

**MISCELLANEOUS ACTS (MOTOR ACCIDENTS)
AMENDMENT BILL 1988**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Motor Accidents Bill 1988.

The object of this Bill is to amend various Acts as a consequence of the enactment of the proposed Motor Accidents Act 1988.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days appointed by proclamation.

Clause 3 is a formal provision which gives effect to the Schedule of amendments to Acts.

Schedule 1 consequentially amends the following Acts:

- Damages (Infants and Persons of Unsound Mind) Act 1929:
Consequential amendment.
- Law Reform (Miscellaneous Provisions) Act 1944:
Consequential amendment.
- Miscellaneous Acts (Transport Accidents Compensation) Amendment Act 1987:
Consequential amendments.
- Motor Traffic Act 1909:
Consequential amendment.
- Motor Vehicles (Third Party Insurance) Act 1942:
Consequential amendment.
- Public Finance and Audit Act 1983:
Applies the audit and reporting requirements of the Act to the Motor Accidents Authority of New South Wales.

Miscellaneous Acts (Motor Accidents) Amendment 1988

Recreation Vehicles Act 1983:

Consequential amendment.

Stamp Duties Act 1920:

Exempts a third-party policy taken to have been issued by a licensed insurer under the proposed Motor Accidents Act 1988 from liability for stamp duty.

State Transport (Co-ordination) Act 1931:

Consequential amendment.

Statutory and Other Offices Remuneration Act 1975:

Applies the Act (which provides for the determination of the salary and allowances payable to certain public office holders) to the General Manager and Deputy General Manager of the Motor Accidents Authority.

Workers Compensation Act 1987:

Ensures that the restoration of common law rights for motor accidents applies where the injured worker has a right to workers compensation (such as a journey claim under the Act). Although the injured worker will not be entitled to sue his or her employer at common law, the worker will be able to seek damages at common law from any third-party at fault and also obtain workers compensation, but will not be entitled to retain both.
