

**GOVERNMENT INSURANCE (AMENDMENT) ACT, 1982,
No. 56**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 56, 1982.

An Act to amend the Government Insurance Act, 1927, to reconstitute the Government Insurance Office of New South Wales Board, and for other purposes. [Assented to, 12th May, 1982.]

See also Statutory and Other Offices Remuneration (Government Insurance Office) Amendment Act, 1982.

Government Insurance (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by 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:—

Short title.

1. This Act may be cited as the "Government Insurance (Amendment) Act, 1982".

Commencement.

2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 5 (1) and Schedules 1 and 2 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 5 (2) and Schedule 3 shall commence on 1st July, 1982.

Principal Act.

3. The Government Insurance Act, 1927, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION AND PROCEDURE OF THE BOARD.

SCHEDULE 2.—MINOR AND CONSEQUENTIAL AMENDMENTS TO THE PRINCIPAL ACT.

Government Insurance (Amendment).

SCHEDULE 3.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO ACCOUNTS, AUDIT AND ANNUAL REPORTS.

SCHEDULE 4.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Amendment of Act No. 18, 1927.

5. (1) The Principal Act is amended in the manner set forth in Schedules 1 and 2.

(2) The Principal Act is further amended in the manner set forth in Schedule 3.

Savings, transitional and other provisions.

6. Schedule 4 has effect.

SCHEDULE 1.

(Sec. 5 (1).)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION AND PROCEDURE OF THE BOARD.

(1) (a) Section 3B (2)—

Omit the subsection, insert instead:—

(2) Subject to this Act, the Board has power to determine the policy of the Office in relation to any matter, and to control the affairs of the Office.

(b) Section 3B (4)—

After section 3B (3), insert:—

(4) Any act, matter or thing done in the name of, or on behalf of, the Office by the Board, or with the authority of the Board, shall be deemed to have been done by the Office.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

(2) Section 3BA—

Omit the section, insert instead:—

Provisions relating to the constitution and procedure of the Board.

3BA. (1) The Board shall consist of 7 directors who shall be appointed by the Governor.

(2) In the event of the office of any director becoming vacant, a person shall, subject to Schedule 2, be appointed to fill the vacancy.

(3) Schedule 2 has effect with respect to the directors.

(4) Schedule 3 has effect with respect to the procedure of the Board.

(3) Section 3BB—

Omit the section, insert instead:—

Delegation.

3BB. (1) The Board may, by instrument in writing, delegate to—

- (a) the managing director of the Office;
- (b) a committee comprised of directors, including the managing director of the Office or a director nominated by the managing director;
- (c) an officer or employee of the Office; or
- (d) a person for the time being holding or acting in a specified position in the staff establishment of the Office,

the exercise of such of the functions of the Board as are specified in the instrument.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

(2) A function the exercise of which has been delegated under this section may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation by the delegate.

(3) Without limiting the operation of subsection (2), a function the exercise of which has been delegated under this section to the managing director may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation by—

- (a) the deputy managing director of the Office;
- (b) an officer, employee, agent or representative of the Office; or
- (c) a person for the time being holding or acting in a specified position in the staff establishment of the Office,

as authorised by instrument in writing by the managing director in that behalf either generally or in a particular case or class of cases.

(4) A delegation or authorisation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation or authorisation.

(5) Notwithstanding any delegation under this section, the Board may continue to exercise any function delegated.

(6) Any act or thing done or suffered by a delegate acting in the exercise of a delegation under this section, or by a person duly authorised in that behalf by the managing director under this section, has the same force and effect as it would have if it had been done or suffered by the Board and shall be deemed to have been done or suffered by the Board.

(7) The Board may, by instrument in writing, revoke wholly or in part any delegation under this section, and the managing director may, by instrument in writing, revoke wholly or in part any authorisation under this section.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

(8) An instrument purporting to have been signed by a person in his capacity as a delegate of the Board, or as a person authorised under this section, shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument duly executed by the Board and shall, until the contrary is proved, be deemed to be an instrument signed by a delegate of the Board or by a person duly authorised under this section, as the case may be.

