

Queensland



Subordinate Legislation 2003 No. 2

Motor Accident Insurance Act 1994

**MOTOR ACCIDENT INSURANCE
LEGISLATION AMENDMENT REGULATION
(No. 1) 2003**

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Motor Accident Insurance Legislation Amendment Regulation (No. 1) 2003*.

2 Commencement

This regulation commences on 1 February 2003.

PART 2—AMENDMENT OF MOTOR ACCIDENT INSURANCE REGULATION 1994

3 Regulation amended in pt 2

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

4 Amendment of s 3 (Definitions)

Section 3—

insert—

- ‘ **“insurance renewal amount”**, for a renewal of registration, means the amount of the registration-related amount paid to transport administration less the amounts payable to transport administration for registration fees and charges.

“registration-related amount” see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, schedule 4.¹.

5 Amendment of s 5 (Setting of insurer’s premiums—Act, ss 13 and 13A)

Section 5—

insert—

‘(6) The limits of insurer’s premium fixed by the commission for a class 10 or 11 motor vehicle may include an amount worked out using the formula—

$$(N - 7) \times SA$$

‘(7) The limits of insurer’s premium fixed by the commission for a class 22 motor vehicle may include an amount for each day more than 1 day the vehicle may be driven on roads while unregistered.

‘(8) In this section—

“N” means the number of passenger seats in the vehicle.

“SA” means an amount, for each passenger seat in the vehicle, decided by the commission.’.

6 Replacement of s 5A (Insurer’s premium where registration period is more or less than 1 year—Act, s 13(4)(b))

Section 5A—

omit, insert—

1 *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, schedule 4—

“registration-related amount”, for a renewal of registration, means the total of—

- (a) the relevant registration fee payable under section 37(1)(a); and
- (b) any category 1 vehicle traffic improvement fee payable under section 37(1)(b); and
- (c) any CTP insurance premium payable under section 37(1)(c); and
- (d) any administrative fee for late payment payable for the renewal.

‘5AA Prescribed additional amount—Act, s 13

‘For section 13(3B)(b) of the Act, the prescribed additional amount for a CTP insurance policy for a class of motor vehicles is an amount equal to the percentage, stated for the class in schedule 1B, column 2, of the insurer’s premium set under section 13(1) of the Act for the motor vehicle’s class of insurance.

‘5A Insurer’s premium if registration period is less than 1 year—Act, s 13(4)(b)

‘(1) If the period for which the registration of a motor vehicle, other than a class 22 vehicle, is to be granted or renewed is 6 months or less, the insurer’s premium is increased by \$7.

‘(2) If—

- (a) the period for which the registration of a motor vehicle, other than a class 22 vehicle, is to be renewed is more than 6 months but less than 1 year; and
- (b) the insurance renewal amount is less than the lowest insurance premium set for the class of motor vehicle, for a 1 year renewal, by any licensed insurer;

the insurer’s premium is increased by \$7.

‘(3) If the insurer’s premium on a CTP insurance policy for a motor vehicle registered for less than 1 year would, other than for this subsection, be less than \$10, the insurer’s premium is increased to \$10.’

7 Amendment of s 5B (Levies and administration fee—Act, s 14A)

Section 5B(4)—

omit, insert—

‘(4) However, a further amount of \$1 is to be added to the amount of the administration fee calculated under subsection (3) if—

- (a) the registration period is 6 months or less; or
- (b) the registration period is more than 6 months but less than 1 year and the insurance renewal amount for the registration is less than the lowest insurance premium set for the class of motor vehicle, for a 1 year renewal, by any licensed insurer.

‘(5) Despite subsections (3) and (4), if the motor vehicle is a motor vehicle other than a trailer, for which a permit has been, or is to be, issued allowing the vehicle to be driven on roads while unregistered, the levy and administration fee under subsections (1) and (2) apply irrespective of the period of the permit.’.

8 Insertion of new s 5EA

After section 5E—

insert—

‘5EA Refund of particular amount of insurer’s premium

‘(1) This section applies to a person who pays a prescribed additional amount mentioned in section 5AA for a CTP insurance policy if, for the insurer’s premium component of the insurance premium for the policy, a person’s input tax credit percentage entitlement is less than 100%.

‘(2) The person who paid the prescribed additional amount may apply to the insurer of the vehicle for a refund of an amount worked out using the formula—

$$A = P \times (100\% - \text{ITC}\%)$$

‘(3) The insurer of the motor vehicle must, within 1 month after receiving the application, refund the amount.

‘(4) In this section—

“A” means the amount of the refund.

“input tax credit percentage entitlement” means an entitlement, expressed as a percentage, to an input tax credit under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

“ITC%” means the input tax credit percentage entitlement for the insurer’s premium component of the insurance premium for the CTP insurance policy.

“P” means the prescribed additional amount paid for the CTP insurance policy.’.

9 Amendment of s 5F (Refund by transport administration)

Section 5F, after ‘motor vehicle’—

insert—

‘, other than a refund mentioned in section 5EA,’.

10 Insertion of new sch 1B

After schedule 1A—

insert—

‘SCHEDULE 1B

‘PRESCRIBED ADDITIONAL AMOUNTS

section 5AA

Motor vehicle class	%
1	8.1
2	8.1
3	8.7
4	8.5
5	6.6
6	8.2
7	8.5
8	8.1
9	8.1
10	8.7
11	8.6
12	6.9

Motor vehicle class	%
13	8.1
14	6.6
15	7.5
16	8.1
17	7.8
19	6.1
20	6.1
21	6.9
22	5.3
23	8.1
24	8.1 ¹ .

PART 3—AMENDMENT OF MOTOR ACCIDENT INSURANCE AMENDMENT REGULATION (No. 3) 2000

11 Regulation amended in pt 3

This part amends the *Motor Accident Insurance Amendment Regulation (No. 3) 2000*.

12 Replacement of s 10 (Amendment of sch 1 (Table of vehicle classes))

Section 10—

omit, insert—

‘10 Amendment of sch 1 (Table of vehicle classes)

‘(1) Schedule 1, items 14 and 15—

omit, insert—

- ‘14 Tractors, with or without attachment, registered for limited use on the basis that use of the motor vehicle is not restricted—
- (a) to specified locations; or
 - (b) within specified zones
- 15 (a) Self-propelled machinery, other than a vehicle of class 14, 19, 20 or 21; and
- (b) Fire engines, bush fire brigade vehicles and other emergency vehicles other than ambulances’.

‘(2) Schedule 1, items 19, 20 and 21—

omit, insert—

- ‘19 Motor vehicles registered for limited use on the basis that the use of the motor vehicles is restricted to specified locations
- 20 Motor vehicles registered for limited use on the basis that the use of the motor vehicles within specified zones is restricted
- 21 Self-propelled machinery, other than a vehicle of class 14, 15, 19 or 20, registered for limited use on the basis that use of the motor vehicle is not restricted—
- (a) to specified locations; or
 - (b) within specified zones’.

ENDNOTES

1. Made by the Governor in Council on 30 January 2003.
2. Notified in the gazette on 31 January 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Treasury Department.