

South Australia

Motor Vehicles (Compulsory Third Party Insurance) Amendment Act 2019

An Act to amend the *Motor Vehicles Act 1959*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Motor Vehicles (Compulsory Third Party Insurance) Amendment Act 2019*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 8—The register

Section 8—after subsection (2) insert:

- (3) The Registrar may, on the Registrar's own initiative or on application by any person, correct or alter the register if satisfied that an entry in the register is incorrect, incomplete or inaccurate.

5—Amendment of section 99—Interpretation

Section 99(1), definition of *transitional period*—delete the definition

6—Amendment of section 99A—Insurance premium to be paid on applications for registration

(1) Section 99A(2)—delete subsection (2) and substitute:

- (2) The approved insurer for a motor vehicle in respect of which an application for registration is made will be—
 - (a) in the case of an application to register a new motor vehicle—the approved insurer selected by the CTP Regulator in accordance with a scheme determined by the Minister; or
 - (b) in any other case—
 - (i) the approved insurer selected by the applicant for registration; or
 - (ii) if the applicant for registration fails to select an approved insurer—the approved insurer selected by the CTP Regulator in accordance with a scheme determined by the Minister.

(2) Section 99A(2a)(b)—delete paragraph (b) and substitute:

- (b) without limiting subsection (3), the approved insurer for the motor vehicle will be taken to be the approved insurer selected, as provided by subsection (2), in the person's most recent application for registration of the vehicle.

(3) Section 99A(9a)—delete subsection (9a) and substitute:

- (9a) If—
 - (a) a new motor vehicle is registered for a period of more than 3 months; and
 - (b) the registered owner of the vehicle, within the first 3 months in the period of registration of the vehicle, nominates an approved insurer other than the approved insurer selected by the CTP Regulator at the time of the application for registration of the vehicle,

the policy of insurance relating to the motor vehicle will, on the commencement of the fourth month in the period of the registration of the vehicle, be taken to have been transferred from the approved insurer selected by the CTP Regulator to the approved insurer nominated by the registered owner of the vehicle (and the approved insurer to whom the policy of insurance is transferred then becomes the insurer under the policy of insurance relating to that motor vehicle).

- (9b) If a policy of insurance is transferred under subsection (9a) from one approved insurer (the *old insurer*) to another approved insurer (the *new insurer*), the old insurer must pay to the new insurer the same proportion of the insurance premium received by the old insurer for the policy of insurance as the unexpired portion of the period for which the policy remains in force bears to the whole of the period for which the policy of insurance is effective under this Part (and the amount payable under this subsection may be recovered by the new insurer from the old insurer as a debt in any court of competent jurisdiction).
- (9c) A nomination under subsection (9a) must be made in a manner and form determined by the CTP Regulator.
- (4) Section 99A—after subsection (19) insert:
- (20) For the purposes of this section, a motor vehicle is a *new motor vehicle* if—
- (a) the vehicle has not previously been registered under this Act or the law of any other State or Territory of the Commonwealth; and
 - (b) less than 2 years have elapsed since the year and month in which the vehicle was manufactured.

7—Amendment of section 101—Approved insurers

Section 101(2) and (2a)—delete subsections (2) and (2a)

8—Substitution of section 129A

Section 129A—delete the section and substitute:

129A—Commissions and other financial benefits and inducements prohibited without Minister's approval

- (1) An approved insurer must not give, or offer to give, to any person, in respect of any policy of insurance, a commission, discount, gift, rebate or any other form of financial benefit or inducement.
- (2) Subsection (1) does not apply in relation to financial benefits or inducements of a class approved by the Minister from time to time.