



Western Australia

Motor Vehicle (Third Party Insurance) Regulations 2009

Compare between:

[08 Jan 2015, 00-b0-02] and [27 Apr 2015, 00-c0-02]

Motor Vehicle (Third Party Insurance) Regulations 2009

1. Citation

These regulations are the *Motor Vehicle (Third Party Insurance) Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Term used: managing director

In these regulations —

managing director has the meaning given in the *Insurance Commission of Western Australia Act 1986* section 3.

4. Information to be provided to Commission

For the purposes of section 3R(4)(a) of the Act the following information for each vehicle in respect of which the Director General has issued a policy of insurance is prescribed —

- (a) details of the make and model of the vehicle;
- (b) the vehicle class;

r. 5

- (c) the day on which a vehicle licence for the vehicle is granted, renewed or transferred under the *Road Traffic (Vehicles) Act 1974* section 17;5(3);
- (d) the day the vehicle licence expires;
- (e) details of the number plate issued for the vehicle under the *Road Traffic (Vehicles) Act 1974*;
- (f) the name and address of the owner of the vehicle.

[Regulation 4 amended: Gazette 8 Jan 2015 p. 111-12.]

5. Form of notice

- (1) The form in Schedule 1 is the prescribed form of notice for the purposes of section 29 of the Act.
- (2) The managing director may approve a form for a purpose listed in the Table.

Table

Section of the Act	Instrument or Document
s.7(2)	Notice of claim where insured person is dead or cannot be served
s. 7(3)	Notice of claim where identity of motor vehicle cannot be ascertained
s. 8(5)	Notice of intention to make claim where driver of uninsured vehicle is dead or cannot be found
s. 10(1)	Notice of happening of accident by driver of motor vehicle

Section of the Act	Instrument or Document
s. 10(2)	Notice of happening of accident by owner of motor vehicle
s. 10(3)	Notice of a claim being made upon an insured person or the owner or driver of an uninsured motor vehicle
s. 12(1)(b)	Notice of claim for cost of transporting an injured person

6. Payment for transport of injured persons

For the purposes of section 12(1)(b)(iii) of the Act, the amount to be paid to a person who conveys an injured person is —

- (a) in the case of an ambulance service with whom the Commission has a written agreement — an amount calculated in accordance with the agreement; or
- (b) otherwise — an amount calculated in accordance with the following formula —

$$P = D \times R$$

where —

- P is the amount to be paid;
- D is the distance in kilometres, by the most practical route, from the place of the accident to the place where the injured person is taken;
- R is the rate per kilometre calculated in accordance with the *Workers' Compensation and Injury Management Regulations 1982* regulation 17AA.

7. Variation of thresholds, caps etc. for damages

- (1) This regulation applies for the purposes of recalculating for a financial year —

- (a) Amounts A, B and C referred to in section 3C of the Act; and
 - (b) Amount D referred to in section 3D of the Act,
if the relevant information referred to in section 3C(8)(a) and 3D(8)(a) is not published by the Australian Statistician.
- (2) If this regulation applies, Amounts A, B, C and D are to be recalculated under section 3C(8) and 3D(8) by increasing the respective amounts for the preceding financial year by the percentage by which the index for ordinary time hourly rates of pay excluding bonuses (original) for Western Australia, published by the Australian Statistician, varies between 1 January and 31 December in the calendar year preceding the recalculation date.

8. Permits may incorporate policy of insurance

A permit granted under the *Road Traffic (Vehicles) Act 1974* ~~2012~~ section ~~26~~13(1) in respect of an unlicensed vehicle may incorporate a policy of insurance under the Act to cover the vehicle for the period for which the permit is issued.

[Regulation 8 amended: Gazette 8 Jan 2015 p. 112.]

9. Policy may be issued with number plates for use on unlicensed vehicle

At the time number plates for use on an unlicensed motor vehicle are issued under *the Road Traffic (Vehicles) Act 1974* ~~2012~~ section ~~26~~13(2) a policy of insurance under the Act may be issued to cover a vehicle on which the plates are used.

[Regulation 9 amended: Gazette 8 Jan 2015 p. 112.]

