

WESTERN AUSTRALIA

**ACTS AMENDMENT (ICWA)
ACT 1996**

No. 45 of 1996

AN ACT to amend the *State Government Insurance Commission Act 1986* and make consequential amendments to other Acts and for related purposes.

[Assented to 25 October 1996.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (ICWA) Act 1996*.

Commencement

2. The provisions of this Act come into operation on such day as is, or days as are respectively, fixed by proclamation.

Principal Act

3. In this Act the *State Government Insurance Commission Act 1986** is referred to as the principal Act.

[* *Act No. 51 of 1986.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 210.]

**PART 2 — AMENDMENT OF THE *STATE GOVERNMENT
INSURANCE COMMISSION ACT 1986***

Long title repealed and a new long title substituted

4. The long title to the principal Act is repealed and the following long title is substituted —

“

**AN ACT to provide for the constitution and functions
of the Insurance Commission of Western
Australia, and for related purposes.**

”.

Section 1 amended

5. Section 1 of the principal Act is amended by deleting “*State Government Insurance Commission*” and substituting the following —

“ *Insurance Commission of Western Australia* ”.

Section 3 amended

6. Section 3 of the principal Act is amended —

- (a) by deleting the definitions of “board of directors”, “Corporation”, “debt paper” and “director of the Corporation”;
- (b) by deleting the definition of “Commission” and substituting the following definitions —

“

“Commission” means the body continued by section 4 under the corporate name “Insurance Commission of Western Australia”;

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“**Commission account**” means a Fund, a fund established under section 7 (4) (a) or a trust of which the Commission is a trustee under section 7 (4) (c);

”;

and

(c) by inserting after the definition of “policy” the following definitions —

“**public authority**” means —

- (a) a department of the Public Service;
- (b) an agency, authority or instrumentality of the Crown in right of the State; or
- (c) a body, whether corporate or unincorporate, that is established or continued for a public purpose under a written law, other than a body, or a body of a class, that is excluded by regulation from the operation of this definition;

“**risk management**” does not include the management of risks associated with an investment;

”.

Headings substituted

7. The principal Act is amended by deleting the headings to Part II and Division 1 of Part II and substituting the following headings —

“ **PART II — INSURANCE COMMISSION
OF WESTERN AUSTRALIA**

***Division 1 — The Commission and the board
of commissioners***

”.

Section 4 repealed and sections 4 and 4A substituted

8. Section 4 of the principal Act is repealed and the following sections are substituted —

“

**Insurance Commission of Western Australia:
corporate identity and status**

4. (1) The body corporate established under this section as enacted before the commencement of section 8 of the *Acts Amendment (ICWA) Act 1996* is continued under the corporate name “Insurance Commission of Western Australia” without affecting its corporate identity or its rights and obligations.

(2) The Commission is a body corporate with perpetual succession and a common seal.

(3) Proceedings may be taken by or against the Commission in its corporate name.

(4) The Commission may use and operate under one or more trading names approved by the Minister being —

- (a) an abbreviation or adaptation of its corporate name; or
- (b) a name other than its corporate name.

Agent of Crown

4A. The Commission is an agent of the Crown in right of the State and has the status, immunities and privileges of the Crown except as otherwise prescribed.

”.

s. 9**Section 5 amended**

9. (1) Section 5 (1) (a) of the principal Act is amended by inserting before “6” the following —

“ not less than 3 or more than ”.

(2) Section 5 (5) of the principal Act is amended by deleting “Public Service Board” and substituting the following —

“ Minister for Public Sector Management ”.

Section 6 amended

10. Section 6 of the principal Act is amended by deleting paragraphs (c) to (g) and substituting the following —

“

- (c) to manage and administer insurance and risk management arrangements on behalf of public authorities;
- (d) to provide services, facilities and advice to public authorities in respect of the management of claims against them or against funds maintained or administered by them under any written law;
- (e) to initiate, or participate in, and promote programmes and schemes for —
 - (i) research into the treatment of industrial diseases and personal injury; and
 - (ii) research into, education for, and promotion of public awareness relating to, the prevention of industrial diseases, personal injury and accidental death,

being programmes and schemes relevant to risks in respect of which the Commission is to provide insurance under paragraphs (a) and (b);

- (f) to provide advice to the Government on matters relating to insurance and risk management;
- (g) to invest and manage moneys and other property under its control; and
- (h) to do such other acts and things or engage in such other activities as it is authorized or required to do or engage in under any written law.

