

Serial 43
Motor Vehicles Amendment Bill 2006
Mr Stirling

**A BILL
for
AN ACT**

to amend the *Motor Vehicles Act*

NORTHERN TERRITORY OF AUSTRALIA
MOTOR VEHICLES AMENDMENT ACT 2006

Act No. [] of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2006

AN ACT

to amend the *Motor Vehicles Act*

[Assented to 2006]
[Second reading 2006]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Motor Vehicles Amendment Act 2006*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Act amended

This Act amends the *Motor Vehicles Act*.

4. Repeal and substitution of section 44

Section 44

repeal, substitute

Division 1 – Preliminary matters

44. Definitions

In this Part:

"Commissioner" means the person holding or occupying the office of Compensation Contributions Commissioner mentioned in section 49A(1);

"Minister" means the minister administering the *Territory Insurance Office Act*.

Division 2 – Payment of compensation contributions

5. Repeal and substitution of section 47

Section 47

repeal, substitute

47. Notice specifying compensation contributions

(1) The Commissioner may, by notice in the *Gazette*, specify the amount of compensation contributions payable on and after the date specified in the notice for any of the following:

- (a) the grant or renewal of the registration of a motor vehicle;
- (b) the grant or renewal of a pastoral vehicle permit;
- (c) the grant of an exemption from registration of a visiting motor vehicle under section 8A;
- (d) the grant of a licence under section 137;
- (e) the issuing of a trader's plate;
- (f) an application for registration or re-registration under the *Interstate Road Transport Act 1985* (Cth) of a motor vehicle or trailer.

(2) Sections 47A and 47B apply in relation to determining and specifying the amount.

(3) However, the notice is not invalid merely because of a failure to comply with section 47B.

47A. Parameters for compensation contributions

An amount specified under section 47 must be within the parameters prescribed by regulation.

47B. Determining compensation contributions

(1) Before specifying an amount under section 47, the Commissioner must, by written notice, ask the Office for a recommendation about the proposed amount.

(2) The Office must, within the reasonable period stated in the notice:

(a) prepare a recommendation having regard to the materials and matters prescribed by regulation; and

(b) give the Commissioner:

(i) the recommendation; and

(ii) copies of the materials mentioned in paragraph (a); and

(iii) other information requested by the Commissioner that is relevant to determining the amount and in the possession of the Office.

(3) In determining the amount, the Commissioner must have regard to:

(a) the recommendation and other materials given to the Commissioner by the Office under subsection (2)(b); and

(b) the matters prescribed by regulation.

(4) The Commissioner must give written notice to the Minister and the Office:

(a) stating the amount the Commissioner proposes to specify under section 47; and

(b) stating the details of the basis for the determination of the proposed amount; and

(c) stating the reasons for variations from the Office's recommendation; and

(d) inviting comments in relation to the proposed amount; and

(e) stating the reasonable period for making comments.

(5) In determining the amount, the Commissioner must have regard to comments made in accordance with the notice.

47C. Review by Commissioner

(1) The Minister may at any time require the Commissioner to review a matter arising from the compensation scheme under the *Motor Accidents (Compensation) Act*.

(2) The Commissioner must comply with the requirement.

(3) Without limiting subsection (1), the requirement may relate to any of the following:

- (a) a benefit payable under the scheme;
- (b) the design of the scheme;
- (c) the contribution structure for the scheme (for example, the proportion of the contribution by the Territory, or any of the amounts mentioned in section 47(1), to the overall contribution for the scheme).

6. New Part V, Division 3

After section 49

insert

Division 3 – Compensation Contributions Commissioner

49A. Appointment

(1) The Minister must appoint a person to be the Compensation Contributions Commissioner.

(2) The appointment must be in writing.

(3) A person who is a Chief Executive Officer, or an employee, within the meaning of the *Public Sector Employment and Management Act* is ineligible for appointment as the Commissioner.

49B. Terms and conditions

The Commissioner holds office on the terms and conditions (including as to remuneration, allowances and other entitlements) determined by the Minister.

49C. Resignation

The Commissioner may resign office by written notice given to the Minister.
