



Western Australia

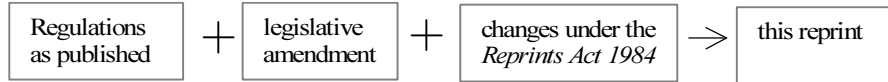
Insurance Commission of Western Australia Act 1986

# **Insurance Commission of Western Australia Regulations 1986**

**Reprint 1: The regulations as at 13 June 2003**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the  
*Reprints Act 1984* as  
at 13 June 2003

Western Australia

## Insurance Commission of Western Australia Regulations 1986

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Insurance Commission of Western Australia Act 1986

## Insurance Commission of Western Australia Regulations 1986

### 1. Citation

These regulations may be cited as the *Insurance Commission of Western Australia Regulations 1986*<sup>1</sup>.

[*Regulation 1 amended in Gazette 26 Sep 1997 p. 5404.*]

### 2. Common seal of the Commission

- (1) The common seal of the Commission shall be in the following form —

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- (2) The common seal of the Commission shall be kept in the custody of the managing director or a person appointed by the managing director to have custody of the seal.
- (3) Where the common seal of the Commission is to be affixed to a document it shall be affixed in the presence of a commissioner and another authorised person and each shall sign the document to attest that the seal was so affixed.
- (4) In subregulation (3) “**authorised person**” in relation to a document means a commissioner or a person appointed by the board of commissioners to be present at the sealing of documents generally, or of that document, or of a class of documents in which that document is included.

*[Regulation 2 amended in Gazette 26 Sep 1997 p. 5405.]*

**3. Common seal of the Corporation**

- (1) The common seal of the Corporation shall be in the following form —

“



”

- (2) The common seal of the Corporation shall be kept in the custody of the managing director or a person appointed by the managing director to have custody of the seal.
- (3) Where the common seal of the Corporation is to be affixed to a document it shall be affixed in the presence of a director and

another authorised person and each shall sign the document to attest that the seal was so affixed.

- (4) In subregulation (3) “**authorised person**” in relation to a document means a director or a person appointed by the board of directors to be present at the sealing of documents generally, or of that document, or of a class of documents in which that document is included.

**4. Exemptions from requirements of Commonwealth laws**

- (1) In this regulation —  
“**Insurance Act**” means the *Insurance Act 1973* of the Commonwealth;  
“**Insurance Commissioner**” means the Insurance Commissioner under the Insurance Act;  
“**Life Insurance Act**” means the *Life Insurance Act 1945* of the Commonwealth;  
“**Life Insurance Commissioner**” means the Life Insurance Commissioner under the Life Insurance Act.
- (2) Subject to subregulations (3) and (4), the Corporation is exempt from complying with such requirements imposed on insurers by the laws of the Commonwealth relating to insurance as are set out in the Table.
- (3) Sections 30(1)(d), (e) and (g), (2) to (4A) and (5A), 34 and 48 of the Insurance Act apply to the Corporation as if references in those provisions to the Insurance Commissioner were references to the Minister and with such other changes as are necessary.
- (4) Sections 4(4), 4A, 37(2) and (4), 39(2) to (11), 40(4) and (7), 40A, 79, 99, 102 and 147 of the Life Insurance Act apply to the Corporation as if references in those provisions to the Life Insurance Commissioner were references to the Minister and with such other changes as are necessary.
- (5) An audit that is required by —  
(a) section 47 of the Insurance Act; or

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(b) section 45 of the Life Insurance Act,  
as applied to the Corporation by section 33 of the Act shall be  
carried out by the Auditor General.

<b>Act</b>	<b>Provision</b>	<b>Requirement</b>
Insurance Act	section 21(2)	Requirement to have authorisation of the Insurance Commissioner to carry on insurance business.
	section 30(1)(d), (e) and (g)	Requirements for amounts, loans, debentures, shares, unpaid premiums and guarantees to be approved by the Insurance Commissioner as assets for the purposes of Part III.
	section 34(1)	Requirement for reinsurance arrangements to be approved by the Insurance Commissioner.
	section 44(4)	Requirements to lodge quarterly statements with the Insurance Commissioner.
	sections 46 and 48	Requirements as to appointment of auditor and lodgement of certificate of auditor.
	section 119(1) and (2)	Requirements as to principal banker and notice of appointment of principal banker.
Life Insurance Act	section 4A(3)	Requirement for the Life Insurance Commissioner to approve of the functions of an actuary being performed by a person.
	section 15	Requirement to be registered by the Life Insurance Commissioner to carry on life insurance business.
	section 37(2) and (4)	Requirements to have consent of the Life Insurance Commissioner to the establishment of a separate



Act	Provision	Requirement
	section 39(2)	fund in respect of part of a class or classes of life insurance business and to notify the Life Insurance Commissioner of the establishment of such a fund. Requirement to obtain approval of the Life Insurance Commissioner to investments.
	section 40(4) and (7) and 40A(2)	Requirements as to transfers of assets and furnishing of statements of particulars.
	section 47(1)	Requirement for the Life Insurance Commissioner to approve of the functions of an auditor being performed by a person.
	section 79	Requirement to obtain approval of the Life Insurance Commissioner in relation to commissions or rebates.
	section 102(b)	Requirement to reduce amount upon a basis approved by the Life Insurance Commissioner when ascertaining the amount of a paid-up policy.
	section 106(1) and (3)	Requirements as to statements and payments of unclaimed moneys.
	section 117(4) and (5)	Requirements to give notices to the Life Insurance Commissioner concerning registries and representatives.
	section 147	Requirement to notify the Life Insurance Commissioner of authorisation of signatories.

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**5. No exemption from stamp duty on certain policies**

For the purposes of section 4(3) of the Act any exemption from duty enjoyed by the Commission as an agent of the Crown designated by a notice published under section 119(1) of the *Stamp Act 1921* does not apply to a policy of insurance issued under section 6(a) or (b) of the Act.

**6. Capital of the Corporation**

Pursuant to a recommendation of the Commission, on the coming into operation of this regulation the authorised capital of the Corporation shall, by an increase of \$40 000 000, become \$100 000 000 to be divided into 1 000 000 shares of \$100 each.

*[Regulation 6 inserted in Gazette 27 Apr 1990 p. 2093.]*

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### **Notes**

- <sup>1</sup> This reprint is a compilation as at 13 June 2003 of the *Insurance Commission of Western Australia Regulations 1986* 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>State Government Insurance Commission Regulations 1986</i> <sup>2</sup>	19 Dec 1986 p. 4863-4	19 Dec 1986
<i>State Government Insurance Commission Amendment Regulations 1990</i>	12 Jan 1990 p. 82	12 Jan 1990
<i>State Government Insurance Commission Amendment Regulations (No. 2) 1990</i>	27 Apr 1990 p. 2093	27 Apr 1990
<i>State Government Insurance Commission Amendment Regulations 1997</i>	26 Sep 1997 p. 5404-5	1 Oct 1997 (see r. 2)

**Reprint 1: The *Insurance Commission of Western Australia Regulations 1986* as at 13 Jun 2003** (includes amendments listed above)

- <sup>2</sup> Now known as the *Insurance Commission of Western Australia Regulations 1986*; citation changed (see note under r. 1).