



New South Wales

# Motor Accidents Amendment Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Motor Accidents Act 1988* as follows:

- (a) to change the definition of *motor vehicle* to include a trailer,
  - (b) to change the definition of *trader's plate* so that it will be consistent with any changes made to the definition of *trader's plate* used in the *Motor Traffic Regulations 1935*,
  - (c) to extend the coverage for motor vehicles that are subject to unregistered vehicle permits issued under Regulation 53A of the *Motor Traffic Regulations 1935* to damage occurring on a public street in any part of the Commonwealth (currently coverage is available only for the use or operation of the vehicle on a public street in New South Wales),
  - (d) to update certain references contained in the Act to the former Government Insurance Office of New South Wales,
  - (e) to provide for the amendment of the Industry Deed (set out in Schedule 5 to the Act) by agreement between the parties to the Industry Deed,
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- (f) to ensure that structured settlements are not varied or terminated if they involve investments that cannot be readily altered by the parties to the investments (eg an annuity),
- (g) to make minor amendments to clarify the operation of some provisions,
- (h) to make consequential amendments including the enactment of savings and transitional provisions.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the provisions of the proposed Act.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the *Motor Accidents Act 1988*.

## Schedule 1 Amendments

**Schedule 1 [1]** inserts a definition of *Ministerial Corporation*. **Schedule 1 [19]** and **[22]–[25]** make consequential amendments by updating references to the former Government Insurance Office of New South Wales with references to the Ministerial Corporation where appropriate.

**Schedule 1 [2]** amends the definition of *motor vehicle* to include a trailer. **Schedule 1 [6]** and **[9]–[12]** make consequential amendments.

**Schedule 1 [3]** amends the definition of *trader's plate* so that it will be consistent with any changes made to that term as it is used in the *Motor Traffic Regulations 1935*.

**Schedule 1 [4]** provides for the amendment of the Industry Deed by agreement in writing between the parties to the Industry Deed.

**Schedule 1 [5]** inserts proposed sections 3B and 3C to make clear the application of the Act in relation to trailers and tow trucks:

- Proposed section 3B (1) limits the operation of the Act so that it will only apply to trailers when they are being towed or have run out of control while being towed.
- Proposed section 3B (2) extends a motor vehicle's third-party insurance policy so that the policy will cover a trailer being towed by the vehicle or that has run out of control while being towed.

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- Proposed section 3C extends a motor vehicle's third-party insurance policy in the case of a vehicle that is a tow truck so that the policy will cover an uninsured motor vehicle when it is being towed or carried by the tow truck.

**Schedule 1 [8] and [27]** make consequential amendments.

**Schedule 1 [7] and [26]** extend the third-party policy coverage in relation to a motor vehicle that is subject to an unregistered vehicle permit issued under Regulation 53A of the *Motor Traffic Regulations 1935* to the use or operation of the vehicle on public streets outside New South Wales.

**Schedule 1 [13]** makes it clear that the time for making claims in respect of the death of or injury to a person caused by the owner or driver of a motor vehicle in the use or operation of the vehicle runs from the date of the motor accident to which the claim relates or, in the case of a claim made in respect of the death of a person, from the date of the person's death. **Schedule 1 [14] and [16]** make consequential amendments.

**Schedule 1 [15]** makes it clear that section 43A (6) includes late claims made against the Nominal Defendant.

**Schedule 1 [17]** replaces certain words used in section 52 (1) (b) (i) with words that are consistent with the remainder of the section.

**Schedule 1 [18]** makes it clear that, in the case of a late claim, proceedings may be commenced immediately if the insurer rejects the claimant's explanation for the delay or rejects the claim on the ground that the total damages likely to be awarded to the claimant are less than 10% of the maximum amount that is provided for under the Act (as at the date of the relevant motor accident) as damages for non-economic loss.

**Schedule 1 [20]** omits certain words from section 72 (1) (a) so that the paragraph is consistent with the remainder of the section.

**Schedule 1 [21]** ensures that a structured settlement is not varied or terminated if the settlement involves an investment that does not readily allow for the variation or termination of the investment by the parties to the investment.

