Queensland

MOTOR ACCIDENT INSURANCE AMENDMENT BILL 1999

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TABLE OF PROVISIONS

1999

A BILL

FOR

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

The Parliament of Queensland enacts—   1

Short title   2

Clause   **1.** This Act may be cited as the *Motor Accident Insurance Amendment*   3
          Act 1999.   4

Act amended   5

Clause   **2.** This Act amends the *Motor Accident Insurance Act 1994*.   6

Amendment of s 4 (Definitions)   7

Clause   **3.** Section 4—   8

          insert—   9

          ' **"assessment period"** means—   10

                    (a)   a financial year; or   11

                    (b)   a re-assessed period in a financial year.   12

          "re-assessed period" see section 12(2).'.   13

Amendment of s 10 (Commission's functions)   14

Clause   **4.** Section 10(1)—   15

          insert—   16

                    '(ca) appoint, under the industry deed, a person to arbitrate disputes   17
                    between 2 or more insurers about a motor vehicle accident claim;   18
                    and'.   19

Replacement of pt 2, div 3 hdg   20

Clause   **5.** Part 2, division 3, heading—   21

          omit, insert—   22

'Division 3—Recommendation and fixing of levies, administration fee and insurance premiums'.

Amendment of s 12 (Premiums, levies and administration fee)

Clause **6.(1)** Section 12, heading—

omit, insert—

'**Recommendations about levies, administration fee and premiums**'.

(2) Section 12(2)—

renumber as section 12(4).

(3) Section 12(1)—

omit, insert—

'**12.(1)** The commission must, at least 2 months before the beginning of each financial year, make recommendations to the Minister on the matters mentioned in subsection (3).

'**(2)** The commission may, for a period that is an unexpired part of a financial year (a **"re-assessed period"**), at least 2 months before the beginning of the period, make recommendations to the Minister on the matters mentioned in subsection (3).

'**(3)** The matters on which recommendations must, or may, be made are—

    (a)   the rate for the assessment period of—

        (i)   the statutory insurance scheme levy; and

        (ii) the hospital and emergency services levy; and

        (iii) the Nominal Defendant levy; and

        (iv) the administration fee; and

    (b)   the amount of the premiums to be paid for CTP insurance policies for the assessment period.'.

Amendment of s 13 (Principles governing levies)   1

Clause   **7.** Section 13(1)(a)(i) and (c)(i), 'financial year'—   2

omit, insert—   3

'assessment period'.   4

Insertion of new s 13A   5

Clause   **8.** After section 13—   6

insert—   7

'**Principle governing administration fee**   8

'**13A.** The administration fee is to be fixed for CTP insurance policies   9
according to the term for which the policies remain in force.'.   10

Amendment of s 14 (Principles governing insurance premiums)   11

Clause   **9.** Section 14(1), 'a financial year'—   12

omit, insert—   13

'an assessment period'.   14

Amendment of s 15 (Fixing of premiums, levies and administration   15
fee)   16

Clause   **10.(1)** Section 15, heading—   17

omit, insert—   18

'**Fixing of levies, administration fee and premiums**'.   19

(2) Section 15(1) to (3)—   20

omit, insert—   21

'**15.(1)** The levies, administration fee and insurance premiums are to be   22
fixed by regulation.   23

'**(2)** The regulation should, if practicable, be made at least 2 months   24
before the beginning of the assessment period to which the levies,   25
administration fee and premiums relate.   26

'**(3)** If the regulation is not made at least 2 months before the beginning of the assessment period to which the levies, administration fee and premiums relate—

    (a)   the regulation commences 2 months after it is notified in the gazette; and

    (b)   the operation of the regulation fixing the levies, administration fee and premiums for the previous assessment period is extended until the later regulation commences.'.

Insertion of new s 15A

Clause   **11.** Part 2, division 3, after section 15—

insert—

'**Minister must publish recommendations in particular circumstances**

'**15A.(1)** This section applies if—

    (a)   the commission has made recommendations to the Minister under section 12 on the levies, administration fee and premiums for an assessment period; and

    (b)   a regulation under section 15(1) for the period is not made at least 2 months before the beginning of the period.

'**(2)** The Minister must, at least 2 months before the beginning of the period, publish the recommendations in the gazette.'.

Amendment of s 20 (Offence of driving uninsured vehicle etc.)

Clause   **12.** Section 20—

insert—

'**(5)** Also, this section does not apply to a motor vehicle to which a gratuitous CTP insurance policy under section 20A(2) relates.'.

Insertion of new s 20A

Clause   **13.** Part 3, division 1, after section 20—

insert—

'**Temporary gratuitous insurance**

'**20A.(1)** This section applies if a person has been issued a permit under the *Transport Infrastructure (Roads) Regulation 1991*, section 44A,[1] authorising the use of an unregistered motor vehicle on roads.

'**(2)** A gratuitous CTP insurance policy in terms of the schedule under which the Nominal Defendant is the insurer is taken to be in force for the motor vehicle while the permit is in force.

'**(3)** However, subsection (2) does not apply for any period when a CTP insurance policy is otherwise in force for the motor vehicle while the permit is in force.'.

Amendment of s 65 (Industry deed)

Clause   **14.** Section 65(2)—

insert—

'(ba) provide for the appointment of a person to arbitrate disputes between 2 or more insurers about a motor vehicle accident claim; and'.

Insertion of new pt 7, div 1 hdg

Clause   **15.** Part 7, before section 102—

insert—

'*Division 1—Provisions for Act before commencement of Motor Accident Insurance Amendment Act 1999*'.

Insertion of new pt 7, div 2

Clause   **16.** After section 106—

insert—

'*Division 2—Provision for Motor Accident Insurance Amendment Act 1999*

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1   Section 44A (Permit to use intercepted unregistered vehicle on road)

'**Regulation for assessment period starting before 30 June 1999** 1

'**107.(1)** Section 15(2) to (4) does not apply to a regulation under 2
section 15(1) fixing the levies, administration fee and insurance premiums 3
for an assessment period starting before 30 June 1999. 4

'**(2)** A regulation mentioned in subsection (1) is valid even though no 5
recommendations are made to the Minister under section 12(2) for the 6
assessment period to which the regulation relates.'. 7

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