

92. Interpretation in Part IIIF

- (1) In this Part, except so far as the context requires otherwise —
- “insurance company”** includes the Insurance Commission of Western Australia continued under the *Insurance Commission of Western Australia Act 1986*;
- “person resident in Western Australia”** includes any body corporate —
- (a) which is a corporation; or
 - (b) which carries on business in Western Australia;
- “policy of insurance”** includes every certificate, receipt or declaration concerning the existence of any instrument of guarantee or indemnity or any agreement for any insurance or any instrument whereby any contract of insurance is made and which operates in Western Australia wholly or in part as an insurance, whether issued in or outside Western Australia, and includes a policy of insurance against accident, but does not include —
- (a) any policy of life insurance where the period for which the insurance is effected commences on or after the day on which section 80 of the *Business Tax Review (Assessment) Act (No. 2) 2003* came into operation; or
 - (b) any policy of insurance against an employer’s liability to pay compensation under the *Workers’ Compensation and Rehabilitation Act 1981* where the period for which the insurance is effected commences on or after 30 June 2004;
- “policy of insurance against accident”** means a policy of insurance for any payment agreed to be made on the death of any person only from accident or violence or otherwise than from a natural cause or as compensation for personal injury;
- “policy of life insurance”** means a policy of insurance or assurance on any life or lives or on any event or contingency relating to or depending on any life or lives, except a policy of insurance against accident;
- “premium”**, in respect of a policy of insurance or a policy of insurance against accident, means the gross premium reckoned so as to include any commission or discount paid in respect of that premium.
- (2) If —
- (a) a policy of life insurance, in addition to providing the insurance referred to in the definition of “policy of life insurance”, also provides for the payment of a benefit on the happening of an event or contingency that does not relate to or depend on a life or lives (the **“additional insurance”**); and
 - (b) an identifiable part of the premium payable under the policy is attributable to the additional insurance,
- then to the extent that it provides for the additional insurance, the policy is a policy of insurance but is not a policy of life insurance.
- (3) Subsection (2) applies —
- (a) whether or not the life insurance and the additional insurance are distinct matters for the purposes of section 19; and
 - (b) whether or not payment of a benefit under the additional insurance component of the policy —

- (i) will or may reduce the benefit payable under the life insurance component of the policy; or
- (ii) will or may terminate the policy.

[Section 92 inserted by No. 37 of 1979 s. 69; amended by No. 10 of 1982 s. 28; No. 41 of 1989 s. 23; No. 49 of 1992 s. 29; No. 39 of 1994 s. 21; No. 45 of 1996 s. 38; No. 2 of 2003 s. 111; No. 66 of 2003 s. 80 and 98.]