**Schedule 1 [28]** provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

**Schedule 1 [29]–[33]** make clear the application of certain amendments that were made to the Act by the *Motor Accidents Amendment Act 1995*:

- **Schedule 1 [29]** omits a reference to section 52 (1) from clause 17 (1) of Schedule 4 (Savings, transitional and other provisions) to the Act so that section 52 applies to motor accidents occurring on or after 1 January 1996.
- **Schedule 1 [30]** inserts in clause 17 (2) of that Schedule a reference to item [15] of the Schedule of amendments made by the *Motor Accidents Amendment Act 1995* to the Act (that item inserted section 43A (Late making of claims)) so that section 43A applies only in relation to motor accidents occurring on or after the commencement of that section (1 January 1996). **Schedule 1 [29]** makes a consequential amendment by omitting a reference to section 43A (1) from clause 17 (1) of that Schedule.
- **Schedule 1 [31]** inserts in clause 17 (2) of that Schedule a reference to item [23] of the Schedule of amendments made by the *Motor Accidents Amendment Act 1995* to the Act (that item inserted section 50A (Provision of information to facilitate settlement of claim before commencing court proceedings)) so that section 50A applies only in relation to motor accidents occurring on or after the commencement of that section (1 January 1996).
- **Schedule 1 [33]** inserts proposed clause 17 (7A) in that Schedule so that section 70A (Claimant's prospect of future economic loss) extends to claims arising out of motor accidents that occurred after midnight on 26 September 1995, but not so as to affect any award of damages made before the commencement of that subclause.

**Schedule 1 [32]** makes a consequential amendment.

**Schedule 1 [34]** contains savings and transitional provisions consequent on the amendments made by the proposed Act.

First print



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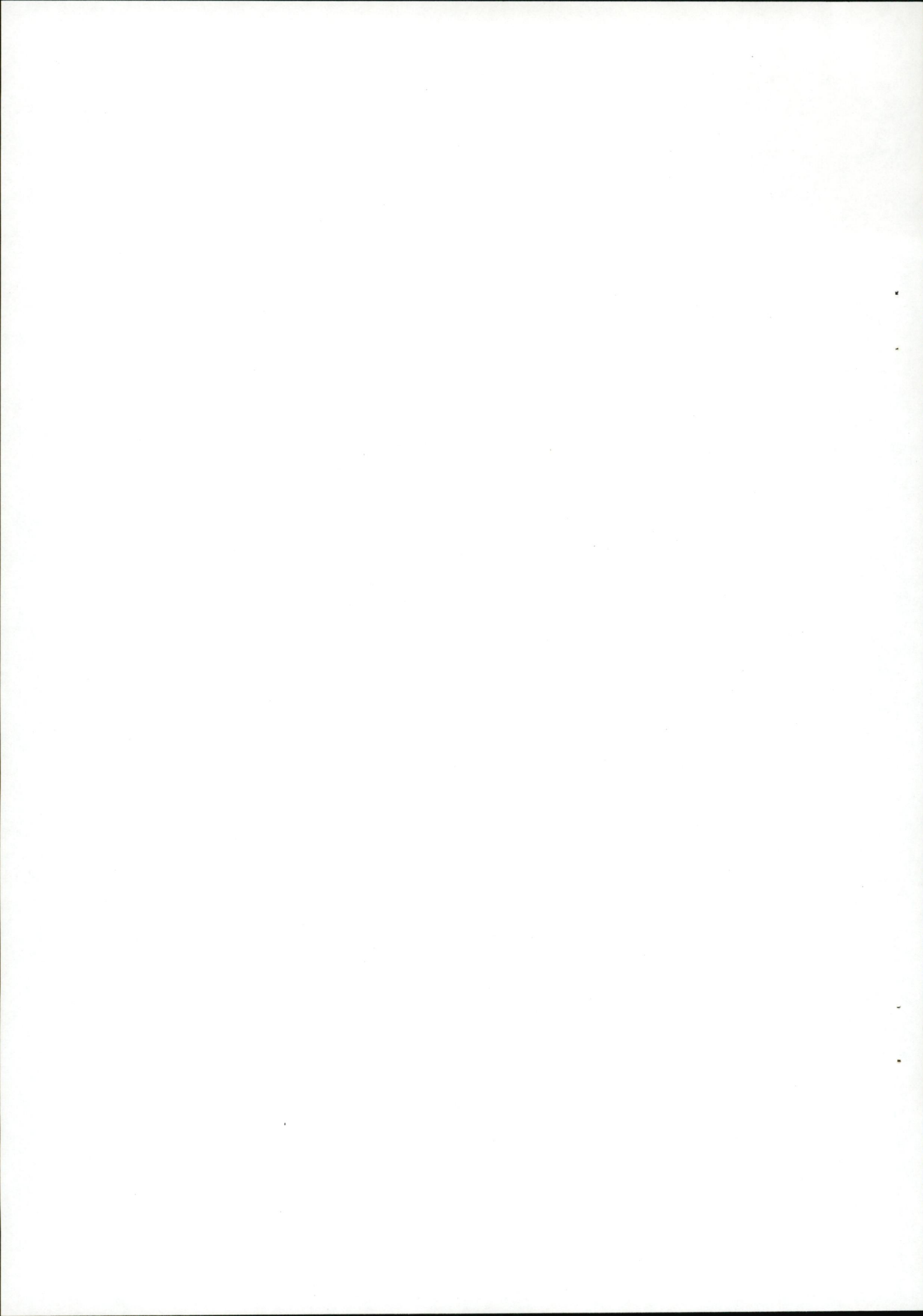
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New South Wales

