



**MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION)
(TEMPORARY PROVISIONS)**

No. 29 of 1974

ANALYSIS

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AN ACT to make provision for the transference to the Motor Accidents Insurance Board of certain rights, liabilities, and obligations arising under policies of insurance issued for the purposes of Part VII of the Traffic Act 1925; to limit the operation of that Act to a certain period; and to make provision for matters consequential and incidental thereto.

[5 June 1974]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Motor Accidents (Liabilities and Compensation) (Temporary Provisions) Act 1974*.

Short title and citation.

(2) The *Motor Accidents (Liabilities and Compensation) Act 1973* is in this Act referred to as the Principal Act.

Interpretation.

2 Words and expressions used in this Act have, unless the contrary intention appears, the same meanings as they have for the purposes of the Principal Act.

Relief of
third party
insurers from
certain
liabilities.

3—(1) Notwithstanding anything in the *Traffic Act 1925*, in respect of accidents occurring on or after 1st October 1974, the Board has, to the exclusion of the insurer, all the rights, obligations, and liabilities of that insurer under policies of insurance issued for the purposes of Part VII of the *Traffic Act 1925*; and, accordingly, those policies and those Acts have effect as if the Board were the insurer under those policies.

(2) Where, on 1st October, there is in force such a policy as is referred to in subsection (1) there becomes payable to the Board by the insurer a sum calculated in such manner as may be prescribed by reference to the amount of the premium paid in respect of the policy and the length of the period commencing on that day during which the policy would remain in force, assuming it is not cancelled, avoided or surrendered.

(3) All premiums paid in respect of such policies as are referred to in subsection (1) that are issued by an insurer on or after 1st October 1974 shall be deemed to have been received on behalf of the Board and shall, accordingly be paid over to the Board.

Limitation of
period of
operation of
Principal Act.

4—(1) The Principal Act has effect subject to this section; and, for the purposes of this section, the “operative period” means the period of three years commencing on the appointed day.

(2) The Board is not bound, and is not empowered, under the Principal Act to indemnify any person in respect of any liability arising from an accident that occurs after the expiration of the operative period, and no scheduled benefits are payable in respect of the death of, or any bodily injury suffered by, a person as the result of such an accident.

(3) Section 29 of the Principal Act ceases to have effect at the expiration of the operative period; but where, during that period, a premium becomes payable to afford cover in respect of a motor vehicle the amount of that premium and the period for which the cover is required to be afforded shall be determined as if this section had not been enacted.

(4) Where a premium has been paid in respect of a motor vehicle to afford cover for a period extending beyond the end of the operative period there shall be refunded to the registered owner of that vehicle, or to such other person as may be prescribed, a sum of an amount that bears the same proportion to the amount of that premium as the length of so much of the period for which the cover was afforded as extends beyond the end of the operative period bears to the whole length of the period for which the cover was afforded; and section 33 of the Principal Act applies to refunds made under this subsection as it applies to the refunds referred to in that section.

(5) During the operative period the Premiums Board shall exercise its functions as if this section had not been enacted, but it is not, under section 11 (2) of the Principal Act, required to submit any report or recommendations to the Minister during any period following the expiration of the operative period.

(6) Sections 21 and 22 of the Principal Act do not apply to any accident that occurs after the end of the operative period.

(7) After the end of the operative period the Acts amended by virtue of section 35 of the Principal Act have effect as if they had not been so amended.