

**MISCELLANEOUS ACTS (MOTOR ACCIDENTS)  
AMENDMENT ACT 1988 No. 103**

NEW SOUTH WALES

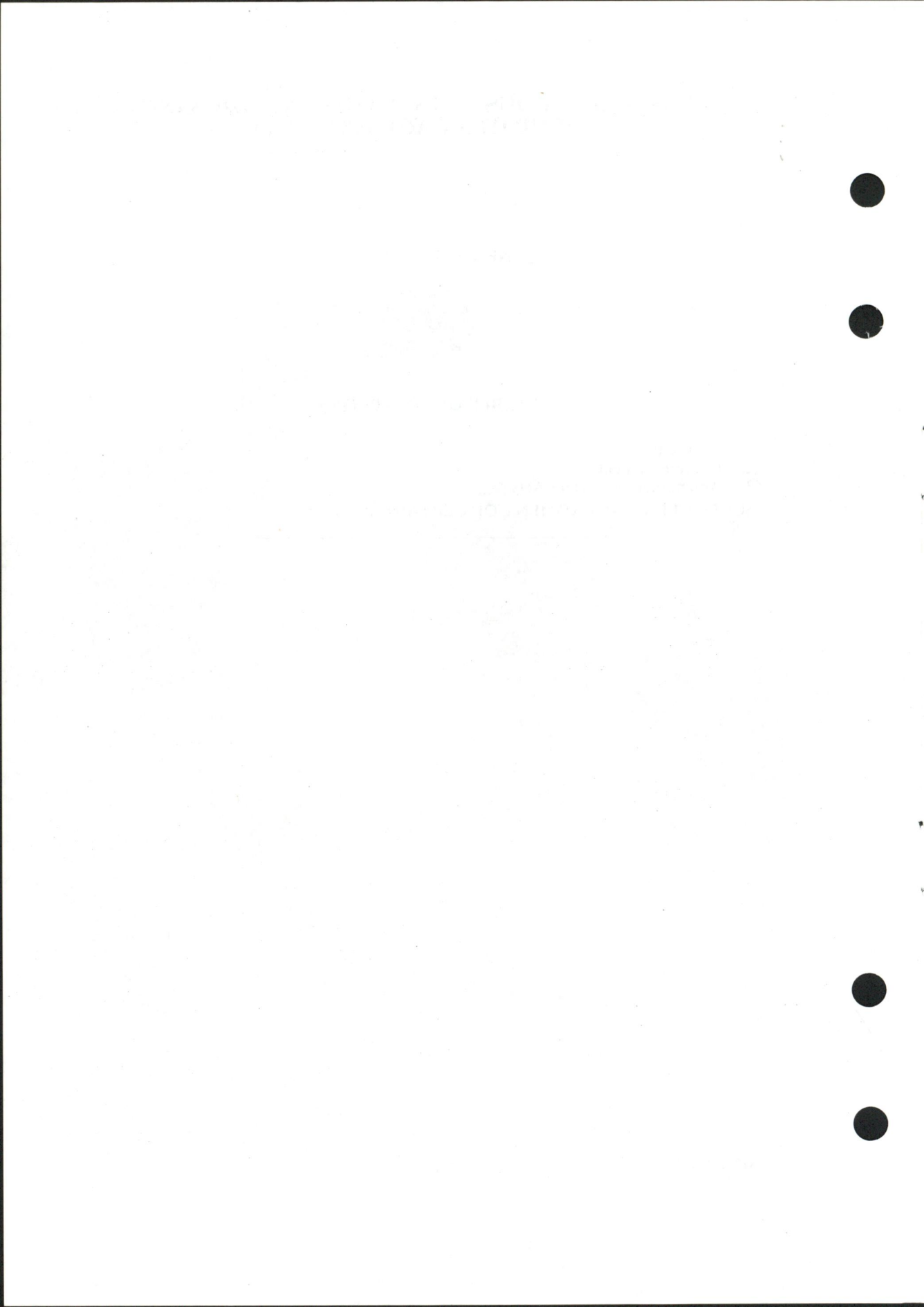


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of certain Acts

**SCHEDULE 1—AMENDMENT OF CERTAIN ACTS**

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**MISCELLANEOUS ACTS (MOTOR ACCIDENTS) AMENDMENT  
ACT 1988 No. 103**

