

Queensland



**MOTOR ACCIDENT
INSURANCE AMENDMENT
ACT 2001**

Act No. 85 of 2001

Queensland



MOTOR ACCIDENT INSURANCE AMENDMENT ACT 2001

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**Motor Accident Insurance Amendment Act
2001**

Act No. 85 of 2001

An Act to amend the *Motor Accident Insurance Act 1994*

[Assented to 3 December 2001]

The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Motor Accident Insurance Amendment Act 2001*.

2 Act amended

This Act amends the *Motor Accident Insurance Act 1994*.

2A Amendment of s 4 (Definitions)

Section 4—

insert—

‘**“act of terrorism”** see section 4B.’.

2B Insertion of new s 4B

After section 4A—

insert—

‘4B Meaning of “act of terrorism”

‘(1) An **“act of terrorism”** is an act done or threat made by a person —

- (a) for an ethnic, ideological, political, religious or similar purpose; and
- (b) with the intention to—
 - (i) cause personal injury or damage to property; and
 - (ii) influence a government or put the public, or a section of the public, in fear.

‘(2) It does not matter whether the person is acting alone or with others or in connection with an organisation or government.

‘(3) To decide whether the act was done or the threat was made for a purpose or with an intention mentioned in subsection (1), regard may be

had to the nature of the act or threat and the context in which the act was done or the threat was made.’.

2C Amendment of s 5 (Application of this Act)

Section 5—

insert—

‘(4) For subsection (1)(b), the reference to a wrongful act or omission in respect of the motor vehicle does not include the use of the motor vehicle at the particular time it is being used for the actual doing of an act or making of a threat that is an act of terrorism.

‘(5) The following is an example of a particular time when a motor vehicle is not being used for the actual doing an act that is an act of terrorism—

A is the driver of a motor vehicle from which a bomb is thrown at a government building. It is established that at the time the bomb is thrown the motor vehicle is being used for an act of terrorism. In driving away from the building after the bomb is thrown, A runs into a motor vehicle being driven by B. At the time A’s motor vehicle runs into B’s motor vehicle A’s motor vehicle is not being used for the actual doing of an act of terrorism.

‘(6) Subsection (4) only applies to an act of terrorism happening on or after 1 January 2002.’.

3 Amendment of s 28 (Motor Accident Insurance Fund)

(1) Section 28(2)(a)—

omit, insert—

‘(a) an amount transferred to the fund under section 33(6) or 106;¹ and’.

(2) Section 28(3)(b)—

omit, insert—

‘(b) payments relating to an advance of amounts under subsection (6), that are payable under the terms of the advance.’.

¹ Section 33 (Nominal Defendant as the insurer) or 106 (Nominal Defendant)

4 Amendment of s 29 (Nominal Defendant Fund)

Section 29(3)(c)—

omit, insert—

‘(c) payments relating to an advance of amounts under subsection (4), that are payable under the terms of the advance.’.

5 Amendment of s 33 (Nominal Defendant as the insurer)

Section 33—

insert—

‘(4) Subject to subsection (5), if the Nominal Defendant Fund proves insufficient to meet the liabilities of the Nominal Defendant under subsection (2), the commissioner must make payments from the Motor Accident Insurance Fund to meet the deficiency.

‘(5) The total payments from the Motor Accident Insurance Fund under subsection (4) and under section 106(4), including payments made under section 106(4) before the commencement of this subsection, can not be more than the amount that was transferred to the fund under section 106(3).

‘(6) If an amount is recovered or received by the Nominal Defendant, by way of an action or a claim relating to the insolvency of an insurer under a CTP insurance policy,² the Treasurer may, by written notice to the Nominal Defendant, direct it to transfer an amount, not exceeding the amount recovered or received, to the Motor Accident Insurance Fund.

‘(7) However, the total amount the Treasurer may direct the Nominal Defendant to transfer to the Motor Accident Insurance Fund from all the amounts recovered or received relating to an insolvent insurer, as mentioned in subsection (6), must not exceed the total payments from the fund made by the commissioner under subsection (4) relating to that insolvent insurer.’.

6 Amendment of pt 7, div 1 (Provisions for Act before commencement of Motor Accident Insurance Amendment Act 1999)

Part 7, division 1, heading, after ‘1999’—

² See section 61 (Nominal Defendant’s rights of recourse against insurer).

insert—

‘and a related matter’.

7 Amendment of s 106 (Nominal Defendant)

Section 106—

insert—

‘(5) Section 33(5) further limits the total payments that may be made under subsection (4) from the Motor Accident Insurance Fund.’.

8 Amendment to omit headings following cross references

(1) This section applies to a section containing a cross reference to a provision of the Act followed by the heading to the provision in round brackets.

(2) The section is amended by omitting the brackets and the words in the brackets.