

Queensland



**TREASURY LEGISLATION
AMENDMENT BILL (No. 2)
2002**

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BILL (No. 2) 2002**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
2	Commencement	4
PART 2—AMENDMENT OF CHARITABLE AND NON-PROFIT GAMING ACT 1999		
3	Act amended in pt 2.	4
4	Amendment of s 176 (Starting appeal)	4
PART 3—AMENDMENT OF GAMING MACHINE ACT 1991		
5	Act amended in pt 3.	5
6	Amendment of s 18 (Commissioners).	5
7	Amendment of s 25 (Meetings).	5
8	Amendment of s 33 (Starting appeal)	5
9	Amendment of s 283 (Changes to percentage returns)	6
PART 4—AMENDMENT OF KENO ACT 1996		
10	Act amended in pt 4.	6
11	Amendment of s 113 (Application of keno tax and licence fee).	6
PART 5—AMENDMENT OF MOTOR ACCIDENT INSURANCE ACT 1994		
12	Act amended in pt 5.	6
13	Amendment of s 4 (Definitions)	6
14	Amendment of s 13 (The insurer's premium)	7
15	Amendment of s 13A (Premium rates)	7
16	Amendment of s 15 (Report and recommendations when costs of insurance exceed the affordability index)	8

Treasury Legislation Amendment Bill (No. 2) 2002

17	Amendment of s 21 (Selection of insurer)	8
18	Insertion of new pt 4, div 3A	8
	<i>Division 3A—Expressions of regret</i>	
	44A Definition for div 3A	9
	44B Purpose of div 3A	9
	44C Meaning of “expression of regret”	9
	44D Expressions of regret are inadmissible	9
19	Amendment of s 51B (Procedure at conference)	9
20	Replacement of s 55B (Discount rate to be applied in calculating the present value of future loss)	10
	55B Discount rate to be applied in calculating the present value of future loss or gratuitous services	10
21	Amendment of s 55D (Damages for gratuitous services)	10
22	Insertion of new pt 7, div 4	10
	<i>Division 4—Provision for Treasury Legislation Amendment Act (No. 2) 2002</i>	
	111 Ratification of action taken in anticipation of amendments made by Treasury Legislation Amendment Act (No. 2) 2002	10
	PART 6—AMENDMENT OF PUBLIC OFFICERS SUPERANNUATION BENEFITS RECOVERY ACT 1988	
23	Act amended in pt 6.	11
24	Amendment of s 11C (Effect of order on preserved benefits).	11
	PART 7—AMENDMENT OF SUPERANNUATION (STATE PUBLIC SECTOR) ACT 1990	
25	Act amended in pt 7.	12
26	Amendment of s 3 (Establishment of board).	12
27	Amendment of s 10 (Establishment of fund)	12
28	Amendment of s 13 (Membership of scheme)	12
29	Amendment of s 13B (Continuation of eligibility for membership after ceasing to be an employee or spouse).	13

2002

A BILL

FOR

An Act to amend the Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Keno Act 1996, Motor Accident Insurance Act 1994, Public Officers Superannuation Benefits Recovery Act 1988 and Superannuation (State Public Sector) Act 1990

The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *Treasury Legislation Amendment Act (No. 2) 2002*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

**PART 2—AMENDMENT OF CHARITABLE AND
NON-PROFIT GAMING ACT 1999** 8
9

Clause 3 Act amended in pt 2 10

This part amends the *Charitable and Non-Profit Gaming Act 1999*. 11

Clause 4 Amendment of s 176 (Starting appeal) 12

Section 176(2)— 13

omit, insert— 14

‘(2) The notice of appeal must be— 15

(a) accompanied by the fee prescribed under a regulation; and 16

(b) filed within 28 days after the appellant receives notice of the
decision.’. 17
18

**PART 3—AMENDMENT OF GAMING MACHINE ACT
1991**

		1
		2
Clause 5	Act amended in pt 3	3
	This part amends the <i>Gaming Machine Act 1991</i> .	4
Clause 6	Amendment of s 18 (Commissioners)	5
	Section 18(1), ‘7 commissioners’—	6
	<i>omit, insert—</i>	7
	‘at least 5, but not more than 7, commissioners’.	8
Clause 7	Amendment of s 25 (Meetings)	9
	(1) Section 25—	10
	<i>insert—</i>	11
	‘(4A) A quorum for a meeting of the commission is—	12
	(a) if the commission consists of 5 commissioners—the chairperson and 2 other commissioners; or	13 14
	(b) if the commission consists of more than 5 commissioners—the chairperson and 3 other commissioners.’.	15 16
	(2) Section 25(5)(a)—	17
	<i>omit.</i>	18
	(3) Section 25(5)(b) and (c)—	19
	<i>renumber</i> as section 25(5)(a) and (b).	20
	(4) Section 25(4A) to (7)—	21
	<i>renumber</i> as section 25(5) to (8).	22
Clause 8	Amendment of s 33 (Starting appeal)	23
	Section 33(2)(a), after ‘appeal’—	24
	<i>insert—</i>	25
	‘, accompanied by the fee prescribed under a regulation.’.	26

