dollars”, insert instead “\$500”.
- (5) (a) Section 9 (2)—  
Omit “paragraph (b) of subsection (1) of section 8”, insert  
instead “section 8 (1) (b)”.
- (b) Section 9 (2)—  
10 Omit “, as amended by subsequent Acts”.
- (c) Section 9 (2)—  
Omit “For the purposes of this Act, such policy”, insert instead  
“(2A) For the purposes of this Act, a policy referred to in  
subsection (2)”.
- 15 (d) Section 9 (2)—  
Omit “such lodgment”, insert instead “lodgment of the amount  
referred to in that subsection”.
- (e) Section 9 (3)—  
Omit “paragraph (b) of subsection (2) of section 8”, insert  
20 instead “section 8 (2) (b)”.
- (f) Section 9 (3)—  
Omit “, as amended by subsequent Acts”.
- (g) Section 9 (3)—  
Omit “For the purposes of this Act, such policy”, insert instead  
25 “(3A) For the purposes of this Act, a policy referred to in  
subsection (3)”.
- (h) Section 9 (3)—  
Omit “such lodgment”, insert instead “lodgment of the amount  
referred to in that subsection”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (i) Section 9 (5)—  
5 Omit “him” wherever occurring, insert instead “the  
Commissioner”.
- (j) Section 9 (5)—  
10 Omit “paragraph (b) of subsection (1) or paragraph (b) of  
subsection (2) of section 8”, insert instead “section 8 (1) (b)  
or (2) (b)”.
- (k) Section 9 (6)—  
Omit the subsection.
- (6) (a) Section 10 (2) (a)—  
Omit “, as amended by subsequent Acts”.
- 15 (b) Section 10 (2) (a)—  
Omit “him”, insert instead “the owner or driver, as the case may  
be”.
- (c) Section 10 (2) (b)—  
20 Omit “him”, insert instead “the owner or driver, as the case  
may be,”.
- (d) Section 10 (3)—  
Omit “paragraphs (a) and (b) of subsection (1)”, insert instead  
“subsection (1) (a) and (b)”.
- (e) Section 10 (3)—  
25 Omit “form; but”, insert instead “form, but”.



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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (f) Section 10 (5) (a)—  
5 Omit “thirty”, insert instead “30”.
- (g) Section 10 (5) (b), (c)—  
Omit “fifteen” wherever occurring, insert instead “15”.
- (h) Section 10 (8)—  
10 Omit “his” wherever occurring, insert instead “the insured person’s”.
- (i) Section 10 (8) (a) (ii)—  
Omit “subsection (4) of that section”, insert instead “section 2 (4) of that Act”.
- (j) Section 10 (8) (b) (ii)—  
15 Omit “subsection (1) of section 3 of the said Act”, insert instead “section 3 (1) of that Act”.
- (k) Section 10 (8) (b) (iii)—  
Omit “him or it”, insert instead “the insured person or the insured person’s estate, as the case may be,”.
- 20 (7) Section 12 (4) (a)—  
Omit “thirty”, insert instead “30”.
- (8) (a) Section 13—  
Omit “district court” wherever occurring, insert instead “District Court”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (b) Section 13 (1)—  
5 Omit “having jurisdiction in the district in which such person resides”.
- (c) Section 13 (3)—  
Omit “Without”, insert instead “(3A) Without”.
- (d) Section 13 (3)—  
10 Omit “foregoing power”, insert instead “power conferred by subsection (3)”.
- (e) Section 13 (4) (a)—  
Omit “made to a”, insert instead “made to the”.
- (f) Section 13 (4) (b)—  
15 Omit “, as amended by subsequent Acts”.
- (9) (a) Section 17—  
Omit “he”, insert instead “the driver”.
- (b) Section 17 (a)—  
Omit “his”, insert instead “the driver’s”.
- 20 (10) Section 18 (1) (a)—  
Omit “he”, insert instead “that person”.
- (11) Section 19 (2)—  
Omit “In this subsection”, insert instead “(3) In this section”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (12) (a) Section 20 (1)—  
5 Omit “subsection (1) of section 7”, insert instead “section 7 (1)”.
- (b) Section 20 (1) (a)—  
Omit “he” wherever occurring, insert instead “the owner”.
- (c) Section 20 (1) (b)—  
10 Omit “Such notification shall be”, insert instead “being”.
- (d) Section 20 (1) (e) (i)—  
Omit “him”, insert instead “the owner or driver, as the case may be,”.
- (e) Section 20 (1) (e) (ii)—  
15 Omit “he”, insert instead “the owner”.
- (f) Section 20 (1) (e) (iii)—  
Omit “he”, insert instead “the owner or driver”.
- (g) Section 20 (2)—  
Omit “his”, insert instead “the owner’s or driver’s”.
- 20 (13) Section 20 (2) (a)—  
Omit “he”, insert instead “the owner”.
- (14) (a) Section 23 (2)—  
Omit “one thousand dollars”, insert instead “\$1,000”.
- (b) Section 23 (3)—  
25 Omit “he”, insert instead “that person”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

(15) (a) Section 24 (1), definition of "Ambulance vehicle"—

5 Omit "Health Commission of New South Wales or by the council of a city, municipality or shire or a county council established under any Act, or by the governing body or manager of a hospital", insert instead "Health Administration Corporation constituted by the Health Administration Act, 1982".

10 (b) Section 24 (1), definition of "Hospital"—

(i) Omit "Private Hospitals Act, 1908, as amended by subsequent Acts", insert instead "Private Health Establishments Act, 1982, and includes a hospital or institution in the nature of a hospital conducted by or on behalf of the State".

15 (ii) Omit "The expression 'hospital' also includes a hospital or institution in the nature of a hospital conducted by or on behalf of the State."

(c) Section 24 (1), definition of "Massage treatment"—

20 (i) From paragraph (b), omit "his", insert instead "that person's".

(ii) From paragraph (b), omit "thirty", insert instead "30".

(16) (a) Section 25 (1)—

25 Omit "subsection (1) of section 7", insert instead "section 7 (1)".

(b) Section 25 (1)—

Omit "his" wherever occurring, insert instead "the person's".

(c) Section 25 (4)—

30 Omit "paragraphs (a) and (b) of subsection (1)", insert instead "subsection (1) (a) and (b)".

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (d) Section 25 (4)—  
5 Omit “the thirtieth day of June”, insert instead “30th June”.
- (e) Section 25 (5)—  
Omit “paragraph (c) or (d) of subsection (1)”, insert instead  
“subsection (1) (c) or (d)”.
- (f) Section 25 (6), definition of “proper officer”—  
10 Omit “paragraph (a), (b), (c) or (d) of subsection (1)”,  
insert instead “subsection (1) (a), (b), (c) or (d)”.
- (17) (a) Section 26 (1)—  
Omit “subsection (1) of section 7”, insert instead “section  
7 (1)”.
- 15 (b) Section 26 (1)—  
Omit “his” wherever occurring, insert instead “that person’s”.
- (c) Section 26 (3) (a) (ii)—  
Omit “, as amended by subsequent Acts”.
- (d) Section 26 (3) (a) (iii)—  
20 Omit “six”, insert instead “6”.
- (e) Section 26 (3) (b)—  
Omit “, as amended by subsequent Acts”.
- (f) Section 26 (3)—  
Omit “If”, insert instead “(3A) If”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

(g) Section 26 (5)—

5 Omit “paragraphs (a) and (b) of subsection (1)”, insert instead “subsection (1) (a) and (b)”.

(h) Section 26 (5)—

Omit “the thirtieth day of June”, insert instead “30th June”.