## **Motor Accidents Amendment Bill 1996**

No      , 1996

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### **A Bill for**

An Act to amend the *Motor Accidents Act 1988* to make further provision with respect to motor accidents involving trailers, unregistered vehicle permits, transitional provisions, amendments to the Industry Deed, and structured settlements; and for other purposes.

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

**1 Name of Act**

This Act is the *Motor Accidents Amendment Act 1996*.

**2 Commencement**

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section. 5
- (2) The amendments made by this Act to sections 43A (6) and 52 of the *Motor Accidents Act 1988* are taken to have commenced on 1 January 1996.
- (3) The amendments made by this Act to clause 17 of Schedule 4 to the *Motor Accidents Act 1988* are taken to have commenced at midnight on 26 September 1995. 10

**3 Amendment of Motor Accidents Act 1988 No 102**

The *Motor Accidents Act 1988* is amended as set out in Schedule 1. 15



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## Schedule 1 Amendments

(Section 3)

### [1] Section 3 Definitions

Insert in section 3 (1) in alphabetical order:

*Ministerial Corporation* means the NSW Insurance Ministerial Corporation constituted under Part 5 of the *Government Insurance Office (Privatisation) Act 1991*. 5

### [2] Section 3 (1), definition of "motor vehicle"

Omit "but does not include a trailer or".

Insert instead "and includes a trailer, but does not include". 10

### [3] Section 3 (1), definition of "trader's plate"

Omit the definition. Insert instead:

*trader's plate* means a trader's plate issued under the *Motor Traffic Regulations 1935*.

### [4] Section 3A Execution etc of certain agreement 15

Insert after section 3A (4):

- (5) The agreement may be amended from time to time by agreement in writing between the parties to it, and the agreement as so amended becomes the agreement in force for the purposes of this section. 20

### [5] Sections 3B and 3C

Insert after section 3A:

#### 3B Special provision for trailers

- (1) A reference in this Act to the use or operation of a motor vehicle is, in the case of a motor vehicle that is a trailer, limited to the use or operation of the trailer when 25

attached to a motor vehicle towing it or when the trailer has run out of control having become detached from the motor vehicle towing it.

**Note.** The purpose of subsection (1) is to limit the operation of this Act in relation to trailers so that it will only apply to trailers when they are being towed or have run out of control while being towed.

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- (2) A reference in this Act to the use or operation of a motor vehicle extends, in the case of a motor vehicle that is not a trailer, to include the use or operation of a trailer attached to the motor vehicle and a trailer running out of control having become detached from the motor vehicle towing it.

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**Note.** The purpose of subsection (2) is to extend a motor vehicle's third-party insurance policy so that it will cover a trailer being towed by the vehicle or a trailer that has run out of control while being towed.

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### 3C Special provision for tow trucks

A reference in this Act to the use or operation of a motor vehicle extends, in the case of a motor vehicle that is a tow truck, to the use or operation of an uninsured motor vehicle that is being towed or carried by the tow truck.

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### [6] Section 8 Offence of using etc uninsured motor vehicle on public street

Insert at the end of section 8 (3) (b):

, or

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- (c) the motor vehicle is a trailer.

### [7] Section 9 Third-party policies

Omit "on a public street in New South Wales" from section 9 (a) (ii).

Insert instead "on a public street in any part of the Commonwealth".

