

2008

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Treasurer)

## Road Transport (Third-Party Insurance) Amendment Bill 2008 (No 2)

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## Road Transport (Third-Party Insurance) Amendment Bill 2008 (No 2)

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### A Bill for

An Act to amend the *Road Transport (Third-Party Insurance) Act 2008*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

- 1     **1       Name of Act**
- 2               This Act is the *Road Transport (Third-Party Insurance) Amendment*
- 3               *Act 2008 (No 2)*.
- 4     **2       Commencement**
- 5               This Act commences on the day after its notification day.
- 6               *Note*     The naming and commencement provisions automatically commence on
- 7               the notification day (see Legislation Act, s 75 (1)).
- 8     **3       Legislation amended**
- 9               This Act amends the *Road Transport (Third-Party Insurance)*
- 10              *Act 2008*.
- 11    **4       Time for giving notice of claim—CTP insurer**
- 12              **Section 85, new note**
- 13              *after subsection (4), insert*
- 14              *Note*     For waiver of compliance see s 95.
- 15    **5       Time for giving notice of claim—nominal defendant**
- 16              **Section 86 (3) and note**
- 17              *substitute*
- 18              (3) If the claimant does not give the notice of claim as required in
- 19              subsection (2), a reasonable excuse for the delay must be given in
- 20              the notice or by separate written notice to the nominal defendant.
- 21              (4) Without limiting subsection (3), an excuse is reasonable if the
- 22              excuse is prescribed by regulation.
- 23              *Note*     For waiver of compliance see s 95.

1	<b>6</b>	<b>Noncomplying notice of claim may be complying notice</b>
2		<b>of claim</b>
3		<b>Section 95 (2) (b), note</b>
4		<i>omit</i>
5	<b>7</b>	<b>Section 95 (2) (c), note</b>
6		<i>omit</i>
7	<b>8</b>	<b>Section 95 (3)</b>
8		<i>substitute</i>
9	(3)	However, if the noncompliance is failure to give the notice of claim
10		in accordance with section 85 (Time for giving notice of claim—
11		CTP insurer) or section 86 (Time for giving notice of claim—
12		nominal defendant), the court may authorise the claimant to proceed
13		under subsection (2) (c) (ii) only if it is in the interests of justice for
14		the matter to proceed further.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2008.

**2 Notification**

Notified under the Legislation Act on 2008.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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