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Crown Law Department,  
Perth, 12th February, 1968.

THE undermentioned Regulations made under the provisions of the Motor Vehicle (Third Party Insurance) Act, 1943, and amended from time to time up to and including the 20th December, 1967, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

W. J. ROBINSON,  
Under Secretary for Law.

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**MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT,  
1943.**

**MOTOR VEHICLE (THIRD PARTY INSURANCE)  
ACT REGULATIONS, 1962.**

Published in the *Government Gazette* on the 1st May, 1962 and incorporating the amendments thereto published in the *Government Gazette* on the 29th November, 1962, the 21st June, 1966 and the 15th May, 1967, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice dated 9th February, 1968.

Regulations.

1. These regulations may be cited as the Motor Vehicle (Third Party Insurance Act Regulations, 1962.

2. The Motor Vehicle (Third Party Insurance) Act Regulations, 1949 as published in the *Government Gazette* of the 12th August, 1949, and amended by notices published in the *Government Gazette* on the 15th December, 1950, the 14th December, 1951, the 4th April, 1952, the 16th March, 1961, and the 1st November, 1961, are revoked.

3. In these regulations, unless the context otherwise requires—  
“Act” means the Motor Vehicle (Third Party Insurance) Act, 1943;

“Committee” means the committee appointed pursuant to the provisions of section 31 of the Act.

4. These regulations are divided into parts as follows:—

PART I—r. 5 to 22—TRANSACTION AND CONDUCT OF BUSINESS BY THE COMMITTEE.

PART II—r. 23—NOTICES, CLAIMS, ETC.

PART III—r. 24—DOCUMENTS AND INFORMATION TO BE FURNISHED BY LOCAL AUTHORITIES.

PART IV—r. 25 to 32—MISCELLANEOUS.

APPENDIX—FORMS.

PART I.—TRANSACTION AND CONDUCT OF BUSINESS BY THE COMMITTEE.

5. (1) For the purposes of this part “Ordinary meeting” means a meeting of the Committee for the transaction of the ordinary business of the Committee; “special meeting” means a meeting of the Committee to consider special business, the nature of which is stated in the notice to members of the special meeting.

(2) Ordinary meetings shall be held at such intervals and at such times as the Committee may, by resolution, from time to time, fix and determine.

(3) A special meeting shall be held—

(a) whenever the Minister or the Chairman directs; or

(b) whenever any three members of the Committee, by a requisition in writing addressed to the Chairman request that a special meeting be held.

6. The Secretary for Local Government, or an officer of the Department of Local Government nominated by him, shall be the Secretary of the Committee.

7. Notice of every ordinary and of every special meeting of the Committee shall be sent, either by post or otherwise, to every member of the Committee by the Secretary, three clear days prior to the date fixed for the meeting; and, where any meeting is adjourned for any period exceeding six days, notice of such adjourned meeting shall be given or sent in the manner aforesaid.

8. The Chairman shall, if present, preside at all meetings of the Committee, and in his absence, or if, after being present, he retires, one of the members chosen by the members then present, shall preside.

9. Meetings of the Committee shall be held at such place as the Committee may, by resolution, from time to time, determine and as the Minister may approve.

10. The quorum for a meeting of the Committee shall comprise four members of whom one shall be the General Manager of the State Government Insurance Office and no quorum shall be complete unless it includes that General Manager.

11. (1) Where at any ordinary meeting of the Committee a quorum be not present within half an hour after the time fixed for the commencement of the meeting, the meeting shall stand adjourned for seven days; and if at any such adjourned meeting a quorum be not present within half an hour after the time fixed for the commencement of that meeting, the members then present shall constitute a quorum.

(2) Where at any special meeting called by the Minister or the Chairman a quorum be not present within half an hour after the time fixed for the commencement of the meeting, the provisions of subregulation (1) of this regulation shall, with such adaptations as may be necessary, apply to that meeting.

(3) If at any special meeting called on the requisition of three members a quorum be not present within half an hour after the time fixed for the commencement of the meeting, the meeting shall lapse.

(4) At any ordinary or special meeting at which there is not a quorum present, the names of those members who are present shall be recorded in the minute book.

12. Business, other than that for which a special meeting has been called, shall not be transacted at that meeting.

13. (1) The order of business at an ordinary meeting of the Committee shall be as follows—

- (a) confirmation of minutes of previous meetings;
- (b) consideration of business arising out of minutes;
- (c) correspondence;
- (d) motions;
- (e) notices of motion;
- (f) general business.

(2) A member having urgent business to place before a meeting of the Committee may move the suspension of subregulation (1) of this regulation and, if that motion be agreed to by a majority of the members present, the urgent business shall take precedence over all other business for that meeting.

