



New South Wales

Motor Accidents Compensation Amendment (Medical Assessments) Act 2000 No 25

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New South Wales

Motor Accidents Compensation Amendment (Medical Assessments) Act 2000 No 25

Act No 25, 2000

An Act to amend the *Motor Accidents Compensation Act 1999* to make further provision with respect to certificates of medical assessors. [Assented to 5 June 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Motor Accidents Compensation Amendment (Medical Assessments) Act 2000*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Motor Accidents Compensation Act 1999 No 41

The *Motor Accidents Compensation Act 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 61 Status of medical assessments

Omit section 61 (4)–(7). Insert instead:

- (4) In any court proceedings, the court may (despite anything to the contrary in this section) reject a certificate as to all or any of the matters certified in it, on the grounds of denial of procedural fairness to a party to the proceedings in connection with the issue of the certificate, but only if the court is satisfied that admission of the certificate as to the matter or matters concerned would cause substantial injustice to that party.
- (5) If a certificate as to any matter is rejected under subsection (4), the court is to refer that matter again for assessment under this Part and adjourn the proceedings until a further certificate is given and admitted in evidence in the proceedings.
- (6) However, if a certificate as to whether or not the degree of permanent impairment of the injured person is greater than 10% is rejected under subsection (4), the court may, if it considers it appropriate, substitute a determination of the court as to the degree of permanent impairment of the injured person (assessed by the court in accordance with section 133) instead of referring that matter again for assessment under this Part.
- (7) Except as provided by subsection (6), a court may not substitute its own determination as to any matter referred to in subsection (2) (a), (b) or (c).
- (8) This section:
 - (a) does not prevent a court from referring a matter again for assessment under this Part (as provided for by section 62), and
 - (b) does not require a court to refer a matter again for assessment under this Part if the matter is not a matter referred to in subsection (2) (a), (b) or (c).

- (9) A certificate is to set out the reasons for any finding by the medical assessor or assessors as to any matter certified in the certificate in respect of which the certificate is conclusive evidence.

[2] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

Motor Accidents Compensation Amendment (Medical Assessments) Act 2000

[3] Schedule 5, Part 3

Insert after clause 15:

**Part 3 Provisions arising from the Motor Accidents
Compensation Amendment (Medical
Assessments) Act 2000**

16 Application of amendment

The amendment made to section 61 by the *Motor Accidents Compensation Amendment (Medical Assessments) Act 2000* extends:

- (a) to any certificate given by a medical assessor under Part 3.4 of Chapter 3 before the commencement of that amendment, and
- (b) to any court proceedings commenced, but not finally determined, before the commencement of that amendment.

[Minister's second reading speech made in—
Legislative Council on 3 May 2000
Legislative Assembly on 24 May 2000]

BY AUTHORITY