

South Australia

Motor Accident Commission Act 1992

An Act to reconstitute the statutory authority formerly known as the State Government Insurance Commission as the Motor Accident Commission; to redefine its functions; and for other purposes.

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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 Accident Commission Act 1992*.

3—Interpretation

In this Act, unless the contrary intention appears—

board means the board of directors of the Commission;

Commission means the Motor Accident Commission;

Compulsory Third Party Fund means the Compulsory Third Party Fund established under Part 4;

compulsory third party insurance business means business relating to insurance required under Part 4 of the *Motor Vehicles Act 1959*;

director means a member of the board;

insurance business includes—

- (a) assurance, additional insurance, coinsurance, or reinsurance; and
- (b) the granting, issuing or entering into of guarantees, sureties or contracts of indemnity; and
- (c) any other activity or transaction—
 - (i) of a kind generally regarded by the insurance industry as constituting or forming part of insurance or insurance business; or
 - (ii) of a kind prescribed by regulation.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

Part 2—Continuation of Commission

4—Continuation of Commission

- (1) The *State Government Insurance Commission* continues (without change of its corporate identity) as the *Motor Accident Commission*.

- (2) The Commission—
 - (a) continues as the same body corporate;
 - (b) has perpetual succession and a common seal;
 - (c) is capable of suing and being sued in its corporate name;
 - (d) has the functions and powers assigned or conferred by or under this Act.
- (3) The Commission is an instrumentality of the Crown and holds its property on behalf of the Crown.

4A—Commission to behave as model litigant

- (1) The Commission must behave as a model litigant in the conduct of litigation.
- (2) Any model litigant guidelines applicable to the Crown Solicitor apply also to the Commission.

Part 3—Board of directors

5—Board of directors

- (1) The Commission is to have a board of directors.
- (2) The board is to be the governing body of the Commission and anything done by the board in the administration of the Commission's affairs is binding on the Commission.
- (3) The board is subject to direction by the Minister.

6—Composition of board

- (1) The board consists of not more than 10 and not less than 3 persons appointed by the Governor.
- (2) One of the directors will be appointed by the Governor to chair the board.
- (3) At least one of the directors must be a man and at least one must be a woman.
- (4) A director is to be appointed for a term (not exceeding three years) specified in the instrument of appointment and is, on the expiration of a term of office, eligible for reappointment.
- (5) The Governor may appoint a director to be the deputy of the director appointed to chair the board and the deputy may perform or exercise the functions and powers of that director in his or her absence.
- (6) The Governor may appoint a person to be a deputy of a director (other than the director appointed to chair the board) and the deputy may act as a director in the absence of that director.
- (7) The Governor may remove a director from office if—
 - (a) the instrument of appointment states that the director is appointed because of a specified qualification or capacity and the director ceases to hold the relevant qualification or capacity; or
 - (b) the director is liable to be removed from office under the terms of the director's appointment; or

- (c) the director is guilty of misconduct or fails to perform official duties satisfactorily.
- (8) The office of a director becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Minister; or
 - (d) is convicted of an indictable offence; or
 - (e) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - (f) is removed from office under subsection (7).
- (8a) All directors in office immediately before the commencement of this subsection vacate their respective offices on the commencement of this subsection.
- (9) On the office of a director becoming vacant, a person may be appointed in accordance with this section to the vacant office.

7—Procedures of board

- (1) Three directors constitute a quorum for a meeting of the board and no business may be transacted at a meeting of the board unless a quorum is present.
- (2) The director appointed to chair the board must chair meetings of the board at which he or she is present.
- (3) If the director appointed to chair the board is absent from a meeting of the board, the meeting must be chaired—
 - (a) where another director has been appointed as that director's deputy and is present at the meeting—by the deputy;
 - (b) in any other case—by a director chosen by the directors present at the meeting.
- (4) A decision carried by a majority of the votes cast by directors present at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has one vote on any question arising for decision and, if the votes are equal, the director chairing the meeting has a casting vote in addition to a deliberative vote.
- (6) A conference between directors constituting a quorum by telephone or audio-visual means is a valid meeting of the board if—
 - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
 - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A decision concurred in by directors otherwise than at a meeting of the board is a valid decision of the board if—
 - (a) notice of the terms of the decision proposed to be made has been given to all directors in the manner determined by the board for that purpose; and