14. A member who wishes to have any resolution carried at any previous meeting rescinded, shall give to the Secretary of the Committee in writing at least seven days' notice of his intention to move at a meeting of the Committee that the resolution be rescinded; and particulars of that notice shall be furnished to members in the notice of the meeting at which it will be moved.

15. A member, when speaking at a meeting, shall not digress from the subject of the debate.

16. A motion once moved shall not be withdrawn, except with the consent of the majority of the members present at the meeting.

17. Any number of amendments may be proposed on a motion before the meeting; but where more than one amendment is moved, the question shall first be put on the last amendment, then on the next in succession, and so on, until all the amendments are voted on in the reverse order in which they were moved, and lastly on the original motion.

18. A motion or amendment to a motion shall not, unless seconded, be discussed by a member other than the mover thereof, or be put to the meeting by the Chairman.

19. Where an amendment is carried the motion as amended thereby becomes the substantive motion upon which further amendments may be moved before it is finally dealt with.

20. When submitting a motion or an amendment to a motion to a meeting, the Chairman shall put the question first for the affirmative and then for the negative.

21. (1) Any questions before a meeting of the Committee—

(a) may be decided on the voices unless the Chairman calls for a show of hands;

(b) shall be decided by the votes of a majority of the members then present.

(2) Where there is an equal division of votes upon any question, the motion is lost.

Reg. 22.  
Amended  
by G.G.  
21/6/66,  
p. 1727.

22. The remuneration of the members of the Committee shall be:—

For the Chairman, \$16.80 for each meeting and for each adjourned meeting of the Committee;

For each member, \$12.60 for each meeting and for each adjourned meeting of the Committee.

#### PART II.—NOTICES, CLAIMS, ETC.

23. The instruments or documents referred to and required under the sections of the Act respectively mentioned in the first column of the Table hereunder, and described in the second column thereof, shall be in the form contained in the Appendix to these regulations specified respectively in the third column of the Table.

Table.

Section of the Act.	Instrument or Document.	Number of Form in Appendix.
Section 7, subsection (3)	Notice of claim ....	1
Section 8, subsection (5), proviso, paragraph 1	Notice of claim to the Trust ...	2
Section 10, subsection (1)	Notice of happening of accident to be given to the Trust	3
Section 10, subsection (3)	Notice of claim by insured person to the Trust	4
Section 12, subsection (1), paragraph (b)	Notice of claim by Medical Practitioner, Nurse or other person to the Trust	5
Section 13, subsection (1), paragraph (c)	Notice of claim to be given by Hospital to the Trust	6
Section 29 ....	Notice of claim to be given by person injured to insured person or the Trust	7

#### PART III.—DOCUMENTS AND INFORMATION TO BE FURNISHED BY LOCAL AUTHORITIES.

24. Every local authority shall, within twenty-one days after the last day of each calendar month, furnish to the Trust the following documents and information:—

(a) A true copy of each vehicle license and permit issued by it pursuant to the Traffic Act, 1919-1961,<sup>1</sup> or such abridged copy thereof as the Trust may permit.

(b) A true copy of each form of transfer of ownership of a motor vehicle executed, prepared or issued pursuant to the Traffic Act, 1919-1961.<sup>1</sup>

<sup>1</sup> Now Traffic Act, 1919-1967.

- (c) A return in accordance with Form 8 in the Appendix to these regulations, containing the information required in that form, or such other return as the Trust may permit or require.
- (d) Such further information as the Trust may from time to time by notice in writing require.

## PART IV.—MISCELLANEOUS.

25. The sum to be paid under the provisions of section 12, subsection (1), paragraph (b), subparagraph (iii), to any person who conveys in his vehicle an injured person from the place of an accident shall be computed at the rate of twelve and one-half cents per mile of the nearest practicable route from the place of the accident to the place to which the injured person is conveyed, with a minimum payment in any event of twenty cents; but if the injured person can with safety to himself and without unreasonable delay or inconvenience be conveyed along part of that route upon a railway, the person so conveying the injured person is entitled to receive and shall be paid a sum at that rate in respect of that part of the route from the place of the accident to the nearest point on that railway at which the injured person can be placed on a train for further conveyance, only.

Reg. 25.  
Amended  
by G.G.  
21/6/66,  
p. 1727.

26. (1) The sum to be paid to an ambulance of the St. John Ambulance Association in Western Australia and any other recognised ambulance service that conveys an injured person from the place of an accident shall be an amount computed at the rate of thirty-five cents per mile over the whole distance travelled, with a minimum payment of two dollars eighty cents, together with the cost of any first-aid equipment used.

Reg. 26.  
Amended  
by G.G.  
29/11/62,  
p. 3820;  
G.G. 21/6/66,  
p. 1727.

