

**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT ACT.**

Act No. 43, 1963.

An Act to remove, in respect of certain third party insurances effected with the Government Insurance Office of New South Wales, the necessity for that Office to be formally nominated as insurer and to issue policies; for these and other purposes to amend the Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts, the Transport Act, 1930, as amended by subsequent Acts, and the Stamp Duties Act, 1920, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 2nd December, 1963.]

**Elizabeth II,
No. 43, 1963**

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 :—

1. (1) This Act may be cited as the "Motor Vehicles (Third Party Insurance) Amendment Act, 1963".

Short title,
citation
and com-
mencement.

(2) The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942-1963.

(3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930-1963.

(4) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Stamp Duties Act, 1920-1963.

(5)

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(5) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
10, 1963.
Sec. 1.
(Conse-
quential.)

(6) The Government Railways and Transport (Amendment) Act, 1963, is amended by omitting subsection three of section one.

Amendment
of Act No.
15, 1942.

2. The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts, is amended—

Sec. 8.
(Motor
vehicle
not to be
registered,
etc.,
without
evidence of
insurance.)

(a) (i) by omitting paragraph (b) of subsection one of section eight and by inserting in lieu thereof the following paragraph :—

(b) the appropriate amount of insurance premium in respect of the insurance under a third-party policy with the Government Insurance Office of the motor vehicle for a period commencing on the date of commencement and terminating on the date of expiration of the registration or renewal of registration.

(ii) by omitting paragraph (b) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

(b) the appropriate amount of insurance premium in respect of the insurance under a third-party policy with the Government Insurance Office of motor vehicles to which such trader's plate is affixed at any time whilst it is in issue.

Sec. 9.
(Issue of
certificate
and third-
party
policy.)

(b) (i) by inserting at the end of subsection one of section nine the following new paragraph :—

(d) This subsection shall not apply in any case in which subsection two or three of this section applies.

(ii)

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- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsections :—

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(2) Upon lodgment under paragraph (b) of subsection one of section eight of this Act of the appropriate amount of insurance premium, the Government Insurance Office shall be deemed to have been nominated as the authorised insurer of the motor vehicle in respect of which such amount was lodged and to have issued a third-party policy, duly stamped within the meaning of the Stamp Duties Act, 1920, as amended by subsequent Acts, in relation to such motor vehicle.

For the purposes of this Act, such policy shall be deemed to be expressed—

- (a) to commence on the date of commencement of the registration or renewal of registration or the date of such lodgment, whichever is the later; and
- (b) to terminate on the date of expiration of the registration or renewal of registration.

(3) Upon lodgment under paragraph (b) of subsection two of section eight of this Act of the appropriate amount of insurance premium, the Government Insurance Office shall be deemed to have been nominated as the authorised insurer of motor vehicles to which the trader's plate, specified in the receipt for payment of such amount, is affixed and to have issued a third-party policy, duly stamped within the meaning of the Stamp Duties Act, 1920, as amended by subsequent Acts, in relation to such motor vehicles.

For the purposes of this Act, such policy shall be deemed to be expressed—

- (a) to commence on the date of commencement shown in such receipt or the date of such lodgment whichever is the later; and

(b)

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—

(b) to terminate on the date of expiration shown in such receipt.

(4) Where a third-party policy is deemed to be issued pursuant to subsection two or three of this section it shall not, for the purposes of this or any other Act, be necessary for the Government Insurance Office to make out, execute or issue a third-party policy.

(5) The Commissioner shall, at such times as may be agreed upon by him and the Government Insurance Office, pay any amount of insurance premium lodged with him in accordance with paragraph (b) of subsection one or paragraph (b) of subsection two of section eight of this Act to the Government Insurance Office.

