

MOTOR VEHICLE (THIRD PARTY INSURANCE).

No. 81 of 1982.

AN ACT to amend the Motor Vehicle (Third Party Insurance) Act 1943-1981.

[Assented to 11 November 1982.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Motor Vehicle (Third Party Insurance) Amendment Act 1982*.

Short title
and citation.

(2) In this Act the Motor Vehicle (Third Party Insurance) Act 1943-1981 is referred to as the principal Act.

Reprinted as
approved 12
January 1981
and amended
by Act No.
106 of 1981.

(3) The principal Act as amended by this Act may be cited as the Motor Vehicle (Third Party Insurance) Act 1943-1982.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 3
amended.

3. Section 3 of the principal Act is amended in subsection (1) by deleting the definitions of "Approved insurer", "Nominated member", "Participating approved insurer" and "Transferee insurer".

Section 3A
amended.

4. Section 3A of the principal Act is amended—

(a) in subsection (3), by deleting paragraph (b) and substituting the following paragraphs—

“ (b) one shall be the Under Treasurer or a person nominated by the Under Treasurer;

(c) one shall be a person nominated by the governing body of The Royal Automobile Club of W.A. (Incorporated); and

(d) two shall be persons having relevant experience and knowledge nominated by the Minister. ” ;

and

(b) by repealing subsection (4).

Section 3BA
repealed.

5. Section 3BA of the principal Act is repealed.

Section 3G
amended.

6. Section 3G of the principal Act is amended—

(a) in subsection (1), by deleting "resignation." in paragraph (c) and substituting the following—

“ resignation; or

(d) if he is removed from office by the Governor. ” ; and

(b) by repealing subsections (2) and (3).

7. Section 3H of the principal Act is amended by deleting “the Trust may appoint” and substituting the following—

Section 3H amended.

“ the Minister may appoint ” .

8. Section 3J of the principal Act is amended by inserting after “Trust” the following—

Section 3J amended.

“ , other than any member who is an officer of the Public Service of the State or is employed by a State instrumentality, ” .

9. Section 3K of the principal Act is amended by

Section 3K amended.

(a) inserting after the section designation “3K.” the subsection designation (1);

(b) deleting “auditors,”; and

(c) inserting after subsection (1) the following subsection—

“ (2) The Trust shall appoint an auditor who shall be a member in good standing of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants. ” .

10. Sections 3L, 3M, and 3N of the principal Act are repealed.

Sections 3L, 3M and 3N repealed.

11. Section 3P of the principal Act is amended—

Section 3P amended.

(a) by repealing subsections (3a), (3b), and (4);

and

(b) by repealing subsections (5), (6), (7) and (8) and substituting the following subsection—

“ (5) Any moneys standing to the credit of the Fund may be invested by the Trust in such manner as the Treasurer approves. ” .

Section 3Q repealed and sections 3Q, 3QA and 3QB substituted.
Keeping of accounts and control of payments etc.

12. Section 3Q of the principal Act is repealed and the following sections are substituted—

“ 3Q. (1) The Trust shall—

- (a) cause to be kept such books of account and records of its transactions and affairs as are necessary to enable or facilitate the preparation of the financial statement required to be prepared by section 3QA of this Act or are necessary for the proper administration of the Fund;
- (b) ensure that all payments out of its moneys are correctly made and properly authorized; and
- (c) maintain adequate control over its assets and over the incurring of liabilities by it.

(2) All books of account and records of transactions kept by the Trust under subsection (1) of this section shall be open to the inspection of the Minister and the Auditor General and any persons authorized by them or either of them, and all such persons may take copies of or extracts from those books and records.

Financial statements and audit.

3QA. (1) The Trust shall, not later than 31 August in each year (or such later date as the Minister may allow), cause to be prepared and submitted to the auditor of the Trust a financial statement in respect of the year ending on 30 June.