NEW SOUTH WALES



**Act No. 103, 1988**

An Act to amend certain Acts as a consequence of and in connection with the enactment of the Motor Accidents Act 1988; and for other purposes.  
[Assented to 21 December 1988]

*Miscellaneous Acts (Motor Accidents) Amendment 1988*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Miscellaneous Acts (Motor Accidents) Amendment Act 1988.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of certain Acts**

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

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**SCHEDULE 1—AMENDMENT OF CERTAIN ACTS**

(Sec. 3)

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

Section 2 (Application of Act)—

Omit section 2 (4).

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

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

Section 2 (6)—

After "1987", insert "or the Motor Accidents Act 1988".

**Miscellaneous Acts (Transport Accidents Compensation) Amendment Act 1987 No. 102—**

(1) Section 4 (Amount of contributions)—

Omit the section.

(2) Section 5 (Savings and transitional provisions)—

Omit the section.

(3) Schedule 2 (Amounts of contributions payable under section 24 of the Transport Accidents Compensation Act 1987)—

Omit the Schedule.

(4) Schedule 3 (Savings and transitional provisions)—

Omit the Schedule.

**Motor Traffic Act 1909 No. 5—**

Section 18B (Penalty notices for certain offences)—

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

(db) has committed a prescribed offence under the Motor Accidents Act 1988 or the regulations made under that Act;

*Miscellaneous Acts (Motor Accidents) Amendment 1988*

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SCHEDULE 1—AMENDMENTS OF CERTAIN ACTS—*continued*

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

Section 5 (**Interpretation**)—

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

After “1987”, insert “and continued in accordance with Part 10 of the Motor Accidents Act 1988”.

**Public Finance and Audit Act 1983 No. 152—**

Schedule 2 (**Statutory Bodies**)—

Insert, in alphabetical order:

Motor Accidents Authority of New South Wales.

**Recreation Vehicles Act 1983 No. 136—**

(1) Section 17 (**Applications**)—

Section 17 (2) (b) (iii)—

Omit the subparagraph, insert instead:

(iii) evidence that the motor vehicle is an insured motor vehicle within the meaning of the Motor Accidents Act 1988; and

(2) Section 18 (**Registration**)—

Section 18 (2) (b)—

Omit the paragraph, insert instead:

(b) the motor vehicle is an insured motor vehicle within the meaning of the Motor Accidents Act 1988; and

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

Section 21 (f)—

Omit the paragraph, insert instead:

(f) where the motor vehicle is an uninsured motor vehicle within the meaning of the Motor Accidents Act 1988.

**Stamp Duties Act 1920 No. 47—**

Second Schedule, under the heading “POLICIES OF INSURANCE”—

Before paragraph (b) under the heading “*Exemptions*”, insert:

(a) A third-party policy taken to have been issued by a licensed insurer under the Motor Accidents Act 1988.

**State Transport (Co-ordination) Act 1931 No. 32—**

Section 16 (**Issue of licences**)—

Section 16 (1) (b)—

Omit the paragraph, insert instead:

(b) it is registered under the law of another State or a Territory and the Commissioner is satisfied that the vehicle is fit for safe use on public streets and is also satisfied that adequate provision has been made for any person who may suffer injury arising out of the use of the vehicle in accordance with the licence.

*Miscellaneous Acts (Motor Accidents) Amendment 1988*

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SCHEDULE 1—AMENDMENTS OF CERTAIN ACTS—*continued*

**Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—**

**Schedule 2 (Public Offices)—**

At the end of Part 1, insert:

General Manager of the Motor Accidents Authority.

Deputy General Manager of the Motor Accidents Authority.

**Workers Compensation Act 1987 No. 70—**

- (1) Section 149 (**Abolition of common law remedies against employer, fellow workers etc.**)—

Section 149 (4), definition of “damages”—

Omit paragraph (a).