”.

Section 7 amended and validation

11. (1) After section 7 (2) (a) of the principal Act the following paragraph is inserted —

“

- (aa) to fix and collect such fees, charges or other payments as it considers appropriate for or in respect of services it provides;

”.

(2) Section 7 (2) (e) of the principal Act is deleted and the following paragraph is substituted —

“

- (e) to acquire, hold, lease, sub-lease, license, exploit, encumber, deal in, dispose of, divide, subdivide, improve, develop or alter property or do anything else that a natural person could do in respect of property;

”.

(3) Section 7 (2) (g) of the principal Act is deleted and the following paragraph is substituted —

“

- (g) to subscribe for, invest in or otherwise acquire any investment and to deal in or dispose of any investment;

”.

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(4) Section 7 (2) (j) of the principal Act is amended by inserting before “brokers” the following —

“ custodians, ”.

(5) Section 7 (2) (m) of the principal Act is amended by inserting after “persons” the following —

“ or public authorities ”.

(6) Section 7 (2) (o) of the principal Act is deleted.

(7) Section 7 (4) of the principal Act is repealed and the following subsection is substituted —

“

(4) Without limiting subsection (1) or (2), the Commission has power to arrange reinsurance of risks and, in relation to its functions under section 6 (c), has power —

- (a) to establish, manage and maintain any fund or funds (in addition to the Funds) for the management of insurance arrangements of, or for risk management for, public authorities;
- (b) to arrange insurance of risks for public authorities; and
- (c) to act as trustee of any trust.

”.

(8) Section 7 (5) of the principal Act is repealed and the following subsection is substituted —

“

(5) The Commission’s powers of investment include —

- (a) power to invest in real or personal property of any kind; and

- (b) power to be a party to any financial instrument or arrangement that relates to any investment and is, in the opinion of the board of commissioners, for the purpose of managing, limiting or reducing perceived risks or anticipated costs associated with the investment.

”.

(9) Anything done before the commencement of a provision of this section, is as valid and has the same force and effect, and is to be regarded as having always been as valid and had the same force and effect, as if that provision and section 10 of this Act had come into operation before the thing was done.

Sections 10A and 10B inserted

12. After section 10 of the principal Act the following sections are inserted —

“

Minister to have access to information

10A. (1) The Minister is entitled —

- (a) to have information in the possession of the Commission; and
- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

- (a) request the Commission to furnish information to the Minister;
- (b) request the Commission to give the Minister access to information;

- (c) for the purposes of paragraph (b) make use of the staff and facilities of the Commission to obtain the information and furnish it to the Minister.

(3) The Commission is to comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

- (4) In this section —

“**document**” includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

“**information**” means information specified, or of a description specified, by the Minister that relates to the functions of the Commission;

“**staff**” includes persons whose services are used under section 13.

Confidential information

10B. (1) Nothing in this Act entitles the Minister to have information in the possession of the Commission concerning the affairs of the Commission in a form that —

- (a) discloses the identity and affairs of any person who is or has been a customer of the Commission in the person’s capacity as such a customer; or
- (b) might enable the identity and affairs of any such person in that capacity to be ascertained.

(2) Subsection (1) does not apply where disclosure of the information —

- (a) is required by some other written law; or
- (b) is authorized by the customer.

(3) In this section —

“Commission” includes the State Government Insurance Office established by the *State Government Insurance Office Act 1938* and the Motor Vehicle Insurance Trust constituted by the *Motor Vehicle (Third Party Insurance) Act 1943*;

“customer” means a person who is or may become a current or former insured party of, or a claimant against, the Commission and an agent, broker or attorney appointed or engaged by the Commission.

”.

Section 12 amended

13. (1) Section 12 (1) of the principal Act is amended by deleting “and the Corporation to carry out their respective functions” and substituting the following —

“ to carry out its functions ”.

(2) Section 12 (4) of the principal Act is amended by deleting “it considers necessary to enable the Commission and the Corporation to carry out their respective functions” and substituting the following —

“
the board considers necessary to enable the Commission to carry out its functions

”.