(2) The financial statement required to be prepared by subsection (1) of this section shall comprise—

- (a) a statement of the income and expenditure of the Trust;
- (b) a statement of the accumulated surplus or deficit pertaining to the Trust;

- (c) a statement of the assets and liabilities of the Trust, including an estimate in respect of unsettled claims; and
 - (d) such other statements, accounts or records, as may be prescribed or the inclusion of which is considered desirable by the Trust.
- (3) The auditor of the Trust shall examine the financial statement submitted to him under this Act and shall report to the Trust, as to—
- (a) whether in his opinion the statements are based on proper accounts and records;
 - (b) whether in his opinion the statements are in agreement with the accounts and records and are properly drawn up in accordance with generally accepted accounting standards so as to present a true and fair view of—
 - (i) the transactions for the period under review; and
 - (ii) the financial position at the end of that period;
 - (c) whether in his opinion the controls exercised by the Trust are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of assets are in accordance with law; and
 - (d) such other matters arising out of the statements as the auditor of the Trust considers should be reported.

3QB. The Trust shall as soon as practicable after 30 June in each year prepare an annual report of its proceedings and opera-

Annual report.

tions during the preceding year ending on 30 June and shall furnish that report, together with the financial statement and the auditor's report on the financial statement, to the Auditor General and to the Minister who shall cause the reports and the financial statement to be laid before each House of Parliament within 15 sitting days of that House after he receives them. " .

Section 3R
amended.

13. Section 3R of the principal Act is amended by repealing subsection (5) and substituting the following—

" (5) Subject to the approval of the Minister, the Trust shall determine the terms, warranties, and conditions to be contained in policies of insurance under this Act. " .

Section 3T
inserted.

14. After section 3S of the principal Act the following section is inserted—

Premiums.

" 3T. (1) At least once in each financial year, the Trust shall make an assessment of the extent to which in the next following financial year the premium income of the Trust as estimated on the basis of existing scales of premiums, together with other income expected to be received by the Trust, would be likely to be sufficient to meet claims arising and costs and other expenses estimated to be incurred in that financial year (whether expected to be actually paid in that year or not), due account being taken also of the accumulated surplus or deficit, if any, which is expected to exist at the commencement of the next following financial year.

(2) Before making an assessment under subsection (1) of this section, the Trust shall procure and consider an actuarial report on the Fund.

(3) If, having regard to an assessment made under subsection (1) of this section, the Trust is of the opinion that the existing scales of premiums are likely to be insufficient or excessive, the Trust shall submit for the approval of the Minister its recommendations for new scales or premiums and at the same time shall furnish to the Minister a copy of the actuarial report referred to in subsection (2) of this section.

(4) The Minister may approve or refuse to approve recommended scales of premiums submitted under subsection (3) of this section or may invite the Trust to review all or any of its recommendations.

(5) If under subsection (4) of this section the Minister invites the Trust to review all or any of its recommendations, the Trust shall proceed to do so and after such a review the Trust may submit further recommendations for the approval of the Minister. ” .

15. Section 4 of the principal Act is amended— Section 4 amended.

- (a) by repealing subsection (2);
- (b) in paragraph (a) of subsection (7) by deleting “Subject to subsection (2) of this section, any” and substituting the following—

“ Any ” .

16. Section 7 of the principal Act is amended by Section 7 amended. repealing subsection (9).

17. Section 12 of the principal Act is amended in Section 12 amended. paragraph (b) of subsection (1) by deleting subparagraphs (i) and (ii) and substituting the following subparagraph—

- “ (i) to the medical practitioner or nurse, his or her charges in respect of each person to whom emergency treatment is

No. 81.] *Motor Vehicle (Third Party Insurance)* [1982.]

rendered, together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered; ” .

Section 13
repealed.

18. Section 13 of the principal Act is repealed.

Section 31
repealed.

19. Section 31 of the principal Act is repealed.

Section 34
inserted.

20. After section 33 of the principal Act, the following section is inserted—

Transi-
tional.

“ 34. Upon the coming into operation of the Motor Vehicle (Third Party Insurance) Amendment Act 1982, every person who at any time before the coming into operation of that Act was a participating approved insurer for the purposes of this Act shall cease to be entitled or subject to the benefits and obligations of a participating approved insurer under this Act and, without prejudice to the generality of the foregoing shall cease—

(a) to have any interest in the Fund or be entitled to any manner of distribution from the Fund;

(b) to be subject to any obligation to contribute to the Fund or liability in respect of any proportionate amount of a deficit,

arising or which might have otherwise arisen on account of that person having been a participating approved insurer under this Act. ” .