- (b) a number of directors not less than that required for a quorum of the board have signified their concurrence in the decision by letter, telegram, telex, facsimile transmission or other method of written communication setting out the terms of the decision.
- (8) Subject to this Act, the board may determine its own procedures.
- (9) The board must have accurate minutes kept of its proceedings.

8—Vacancies or defects in appointment of directors

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

10—Remuneration

A director is entitled to such remuneration, allowances and expenses as may be determined by the Governor, including remuneration, allowances and expenses for membership of the governing body of a subsidiary of the Commission.

13—Delegation

- (1) The board may delegate any of its powers or functions.
- (2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (3) A delegation—
 - (a) may be made subject to conditions and limitations specified in the instrument of delegation; and
 - (b) is revocable at will and does not derogate from the power of the delegator to act in any matter.
- (4) A delegate must not act in any matter pursuant to the delegation in which the delegate has a direct or indirect pecuniary or personal interest.
Penalty: Division 5 fine or division 5 imprisonment.
- (5) It is a defence to a charge of an offence against subsection (4) to prove that the defendant was, at the time of the alleged offence, unaware of his or her interest in the matter.
- (6) In subsection (4)—

delegate includes a member of a body, or of the governing body of a company or other entity, to which any powers or functions of the board have been delegated.

Part 4—Operations of Commission

13A—Sufficient level of solvency

For the purposes of this Part, the Compulsory Third Party Fund has a *sufficient level of solvency* if the amount in the Fund equals or exceeds an amount calculated in accordance with the formula determined from time to time by the Treasurer for the purpose and published in the Gazette, being a formula designed to ensure that the Fund is able to meet all its reasonably estimated liabilities as they fall due.

14—Functions and objectives of Commission

- (1) The functions of the Commission are—
 - (a) to provide policies of compulsory third party insurance under Part 4 of the *Motor Vehicles Act 1959*, and to be the sole approved insurer under that Part until such time as the Minister responsible for the administration of that Act forms the view that it would be in the best interests of the State to invite and approve other persons or bodies of persons to be insurers under that Part;
 - (b) to maintain the Compulsory Third Party Fund;
 - (c) to perform the functions of the nominal defendant while the Commission holds that office under Part 4 of the *Motor Vehicles Act 1959*;
 - (d) to provide financial or other support for and promote programs designed to reduce the incidence or impact of road accidents and road accident injuries;
 - (e) to carry on any other residual insurance business arising from its earlier operations as the State Government Insurance Commission (but only in order to wind up that business);
 - (f) to perform any functions of a kind prescribed by regulation;
 - (g) to perform any functions that are necessary or convenient for or incidental to the performance of functions referred to above.
- (2) The Commission may perform its functions within or outside the State.
- (3) The principal objectives of the Commission in providing compulsory third party insurance are—
 - (a) to achieve and maintain a sufficient level of solvency in the Compulsory Third Party Fund; and
 - (b) to minimise premium charges having regard to the Commission's objective of achieving and maintaining a sufficient level of solvency in the Fund; and
 - (c) to deal with claims for compensation in accordance with law as expeditiously as possible; and
 - (d) to encourage early and appropriate treatment and rehabilitation for people who suffer road accident injuries in respect of which the Commission bears financial responsibility under the policies of compulsory third party insurance referred to in subsection (1).

14A—Non-application of *Government Business Enterprises (Competition) Act 1996*

The *Government Business Enterprises (Competition) Act 1996* does not apply to the Commission or to any activity of the Commission.