(i) Section 26 (6)—

10 Omit “paragraph (c) or (d) of subsection (1)”, insert instead “subsection (1) (c) or (d)”.

(j) Section 26 (7), definition of “proper officer”—

Omit “paragraph (a), (b), (c) or (d) of subsection (1)”, insert instead “subsection (1) (a), (b), (c) or (d)”.

15 (18) Section 28 (2)—

Omit the subsection.

(19) Section 32 (1), proviso—

(a) From paragraph (a), omit “he”, insert instead “the owner”.

(b) From paragraph (a), omit “his”, insert instead “the owner’s”.

20 (c) From paragraph (b), omit “he” wherever occurring, insert instead “the driver”.

(20) Section 34 (1)—

Omit “twenty dollars”, insert instead “\$20”.

(21) Section 35—

25 Omit the section.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (22) Section 36 (2), (3)—
- 5 Omit “he” wherever occurring, insert instead “that person”.
- (23) Section 37 (b)—
- Omit “and the notice, notification or request shall be deemed to have been given or made at the time at which the letter would in the ordinary course of post be delivered or available for collection;”.
- 10 (24) Section 41 (2)—
- Omit “or police”.
- (25) Section 46—
- Omit the section, insert instead:—
- Application of section 41 of the Interpretation Act, 1897.**
- 15 46. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
- (26) (a) Schedule 1, clause 1 (1), definition of “primary producer”—
- Omit “his” wherever occurring, insert instead “that person’s”.
- 20 (b) Schedule 1, clause 1 (1), definition of “primary producer’s vehicle”—
- (i) From paragraph (a), omit “him” wherever occurring, insert instead “the primary producer”.
- (ii) From paragraph (a), omit “his” wherever occurring, insert instead “the primary producer’s”.
- 25 (iii) From paragraph (b) (i), omit “per centum”, insert instead “per cent”.
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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 6.

(Sec. 6.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

**Policies issued before 1.7.1984.**

5 1. The Principal Act, as in force immediately before 1st July, 1984, continues to apply to and in respect of a policy issued in accordance with that Act by an authorised insurer within the meaning of that Act, other than the Government Insurance Office, as if this Act, Schedules 3 and 4, and section 5 in its application to those Schedules, excepted, had not been enacted.

**10 Causes of action existing before 1.7.1984.**

2. The Principal Act, as in force immediately before 1st July, 1984, continues to apply to and in respect of any cause of action relating to the death of or bodily injury to a person, being a cause of action which arose at any time before that date, whether or not any proceedings have been commenced before that date in respect of any such  
15 cause of action, as if this Act had not been enacted.

**Exercise, etc., after 1.7.1984 of functions relating to nominal defendant.**

3. For the purpose of enabling—

- 20 (a) the nominal defendant to deal with claims made against the nominal defendant in respect of a cause of action relating to the death of or bodily injury to a person, being a cause of action which arose at any time before 1st July, 1984;
- (b) the Auditor-General to audit the accounts of the nominal defendant; and
- 25 (c) the exercise or performance of any power, authority, duty or function necessary or convenient to be exercised or performed with respect to the matters referred to in paragraphs (a) and (b),

the provisions of any Act or law in force immediately before 1st July, 1984, any such Act or law as subsequently amended or any Act or law made in substitution for any such Act or law shall, except in so far as provision may otherwise be made in an Act or law or by the regulations made under clause 6, continue to apply or apply, as  
30 the case may require, as if this Act had not been enacted.



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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 6—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Premiums payable between 1.4.1984 and 1.1.1985.**

4. (1) Except as provided by subclauses (2) and (3), the maximum amount of  
5 premium to be charged in respect of a third-party policy that is expressed to commence on or after 1st April, 1984, and before 1st January, 1985, shall be the amount of premium prescribed in Schedule 1 to the Principal Act, as in force immediately before 1st July, 1984, in respect of third-party policies of the kind to which that third-party policy belongs.
- 10 (2) The maximum amount to be charged in respect of a third-party policy relating to a pensioner's motor vehicle within the meaning of clause 1 of Schedule 1 to the Principal Act, as amended by this Act, that is expressed to commence on or after 1st July, 1984, and before 1st January, 1985, shall be the amount of premium referred to in subclause (1) reduced by 7.5 per cent.
- 15 (3) Clause 5 (2) of Schedule 1 to the Principal Act, as amended by this Act, applies to and in respect of the reduction of a premium in accordance with subclause (2) in the same way as it applies to and in respect of the reduction of a premium to be charged in respect of a third-party policy that is expressed to commence at any time during a year commencing on or after 1st January, 1985.

**20 Construction of certain references.**

5. On and from 1st July, 1984, a reference (however expressed) in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same kind or of a different kind, to the nominal defendant or to an authorised insurer within the meaning of the Principal Act shall, except where the  
25 reference occurs in respect of a cause of action relating to the death of or bodily injury to a person, being a cause of action which arose at any time before 1st July, 1984, be read and construed as a reference to the Government Insurance Office.

**Regulations.**

6. (1) The Governor may make regulations containing other provisions of a savings  
30 or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 6—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a day 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
- 10 (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.

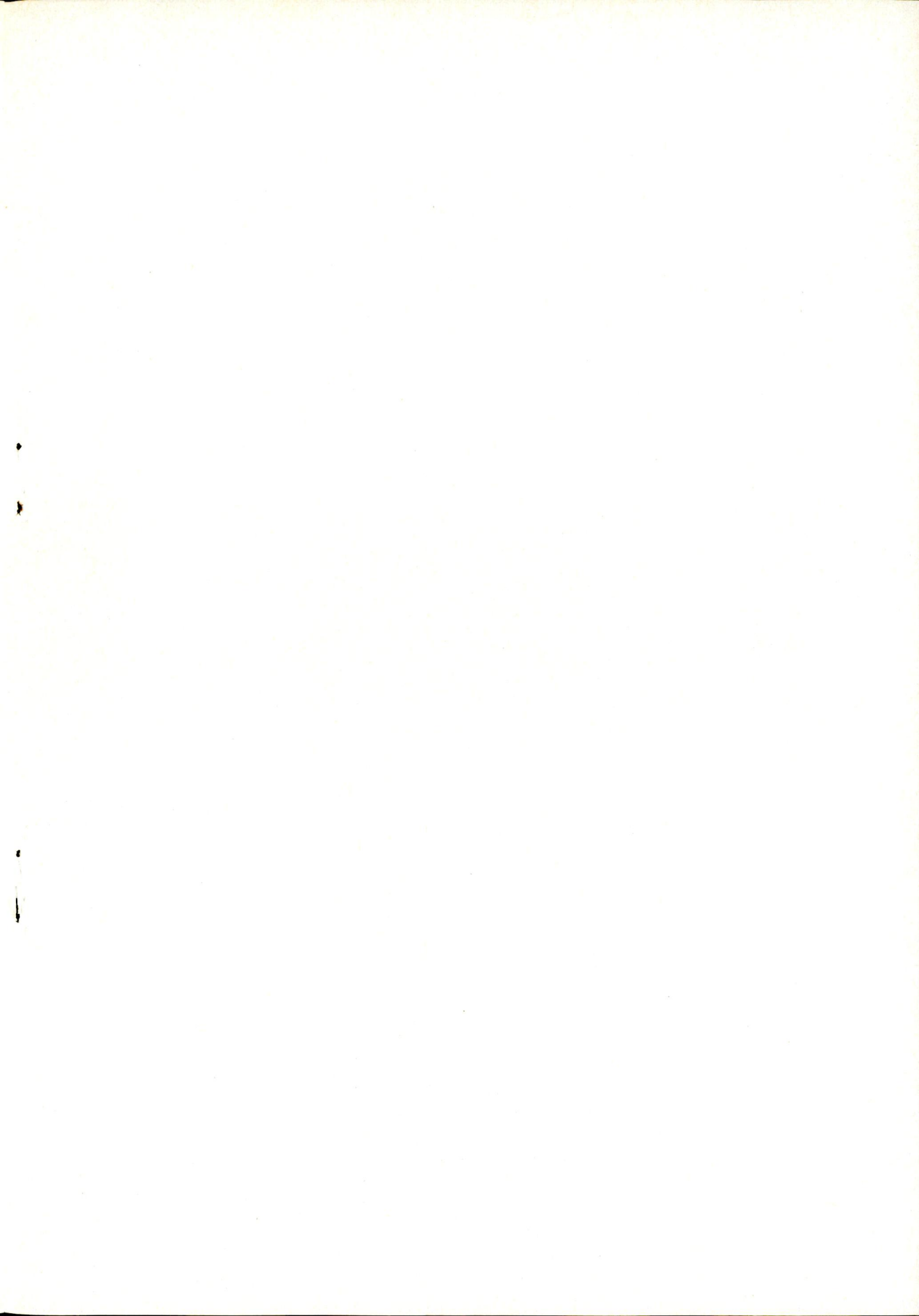
(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding the foregoing clauses of this Schedule.