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Section 15 amended

14. Section 15 (2) (d) of the principal Act is deleted.

Section 16 amended

15. Section 16 (2) to (6) of the principal Act are repealed and the following subsections are substituted —

“

(2) The Third Party Insurance Fund shall consist of —

- (a) moneys appropriated for, or derived from or in connection with, the Commission's functions under section 6 (a) or its functions under section 6 (e) in so far as they relate to personal injury and accidental death;
- (b) other property received or acquired by the Commission in connection with the Commission's functions referred to in paragraph (a); and
- (c) moneys or other property credited, apportioned or transferred to that Fund under section 17 or 18,

and, subject to section 18, may be applied for the purpose of carrying out the Commission's functions referred to in paragraph (a) and for that purpose only.

(3) The Compensation (Miscellaneous Risks) Fund shall consist of —

- (a) moneys appropriated for, or derived from or in connection with, the Commission's functions under section 6 (b) (i);

- (b) other property received or acquired by the Commission in connection with the Commission's functions under section 6 (b) (i); and
- (c) moneys or other property credited, apportioned or transferred to that Fund under section 17 or 18,

and, subject to section 18, may be applied for the purpose of carrying out the Commission's functions under section 6 (b) (i) and for that purpose only.

(4) The Compensation (Industrial Diseases) Fund shall consist of —

- (a) moneys appropriated for, or derived from or in connection with, the Commission's functions under section 6 (b) (ii) or its functions under section 6 (e) in so far as they relate to industrial diseases;
- (b) other property received or acquired by the Commission in connection with the Commission's functions referred to in paragraph (a); and
- (c) moneys or other property credited, apportioned or transferred to that Fund under section 17 or 18,

and, subject to section 18, may be applied for the purpose of carrying out the Commission's functions referred to in paragraph (a) and for that purpose only.

(5) The Government Insurance Fund shall consist of —

- (a) moneys appropriated for, or derived from or in connection with, the Commission's functions

under section 6 (c) other than moneys in a fund established under section 7 (4) (a) or the subject of a trust of which the Commission is a trustee under section 7 (4) (c);

- (b) other property received or acquired by the Commission in connection with the Commission's functions under section 6 (c); and
- (c) moneys or other property credited, apportioned or transferred to that Fund by the Commission under section 17 or 18,

and, subject to section 18, may be applied for the purpose of carrying out the Commission's functions under section 6 (c) and for that purpose only.

(6) The Insurance Commission General Fund shall consist of —

- (a) moneys available to the Commission that are not required to be credited to any other Commission account;
- (b) other property of the Commission that does not form part of any other Commission account; and
- (c) any moneys or other property credited, apportioned or transferred to that Fund under section 17 or 18,

and, subject to section 18 may be applied for the purpose of carrying out the functions of the Commission under section 6 (d), (f) and (h), and for the general administration of this Act, and for those purposes only.

”.

Section 17 amended

16. After section 17 (2) of the principal Act the following subsection is inserted —

“

(3) Where moneys are appropriated by Parliament for the purposes of functions of the Commission, those moneys shall, subject to the terms of the appropriation Act, be credited by the Commission —

- (a) to such Commission account; or
- (b) to such Commission accounts in such proportions,

as the board of commissioners thinks fit.

”.

Section 19 repealed and Part II, Division 4, Subdivision Aa substituted

17. Section 19 of the principal Act is repealed and the following heading and sections are substituted —

“

Subdivision Aa — Investment and property management

Arrangements for appointment of investment managers

19. (1) The Commission may, with the written approval of the Treasurer, arrange for a person to invest or manage moneys or other property under the control of the Commission on such terms and conditions (including payment) as may be mutually arranged by the board of commissioners with that person.

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(2) The Commission is not to make an arrangement with a person under subsection (1) unless the board of commissioners considers that the person is suitably qualified to perform the functions required under the arrangement.

(3) The Commission is to ensure that expressions of interest are invited from persons who are believed by the board of commissioners to be suitably qualified before an arrangement is made under subsection (1).

Investment policy

19A. (1) A person performing a function relating to the investment or management of moneys or other property under the control of the Commission shall observe such prudential requirements as to investment policy as the Treasurer may impose.

(2) Subsection (1) applies to —

- (a) the Commission performing its functions under section 6 (g); and
- (b) a person performing a function under an arrangement under section 19 (1).

”.

Section 22 amended

18. Section 22 of the principal Act is amended by deleting “Fund” and substituting the following —

“ Commission account ”.

