

Queensland



Subordinate Legislation 1998 No. 30

Motor Accident Insurance Act 1994

Justices Act 1886

**MOTOR ACCIDENT INSURANCE
LEGISLATION AMENDMENT REGULATION
(No. 1) 1998**

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Motor Accident Insurance Legislation Amendment Regulation (No. 1) 1998*.

PART 2—AMENDMENT OF MOTOR ACCIDENT INSURANCE REGULATION 1994

Regulation amended in pt 2

2. This part amends the *Motor Accident Insurance Regulation 1994*.

Amendment of s 3 (Definitions)

3. Section 3—

insert—

‘**“claim manager”** see section 38¹ of the Act.

“premium period”, for a motor vehicle, means the period for which a CTP insurance policy for the vehicle was issued or last renewed.

“registration period”, for a motor vehicle, means the period for which registration of the vehicle was granted or last renewed.’.

Amendment of s 5 (Insurance premiums—Act, s 15)

4.(1) Section 5(4)(a)—

omit, insert—

‘(a) the proportion of the annual premium that the number of days in the registration period bears to 365;’.

¹ Section 38 (Multiple insurers)

(2) Section 5(7), ‘the period’ to ‘(the “**registration period**”)’—
omit, insert—

‘the registration period’.

(3) Section 5(7), ‘(expressed’ to ‘remainder)’—
omit.

(4) Section 5(9)—
omit, insert—

‘(9) An insurer is not required to give a refund if the refund amount calculated under this section is less than \$10.’.

Amendment of s 5A (Change in vehicle class involving a higher premium)

5.(1) Section 5A(2)—
insert—

‘Maximum penalty—20 penalty units.’.

(2) Section 5A(5)—
omit, insert—

‘(5) In this section—

“**formula amount**”, for a change mentioned in subsection (1) relating to a registered motor vehicle, means the amount worked out using the formula—

$$\frac{A \times (P_2 - P_1)}{B}$$

where—

“**A**” means the number of days remaining in the vehicle’s registration period after the change.

“**B**” means the number of days in the vehicle’s registration period.

~~“**P₁**”~~ means the annual premium for the vehicle’s current class.

~~“**P₂**”~~ means the annual premium for the vehicle’s class after the change.

“premium shortfall” means the higher of the following amounts—

- (a) the formula amount;
- (b) \$10.’.

Insertion of new ss 5B and 5C

6. After section 5A—

insert—

‘Change in vehicle class involving a lower premium

‘5B.(1) This section applies to a change or proposed change to a registered motor vehicle or its use that would change the vehicle’s class to a class for which a lower insurance premium is payable.

‘(2) However, this section applies only if the change is intended to be permanent.

‘(3) The registered owner may ask for a refund of part of the insurance premium paid for the vehicle.

‘(4) Before asking for a refund, the registered owner must give the transport administration a written notice—

- (a) identifying the vehicle and registered owner; and
- (b) stating the nature of the change to the vehicle or its use and when the change was, or is to be, made; and
- (c) if the change is a change in the use of the vehicle—giving enough details of the change to show the change is intended to be permanent.

‘(5) Transport administration may ask for any matter stated in the notice given under subsection (4) to be supported by statutory declaration.

‘(6) A request for a refund must be made by giving the vehicle’s insurer a written notice—

- (a) stating the nature of the change to the vehicle or its use and when the change was, or is to be, made; and
- (b) containing or accompanied by evidence the change in class has been accepted by transport administration.

‘(7) The insurer must give the registered owner a refund within 1 month after receiving the request.

‘(8) However, an insurer is not required to give a refund if the refund amount calculated under this section is less than \$10.

‘(9) The registered owner of a registered motor vehicle may not make more than 1 request for a refund in a premium period in relation to the vehicle.

‘(10) A registered owner may receive a refund for an insurance premium only if the premium was paid by the registered owner.

‘(11) The amount of a refund under this section is to be worked out using the formula—

$$\frac{A \times (P_1 - P_2)}{B}$$

where—

“A” means the number of days remaining in the vehicle’s registration period after the change.

“B” means the number of days in the vehicle’s registration period.

“P₁” means the annual premium for the vehicle’s current class.

“P₂” means the annual premium for the vehicle’s class after the change.

