

# Motor Accidents (Lifetime Care and Support) Amendment Act 2009 No 33

[2009-33]



New South Wales

## Status Information

### Currency of version

Repealed version for 10 June 2009 to 8 February 2011 (accessed 27 December 2024 at 23:54)

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The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 9.2.2011.

### 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 (Lifetime Care and Support) Amendment Act 2009 No 33



New South Wales

An Act to amend the *Motor Accidents (Lifetime Care and Support) Act 2006* to enable certain people who were injured before the commencement of the Lifetime Care and Support Scheme to buy into the Scheme and to extend the period of interim participation in the Scheme in the case of young children; and for other purposes.

## 1 Name of Act

This Act is the *Motor Accidents (Lifetime Care and Support) Amendment Act 2009*.

## 2 Commencement

- (1) Except as provided by subsection (2), this Act commences on the date of assent to this Act.
- (2) Schedule 1 [1]-[3] and [5] commence on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of *Motor Accidents (Lifetime Care and Support) Act 2006 No 16*

### [1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

***relevant Scheme commencement date***, with respect to a person who has suffered motor accident injuries, means:

- (a) 1 October 2006 if the person was under 16 years of age at the time of the motor accident that caused the injuries, or
- (b) 1 October 2007 in any other case.

### [2] Section 4 Application of Act

Omit section 4 (1). Insert instead:

- (1) This Act applies only in respect of motor accident injuries suffered by a person as a result of a motor accident occurring on or after the relevant Scheme commencement date.

**Note—**

Section 7A provides for a limited exception to this provision.

**[3] Section 7A**

Insert after section 7:

**7A Persons injured before commencement of Scheme may “buy in”**

- (1) A person who has suffered a motor accident injury as a result of a motor accident occurring before the relevant Scheme commencement date (a ***pre-commencement injury***) may be accepted as a lifetime participant in the Scheme if the person pays to the Authority, for payment into the Fund, a contribution determined by the Authority.
- (2) The contribution is to be the amount that the Authority determines as the amount required to fund the treatment and care needs of the person as a lifetime participant in the Scheme in respect of the injury.
- (3) A person is eligible to participate in the Scheme in respect of a pre-commencement injury only if the person would have been eligible to participate in the Scheme:
  - (a) had the motor accident occurred immediately after the relevant Scheme commencement date, and
  - (b) if the person has been awarded damages in respect of the injury—had those damages not been awarded.
- (4) An application for a person to become a participant in the Scheme in respect of a pre-commencement injury cannot be made by an insurer.
- (5) The LTCS Guidelines may make provision for or with respect to how a person’s contribution for participation in the Scheme in respect of a pre-commencement injury is to be determined.

**[4] (Repealed)**

**[5] Section 54 Recovery of lifetime care and support payments—uninsured and interstate vehicles and third party tortfeasors**

Insert after section 54 (10):

(11) This section does not permit the Authority to recover the present value of its treatment and care liabilities in respect of injuries to a participant in the Scheme if the participant paid an amount to the Authority under section 7A (1) in respect of those injuries.

**[6], [7] (Repealed)**