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- [8] Section 9**
- Insert at the end of section 9:
- Note.** As a result of sections 3B and 3C, a third-party policy for a motor vehicle extends to cover:
- (a) a trailer attached to the motor vehicle or that runs out of control having become detached from the motor vehicle, and 5
  - (b) if the motor vehicle is a tow truck—an uninsured motor vehicle being towed or carried by the tow truck.
- [9] Section 11 Evidence of insurance in respect of motor vehicle** 10
- Insert at the end of section 11:
- (2) This section does not apply to a trailer.
- [10] Section 27 Claim against Nominal Defendant where vehicle not insured**
- Insert at the end of section 27 (4) (b): 15
- , or
- (c) if there is a right of action under section 28A in respect of the death or injury.
- [11] Section 27 (5)**
- Omit “or a trailer”. 20
- [12] Section 31 Recovery from owner or driver**
- Omit “, or a trailer,” from section 31 (3).
- [13] Section 43 Time for and notice of making of claims**
- Omit section 43 (2). Insert instead:
- (2) A claim must be made within 6 months after the relevant date for the claim. The relevant date is the date of the motor accident to which the claim relates unless the claim is made in respect of the death of a person, in which case the relevant date is the date of the person’s death. 25  
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**[14] Section 43A Late making of claims**

Omit "the date determined under section 43" wherever occurring.  
Insert instead "the relevant date for the claim under section 43".

**[15] Section 43A (6)**

Omit "This subsection applies if the person against whom the late claim is made is insured by a third-party insurer." 5

Insert instead "This subsection applies if the late claim is made against the Nominal Defendant or a person who is insured by a third-party insurer. A reference in this subsection to an insurer includes a reference to the Nominal Defendant." 10

**[16] Section 43A**

Insert at the end of the section:

**Note.** The combined effect of sections 43 and 43A is as follows:

A claim generally must be made within 6 months after the date of the accident or the date of death. 15

If, however, a claim is made between 6 months and 12 months after the date of the accident or death, a full and satisfactory explanation for the delay in making the claim must be provided.

A claim cannot be made after 12 months unless a full and satisfactory explanation for the delay is provided AND the damages of all kinds that would be awarded were the claim to succeed are at least 10% of the maximum damages that could be awarded for non-economic loss (see sections 79 and 79A) as at the date of the accident. 20

**[17] Section 52 Time limitations on commencement of court proceedings 25**

Omit "making the claim" from section 52 (1) (b) (i).  
Insert instead "commencing the proceedings".

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**[18] Section 52 (2) (c)**

Insert "or rejects the claim on the ground that the total damages of all kinds likely to be awarded to the claimant if the claim succeeds are less than 10% of the maximum amount that may be awarded for non-economic loss under section 79 or 79A as at the date of the relevant motor accident" after "the claim".

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**[19] Sections 66A (7) (a), 67 (3), 140 (1) (a), 141 (1) (b), 142, 144 (1), Table to 145A (2), 145B (1), 146A (1), 147A and 149**

Omit "GIO" wherever occurring.  
Insert instead "Ministerial Corporation".

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**[20] Section 72 Maximum amount of damages for provision of certain home care services**

Omit "that are above and beyond those rendered by family or household members" from section 72 (1) (a).

**[21] Section 81 Structured settlements**

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Insert "An order cannot be made to vary or terminate the arrangements if those arrangements involve, for the purpose of giving effect to all or part of the original order, an investment that cannot readily be varied or terminated by the parties to the investment (for example, an annuity)." at the end of section 81 (7).

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**[22] Section 101 Applications for licences**

Omit section 101 (1) (b).

**[23] Section 116 Power of Supreme Court to deal with insurers unable to meet liabilities**

Omit section 116 (10).

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**[24] Section 139 Continuation of the TAC Fund**

Omit section 139 (2) and (3). Insert instead:

- (2) The TAC Fund is to be administered by the Ministerial Corporation.

**[25] Section 147B Administration of claims under previous schemes** 5

Omit section 147B (1). Insert instead:

- (1) The Ministerial Corporation is to determine and administer claims relating to intermediate transport accidents and claims under section 14 or 14A of the *Motor Vehicles (Third Party Insurance) Act 1942*. 10

**[26] Schedule 1 Third-party policy**

Omit "on a public street in New South Wales" from clause 1 (b). Insert instead "on a public street in any part of the Commonwealth".

**[27] Schedule 1, clause 2**

Omit the clause. Insert instead: 15

- 2 In this policy, words and expressions have the same meaning as in the *Motor Accidents Act 1988*.