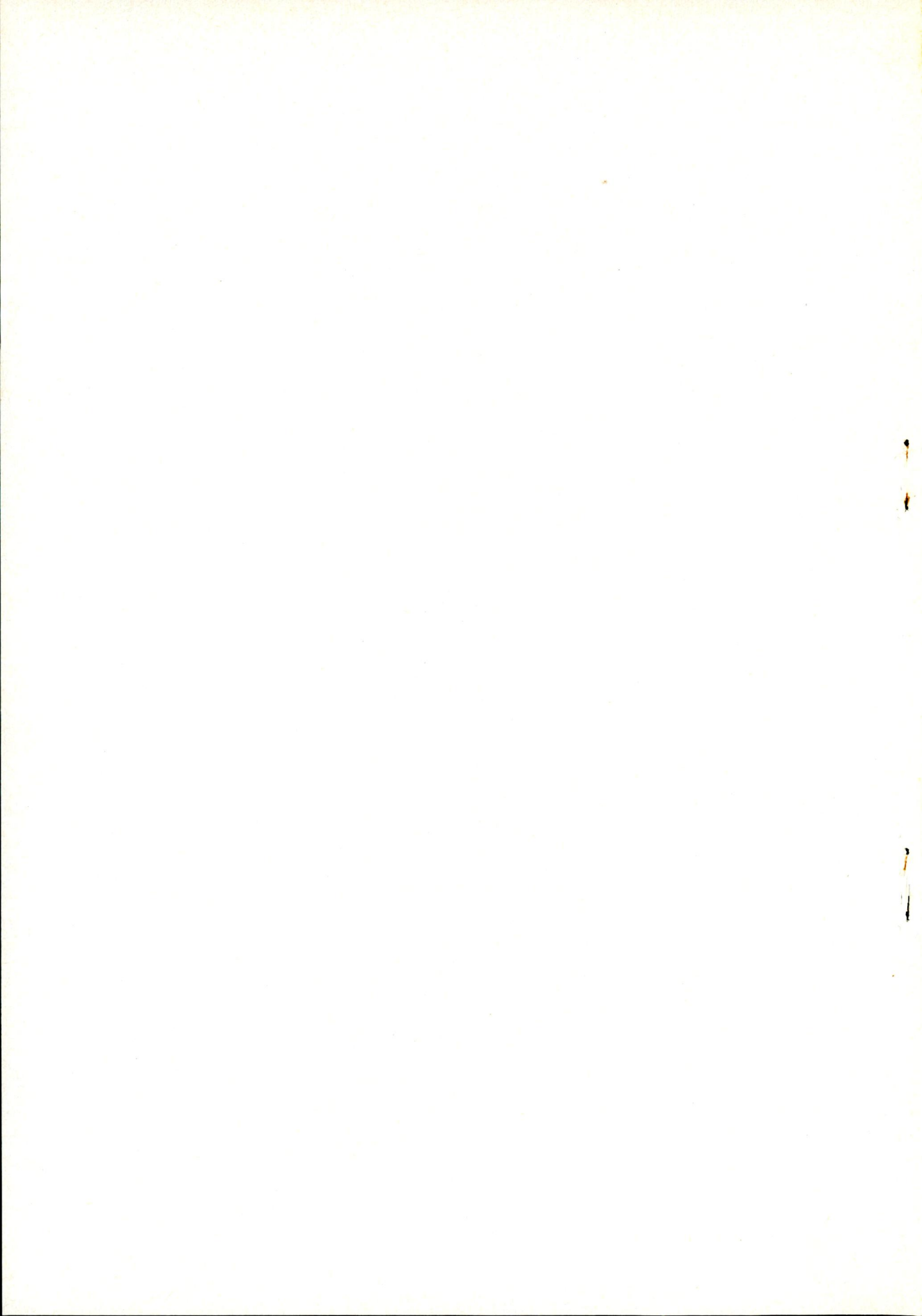
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

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**MOTOR VEHICLES (THIRD PARTY INSURANCE)  
AMENDMENT ACT, 1984, No. 86**

**New South Wales**



ANNO TRICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 86, 1984.**

An Act to amend the Motor Vehicles (Third Party Insurance) Act, 1942, to provide for the Government Insurance Office of New South Wales to be the sole insurer under the Act and with respect to the calculation of premiums, the awarding of damages payable out of the Third-party Fund and the amount of penalties. [Assented to, 28th June, 1984.]

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See also Government Insurance (Amendment) Act, 1984; Law Reform (Miscellaneous Provisions) Amendment Act, 1984.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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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:—

**Short title.**

1. This Act may be cited as the "Motor Vehicles (Third Party Insurance) Amendment Act, 1984".

**Commencement.**

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

(2) Except as provided by subsection (1), this Act shall commence on 1st July, 1984.

**Principal Act.**

3. The Motor Vehicles (Third Party Insurance) Act, 1942, is referred to in this Act as the Principal Act.

**Schedules.**

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE AWARDING OF DAMAGES.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 6.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

**Amendment of Act No. 15, 1942.**

5. The Principal Act is amended in the manner set forth in Schedules 1–5.

**Savings, transitional and other provisions.**

6. Schedule 6 has effect.

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SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS.

(1) Section 4—

Omit the matter relating to Division 4 of Part II, insert instead:—

DIVISION 4.—*Recovery of certain amounts*—s. 32.

(2) (a) Section 5 (1), definition of “Authorised insurer”—

Omit the definition.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

- (b) Section 5 (1), definition of “Nominal defendant”—

Omit the definition.

- (c) Section 5 (1), definition of “Third-party Fund”—

After the definition of “Regulations”, insert:—

“Third-party Fund” means the fund for the time being of the Government Insurance Office in respect of that division of the business of that Office being the motor vehicles (third party) insurance business conducted under this Act.

- (3) Section 6A—

After section 6, insert:—

**Scheme.**

6A. (1) The provisions of this Act relating to third-party policies shall constitute a scheme to be known as the “Department of Motor Transport Third Party Insurance Scheme”.

(2) The Government Insurance Office shall be the manager of the Department of Motor Transport Third Party Insurance Scheme.

- (4) (a) Section 8 (1) (a)—

Omit the paragraph.

- (b) Section 8 (2) (a)—

Omit the paragraph.

- (5) (a) Section 9 (1)—

Omit the subsection.



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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

(b) Section 9 (2), (3)—

Omit “authorised” wherever occurring.

