

**NORTHUMBERLAND INSURANCE COMPANY
LIMITED ACT.**

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 86, 1975.

An Act to make provisions relating to claims against and liabilities incurred by Northumberland Insurance Company Limited in respect of policies of insurance or indemnity under the Workers' Compensation Act, 1926.
[Assented to, 10th December, 1975.]

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Northumberland Insurance Company Limited.

BE it enacted by the Queen's Most Excellent Majesty, by No. 86, 1975 and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Northumberland Short title.
Insurance Company Limited Act, 1975".

2. In this Act, except so far as the context or subject- Definitions. matter otherwise indicates or requires—

"Company" means Northumberland Insurance Company Limited;

"fund" means the fund established under section 3;

"Government Insurance Office" means the Government Insurance Office of New South Wales;

"licensed insurer" means an insurer, other than the Company, licensed under the Workers' Compensation Act, 1926, and a self-insurer within the meaning of that Act, as at 4th November, 1974;

"policy of insurance" means a policy of insurance or indemnity under section 18 (1) of the Workers' Compensation Act, 1926.

3. (1) There shall be a fund into which shall be paid the Fund. contributions required by section 6 to be paid by licensed insurers and out of which shall be paid such amounts as may be authorised by this Act to be paid thereout.

(2) The fund shall, subject to this Act and any regulations thereunder, be under the direction, control and management of the Government Insurance Office.

(3)

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(3) The Government Insurance Office may invest and re-invest any moneys in the fund in all or any one or more of the securities and investments mentioned in section 5A (3) of the Government Insurance Act, 1927-1965, and any such securities and investments held by the Government Insurance Office pursuant to this subsection may at any time be realised, hypothecated or otherwise disposed of as the Government Insurance Office may from time to time determine.

(4) Full and accurate accounts shall be kept by the Government Insurance Office in respect of the fund.

(5) The accounts relating to the fund shall be audited by the Auditor-General.

Powers of
liquidator of
Northumber-
land
Insurance
Company
Limited.

4. The powers of the liquidator of the Company with respect to any claim, judgment or award arising from or pertaining to any policy of insurance issued by the Company shall be exercised as though—

- (a) the reference to the authority of the Court or of the committee of inspection in section 236 of the Companies Act, 1961, were a reference to the authority of the Government Insurance Office; and
- (b) the words “subject to the provisions of section 292” were omitted from section 236 (1) (b) of the Companies Act, 1961.

Satisfaction
of claims,
judgments
and awards.

5. (1) For the purpose of satisfying any claim, judgment or award arising from or pertaining to any policy of insurance issued by the Company, the liquidator of the Company may from time to time borrow from the fund and the Government Insurance Office may pay from the fund such amounts as may be necessary for that purpose.

(2)

Northumberland Insurance Company Limited.

(2) Any amounts borrowed from the fund in pursuance of subsection (1) shall be admitted as debts proved in the winding up of the Company.

6. (1) Each licensed insurer shall from time to time pay contribution to the Government Insurance Office for payment into the fund such amount as may be calculated, in accordance with subsection (2), by the Government Insurance Office as the appropriate contribution by that licensed insurer.

(2) The appropriate contribution in the case of a licensed insurer shall be an amount equivalent to that which bears the same proportion to the amount determined by the Government Insurance Office as necessary to meet claims, judgments and awards pertaining to policies of insurance issued by the Company as the amount which that licensed insurer is required by or under the Workers' Compensation Act, 1926, to contribute to the fund established by that Act, in the year which commenced on 1st July, 1974, bears to the total amount required by or under that Act to be contributed by all licensed insurers to that fund in that year.

(3) An appropriate contribution, calculated in accordance with this section, not paid within the time specified by the Government Insurance Office in a notice to a licensed insurer requiring him to pay the contribution may be recovered as a debt in any court of competent jurisdiction.

(4) In any proceedings under subsection (3), a certificate purporting to be signed by the Registrar of the Workers' Compensation Commission as to the amount of the appropriate contribution payable, pursuant to this section, by the licensed insurer, and as to the time within which the contribution should be paid, as specified by the Government Insurance Office, shall without proof of the signature or of the official character of the person by whom the certificate purports to have been signed be evidence of the facts stated therein.

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Continuance
of payment
of workers'
compen-
sation in
certain
cases.

Recovery of
moneys
borrowed
from fund.

7. When the Company has been dissolved the payments of compensation under awards pertaining to policies of insurance issued by the Company which would, but for the dissolution taking place, be payable by the Company shall continue and be paid out of the fund by the Government Insurance Office.

8. (1) The Government Insurance Office shall prove as debts in the winding up of the Company—

- (a) all amounts borrowed from the fund in accordance with this Act; and
- (b) in respect of weekly payments to be paid out of the fund under section 7, the amounts specified in a certificate by the Government Actuary as the then present value of those payments.

(2) The amounts specified in a certificate by the Government Actuary shall be debts provable in the winding up and the certificate shall be conclusive as to the matters stated therein.

(3) All moneys recovered by the Government Insurance Office by way of dividend pursuant to subsection (1) shall be paid into an account in a bank in New South Wales and shall from time to time be distributed among the licensed insurers from whom contributions to the fund have been paid in the same proportions as the contributions were made.

Regulations.

9. The Governor may make regulations not inconsistent with this Act for or with respect to—

- (a) requiring licensed insurers to make further contributions to the fund upon failure of those insurers to make contributions as required by this Act or where

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an insurer has ceased to be a licensed insurer or No. 86, 1975 where the Government Insurance Office pays out of the fund weekly payments of compensation under section 7;

- (b) the manner and method of determining any such further contributions;
- (c) varying in circumstances therein specified the periods with respect to which contributions are based on premium income or the basis on which such contributions are determined under section 6;
- (d) matters authorised or required by this Act to be prescribed or which the Governor may deem necessary or convenient for carrying out or giving effect to or implementing the objects of this Act.