**Note.** As a result of sections 3B and 3C of the Act, a third-party policy for a motor vehicle extends to cover:

- (a) a trailer attached to the motor vehicle or that runs out of control having become detached from the motor vehicle, and 20  
(b) if the motor vehicle is a tow truck—an uninsured motor vehicle being towed or carried by the tow truck.

**[28] Schedule 4 Savings, transitional and other provisions** 25

Insert at the end of clause 1 (1):

the *Motor Accidents Amendment Act 1996*

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- [29] **Schedule 4, Part 7, clause 17 (1)**  
Omit "43A (1)," and "52 (1),".
- [30] **Schedule 4, Part 7, clause 17 (2)**  
Insert "[15]," after "[13],".
- [31] **Schedule 4, Part 7, clause 17 (2)** 5  
Insert "[23]," after "[20],".
- [32] **Schedule 4, Part 7, clause 17 (6)**  
Omit the subclause.
- [33] **Schedule 4, Part 7, clause 17 (7A)** 10  
Insert after clause 17 (7):  
(7A) Section 70A extends to a claim arising out of a motor accident that occurred after midnight on 26 September 1995, but not so as to affect any award of damages made before the commencement of this subclause.
- [34] **Schedule 4, Part 8** 15  
Insert after Part 7:
- Part 8 Provisions arising from the enactment of the Motor Accidents Amendment Act 1996**
- 18 Meaning of "1996 amending Act"**  
In this Part: 20  
*1996 amending Act* means the *Motor Accidents Amendment Act 1996*.
- 19 Trailer amendments**  
An amendment made by the 1996 amending Act with respect to trailers (that is, an amendment made by Schedule 1 [2], [5], [6], [8], [9], [10], [11], [12] or [27] to that Act) extends to motor accidents occurring on or after 1 January 1996. 25

**20 Structured settlement amendments**

The amendment made to section 81 by the 1996 amending Act extends to arrangements determined or approved under that section before the commencement of the amendment, but not so as to affect any order of a court made before that commencement. 5

**21 Amendment of agreement**

Section 3A (5) (as inserted by the 1996 amending Act) extends to any amendment to the agreement referred to in that section made or purporting to have been made before the commencement of that subsection, with the effect that any amendment made or purporting to have been made to that agreement before the commencement of that subsection that could have been validly made after that commencement is validated and takes effect from the date on which it purported to take effect. 10  
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**22 Unregistered vehicle permits**

The amendments made to section 9 (a) (ii) and clause 1 (b) of Schedule 1 by the 1996 amending Act extend to liability arising in respect of the use or operation of a motor vehicle on or after 1 January 1996. 20



Second print



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# Motor Accidents Amendment Bill 1996

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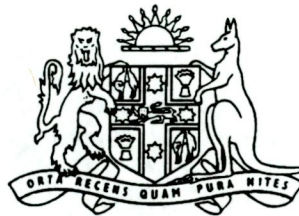
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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

## **Motor Accidents Amendment Bill 1996**

Act No      , 1996

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An Act to amend the *Motor Accidents Act 1988* to make further provision with respect to motor accidents involving trailers, unregistered vehicle permits, transitional provisions, amendments to the Industry Deed, and structured settlements; and for other purposes.

---

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

**1 Name of Act**

This Act is the *Motor Accidents Amendment Act 1996*.

**2 Commencement**

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section. 5
- (2) The amendments made by this Act to sections 43A (6) and 52 of the *Motor Accidents Act 1988* are taken to have commenced on 1 January 1996.
- (3) The amendments made by this Act to clause 17 of Schedule 4 to the *Motor Accidents Act 1988* are taken to have commenced at midnight on 26 September 1995. 10

**3 Amendment of Motor Accidents Act 1988 No 102**

The *Motor Accidents Act 1988* is amended as set out in Schedule 1. 15

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## Schedule 1 Amendments

(Section 3)

### [1] Section 3 Definitions

Insert in section 3 (1) in alphabetical order:

*Ministerial Corporation* means the NSW Insurance Ministerial Corporation constituted under Part 5 of the *Government Insurance Office (Privatisation) Act 1991*. 5

### [2] Section 3 (1), definition of "motor vehicle"

Omit "but does not include a trailer or".

Insert instead "and includes a trailer, but does not include". 10

### [3] Section 3 (1), definition of "trader's plate"

Omit the definition. Insert instead:

*trader's plate* means a trader's plate issued under the *Motor Traffic Regulations 1935*.

