

MOTOR VEHICLE (THIRD PARTY INSURANCE).

No. 37 of 1967.

AN ACT to amend the Motor Vehicle (Third Party Insurance) Act, 1943-1966.

[Assented to 21st November, 1967.]

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) Act Amendment Act, 1967.*

Short title and citation.

(2) In this Act the Motor Vehicle (Third Party Insurance) Act, 1943-1966, is referred to as the principal Act.

Reprinted as approved for reprint 2nd March, 1961, and amended by Acts Nos. 70 of 1961, 57 of 1962, 72 of 1962, 71 of 1963, 65 of 1964 and 95 of 1966.

(3) The principal Act as amended by this Act may be cited as the Motor Vehicle (Third Party Insurance) Act, 1943-1967.

Commence-
ment.

2. This Act shall come into operation on the day on which sections three to five, inclusive, ten to eighteen, inclusive, and section twenty, of Act No. 95 of 1966 come into operation.

S. 16
amended.

3. Section sixteen of the principal Act, as repealed and re-enacted by Act No. 95 of 1966, is amended—

(a) by repealing subsection (19) and re-enacting it with amendments, as follows—

(19) Subject to subsection (20) of this section, the Tribunal is constituted by the Chairman and one nominee member or by the Chairman and both nominee members, but where the Tribunal, being constituted by the Chairman and one nominee member, is divided on a question of fact, the hearing shall be adjourned to a sitting of the Tribunal constituted by all three members. ; and

(b) by adding after subsection (19), the following subsection—

(20) The Chairman has jurisdiction to hear and determine all interlocutory proceedings before the Tribunal, and, for that purpose, has the powers of a judge and may sit in chambers and alone. .

S. 16A
amended.

4. Section sixteen A of the principal Act, added by Act No. 95 of 1966, is amended by adding, after subsection (2) the following subsection—

(3) The Registrar shall transact such part of the business of the Tribunal and exercise such jurisdiction in relation to interlocutory proceedings and the taxation of costs as may be prescribed. .

S. 16D
amended.

5. Section sixteen D of the principal Act, added by Act No. 95 of 1966, is amended by adding after the word, "Tribunal", in line one of subsection (1), the passage, ", other than interlocutory proceedings,".

6. Section sixteen E of the principal Act, added by Act No. 95 of 1966, is amended— S. 16E amended.

- (a) by adding, after the word, “proceedings”, in line five of subsection (1), the passage, “(including proceedings to compromise claims)”;
- (b) by substituting for the words, “had and could exercise immediately prior to the commencement of this section”, in lines six, seven and eight of subsection (5), the passage, “would, but for the enactment of this section, have had”; and
- (c) by adding, after subsection (5), the following subsection—

(6) The Tribunal may order that the amount, or any part of the amount, of damages recovered or adjudged, ordered or agreed to be paid to, or for the benefit of, a person under a legal disability be paid to the Public Trustee or other trustee approved by the Tribunal, for investment and application as authorised by law. .

7. Section thirty-three of the principal Act, as repealed and re-enacted by Act No. 95 of 1966, is amended— S. 33 amended.

- (a) by deleting paragraph (f) and substituting the following paragraphs—
 - (f) the means by which particular facts may be proved and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with, or at any stage of, any proceedings;
 - (g) the application to proceedings before the Tribunal, the Chairman or the Registrar of the rules of the Supreme Court for the time being in force;
 - (h) the making of practice rules by the Chairman; and

(i) carrying into effect, generally, the provisions of this Act so far as they relate to the Tribunal, the Chairman, the Registrar and proceedings of, or before, any of them;

and

(b) by adding, after subsection (2), the following subsection—

(3) For the purposes of proceedings before the Tribunal, a medical report the substance of which a party intends to adduce in evidence, at some stage of the proceedings, is not a document that may be withheld on the ground of privilege by that party.

S. 33A
added.

8. The principal Act is amended by adding, after section thirty-three, the following section—

Affidavits.

33A. An affidavit required for use in any proceeding depending in, or before, the Tribunal may be sworn or affirmed in the State before a member of the Tribunal, a Commissioner for taking affidavits for use in the Supreme Court, a Justice of the Peace for the State or the Registrar and may be sworn or affirmed at any place outside the State before a person authorised under the law of that place to administer oaths.