15—Powers of Commission

Subject to any limitations imposed by or under this Act, the Commission has all the powers of a natural person.

16—Common seal and execution of documents

- (1) A document is duly executed by the Commission if—
 - (a) the common seal of the Commission is affixed to the document in accordance with this section; or
 - (b) the document is signed on behalf of the Commission by a person or persons in accordance with authority conferred under this section.
- (2) The common seal of the Commission must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of two directors.
- (3) The Commission may, by instrument under its common seal, authorise a director, an employee of the Commission (whether nominated by name or by office or title) or any other person to execute documents on behalf of the Commission subject to conditions and limitations (if any) specified in the instrument of authority.
- (4) Without limiting subsection (3), an authority may be given so as to authorise two or more persons to execute documents jointly on behalf of the Commission.

17—Validity of transactions of Commission

- (1) Subject to subsection (2), a transaction to which the Commission is a party or apparently a party (whether made or apparently made under the Commission's common seal or by a person with authority to bind the Commission) is not invalid because of—
 - (a) any deficiency of power on the part of the Commission;
 - (b) any procedural irregularity on the part of the board or any director, employee or agent of the Commission;
 - (c) any procedural irregularity affecting the appointment of a director, employee or agent of the Commission.
- (2) This section does not validate a transaction in favour of a party—
 - (a) who enters into the transaction with actual knowledge of the deficiency or irregularity; or
 - (b) who has a connection or relationship with the Commission such that the person ought to know of the deficiency or irregularity.

18—Commission's charter

- (1) The Minister must, in consultation with the board, prepare a charter for the Commission.
- (2) The charter must deal with the following matters:
 - (a) the nature and scope of the activities to be undertaken, including—
 - (i) the nature and scope of the investment activities to be undertaken in respect of money of the Compulsory Third Party Fund and other money held by the Commission;
 - (ii) the nature and scope of any activities or transactions outside the State;

- (iii) the nature and scope of the activities or transactions that may be undertaken by subsidiaries of the Commission, by other companies or entities related to the Commission or by the Commission in partnership or under any arrangement for sharing of profits, co-operation or joint venture with another person; and
 - (b) all requirements of the Minister or the Treasurer as to—
 - (i) the Commission's obligations to report on its operations;
 - (ii) the form and contents of the Commission's accounts and financial statements;
 - (iii) any financial, accounting or internal auditing practices or procedures to be observed by the Commission.
- (3) The charter may—
 - (a) limit the functions or powers of the Commission otherwise provided by this Act;
 - (b) deal with any other matter not specifically referred to in subsection (2).
- (4) The Minister must, in consultation with the board, review the charter—
 - (a) on the commencement of this subsection; and
 - (b) at the end of each financial year.
- (5) The Minister may, in consultation with the board, amend the charter at any time.
- (6) The charter or any amendment to the charter comes into force and is binding on the Commission on a day determined by the Minister and specified in the charter or amendment.
- (7) On the charter or an amendment to the charter coming into force, the Minister must—
 - (a) within six sitting days, cause a copy of the charter, or the charter in its amended form, to be laid before both Houses of Parliament; and
 - (b) within 14 days (unless such a copy is sooner laid before both Houses of Parliament under paragraph (a)), cause a copy of the charter, or the charter in its amended form, to be presented to the Economic and Finance Committee of the Parliament.

19—Advances by Treasurer

- (1) The Treasurer may advance money to the Commission (by way of grant or loan) on terms and conditions determined by the Treasurer in consultation with the board.
- (2) An amount advanced to the Commission under subsection (1) will be paid out of the Consolidated Account which is appropriated by this section to the necessary extent.

20—Borrowing and security for loans

Except as approved by the Treasurer, the Commission may not borrow money or give security for the repayment of a loan.

21—Guarantee

- (1) The liabilities of the Commission are guaranteed by the Treasurer.