(6) The provisions of subsections two to five inclusive of this section shall apply where the appropriate amount of insurance premium, and a nomination of the Government Insurance Office as authorised insurer, was lodged with the Commissioner before the commencement of the Motor Vehicles (Third Party Insurance) Amendment Act, 1963, and a third-party policy had not, pursuant to such nomination, been issued at such commencement, as well as where an appropriate amount of insurance premium is lodged after such commencement.

Amendment of Act No. 18, 1930. **3.** The Transport Act, 1930, as amended by subsequent Acts, is amended—

Sec. 154.
(Insurance of motor omnibuses against damage to property.)

(a) by omitting paragraph (b) of subsection three of section one hundred and fifty-four and by inserting in lieu thereof the following paragraph :—

(b) the appropriate amount of insurance premium in respect of the insurance of the motor omnibus under a policy with the Government Insurance Office for a period commencing

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commencing on the date of commencement and terminating on the date of expiration of the registration or renewal of registration. **No. 43, 1963**

(b) by inserting at the end of subsection (3A) of the same section the following new paragraph :—

(c) This subsection shall not apply in any case in which subsection (3B) of this section applies.

(c) by omitting subsection (3B) of the same section and by inserting in lieu thereof the following subsection :—

(3B) (a) Upon lodgment under paragraph (b) of subsection three of this section of the appropriate amount of insurance premium, the Government Insurance Office shall be deemed to have been nominated as the authorised insurer of the motor omnibus in respect of which such amount was lodged and to have issued, duly stamped within the meaning of the Stamp Duties Act, 1920, as amended by subsequent Acts, a policy in relation to such motor omnibus.

For the purposes of this Division, such policy shall be deemed to be expressed—

(i) to commence on the date of commencement of the registration or renewal of registration or the date of such lodgment, whichever is the later; and

(ii) to terminate on the date of expiration of the registration or renewal of registration.

(b) It shall not, for the purposes of this or any other Act, be necessary in any such case for the Government Insurance Office to make out, execute or issue a policy.

(c) The Commissioner shall, at such times as may be agreed upon between him and the Government Insurance Office, pay any such amount so lodged with him to the Government Insurance Office.

(d)

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(d) The provisions of this subsection shall apply where the appropriate amount of insurance premium, and a nomination of the Government Insurance Office as authorised insurer, was lodged with the Commissioner before the commencement of the Motor Vehicles (Third Party Insurance) Amendment Act, 1963, and a policy had not, pursuant to such nomination, been issued at such commencement, as well as where an appropriate amount of insurance premium is lodged after such commencement.

Amendment
of Act No.
47, 1920.
New sec.
88D.

4. The Stamp Duties Act, 1920, as amended by subsequent Acts, is amended by inserting next after section 88c the following new section : —

Stamp duty
on certain
policies of
insurance
deemed to
have been
issued by
the
Government
Insurance
Office.

88D. (1) Where under the provisions of subsection five of section nine of the Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts, or paragraph (c) of subsection (3B) of section one hundred and fifty-four of the Transport Act, 1930, as amended by subsequent Acts, the amount of any premiums in respect of any third-party policies, or policies, is paid to the Government Insurance Office during the period from the commencement of the Motor Vehicles (Third Party Insurance) Amendment Act, 1963, up to and including the last day of the calendar month in which that Act commenced, or during any subsequent calendar month, the Government Insurance Office shall furnish to the Commissioner a return in such form as the Commissioner may approve showing the number of third-party policies, or policies, in respect of which such premiums have been paid to the Government Insurance Office during that period or month, as the case may be.

The Government Insurance Office shall furnish every such return within seven days after the period or month in respect of which it is required to be furnished.

(2)

(2) The duty that would have been payable on any such third-party policies, and policies, had they been made out and executed, shall be paid by the Government Insurance Office to the Commissioner at the time when the return in respect of such third-party policies, or policies, is furnished under this section to the Commissioner, or within such further time as the Commissioner may allow, and shall be denoted on such return. No. 43, 1963

(3) In this section, "Government Insurance Office" means the Government Insurance Office of New South Wales.
