



Quiz

Judicial review in Motor Accident Matters

1. What is the threshold of impairment under the *Motor Vehicles Compensation Act 1999* (NSW) and the *Motor Accidents Injuries Act 2017* (NSW) for a person to bring a claim for non-economic loss?
 - a. 5% total body impairment
 - b. 10% total body impairment
 - c. The threshold of impairment will be dependent upon the plaintiff's individual circumstances
 - d. Both B and C
2. Why did Mr Shmailov bring the matter to the Proper Officer for a review of the determination of the medical assessor in the first instance?
 - a. The assessor failed to consider the subjective circumstances of the applicant not being a regular 38 hour a week wage earner
 - b. The assessor did not strictly apply the class descriptors of employability
 - c. The decision of the assessor was erroneous and failed to take an objective approach to psychiatric injury
 - d. The assessor applied physical injury impairment thresholds to psychiatric injury
3. What was the mechanism for review in the Supreme Court in this case?
 - a. Judicial review
 - b. Statutory right to appeal

- c. Merits Review
 - d. None of the above
4. As decided in the case of *Meeuwissen v Boden* [2010] NSWCA 253; 78 NSWLR 145, what is the role of the Proper Officer?
- a. To conduct a merit review of the application
 - b. To decide whether there is a reasonable cause to suspect that some error of significance has been made that could affect the final result
 - c. To act as a gatekeeper
 - d. Both B and C
5. What was the decision of Her Honour Associate Justice Harrison?
- a. That the Appeal was to be dismissed
 - b. That the decision of the proper officer should be set aside and referred back to the proper officer
 - c. That the decision of the proper officer was to be upheld
 - d. That Mr Shmailov was entitled to claim damages for non-economic loss

Answers:

1. B 2. A 3. A 4. D 5. B