‘Refund by transport administration

‘5C. Transport administration may give a refund under section 5 or 5B, on behalf of the insurer of a motor vehicle, if—

- (a) transport administration has arranged with the insurer to give refunds on the insurer’s behalf; or
- (b) the Commission has asked transport administration to give refunds on the insurer’s behalf.’

Amendment of s 6 (Insurance levies—Act, s 15)

7. Section 6(1)(b), ‘ambulance’—

omit, insert—

‘emergency services’.

Amendment of s 9 (Returns and payment of levies and administration fee—Act, s 27)

8. Section 9(1)(b), ‘ambulance’—

omit, insert—

‘emergency services’.

Amendment of s 16 (Information to be provided by return—Act, s 88)

9.(1) Section 16, words before paragraph (c)—

omit, insert—

‘**16.(1)** Within 7 days after the end of each month, a licensed insurer must give the Commission a return for the month under section 88 of the Act stating—

- (a) for each motor vehicle accident claim opened during the month—the required claim details; and
- (b) for each motor vehicle accident of which a notice of claim was given to the insurer in the month, under section 37 of the Act—the required further claim details; and’.

(2) Section 16(4)—

omit, insert—

‘**(4)** If a claim, of which notice was given to an insurer under section 37 of the Act, involves 2 or more insurers, subsections (1)(b) to (f) and (2) apply only to the claim manager.’.

(3) Section 16(9)—

insert—

‘**“compliance date”**, for a notice of claim for the Act, part 4, division 3, means—

- (a) if the notice complied with the requirements of the Act, part 4,

division 3 when it was given to the insurer—the date the notice was given to the insurer; or

- (b) if the notice, as it was originally given, did not comply with the requirements—the date—
 - (i) the insurer was satisfied the claimant had remedied the noncompliance; or
 - (ii) the insurer waived compliance; or
 - (iii) the court declared that notice of claim had been given or the claimant is taken to have remedied noncompliance; or
 - (iv) the court gave leave to bring a proceeding despite noncompliance.

“required claim details”, for a motor vehicle accident claim, means the following details—

- (a) an identifying accident number assigned by the insurer;
- (b) an identifying claim number;
- (c) the relevant traffic incident number;
- (d) the date, time and place of the accident;
- (e) each intending claimant’s name, date of birth and residential address;
- (f) the date advice that a claim may be made was first received by the insurer;
- (g) the date the claim was opened by the insurer;
- (h) if a notice of claim under section 37 of the Act was received by the insurer—the date the notice was received.

“required further claim details”, for a motor vehicle accident of which notice of claim has been given, means the following details—

- (a) the make, model, type, year of manufacture, vehicle identification (or chassis or engine) number, registration number, CTP classification and CTP insurer of each motor vehicle involved in the accident;
- (b) the names and addresses of the owner and driver of each motor

- vehicle involved in the accident;
- (c) the name and address of each witness to the accident known to the insurer;
 - (d) the circumstances of the accident;
 - (e) for each claimant—
 - (i) the claimant's name and address; and
 - (ii) the claimant's date of birth; and
 - (iii) the claimant's gender; and
 - (iv) the claimant's usual occupation and, if the claimant is employed, the name of the employer; and
 - (v) how the claimant came to be involved in the accident; and
 - (vi) the nature of the personal injury to the claimant;
 - (f) the compliance date for the notice of claim for the Act, part 4, division 3.'

PART 3—AMENDMENT OF JUSTICES REGULATION 1993

Regulation amended in pt 3

- 10.** This part amends the *Justices Regulation 1993*.

Insertion of new sch 1, pt 23A

- 11.** Schedule 1, after part 23—

insert—

PART 23A—MOTOR ACCIDENT INSURANCE REGULATION 1994

‘Table of infringement notice offences and penalties

‘1. The following is the table of infringement notice offences and penalties—

	‘Column 1 Infringement notice offence	Column 2 Infringement notice penalty (penalty units)
s 5A(2)	For a class 3, 4, 7, 10 or 11 motor vehicle	6
s 5A(2)	For a motor vehicle of another class	2

‘Authorised person for service of infringement notice

‘2. An officer authorised under the *Transport Infrastructure (Roads) Act 1991*, section 9.1(1),² to exercise the powers of an authorised officer.’.

ENDNOTES

1. Made by the Governor in Council on 5 March 1998.
2. Notified in the gazette on 6 March 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Treasury Department.

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² Section 9.1 (Authorised officers)