

Approved for Reprint 14th September, 1959.

WESTERN AUSTRALIA.

STATE GOVERNMENT INSURANCE OFFICE.

2° and 3° Geo. VI., No. XXXIX.

No. 39 of 1938.

(Affected by Act No. 75 of 1957.)

[As amended by Acts

No. 29 of 1943, assented to 12th November, 1943;

No. 23 of 1945, assented to 9th January, 1946;

No. 52 of 1952, assented to 23rd December, 1952;

No. 58 of 1954, assented to 30th December, 1954;

No. 49 of 1958, assented to 23rd December, 1958,

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to authorise the establishment of the State Government Insurance Office; to authorise the carrying on of certain insurance business by the said State Government Insurance Office; to validate all the transactions in the nature of insurance business hitherto carried on through the said State Government Insurance Office, and for other relative purposes.

[Assented to 31st January, 1939.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *State Government Insurance Office Act, 1938-1958*.

Short title.
Amended
by No. 49 of
1958, s. 1.

Interpre-
tation.

Amended by
No. 29 of
1943, s. 2;
No. 23 of
1945, s. 2;
No. 58 of
1954, s. 2;
No. 49 of
1958, s. 2.

[Added by
No. 23 of
1945, s. 2.]

2. In this Act, subject to the context—

“friendly society” means a friendly society registered under the Friendly Societies Act, 1894-1939;¹

“insurance business” means the issue of or the undertaking of liability under policies of insurance—

(a) in relation to liability of employers for the payment to workers or their dependants of:—

(i) compensation under the Workers’ Compensation Act, 1912-1934;²

(ii) compensation under the Employers’ Liability Act, 1894;³ and

(iii) compensation or damages at Common Law in respect of injury suffered by the worker or employee during his employment in circumstances which render the employer liable to pay compensation or damages;

(b) in relation to compensation in accordance with the Workers’ Compensation Act to an employee who is outside the scope of the Workers’ Compensation Act in respect of injury suffered by him during his employment;

(b1) subject as hereinafter provided, in relation to all classes of insurable risks, including third party risks, in connection with the ownership and

Para. (b1)
added by
No. 29 of
1943, s. 2.

¹ Now Friendly Societies Act, 1894-1956.

² Now Workers’ Compensation Act, 1912-1956.

³ Repealed by Law Reform (Common Employment) Act, 1951.

use of motor vehicles: Provided that, as regards the acceptance and undertaking of insurance business of any kind mentioned in this paragraph, this paragraph shall apply and have effect only during such time as the effecting of insurance against third party risks arising out of the use of motor vehicles by or on behalf of owners of motor vehicles is by law made compulsory;

- (b2) in relation to all classes of insurable risks in respect of which local authorities and friendly societies ordinarily require and obtain insurance, as and whenever any local authorities or any friendly societies apply to the State Government Insurance Office for such insurance. Provided that—

Para. (b2)
added by
No. 23 of
1945, s. 2.

- (i) the insurance business authorised by this paragraph shall be undertaken only with local authorities or with friendly societies as the case may be; and
- (ii) such insurance business may be undertaken only with a number of local authorities or a number of friendly societies (as the case may be) seeking the same conjointly pursuant to a pool or other scheme mutually arranged between such local authorities or between such friendly societies as the case may be and with the State Government Insurance Office;

- (b3) in relation to personal accident insurance in respect of any person who is a student or trainee of any educational or training institution;

Para. (b3)
added by
No. 58 of
1954, s. 2;
substituted
by No. 49 of
1958, s. 2.

State Government Insurance Office.

(c) for the purposes of section six of this Act the term also includes all other classes of insurance business which, prior to the commencement of this Act, the State Government Insurance Office, as carried on prior to the commencement of this Act, had engaged in, carried on and conducted;

[Para. (d)
added by
No. 23 of
1945, s. 2.]

(d) the term also includes acting as agent in this State for and on behalf of any State insurance office or department of any other State of the Commonwealth being carried on as an activity or undertaking of such other State under the laws thereof, when requested so to do by such insurance office or department in connection with any of the insurance business carried on by that insurance office or department;

[Added by
No. 23 of
1945, s. 2.]

