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## MOTOR VEHICLE INSURANCE

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Motor Vehicle (Third Party Insurance) Act 1943

### Motor Vehicle (Third Party Insurance) Regulations 2009

Made by the Governor in Executive Council.

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

#### 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**

<b>Section of the Act</b>	<b>Instrument or Document</b>
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
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 Act 1974* section 26(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.

**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 *Road Traffic Act 1974* section 26(2) a policy of insurance under the Act may be issued to cover a vehicle on which the plates are used.

**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 Act 1974* without the approval of the managing director.

**11. Licence evidence of insurance cover**

A licence issued under the *Road Traffic Act 1974* 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.

**12. Repeal**

The *Motor Vehicle (Third Party Insurance) Regulations 1962* are repealed.

**Schedule 1 — Form of notice**

[r. 5(1)]

**Form**

<b><i>Motor Vehicle (Third Party Insurance) Act 1943</i></b>		<b>Official use</b> Ref. No. ....	
<b>NOTICE OF INTENTION TO MAKE CLAIM</b>			
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.			
<b>Details of crash</b>			
<b>Date</b>	...../...../.....	<b>Registration Number of vehicle involved (if known)</b>	.....
<b>Name and address of driver</b>	Surname	Given Names	
	Address		
<b>Circumstances of crash</b>			
<b>Name and address of each witness</b>	Surname	Given Names	
	Address		
<b>Details of deceased or injured person</b>			
<b>Name and address</b>	Surname	Given Names	
	Address		
<b>Date of birth</b>	...../...../.....		
<b>Relationship to claimant (if applicable)</b>			
<b>Occupation and employment details</b>			
<b>Nature of known injuries</b>			
<b>Name and address of each doctor/hospital attended</b>			
<b>Details of previous claims</b>			
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.			
<b>Date of injury</b>			
<b>Details of injury</b>			
<b>Type of claim (e.g. work, home, sports, motor vehicle)</b>			
<b>Date</b>		<b>Signature</b>	

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.