

Queensland



**MOTOR ACCIDENT
INSURANCE LEGISLATION
AMENDMENT ACT 1996**

Act No. 53 of 1996

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TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
2	Commencement	4
PART 2—AMENDMENT OF MOTOR ACCIDENT INSURANCE ACT 1994		
3	Act amended in pt 2	4
4	Amendment of s 4 (Interpretation)	4
5	Amendment of s 5 (Application of this Act)	5
6	Amendment of s 12 (Premiums, levies and administration fee)	6
7	Amendment of s 13 (Principles governing levies)	6
8	Amendment of s 20 (Offence of driving uninsured vehicle)	6
9	Amendment of s 28 (Motor Accident Insurance Fund)	7
10	Amendment of schedule (Policy of insurance)	7
PART 3—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995		
11	Act amended in pt 3	8
12	Amendment of sch 3 (Dictionary)	8

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**Motor Accident Insurance Legislation
Amendment Act 1996**

Act No. 53 of 1996

**An Act to amend the *Motor Accident Insurance Act 1994* and the
*Transport Operations (Road Use Management) Act 1995***

[Assented to 20 November 1996]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Motor Accident Insurance Legislation Amendment Act 1996*.

Commencement

2.(1) Sections 5(1) and 10 are taken to have commenced on 1 September 1994.

(2) The remaining provisions commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF MOTOR ACCIDENT INSURANCE ACT 1994

Act amended in pt 2

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

Amendment of s 4 (Interpretation)

4.(1) Section 4, heading—

omit, insert—

‘Definitions’.

(2) Section 4—

insert—

‘**“public place”** see the *Motor Vehicles Control Act 1975*, section 4.¹’.

Amendment of s 5 (Application of this Act)

5.(1) Section 5(1)(b)—

omit, insert—

‘(b) is caused, wholly or partly, by a wrongful act or omission in respect of the motor vehicle by a person other than the injured person.’.

(2) Section 5(2)(a)—

omit.

(3) Section 5(2)(b) to (f)—

renumber as section 5(2)(a) to (e).

(4) Section 5(2), as amended—

renumber as section 5(3).

(5) Section 5—

insert—

¹ *Motor Vehicles Control Act 1975*, section 4—

“public place” means a place of public resort open to or used by the public as of right, and a place for the time being used for a public purpose or open to access by the public, whether on payment or otherwise, or open to access by the public by the express or tacit consent or sufferance of the owner of that place, whether the place is or is not so open at all times, and a place for the time being declared by regulation to be a public place for the purposes of this Act, but does not include—

- (a) a track which at the material time is being used as a course for racing or testing motor vehicles and from which other traffic is excluded during that use; or
- (b) a place that is a road within the meaning of the *Transport Infrastructure (Roads) Act 1991* or the *Traffic Act 1949*; or
- (c) a place that is declared under section 25 not to be a public place.

‘(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.’

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

6. Section 12(1)(a)(ii)—

omit, insert—

‘ (ii) the hospital and emergency services levy; and’.

Amendment of s 13 (Principles governing levies)

7. Section 13(1)(b)—

omit, insert—

‘(b) the hospital and emergency services levy must cover a fair proportion of the estimated cost of providing public hospital 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)

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)

9.(1) Section 28(2)(c), ‘ambulance’—

omit, insert—

‘emergency services’.

(2) Section 28(5) and (6)—

renumber as section 28(6) and (7).

(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 applied towards providing public hospital services and public emergency services and, for that purpose, are to be paid to relevant departments.

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

Amendment of schedule (Policy of insurance)

10. Schedule, section 2, before ‘causes’—

insert—

‘in respect of the insured motor vehicle’.

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

Act amended in pt 3

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

Amendment of sch 3 (Dictionary)

12. 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.’.