- (2) A liability of the Treasurer arising by virtue of a guarantee under subsection (1) will be satisfied out of the Consolidated Account which is appropriated by this section to the necessary extent.
- (3) The Treasurer may, from time to time, after consultation with the board, fix charges to be paid by the Commission in respect of the guarantee provided under this section and determine the times and manner of their payment.

23—Tax and other liabilities of Commission

- (1) The Commission is liable to all such rates, duties, taxes and imposts and has all such other liabilities and duties as would apply under the law of the State if the Commission were not constituted by this Act and were not an instrumentality of the Crown.
- (2) The Commission is liable to pay to the Treasurer, for the credit of the Consolidated Account, such amounts as the Treasurer from time to time determines to be equivalent to taxes or imposts (other than income tax) that the Commission does not pay to the Commonwealth but would be liable to pay under the law of the Commonwealth if it were constituted and organised in such manner as the Treasurer determines to be appropriate for the purposes of this subsection as a public company or group of public companies carrying on the business carried on by the Commission.
- (3) Amounts determined by the Treasurer to be payable under subsection (2) must be paid by the Commission at the times and in the manner determined by the Treasurer.

24—Restraint of trade or commerce

- (1) The Commission must not, without the approval of the Minister, make a contract or arrangement or enter into an understanding in restraint of trade or commerce.
- (2) The Commission must not, without the approval of the Minister—
 - (a) supply any service;
 - (b) charge a price for any service;
 - (c) give or allow a discount, allowance, rebate or credit in relation to the supply of any service,on the condition, or subject to a contract, arrangement or understanding, that the person to whom the Commission supplies the service will not, or will to a limited extent only, obtain services of a similar kind from a competitor of the Commission.
- (3) The Commission must not discriminate between purchasers of like services in relation to—
 - (a) the price charged by the Commission for those services;
 - (b) any discounts, allowances, rebates or credits given in relation to the supply of those services;
 - (c) the method of payments for those services,if the nature of that discrimination is likely to have the effect of substantially lessening competition in the market for services of a similar kind.
- (4) Where the Minister gives an approval under subsection (1) or subsection (2), the Minister must forthwith publish in the Gazette notice of that approval setting out with reasonable particularity the matter approved of and the reasons for the approval.

25—Special fund for compulsory third party insurance

- (1) The Commission must establish a Compulsory Third Party Fund to be maintained as a separate fund for the Commission's compulsory third party insurance business.
- (3) The Commission must seek to achieve and maintain at all times a sufficient level of solvency in the Fund.
- (3a) Subject to any direction of the Treasurer to the contrary, the Commission must not, while there is less than a sufficient level of solvency in the Fund, fix its third party insurance premiums at amounts that are less than those determined by the committee appointed under section 129 of the *Motor Vehicles Act 1959*.
- (4) The Fund is to consist of—
 - (a) all income of the Commission derived from compulsory third party insurance business; and
 - (ab) all income of the Commission derived from fines for offences against Part 4 of the *Motor Vehicles Act 1959* prosecuted by the Commission; and
 - (b) all income of the Commission derived from or attributable to investment of money from the Fund; and
 - (c) all amounts paid to the Commission by the Treasurer for payment into the Fund; and
 - (d) any other amount that the Commission pays to the Fund.
- (5) The Fund may be applied only—
 - (a) in payments made for the purposes of the compulsory third party insurance business; and
 - (b) in investments authorised under this Act; and
 - (c) in payment of the proportion of the Commission's costs determined by the Commission to be referable to its compulsory third party insurance business; and
 - (d) in making payments that the Treasurer requires to be made from the Fund under this Act; and
 - (e) in making payments approved by the Minister responsible for the administration of the *Motor Vehicles Act 1959* and the Treasurer to cover the administrative costs and expenses (including members' allowances and expenses) reasonably incurred by the committee appointed under section 129 of that Act in carrying out its functions.
- (5a) The Commission—
 - (a) may, where it considers it appropriate to do so, by agreement with a claimant, pay the whole or part of any amount of compensation payable to the claimant under a policy of third party insurance in periodic payments, by way of an annuity or otherwise, instead of in a lump sum; and
 - (b) may provide any investment or other incidental services for the purpose.
- (6) The Commission must, in managing its investment of money from the Fund, give due consideration to investment opportunities in or for the benefit of South Australia.

