

1990 - No. 277

MOTOR ACCIDENTS ACT 1988 - ORDER

NEW SOUTH WALES



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I, John Robert Arthur DOWD, being the Minister of the Crown administering the provisions of the Motor Accidents Act 1988, do, by this my order:

- (a) repeal the order made pursuant to section 14 of that Act and published in Gazette No. 61 of 18 May 1989 at pages 2988-2994 and the order made pursuant to that section and published in Gazette No. 64 of 26 May 1989 at page 3113 which amended that order; and
- (b) determine, pursuant to section 14 of that Act, the maximum amounts of insurance premiums payable for the issue of third-party policies for the year commencing on 1 July 1990 for motor vehicles of the classes specified in this my order to be the amounts calculated in accordance with the following Schedule.

This order takes effect on 1 July 1990.

Dated 7 May 1990.

JOHN DOWD
Attorney General.

SCHEDULE

Definitions

1. (1) In this Schedule:

"class", in relation to a motor vehicle, means the classification number specified in the Table to this Schedule for the motor vehicle;

"implement trailer" means a trailer which is exempt from registration and which comprises a plough, rotary hoe, cultivator or road roller, or fire fighting apparatus or other machinery or apparatus, and is not constructed principally for the conveyance of persons or goods;

"Metropolitan District" means the County of Cumberland (excluding any portion of the City of Wollongong) and the Parish of Cowan in the County of Northumberland;

"motor car" means any motor vehicle constructed principally for the conveyance of persons and includes a self-propelled caravan;

"Newcastle District" means the Newcastle transport district established under the Transport Administration Act 1988;

"pensioner" means a person:

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

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

and:

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

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

- (i) who has satisfied the Roads and Traffic Authority, by the production of a certificate from a medical practitioner, that the person is medically fit to drive a motor vehicle; or
- (ii) who has otherwise satisfied the Roads and Traffic Authority that the person should be treated as a pensioner for the purposes of this Schedule;

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

- (a) which is solely owned by a pensioner or Jointly owned by 2 or more pensioners;
- (b) which is not used in the course of any trade, business or profession or let out for hire;
- (c) which is used solely or principally by the pensioner or those pensioners, as the case may be;
- (d) which is used substantially for social or domestic purposes or for pleasure; and
- (e) which does not weigh more than 2 tonnes or is a motor vehicle, or a motor vehicle of a class or description of motor vehicles, approved for the time being by the Roads and Traffic Authority,

"premium" means an insurance premium payable for the issue of a third-party policy

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

- (a) for the production of fruit, grain, flowers, vegetables, tobacco or farm or agricultural produce of any description;
- (b) for dairy farming, poultry or other bird farming, pig farming, beekeeping or oyster culture;
- (c) as a nurseryman; or
- (d) as a pastoralist for the rearing or grazing of horses, cattle or sheep,

or who gathers leaves from which eucalyptus or other oil is to be distilled;

"primary producer's vehicle" means any motor vehicle (not being a motor vehicle which is used or let for hire):

- (a) which is owned by a primary producer and is used solely or principally

- (i) for carting primary products produced by the primary producer or materials, provisions or commodities of any kind for use in the primary producer's business or occupation as a primary producer or in the primary producer's household; or
- (ii) for purposes connected with the clearing of land to be cultivated or used by the primary producer for primary production; or

(b) which is owned by a rural society formed under the Co-operation Act 1923, where:

- (i) at least 75 per cent of the shares in the society are held by primary producers; and
- (ii) the vehicle is used solely or principally for carting primary products produced by primary producers who are members of the society, or materials, provisions or commodities of any kind for use in their businesses or occupations as primary producers or in their households, or for carting primary products produced by the society or acquired by it from primary producers who are members of the society, or for purposes connected with the clearing of land to be cultivated or used by members of the society for primary production;

"tow-truck" means a motor lorry used for towing broken down or damaged vehicles and which comprises or has permanently fixed to the lorry a crane or similar apparatus for lifting a vehicle partially clear of the ground and is equipped to maintain it in such a position while towing it;

"Transport District" means the Metropolitan District, the Newcastle District and the Wollongong District;

"unladen weight" does not include the weight of any equipment affixed to a motor vehicle for the purposes of enabling the vehicle to be propelled by a type of fuel which the vehicle was not primarily designed to use, and, in the case of a motor vehicle propelled by electricity, does not include the weight of any electric batteries affixed to the vehicle;

"Wollongong District" means the City of Wollongong.

(2) For the purposes of this Schedule:

- (a) a semi-trailer which is comprised in the registration of an articulated vehicle shall be taken to be part of the articulated vehicle, and not to be a trailer; and
- (b) a semi-trailer which is not comprised in the registration of an articulated vehicle shall be taken to be a trailer.

(3) In this Schedule, a reference to a quarterly premium is a reference to the amount of the premium payable each quarter in relation to a third-party policy for a motor vehicle the registration fee for which is paid quarterly.