(6) (a) Sections 10 (1) (a), (5), (6), 12 (1) (b), (4) (c), 13 (1)—

Omit “an authorised insurer” wherever occurring, insert instead “the Government Insurance Office”.

(b) Sections 10 (5) (a), (6) (b), 12 (1) (a), (4) (a), (5), (6), 17, 18 (1), (2), (3), 20 (1) (e)—

Omit “the authorised insurer” wherever occurring, insert instead “the Government Insurance Office”.

(c) Sections 10 (5) (a), 12 (1) (b), (4) (c), 18 (1) (b)—

Omit “he” wherever occurring, insert instead “it”.

(d) Section 10 (5) (b)—

Omit “the same or another authorised insurer”, insert instead “the Government Insurance Office”.

(e) Section 10 (6)—

Omit “Whilst any authorised insurer is exempted under paragraph (b)”, insert instead “(6A) While the Government Insurance Office is exempted under subsection (6) (b)”.

(f) Section 10 (7)—

Omit “an authorised insurer”, insert instead “the Government Insurance Office in”.

(g) Section 10 (8)—

Omit “In this subsection ‘insured person’ means a person so referred to in paragraph (a) of subsection (2) of section 15.”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

## (h) Section 10 (9)—

After section 10 (8), insert:—

(9) In subsection (8), “insured person” means a person who is insured against liability in respect of the death of or bodily injury to any other person caused by or arising out of the use of a motor vehicle under—

(a) a third-party policy; or

(b) a policy of insurance complying with the provisions of any statute which is in force in any prescribed part of the Commonwealth of Australia (other than this State) and which requires the owner or driver of a motor vehicle to be insured against liability in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle.

## (7) Section 11—

Omit the section.

## (8) (a) Section 12 (2)—

Omit “the authorised insurer who issued such policy”, insert instead “the Government Insurance Office”.

## (b) Section 12 (3)—

Omit “the authorised insurer who issued the third-party policy in relation to that motor vehicle”, insert instead “the Government Insurance Office”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

## (9) Sections 14–14E—

Omit section 14, insert instead:—

**Making of claims—identified motor vehicles.**

14. (1) Every claim for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, the identity of which is established and which, at the time the circumstances resulting in the death or bodily injury occurred, was—

- (a) in the case of an insured motor vehicle, being used in any place, whether within New South Wales or otherwise; or
- (b) in the case of an uninsured motor vehicle, being used on any public street in New South Wales,

being a claim which, but for this section, could be made against the owner or driver of the motor vehicle, shall be made against the Government Insurance Office and any proceedings to enforce any such claim for damages shall be taken against the Government Insurance Office and not against the owner or driver of the motor vehicle.

(2) A claim referred to in subsection (1) may be made and proceedings so referred to may be taken notwithstanding that the owner or driver of the motor vehicle is dead or cannot be found or is the spouse of the person whose death or to whom bodily injury has been caused.

(3) In respect of a claim referred to in subsection (1), the Government Insurance Office shall, except as provided by section 14D, be liable as if it were the owner or driver of the motor vehicle in relation to which the claim is made.

(4) Where, in relation to the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, a claim lies against an insurer, otherwise than under a third-party

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

policy, nothing in this section or section 14D limits or otherwise affects the making of any such claim or prevents the recovery of any contribution by the Government Insurance Office as the insurer under the third-party policy from any other insurer.

(5) Nothing in this section affects the liability of a driver referred to in section 17.

**Making of claims—unidentified motor vehicles.**

14A. (1) Where the death of or bodily injury to any person is caused by or arises out of the use of a motor vehicle upon a public street in New South Wales but the identity of the motor vehicle cannot after due inquiry and search be established, any person who could have enforced a claim for damages against the owner or driver of the motor vehicle in respect of the death or bodily injury may enforce against the Government Insurance Office the claim which the second-mentioned person could have enforced against the owner or driver of the motor vehicle.

(2) The inquiry and search referred to in subsection (1) may be proved orally or by the affidavit of the person who made the inquiry and search.

**Exclusion of certain claims.**

14B. Nothing in section 14 or 14A entitles a person to make a claim for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle which, at the time the circumstances resulting in the death or bodily injury occurred, was registered pursuant to the law of a place other than New South Wales.

**Service of documents on the GIO.**

14C. A document required or authorised by this Act or any other law to be delivered to or served upon the Government Insurance Office in respect of a claim under section 14 or 14A shall be

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

sufficiently delivered or served if delivered to, or sent by post in a prepaid letter addressed to, the Government Insurance Office at an address prescribed for the purposes of this section.

**Payment of claims.**

14D. The Government Insurance Office shall not be personally liable to pay any amount payable in satisfaction of any claim made under section 14 or 14A, any judgment recovered against it or the amount of any costs or expenses incurred by it in relation to any such claim or to the proceedings in which the judgment was obtained, but every such amount shall be paid by the Government Insurance Office out of the Third-party Fund.

**Joint hearing of certain proceedings.**

14E. (1) Where 2 or more proceedings have been commenced against the Government Insurance Office by persons who would, but for section 14, be parties to the same proceedings or could, but for section 14, be joined as parties to the same proceedings, a court before which those proceedings or any of those proceedings have been commenced shall, on the application of the Government Insurance Office, order that those proceedings be heard at the same time.

(2) Where proceedings referred to in subsection (1) have been commenced in different courts, the court to which an application under that subsection is made shall, when making an order under subsection (1), order that the proceedings not commenced in that court be transferred to it.

(3) Where, in relation to proceedings which have been transferred from the District Court of New South Wales to the Supreme Court of New South Wales in accordance with an order under subsection (2)—

- (a) an order for costs is made against the plaintiff, the plaintiff shall pay those costs assessed as if those proceedings had been conducted in the District Court; or

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

(b) an order for costs is made against the Government Insurance Office, the Government Insurance Office shall pay those costs assessed—

(i) in accordance with the rules of the Supreme Court; or

(ii) as if those proceedings had been conducted in the District Court,

whichever assessment is the higher.

(4) Notwithstanding subsections (1) and (2), a court, in relation to an application under subsection (1), may refuse to make an order referred to in those subsections, or may make any other order, if the court is of the opinion that, in the interests of justice, it is desirable to do so.

(10) Sections 15, 16—

Omit the sections.

(11) Section 18 (1)—

Omit “The authorised insurer who issued any third-party policy”, insert instead “The Government Insurance Office”.

(12) (a) Section 20 (1) (a)—

Omit “the authorised insurer (where the motor vehicle is an insured motor vehicle) or to the nominal defendant (where the motor vehicle is an uninsured motor vehicle)”, insert instead “the Government Insurance Office”.

(b) Section 20 (1) (b)—

Omit “the authorised insurer (where the motor vehicle is an insured motor vehicle) or the nominal defendant (where the motor vehicle is an uninsured motor vehicle).”, insert instead “the Government Insurance Office.”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

## (c) Sections 20 (1) (c), (d), 26 (3) (a) (i)—

Omit “the authorised insurer or the nominal defendant” wherever occurring, insert instead “the Government Insurance Office”.

## (13) (a) Sections 21 (2) (a), 22 (2) (a)—

Omit “the authorised insurer who issued the third-party policy” wherever occurring, insert instead “the Government Insurance Office”.

## (b) Sections 21 (2) (b), 22 (2) (b)—

Omit “such authorised insurer” wherever occurring, insert instead “the Government Insurance Office”.

## (14) (a) Section 23 (1)—

Omit the subsection.

## (b) Section 23 (2)—

Omit “who, not being an authorised insurer, advertises himself or holds himself out to be an authorised insurer or”, insert instead “, other than the Government Insurance Office, who”.

