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OPP--OPPOSITION

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LEGISLATIVE COUNCIL

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Motor Accident Injuries Bill 2017

First print

Proposed amendments

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- No. 1 **Minor injuries**
Page 7, clause 1.6, lines 20–24. Omit all words on those lines.
 - No. 2 **Premiums**
Page 19, clause 2.25, line 27. Omit “greater or”.
 - No. 3 **Premiums**
Page 19, clause 2.25. Insert after line 27:
 - (b) must be undertaken if the average realised profits of insurers for 1 or more years are greater than the average filed profits of insurers by 8% or more of the average filed profits, and
 - No. 4 **Premiums**
Page 19, clause 2.25, line 29. Omit “greater or”.
 - No. 5 **Premiums**
Page 19, clause 2.25. Insert after line 44:
 - (4) If, as a result of the exercise of a function under this section, the Authority determines that the underwriting profits of insurers are excess profits, the Authority must:
 - (a) take action to make adjustments to avoid those excess profits, and
 - (b) following any adjustment of Fund levies under Division 10.4 to avoid excess profits, direct insurers under subsection (3) to make payments to the Motor Accidents Operational Fund under that Division corresponding to any reduction in Fund levies otherwise payable.
 - No. 6 **CTP Insurance Monitor**
Page 20. Insert after line 40:
 - 2.27 CTP Insurance Monitor**
 - (1) The *Emergency Services Levy Insurance Monitor Act 2016* applies to or in respect of insurance premiums for third party policies in the same way that it applies to or in respect of prices for the issue of regulated contracts of insurance.

- (2) For that purpose, the Emergency Services Levy Insurance Monitor appointed under the *Emergency Services Levy Insurance Monitor Act 2016* has the same functions in relation to the monitoring and investigation of conduct of insurers and insurance premiums for third party policies as the Monitor has in relation to the monitoring and investigation of prohibited conduct and prices for the issue of regulated contracts of insurance under that Act.
- (3) The *Emergency Services Levy Insurance Monitor Act 2016* is not repealed by the operation of section 79 of that Act. However, on and from 1 January 2019, the Emergency Services Levy Insurance Monitor ceases to have functions in relation to the emergency services levy reform.
- (4) The Emergency Services Levy Insurance Monitor is, in the exercise of functions conferred by this section, to be known as the *CTP Insurance Monitor*.
- (5) If the CTP Insurance Monitor is of the opinion that, having regard to actuarial advice and to other relevant information available to the Monitor, the average realised underwriting profits of insurers for one or more years exceed by more than 8% the estimated underwriting profit on which premiums filed under this Division are based, the Monitor is to direct the Authority to reject the premium under section 2.22 (Rejection of premiums by Authority). The Authority is to give effect to the direction.
- (6) The CTP Insurance Monitor may require the Authority to provide to the Monitor any information held by the Authority that is reasonably necessary to assist in the exercise of the Monitor's functions under this section.
- (7) The CTP Insurance Monitor is to prepare an annual report on the setting of premiums and the underwriting profits of insurers during the preceding 12 months.
- (8) Each such report is to be given to the Minister and tabled in each House of Parliament.

No. 7 **Internal review**

Page 73, clause 7.1, lines 7 and 8. Omit all words on those lines.

* **Internal review**

Page 75, Division 7.3. [Vote "No" to the Question that the Division as read stand part of the Bill].

No. 8 **Internal review**

Page 76, clause 7.10, lines 6 and 7. Omit all words on those lines.

* **Internal review**

Page 76, clause 7.11. [Vote "No" to the Question that the clause as read stand part of the Bill].

No. 9 **Internal review**

Page 77, clause 7.15, line 40. Omit "internal review or".

No. 10 **Internal review**

Page 78, clause 7.15, lines 9 and 10. Omit "an internal review or".

No. 11 **Internal review**

Page 78, clause 7.15, line 11. Omit "internal review or".

No. 12 **Internal review**

Page 78, clause 7.16, lines 26 and 27. Omit "internal review or".

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- No. 13 **Internal review**
Page 78, clause 7.17, line 35. Omit “request an internal review or”.
- No. 14 **Internal review**
Page 78, clause 7.17, lines 36 and 37. Omit “an internal review or”.
- * **Internal review**
Page 79, clause 7.20. [Vote “No” to the Question that the clause as read stand part of the Bill].
- * **Internal review**
Page 87, clause 7.42. [Vote “No” to the Question that the clause as read stand part of the Bill].
- No. 15 **Transition period**
Page 144, line 24. Omit “3 years”. Insert instead “5 years”.