

1990 - No. 714

MOTOR ACCIDENTS ACT 1988 - ORDER

NEW SOUTH WALES



[Published in Gazette No. 137 of 2 November 1990]

I, JOHN ROBERT ARTHUR DOWD, being the Minister for the Crown administering the provisions of the Motor Accidents Act 1988, amend, pursuant to section 14 of that Act, the Schedule to the order made under that Act and published in Gazette No. 62 of 11 May 1990, on pages 3759-3771, by omitting from clause 1 (1) the definition of "pensioner" and by inserting instead the following definition:

"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; or
- (c) who is a woman who is the holder of a Dependant Treatment Entitlement Card issued on behalf of the Commonwealth Department of Veterans' Affairs and:
 - (i) in the case of a woman who is of or above the age of 60 years - is entitled to receive an age pension under the Social Security Act 1947 of the Commonwealth at the maximum rate applicable under section 41 of that Act; or

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- (ii) in the case of a woman who is under the age of 60 years - would be entitled (if she were, in fact, of or above the age of 60 years) to so receive an age pension at that maximum rate,

and:

- (d) 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
- (e) who is not the holder of a licence referred to in paragraph (d) 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.

This order takes effect on 2 November 1990.

Dated 31 October 1990

JOHN DOWD
Attorney General