Clause 9	Amendment of s 283 (Changes to percentage returns)	1
	Section 283—	2
	<i>insert—</i>	3
	‘(2B) A person may apply to the chief executive for an approval under subsection (2).	4
		5
	‘(2C) The application must be accompanied by the fee prescribed under a regulation.’.	6
		7

PART 4—AMENDMENT OF KENO ACT 1996

Clause 10	Act amended in pt 4	9
	This part amends the <i>Keno Act 1996</i> .	10
Clause 11	Amendment of s 113 (Application of keno tax and licence fee)	11
	(1) Section 113, heading, ‘ and licence fee ’—	12
	<i>omit.</i>	13
	(2) Section 113(1), ‘and keno licence fees’—	14
	<i>omit.</i>	15

PART 5—AMENDMENT OF MOTOR ACCIDENT INSURANCE ACT 1994

Clause 12	Act amended in pt 5	18
	This part amends the <i>Motor Accident Insurance Act 1994</i> .	19
Clause 13	Amendment of s 4 (Definitions)	20
	Section 4—	21

	<i>insert—</i>	1
	‘ “expression of regret” see section 44B.’.	2
Clause 14	Amendment of s 13 (The insurer’s premium)	3
	(1) Section 13—	4
	<i>insert—</i>	5
	‘(3A) Subsection (3B) applies to a CTP insurance policy—	6
	(a) that comes into force after 30 June 2003; and	7
	(b) for which a person is entitled to an input tax credit for the insurer’s premium component of the insurance premium for the policy.	8 9 10
	‘(3B) The insurer’s premium consists of—	11
	(a) the amount set under subsection (1) for the class of insurance to which the policy relates; and	12 13
	(b) an additional amount prescribed under a regulation.’.	14
	(2) Section 13—	15
	<i>insert—</i>	16
	‘(5) A regulation under subsection (3B)(b) may prescribe a different amount for each class of insurance provided by each licensed insurer.	17 18
	‘(6) In this section—	19
	“input tax credit” has the meaning given by the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth), section 195-1. ¹ ’.	20 21
Clause 15	Amendment of s 13A (Premium rates)	22
	(1) Section 13A(1), after ‘premiums’—	23
	<i>insert—</i>	24
	‘, under section 13(1),’.	25

1 *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 195-1—
input tax credit means an entitlement arising under section 11-20 or 15-15.

Treasury Legislation Amendment Bill (No. 2) 2002

	(2) Section 13A(6)(b)(ii), after ‘its’—	1
	<i>insert</i> —	2
	‘insurer’s’.	3
	(3) Section 13A(9)(b), after ‘insurer’s’—	4
	<i>insert</i> —	5
	‘insurance’.	6
	(4) Section 13A(9)(c), ‘the premiums set by the insurer’—	7
	<i>omit, insert</i> —	8
	‘each insurer’s insurance premiums’.	9
Clause 16	Amendment of s 15 (Report and recommendations when costs of insurance exceed the affordability index)	10 11
	Section 15(5)—	12
	<i>insert</i> —	13
	‘ “insurance premium” , for a CTP insurance policy for a class 1 motor vehicle, does not include an amount prescribed under section 13(3B)(b) for the insurer’s premium component of the insurance premium for the policy.’.	14 15 16 17
Clause 17	Amendment of s 21 (Selection of insurer)	18
	Section 21(10), definition “appropriate insurance premium”, paragraph (c), ‘fixed by’—	19 20
	<i>omit, insert</i> —	21
	‘for’.	22
Clause 18	Insertion of new pt 4, div 3A	23
	After section 44—	24
	<i>insert</i> —	25

‘Division 3A—Expressions of regret

1

‘44A Definition for div 3A

2

‘In this division—

3

“**liability**” includes the following—

4

(a) fault;

5

(b) negligence.

6

‘44B Purpose of div 3A

7

‘The purpose of this division is to allow an individual to express regret about a motor vehicle accident without being concerned that the expression of regret may be construed or used as an admission of liability on a claim, or in a proceeding based on a claim, arising out of the accident.

8

9

10

11

‘44C Meaning of “expression of regret”

12

‘An “**expression of regret**” made by an individual about a motor vehicle accident is any oral or written statement expressing regret for the accident to the extent that it does not contain an admission of liability on the part of the individual or someone else.