Section 23 repealed and a section substituted

19. Section 23 of the principal Act is repealed and the following section is substituted —

“

Annual reports, financial statements

23. The Commission shall, if so directed by the Treasurer —

- (a) cause a separate and distinct annual report to be prepared and submitted under section 66 (1) of the *Financial Administration and Audit Act 1985*, in respect of a Commission account; or
- (b) cause separate and distinct financial statements referred to in section 66 (1) (a) of the *Financial Administration and Audit Act 1985* to be prepared in respect of a Commission account for inclusion in the Commission's annual report under section 66 (1) of that Act.

”.

Part III repealed

20. Part III of the principal Act is repealed.

Section 42 amended

21. Section 42 (2) of the principal Act is repealed and the following subsection is substituted —

“

(2) This section applies to every person who is or has been a commissioner or alternate commissioner, is or has been an officer or employee of the Commission, or is rendering, or has rendered services to the Commission under section 12, 13 or 13A.

”.

Section 43 amended

22. Section 43 (9) of the principal Act is repealed.

Section 44 repealed and a section substituted

23. Section 44 of the principal Act is repealed and the following section is substituted —

“

Exemption of certain public authorities from workers' compensation insurance requirements

44. For the purposes of any enactment other than sections 165, 166 and 168 of the *Workers' Compensation and Rehabilitation Act 1981* (the “**WCR Act**”), public authorities for which insurance arrangements are managed and administered by the Commission under section 6 (c) of this Act, are to be regarded as a group of employers that have been exempted by the Governor under section 164 of the WCR Act from the obligation to insure pursuant to the WCR Act except for the obligation to insure against liability to pay compensation for any industrial disease of the kinds referred to in section 151 (a) (iii) of the WCR Act.

”.

Section 45 amended

24. Section 45 (2) of the principal Act is repealed and the following subsection is substituted —

“

(2) Without limiting subsection (1), regulations may provide for the use of the common seal of the Commission in Western Australia and elsewhere.

”.

Sections 47 and 48 repealed

25. Sections 47 and 48 of the principal Act are repealed.

Schedule 1 amended

26. Schedule 1 to the principal Act is amended —

(a) in clause 6 (6) by deleting “4” and substituting the following —

“ 3 ”;

(b) by inserting after clause 6 the following clause —

“

Telephone and video meetings

6A. Despite anything in this Schedule, a communication between commissioners constituting a quorum under clause 6 (6) by telephone or audio-visual means is a valid meeting of the board, but only if each participating commissioner is capable of communicating with every other participating commissioner instantaneously at all times during the proceedings.

”;

(c) by inserting after clause 7 (2) the following subclause —

“

(3) Clause 6A applies, with such modifications as are necessary, in relation to a committee.

”;

(d) by deleting clause 8 and substituting the following clauses —

“

Resolution may be passed without meeting

8. (1) If a document containing a statement to the effect that an act, matter or thing has been done

or resolution has been passed is sent or given to all commissioners and is assented to by not less than 3 commissioners that act, matter, thing or resolution is to be taken as having been done at or passed by a meeting of the board.

(2) For the purposes of subclause (1) —

- (a) the meeting is to be taken as having been held —
 - (i) if the commissioners assented to the document on the same day, on the day on which the document was assented to and at the time at which the document was last assented to by a commissioner; or
 - (ii) if the commissioners assented to the document on different days, on the day on which, and at the time at which, the document was last assented to by a commissioner;
- (b) 2 or more separate documents in identical terms each of which is assented to by one or more commissioners are to be taken to constitute one document; and
- (c) a commissioner may signify assent to a document by signing the document or by notifying the Commission of the commissioner's assent in person or by post, facsimile transmission, telephone or other method of written, audio or audio-visual communication.

(3) Where a commissioner signifies assent to a document otherwise than by signing the document, the commissioner must by way of confirmation sign the document at the next meeting of the board attended by that commissioner, but failure to do so

does not invalidate the act, matter, thing or resolution to which the document relates.

(4) Where a document is assented to in accordance with subclause (1), the document is to be taken as a minute of a meeting of the board.

Minutes of meetings etc.

8A. The board is to ensure that an accurate record is kept and preserved of the proceedings at each meeting of the board and of each resolution passed under clause 8.

”.

