



New South Wales

Motor Accidents Compensation Amendment (Terrorism) Act 2002 No 10

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Motor Accidents Compensation Amendment (Terrorism) Act 2002 No 10

Act No 10, 2002

An Act to amend the *Motor Accidents Compensation Act 1999* to exclude, temporarily, liability for acts of terrorism from the coverage provided by compulsory third-party insurance under that Act. [Assented to 22 April 2002]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Motor Accidents Compensation Amendment (Terrorism) Act 2002*.

2 Commencement

This Act commences on the date of assent.

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 15A

Insert after section 15:

15A Temporary exclusion of acts of terrorism from insurance coverage

- (1) A third-party policy does not extend to insure the owner or driver of a motor vehicle against a liability that is attributable to an act that, having regard to the nature of the act and the context in which the act was done, it is reasonable to characterise as an act of terrorism.
- (2) Any lawful activity or any industrial action cannot be characterised as an act of terrorism for the purposes of this section. An act can only be so characterised if it:
 - (a) causes or threatens to cause death, personal injury or damage to property, and
 - (b) is designed to influence a government or to intimidate the public or a section of the public, and
 - (c) is carried out for the purpose of advancing a political, religious, ideological, ethnic or similar cause.
- (3) This section applies to an act of terrorism that occurs on or after 1 January 2002 and before:
 - (a) 1 January 2003, unless paragraph (b) applies, or
 - (b) a date before 1 January 2003 that is appointed by proclamation for the purposes of this section.
- (4) This section does not affect any claim that is paid in full before the date of assent to the *Motor Accidents Compensation Amendment (Terrorism) Act 2002*.

[2] Section 35A

Insert after section 35:

35A Temporary exclusion of acts of terrorism from claims against Nominal Defendant

- (1) There is no right of action against the Nominal Defendant under section 33, 34 or 35 for damages that are attributable to an act that, having regard to the nature of the act and the context in which the act was done, it is reasonable to characterise as an act of terrorism.
- (2) An act cannot be characterised as an act of terrorism for the purposes of this section unless it can be so characterised under section 15A (2).
- (3) This section applies to an act of terrorism that occurs on or after 1 January 2002 and before:
 - (a) 1 January 2003, unless paragraph (b) applies, or
 - (b) a date before 1 January 2003 that is appointed by proclamation for the purposes of this section.
- (4) This section does not affect any claim that is paid in full before the date of assent to the *Motor Accidents Compensation Amendment (Terrorism) Act 2002*.

[Second reading speech made in—
Legislative Assembly on 27 February 2002
Legislative Council on 9 April 2002]