- (2) Section 150 (**Remedies against both employer and stranger**)—

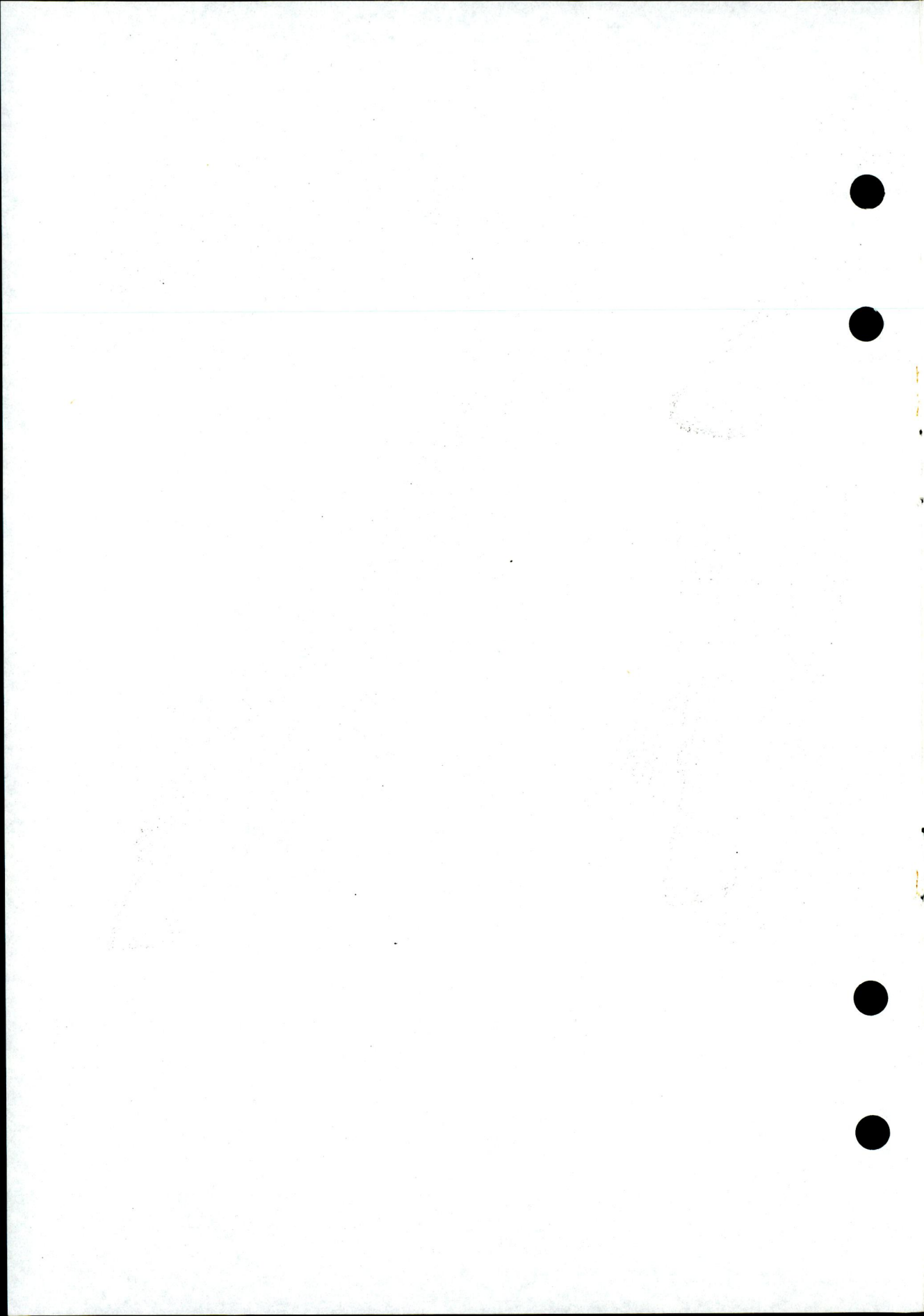
After section 150 (7), insert:

(7A) A reference in this section to damages in respect of an injury includes a reference to damages in respect of an injury caused by or arising out of a motor accident within the meaning of the Motor Accidents Act 1988.

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[*Minister's second reading speech made in—  
Legislative Assembly on 29 November 1988  
Legislative Council on 7 December 1988*]







**MISCELLANEOUS ACTS (MOTOR ACCIDENTS)  
AMENDMENT BILL 1988**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Motor Accidents Bill 1988.

The object of this Bill is to amend various Acts as a consequence of the enactment of the proposed Motor Accidents Act 1988.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a day or days appointed by proclamation.

