

MOTOR ACCIDENTS BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Miscellaneous Acts (Motor Accidents) Amendment Bill 1988 is cognate with this Bill.

The object of this Bill is to establish a scheme for compensating victims of motor accidents. The scheme restores the system of third-party common law actions based on fault. It does so with effect from 1 July 1987, the date when TransCover (the scheme introduced under the Transport Accidents Compensation Act 1987) commenced. The Bill repeals that Act.

The scheme provides for compulsory third-party insurance with insurers licensed for the purpose under the proposed Act. The risk insured is that of liability in respect of the death of or injury to a person caused by the fault of the owner or a driver (whether authorised or not) of a motor vehicle anywhere in Australia. The scheme enables the determination of premiums for third-party policies. It re-establishes a nominal defendant who may be proceeded against in the event of a motor accident involving an uninsured or unidentified motor vehicle.

The scheme provides for the making and enforcement of claims for damages. On the making of a claim for damages, the scheme requires the prompt provision of rehabilitation services and payment of out-of-pocket expenses in appropriate cases. It requires co-operation in the assessment and determination of claims.

The scheme specifies certain principles that are to apply in the assessment of damages.

The scheme establishes the Motor Accidents Authority of New South Wales which has the responsibility of supervising the arrangements relating to insurers.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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Clause 3 contains definitions of terms used in the proposed Act and other provisions relating to its interpretation. Included among the definitions are definitions of "fault", "injured person", "insured motor vehicle", "licensed insurer", "motor accident", "motor vehicle", "registration" and "third-party policy".

Clause 4 provides that the proposed Act is to bind the Crown.

PART 2—RESTORATION OF COMMON LAW RIGHTS

Clause 5 repeals the Transport Accidents Compensation Act 1987.

Clause 6 restores the common law rights of transport accident victims with effect as from 1 July 1987.

Clause 7 applies the principles for assessing damages contained in Part 6 of the proposed Act to transport accidents (within the meaning of the Transport Accidents Compensation Act 1987) occurring on or after 1 July 1987.

PART 3—THIRD-PARTY INSURANCE

Division 1—Compulsory insurance

Clause 8 makes it an offence to use, or allow the use of, a motor vehicle on a public street unless the motor vehicle is covered by a third-party policy or the motor vehicle is exempt from the requirement of compulsory insurance. A motor vehicle is exempt if it is—

- (a) a motor vehicle exempt from registration under New South Wales law (such as a Commonwealth vehicle or a visiting interstate vehicle); or
- (b) a vehicle exempted by the regulations.

Clause 9 declares that a third-party policy under the proposed Act is a policy (in the terms set out in Schedule 1 to the proposed Act) which insures the owner and any driver of the motor vehicle against liability in respect of the death of or injury to a person caused by the fault of the owner or driver of the vehicle in the use or operation of the vehicle in Australia. The terms of the cover do not extend, as at present, to any death or injury caused by or arising out of the use or operation of a motor vehicle (such as an accident involving the loading of a vehicle).

Division 2—Method of effecting third-party insurance

Clause 10 provides that a third-party policy is taken to have been issued on the registration or renewal of registration of a motor vehicle. (Special provision is made for traders' plates).

Clause 11 provides for a statutory allocation of third-party policies for registered motor vehicles to licensed insurers according to their market share as determined by the Minister under clause 103. Any person is, on request, entitled to be informed of the insurer to whom the third-party policy for a particular vehicle has been allocated.

Clause 12 requires the appropriate insurance premium for a third-party policy to be paid to the Commissioner for Motor Transport at the time of the registration or renewal of the registration of a motor vehicle.

Clause 13 provides that the insurance premiums collected by the Commissioner for Motor Transport are to be paid (after deducting an agreed commission) to the relevant insurers.

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Division 3—Determination of insurance premiums for third-party policies

Clause 14 provides that insurance premiums for third-party policies shall be determined by the Minister.

Clause 15 sets out the principles for determining insurance premiums. In particular, the clause requires insurance premiums to be determined so that—

- (a) the liability of insurers is fully funded; and
- (b) the liability covered includes liabilities under third-party policies and liabilities to contribute to the Nominal Defendant's Fund and the Motor Accidents Authority Fund.

Division 4—Other matters relating to third-party policies

Clause 16 makes it clear that a third-party policy indemnifies an insured person against tortious liability only and does not extend to insure a person against workers compensation liability or contractual liability.

