



Australian Capital Territory

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

A2008-54

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

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

1 Name of Act

This Act is the *Road Transport (Third-Party Insurance) Amendment Act 2008 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Road Transport (Third-Party Insurance) Act 2008*.

**4 Time for giving notice of claim—CTP insurer
Section 85, new note**

after subsection (4), insert

Note For waiver of compliance see s 95.

**5 Time for giving notice of claim—nominal defendant
Section 86 (3) and note**

substitute

- (3) If the claimant does not give the notice of claim as required in subsection (2), a reasonable excuse for the delay must be given in the notice or by separate written notice to the nominal defendant.
- (4) Without limiting subsection (3), an excuse is reasonable if the excuse is prescribed by regulation.

Note For waiver of compliance see s 95.

6 Noncomplying notice of claim may be complying notice of claim
Section 95 (2) (b), note

omit

7 Section 95 (2) (c), note

omit

8 Section 95 (3)

substitute

- (3) However, if the noncompliance is failure to give the notice of claim in accordance with section 85 (Time for giving notice of claim—CTP insurer) or section 86 (Time for giving notice of claim—nominal defendant), the court may authorise the claimant to proceed under subsection (2) (c) (ii) only if it is in the interests of justice for the matter to proceed further.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 December 2008.

2 Notification

Notified under the Legislation Act on 16 December 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Road Transport (Third-Party Insurance) Amendment Bill 2008 (No 2), which was passed by the Legislative Assembly on 11 December 2008.

Clerk of the Legislative Assembly

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