

2012

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (THIRD-PARTY INSURANCE)
AMENDMENT BILL 2012**

EXPLANATORY STATEMENT

**Presented by
Mr Andrew Barr MLA
Treasurer**

Road Transport (Third-Party Insurance) Amendment Bill 2012

Outline

The purpose of the Road Transport (Third-Party Insurance) Amendment Bill 2012 (Bill) is to resolve two minor issues arising out of the Legislative Assembly (Assembly) debate of the *Road Transport (Third-Party Insurance) Amendment Act 2012* (Amending Act). This Bill is necessary to allow the Amending Act to come into full force upon its 1 January 2013 commencement.

Detailed explanation

Clauses 1-3

These clauses set out the name of the Act; the commencement date and the legislation amended by the Act.

Specifically, the Act is to commence on the day the Amending Act commences.

Clause 4

This clause is intended to resolve an unintended internal inconsistency within the Amendment Act.

During debate of the Amending Act, two sets of amendments were passed by the Assembly relating to the timeframe in which an injured person may claim \$5,000 early payment for medical expenses. These provisions are in direct conflict and cannot be reconciled each within the other. By omitting sections 7 and 8 of the Amending Act, this clause confirms the Assembly's intention to allow claimants an extended 30 working days to claim the early payment.

Clause 5

The purpose of this clause is to reinstate a clause inadvertently negated during the Amending Act debate.

This clause served to preserve the existing rights of claimants from operation of the Amending Act until its date of commencement. Its omission from the Amending Act was seemingly in error. It does not appear that the Assembly's intention was to rely on the fall-back provisions of the *Legislation Act 2001* that existing claims are not subject to the Amending Act.