Clause 17 provides for the indemnification of an insured person under a third-party policy by the licensed insurer.

Clause 18 provides that the operation of a third-party policy is not affected by the fact that an incorrect premium was paid in respect of it.

Clause 19 provides that a third-party policy enures in favour of the owner for the time being of the motor vehicle or trader's business in respect of which it is issued (and any driver) despite any change in ownership of the vehicle or business.

Clause 20 extends, for a limited period, the operation of a third-party policy beyond the term of registration of a motor vehicle if the registration is renewed.

Clause 21 specifies the circumstances in which a third-party policy is cancelled. This generally occurs on the expiration of 15 days after the cancellation of the motor vehicle's registration or on the issue of a further third-party policy. A third-party policy cannot be cancelled by a determination of the licensed insurer.

Clause 22 enables a licensed insurer to recover from an unauthorised driver of a motor vehicle damages it has paid and costs it has incurred in respect of an accident caused by the unauthorised driver.

Clause 23 enables a licensed insurer to recover a maximum of \$500 from an insured person who is found to be more than 25 per cent at fault for the accident.

Clause 24 provides that a third-party policy extends to insure an insured person's estate against third-party liability.

Clause 25 requires a judgment to be entered against the licensed insurer rather than against the insured person at fault.

Division 5—Nominal Defendant scheme for uninsured or unidentified motor vehicles

Clause 26 provides that the Motor Accidents Authority is to be the Nominal Defendant.

Clause 27 enables a claim for damages for a motor accident to be brought against the Nominal Defendant if it relates to an uninsured motor vehicle.

Clause 28 enables a claim for damages for a motor accident to be brought against the Nominal Defendant if it relates to an unidentified motor vehicle.

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Clause 29 provides for the payment of claims brought against the Nominal Defendant from the Nominal Defendant's Fund.

Clause 30 enables the Nominal Defendant to appoint licensed insurers as agents to handle claims.

Clause 31 enables the Nominal Defendant to recover payments made by it from the owner or driver of the motor vehicle at fault.

Clause 32 establishes the Nominal Defendant's Fund.

Clause 33 provides for contributions to be made to the Nominal Defendant's Fund by licensed insurers based on the proportion of insurance premiums received by each insurer for third-party policies.

Clause 34 provides for the service of documents on the Nominal Defendant at a prescribed address.

PART 4—REHABILITATION

Clause 35 contains definitions of "claim", "claimant" and "rehabilitation" for the purposes of the proposed Part.

Clause 36 authorises the Authority to monitor and fund various rehabilitation services.

Clause 37 requires a licensed insurer, as a condition of its licence, to do all such things as may be reasonably necessary to provide for the reasonable rehabilitation of injured persons.

Clause 38 requires a licensed insurer, as a condition of its licence, to provide rehabilitation services promptly.

Clause 39 requires consideration to be given, in assessing damages in respect of a claim, to the participation of an injured person in rehabilitation programs.

PART 5—CLAIMS AND COURT PROCEEDINGS TO ENFORCE CLAIMS**Division 1—Preliminary**

Clause 40 defines expressions used in the proposed Part, including "claim" which means a claim for damages for death or injury caused by the fault of the owner or driver of a motor vehicle.

Clause 41 makes it clear that the proposed Part applies to all claims even if there is no third-party insurance policy in respect of the claim.

Division 2—Claims and other matters preliminary to court proceedings

Clause 42 requires a report of the motor accident to which a claim relates to be made to the police as soon as is reasonably practicable after the accident and generally within 28 days after the accident. Otherwise, court proceedings cannot be commenced.

Clause 43 prevents a claimant commencing court proceedings on a claim until 6 months after notice of the claim is given to the other party and the other party's third-party insurer. If the third-party insurer denies liability, does not admit liability within 3 months or admits liability to an extent that the claimant is dissatisfied with, court proceedings can then be commenced and the requirement to wait 6 months does not apply.

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Clause 44 provides that the notice of a claim must be in the form approved by the Authority and must be verified by statutory declaration.

Clause 45 requires insurers to settle claims as expeditiously as possible and to start paying for medical and related expenses and lost earnings as soon as liability is admitted.

Clause 46 prevents the person against whom a claim is made from making offers of settlement or admissions of liability when a licensed insurer is involved.