### [4] Section 3A Execution etc of certain agreement 15

Insert after section 3A (4):

- (5) The agreement may be amended from time to time by agreement in writing between the parties to it, and the agreement as so amended becomes the agreement in force for the purposes of this section. 20

### [5] Sections 3B and 3C

Insert after section 3A:

#### 3B Special provision for trailers

A reference in this Act to the use or operation of a motor vehicle extends, in the case of a motor vehicle that is not a trailer, to include the use or operation of a trailer attached to the motor vehicle and a trailer running out of control having become detached from the motor vehicle towing it. 25

**Note.** The purpose of this section is to extend a motor vehicle's third-party insurance policy so that it will cover a trailer being towed by the vehicle or a trailer that has run out of control while being towed.

**3C Special provision for tow trucks** 5

A reference in this Act to the use or operation of a motor vehicle extends, in the case of a motor vehicle that is a tow truck, to the use or operation of an uninsured motor vehicle that is being towed or carried by the tow truck.

**[6] Section 8 Offence of using etc uninsured motor vehicle on public street** 10

Insert at the end of section 8 (3) (b):

, or

(c) the motor vehicle is a trailer.

**[7] Section 9 Third-party policies** 15

Omit "on a public street in New South Wales" from section 9 (a) (ii).

Insert instead "on a public street in any part of the Commonwealth".

**[8] Section 9** 20

Insert at the end of section 9:

**Note.** As a result of sections 3B and 3C, a third-party policy for a motor vehicle extends to cover:

(a) a trailer attached to the motor vehicle or that runs out of control having become detached from the motor vehicle, and 25

(b) if the motor vehicle is a tow truck—an uninsured motor vehicle being towed or carried by the tow truck.

**[9] Section 11 Evidence of insurance in respect of motor vehicle** 30

Insert at the end of section 11:

(2) This section does not apply to a trailer.

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**[10] Section 27 Claim against Nominal Defendant where vehicle not insured**

Insert at the end of section 27 (4) (b):

, or

- (c) if there is a right of action under section 28A in respect of the death or injury. 5

**[11] Section 27 (5)**

Omit "or a trailer".

**[12] Section 31 Recovery from owner or driver**

Omit ", or a trailer," from section 31 (3). 10

**[13] Section 43 Time for and notice of making of claims**

Omit section 43 (2). Insert instead:

- (2) A claim must be made within 6 months after the relevant date for the claim. The relevant date is the date of the motor accident to which the claim relates unless the claim is made in respect of the death of a person, in which case the relevant date is the date of the person's death. 15

**[14] Section 43A Late making of claims**

Omit "the date determined under section 43" wherever occurring. 20  
Insert instead "the relevant date for the claim under section 43".

**[15] Section 43A (6)**

Omit "This subsection applies if the person against whom the late claim is made is insured by a third-party insurer.". 25  
Insert instead "This subsection applies if the late claim is made against the Nominal Defendant or a person who is insured by a third-party insurer. A reference in this subsection to an insurer includes a reference to the Nominal Defendant.".

**[16] Section 43A**

Insert at the end of the section:

**Note.** The combined effect of sections 43 and 43A is as follows:  
A claim generally must be made within 6 months after the date of  
the accident or the date of death. 5

If, however, a claim is made between 6 months and 12 months  
after the date of the accident or death, a full and satisfactory  
explanation for the delay in making the claim must be provided.

A claim cannot be made after 12 months unless a full and  
satisfactory explanation for the delay is provided AND the damages 10  
of all kinds that would be awarded were the claim to succeed are at  
least 10% of the maximum damages that could be awarded for  
non-economic loss (see sections 79 and 79A) as at the date of the  
accident.

**[17] Section 52 Time limitations on commencement of court proceedings 15**

Omit "making the claim" from section 52 (1) (b) (i).  
Insert instead "commencing the proceedings".

**[18] Section 52 (2) (c)**

Insert "or rejects the claim on the ground that the total damages of 20  
all kinds likely to be awarded to the claimant if the claim succeeds  
are less than 10% of the maximum amount that may be awarded for  
non-economic loss under section 79 or 79A as at the date of the  
relevant motor accident" after "the claim".

