

**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT ACT 1993 No. 16**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

**MOTOR VEHICLES (THIRD PARTY INSURANCE)
AMENDMENT ACT 1993 No. 16**

NEW SOUTH WALES



Act No. 16, 1993

An Act to amend the Motor Vehicles (Third Party Insurance) Act 1942 with respect to work-related motor vehicle accidents affected by the decision in Nikolovsky's case. [Assented to 12 May 1993]

Motor Vehicles (Third Party Insurance) Amendment Act 1993 No. 16

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Motor Vehicles (Third Party Insurance) Amendment Act 1993.

Commencement

2. This Act commences on the date of assent.

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

3. The Motor Vehicles (Third Party Insurance) Act 1942 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 14 (Making of claims—identified motor vehicles):

After section 14 (5), insert:

(6) Subsection (1) (as inserted by the Motor Vehicles (Third Party Insurance) Amendment Act 1984) does not apply, and is taken never to have applied, to a claim for damages in respect of the death of or bodily injury to an employee if:

- (a) the death or injury arises out of or in the course of the employment of the employee; and
- (b) the claim is made by or in relation to the employee and against the employer (in the capacity of employer).

Subsection (4) extends to a claim to which this subsection applies.

(7) Subsection (6) (and the amendment made to section 35A by the Motor Vehicles (Third Party Insurance) Amendment Act 1993):

- (a) do not affect the order made by the Court of Appeal in *Nikolovsky v GIO and Anor* of 11 September 1992 or any other order of a court made before the commencement of subsection (6); and

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SCHEDULE 1—AMENDMENTS—*continued*

(b) do not prevent the continuation of any pending proceedings, namely, proceedings brought (but not finally disposed of) before the commencement of subsection (6).

Proceedings against the employer (as referred to in subsection (6)) may be brought instead of, or in addition to, any such pending proceedings against the Government Insurance Office, despite any restriction in the Limitation Act 1969.

(2) Section 35A (**Application**):

From section 35A, omit “in an action.” and paragraphs (c)–(e), insert instead “in respect of a claim to which section 14 (6) applies.”

*[Minister's second reading speech made in—
Legislative Council on 21 April 1993
Legislative Assembly on 28 April 1993]*