

South Australia

Motor Vehicles (Third Party Insurance) Regulations 2013

under the *Motor Vehicles Act 1959*

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Legislative history

1—Short title

These regulations may be cited as the *Motor Vehicles (Third Party Insurance) Regulations 2013*.

3—Interpretation

In these regulations—

Act means the *Motor Vehicles Act 1959*;

motor vehicle injury means a bodily injury to a person caused by or arising out of the use of a motor vehicle;

relevant motor vehicle accident means the motor vehicle accident that results in the motor vehicle injury that is relevant for the purposes of the application of the Act in relation to a particular person.

4—Claim for compensation (section 126A of Act)

- (1) A notice of a claim under section 126A(1) of the Act must be given—
 - (a) in the case of a notice of a claim in relation to an action against the nominal defendant—as soon as reasonably practicable after it becomes apparent that—
 - (i) the identity of the relevant motor vehicle is not readily ascertainable; or
 - (ii) the relevant motor vehicle was uninsured; or
 - (b) in any other case—within 6 months after the relevant motor vehicle accident.

- (2) A failure to comply with subregulation (1) does not attract the operation of section 126A(6) of the Act if—
- (a) the failure to give the notice of claim within the relevant period was occasioned by—
 - (i) ignorance or mistake of the claimant; or
 - (ii) absence of the claimant from the State; or
 - (iii) inability of the claimant on account of injury; or
 - (iv) inability of the claimant on account of the claimant's legal disability; or
 - (v) other reasonable cause; and
 - (b) the proper assessment of the claim has not been substantially prejudiced.
- (3) Nothing in section 126A of the Act (or these regulations) affects the ability of a person to commence or continue proceedings once the person has provided the information and statements referred to in subsection (2)(c) and (d) of that section (including after the period referred to in subregulation (1) has expired).

5—Forms and information required in connection with notice of claim (section 126A(2)(c) of Act)

- (1) A medical certificate or opinion referred to in section 126A(2)(c)(ii) of the Act must be in a form determined by the CTP Regulator.
- (2) Pursuant to section 126A(2)(c)(iv) of the Act, a notice of claim under subsection (1) of that section must be accompanied by—
- (a) if the claim includes loss of income or earning capacity—evidence of income or earning capacity, including, for example, relevant payslips, PAYG payment summaries or income tax returns; and
 - (b) if the claim includes payment of medical expenses—evidence of expenses incurred up to the date of the claim, including, for example, accounts or receipts in respect of medical services; and
 - (c) if the claim relates to the death of a person and is brought under Part 5 of the *Civil Liability Act 1936*—the certificate of death of that person; and
 - (d) if the claimant was injured while driving a motor vehicle—the claimant's driver's licence number; and
 - (e) if the claimant was not driving a motor vehicle when he or she was injured—proof of the claimant's identity.

6—Authority to obtain information (section 126A(2)(d) of Act)

The prescribed form for a statement of authority to obtain information under section 126A(2)(d) of the Act is a form determined by the CTP Regulator.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	164	<i>Gazette 20.6.2013 p2632</i>	1.7.2013: r 2
2021	98	<i>Gazette 1.7.2021 p2464</i>	1.11.2021: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.11.2021</i>
<i>r 5</i>		
<i>r 5(1)</i>	inserted by 98/2021 r 4	1.11.2021
<i>r 5(2)</i>	<i>r 5 redesignated as r 5(2) by 98/2021 r 4</i>	1.11.2021
<i>r 6</i>	substituted by 98/2021 r 5	1.11.2021
<i>r 7</i>	<i>expired: r 7(2)</i>	<i>(1.7.2016)</i>
	<i>deleted by 98/2021 r 5</i>	<i>1.11.2021</i>
<i>r 8</i>	<i>deleted by 98/2021 r 5</i>	<i>1.11.2021</i>
<i>Sch 1</i>	<i>deleted by 98/2021 r 6</i>	<i>1.11.2021</i>