(2) For the purposes of subregulation (1) of this regulation, "mileage" means the distance travelled from the ambulance depot until return thereto by the nearest practicable route.

27. The members of the Trust shall be entitled to receive remuneration for their services as follows:—

- (a) The Chairman is entitled to a sitting fee of \$21 per day or part of a day in excess of a half-day or \$14.70 per half-day or less than a half-day for attending a meeting of the Trust;
- (b) Each member of the Trust (other than the Chairman) is entitled to a sitting fee of \$16.80 per day or part of a day in excess of a half-day or \$10.50 per half-day or less than a half-day for attending a meeting of the Trust;

Reg. 27.  
Amended  
by G.G.  
21/6/66,  
p. 1727.  
Substituted  
by G.G.  
15/5/67,  
p. 1272.

but the maximum sum to which the Chairman is entitled shall be \$1,150 and the maximum sum to which each other member is entitled shall be \$850, during any year ending on the 30th day of June.

28. The Trust may, in its discretion, refund to the owner of any motor vehicle any portion of the premium paid for insurance in respect of his vehicle, if during the currency of that insurance, and by reason of any change of circumstances, the amount of the premium is, or would if then payable, be reduced.

29. (1) The Trust may, in its discretion, make such payments from time to time as it deems advisable to any local authority by way of remuneration for services rendered as agent for the Trust in the issue of policies of insurance under the Act; and those payments may be made to one or more local authorities to the exclusion of all or any others.

(2) The Trust is not bound to remunerate each local authority on the same basis.

30. The issue of a license, under the provisions of the Traffic Act, 1919 and the regulations made thereunder in respect of any motor vehicle, by a local authority is conclusive evidence that prior to or at the time of the issue of that license there was paid to and received by the local authority, the appropriate premium determined by the Trust for the class of vehicle so licensed and for the period of the license.

Further Powers of the Trust.

31. The Trust shall, in addition to any power granted by the Act, have power to acquire and dispose of such rights, interests and property and enter into such agreements and contracts and undertake such obligations and liabilities as the Trust shall deem proper for the purpose of more fully and effectually carrying on business—

- (a) as the insurer pursuant to the Act of liability incurred in respect of death or bodily injury caused by or arising out of the use of a motor vehicle; and
- (b) as the nominal defendant referred to in the Act.

Superannuation.

32. (1) The Trust may formulate and put into operation schemes for establishing and administering superannuation, sickness, death insurance and guarantee funds for all or any of its employees or aid in so doing and for those purposes may create and contribute to funds and trusts and enter into such agreements including agreements with other corporations as shall be necessary or convenient for establishing and supporting or facilitating the establishment and support of any one or more of those schemes, funds or trusts.

(2) A scheme, fund or trust referred to in subregulation (1) of this regulation may be established and maintained by—

- (a) contributions from the ordinary revenue of the Trust;
- (b) deductions from the remuneration of its employees who voluntarily elect to become participants therein;
- (c) the income from the investment of any moneys not otherwise from time to time required for the purposes of the scheme, fund or trust.

Appendix.

Form No. 1.

Western Australia.

Motor Vehicle (Third Party Insurance) Act, 1943.

(Section 7 (3).)

NOTICE OF CLAIM.

To the Motor Vehicle Insurance Trust:

I, (name of person).....of (address)....., being a person who could have obtained judgment against an insured person in receipt of the death/bodily injury of..... (name of dead or bodily injured person) in accordance with the provisions of subsection (3) of section 7 of the Motor Vehicle (Third Party Insurance) Act, 1943, do hereby give you notice of the claim and the following is a short statement of the grounds thereof.

Statement.

Date.....

.....  
Signature of Claimant.

Form No. 2.  
 Western Australia.  
 Motor Vehicle (Third Party Insurance) Act, 1943.  
 (Section 8, Subsection (5), Proviso (i).)

NOTICE OF CLAIM BY INJURED PERSON  
 TO THE TRUST.

To the Motor Vehicle Insurance Trust:

I, (name of person)..... of (address).....,  
 being a person who could have obtained judgment against an  
 insured person in respect of the death or bodily injury of.....  
 (name of persons dead or injured) in accordance with the pro-  
 visions of proviso (i) to subsection (5) of section 8 of the Motor  
 Vehicle (Third Party Insurance) Act, 1943, do hereby give you  
 notice of the claim, and the following is a short statement of the  
 grounds thereof.

-----  
 Statement.

Date.....

.....  
 Signature of Claimant.

Form No. 3.  
 Western Australia.  
 Motor Vehicle (Third Party Insurance) Act, 1943.  
 (Section 10 (1).)

NOTICE OF ACCIDENT.