Schedule 2 repealed

27. Schedule 2 to the principal Act is repealed.

Schedule 4 repealed

28. Schedule 4 to the principal Act is repealed.

PART 3 — TRANSITIONAL AND SAVING PROVISIONS

Terms used in this Part

29. In this Part, unless the contrary intention appears —

“**Commission**” and “**Corporation**” have the same meanings as they have, respectively, in the principal Act;

“**ICWA**” means the body continued by section 4 of the ICWA Act;

“**ICWA Act**” means the principal Act as amended by this Act.

References to the Commission under its former name in laws and documents

30. (1) In this section —

“**former name**” means “State Government Insurance Commission”;

“**new name**” means “Insurance Commission of Western Australia”.

(2) Without limiting section 4 (1) of the ICWA Act, where, in a written law or in any document of any kind, there is —

(a) a reference to ICWA by its former name; or

(b) a reference that was directed by Schedule 4 of the principal Act to be read and construed, or have effect, as a reference to ICWA by its former name,

that reference is, unless because of the context it would be inappropriate to do so, to be construed, or have effect, after section 8 commences as if it had been amended to be a reference to ICWA by its new name.

Transfer of Corporation's assets and liabilities to ICWA

31. (1) In this section —

“commencement day” means the day on which section 20 commences;

“existing policies” means all policies of insurance existing immediately before the commencement day being policies that were issued by the Corporation or policies under which the Corporation had undertaken liability;

“existing reinsurance policies” means all reinsurance policies existing immediately before the commencement day issued by another person under which the Corporation was reinsured in respect of all or part of its liabilities or risks under existing policies.

(2) On and after the commencement day —

(a) all of the assets and rights of the Corporation immediately before the commencement day vest in ICWA by force of this section;

(b) all the liabilities of the Corporation immediately before the commencement day vest in ICWA by force of this section, so far as they have not been paid or discharged;

(c) any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if ICWA were substituted for the Corporation as a party to the agreement or instrument;

(d) all proceedings commenced before the commencement day by or against the Corporation are to be taken to be proceedings by or against ICWA;

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- (e) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement day by, to or in respect of the Corporation (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done by or omitted, to or in respect of ICWA;
- (f) all existing policies are to be taken to be, and, subject to the terms and conditions of any particular policy, continue to have effect as if they were, policies issued by ICWA;
- (g) all existing reinsurance policies that relate to existing policies are to be taken to be, and, subject to the terms and conditions of any particular reinsurance policy, continue to have effect as if they were, policies that reinsure ICWA in respect of existing policies; and
- (h) a reference to the Corporation in a written law or in any document of any kind is, unless because of the context it would be inappropriate so to do, to be construed, or have effect, as if it had been amended to be a reference to ICWA.

Saving provisions relating to transfer of assets and liabilities

32. The operation of section 31 is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;

- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability; or
- (d) as releasing, or allowing the release of, any surety.

Registration of documents

33. (1) The Registrar of Titles, the Registrar of Deeds, the Ministers respectively administering the *Land Act 1933* and the *Mining Act 1978*, and any other person authorized by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or other property, are to take notice of the provisions of this Part and are empowered to record and register in the appropriate manner such of those documents as are necessary to give effect to this Part.

(2) Without limiting subsection (1) a statement in an instrument executed by ICWA that any estate or interest in land or other property has become vested in it under section 31 is evidence of that fact.

Cancellation of shares in State Government Insurance Corporation

34. When section 20 commences the shares held by the Commission under section 39 of the principal Act are cancelled and all rights attached to them are extinguished by force of this section.

Exemption from State taxation

35. (1) In this section —

“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.

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(2) State tax is not payable in relation to —

- (a) anything that occurs by the operation of this Part; or
- (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Part, or to give effect to this Part, or for a purpose connected with or arising out of, giving effect to this Part.

(3) The Treasurer or a person authorized by the Treasurer may, on request by ICWA, certify in writing that —

- (a) a specified thing occurred by the operation of this Part; or
- (b) a specified thing was done under this Part, or to give effect to this Part, or for a purpose connected with or arising out of, giving effect to this Part.

(4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

Financial reporting

36. (1) If sections 66 to 69 of the *Financial Administration and Audit Act 1985* have not been complied with before the commencement of section 20 in relation to the affairs of the Corporation for a financial year that ended before that commencement, the Minister is to cause those sections to be complied with in relation to that year as soon as practicable after that commencement.

