

Queensland



**MOTOR ACCIDENT
INSURANCE LEGISLATION
AMENDMENT BILL 1996**

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1996

A BILL

FOR

**An Act to amend the *Motor Accident Insurance Act 1994* and the
*Transport Operations (Road Use Management) Act 1995***

*Motor Accident Insurance Legislation
Amendment*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Motor Accident Insurance Legislation Amendment Act 1996*.

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5

Commencement

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Clause **2.(1)** Sections 5(1) and 10 are taken to have commenced on 1 September 1994.

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8

(2) The remaining provisions commence on a day to be fixed by proclamation.

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**PART 2—AMENDMENT OF MOTOR ACCIDENT
INSURANCE ACT 1994**

11

12

Act amended in pt 2

13

Clause **3.** This part amends the *Motor Accident Insurance Act 1994*.

14

Amendment of s 4 (Interpretation)

15

Clause **4.(1)** Section 4, heading—

16

omit, insert—

17

‘Definitions’.

18

*Motor Accident Insurance Legislation
Amendment*

	(2) Section 4—	1
	<i>insert—</i>	2
	‘ “public place” see the <i>Motor Vehicles Control Act 1975</i> , section 4.’	3

	Amendment of s 5 (Application of this Act)	4
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Clause	5.(1) Section 5(1)(b)—	5
	<i>omit, insert—</i>	6
	‘(b) is caused, wholly or partly, by a wrongful act or omission in respect of the motor vehicle by a person other than the injured person.’	7 8 9
	(2) Section 5(2)(a)—	10
	<i>omit.</i>	11
	(3) Section 5(2)(b) to (f)—	12
	<i>renumber</i> as section 5(2)(a) to (e).	13
	(4) Section 5(2), as amended—	14
	<i>renumber</i> as section 5(3).	15
	(5) Section 5—	16
	<i>insert—</i>	17
	‘(2) For an uninsured motor vehicle, subsection (1) applies only if the motor vehicle accident out of which the personal injury arises happens on a road or in a public place.’	18 19 20

	Amendment of s 12 (Premiums, levies and administration fee)	21
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Clause	6. Section 12(1)(a)(ii)—	22
	<i>omit, insert—</i>	23
	‘ (ii) the hospital and emergency services levy; and’.	24

*Motor Accident Insurance Legislation
Amendment*

	Amendment of s 13 (Principles governing levies)	1
Clause	7. Section 13(1)(b)—	2
	<i>omit, insert—</i>	3
	‘(b) the hospital and emergency services levy must cover a fair proportion of the estimated cost of providing public hospital services and public emergency services, having regard to the burden placed on the services by motor vehicle accidents;’.	4 5 6 7
	Amendment of s 20 (Offence of driving uninsured vehicle)	8
Clause	8.(1) Section 20, heading, after ‘vehicle’—	9
	<i>insert—</i>	10
	‘etc.’.	11
	(2) Section 20(1), after ‘road’—	12
	<i>insert—</i>	13
	‘or in a public place’.	14
	(3) Section 20(2) and (3)—	15
	<i>renumber</i> as section 20(3) and (4).	16
	(4) Section 20—	17
	<i>insert—</i>	18
	‘(2) A person who is the owner of an uninsured motor vehicle must not permit someone else to drive it on a road or in a public place.	19 20
	Maximum penalty—80 penalty units.’.	21
	Amendment of s 28 (Motor Accident Insurance Fund)	22
Clause	9.(1) Section 28(2)(c), ‘ambulance’—	23
	<i>omit, insert—</i>	24
	‘emergency services’.	25
	(2) Section 28(5) and (6)—	26

*Motor Accident Insurance Legislation
Amendment*

renumber as section 28(6) and (7). 1

(3) Section 28(4)— 2

omit, insert— 3

‘(4) The amounts received into the fund by way of the hospital and 4
emergency services levy are to be applied towards providing public hospital 5
services and public emergency services and, for that purpose, are to be paid 6
to relevant departments. 7

‘(5) The Treasurer may decide at what periodic intervals, and in what 8
proportions, the amounts are to be paid.’. 9

Amendment of schedule (Policy of insurance) 10

Clause 10. Schedule, section 2, before ‘causes’— 11

insert— 12

‘in respect of the insured motor vehicle’. 13

**PART 3—AMENDMENT OF TRANSPORT 14
OPERATIONS (ROAD USE MANAGEMENT) ACT 15
1995 16**

Act amended in pt 3 17

Clause 11. This part amends the *Transport Operations (Road Use 18
Management) Act 1995*. 19

Amendment of sch 3 (Dictionary) 20

Clause 12. Schedule 3, definition “**transport Act**”— 21

insert— 22

*Motor Accident Insurance Legislation
Amendment*

- ‘(c) the *Motor Accident Insurance Act 1994* for the following provisions of this Act—
- section 31 (Power to stop private vehicles) 3
 - section 32 (Power to stop heavy vehicles) 4
 - section 47 (Power to set up checkpoints) 5
 - section 48 (Power to require name and address) 6
 - section 49 (Power to require documents to be produced) 7
 - a provision of this Act that is prescribed under a regulation.’. 8
- 9
10