

Queensland



**MOTOR ACCIDENT
INSURANCE AMENDMENT
BILL 2001**

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MOTOR ACCIDENT INSURANCE AMENDMENT BILL 2001

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2001

A BILL

FOR

An Act to amend the Motor Accident Insurance Act 1994

Motor Accident Insurance Amendment Bill 2001

The Parliament of Queensland enacts—

Clause 1 Short title

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

Clause 2 Act amended

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

Clause 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.’.

Clause 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.’.

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

Section 33—

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

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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.’.

Clause 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’—

insert—

‘and a related matter’.

Clause 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.’.

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

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Clause 8	Amendment to omit headings following cross references	1
	(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 3 4
	(2) The section is amended by omitting the brackets and the words in the brackets.	5 6