

Queensland



**MOTOR ACCIDENT
INSURANCE LEGISLATION
AMENDMENT BILL 1995**



MOTOR ACCIDENT INSURANCE LEGISLATION AMENDMENT BILL 1995

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1995

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 1995*.

4

5

Commencement

6

Clause **2.** This Act commences on 1 July 1995.

7

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

8

9

Act amended in pt 2

10

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

11

Amendment of s 4 (Interpretation)

12

Clause **4.(1)** Section 4, heading—

13

omit, insert—

14

‘Definitions’.

15

(2) Section 4—

16

insert—

17

‘ **“public place”** has the meaning given by the *Motor Vehicles Control Act
1975*.’.

18

19

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Amendment of s 5 (Application of this Act)

Clause	5.(1) Section 5(1)(b)—	2
	<i>omit, insert—</i>	3
	‘(b) is caused, wholly or partly, by the wrongful act or omission of a person (other than the injured person) in respect of the motor vehicle.’.	4
		5
		6
	(2) Section 5(2)(a)—	7
	<i>omit.</i>	8
	(3) Section 5(2)(b) to (f)—	9
	<i>renumber</i> as section 5(2)(a) to (e).	10
	(4) Section 5(2), as amended—	11
	<i>renumber</i> as section 5(3).	12
	(5) Section 5—	13
	<i>insert—</i>	14
	‘ (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.’.	15
		16
		17

Amendment of s 12 (Premiums, levies and administration fee) 18

Clause	6. Section 12(1)(a)(ii)—	19
	<i>omit, insert—</i>	20
	‘(ii) the hospital and emergency services levy; and’.	21

Amendment of s 13 (Principles governing levies) 22

Clause	7. Section 13(1)(b)—	23
	<i>omit, insert—</i>	24
	‘(b) the hospital and emergency services levy must cover a fair proportion of the estimated cost of providing public hospital	25
		26

*Motor Accident Insurance Legislation
Amendment*

services and public emergency services, having regard to the
burden placed on the services by motor vehicle accidents;’.

Amendment of s 20 (Offence of driving uninsured vehicle)

Clause **8.(1)** Section 20, heading, after ‘vehicle’—

insert—

‘etc.’.

(2) Section 20(1), after ‘road’—

insert—

‘or in a public place’.

(3) Section 20(2) and (3)—

renumber as section 20(3) and (4).

(4) Section 20—

insert—

‘**(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.

Maximum penalty—80 penalty units.’.

Amendment of s 28 (Motor Accident Insurance Fund)

Clause **9.(1)** Section 28(2)(c), ‘ambulance’—

omit, insert—

‘emergency services’.

(2) Sections 28(5) and (6)—

renumber as section 28(7) and (8).

(3) Section 28(4)—

omit, insert—

‘**(4)** The amounts received into the fund by way of the hospital and
emergency services levy are to be paid to the Queensland Health Service

*Motor Accident Insurance Legislation
Amendment*

and Queensland Emergency Services.

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

‘(6) The amounts are to be applied towards providing public hospital services and public emergency services.’.

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

Act amended in pt 3

Clause **10.** This part amends the *Transport Operations (Road Use Management) Act 1995*.

Amendment of sch 3 (Dictionary)

Clause **11.** Schedule 3, definition “**transport Act**”—
insert—

‘(c) the *Motor Accident Insurance Act 1994* for the following provisions of this Act—

- section 31 (Power to stop private vehicles)
- section 32 (Power to stop heavy vehicles)
- section 47 (Power to set up checkpoints)
- section 48 (Power to require name and address)
- section 49 (Power to require documents to be produced)
- a provision of this Act that is prescribed under a regulation.’.