

Western Australia

**Motor Vehicle (Third Party Insurance)  
Regulations 1962**

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## **Motor Vehicle (Third Party Insurance) Regulations 1962**

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## **Motor Vehicle (Third Party Insurance) Regulations 1962**

### **1. Citation**

These regulations may be cited as the *Motor Vehicle (Third Party Insurance) Regulations 1962*<sup>1</sup>.

*[Regulation 1 inserted in Gazette 23 Oct 1987 p. 3938.]*

*[2. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

### **3. Interpretation**

In these regulations, unless the context otherwise requires —

“**Act**” means the *Motor Vehicle (Third Party Insurance) Act 1943*;

“**local authority**” means the Traffic Board<sup>2</sup> established under the *Road Traffic Act 1974* and any public authority to which the Traffic Board has delegated any of its powers, authorities, duties or functions under the Act.

*[Regulation 3 amended in Gazette 30 May 1975 p. 1638; 2 Feb 1982 p. 397; 14 Sep 1984 p. 2903.]*

*[4. Repealed in Gazette 14 Sep 1984 p. 2903.]*

*[Part I (r. 5-22) repealed in Gazette 14 Sep 1984 p. 2903.]*

**Part II — Notices, claims, etc.**

**23. Forms for use under the Act**

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 specified respectively in the third column of the Table.

**Table**

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

*[Regulation 23 amended in Gazette 5 Sep 1972 p. 3474.]*

### **Part III — Documents and information to be furnished by local authorities**

**24. Information to be provided monthly**

Every local authority shall, within 21 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 licence and permit issued by it pursuant to the *Road Traffic Act 1974* 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 *Road Traffic Act 1974*.
- (c) A return in accordance with Form 8 in the Appendix, 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.

*[Regulation 24 amended in Gazette 30 May 1975 p. 1638.]*

## Part IV — Miscellaneous

**25. Payment for transport of injured person other than by ambulance**

The sum to be paid under the provisions of section 12(1)(b)(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 7.5 cents per kilometre 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 20 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.

*[Regulation 25 amended in Gazette 21 Jun 1966 p. 1727; 3 Jan 1975 p. 18.]*

**26. Payment for transport of injured person by ambulance**

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 —

- (a) in an area not exceeding a 100 kilometre radius from the General Post Office, Perth —
  - (i) \$86 call out fee; plus
  - (ii) \$1.85 per kilometre from 11 to 100 kilometres;
  - (iii) \$1.40 per kilometre thereafter;

- (b) in an area not exceeding a 100 kilometre radius from the Post Office Albany, Bunbury, Collie, Geraldton, Kalgoorlie, Norseman or South Hedland —
  - (i) \$86 call out fee; plus
  - (ii) \$1.85 per kilometre from 11 to 100 kilometres;
  - (iii) \$1.40 per kilometre thereafter;
- (c) in any other area not referred to in paragraph (a) or (b) —
  - (i) \$45 call out fee; plus
  - (ii) \$1.20 per kilometre from 11 to 100 kilometres;
  - (iii) 85 cents per kilometre thereafter.

*[Regulation 26 inserted in Gazette 25 Nov 1977 p. 4398; amended in Gazette 20 Jul 1979 p. 1999; 29 May 1981 p. 1665; 30 Oct 1981 p. 4493; 3 Sep 1982 p. 3587-8; 14 Oct 1983 p. 4152; 14 Sep 1984 p. 2903; 29 Aug 1986 p. 3165; 23 Oct 1987 p. 3938; 28 Oct 1988 p. 4275.]*

**26A. 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 Wage Cost Index, ordinary time hourly rates of pay (excluding bonuses) for Western Australia, published by the Australian Statistician, varies between

**r. 27**

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1 January and 31 December in the calendar year preceding the recalculation date.

*[Regulation 26A inserted in Gazette 23 Jun 1998 p. 3338; amended in Gazette 22 Jun 1999 p. 2675.]*

**27. Remuneration**

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

- (a) chairman — \$115 per meeting; and
- (b) members — \$86 per meeting,

with a maximum payable in any year based on 50 meetings.

*[Regulation 27 inserted in Gazette 29 Aug 1980 p. 3094; amended in Gazette 14 Sep 1984 p. 2903.]*

**28. Refund of premiums**

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. Payment for agency services**

- (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. Issue of licence is evidence that premium has been paid**

The issue of a licence, under the provisions of the *Road Traffic Act 1974* 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 licence 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 licence.