13

14

15

16

‘44D Expressions of regret are inadmissible

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‘An expression of regret made by an individual, after the commencement of this division about a motor vehicle accident, at any time before a proceeding is started in a court based on a claim arising out of the accident is not admissible in the proceeding.’

18

19

20

21

Clause 19 Amendment of s 51B (Procedure at conference)

22

Section 51B(7)(a) and (b), after ‘costs’—

23

insert—

24

‘(clearly identifying costs that are legal fees and costs that are disbursements)’.

25

26

Clause 20	Replacement of s 55B (Discount rate to be applied in calculating the present value of future loss)	1 2
	Section 55B—	3
	<i>omit, insert—</i>	4
	‘55B Discount rate to be applied in calculating the present value of future loss or gratuitous services	5 6
	‘(1) This section applies if—	7
	(a) a claimant is to be compensated for future expenditure or loss; or	8
	(b) damages are to be awarded for gratuitous services;	9
	and an actuarial multiplier is to be used to calculate the present value of future loss or gratuitous services.	10 11
	‘(2) A discount rate of 5% is to be applied in determining the actuarial multiplier.’.	12 13
Clause 21	Amendment of s 55D (Damages for gratuitous services)	14
	Section 55D—	15
	<i>insert—</i>	16
	‘(1A) Damages are not to be awarded for gratuitous services if the services are provided, or are to be provided—	17 18
	(a) for less than 6 hours a week; and	19
	(b) for less than 6 months.’.	20
Clause 22	Insertion of new pt 7, div 4	21
	Part 7—	22
	<i>insert—</i>	23
	‘Division 4—Provision for Treasury Legislation Amendment Act (No. 2) 2002	24 25
	‘111 Ratification of action taken in anticipation of amendments made by Treasury Legislation Amendment Act (No. 2) 2002	26 27
	‘(1) This section applies to anything done for setting insurer’s premiums for the assessment period commencing on 1 July 2003.	28 29

‘(2) Anything done in anticipation of amendments to this Act made by the *Treasury Legislation Amendment Act (No. 2) 2002*, sections 14 to 17, that could have been validly done under this Act if the amendments had commenced when the thing was done is taken to have been validly done under this Act.’.

PART 6—AMENDMENT OF PUBLIC OFFICERS SUPERANNUATION BENEFITS RECOVERY ACT 1988

- Clause 23 Act amended in pt 6**
- This part amends the *Public Officers Superannuation Benefits Recovery Act 1988*.
- Clause 24 Amendment of s 11C (Effect of order on preserved benefits)**
- (1) Section 11C, heading—
omit, insert—
- ‘11C Payment of debt from preserved benefits’.**
- (2) Section 11C(1)—
omit, insert—
- ‘(1) This section applies if—
- (a) a person owes an amount to the State (the “**debt**”) consisting of the unpaid part of—
- (i) a judgment debt under section 9; or
- (ii) an amount agreed with the Minister under section 6(1)(a);
and
- (b) the person has preserved benefits under a superannuation scheme.’.
- (3) Section 11C(2) and (3)(b) and (c), ‘judgment debt’—
omit, insert—
‘debt’.

**PART 7—AMENDMENT OF SUPERANNUATION
(STATE PUBLIC SECTOR) ACT 1990**

	1
	2
Clause 25 Act amended in pt 7	3
This part amends the <i>Superannuation (State Public Sector) Act 1990</i> .	4
Clause 26 Amendment of s 3 (Establishment of board)	5
Section 3(3), ‘is’—	6
<i>omit, insert—</i>	7
‘is not’.	8
Clause 27 Amendment of s 10 (Establishment of fund)	9
(1) Section 10(1), from ‘subject’ to ‘division 2’—	10
<i>omit.</i>	11
(2) Section 10(2) to (4)—	12
<i>omit.</i>	13
Clause 28 Amendment of s 13 (Membership of scheme)	14
(1) Section 13(6), ‘is the spouse of a member of the scheme.’—	15
<i>omit, insert—</i>	16
‘is—	17
(a) the spouse of a member of the scheme; or	18
(b) an entitled former spouse.’.	19
(2) Section 13(11)—	20
<i>insert—</i>	21
‘ “entitled former spouse” means a person who is entitled or conditionally	22
entitled, under an agreement under the <i>Family Law Act 1975</i> (Cwlth)	23
or a court order under that Act, to payment of an amount from the	24
fund.’.	25

Clause 29	Amendment of s 13B (Continuation of eligibility for membership after ceasing to be an employee or spouse)	1 2
	(1) Section 13B, heading, ‘ or spouse ’—	3
	<i>omit, insert—</i>	4
	‘, spouse or entitled former spouse ’.	5
	(2) Section 13B(2), definition “contributory membership”, ‘or the spouse of a member’—	6 7
	<i>omit, insert—</i>	8
	‘, the spouse of a member or an entitled former spouse’.	9