

## TASMANIA

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# **MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION) AMENDMENT BILL 2015**

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# **MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION) AMENDMENT BILL 2015**

This Public Bill originated in the Legislative Council, and, having this day passed, is now ready for presentation to the House of Assembly for its concurrence.

D. T. Pearce, *Clerk of the Council*  
20 August 2015

*(Brought in by the Minister for Justice, the Honourable Dr  
Vanessa Goodwin)*

## **A BILL FOR**

**An Act to amend the *Motor Accidents (Liabilities and  
Compensation) Act 1973***

Be it enacted by Her 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. Short title**

This Act may be cited as the *Motor Accidents (Liabilities and Compensation) Amendment Act 2015*.

### **2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

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**3. Principal Act**

In this Act, the *Motor Accidents (Liabilities and Compensation) Act 1973*\* is referred to as the Principal Act.

**4. Section 12 amended (The Motor Accidents Compensation Tribunal)**

Section 12 of the Principal Act is amended as follows:

- (a) by omitting subsection (2A) and substituting the following subsection:

(2A) A person is not qualified for appointment as a member of the Tribunal unless –

- (a) he or she holds the office of a judge, a magistrate, or the Associate Judge of the Supreme Court; or
  - (b) he or she is an Australian lawyer of not less than 5 years' standing as an Australian legal practitioner.
- (b) by omitting from subsection (5) “he” three times occurring and substituting “he or she”.

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\*No. 71 of 1973

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**5. Section 12A inserted**

After section 12 of the Principal Act, the following section is inserted in Division II:

**12A. Terms of appointment**

- (1) Unless otherwise specified in this Act, a member of the Tribunal is appointed and holds office on the terms and conditions as specified in his or her instrument of appointment.
- (2) A member of the Tribunal –
  - (a) may be appointed for such term, not exceeding 5 years, as is specified in his or her instrument of appointment; and
  - (b) may, if eligible, be reappointed.
- (3) A member of the Tribunal ceases to hold office as a member if –
  - (a) the member ceases to be a judge, a magistrate, the Associate Judge of the Supreme Court, or an Australian lawyer, whichever is the applicable qualification specified in section 12(2A); or
  - (b) the member dies or becomes bankrupt; or
  - (c) the Governor is satisfied that the person is unable to competently

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perform the duties of a member;  
or

- (d) the member is convicted of a crime, or an offence, that is punishable by a term of imprisonment of 12 months or more; or
  - (e) the member is absent from the office of member for a period of 14 days or more for reasons other than illness or leave that has been approved by the Minister; or
  - (f) the member submits a signed letter of resignation to the Governor.
- (4) The Governor may remove a member of the Tribunal from the office of member if the Governor is satisfied that there has been misbehaviour, neglect of duty, or incompetence, by the member.

## **6. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.