Clause 47 confers on a person's insurer the right to act for the person on a claim made against the person.

Division 3—Duties of co-operation

Clause 48 requires a claimant to co-operate with the person against whom the claim is made (and hence that person's insurer). Specifically, the provision requires the claimant to furnish information and provide documents relating to the claim as requested by the other party.

Clause 49 requires a claimant to undergo medical examinations and vocational assessment at the request of the other party (and the other party's insurer).

Clause 50 requires the owner and driver of a vehicle involved in a motor accident to co-operate with the owner's insurer on a claim.

Division 4—Court proceedings on claims

Clause 51 provides that court proceedings on a claim can be taken in any court of competent jurisdiction.

Clause 52 limits the time within which court proceedings on a claim can be commenced. Proceedings must be commenced within 12 months or a full and satisfactory explanation for the delay will be required. There is an absolute time limit of 3 years unless leave of the court is obtained. Generally the appropriate date from which the time limit runs is the date of the motor accident, but special provision is made for delayed onset of symptoms, death and injuries to a minor.

Clause 53 provides that the driver of a motor vehicle is presumed to be the agent of the owner. This enables proceedings on a claim to be taken against the owner rather than the driver.

Clause 54 authorises the taking of court proceedings directly against an insurer if the insured party against whom the proceedings would usually be required to be taken is dead or cannot be served with process.

Clause 55 permits oral or affidavit evidence of efforts to serve notice of a claim or court process.

Clause 56 prevents the awarding of costs to the defendant in court proceedings for the period after an offer of settlement is made if the award of damages is not more favourable than the settlement offered. The plaintiff is entitled to costs on an as incurred basis after an offer of settlement by the plaintiff is rejected and the damages awarded are equal to or greater than the offered settlement amount.

Division 5—Hearsay evidence in court proceedings

Clause 57 defines "statement" to include any representation of fact, whether or not in writing.

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Clause 58 makes hearsay evidence (evidence of a statement by a person of a fact as evidence of the fact) admissible in court proceedings on a claim. If the person who made the statement is not a witness in the proceedings, the statement is not admissible unless the person is unavailable to give direct oral evidence of it (or the giving of that direct oral evidence would be expensive or unreasonable or cause delay) and notice is given to all the other parties.

Clause 59 requires that, if the statement is not in a document, generally only direct testimony by a person who heard the statement made is admissible.

Clause 60 allows a statement contained in a document to be proved by producing the document or an appropriately authenticated copy of the document.

Clause 61 allows the court, in determining the admissibility of hearsay evidence, to draw reasonable inferences from the circumstances in which the statement was made.

Clause 62 directs the court, in estimating the weight to be attached to hearsay evidence, to have regard to all the circumstances from which an inference can be drawn as to the accuracy of the statement.

Clause 63 provides that, if hearsay evidence is admitted, evidence is admissible for the purpose of challenging or supporting the credibility of the person who made the statement concerned. Evidence of inconsistent statements made by the person is also admissible.

Clause 64 overrides certain rules of evidence for the purpose of facilitating the operation of the proposed Division.

Division 6—Miscellaneous

Clause 65 creates the offence of giving false or misleading information when making a claim. The maximum penalty for the offence is 50 penalty units (\$5,000) or 12 months' imprisonment, or both.

Clause 66 gives a right of recovery against a person who obtains a financial benefit by means of a fraudulent claim. A person's liability to the claimant is reduced by the fraudulently obtained benefit or the benefit can be recovered from the claimant.

Clause 67 provides for the keeping by the Authority of a register of personal injury claims comprising details of claims under the proposed Act, the Workers Compensation Act 1987, the Motor Vehicles (Third Party Insurance) Act 1942 and the Transport Accidents Compensation Act 1987. Licensed insurers are to be given access to the information kept.

PART 6—AWARDING OF DAMAGES

Clause 68 contains definitions of "motor accident", "motor vehicle" and "non-economic loss" for the purposes of the proposed Part.

Clause 69 extends the provisions of the proposed Part to apply, in addition to motor vehicle accidents, to accidents involving other forms of transportation and conveyance that, immediately before the repeal of the Transport Accidents Compensation Act 1987, were to be compensated in accordance with the provisions of that Act.

Clause 70 provides that a court is not to award damages in respect of accidents to which the proposed Part applies contrary to the proposed Part.