## (15) (a) Section 25 (1)—

Omit “the authorised insurer under or in consequence of the third-party policy, or (in the case of an uninsured or unidentified motor vehicle) by the nominal defendant,”, insert instead “the Government Insurance Office”.

## (b) Sections 25 (3), 26 (4), 27—

Omit “an authorised insurer or the nominal defendant” wherever occurring, insert instead “the Government Insurance Office”.

## (c) Section 25 (3)—

Omit “him”, insert instead “it”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

## (16) Section 26 (1A)—

Omit “the owner and the driver of the motor vehicle jointly, or from either of them severally or (in the case of an uninsured or unidentified vehicle) from the nominal defendant”, insert instead “the Government Insurance Office”.

## (17) Part II, Division 4, heading—

Omit “*Nominal Defendant.*”, insert instead “*Recovery of certain amounts.*”.

## (18) Sections 29–31A—

Omit the sections.

## (19) (a) Section 32 (1)—

Omit “the nominal defendant” wherever occurring, insert instead “the Government Insurance Office”.

## (b) Section 32 (1)—

Omit “or judgment recovered against him”, insert instead “under section 14 in respect of an uninsured motor vehicle or under section 14A in respect of a motor vehicle, any judgment recovered against it”.

## (c) Section 32 (1)—

Omit “him” where secondly occurring, insert instead “it”.

## (d) Section 32 (2)—

Omit the subsection.

## (20) Section 34 (2)—

Omit “The authorised insurer”, insert instead “The Government Insurance Office”.



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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INSURERS—*continued.*

(21) (a) Section 36 (1)—

Omit the subsection.

(b) Section 36 (2) (b)—

Omit “cancelled; or”, insert instead “cancelled,”.

(c) Section 36 (2) (c)—

Omit the paragraph.

(22) Section 37—

Omit “Any”, insert instead “Except as provided by section 14c, any”.

(23) Section 38 (1)—

Omit “and, if so, as to the name and address of the authorised insurer who issued the third-party policy in relation to the motor vehicle”.

(24) Section 45 (2) (d)—

Omit “any authorised insurer”, insert instead “the Government Insurance Office”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

## SCHEDULE 2.

(Sec. 5.)

## AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS.

## (1) Sections 33–33D—

Omit the sections, insert instead:—

**Interpretation.**

33. In this Part—

“Board” means the Government Insurance Office of New South Wales Board established by section 3B of the Government Insurance Act, 1927;

“financial year” means a period commencing on and including 1st July and ending on and including the next following 30th June;

“year” means—

- (a) the period commencing on and including 1st January, 1985, and ending on and including 31st December, 1985; or
- (b) a subsequent period commencing on and including 1st January and ending on and including the next following 31st December.

**Maximum amount of premium.**

33A. (1) Except as provided by subsection (4), the maximum amount of premium to be charged in respect of a third-party policy that is expressed to commence at any time during a year commencing on or after 1st January, 1985, shall be the amount of premium which is determined for that year in respect of third-party policies of the class to which that third-party policy belongs in accordance with the formula—

$$P = BP \times RF$$

where—

- P is the amount of premium;
- BP is the base premium; and
- RF is the relativity factor for that class.

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*Motor Vehicles (Third Party Insurance) Amendment.*


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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

(2) For the purposes of subsection (1), the base premium for a year shall be calculated in accordance with the formula—

$$BP = \frac{(CP + EX - II)}{NV \times (1 - CR)} \times AF$$

where—

- BP is the base premium;
- CP is the amount paid out of the Third-party Fund for the immediately preceding financial year in satisfaction of claims made against the Fund or in connection with the exercise and discharge of the powers, authorities, duties and functions of the person who, for the time being, was the nominal defendant for the purposes of this Act as in force at any time before 1st July, 1984, or as continued in force on and from that date pursuant to the Motor Vehicles (Third Party Insurance) Amendment Act, 1984;
- EX is the amount, determined by the Board on the recommendation of its accountant, of the expenses of the Third-party Fund for the immediately preceding financial year, not including any commission paid or payable in respect of that financial year to the Commissioner;
- II is the amount, determined by the Board on the recommendation of its accountant, comprising the income derived from the investment, during the immediately preceding financial year, of the whole or any part of the Third-party Fund;
- NV is the number of motor vehicles insured pursuant to this Act as at 31st December of the immediately preceding financial year;
- CR is the rate of commission payable to the Commissioner as at 1st January of the year for which the base premium is calculated; and

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

AF is the adjustment factor prescribed in Schedule 1 having regard to the anticipated income and the anticipated expenditure of the Third-party Fund for the year to which the base premium relates.

(3) For the purposes of subsection (1), the relativity factor for a class of third-party policies, being a class determined by reference to—

(a) a district prescribed in Schedule 1; and

(b) a class of motor vehicles prescribed in Schedule 1,

shall, except as provided by Schedule 1, be the relativity factor prescribed in the Table in Schedule 1.

(4) The maximum amount of premium to be charged in respect of a third-party policy which relates to a motor vehicle which is constructed principally for the conveyance of goods and which is, by a permit under the State Transport (Co-ordination) Act, 1931, authorised to carry passengers, is the appropriate maximum premium determined in accordance with subsections (1)–(3) and any additional amount of premium prescribed for the purposes of this subsection.

**Adjustment of maximum premium.**

33B. (1) Where a maximum amount of premium determined in accordance with section 33A would, after the addition of any stamp duty payable in respect of the policy to which the premium relates, comprise an amount which is not a whole number of dollars, the amount of premium shall, subject to subsection (2), be adjusted upwards or downwards, as the case may require, to the nearer amount which, with the addition of that stamp duty, would produce a whole number of dollars.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

(2) Where, but for this subsection, an amount of premium could, in accordance with subsection (1), be adjusted upwards or downwards, it shall be adjusted upwards.

(2) Section 33E (3)—

Omit the subsection.

(3) (a) Schedule 1, clause 1 (1), definitions of “pensioner”, “pensioner’s motor vehicle”—

After the definition of “Newcastle Premium District”, insert:—

“pensioner” means a person 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 and—

- (a) 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
- (b) who is not the holder of a licence referred to in paragraph (a) but—
  - (i) who has satisfied the Commissioner, by the production of a certificate from a medical practitioner, that the person is not 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 Act;

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

“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;

(b) Schedule 1, clause 1A—

After clause 1, insert:—

**Adjustment factor.**

1A. For the purposes of section 33A, the adjustment factor is 215 per cent.

(c) Schedule 1, clause 2 (1) (a)—

Omit “specified, in the Table in this Schedule,” insert instead “determined in accordance with this Act”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

## (d) Schedule 1, clause 2 (2)—

Omit the subclause, insert instead:—

(2) Section 33B applies to and in respect of an amount calculated pursuant to subclause (1) (b) in the same way as it applies to and in respect of a maximum amount of premium determined in accordance with section 33A.

## (e) Schedule 1, clause 5—

After clause 4, insert:—

**Relativity factors—pensioners' motor vehicles.**

5. (1) The relativity factor for a class of third-party policies shall, in respect of a policy within that class which relates to a pensioner's motor vehicle, be reduced by 7.5 per cent.

(2) A pensioner, in relation to the amount of premium to be charged in respect of a third-party policy relating to a pensioner's motor vehicle—

- (a) shall, except as provided by paragraph (b), be entitled to a reduction, determined in accordance with this Act, in that amount in respect of one motor vehicle only; or
- (b) shall be entitled to a reduction, determined in accordance with this Act, in that amount in respect of 2 motor vehicles where—
  - (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.