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

**Schedule 1** consequentially amends the following Acts:

- Damages (Infants and Persons of Unsound Mind) Act 1929:  
Consequential amendment.
- Law Reform (Miscellaneous Provisions) Act 1944:  
Consequential amendment.
- Miscellaneous Acts (Transport Accidents Compensation) Amendment Act 1987:  
Consequential amendments.
- Motor Traffic Act 1909:  
Consequential amendment.
- Motor Vehicles (Third Party Insurance) Act 1942:  
Consequential amendment.
- Public Finance and Audit Act 1983:  
Applies the audit and reporting requirements of the Act to the Motor Accidents Authority of New South Wales.

*Miscellaneous Acts (Motor Accidents) Amendment 1988*

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- Recreation Vehicles Act 1983:  
Consequential amendment.
- Stamp Duties Act 1920:  
Exempts a third-party policy taken to have been issued by a licensed insurer under the proposed Motor Accidents Act 1988 from liability for stamp duty.
- State Transport (Co-ordination) Act 1931:  
Consequential amendment.
- Statutory and Other Offices Remuneration Act 1975:  
Applies the Act (which provides for the determination of the salary and allowances payable to certain public office holders) to the General Manager and Deputy General Manager of the Motor Accidents Authority.
- Workers Compensation Act 1987:  
Ensures that the restoration of common law rights for motor accidents applies where the injured worker has a right to workers compensation (such as a journey claim under the Act). Although the injured worker will not be entitled to sue his or her employer at common law, the worker will be able to seek damages at common law from any third-party at fault and also obtain workers compensation, but will not be entitled to retain both.

**MISCELLANEOUS ACTS (MOTOR ACCIDENTS)  
AMENDMENT BILL 1988**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

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2. Commencement
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SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

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RECEIVED AT THE OFFICE OF THE DIRECTOR OF THE  
STATE DEPARTMENT OF HEALTH

STATE DEPARTMENT OF HEALTH

OFFICE OF THE DIRECTOR

STATE DEPARTMENT OF HEALTH  
OFFICE OF THE DIRECTOR  
1000 MARKET STREET  
SAN FRANCISCO, CALIFORNIA

**MISCELLANEOUS ACTS (MOTOR ACCIDENTS)  
AMENDMENT BILL 1988**

NEW SOUTH WALES



No. , 1988

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**A BILL FOR**

**An Act to amend certain Acts as a consequence of and in connection with  
the enactment of the Motor Accidents Act 1988; and for other purposes.**

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*Miscellaneous Acts (Motor Accidents) Amendment 1988*

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**The Legislature of New South Wales enacts:**

**Short title**

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3. Each Act specified in Schedule 1 is amended as set out in that  
10 Schedule.

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**SCHEDULE 1—AMENDMENT OF CERTAIN ACTS**

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15 Omit section 2 (4).

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Section 2 (6)—

After "1987", insert "or the Motor Accidents Act 1988".

**20 Miscellaneous Acts (Transport Accidents Compensation) Amendment Act 1987 No. 102—**

(1) Section 4 (**Amount of contributions**)—

Omit the section.

(2) Section 5 (**Savings and transitional provisions**)—

25 Omit the section.

(3) Schedule 2 (**Amounts of contributions payable under section 24 of the Transport Accidents Compensation Act 1987**)—

Omit the Schedule.

(4) Schedule 3 (**Savings and transitional provisions**)—

30 Omit the Schedule.

**Motor Traffic Act 1909 No. 5—**

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

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

35 (db) has committed a prescribed offence under the Motor Accidents Act 1988 or the regulations made under that Act;

*Miscellaneous Acts (Motor Accidents) Amendment 1988*

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

Section 21 (f)—

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25 (f) where the motor vehicle is an uninsured motor vehicle within the meaning of the Motor Accidents Act 1988.

**Stamp Duties Act 1920 No. 47—**

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*Miscellaneous Acts (Motor Accidents) Amendment 1988*

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5 Deputy General Manager of the Motor Accidents Authority.

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After section 150 (7), insert:

15 (7A) A reference in this section to damages in respect of an injury includes a reference to damages in respect of an injury caused by or arising out of a motor accident within the meaning of the Motor Accidents Act 1988.