*[Regulation 30 amended in Gazette 30 May 1975 p. 1638.]*

**30A. Permit may incorporate a policy**

Subject to regulation 30B a permit issued by a local authority under section 26 of the *Road Traffic Act 1974* in relation to a vehicle may incorporate in the one document a policy of insurance under the Act in relation to that vehicle in respect of the same period as that for which that permit is issued.

*[Regulation 30A inserted in Gazette 12 Nov 1976 p. 4312.]*

**30B. Restriction on issue of policies for certain vehicles**

Where a local authority is requested to issue a policy of insurance under the Act in relation to a vehicle that —

- (a) does not comply with the requirements necessary for licensing under the *Road Traffic Act 1974*; and
- (b) is designed or used primarily for recreational, sporting or like purposes,

the local authority shall not issue such a policy (whether as a separate document or incorporated in a permit issued under section 26 of the *Road Traffic Act 1974*) without the approval of the Trust.

*[Regulation 30B inserted in Gazette 12 Nov 1976 p. 4312.]*

**31. Further powers of the Trust**

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.

**32. Superannuation**

- (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) 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  
respect of the death/bodily injury of .....  
(name of dead or bodily injured person) in accordance with the provisions of  
section 7(3) 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. 1 amended in Gazette 30 May 1975 p. 1638.]*

**Appendix**

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**Form No. 2**

Western Australia

*Motor Vehicle (Third Party Insurance) Act 1943*

(Section 8(5)(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 provisions of  
section 8(5)(i) 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 section 10(1) 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.

**Appendix**

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**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 section 12(1)(b) of the *Motor Vehicle (Third Party Insurance) Act 1943*, for expenses for emergency treatment given by me in connection 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.

**Appendix**

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**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 section 13(1)(c) 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

Ref. No. ....

Western Australia
Motor Vehicle (Third Party Insurance) Act 1943
(Section 29)

NOTICE OF INTENTION TO MAKE CLAIM

To the Motor Vehicle Insurance Trust:

I hereby notify you that .....
(name of claimant)

intends to claim damages for death/bodily injury as a result of an accident
caused by or arising out of the use of a motor vehicle, particulars of
which are as follows: —

- (a) Date of accident ...../...../.....
(b) Driver's Name ..... Vehicle No. ....
Address .....
(c) Circumstances of accident .....
(d) Name(s) and address(es) of witness(es) .....
(e) Name and address of person killed/injured .....
(f) Age at time of accident ..... (If a minor,
date of birth ...../...../.....).
(g) Relationship to claimant (if applicable) .....
(h) Occupation and employer .....
(i) Nature of known injuries.....
(j) Date of return to work ...../...../..... or, if still
incapacitated, estimated period of incapacity .....
(k) Name(s) and address(es) of doctor(s)/hospital(s) attended .....

Date: ...../...../.....

Claimant/On behalf of claimant.

[Form No. 7 inserted in Gazette 5 Sep 1972 p. 3474.]

**Appendix**

**Form No. 8**

The Motor Vehicle Insurance Trust,  
257 Adelaide Terrace, Perth  
Box L920, GPO, Perth

*Motor Vehicle (Third Party Insurance) Act 1943*

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

**RETURN OF PREMIUMS AND STAMP DUTY COLLECTED  
DURING MONTH ENDED ..... 20.....**

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

This return, supported by a duplicate copy of each licence, 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 .....	\$
Total .....	<u>\$</u>

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 .....	
Total as per Remittance .....	<u>                    </u> \$ <u>                    </u>

