

TASMANIA

MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION) AMENDMENT BILL 2015

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MOTOR ACCIDENTS (LIABILITIES AND COMPENSATION) AMENDMENT BILL 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.

3. Principal Act

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

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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”.

5. Section 12A inserted

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

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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 perform the duties of a member; or

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- (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.