Amounts of premiums - year commencing 1 July 1990

2. (1) The amount of premium for a motor vehicle for the year commencing 1 July 1990 is:

- (a) if the premium is payable in respect of a period of 1 year - the amount specified in the Table to this Schedule (not being the amount specified as a quarterly premium) having regard to the class of the motor vehicle and the place at which the vehicle is usually garaged at the time the premium is payable; or
- (b) if the premium is payable by an applicant for the issue or renewal of a permit under Regulation 53A of the Motor Traffic Regulations 1935 in respect of any other period - an amount calculated at the rate of one-twelfth of the amount referred to in paragraph (a) for each month or part of a month in that period.

(2) A premium for a Class 19 or 20 motor vehicle shall not be paid for a period of less than 1 year.

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

3. A Class 7 or 8 motor vehicle shall be taken to be usually garaged in the Transport District in which the vehicle is licensed to operate as a public motor vehicle under the Transport Licensing Act 1931.

Changes which increase premiums

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

(2) The amount of the increase is the sum ascertained by adding together the proportionate amount for each month or part of a month in that portion of the period during which the change is effective, that proportionate amount to be calculated by taking the difference between the amount of premium to be charged in respect of the motor vehicle at the time the premium was payable and the amount of premium which would have been payable had that change been made prior to that time, and by dividing that difference by a number equivalent to the number of months (including any part of a month) of the period for which the premium was payable.

Motor vehicle in 2 or more classes

5. If a motor vehicle is within 2 or more classes, the premium payable in respect of the motor vehicle is the highest premium prescribed by this Schedule for any of those classes.

Pensioners' motor vehicles

6. A pensioner, in relation to the amount of premium payable in respect of a pensioner's motor vehicle:

- (a) is, except as provided by paragraph (b), entitled to pay that premium in respect of one motor vehicle only; or
- (b) is entitled to pay that premium in respect of 2 motor vehicles if:
 - (i) the pensioner and another pensioner are the joint registered owners of the motor vehicles; and
 - (ii) the pensioners referred to in subparagraph (i) are married to each other or reside in the same household.

Premiums for motor vehicles registered under the Recreation Vehicles Act 1983

7. The premium to be charged in respect of a motor vehicle that is registered under the Recreation Vehicles Act 1983 is the amount determined in accordance with this Schedule for a Class 10 motor vehicle which is usually garaged elsewhere than in the Metropolitan, Newcastle or Wollongong District.

Adjustment of premiums

8. (1) If:

- (a) the amount of premium determined in accordance with this Schedule; or
- (b) an amount calculated under clause 2 (b), comprises an amount which is not a whole number of dollars, the amount so comprised shall, subject to subclause (2), be adjusted upwards or downwards, as the case requires, to the nearer amount which produces a whole number of dollars.

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

Quarterly premiums

9. (1) A person is not entitled to pay a quarterly premium, except as provided by this clause.

(2) A quarterly premium may be paid:

- (a) in relation to the registration or renewal of registration of a motor vehicle by a dealer within the meaning of the Motor Dealers Act 1974; or
- (b) in relation to the registration or renewal of registration of a Class 3 (b) motor vehicle.

TABLE
Premiums for the year commencing 1 July 1990

Class of vehicle	Annual premium			
	Vehicle usually garaged			
	In Metro- politan District	In Newcastle District	In Wollongong District	Else- where
	\$	\$	\$	\$
1. Motor Car - Any motor car, not included in Class 2 or 4A or in Classes 6 to 15, both inclusive Quarterly premium	345 92	345 92	311 83	300 80
2. Omnibus Type Car - Any motor car which has seating accommodation for 9 or more adults (including the driver) not included in Class 4A or 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 Quarterly premium	397 105	397 105	357 95	345 92
3. Goods Vehicle - Any motor vehicle not included in Class 4A, 5, 9, 10, 11, 12, 15 or 16, constructed principally for the conveyance of goods: (a) being a motor vehicle other than a station wagon where the unladen weight does not exceed 2 tonnes Quarterly premium	397 110	397 110	357 99	270 76

(b)	being a motor vehicle other than a station wagon where the unladen weight exceeds 2 tonnes	776	776	699	675
	Quarterly premium	209	209	189	183
4. Station Waggon -					
	Any station wagon, not included in Class 4A, 5, 7, 9, 11, 12 or 15:				
(a)	where the unladen weight does not exceed 2 tonnes	345	345	311	300
	Quarterly premium	92	92	83	80
(b)	where the unladen weight exceeds 2 tonnes	397	397	357	345
	Quarterly premium	105	105	95	92
4A Pensioner's Motor Vehicle -	Any pensioner's motor vehicle referred to in:				
(a)	Class 1	319	319	287	278
(b)	Class 2	367	367	330	319
(c)	(i) Class 3 (a)	367	367	330	250
	(ii) Class 3 (b)	718	718	646	625
(d)	(i) Class 4 (a)	319	319	287	278
	(ii) Class 4 (b)	367	367	330	319
(e)	(i) Class 10 (a)	367	367	367	367
	(ii) Class 10 (b)	176	176	158	92
	(iii) Class 10 (c)	32	32	29	28
(f)	Class 16	5	5	5	5
5. Primary Producer's Vehicle -	Any primary producer's vehicle (except a motor car) not included in Class 16 or 17:				
(a)	where the unladen weight does not exceed 2 tonnes	311	190	171	165
	Quarterly premium	83	53	48	47
(b)	where the unladen weight exceeds 2 tonnes	311	155	140	135
	Quarterly premium	83	44	40	39

