

# Motor Accidents Compensation Amendment Act 2009 No 26

[2009-26]



New South Wales

## Status Information

### Currency of version

Historical version for 2 July 2009 to 1 October 2009 (accessed 22 November 2024 at 11:12)

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### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Motor Accidents Compensation Amendment Act 2009 No 26



New South Wales

An Act to amend the *Motor Accidents Compensation Act 1999* to extend the early payment scheme and bulk billing arrangements to all injured persons; and for other purposes.

## 1 Name of Act

This Act is the *Motor Accidents Compensation Amendment Act 2009*.

## 2 Commencement

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

## Schedule 1 Amendment of *Motor Accidents Compensation Act 1999* No 41

### [1] Section 3A General restrictions on application of Act

Insert at the end of the note to section 3A (1):

The early payment scheme provided for under Part 3.2 extends to all injured persons injured in a motor accident (including at fault drivers, pedestrians and other road users).

### [2] (Repealed)

### [3] Section 46A

Insert after section 46:

#### **46A Application of Part**

This Part applies despite section 3A (1).

### [4] Section 47A

Insert after section 47:

**47A Payment not required in relation to conduct that constitutes a serious offence**

- (1) Payment for treatment expenses or lost earnings is not required under this Part if:
  - (a) the injury to the injured person occurred at the time of, or following, conduct of that person that, on the balance of probabilities, constitutes a serious offence, and
  - (b) that conduct contributed materially to the injury or to the risk of injury.
- (2) A **serious offence** is an offence punishable by imprisonment for 6 months or more.
- (3) This section operates whether or not a person whose conduct is alleged to constitute an offence has been, will be or is capable of being proceeded against or convicted of any offence concerned.

**[5] Section 48 Notification of motor accident to police and submission of accident notification form to insurer**

Omit “the motor accident was not caused wholly or mainly by the fault of the injured person” from section 48 (d).

Insert instead “the person’s injuries are a direct result of the motor accident”.

**[6] Section 50 Acceptance of provisional liability by insurer**

Omit section 50 (1)–(3). Insert instead:

- (1) An insurer of a motor vehicle must give written notice to an injured person who has duly submitted a completed accident notification form to the insurer stating whether or not the insurer accepts provisional liability in respect of the treatment expenses and lost earnings concerned.
- (2) It is the duty of the insurer of a motor vehicle involved in the motor accident that resulted in an injured person’s injuries to accept provisional liability in respect of the treatment expenses and lost earnings of the injured person (whether or not the person’s injuries were caused by the fault of the owner or driver of the vehicle in the use or operation of the vehicle and even if the motor accident was caused by the fault of the injured person).
- (3) The notice is required to be given within 10 days after the insurer receives the accident notification form. The regulations may shorten or extend that period.

**[7] Section 50 (11)**

Insert after section 50 (10):

(11) In this section:

***insurer of a motor vehicle*** means the insurer who insures the owner 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.

**[8]-[11] (Repealed)**

**[12] Section 214AA**

Insert after section 214A:

**214AA Refund of Fund levy**

- (1) The Fund levy is to be refunded, on a pro rata basis, to any person to whom a third-party policy was issued if the policy is cancelled on the cancellation of the registration of the motor vehicle to which it relates (except where the registration is cancelled under Division 3 of Part 4 of the *Fines Act 1996*).
- (2) The Authority may give directions or issue guidelines to licensed insurers with respect to the administrative arrangements of licensed insurers for payment of refunds under this section.

**[13]-[15] (Repealed)**

**Schedule 2 Amendment of Motor Accidents (Lifetime Care and Support) Act 2006 No 16**

**Section 51A**

Insert after section 51:

**51A Refund of Fund levy**

- (1) The Fund levy is to be refunded, on a pro rata basis, to any person to whom a third-party policy was issued if the policy is cancelled on the cancellation of the registration of the motor vehicle to which it relates (except where the registration is cancelled under Division 3 of Part 4 of the *Fines Act 1996*).
- (2) The Authority may give directions or issue guidelines to licensed insurers with respect to the administrative arrangements of licensed insurers for payment of refunds under this section.