(9) In subsection (8), a reference to a delegate includes a reference to the chairman of a committee to which the exercise of a function has been delegated under subsection (1).

(4) Sections 3BD, 3BE—

After section 3BC, insert:—

Functions of managing director.

3BD. Subject to section 3B (2), the managing director of the Office shall be responsible for the management of the Office.

Functions of deputy managing director.

3BE. (1) The deputy managing director of the Office shall have such functions (including functions delegated to the managing director under section 3BB (1)) as the managing director of the Office directs.

(2) Where—

- (a) the managing director is prevented by illness or absence from exercising any of the functions of his office; or
- (b) there is a vacancy in the office of managing director,

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

the deputy managing director of the Office shall have the functions of that office (including functions delegated to the managing director under section 3BB (1)) and any thing done by the deputy managing director while acting pursuant to this subsection shall be deemed to have been done by him as managing director.

(3) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the deputy managing director to act in the office of managing director pursuant to subsection (2).

(5) Schedules 2, 3—

Omit the Schedules, insert instead:—

SCHEDULE 2.

(Sec. 3BA (3).)

PROVISIONS RELATING TO THE CONSTITUTION OF THE BOARD.

Interpretation: Sch. 2.

1. In this Schedule—

“full-time director” means a director referred to in clause 2 (1) (a);

“part-time director” means a director referred to in clause 2 (1) (b) or (c).

Full-time and part-time directors.

2. (1) Of the directors—

(a) 2 shall, in and by the instruments by which they are appointed, be appointed as full-time directors;

(b) 4 shall be persons nominated for appointment as directors by the Minister and shall, in and by the instruments by which they are appointed, be appointed as part-time directors; and

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

(c) 1 shall be a person elected in the manner prescribed by regulations made under clause 3 and shall, in and by the instrument by which he is appointed, be appointed as a part-time director.

(2) A person of or above the age of 65 years is not eligible to be appointed a full-time director or the part-time director referred to in subclause (1) (c).

(3) A person of or above the age of 70 years is not eligible to be appointed a part-time director referred to in subclause (1) (b).

Elected director.

3. (1) In this clause—

“elected director” means the director referred to in clause 2 (1) (c);

“employee”, in relation to the Office, means a full-time officer or full-time employee of the Office who is subject to the Public Service Act, 1979, as referred to in section 3c of this Act.

(2) Regulations may be made for or with respect to the election of a person to hold office as elected director.

(3) The Electoral Commissioner for New South Wales, or a person employed in the office of the Electoral Commissioner and nominated by him, shall be the returning officer for an election, and shall have and may exercise the functions conferred or imposed on the returning officer by the regulations made under this clause in relation to the election.

(4) Employees of the Office are entitled to vote at an election in accordance with the regulations made under this clause.

(5) A person's nomination as a candidate for election as elected director is invalid if—

(a) the nomination is not made by at least 2 persons who are employees of the Office;

(b) at the date of his nomination he is not an employee of the Office;

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

- (c) he is not, at the time of his nomination, a member of an industrial union registered as such under the Industrial Arbitration Act, 1940, or an association of employees registered as an organization under the Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth, being a prescribed industrial union or association (as referred to in subclause (6)); or
- (d) the instrument of nomination is not accompanied by a statutory declaration to the effect that he is, at the time of his nomination, such a member,

and the returning officer is entitled to rely on the information contained in the statutory declaration.

(6) For the purposes of subclause (5) (c)—

- (a) the Public Service Association of New South Wales;
- (b) the Professional Officers' Association of New South Wales; and
- (c) any other industrial union or association referred to in subclause (5) (c) prescribed for the purposes of this paragraph as such an industrial union or association representing employees of the Office,

are prescribed industrial unions or associations.

