



New South Wales

Motor Accidents Compensation Regulation 1999

under the

Motor Accidents Compensation Act 1999

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Accidents Compensation Act 1999*.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

Explanatory note

The objects of this Regulation are:

- (a) to provide for the reconstitution of the Board of the Motor Accidents Authority on 13 September 1999 in accordance with the provisions of the new *Motor Accidents Compensation Act 1999* pending the commencement of the substantive provisions of that Act on 5 October 1999, and
- (b) to ensure that third-party insurance policies issued under the *Motor Accidents Act 1988* before, and for a period extending beyond, the commencement of the substantive provisions of the new Act have effect, in connection with motor vehicle accidents occurring on or after 5 October 1999, as third-party policies issued under the new Act, and
- (c) to make a transitional interpretative provision with respect to provisions of the new Act relating to the setting of third-party insurance premiums that commence on 13 September 1999.

This Regulation is made under the *Motor Accidents Compensation Act 1999* (including section 228 and clauses 2 and 4 (3) of Schedule 5).

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Motor Accidents Compensation Regulation 1999

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Motor Accidents Compensation Regulation 1999*.

2 Commencement

This Regulation commences on 13 September 1999.

3 Definitions

In this Regulation:

the Act means the *Motor Accidents Compensation Act 1999*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Savings and transitional provisions

5 Reconstitution of Motor Accidents Authority Board

(1) In this clause:

new Board means the Board of Directors under the *Motor Accidents Compensation Act 1999*.

previous Board means the Board of Directors constituted under the *Motor Accidents Act 1988*.

(2) This clause has effect on and from 13 September 1999 and until (and including) 4 October 1999, and is made pursuant to clause 4 (3) of Schedule 5 to the *Motor Accidents Compensation Act 1999*.

(3) During the period this clause has effect the previous Board is re-constituted so that it consists of:

(a) the General Manager of the Authority, and

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Part 2 Savings and transitional provisions

- (b) the persons who are appointed as part-time directors of the new Board (pursuant to section 199 of the *Motor Accidents Compensation Act 1999* and section 26 of the *Interpretation Act 1987*) and whose appointments to the new Board are to take effect on 5 October 1999.
- (4) The persons who held office, immediately before 13 September 1999, as part-time directors of the previous Board cease to hold that office on that date. Clause 4 (2) of Schedule 5 to the *Motor Accidents Compensation Act 1999* applies to a person so ceasing to hold office.

Note. 5 October 1999 has been appointed for the abolition of the Board of Directors constituted under the *Motor Accidents Act 1988* (See clause 4 (1) of Schedule 5 to the *Motor Accidents Compensation Act 1999*). The date has also been appointed for the commencement of the *Motor Accidents Compensation Act 1999* and the constitution of the new Board of Directors under that Act. Section 26 of the *Interpretation Act 1987* enables the appointment of directors of the new Board before the commencement of the new Act, but the appointments do not take effect until that commencement. Clause 4 (3) of Schedule 5 to the new Act enables the Board of Directors under the 1988 Act to be reconstituted for the purposes of that Act (before the commencement of the new Act) by persons eligible to be appointed as directors of the new Board.

6 Current third-party insurance policies issued under the 1988 Act

- (1) A third-party policy of insurance issued under the *Motor Accidents Act 1988* that has effect for any period on or after 5 October 1999 is taken, in respect of any motor accident occurring on or after 5 October 1999, to be a third-party policy of insurance issued under the *Motor Accidents Compensation Act 1999*.
- (2) Any such policy may be cancelled on or after 5 October 1999 only in accordance with the provisions of the *Motor Accidents Compensation Act 1999*.

7 Early commencement of Part 2.3 (Insurance premiums)

On and from 13 September 1999 and until (and including) 4 October 1999, a reference in Part 2.3 of the Act to:

- (a) the Authority is a reference to the Authority constituted under the *Motor Accidents Act 1988*, and
- (b) a licensed insurer is a reference to a licensed insurer under the *Motor Accidents Act 1988*.

BY AUTHORITY