“local authority” includes a municipal council, a road board, a local authority within the meaning of the Health Act, 1911-1944,¹ a vermin board, a water board, the board of management of a hospital within the meaning of the Hospitals Act, 1927,² and any other statutory board which the Governor by Order in Council declares to be a local authority for the purposes of this Act;

[Added by
No. 23 of
1945, s. 2.]

“Manager” means the person appointed by the Governor to be the manager of the State Government Insurance Office under and for the purposes of this Act;

“policy” means a policy of insurance in any class of insurance business;

¹ Now Health Act, 1911-1957.

² Now Hospitals Act, 1927-1955.

“State Government Insurance Office” means the State Government Insurance Office hitherto established and carried on by the Government from time to time of the State, and which at the commencement of this Act is being carried on under the management, supervision, and control of the State Government Actuary for the transaction of insurance business.

3. Notwithstanding anything to the contrary contained in section four of the State Trading Concerns Act, 1916, the State Government Insurance Office, as the same is being carried on at the commencement of this Act under the management, supervision, and control of the State Government Actuary, is hereby established under the name “The State Government Insurance Office” for the transaction and carrying on of insurance business within the meaning of this Act.

State Government Insurance Office established.

4. (1) The Government of the State for the time being and from time to time is hereby authorised to engage in, carry on and conduct insurance business by or through the State Government Insurance Office established by this Act under the management and supervision of the manager.

Government authorised to carry on certain insurance business. Amended by No. 23 of 1945, s. 3.

(1a) The Governor may under and in accordance with the provisions of the Public Service Act, 1904-1935,¹ appoint a person to be the Manager of the State Government Insurance Office. The officer at the time of the commencement of this subsection already appointed and acting as Manager of the said State Government Insurance Office shall be deemed to have been so appointed under this subsection.

[Subsec. (1a) added by No. 23 of 1945, s. 3.]

(2) Any policy issued in relation to insurance business transacted through the State Government Insurance Office under the authority of this Act may be signed and executed by the Manager, or

¹ Now Public Service Act, 1904-1956.

by any other person appointed by the Governor for that purpose, and, when so signed and executed, shall be deemed to have been duly signed and executed, and to have effect and operation according to law as a contract between the State Government Insurance Office and the person insured under the policy.

Insurance business to be transacted within the State only.

5. Insurance business as authorised by this Act shall be engaged in, carried on, and conducted by or through the State Government Insurance Office only within the limits of the State of Western Australia and not elsewhere.

Prior transactions of State Government Insurance Office validated.

6. (1) In so far as may be necessary, all transactions in insurance business engaged in, carried on, and conducted prior to the commencement of this Act by the Government of the State from time to time through the State Government Insurance Office as managed, supervised, and controlled by the State Government Actuary shall be and are hereby validated, and all contracts made and all policies issued in relation to such insurance business shall have effect at law and in equity according to the tenor thereof respectively.

(2) All transactions in insurance business in the course of being transacted by the said Government through the State Government Insurance Office, and not completed at the date of the commencement of this Act, may be continued and completed by or through the State Government Insurance Office established by this Act, and all contracts made and policies issued in relation to such insurance business prior to the date of the commencement of this Act, and still subsisting on such date, may be enforced by and against the State Government Insurance Office established by this Act as contracts made and policies issued in relation to insurance business carried on by or through the State Government Insurance Office under the authority of this Act. Where in any such contract or policy the State Government Actuary is named or referred to as one of the contracting parties, such name or

reference shall be deemed to apply and refer to the State Government Insurance Office established by this Act.

7. (1) The State Government Insurance Office established by this Act shall be under the control of a Minister of the Crown, charged by the Governor from time to time with its administration and hereinafter referred to as the Minister.

Adminis-
tration.
Amended by
No. 52 of
1952, s. 2.

(2) The Minister shall by the name The State Government Insurance Office be a body corporate, with perpetual succession and an official seal, and may by such name hold real and personal property and sue and be sued in respect of any matter relating to or connected with the State Government Insurance Office established by this Act and any insurance business engaged in or carried on by or through the same.

(3) On the appointment of a Minister for the State Government Insurance Office established by this Act, all property, assets, and rights at the commencement of this Act vested in the Crown or any person for the purposes of the State Government Insurance Office shall become vested in the Minister, and all liabilities of the Crown in respect of the State Government Insurance Office shall become liabilities of the Minister.

(4) No petition of right or other proceeding shall be presented to or maintained against the Crown for any matter in respect of which an action may be brought against a Minister under this section.