## (f) Schedule 1, Table—

Omit the Table, insert instead:—

*Motor Vehicles (Third Party Insurance) Amendment.*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

TABLE.

## RATE RELATIVITY FACTORS.

Class of Vehicle	Vehicle usually garaged—			
	In Metro- politan Premium District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
No.	%	%	%	%
1. <i>Motor Car.</i> Any motor car, not included in Class 2 or in Classes 6 to 15, both inclusive.	100	87	100	87
2. <i>Omnibus Type Car.</i> Any motor car which has seating accommodation for 8 or more adults (exclusive of the driver) not included in Class 6 and not used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution.	200	157.5	200	114
3. <i>Goods Vehicle.</i> Any motor vehicle not included in Class 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods—				
(a) being a motor vehicle other than a station waggon where the unladen weight does not exceed 2 tonnes.	108	79	108	70
(b) being a motor vehicle other than a station waggon where the unladen weight exceeds 2 tonnes.	202.5	105	202.5	127
4. <i>Station Waggon.</i> Any station waggon, not included in Class 5, 7, 9, 11, 12 or 15—				
(a) where the unladen weight does not exceed 2 tonnes.	108	79	108	70
(b) where the unladen weight exceeds 2 tonnes.	202.5	105	202.5	127
5. <i>Primary Producer's Vehicle.</i> 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.	72	52	72	36
(b) where the unladen weight exceeds 2 tonnes.	73	73	73	18



*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*TABLE—*continued.*

Class of Vehicle	Vehicle usually garaged—			
	In Metro- politan District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
No.	%	%	%	%
6. <i>Omnibus or Tourist Vehicle.</i> (Including Service Car.) Any motor car in respect of which payment is received for the conveyance of passengers and which is authorized 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).	315	260	315	84
(b) where the vehicle has seating accommodation for more than 6 adult persons, but not more than 16 adult persons (including the driver).	200	157.5	200	114
(c) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver).	100	87	100	87
7. <i>Taxi-cab.</i> Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire.	687.5	367.5	687.5	145
8. <i>Private Hire Car.</i> Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire.	250	87	250	87
9. <i>Drive-Yourself Vehicle.</i> Any motor vehicle, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire.	242.5	210	242.5	114
10. <i>Motor Cycle and Similar Vehicle.</i> Any motor vehicle not included in Class 11, 12 or 15—				
(a) which is equipped with an engine of more than 300 ml and has 2 wheels, or where a side-car or side-box is attached thereto, has 3 wheels.	100	87	100	87
(b) which is equipped with an engine of more than 100 ml but not more than 300 ml and has less than 4 wheels.	54	52	54	29
(c) which is equipped with an engine of 100 ml or less and has less than 4 wheels.	29	13	29	7.5

*Motor Vehicles (Third Party Insurance) Amendment.*

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*

TABLE—*continued.*

Class of Vehicle	Vehicle usually garaged—			
	In Metro- politan Premium District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
No.	%	%	%	%
11. <i>Police Vehicle.</i> Any motor vehicle owned by the Commissioner of Police.	109	109	109	109
12. <i>Fire Brigade Vehicle.</i>				
(a) Any motor vehicle owned by the Board of Fire Commissioners of New South Wales.	250	172.5	250	172.5
(b) Any motor vehicle, not so owned, which is used either for fire fighting only or for fire fighting and State Emergency Services operations only.	1.5	1.5	1.5	1.5
13. <i>Ambulance Vehicle.</i> Any motor vehicle constructed and used for the conveyance of sick or injured persons.	150	104	150	58
14. <i>Undertaker's Vehicle.</i> Any motor vehicle used solely—				
(a) as an undertaker's hearse . . . . .	16	16	16	10.5
(b) as an undertaker's mourning coach . .	31	31	31	20
15. <i>Motor Trade Vehicles—</i>				
(a) Motor vehicles, other than motor cycles, to which a trader's plate is affixed.	27	27	27	27
(b) Motor cycles to which a trader's plate is affixed.	19	16	19	10.5
(c) Tow-trucks . . . . .	146	52	146	34.5
(d) Trailer, including caravan trailer, to which a trader's plate is affixed.	19	16	19	10.5
16. <i>Trailer.</i> Any trailer not included in Class 15 (d); except that no premium shall be payable in respect of any trailer which is hauled at the rear of any other trailer, or in respect of any implement trailer.	1.5	1.5	1.5	1.5
17. <i>Mobile Crane.</i> Any mobile crane (not being a tow-truck).	252.5	200	252.5	140
18. <i>Miscellaneous.</i> Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15, 16 or 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	76	72	76	33

*Motor Vehicles (Third Party Insurance) Amendment.*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PREMIUMS—  
*continued.*TABLE—*continued.*

Class of Vehicle	Vehicle usually garaged—			
	In Metro- politan Premium District	In Newcastle Premium District	In Wollon- gong Premium District	Elsewhere
	%	%	%	%
or farming purposes and any self-propelled vehicle (irrespective of its use) which is machinery or apparatus constructed on a conventional motor vehicle chassis.				
(b) any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agricultural or farming purposes.	14	10.5	14	4.5
(c) any invalid chair . . . . .	1.5	1.5	1.5	1.5

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*Motor Vehicles (Third Party Insurance) Amendment.*

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## SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES.

## (1) Section 4—

After the matter relating to Part III, insert:—

PART IIIA.—AWARDING OF DAMAGES—ss. 35A–35D.

## (2) Part IIIA—

After Part III, insert:—

## PART IIIA.

## AWARDING OF DAMAGES.

**Application.**

35A. This Part applies to and in respect of an award of damages—

- (a) which relates to the death of or bodily injury to a person caused by or arising out of the use of a motor vehicle; and
- (b) which is payable out of the Third-party Fund,

but does not include an award of damages in an action—

- (c) which arises out of or in the course of the employment of an employee by an employer within the meaning of section 6 (1) of the Workers' Compensation Act, 1926;
- (d) which is brought by or in relation to the employee and against the employer; and
- (e) which does not arise out of the use of another motor vehicle owned by the employer and driven on any public street by the employer or another employee of the employer.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES—*continued.***Discount rate applicable to certain awards of damages.**

35B. (1) Where an award of damages to which this Part applies is to include compensation, assessed as a lump sum, in respect of damage for future loss which is referable to—

- (a) deprivation or impairment of earning capacity;
- (b) loss of the expectation of financial support; or
- (c) a liability to incur expenditure in the future,

the present value of the future loss shall be qualified by adopting—

- (d) a discount rate of the prescribed percentage; or
- (e) where no percentage is prescribed as referred to in paragraph (d), a discount rate of 5 per cent,

in order to make appropriate allowance for inflation, for future changes in rates of wages generally or of prices, and for tax (either actual or notional) upon income from investment of the sum awarded.

(2) Except as provided by this section, nothing in this section affects any other law relating to the discounting of sums awarded as damages.

**Maximum amount of damages for provision of certain services.**

35C. (1) Where an award of damages to which this Part applies is to include compensation for the value of services of a domestic nature or services relating to nursing and attendance—

- (a) which have been or are to be provided by another person to the person in whose favour the award is made; and
- (b) for which the person in whose favour the award is made has not paid and is not liable to pay,

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES—*continued.*

the amount of the compensation shall not exceed—

- (c) where the services provided or to be provided are not less than 40 hours per week—
  - (i) the amount per week comprising the amount estimated by the Australian Statistician as the average weekly total earnings of all employees in New South Wales for—
    - (A) in respect of the whole or any part of a quarter occurring between the date of the injury in relation to which the award is made and the date of the award, being a quarter for which such an amount has been estimated by the Australian Statistician and is, at the date of the award, available to the court making the award—that quarter; or
    - (B) in respect of the whole or any part of any other quarter—the most recent quarter occurring before the date of the award for which such an amount has been estimated by the Australian Statistician and is, at that date, available to the court making the award; or
  - (ii) where the Australian Statistician fails or ceases to estimate the amount referred to in subparagraph (i), the prescribed amount or the amount determined in such manner or by reference to such matters, or both, as may be prescribed; or
- (d) where the services provided or to be provided are less than 40 hours per week—the amount calculated at an hourly rate of one-fortieth of the amount determined in accordance with paragraph (c) (i) or (ii), as the case may be.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING  
TO THE AWARDING OF DAMAGES—*continued.*

(2) Except as provided by this section, nothing in this section affects any other law relating to the value of services of the kind referred to in subsection (1).