**[19] Sections 66A (7) (a), 67 (3), 140 (1) (a), 141 (1) (b), 142, 144 (1), 25  
Table to 145A (2), 145B (1), 146A (1), 147A and 149**

Omit "GIO" wherever occurring.  
Insert instead "Ministerial Corporation".

**[20] Section 72 Maximum amount of damages for provision of 30  
certain home care services**

Omit "that are above and beyond those rendered by family or  
household members" from section 72 (1) (a).



**[21] Section 81 Structured settlements**

Insert "An order cannot be made to vary or terminate the arrangements if those arrangements involve, for the purpose of giving effect to all or part of the original order, an investment that cannot readily be varied or terminated by the parties to the investment (for example, an annuity)." at the end of section 81 (7).

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**[22] Section 101 Applications for licences**

Omit section 101 (1) (b).

**[23] Section 116 Power of Supreme Court to deal with insurers unable to meet liabilities**

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Omit section 116 (10).

**[24] Section 139 Continuation of the TAC Fund**

Omit section 139 (2) and (3). Insert instead:

- (2) The TAC Fund is to be administered by the Ministerial Corporation.

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**[25] Section 147B Administration of claims under previous schemes**

Omit section 147B (1). Insert instead:

- (1) The Ministerial Corporation is to determine and administer claims relating to intermediate transport accidents and claims under section 14 or 14A of the *Motor Vehicles (Third Party Insurance) Act 1942*.

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**[26] Schedule 1 Third-party policy**

Omit "on a public street in New South Wales" from clause 1 (b).  
Insert instead "on a public street in any part of the Commonwealth".

Motor Accidents Amendment Bill 1996

Schedule 1 Amendments

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**[27] Schedule 1, clause 2**

Omit the clause. Insert instead:

2 In this policy, words and expressions have the same meaning as in the *Motor Accidents Act 1988*.

**Note.** As a result of sections 3B and 3C of the Act, a third-party policy for a motor vehicle extends to cover: 5

(a) a trailer attached to the motor vehicle or that runs out of control having become detached from the motor vehicle, and

(b) if the motor vehicle is a tow truck—an uninsured motor vehicle being towed or carried by the tow truck. 10

**[28] Schedule 4 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*the Motor Accidents Amendment Act 1996*

**[29] Schedule 4, Part 7, clause 17 (1)** 15

Omit “43A (1),” and “52 (1),”.

**[30] Schedule 4, Part 7, clause 17 (2)**

Insert “[15],” after “[13],”.

**[31] Schedule 4, Part 7, clause 17 (2)**

Insert “[23],” after “[20],”.

**[32] Schedule 4, Part 7, clause 17 (6)**

Omit the subclause.

**[33] Schedule 4, Part 7, clause 17 (7A)**

Insert after clause 17 (7):

(7A) Section 70A extends to a claim arising out of a motor accident that occurred after midnight on 26 September 1995, but not so as to affect any award of damages made before the commencement of this subclause. 25

**[34] Schedule 4, Part 8**

Insert after Part 7:

**Part 8 Provisions arising from the enactment of  
the Motor Accidents Amendment Act 1996**

**18 Meaning of "1996 amending Act"**

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In this Part:

*1996 amending Act* means the *Motor Accidents  
Amendment Act 1996*.

**19 Trailer amendments**

An amendment made by the 1996 amending Act with  
respect to trailers (that is, an amendment made by  
Schedule 1 [2], [5], [6], [8], [9], [10], [11], [12] or [27]  
to that Act) extends to motor accidents occurring on or  
after 1 January 1996.

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**20 Structured settlement amendments**

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The amendment made to section 81 by the 1996  
amending Act extends to arrangements determined or  
approved under that section before the commencement  
of the amendment, but not so as to affect any order of a  
court made before that commencement.

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**21 Amendment of agreement**

Section 3A (5) (as inserted by the 1996 amending Act)  
extends to any amendment to the agreement referred to  
in that section made or purporting to have been made  
before the commencement of that subsection, with the  
effect that any amendment made or purporting to have  
been made to that agreement before the commencement  
of that subsection that could have been validly made  
after that commencement is validated and takes effect  
from the date on which it purported to take effect.

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Motor Accidents Amendment Bill 1996

Schedule 1 Amendments

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**22 Unregistered vehicle permits**

The amendments made to section 9 (a) (ii) and clause 1 (b) of Schedule 1 by the 1996 amending Act extend to liability arising in respect of the use or operation of a motor vehicle on or after 1 January 1996.

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