- (7) Subject to this Act, money must not be lent or transferred from the Fund to another fund or account of the Commission.
- (8) However, this section does not prevent the Commission—
 - (a) from managing the investment of the Fund by combining the money or investments of the Fund with other money or investments of the Commission;
 - (b) from keeping money of the Fund in a single ADI account together with other money of the Commission and, in the course of operation of the account—
 - (i) from allowing the Fund to be in temporary deficit; or
 - (ii) from allowing the Fund to be temporarily debited to meet payments required to be made for business of the Commission other than the business for which the Fund is established.

26—Requirement by Treasurer for payment from surplus

- (2) Where it appears from the audited accounts of the Commission that a surplus exists in the Compulsory Third Party Fund, the Commission must, if the Treasurer so requires, pay to the Treasurer or, as the Treasurer directs, otherwise deal with such part of the surplus as the Treasurer determines in consultation with the board and having regard to the obligation of the Commission to seek to achieve and maintain a sufficient level of solvency in the Fund.

28—Accounts and audit

- (1) The board must cause proper accounts to be kept of the Commission's financial affairs and financial statements to be prepared in respect of each financial year.
- (2) The accounts and financial statements must comply with the requirements of the Treasurer contained in the Commission's charter.
- (3) The Auditor-General may at any time, and must in respect of each financial year, audit the accounts and financial statements of the Commission.

29—Annual report

- (1) The board must, on or before 30 September in each year, deliver to the Minister a report on the operations of the Commission during the preceding financial year.
- (2) The report must—
 - (a) incorporate the audited accounts and financial statements for the financial year; and
 - (b) incorporate the Commission's charter as for the time being in force and set out any amendments to the charter made during the financial year; and
 - (c) set out any directions given to the board by the Minister that are not contained in the Commission's charter; and
 - (d) set out details of any approval given by the Treasurer during the financial year in respect of any borrowing by the Commission or any security given by the Commission for the repayment of a loan; and
 - (e) set out details of any approval given by the Minister during the financial year in respect of a contract, arrangement or understanding in restraint of trade or commerce or any other transaction referred to in section 24; and

- (f) set out the current formula determined by the Treasurer for calculating the sufficient level of solvency for the purposes of the Compulsory Third Party Fund.
- (3) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after his or her receipt of the report.

Part 5—Miscellaneous

29A—Staff

- (1) The Commission's employees are not Public Service employees.
- (2) However, the Commission may, with the approval of the Minister administering an administrative unit of the Public Service, on terms mutually arranged, make use of the services of persons employed in the administrative unit.
- (3) The Commission is declared not to be a national system employer for the purposes of the *Fair Work Act 2009* of the Commonwealth.

29B—Prosecution of offences under Part 4 of *Motor Vehicles Act 1959*

- (1) The Commission may, while it is the sole approved insurer under Part 4 of the *Motor Vehicles Act 1959*, lay a charge for, or prosecute, an offence against that Part.
- (2) A fine recovered for an offence under Part 4 of the *Motor Vehicles Act 1959* prosecuted by the Commission is payable to the Commission.