Clause 71 requires the application of a discount rate of 5 per cent (or of a subsequently prescribed percentage) in assessing lump sum damages for future economic loss.

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Clause 72 provides for the circumstances in which damages may be awarded for the cost of providing home care services to an injured person and regulates the amount of any such damages.

Clause 73 provides that interest on an award of damages is not to be ordered by a court as a matter of course but rather by way of penalty against a defendant who does not take such steps (if any) as may be reasonable and appropriate to effect settlement of the plaintiff's claim.

Clause 74 requires a court to reduce a plaintiff's damages in accordance with the law of contributory negligence if the victim of the motor accident has been convicted of one of a number of various offences, including offences relating to drunken driving, failure to wear a seat belt and failure to wear a protective helmet.

Clause 75 revives the law of contributory negligence in respect of claims under the Compensation to Relatives Act 1897.

Clause 76 excludes the defence of voluntary assumption of risk from proceedings for damages arising from a motor accident and, instead, creates a presumption of negligence on the part of the victim of a motor accident in failing to take sufficient care for his or her own safety.

Clause 77 limits the class of persons who may claim damages for injury resulting from psychological or psychiatric injury.

Clause 78 requires the economic loss of a motor accident victim to be reduced by the amount of any entitlement to an additional or accelerated retirement or superannuation benefit, the amount of any compensation for expenses under the Victims Compensation Act 1987 and any amounts which may be prescribed by regulations to be made under the proposed Act.

Clause 79 provides that the maximum amount of damages which may be awarded for non-economic loss is \$180,000. The amount to be awarded in any particular case is to be a proportion, determined according to the severity of the non-economic loss, of the maximum amount. The maximum amount may only be awarded in a most extreme case. No award of \$15,000 or less will be payable. The clause also provides for tapered reductions of amounts awarded of less than \$40,000.

Clause 80 indexes the maximum amount under clause 79 by reference to movements in the Australian Statistician's determinations of average weekly total earnings of full-time adults in New South Wales.

Clause 81 makes provision for structured settlements.

Clause 82 requires a court to apportion damages where the motor accident victim's damages are incurred partly by the fault of an insured person and partly by the fault of another person.

PART 7—MOTOR ACCIDENTS AUTHORITY

Division 1—Constitution of Authority and Board of Directors

Clause 83 constitutes the Motor Accidents Authority of New South Wales as a statutory body representing the Crown.

Clause 84 constitutes a Board of Directors of the Authority comprising the General Manager and 5 part-time directors.

Clause 85 provides that the Board of Directors is to determine the policies of the Authority (including the determination of applications for licences by insurers).

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Clause 86 provides for the appointment of a General Manager and Deputy General Manager of the Authority.

Clause 87 provides that the affairs of the Authority are to be managed and controlled by the General Manager in accordance with the policies determined by the Board of Directors.

Clause 88 places the Board of Directors and the General Manager of the Authority under Ministerial control.

Clause 89 enables staff to be employed for the purposes of the Authority (being public service staff or other casual or seconded staff).

Division 2—Functions of Authority

Clause 90 specifies the functions of the Authority.

The functions include—

- (a) functions relating to the collection of insurance premiums;
- (b) functions as the Nominal Defendant;
- (c) functions relating to the rehabilitation of injured persons;
- (d) functions relating to the licensing and control of insurers; and
- (e) functions relating to the monitoring of the motor accidents scheme, the collection of statistics and the provision of advice to the Minister.

Clause 91 requires the Authority to investigate and report to the Minister on the deregulation of third-party insurance arrangements under the proposed Act.

Division 3—Motor Accidents Authority Fund

Clause 92 contains definitions for the purposes of the proposed Division.

Clause 93 establishes the Motor Accidents Authority Fund to fund the establishment of the Authority and its activities (including its rehabilitation responsibilities).

Clause 94 requires the Authority to assess each year the amounts required to be contributed to the Authority's Fund during the financial year.

Clause 95 provides for licensed insurers to contribute to the Authority's Fund in accordance with the amount of insurance premiums received by each insurer.

Division 4—Miscellaneous provisions relating to the Authority

Clause 96 enables the Authority to delegate its functions.

Clause 97 prescribes the financial year of the Authority.

Clause 98 provides for the service of documents on the Authority.

