



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 10 of 1970

An Act to amend the Motor Vehicles Act, 1959-1968.

[Assented to 3rd September, 1970.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Motor Vehicles Act Amendment Act, 1970". Short titles.

(2) The Motor Vehicles Act, 1959-1968, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1970".

(3) The Motor Vehicles Act, 1959-1968, is hereinafter referred to as "the principal Act".

2. Section 99 of the principal Act is amended by inserting after the definition of "approved insurer" the following definition:— Amendment of principal Act, s. 99— Interpretation.

"bodily injury" includes mental or nervous shock:

3. Section 118 of the principal Act is repealed and the following section is enacted and inserted in its place:— Repeal of s. 118 of principal Act and enactment of section in its place—

118. (1) Where a person has caused bodily injury to his spouse by negligence in the use of a motor vehicle, the spouse shall be entitled to recover from that person damages in respect of the injury in all respects as if the spouse were not married to that person. An action for negligent use of a motor vehicle may be maintained between spouses.

(2) Where the injury referred to in subsection (1) of this section results in death, an action shall be maintainable subject to, and in accordance with, Part II of the Wrongs Act, 1936-1959, in respect of the injury.

(3) A right of action conferred by this section is exercisable, notwithstanding any law to the contrary—

(a) where the injury was caused or inflicted in the State;

(b) where the parties were, at the time of the injury, domiciled or resident in the State;

or

(c) where the defendant was, at the time of the injury, insured by a policy of insurance ~~issued~~ ^{under} pursuant to this Part.

(4) An injury shall, subject to the law of this State, be actionable under this section notwithstanding that it was caused or inflicted before the enactment of this section.

(5) A policy of insurance (whether ~~issued in respect~~ ^{of} of a period before or after the commencement of the Motor Vehicles Act Amendment Act, 1970) in respect of any motor vehicle driven within the State shall, notwithstanding any express or implied term thereof, and notwithstanding that it was issued by the Crown or an instrumentality of the Crown, be deemed to provide that the person insured thereby is granted an indemnity against claims under this section.

(6) An action is maintainable under this section whether the parties were married prior to, or subsequent to, the time of the injury.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.