30—Regulations

The Governor may make such regulations as are contemplated by this Act or necessary or expedient for the purposes of this Act.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Formerly

State Government Insurance Commission Act 1992

Legislation repealed by principal Act

The *Motor Accident Commission Act 1992* repealed the following:

State Government Insurance Commission Act 1970

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1992	39	<i>State Government Insurance Commission Act 1992</i>	21.5.1992	30.6.1992 (<i>Gazette</i> 25.6.1992 p1883)
1995	4	<i>State Government Insurance Commission (Preparation for Restructuring) Amendment Act 1995</i>	2.3.1995	23.3.1995 (<i>Gazette</i> 23.3.1995 p986)
1995	47	<i>SGIC (Sale) Act 1995</i>	22.6.1995	Sch 1—1.7.1995 (<i>Gazette</i> 29.6.1995 p2972)
1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch (item 35)—1.7.1999 being the date specified under s 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act: s 2(2)
2001	23	<i>Statutes Amendment (Corporations) Act 2001</i>	14.6.2001	Pt 23 (s 87)—15.7.2001 being the day on which the <i>Corporations Act 2001</i> of the Commonwealth came into operation: <i>Commonwealth of Australia Gazette</i> No. S 285, 13 July 2001 (<i>Gazette</i> 21.6.2001 p2270)
2002	17	<i>Statutes Amendment (Third Party Bodily Injury Insurance) Act 2002</i>	12.9.2002	Pt 2—3.10.2002 (<i>Gazette</i> 3.10.2002 p3578) except s 8—1.7.2001: s 2(2)

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2009	58	<i>Statutes Amendment (National Industrial Relations System) Act 2009</i>	26.11.2009	Pt 8 (s 36)—1.1.2010 (<i>Gazette 17.12.2009 p6351</i>)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 93 (ss 215 & 216)—1.2.2010 (<i>Gazette 28.1.2010 p320</i>)
2013	15	<i>Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013</i>	23.5.2013	Sch 2 (cl 9, 10 & 23)—1.7.2013 (<i>Gazette 20.6.2013 p2629</i>)
2016	16	<i>Compulsory Third Party Insurance Regulation Act 2016</i>	21.4.2016	Sch 1 (cll 2—9)—1.7.2016 (<i>Gazette 12.5.2016 p1445</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	substituted by 47/1995 Sch 1 cl (a)	1.7.1995
Pt 1		
s 1	substituted by 47/1995 Sch 1 cl (b)	1.7.1995
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3	substituted by 47/1995 Sch 1 cl (c)	1.7.1995
Pt 2		
s 4		
s 4(1)	substituted by 47/1995 Sch 1 cl (d)	1.7.1995
s 4A	inserted by 15/2013 Sch 2 cl 9	1.7.2013
Pt 3		
s 5		
s 5(4)	<i>deleted by 47/1995 Sch 1 cl (e)</i>	<i>1.7.1995</i>
s 6		
s 6(1)	substituted by 47/1995 Sch 1 cl (f)	1.7.1995
s 6(3)	substituted by 47/1995 Sch 1 cl (g)	1.7.1995
s 6(7)	substituted by 47/1995 Sch 1 cl (h)	1.7.1995
s 6(8a)	inserted by 47/1995 Sch 1 cl (i)	1.7.1995
s 7		
s 7(1)	amended by 47/1995 Sch 1 cl (j)	1.7.1995
s 9	<i>deleted by 84/2009 s 215</i>	<i>1.2.2010</i>
ss 11 and 12	<i>deleted by 84/2009 s 216</i>	<i>1.2.2010</i>
Pt 4		
s 13A	inserted by 17/2002 s 4	3.10.2002
s 14		
s 14(1)	substituted by 17/2002 s 5(a)	3.10.2002
s 14(3)	deleted by 47/1995 Sch 1 cl (k)	1.7.1995
	inserted by 17/2002 s 5(b)	3.10.2002
	amended by 15/2013 Sch 2 cl 10	1.7.2013
s 14A	inserted by 17/2002 s 6	3.10.2002

