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# Update Summary

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**MOTOR VEHICLE LAW  
NEW SOUTH WALES**

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## COMMENTARY

**Nic Angelov** has provided the following commentary on the criminal aspects of motor vehicle law.

### ***Road Rules 2014***

Police Force driving policies are considered with reference to *Kelly v R* [2024] NSWCCA 101. See [RR.305.20].

### ***Road Transport (Driver Licensing) Regulation 2017***

The requirement to undergo examination being distinct from licence conditions is discussed in regard to *Jimenez v Transport for New South Wales* [2024] NSWCATAD 166. See [RTDLR.60.100].

The relationship between cl 65(1)(j), cl 65(7) and s 207 of the *Road Transport Act 2013* is considered with reference to *Jimenez v Transport for New South Wales* [2024] NSWCATAD 166. See [RTDLR.65.40].

### ***Road Transport Act 2013***

Sentencing for other traffic offences with an s 53 or s 54 offence is looked at with reference to *Crane v R* [2024] NSWCCA 87. See [RTA.54.360].

An honest and reasonable mistake of fact is considered in regard to *Kelly v R* [2024] NSWCCA 101. See [RTA.117.220].

Negligent driving as a back-up charge is discussed in regard to *Parker v R* [2023] NSWCCA 234. See [RTA.117.265].

Standard of care – police officer – is looked at with reference to *Kelly v R* [2024] NSWCCA 101. See [RTA.117.270].

Negligence – totality of period of driving – is considered in regard to *Kelly v R* [2024] NSWCCA 101. See [RTA.117.290].

The sentencing decisions table at [RTA.117.762] is updated in regard to *Kelly v R* [2024] NSWCCA 101.

Assistance is considered with reference to *R v Forster* [2024] NSWDC 212. See [RTA.146.100].

**Graeme Pollard** has provided the following commentary on the civil aspects of motor vehicle law.

### ***Pathways and procedures – Claims under the Motor Accident Injuries Act 2017***

New and updated paragraphs include:

- statutory benefits, at [CPP.30]-[CPP.60];
- damages, at [CPP.90]-[CPP.180].

### ***Motor Accidents Compensation Act 1999***

Updated paragraphs include:

- the general operation of s 85A, at [MAC.85A.30];
- s 109(3)(b) – the 25% threshold, at [MAC.109.160];
- cap on damages for economic loss, at [MAC.125.20];
- *Motor Accidents Compensation (Determination of Loss) Order*, at [MAC.125.40];
- maximum amount of damages for non-economic loss, at [MAC.134.20].

### ***Motor Accident Injuries Act 2017***

New and updated paragraphs include:

- statutory benefits and weekly payments, at [MAI.3.1.00]-[MAI.3.39.00];
- award of damages, at [MAI.4.6.00]-[MAI.4.13.40];
- the general operation of s 6.25, at [MAI.6.25.10];
- the positive obligation on a claimant to provide relevant particulars, at [MAI.6.25.20];
- consequences of failure to provide relevant particulars of a claim for damages, at [MAI.6.26.20];
- motor accident claims, at [MAI.6.32.60];
- Sch 1 commentary, at [MAI.SCH1.20]-[MAI.SCH1.40].