(2) As soon as practicable after the commencement of section 20 the Minister is to cause sections 66 to 69 of the *Financial Administration and Audit Act 1985* to be complied with

in relation to the affairs of the Corporation for the period from 1 July last preceding that commencement to that commencement, and the report is to be regarded as an annual report for the purposes of section 69 of that Act.

(3) If section 20 commences on 1 July in a year —

- (a) subsection (2) does not apply; and
- (b) the Minister is to cause sections 66 to 69 of the *Financial Administration and Audit Act 1985* to be complied with in relation to the affairs of the Commission for the year ending on 30 June in that year.

(4) Any acts or things done in the administration of this Part are to be regarded —

- (a) as services for which ICWA is responsible for the purposes of Part II, Division 11 of the *Financial Administration and Audit Act 1985*; and
- (b) as operations of ICWA for the purposes of Part II, Division 14 of the *Financial Administration and Audit Act 1985*.

(5) In this section —

“**Minister**” means the Minister administering the ICWA Act.

Saving provisions in relation to Schedule 4

37. (1) In this section —

“**the schedule**” means Schedule 4 to the principal Act.

- (2) Despite the repeal of the schedule —
- (a) assets which were vested in, and liabilities which were imposed on, the Commission under clauses 2 and 9 of the schedule and which are still assets and liabilities of the Commission immediately before section 28 commences continue to be assets and liabilities of ICWA; and
 - (b) clauses 1, 3, 4, 10 (1), (2) (a) and (6) (a), 12 (1), (2) and (3), 15 and 19 of the schedule continue to have effect as if references in them to the Commission were references to ICWA.

PART 4 — AMENDMENT OF OTHER ACTS

Consequential amendments

38. The Acts referred to in the Schedule are amended as set out in Schedule 1.

SCHEDULE 1 — CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

1. *Constitution Acts Amendment Act 1899**

Provision amended	Amendment
Schedule V, Part 3	<p>(a) Insert, in the appropriate alphabetical position, the following item —</p> <p style="padding-left: 40px;">“ Insurance Commission of Western Australia continued under the <i>Insurance Commission of Western Australia Act 1986</i>. ”.</p> <p>(b) Delete the item relating to the Motor Vehicle Insurance Trust.</p>

[* Reprinted as at 17 May 1995.
 For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 44-7 and Acts Nos. 26 of 1995 and 14 of 1996.]

2. *Employers' Indemnity Supplementation Fund Act 1980**

Provision amended	Amendment
Section 3	<p>Delete the definition of “Insurance Commission”, substitute the following definition —</p> <p style="padding-left: 40px;">“ “Insurance Commission” means the body continued as the Insurance Commission of Western Australia under the <i>Insurance Commission of Western Australia Act 1986</i>; ”.</p>
Section 7 (1) (b) and (3) (b)	<p>Delete “<i>State Government Insurance Commission</i>”, substitute “<i>Insurance Commission of Western Australia</i>”.</p>

[* Reprinted as at 7 December 1994.]

3. *Financial Administration and Audit Act 1985**

Provision amended	Amendment
Schedule 1	<p>(a) Insert, in the appropriate alphabetical position, the following item —</p> <p style="padding-left: 40px;">“ Insurance Commission of Western Australia ”.</p>

- (b) Delete the item "State Government Insurance Commission".
- (c) Delete the item "State Government Insurance Corporation".

[* Reprinted as at 1 July 1991.
Schedule 1 reprinted as at 26 August 1994.
For subsequent amendments see 1995 Index to Legislation of
Western Australia, Table 1, pp. 77-9 and Acts Nos. 26 and 63
of 1995 and 14 of 1996 and Gazette 9 January 1996.]

4. *Freedom of Information Act 1992**

Provision amended	Amendment
Schedule 2	Delete the item "The State Government Insurance Corporation".

[* Reprinted as at 16 January 1996.
For subsequent amendments see Act No. 14 of 1996.]

5. *Government Employees Superannuation Act 1987**

Provision amended	Amendment
Schedule 1, Part B	<ul style="list-style-type: none"> (a) Insert, in the appropriate alphabetical position, the following item — <div style="margin-left: 40px;">" Insurance Commission of Western Australia "</div> (b) Delete the item "State Government Insurance Commission".

[* Reprinted as at 27 May 1996.]