*[Appendix amended in Gazette 5 Sep 1972 p. 3474; 30 May 1975 p. 1638.]*

**Notes**

- <sup>1</sup> This is a compilation of the *Motor Vehicle (Third Party Insurance) Regulations 1962* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Motor Vehicle (Third Party Insurance) Act Regulations 1962</i> <sup>3</sup>	1 May 1962 p. 1014-21	1 May 1962
<i>Untitled regulations</i>	29 Nov 1962 p. 3819-20	29 Nov 1962
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Untitled regulations</i>	21 Jun 1966 p. 1727	21 Jun 1966
<i>Untitled regulations</i>	15 May 1967 p. 1272	15 May 1967
<b>Reprint of the <i>Motor Vehicle (Third Party Insurance) Act Regulations 1962</i> authorised 9 Feb 1968 in <i>Gazette</i> 15 Feb 1968 p. 327-36 (includes amendments listed above)</b>		
<i>Untitled regulations</i>	19 Feb 1969 p. 636	19 Feb 1969
<i>Untitled regulations</i>	17 Dec 1969 p. 4125	17 Dec 1969
<i>Untitled regulations</i>	23 Dec 1971 p. 5322	23 Dec 1971
<i>Untitled regulations</i>	9 Mar 1972 p. 552-3	9 Mar 1972
<i>Untitled regulations</i>	13 Apr 1972 p. 807	13 Apr 1972
<i>Untitled regulations</i>	5 Sep 1972 p. 3474	5 Sep 1972
<i>Untitled regulations</i>	3 Jan 1975 p. 18	3 Jan 1975
<i>Untitled regulations</i>	17 Jan 1975 p. 158	17 Jan 1975
<i>Untitled regulations</i>	14 Mar 1975 p. 911	14 Mar 1975

**Motor Vehicle (Third Party Insurance) Regulations 1962**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Untitled regulations</i>	30 May 1975 p. 1638	1 Jun 1975
<i>Untitled regulations</i>	20 Feb 1976 p. 509	20 Feb 1976
<i>Untitled regulations</i>	15 Apr 1976 p. 1214	15 Apr 1976
<i>Untitled regulations</i>	6 Aug 1976 p. 2705	6 Aug 1976
<i>Untitled regulations</i>	12 Nov 1976 p. 4312	12 Nov 1976
<i>Untitled regulations</i> <sup>4</sup>	26 Aug 1977 p. 3049	26 Aug 1977
<i>Untitled regulations</i>	25 Nov 1977 p. 4398	25 Nov 1977
<i>Untitled regulations</i>	2 Feb 1979 p. 326	2 Feb 1979
<i>Untitled regulations</i>	20 Jul 1979 p. 1999	20 Jul 1979
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 1980</i>	29 Aug 1980 p. 3094	29 Aug 1980
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 1981</i>	29 May 1981 p. 1665	29 May 1981
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations (No. 2) 1981</i>	30 Oct 1981 p. 4493	30 Oct 1981
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 1982</i>	2 Feb 1982 p. 397	2 Feb 1982 (see r. 2)
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations (No. 2) 1982</i>	3 Sep 1982 p. 3586-7	3 Sep 1982
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 1983</i>	14 Oct 1983 p. 4152	14 Oct 1983
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 1984</i> <sup>5</sup>	14 Sep 1984 p. 2903	14 Sep 1984
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 1986</i>	29 Aug 1986 p. 3165	1 Sep 1986 (see r. 2)
<i>Motor Vehicle (Third Party Insurance) Amendment Regulations 1987</i>	23 Oct 1987 p. 3937-8	23 Oct 1987

## **Motor Vehicle (Third Party Insurance) Regulations 1962**

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*Motor Vehicle (Third Party Insurance) Amendment Regulations 1988* 28 Oct 1988 28 Oct 1988  
p. 4275

**Reprint of the *Motor Vehicle (Third Party Insurance) Regulations 1962* as at 15 May 1997** (includes amendments listed above)

*Motor Vehicle (Third Party Insurance) Amendment Regulations 1998* 23 Jun 1998 23 Jun 1998  
p. 3338

*Motor Vehicle (Third Party Insurance) Amendment Regulations 1999* 22 Jun 1999 22 Jun 1999  
p. 2674-5

**Reprint 3: The *Motor Vehicle (Third Party Insurance) Regulations 1962* as at 7 Nov 2003** (includes amendments listed above)

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- <sup>2</sup> On the commencement of the *Road Traffic Amendment Act 1996* this Board ceased to exist.
- <sup>3</sup> Now known as the *Motor Vehicle (Third Party Insurance) Regulations 1962*; citation changed (see note under r. 1).
- <sup>4</sup> There were published in the *Gazette* on 26 Aug 1977 two sets of untitled amendments which both appeared on p. 3049.
- <sup>5</sup> The commencement date of 1 Sep 1984 that was specified was before the date of gazettal.