



Quiz

Seeking Judicial Review of Decisions Made Under the Motor Accidents Injury Scheme

1. In the case of *Jake Thomas Burns v Insurance Australia Limited trading as NRMA Insurance* [2018] NSWSC 18, the plaintiff applied for medical assessment by a medical assessor under which section of the *Motor Accidents Compensation Act 1999* (NSW) (MACA)?
 - a. Section 63
 - b. Section 60
 - c. Section 71
 - d. Section 75
2. What threshold of whole person impairment must a claimant be assessed as having suffered pursuant to s 131 of the MACA in order to receive any damages for non-economic loss?
 - a. 15% or more
 - b. 20% or more
 - c. 10% or more
 - d. 50% or more

3. What was the intention behind the scheme under the *Motor Accidents Compensation Act 1999* (NSW)?
 - a. To reduce premiums
 - b. To simplify claims
 - c. To cull requests for review of smaller claims and restrict damages to people who were significantly injured
 - d. All of the above

4. The plaintiff applied to the proper officer for a review of the assessment of the medical assessor, pursuant to which section of the MACA?
 - a. S 63
 - b. S 62
 - c. S 60
 - d. S 73

5. Which is a type of decision that is capable of judicial review (i.e. a decision that has fallen into error by reason of a decision-maker's failure to exercise his or her proper statutory function and power under the relevant act)?
 - a. Decisions that do not exceed jurisdiction
 - b. Decisions made by decision-makers with jurisdiction to make those decision
 - c. Decisions taking into account matters which should have been taken into account
 - d. Decisions involving any denial of procedural fairness

Answers:

1. b 2. c 3. d 4. a 5. d