6. *Housing Loan Guarantee Act 1957**

Provision amended	Amendment
Section 5 (1) (c)	Delete "including The State Government Insurance Office established under the State Government Insurance Office Act, 1938".

[* Approved for reprint 20 May 1974.
For subsequent amendments see 1995 Index to Legislation of
Western Australia, Table 1, p. 103 and Act No. 14 of 1996.]

7. *Legal Contribution Trust Act 1967**

Provision amended	Amendment
Section 14 (4)	Repeal the subsection.

[* *Approved for reprint 15 August 1974.
For subsequent amendments see 1995 Index to Legislation of
Western Australia, Table 1, p. 124.*]

8. *Mine Workers' Relief Act 1932**

Provision amended	Amendment
Schedule 2 Paragraph 2	Delete the definition of "Commission", substitute the following definition — " "Commission" means the body continued as the Insurance Commission of Western Australia under the <i>Insurance Commission of Western Australia Act 1986</i> ; "
Paragraph 5 (2)	Delete the subparagraph, substitute the following subparagraph — " (2) Without limiting the generality of paragraph (a) of section 37 (2) of the <i>Acts Amendment (ICWA) Act 1996</i> it is declared that that paragraph applies to — (a) funds, rights, property and other assets; and (b) debts, liabilities and other obligations, that were vested in or imposed on the State Government Insurance Office under subparagraph (1) of this paragraph and were then vested in or imposed on the Commission under clause 9 of Schedule 4 to the <i>State Government Insurance Commission Act 1986</i> . "

Paragraph 6	Delete the paragraph, substitute the following paragraph — “ Insurance Commission to meet obligations 6. If the resources that have been vested in the Commission as referred to in paragraph 5 (2) or received by the Commission under this Act are insufficient to meet the obligations referred to in paragraph 5 (2) or imposed on the Commission under this Act, the Commission shall nevertheless meet all such obligations as they fall due and may adjust premiums payable by employers of miners for industrial diseases insurance in order to recover any amounts so expended. ”.
Paragraph 7	Delete “without limiting the generality of clause 12 (1) of Schedule 4 to the <i>State Government Insurance Commission Act 1986</i> ”, substitute “Part 3 of the <i>Acts Amendment (ICWA) Act 1996</i> ”.
Paragraph 15 (2)	Delete “ <i>State Government Insurance Commission</i> ”, substitute “ <i>Insurance Commission of Western Australia</i> ”.
Schedule 3	Delete “ <i>State Government Insurance Commission</i> ”, wherever it occurs, substitute “ <i>Insurance Commission of Western Australia</i> ” in each case.

[* Reprinted as at 29 September 1987.]

9. *Motor Vehicle (Third Party Insurance) Act 1943**

Provision amended	Amendment
Section 3 (1)	<p>(a) Delete the definition of “Commission”, substitute the following definition —</p> <p style="padding-left: 40px;">“ “Commission” means the body continued as the Insurance Commission of Western Australia under the <i>Insurance Commission of Western Australia Act 1986</i>; ”.</p> <p>(b) In the definition of “Fund”, delete “<i>State Government Insurance Commission</i>”, substitute “<i>Insurance Commission of Western Australia</i>”.</p>

Schedule Delete "STATE GOVERNMENT INSURANCE COMMISSION", substitute "INSURANCE COMMISSION OF WESTERN AUSTRALIA".

[* Reprinted as at 11 March 1992.
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 149-50 and Act No. 14 of 1996.]

10. *Parliamentary Commissioner Act 1971**

Provision amended	Amendment
The Schedule	(a) Before the item relating to the Land Valuers Licensing Board insert the following item — " Insurance Commission of Western Australia continued under the <i>Insurance Commission of Western Australia Act 1986</i> . "
	(b) Delete the item relating to the State Government Insurance Commission.

[* Reprinted as at 25 May 1995.
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 161-2 and Acts Nos. 63 of 1995 and 7 and 14 of 1996.]

11. *Police Assistance Compensation Act 1964**

Provision amended	Amendment
Section 8	Delete "State Government Insurance Office established under the State Government Insurance Office Act 1938", substitute "Insurance Commission of Western Australia continued under the <i>Insurance Commission of Western Australia Act 1986</i> ".

[* Authorized for reprint 5 August 1982.
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 175.]