6.	Omnibus or Tourist Vehicle (including Service Car) - Any motor car in respect of which payment is received for the conveyance of passengers and which is authorised to convey those passengers on a specified route only or to tourist resorts or on sightseeing tours only				
	(a) where the vehicle has seating accommodation for more than 16 adult persons (including the driver)	1725	1725	1553	750
	Quarterly premium	437	437	394	193
(b)	where the vehicle has seating accommodation for more than 6 adult persons but not more than 16 adult persons (including the driver)	449	449	404	390
	Quarterly premium	118	118	106	103
(c)	where the vehicle has seating accommodation for not more than 6 adult persons (including the driver)	345	345	311	300
	Quarterly premium	92	92	83	80
7.	Taxi-cab - Any motor car, not included in Class 6, in respect of which payment is received for the conveyance of passengers and which stands in a public street for hire	2243	2243	2018	1201
	Quarterly premium	566	566	510	306

8.	Private Hire Car - Any motor car, not included in Class 6, 9 or 14 (b), in respect of which payment is received for the conveyance of passengers, but which does not stand in a public street for hire Quarterly premium	690 178	690 178	621 161	600 155
9.	Drive-Yourself Vehicle - Any motor car, not included in Class 10 or 16, which is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but which does not stand in a public street for hire, except a motor car which: (a) is used in connection with the work of any hospital or charitable, benevolent or religious institution by or on behalf of the authority controlling that hospital or institution; and (b) is operated in connection with a community transport project approved by the Minister Quarterly premium	690 178	690 178	621 161	600 155
10.	Motor Cycle and Similar Vehicle - Any motor vehicle not included in Class 44 11, 12 or 15:				

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13.	Ambulance Vehicle - Any motor vehicle constructed and used for the conveyance of sick or injured persons Quarterly premium	276 74	276 74	248 67	150 43
14.	Undertaker's Vehicle - Any motor vehicle used solely				
	(a) as an undertaker's hearse Quarterly premium	52 18	52 18	47 17	45 17
	(b) as an undertaker's mourning coach Quarterly premium	104 31	104 31	93 29	90 28
15.	Motor Trade Vehicles				
	(a) Motor vehicles, other than motor cycles, to which a trader's plate is fixed Quarterly premium	104 31	104 31	93 29	90 28
	(b) Motor cycles to which a trader's plate is fixed Quarterly premium	104 31	104 31	93 29	90 28
	(c) Tow-trucks Quarterly premium	1380	1380	1242	540
	(d) Trailer, including caravan trailer, to which a trader's plate is fixed Quarterly premium	350 104 31	350 104 31	316 93 29	140 90 28
16.	Trailer - Any trailer not included in Class 4A or 15 (d), except that no premium shall be payable in respect of any other trailer which is hauled at the rear of any trailer, or in respect of any implement trailer	5	5	5	5

17.	Mobile Crane - Any mobile crane (not being a tow-truck)	1035 Quarterly premium	1035 264	932 238	900 230
18.	Miscellaneous - Any motor vehicle which is not constructed principally for the conveyance of persons or goods and is not included in Class 12, 15,16 or 17 and which comprises:				
	(a) any tractor, excavator, road grader, street flusher, tar boiler, forklift truck, bulldozer, loader, earthmoving equipment or other machinery or apparatus, which is not used solely for agricultural or farming purposes and any self-propelled vehicle (irrespective of its use) which is machinery or apparatus constructed on conventional motor vehicle chassis	345	345	311	135
	Quarterly premium	92	92	83	39
(b)	any tractor or self-propelled machinery not constructed on a conventional motor vehicle chassis and used solely for agricultural or farming purposes	35	35	31	30
	Quarterly premium	14	14	13	13
(c)	any invalid chair	5	5	5	5

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19. Veteran or Vintage Vehicle - Any motor vehicle which is owned by a member of a veteran or vintage club approved by the Roads and Traffic Authority and which is authorised to travel on a public street by an unregistered vehicle permit issued under the Motor Traffic Regulations 1935	34	34	34	34
20. Street Rod Vehicle - Any motor vehicle which is owned by a member of a club affiliated with the N.S.W. Street Rod Association and approved by the Roads and Traffic Authority and which is authorised to travel on a public street by an unregistered vehicle permit issued under the Motor Traffic Regulations 1935	34	34	34	34
