

STATE GOVERNMENT INSURANCE OFFICE.

2^d and 3^d GEO. VI., No. XXXIX.

No. 39 of 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.* Short title.

2. In this Act, subject to the context— Interpreta-
tion.

“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;

- (ii) compensation under the Employers' Liability Act, 1894; 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.

(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.

“Policy” means a policy of insurance in any class of insurance business.

“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.

State Govern-
ment Insur-
ance Office
established.

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.

Government
authorised to
carry on cer-
tain insurance
business.

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 State Government Actuary.

(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 State Government Actuary, or 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.

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.

Insurance business to be transacted within the State only.

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.

Prior transactions of State Government Insurance Office validated.

(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.

Administra-
tion.

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.

(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.

(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, twelve, thirteen,

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. 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.

Regulations.

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.

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