12. *Public Sector Management Act 1994**

Provision amended	Amendment
Schedule 2	<p>(a) After item 19 insert the following item —</p> <p style="padding-left: 40px;">“ 19A Insurance Commission of Western Australia, continued under the <i>Insurance Commission of Western Australia Act 1986</i>. ”.</p> <p>(b) Delete item 46.</p>

[* Reprinted as at 16 May 1995.
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 181 and Act No. 14 of 1996.]

13. *SGIO Privatization Act 1992**

Provision amended	Amendment
All provisions other than the long title and sections 1 and 25	Repeal the provisions.
Long title	<p>Repeal the long title and substitute the following —</p> <p style="padding-left: 40px;">“ AN ACT to regulate the use of names or expressions by SGIO Insurance Limited, and for other purposes. ”.</p>
Section 25	<p>(a) Delete “25. On and after the allotment day,”, substitute “2. (1)”.</p> <p>(b) Insert the following subsection —</p> <p style="padding-left: 40px;">“ (2) In subsection (1) —</p> <p style="padding-left: 80px;">“SGIO Insurance Limited” means the public company incorporated in accordance with section 6 as enacted before the commencement of section 38 of the <i>Acts Amendment (ICWA) Act 1996</i>. ”.</p>

New section

Insert the following section —

“ **Saving**

3. (1) Despite the repeals effected by the amending provisions —

- (a) sections 3, 4 (1), 9 to 14, 17 and 27 as enacted before the commencement of the amending provisions; and
- (b) any arrangements made under section 8 (2) or 26 as enacted before the commencement of the amending provisions,

continue to operate and apply to such extent and for such time as may be necessary.

(2) The operation and application referred to in subsection (1) is subject to the operation of Part 3 of the *Acts Amendment (ICWA) Act 1996*.

(3) In subsection (1) —

“**amending provisions**” means section 38 of the *Acts Amendment (ICWA) Act 1996* and item 13 of Schedule 1 to that Act. ”.

[* Act No. 49 of 1992.]

14. *Stamp Act 1921**

Provision amended	Amendment
Section 92	Delete the definition of “insurance company”, substitute the following definition — “ “insurance company ” includes the Insurance Commission of Western Australia continued under the <i>Insurance Commission of Western Australia Act 1986</i> ; ”.

[* Reprinted as at 23 January 1996.
For subsequent amendments see Acts Nos. 14 and 20 of 1996.]

15. *Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986**

Provision amended	Amendment
Section 3	Delete the definition of "SGIC", substitute the following definition — " "ICWA" means the body continued as the Insurance Commission of Western Australia under the <i>Insurance Commission of Western Australia Act 1986</i> ; "
Sections 5, 6, 8 and 10	Delete "SGIC", wherever it occurs, substitute "ICWA" in each case.

[* *Act No. 84 of 1986.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 236.]

16. *Workers' Compensation and Rehabilitation Act 1981**

Provision amended	Amendment
Section 5 (1)	(a) After the definition of "industrial disease premium", insert the following definition — " "Insurance Commission of Western Australia" means the body continued under that name under the <i>Insurance Commission of Western Australia Act 1986</i> ; "
	(b) Delete the definitions of "State Government Insurance Commission" and "State Government Insurance Corporation".
Section 95 (1) (c) (iii) and (iv)	Delete "State Government Insurance Commission or the State Government Insurance Corporation", substitute "Insurance Commission of Western Australia" in each case.
Section 95 (3) (d)	Delete "State Government Insurance Commission", substitute "Insurance Commission of Western Australia".
Section 147 (2) (b)	Delete "State Government Insurance Commission", substitute "Insurance Commission of Western Australia".

Section 147 (2) (d) (iii)	Delete "State Government Insurance Commission or the State Government Insurance Corporation", substitute "Insurance Commission of Western Australia".
Section 154 (6), (7) and (9)	Delete "State Government Insurance Commission", wherever it occurs, substitute "Insurance Commission of Western Australia" in each case.
Section 154 (8)	Delete "State Government Insurance Commission's", substitute "Insurance Commission of Western Australia's".
Section 162 (1)	Delete "State Government Insurance Commission", substitute "Insurance Commission of Western Australia".
Section 163	Delete "State Government Insurance Commission", substitute "Insurance Commission of Western Australia".

[* *Reprinted as at 14 March 1994.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 244-5 and Act No. 14 of 1996.]