

Motor Accidents Compensation Amendment (Medical Assessments) Act 2000 No 25

[2000-25]



New South Wales

Status Information

Currency of version

Repealed version for 5 June 2000 to 3 July 2002 (accessed 27 November 2024 at 17:29)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2002 No 53](#), Sch 3 with effect from 4.7.2002.

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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Contents

Long title	3
1 Name of Act	3
2 Commencement	3
3 Amendment of Motor Accidents Compensation Act 1999 No 41	3
Schedule 1 Amendments	3

Motor Accidents Compensation Amendment (Medical Assessments) Act 2000 No 25



New South Wales

An Act to amend the *Motor Accidents Compensation Act 1999* to make further provision with respect to certificates of medical assessors.

1 Name of Act

This Act is the *Motor Accidents Compensation Amendment (Medical Assessments) Act 2000*.

2 Commencement

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

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 61 Status of medical assessments

Omit section 61 (4)–(7). Insert instead:

- (4) In any court proceedings, the court may (despite anything to the contrary in this section) reject a certificate as to all or any of the matters certified in it, on the grounds of denial of procedural fairness to a party to the proceedings in connection with the issue of the certificate, but only if the court is satisfied that admission of the certificate as to the matter or matters concerned would cause substantial injustice to that party.
- (5) If a certificate as to any matter is rejected under subsection (4), the court is to refer that matter again for assessment under this Part and adjourn the proceedings until a further certificate is given and admitted in evidence in the proceedings.
- (6) However, if a certificate as to whether or not the degree of permanent impairment

of the injured person is greater than 10% is rejected under subsection (4), the court may, if it considers it appropriate, substitute a determination of the court as to the degree of permanent impairment of the injured person (assessed by the court in accordance with section 133) instead of referring that matter again for assessment under this Part.

- (7) Except as provided by subsection (6), a court may not substitute its own determination as to any matter referred to in subsection (2) (a), (b) or (c).
- (8) This section:
 - (a) does not prevent a court from referring a matter again for assessment under this Part (as provided for by section 62), and
 - (b) does not require a court to refer a matter again for assessment under this Part if the matter is not a matter referred to in subsection (2) (a), (b) or (c).
- (9) A certificate is to set out the reasons for any finding by the medical assessor or assessors as to any matter certified in the certificate in respect of which the certificate is conclusive evidence.

[2] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

Motor Accidents Compensation Amendment (Medical Assessments) Act 2000

[3] Schedule 5, Part 3

Insert after clause 15:

**Part 3 Provisions arising from the Motor Accidents
Compensation Amendment (Medical Assessments) Act
2000**

16 Application of amendment

The amendment made to section 61 by the *Motor Accidents Compensation Amendment (Medical Assessments) Act 2000* extends:

- (a) to any certificate given by a medical assessor under Part 3.4 of Chapter 3 before the commencement of that amendment, and
- (b) to any court proceedings commenced, but not finally determined, before the commencement of that amendment.