s 18		
s 18(2)	amended by 47/1995 Sch 1 cl (l)	1.7.1995
s 18(4)	substituted by 47/1995 Sch 1 cl (m)	1.7.1995
s 22	<i>deleted by 17/2002 s 7</i>	3.10.2002
s 23		
s 23(2)	amended by 17/2002 s 8	3.10.2002
s 25	substituted by 47/1995 Sch 1 cl (n)	1.7.1995
s 25(2)	<i>deleted by 17/2002 s 9(a)</i>	3.10.2002
s 25(3)	substituted by 17/2002 s 9(b)	3.10.2002
s 25(3a)	inserted by 17/2002 s 9(b)	3.10.2002
s 25(4)	amended by 17/2002 s 9(c)	3.10.2002
s 25(5)	amended by 17/2002 s 9(d)	3.10.2002
s 25(5a)	inserted by 17/2002 s 9(e)	3.10.2002
s 25(8)	amended by 33/1999 Sch (item 35)	1.7.1999
s 26		
s 26(1)	<i>deleted by 17/2002 s 10(a)</i>	3.10.2002
s 26(2)	amended by 47/1995 Sch 1 cl (o)	1.7.1995
	amended by 17/2002 s 10(b)	3.10.2002
s 27	<i>deleted by 47/1995 Sch 1 cl (p)</i>	1.7.1995
s 29		
s 29(2)	amended by 17/2002 s 11	3.10.2002
Pt 5		
s 29A	inserted by 47/1995 Sch 1 cl (q)	1.7.1995
s 29A(3)	inserted by 58/2009 s 36	1.1.2010
s 29B	inserted by 17/2002 s 12	3.10.2002
Pt 6	<i>inserted by 4/1995 s 3</i>	23.3.1995
	<i>amended by 47/1995 Sch 1 cl (r)—(t)</i>	1.7.1995
	<i>amended by 23/2001 s 87</i>	15.7.2001
	<i>deleted by 17/2002 s 13</i>	3.10.2002
Sch	<i>deleted by 17/2002 s 14</i>	3.10.2002

Transitional etc provisions associated with Act or amendments

Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013, Sch 2

23—Contribution to liabilities of Authority—transitional provisions

- (1) The Treasurer may, after consultation with MAC and the Authority, determine an amount that (in the opinion of the Treasurer) represents the amount derived by MAC from premiums in respect of policies of insurance under Part 4 of the *Motor Vehicles Act 1959* in respect of any treatment, care and support needs of persons who become participants in the Scheme under this Act after the commencement of the Scheme and the commencement of section 58A of the *Civil Liability Act 1936* (as inserted by this Act), including so as to provide an amount with respect to unexpended risk reserves held by MAC that are attributable to road accidents for which provision is made but for which liability does not eventually arise.

- (2) The Treasurer may make a determination under subclause (1)—
- (a) in respect of past and future premiums payable under Part 4 of the *Motor Vehicles Act 1959* (applying such estimates as the Treasurer thinks fit); and
 - (b) on the basis of—
 - (i) estimates with respect to reductions in the liability and financial requirements of MAC in the future; and
 - (ii) estimates with respect to the liabilities and financial requirements of the Authority under this Act in the future,
 and after taking into account such other matters as the Treasurer thinks fit.
- (3) An amount determined by the Treasurer under subclause (1) will be payable by MAC (from out of the Compulsory Third Party Fund established under Part 4 of the *Motor Accident Commission Act 1992*) to the Authority (for payment into the Lifetime Support Scheme Fund established under Part 7 of this Act) at a time determined by the Treasurer after consultation with MAC and the Authority.
- (4) This clause operates despite any provision in the *Motor Accident Commission Act 1992* about payments into or out of the Compulsory Third Party Fund.
- (5) In this clause—
- MAC** means the Motor Accident Commission.

Historical versions

Reprint No 1—23.3.1995

Reprint No 2—1.7.1995

Reprint No 3—1.7.1999

Reprint No 4—15.7.2001

Reprint No 5—3.10.2002

1.1.2010

1.2.2010

Appendix—Divisional penalties and expiation fees

At the date of publication of this version divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150

1.7.2013 to 30.6.2016—Motor Accident Commission Act 1992
Divisional penalties and expiation fees—Appendix

Division	Maximum imprisonment	Maximum fine	Expiation fee
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

Note: This appendix is provided for convenience of reference only.