10. Restriction on issue of policies for certain vehicles

Except as provided in regulations 8 and 9, the Director General is not to issue a policy of insurance under the Act in respect of a motor vehicle that is not licensed under the *Road Traffic*

[\(Vehicles\) Act ~~1974~~2012 Part 2](#) without the approval of the managing director.

[\[Regulation 10 amended: Gazette 8 Jan 2015 p. 112.\]](#)

11. Licence evidence of insurance cover

A licence ~~issued~~[granted](#) under the *Road Traffic (Vehicles) Act ~~1974~~2012 Part 2* in respect of a motor vehicle is evidence that a policy of insurance under or for the purposes of the Act has been issued in respect of the vehicle.

[\[Regulation 11 amended: Gazette 8 Jan 2015 p. 112.\]](#)

12. Repeal

The *Motor Vehicle (Third Party Insurance) Regulations 1962* are repealed.

Schedule 1 — Form of notice

[r. 5(1)]

Form

<i>Motor Vehicle (Third Party Insurance) Act 1943</i>		Official use Ref. No.	
NOTICE OF INTENTION TO MAKE CLAIM			
I notify the Insurance Commission of Western Australia that [name of claimant] intends to claim damages for death/bodily injury directly caused by, or by the driving of, a motor vehicle.			
Details of crash			
Date/...../.....	Registration Number of vehicle involved (if known)
Name and address of driver	Surname	Given Names	
	Address		
Circumstances of crash			
Name and address of each witness	Surname	Given Names	
	Address		
Details of deceased or injured person			
Name and address	Surname	Given Names	
	Address		
Date of birth/...../.....		
Relationship to claimant (if applicable)			
Occupation and employment details			
Nature of known injuries			
Name and address of each doctor/hospital attended			

Details of previous claims	
Has the claimant previously made a personal injuries claim in respect of this or any other injury? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, provide the following details in respect of each claim.	
Date of injury	
Details of injury	
Type of claim (e.g. work, home, sports, motor vehicle)	
Date	Signature

Notes

¹ This is a compilation of the *Motor Vehicle (Third Party Insurance) Regulations 2009*. The following table contains information about those regulations^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Motor Vehicle (Third Party Insurance) Regulations 2009</i>	26 Jun 2009 p. 2570-3	r. 1 and 2: 26 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Jun 2009 (see r. 2(b))

^{1a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 2014</i> r. 3-8 ²	8 Jan 2015 p. 111-12	Operative on the day fixed under the <i>Road Traffic (Administration) Act 2008</i> s. 2(b) (see r. 2(b)); r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and Gazette 17 Apr 2015 p. 1371)

² ~~On the date as at which this compilation was prepared, the *Motor Vehicle (Third Party Insurance) Amendment Regulations 2014* r. 3-8 had not come into operation. They read as follows:~~

~~**3. Regulations amended**~~

~~These regulations amend the *Motor Vehicle (Third Party Insurance) Regulations 2009*.~~

~~**4. Regulation 4 amended**~~

~~In regulation 4:~~

~~(a) in paragraph (c) delete “*Road Traffic Act 1974* section 17;” and insert:~~

~~*Road Traffic (Vehicles) Act 2012* section 5(3);~~

~~(b) in paragraph (c) delete “Road Traffic Act 1974;” and insert:~~

~~— Road Traffic (Vehicles) Act 2012;~~

~~5. Regulation 8 amended~~

~~In regulation 8 delete “Road Traffic Act 1974 section 26(1)” and insert:~~

~~— Road Traffic (Vehicles) Act 2012 section 13(1)~~

~~6. Regulation 9 amended~~

~~In regulation 9 delete “Road Traffic Act 1974 section 26(2)” and insert:~~

~~— the Road Traffic (Vehicles) Act 2012 section 13(2)~~

~~7. Regulation 10 amended~~

~~In regulation 10 delete “Road Traffic Act 1974” and insert:~~

~~— Road Traffic (Vehicles) Act 2012 Part 2~~

~~8. Regulation 11 amended~~

~~In regulation 11 delete “issued under the Road Traffic Act 1974” and insert:~~

~~— granted under the Road Traffic (Vehicles) Act 2012 Part 2~~