
Motor Accident Injuries Amendment Bill 2013

Amendments made by Legislative Assembly on 22 May 2013.

- No. 1 Page 7, Schedule 1 [19], lines 3–26. Omit all words on those lines. Insert instead:
- 19 Provision of vehicle registration information to insurers and Authority**
- (1) The regulations may make provision for or with respect to authorising or requiring RMS to provide vehicle registration information to the Authority or a licensed insurer.
 - (2) Without limiting subsection (1), the regulations can provide for the entering into of agreements or other arrangements under which vehicle registration information is to be or may be provided by RMS to the Authority or a licensed insurer.
 - (3) A regulation cannot be made under this section without the concurrence of the Minister administering the *Road Transport Act 2013*.
 - (4) In this section, **vehicle registration information** means information about a registrable vehicle or the registered operator of a registrable vehicle that is recorded in the NSW registrable vehicles register maintained under the *Road Transport Act 2013*. Expressions used in this section have the meaning they have in the *Road Transport Act 2013*.
Note. Vehicle registration information includes the date of birth of the registered operator and the garage address for a vehicle.
- No. 2 Page 18, Schedule 1 [68], proposed section 65B, line 9. Omit “licensed insurer”. Insert instead “insurer”.
- No. 3 Page 18, Schedule 1 [68], proposed section 65B. Insert after line 12:
- (3) The regulations may make provision for or with respect to the principles to be applied by the Authority in determining which insurer is to be the relevant insurer for a claim.
- No. 4 Pages 20 and 21, Schedule 1 [68], proposed section 65I, line 38 on page 20 to line 6 on page 21. Omit all words on those lines. Insert instead:
- (1) A person who is injured as a result of a motor accident and suffers a total or partial loss of earning capacity as a result of the injury is entitled to weekly payments of statutory benefits under this section after the end of the second entitlement period, but only if the person:
 - (a) is at least 18 years of age (whether or not the person is an earner), or
 - (b) is under 18 years of age and is an earner.**Note.** The person’s age after the second entitlement period is relevant to determining entitlement to statutory benefits after the second

entitlement period. A person's age at the date of the motor accident is not relevant. Section 65K defines when a person is an earner.

No. 5 Page 44, Schedule 1 [68], proposed section 65ZR, line 1. Insert “**and regulations**” after “**Guidelines**”.

No. 6 Page 44, Schedule 1 [68], proposed section 65ZR. Insert after line 15:

- (2) The regulations may prescribe the discount rate that is to be applied in determining, for the purposes of the redemption of a claim, the present value of statutory benefits payable in the future.

No. 7 Page 56, Schedule 1 [68]. Insert after line 1:

65ZZN Payment of lump sum benefits to NSW Trustee and Guardian

- (1) A claims assessor may direct that an amount payable to a person under this Chapter in redemption of a claim for statutory benefits or as statutory benefits under Part 3A.5 is to be paid to the NSW Trustee in trust for the benefit of the person entitled to the payment if the person is under 18 years of age or is under a legal disability.
- (2) Any money so paid to the NSW Trustee may be invested, applied, paid out or otherwise dealt with by the NSW Trustee in such manner as the NSW Trustee thinks fit for the benefit of the person entitled to the money, subject to any directions of a claims assessor.
- (3) The receipt of the NSW Trustee is sufficient discharge in respect of any money paid to the NSW Trustee under this section.
- (4) All amounts held by the NSW Trustee under this section are to form part of a common fund established under the *NSW Trustee and Guardian Act 2009* and are available for investment as provided by that Act.
- (5) A power conferred by this section on the NSW Trustee to invest money for the benefit of a person includes a power to invest the money in any manner that the NSW Trustee is authorised under the *NSW Trustee and Guardian Act 2009* to invest money held in trust by the NSW Trustee.
- (6) In this section, *NSW Trustee* means the NSW Trustee and Guardian constituted under the *NSW Trustee and Guardian Act 2009*.

No. 8 Page 88, Schedule 1 [158], line 13. Omit “and employers”.

No. 9 Page 96, Schedule 1 [167]. Insert after line 7:

51 Transitional arrangements for railway and other public transport accidents

- (1) Chapter 5 (Award of damages) of this Act continues to apply as it was in force immediately before the commencement of section 123A of this Act for the purposes of the application of that Chapter to an award of damages as provided for by section 121 (Application of common law damages for motor accidents to railway and other public transport accidents) of the *Transport Administration Act 1988*.

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- (2) The regulations may except an award of damages from the operation of this clause if statutory benefits are payable under Chapter 3A in respect of the death or injury concerned.