To the Motor Vehicle Insurance Trust:

I hereby notify you that an accident arising out of the use of a  
 motor vehicle of which I was the driver/person in charge has  
 occurred and I submit the following information in accordance  
 with the provisions of subsection (1) of section 10 of the Motor  
 Vehicle (Third Party Insurance) Act, 1943:—

- (a) The fact of the accident.....
- (b) Time of the accident.....
- (c) Date and place of the accident.....
- .....
- (d) The circumstances of the accident.....
- (e) Name and address of the person killed or injured.....
- .....
- (f) Names and addresses of witnesses of the accident.....
- .....

Date.....

.....  
 Driver/Person in Charge of  
 Vehicle.

Form No. 4.

Western Australia.

Motor Vehicle (Third Party Insurance) Act, 1943.

(Section 10 (3).)

NOTICE OF CLAIM TO THE TRUST BY  
INSURED PERSON.

To the Motor Vehicle Insurance Trust:

I hereby give you notice of a claim made upon me in regard to  
an accident affecting the motor vehicle owned by me.

Particulars of Motor Vehicle.	Name and Address of Claimant.	Date Claim Received.

Date.....

.....  
Insured Person.

Form No. 5.

Western Australia.

Motor Vehicle (Third Party Insurance) Act, 1943.

(Section 12 (1) (b).)

## NOTICE OF CLAIM BY DOCTOR, NURSE, ETC.

To the Motor Vehicle Insurance Trust:

I hereby make a claim under the provisions of subsection (1) (b)  
of section 12 of the Motor Vehicle (Third Party Insurance) Act,  
1943, for expenses for emergency treatment given by me in con-  
nection with an accident arising out of the use of a motor vehicle,  
particulars of which are as follows:—

Particulars of Accident.	Name and Address of Owner or Driver.	Date of Accident.	Number of Persons Given Treatment.	Amount of Claim.	
				Medical Expenses	Travelling Expenses.

Date.....

.....  
Doctor/Nurse/Person who Conveyed Injured Person.



Form No. 6.  
Western Australia.  
Motor Vehicle (Third Party Insurance) Act, 1943.  
(Section 13 (1) (c).)

**NOTICE OF CLAIM BY HOSPITAL.**

To the Motor Vehicle Insurance Trust:

I hereby make a claim under the provisions of subsection (1) (c) of section 13 of the Motor Vehicle (Third Party Insurance) Act, 1943, in respect of treatment afforded to patient(s) who have/has died/or been injured as the result of an accident arising out of the use of a motor vehicle, particulars of which are as follows:—

Particulars of Accident.	Names of Injured Persons.	Date of Admittance to Hospital.	Date of Discharge or Death.	Amount of Claim.

.....  
Hospital Secretary/Matron.

Form No. 7.  
Western Australia.  
Motor Vehicle (Third Party Insurance) Act, 1943.  
(Section 29.)

**NOTICE OF CLAIM BY INJURED PERSON.**

To (insured person).....  
and to the Motor Vehicle Insurance Trust:

I hereby notify you that it is my intention to claim damages (on behalf of.....) for death/or bodily injury as a result of an accident arising out of the use of a motor vehicle particulars of which are as follows:—

- (a) Date of accident.....
- (b) Name and address of person killed or injured .....
- (c) Name of owner of motor vehicle.....
- (d) Identification No. of motor vehicle .....

Date.....

.....  
Claimant.

Form No. 8.

The Motor Vehicle Insurance Trust,  
257 Adelaide Terrace, Perth.  
Box L.920, G.P.O., Perth.

Motor Vehicle (Third Party Insurance) Act, 1943.

Local Authority ..... of .....

RETURN OF PREMIUMS AND STAMP DUTY COLLECTED  
DURING MONTH ENDED ..... 19.....

License No.	Premium.		Stamp Duty.
	\$	c.	
Totals ....			

This return, supported by a duplicate copy of each license, to be forwarded to The Motor Vehicle Insurance Trust, Box L.920, G.P.O., Perth, within 21 days of the close of each month, together with a remittance for the total amount collected.

Gross premium ....	\$
Stamp Duty ....	\$
<b>Total ....</b>	<b>\$</b>

For Use of Trust Only.

CLASSIFICATION.

Class No. 1A ....	\$
Class No. 1B ....	
Class No. 2 ....	
Class No. 3 (a) ....	
(b) ....	
(c) ....	
(d) ....	
(e) ....	
(f) ....	
(g) ....	
Class No. 4 ....	
Class No. 5 (a) ....	
(b) ....	
(c) ....	
Class No. 6 ....	
Class No. 7 ....	
Temporary Permits ....	
<b>Total as per Remittance ....</b>	<b>\$</b>