Clause 99 enables the Authority to recover money owed to it.

PART 8—LICENSING AND CONTROL OF INSURERS**Division 1—Licensing of insurers**

Clause 100 makes it an offence for an insurer to conduct third-party insurance business without a licence under the proposed Act. The owners of motor vehicles which are not required to have a third-party policy under the proposed Act are not precluded from making their own insurance arrangements with the insurer of their choice.

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Clause 101 enables any insurer duly licensed under the Commonwealth Insurance Act 1973 or carrying on State insurance (such as the GIO) to apply for a licence.

Clause 102 empowers the Authority to grant or refuse an application for a licence.

Clause 103 authorises the Minister to determine (and when necessary to re-determine) the market share of each licensed insurer. Under the proposed Act, third-party policies which are taken to be issued on registration or renewal of registration are automatically allocated to insurers in accordance with the market share so determined.

Clause 104 entitles a licensed insurer to a licence with a minimum term of 5 years.

Clause 105 enables the regulations and the Authority to impose conditions on the licence of an insurer.

Clause 106 ensures that the conditions of licences can deal with all relevant matters.

Clause 107 authorises the Authority to cancel or suspend the licence of an insurer.

Clause 108 provides for the assignment to other insurers of third-party policies of an insurer whose licence is cancelled.

Clause 109 requires the Authority to keep records of licences.

Division 2—Supervision of licensed insurers

Clause 110 places an obligation on a licensed insurer to prepare and revise periodically a business plan for its third-party insurance business. The insurer is required to give the Authority a copy of its business plan and to notify the Authority of any significant departure from the plan.

Clause 111 prevents a licensed insurer from entering into re-insurance arrangements without the approval of the Authority.

Clause 112 enables the Authority to control the investments made by a licensed insurer of third-party funds.

Clause 113 requires a licensed insurer to keep special accounting and other records and furnish periodic returns to the Authority. The Authority is authorised to release the returns and documents to the public.

Clause 114 authorises the Authority to audit the accounting and other records of a licensed insurer.

Clause 115 empowers the Authority to demand specified documents and information concerning the business and financial position of a licensed insurer and any related corporation.

Clause 116 enables the Supreme Court to deal with licensed insurers and former insurers unable to meet their liabilities.

Clause 117 requires a licensed insurer or former insurer to notify the Authority of certain defaults in relation to its business or the business of a related corporation.

Clause 118 confers on authorised officers of the Authority powers of entry and inspection in connection with the conduct of third-party insurance business.

Division 3—Insolvent insurers

Clause 119 defines expressions for the purposes of the Division.

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Clause 120 empowers the Minister to declare an insurer to be an insolvent insurer if a liquidator is appointed or the insurer is dissolved.

Clause 121 requires a liquidator of an insolvent insurer to forward third-party claims to the Nominal Defendant.

Clause 122 requires a liquidator of an insolvent insurer to deliver documents and supply information relating to third-party claims.

Clause 123 appoints the Nominal Defendant as agent of insured persons under third-party policies to enable the Nominal Defendant to recover from the insolvent insurer and to represent insured persons on the winding up of the insolvent insurer.

Clause 124 enables payments from the Nominal Defendant's Fund to indemnify an insured or the liquidator in respect of claims against an insolvent insurer.

Clause 125 provides that claims against an insolvent insurer shall be paid from the Nominal Defendant's Fund.

Clause 126 enables the Nominal Defendant to recover amounts paid under claims from any re-insurer of the insolvent insurer.

Clause 127 preserves claims against an insolvent insurer despite the dissolution of the insolvent insurer.

Clause 128 enables relevant documents in the possession of the liquidator of an insolvent insurer to be inspected.

Clause 129 authorises the Nominal Defendant to intervene in certain legal proceedings involving insolvent insurers.

Clause 130 provides that the Nominal Defendant may use the services of insurers to handle claims.

Clause 131 authorises the making of regulations for the purposes of the Division.

PART 9—MISCELLANEOUS

Clause 132 prevents a person from contracting out of the proposed Act's provisions.

Clause 133 provides for the service of documents under the proposed Act.

Clause 134 enables proceedings for a contravention of the proposed Act by a corporation to be taken against a director or manager of the corporation who knowingly authorised or permitted the contravention.

Clause 135 provides for proceedings for an offence against the proposed Act to be prosecuted summarily before a Local Court.