**Payment of interest.**

35D. (1) A court shall not, in relation to an award of damages to which this Part applies, order the payment of interest, and no interest shall be payable, on an amount of general damages in respect of the period from the date of the death of or injury to the person in respect of whom the award is made to the date of the award.

(2) Except as provided by this section, nothing in this section affects any other law relating to the payment of interest on an amount of general damages.

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SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

Sections 41 (1), 45 (3)—

Omit "forty dollars" wherever occurring, insert instead "\$300".

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*Motor Vehicles (Third Party Insurance) Amendment.*

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## SCHEDULE 5.

(Sec. 5.)

## AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

## (1) Section 3—

Omit the section.

## (2) (a) Section 5 (1)—

Omit “unless”, insert instead “except in so far as”.

## (b) Section 5 (1), definition of “Government Insurance Office”—

Omit “Acts, 1927–1941”, insert instead “Act, 1927”.

## (c) Section 5 (1), definition of “Motor vehicle”—

(i) After “tramway”, insert “or any vehicle which is owned by the Commonwealth or by any person or body of persons representing the Commonwealth”.

(ii) Omit “The expression ‘motor vehicle’ does not include any motor vehicle which is owned by the Commonwealth of Australia or by any person or body of persons representing the Commonwealth of Australia.”.

## (d) Section 5 (1), definition of “Prescribed”—

Omit the definition.

## (e) Section 5 (1), definition of “Trader’s plate”—

Omit “, as amended by subsequent Acts”.

## (f) Section 5 (1), definition of “Uninsured motor vehicle”—

(i) From paragraph (a), omit “subsection (1) of section 7”, insert instead “section 7 (1)”.

(ii) From paragraph (b), omit “subsection (6) of section 10”, insert instead “section 10 (6)”.

## (3) Section 6 (2)—

Omit “, as amended by subsequent Acts”.



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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (4) Section 7 (1)—  
Omit “five hundred dollars”, insert instead “\$500”.
- (5) (a) Section 9 (2)—  
Omit “paragraph (b) of subsection (1) of section 8”, insert instead “section 8 (1) (b)”.
- (b) Section 9 (2)—  
Omit “, as amended by subsequent Acts”.
- (c) Section 9 (2)—  
Omit “For the purposes of this Act, such policy”, insert instead “(2A) For the purposes of this Act, a policy referred to in subsection (2)”.
- (d) Section 9 (2)—  
Omit “such lodgment”, insert instead “lodgment of the amount referred to in that subsection”.
- (e) Section 9 (3)—  
Omit “paragraph (b) of subsection (2) of section 8”, insert instead “section 8 (2) (b)”.
- (f) Section 9 (3)—  
Omit “, as amended by subsequent Acts”.
- (g) Section 9 (3)—  
Omit “For the purposes of this Act, such policy”, insert instead “(3A) For the purposes of this Act, a policy referred to in subsection (3)”.
- (h) Section 9 (3)—  
Omit “such lodgment”, insert instead “lodgment of the amount referred to in that subsection”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (i) Section 9 (5)—  
Omit “him” wherever occurring, insert instead “the Commissioner”.
- (j) Section 9 (5)—  
Omit “paragraph (b) of subsection (1) or paragraph (b) of subsection (2) of section 8”, insert instead “section 8 (1) (b) or (2) (b)”.
- (k) Section 9 (6)—  
Omit the subsection.
- (6) (a) Section 10 (2) (a)—  
Omit “, as amended by subsequent Acts”.
- (b) Section 10 (2) (a)—  
Omit “him”, insert instead “the owner or driver, as the case may be”.
- (c) Section 10 (2) (b)—  
Omit “him”, insert instead “the owner or driver, as the case may be,”.
- (d) Section 10 (3)—  
Omit “paragraphs (a) and (b) of subsection (1)”, insert instead “subsection (1) (a) and (b)”.
- (e) Section 10 (3)—  
Omit “form; but”, insert instead “form, but”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (f) Section 10 (5) (a)—  
Omit “thirty”, insert instead “30”.
- (g) Section 10 (5) (b), (c)—  
Omit “fifteen” wherever occurring, insert instead “15”.
- (h) Section 10 (8)—  
Omit “his” wherever occurring, insert instead “the insured person’s”.
- (i) Section 10 (8) (a) (ii)—  
Omit “subsection (4) of that section”, insert instead “section 2 (4) of that Act”.
- (j) Section 10 (8) (b) (ii)—  
Omit “subsection (1) of section 3 of the said Act”, insert instead “section 3 (1) of that Act”.
- (k) Section 10 (8) (b) (iii)—  
Omit “him or it”, insert instead “the insured person or the insured person’s estate, as the case may be,”.
- (7) Section 12 (4) (a)—  
Omit “thirty”, insert instead “30”.
- (8) (a) Section 13—  
Omit “district court” wherever occurring, insert instead “District Court”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (b) Section 13 (1)—  
Omit “having jurisdiction in the district in which such person resides”.
- (c) Section 13 (3)—  
Omit “Without”, insert instead “(3A) Without”.
- (d) Section 13 (3)—  
Omit “foregoing power”, insert instead “power conferred by subsection (3)”.
- (e) Section 13 (4) (a)—  
Omit “made to a”, insert instead “made to the”.
- (f) Section 13 (4) (b)—  
Omit “, as amended by subsequent Acts”.
  
- (9) (a) Section 17—  
Omit “he”, insert instead “the driver”.
- (b) Section 17 (a)—  
Omit “his”, insert instead “the driver’s”.
  
- (10) Section 18 (1) (a)—  
Omit “he”, insert instead “that person”.
  
- (11) Section 19 (2)—  
Omit “In this subsection”, insert instead “(3) In this section”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

## (12) (a) Section 20 (1)—

Omit “subsection (1) of section 7”, insert instead “section 7 (1)”.

## (b) Section 20 (1) (a)—

Omit “he” wherever occurring, insert instead “the owner”.

## (c) Section 20 (1) (b)—

Omit “Such notification shall be”, insert instead “being”.

## (d) Section 20 (1) (e) (i)—

Omit “him”, insert instead “the owner or driver, as the case may be,”.

## (e) Section 20 (1) (e) (ii)—

Omit “he”, insert instead “the owner”.

## (f) Section 20 (1) (e) (iii)—

Omit “he”, insert instead “the owner or driver”.

## (g) Section 20 (2)—

Omit “his”, insert instead “the owner’s or driver’s”.

## (13) Section 20 (2) (a)—

Omit “he”, insert instead “the owner”.

## (14) (a) Section 23 (2)—

Omit “one thousand dollars”, insert instead “\$1,000”.