(5) The funds necessary for the establishment or carrying on of the State Government Insurance Office established by this Act shall be such moneys as may from time to time be appropriated by Parliament for the purpose, money from time to time standing to the credit of that Office in the account kept in its name at the Treasury under those provisions of the State Trading Concerns

State Government Insurance Office.

Act, 1916 mentioned in subsection (7) of this section, money from time to time in reserves established and maintained by that Office, property and investments in which money is from time to time invested by that Office, money from time to time derived from that property and those investments, money from time to time derived from transactions relating to that property and from transactions relating to those investments, and such other money as may be prescribed by the regulations.

(6) The accounts of the State Government Insurance Office shall be so kept as to separately show the industrial diseases insurance transactions as distinct from other insurance transactions.

(7) In relation to the administration of the State Government Insurance Office established by this Act, sections seven, eight, nine, ten, eleven, fourteen, sixteen, subsection (2) of sections seventeen, nineteen, twenty, twenty-one, and twenty-two of the State Trading Concerns Act, 1916, shall, so far as they can be made applicable, *mutatis mutandis*, apply as if the said State Government Insurance Office were a State trading concern, but subject thereto such administration may be regulated in accordance with regulations made under this Act: Provided that, when applying the provisions of section ten of the State Trading Concerns Act, 1916, to the State Government Insurance Office established by this Act there shall also be entered and debited in the banking account, as if the same were already provided for in the said section, in each and every year, such sum as the Commissioner of Taxation certifies represents the equivalent of the amount of taxes in relation to profits or income liable to be paid by insurance companies (other than life assurance companies) under the laws of the State, which the said State Government Insurance Office would be liable to pay if it were an insurance company subject to such laws and liable to pay such taxes.

(8) (a) The State Government Insurance Office is authorised and is to be regarded as always having been authorised to establish and maintain reserves for the purpose of carrying out its functions under this Act including the meeting of its liabilities and contingent liabilities and a reserve so established shall not be applied to any purpose other than that for which it was so established without the consent of the Auditor General.

Subsec. 8
added by
No. 52 of
1952, s. 2.

(b) The Auditor General shall, in considering a request for his consent under paragraph (a) of this subsection, make such enquiries and investigations as to the sufficiency of the reserve as he thinks fit.

(9) The State Government Insurance Office is authorised and is to be regarded as always having been authorised to invest such part of the funds mentioned in subsection (5) as is not immediately required for the purposes of its functions under this Act in investments approved by the Treasurer.

Subsec. 9
added by
No. 52 of
1952, s. 2.

(10) (a) In this subsection—

Subsec. 10
added by
No. 52 of
1952, s. 2.

“property” means real and personal property of every kind and includes any estate or interest in that real and personal property;

“to acquire” means to acquire by purchase, exchange, gift, lease, a letting agreement, license, and bailment;

“to dispose of” means to dispose of by sale, exchange, lease, letting, license, and bailment.

(b) The State Government Insurance Office is authorised and is to be regarded as always having been authorised—

- (i) to acquire and dispose of property;
- (ii) to borrow money and obtain credit on the security of property; and
- (iii) to erect, equip, furnish, alter, demolish, replace, and maintain buildings necessary for the purpose of carrying out its functions under this Act.

Regulations.

8. The Governor may make regulations for the administration of the State Government Insurance Office established by this Act and for the regulation of the insurance business as engaged in, carried on, and conducted by or through the State Government Insurance Office under the authority of this Act, and for and in relation to any act, matter, or thing connected with or incidental to such insurance business as may be deemed requisite and necessary or convenient to be made to enable the State Government Insurance Office properly, efficiently, and conveniently to engage in, carry on, and conduct such insurance business, and may by such regulations prescribe any forms and fees, and may by such regulations impose a penalty not exceeding fifty pounds for a breach or contravention of any such regulations.

State
Government
Insurance
Office to be
deemed
to be an
approved
incorporated
insurance
office for the
purposes of
the Workers'
Compensa-
tion Act,
1912-1934.

9. The State Government Insurance Office, as established by this Act, shall be deemed to be an incorporated insurance office capable of being approved by the Minister within the meaning and for the purposes of section ten of the Workers' Compensation Act, 1912-1934.¹

¹ Now Workers' Compensation Act, 1912-1956.