Clause 136 enables the Governor-in-Council to make regulations for the purposes of the proposed Act.

Clause 137 is a formal provision which gives effect to Schedule 4, a schedule containing savings, transitional and other provisions as a consequence of the enactment of the proposed Act and the proposed Miscellaneous Acts (Motor Accidents) Amendment Act 1988.

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PART 10—FUNDING AND ADMINISTRATION OF PREVIOUS SCHEMES

Clause 138 contains definitions for the purposes of the proposed Part. An “intermediate transport accident” is defined to include 2 types of accident. The first type is an accident which occurred after the commencement of the Transport Accidents Compensation Act 1987 (“the 1987 Act”) and before its repeal and which is compensable under the 1987 Act or which would be compensable under the proposed Act if the person at fault had been insured under a third-party policy issued under the proposed Act. The second type is an accident which occurs after the repeal of the 1987 Act but during the currency of a period for which a contribution under that Act has been paid in relation to the form of transportation or conveyance concerned. The bulk of the accidents which will fall within the second class are those involving a motor vehicle the registration of which does not fall due for renewal until up to 12 months after the commencement of Part 2 of the proposed Act.

Clause 139 continues the Transport Accidents Compensation Fund (“the TAC Fund”) established under the 1987 Act and provides for its continued administration by the GIO.

Clause 140 enables the payment of money into the TAC Fund.

Clause 141 enables the payment of money out of the TAC Fund.

Clause 142 enables the investment of money in the TAC Fund.

Clause 143 enables the payment out of the TAC Fund of damages for motor vehicle accidents which occurred before the commencement of the 1987 Act and which are subject to the Motor Vehicles (Third Party Insurance) Act 1942 as well as for intermediate transport accidents.

Clause 144 requires the GIO to make any adjustment which may be necessary to the benefits received by a person under the 1987 Act to accord with the entitlement to damages under the proposed Act.

Clause 145 provides that a person who has received benefits under the 1987 Act is not prevented from making a claim under the proposed Act.

Clause 146 applies, with appropriate modifications, the provisions of proposed Part 5 (Claims and court proceedings to enforce claims) to claims for damages in respect of intermediate transport accidents.

Clause 147 provides for the deduction from damages awarded in respect of an intermediate transport accident of the value of any benefits provided under the 1987 Act. The clause also provides that a person is not, by operation of the clause, liable to repay any money received under the 1987 Act.

Clause 148 enables the imposition of a levy (“a short-fall levy”) to be paid at the time of registration or renewal of registration of a motor vehicle to assist in funding claims for damages in respect of intermediate transport accidents. The existing provision for the payment of contributions to the TAC Fund under the 1987 Act will cease to have effect on the repeal of that Act.

Clause 149 provides that short-fall levies collected by the Commissioner for Motor Transport are to be paid (after deducting an agreed commission) to the GIO.

Clause 150 provides that a short-fall levy (if imposed) shall be determined by the Minister.

SCHEDULE 1—THIRD-PARTY POLICY

Schedule 1 prescribes the terms of a third-party policy.

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SCHEDULE 2—CONSTITUTION AND PROCEDURE OF THE BOARD OF DIRECTORS OF THE AUTHORITY

The provisions of the Schedule include:

- (a) appointment of a part-time director as Chairperson and another part-time director as Deputy Chairperson (clause 3);
- (b) appointment of deputies of part-time directors (clause 4);
- (c) terms of office, remuneration and vacancy in office of part-time directors (clauses 5–7);
- (d) disclosure of pecuniary interests by directors (clause 8);
- (e) liability of directors (clause 11);
- (f) transaction of business by circulation of papers, by telephone etc. (clause 17);
- (g) committees of the Board of directors (clause 18).

SCHEDULE 3—GENERAL MANAGER AND DEPUTY GENERAL MANAGER

The provisions of the Schedule include:

- (a) appointment of acting executive officers (clause 3);
- (b) terms of office, full-time employment, remuneration and vacancy in office of executive officers (clauses 4–8); and
- (c) preservation of rights etc. (clauses 10 and 11).

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

The provisions of the Schedule include:

- (a) power to make savings and transitional regulations;
 - (b) provision for the GIO to receive and consider claims for intermediate transport accidents referred to in clause 138 before the commencement of the principal provisions of the proposed Act.
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