## (b) Section 23 (3)—

Omit “he”, insert instead “that person”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (15) (a) Section 24 (1), definition of "Ambulance vehicle"—  
Omit "Health Commission of New South Wales or by the council of a city, municipality or shire or a county council established under any Act, or by the governing body or manager of a hospital", insert instead "Health Administration Corporation constituted by the Health Administration Act, 1982".
- (b) Section 24 (1), definition of "Hospital"—
- (i) Omit "Private Hospitals Act, 1908, as amended by subsequent Acts", insert instead "Private Health Establishments Act, 1982, and includes a hospital or institution in the nature of a hospital conducted by or on behalf of the State".
- (ii) Omit "The expression 'hospital' also includes a hospital or institution in the nature of a hospital conducted by or on behalf of the State."
- (c) Section 24 (1), definition of "Massage treatment"—
- (i) From paragraph (b), omit "his", insert instead "that person's".
- (ii) From paragraph (b), omit "thirty", insert instead "30".
- (16) (a) Section 25 (1)—  
Omit "subsection (1) of section 7", insert instead "section 7 (1)".
- (b) Section 25 (1)—  
Omit "his" wherever occurring, insert instead "the person's".
- (c) Section 25 (4)—  
Omit "paragraphs (a) and (b) of subsection (1)", insert instead "subsection (1) (a) and (b)".

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (d) Section 25 (4)—  
Omit “the thirtieth day of June”, insert instead “30th June”.
  - (e) Section 25 (5)—  
Omit “paragraph (c) or (d) of subsection (1)”, insert instead “subsection (1) (c) or (d)”.
  - (f) Section 25 (6), definition of “proper officer”—  
Omit “paragraph (a), (b), (c) or (d) of subsection (1)”, insert instead “subsection (1) (a), (b), (c) or (d)”.
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- (17) (a) Section 26 (1)—  
Omit “subsection (1) of section 7”, insert instead “section 7 (1)”.
  - (b) Section 26 (1)—  
Omit “his” wherever occurring, insert instead “that person’s”.
  - (c) Section 26 (3) (a) (ii)—  
Omit “, as amended by subsequent Acts”.
  - (d) Section 26 (3) (a) (iii)—  
Omit “six”, insert instead “6”.
  - (e) Section 26 (3) (b)—  
Omit “, as amended by subsequent Acts”.
  - (f) Section 26 (3)—  
Omit “If”, insert instead “(3A) If”.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

- (g) Section 26 (5)—  
Omit “paragraphs (a) and (b) of subsection (1)”, insert instead “subsection (1) (a) and (b)”.
- (h) Section 26 (5)—  
Omit “the thirtieth day of June”, insert instead “30th June”.
- (i) Section 26 (6)—  
Omit “paragraph (c) or (d) of subsection (1)”, insert instead “subsection (1) (c) or (d)”.
- (j) Section 26 (7), definition of “proper officer”—  
Omit “paragraph (a), (b), (c) or (d) of subsection (1)”, insert instead “subsection (1) (a), (b), (c) or (d)”.
- (18) Section 28 (2)—  
Omit the subsection.
- (19) Section 32 (1), proviso—  
(a) From paragraph (a), omit “he”, insert instead “the owner”.  
(b) From paragraph (a), omit “his”, insert instead “the owner’s”.  
(c) From paragraph (b), omit “he” wherever occurring, insert instead “the driver”.
- (20) Section 34 (1)—  
Omit “twenty dollars”, insert instead “\$20”.
- (21) Section 35—  
Omit the section.



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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE  
LAW REVISION—*continued.*

## (22) Section 36 (2), (3)—

Omit “he” wherever occurring, insert instead “that person”.

## (23) Section 37 (b)—

Omit “and the notice, notification or request shall be deemed to have been given or made at the time at which the letter would in the ordinary course of post be delivered or available for collection;”.

## (24) Section 41 (2)—

Omit “or police”.

## (25) Section 46—

Omit the section, insert instead:—

**Application of section 41 of the Interpretation Act, 1897.**

46. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

## (26) (a) Schedule 1, clause 1 (1), definition of “primary producer”—

Omit “his” wherever occurring, insert instead “that person’s”.

## (b) Schedule 1, clause 1 (1), definition of “primary producer’s vehicle”—

- (i) From paragraph (a), omit “him” wherever occurring, insert instead “the primary producer”.
  - (ii) From paragraph (a), omit “his” wherever occurring, insert instead “the primary producer’s”.
  - (iii) From paragraph (b) (i), omit “per centum”, insert instead “per cent”.
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*Motor Vehicles (Third Party Insurance) Amendment.*

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## SCHEDULE 6.

(Sec. 6.)

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

**Policies issued before 1.7.1984.**

1. The Principal Act, as in force immediately before 1st July, 1984, continues to apply to and in respect of a policy issued in accordance with that Act by an authorised insurer within the meaning of that Act, other than the Government Insurance Office, as if this Act, Schedules 3 and 4, and section 5 in its application to those Schedules, excepted, had not been enacted.

**Causes of action existing before 1.7.1984.**

2. The Principal Act, as in force immediately before 1st July, 1984, continues to apply to and in respect of any cause of action relating to the death of or bodily injury to a person, being a cause of action which arose at any time before that date, whether or not any proceedings have been commenced before that date in respect of any such cause of action, as if this Act had not been enacted.

**Exercise, etc., after 1.7.1984 of functions relating to nominal defendant.**

3. For the purpose of enabling—

- (a) the nominal defendant to deal with claims made against the nominal defendant in respect of a cause of action relating to the death of or bodily injury to a person, being a cause of action which arose at any time before 1st July, 1984;
- (b) the Auditor-General to audit the accounts of the nominal defendant; and
- (c) the exercise or performance of any power, authority, duty or function necessary or convenient to be exercised or performed with respect to the matters referred to in paragraphs (a) and (b),

the provisions of any Act or law in force immediately before 1st July, 1984, any such Act or law as subsequently amended or any Act or law made in substitution for any such Act or law shall, except in so far as provision may otherwise be made in an Act or law or by the regulations made under clause 6, continue to apply or apply, as the case may require, as if this Act had not been enacted.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 6—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Premiums payable between 1.4.1984 and 1.1.1985.**

4. (1) Except as provided by subclauses (2) and (3), the maximum amount of premium to be charged in respect of a third-party policy that is expressed to commence on or after 1st April, 1984, and before 1st January, 1985, shall be the amount of premium prescribed in Schedule 1 to the Principal Act, as in force immediately before 1st July, 1984, in respect of third-party policies of the kind to which that third-party policy belongs.

(2) The maximum amount to be charged in respect of a third-party policy relating to a pensioner's motor vehicle within the meaning of clause 1 of Schedule 1 to the Principal Act, as amended by this Act, that is expressed to commence on or after 1st July, 1984, and before 1st January, 1985, shall be the amount of premium referred to in subclause (1) reduced by 7.5 per cent.

(3) Clause 5 (2) of Schedule 1 to the Principal Act, as amended by this Act, applies to and in respect of the reduction of a premium in accordance with subclause (2) in the same way as it applies to and in respect of the reduction of a premium to be charged in respect of a third-party policy that is expressed to commence at any time during a year commencing on or after 1st January, 1985.

**Construction of certain references.**

5. On and from 1st July, 1984, a reference (however expressed) in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same kind or of a different kind, to the nominal defendant or to an authorised insurer within the meaning of the Principal Act shall, except where the reference occurs in respect of a cause of action relating to the death of or bodily injury to a person, being a cause of action which arose at any time before 1st July, 1984, be read and construed as a reference to the Government Insurance Office.

**Regulations.**

6. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

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*Motor Vehicles (Third Party Insurance) Amendment.*

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SCHEDULE 6—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a day 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.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding the foregoing clauses of this Schedule.

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

L. W. STREET,  
*By Deputation from*  
*His Excellency the Governor.*

*Government House,*  
*Sydney, 28th June, 1984.*