(7) A person may be, at the same time, both the elected director and an employee of the Office.

(8) Nothing in any law, rule, direction or other requirement that—

- (a) is applicable to the elected director in his capacity as an employee of the Office; and
- (b) would not be so applicable if he were not such an employee,

operates so as to prevent or restrict the exercise by him of any of his functions as elected director.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

(9) If no person is nominated at an election, or if for any other reason an election fails, the Governor may appoint a person eligible for election and nominated by the Minister to be a part-time director, and the person so nominated shall, on being appointed, be deemed to be a person elected in the manner prescribed by the regulations made under this clause.

(10) If a vacancy occurs in the office of elected director otherwise than by reason of the expiration of the term of office of an elected director—

- (a) the Governor may appoint a person eligible for election and nominated by the Minister to hold, subject to this Schedule, the office of elected director for a term commencing on the date of his appointment or a later date specified in the instrument of his appointment and ending on the commencement of the term of office of the next elected director; and
- (b) any person so nominated shall, on being so appointed, be deemed to be a person elected in the manner prescribed by the regulations made under this clause.

Chairman of the Board.

4. Of the part-time directors referred to in clause 2 (1) (b), one shall, in and by the instrument by which he is appointed, or by another instrument executed by the Governor, be appointed chairman of the Board.

Managing director and deputy managing director.

5. Of the full-time directors—

- (a) one shall be appointed as the managing director of the Office; and
- (b) the other shall be appointed as the deputy managing director of the Office,

in and by the instruments by which they are appointed, or by other instruments executed by the Governor.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

Acting directors.

6. (1) The Governor may, from time to time, appoint a person to act in the office of a director, other than the office of chairman of the Board, during the illness or absence of the director.

(2) The Governor may, from time to time, appoint a part-time director referred to in clause 2 (1) (b) to act in the office of chairman of the Board during the illness or absence of the chairman, and may in any such case appoint a person to act in the office of that director while that director acts in the office of chairman of the Board.

(3) The Governor may, from time to time, appoint a person to act in the office of deputy managing director of the Office while the deputy managing director is acting as managing director of the Office under section 3BE (2).

(4) The Governor may, for any cause which appears to him sufficient, remove any person from any office to which he was appointed under subclause (1), (2) or (3).

(5) Any director or person while acting in the office of chairman of the Board, of deputy managing director of the Office or of any other director shall have all the functions of the person in whose office he acts, and shall receive such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

(6) For the purposes of this clause, a vacancy in the office of—

- (a) a full-time director;
- (b) a part-time director referred to in clause 2 (1) (b), other than the chairman of the Board; or
- (c) the chairman of the Board,

shall be deemed to be an absence from office of the full-time director, part-time director or chairman of the Board, as the case may be.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.***Terms of office.**

7. (1) The term of office of a director shall be, and, unless he vacates his office during his term, a director shall hold office for—

- (a) where he is a full-time director—such period not exceeding 7 years; or
- (b) except as provided in subclause (2), where he is a part-time director—such period not exceeding 5 years,

as may be specified in the instrument appointing him.

(2) Subject to clause 3 (10), the term of office of the director elected in the manner prescribed by regulations made under clause 3 (2) shall be, and, unless he vacates his office during his term, he shall hold office for, the period of 3 years commencing on the day specified in the instrument appointing him as the day upon which his term of office shall commence.

Directors may be re-appointed.

8. Upon the expiration of the term of office of a director he shall, if otherwise qualified, be eligible for re-appointment from time to time.

Full-time directors.

9. (1) A full-time director shall devote the whole of his time to the duties of his office, except as permitted by clause 11 (1) (c) or except with the consent of the Minister (which consent the Minister is hereby authorised to give).

(2) A full-time director is entitled to be paid—

- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

Part-time directors.

10. A part-time director is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.***Vacation of office.**

11. (1) A director shall be deemed to have vacated his office if—
- (a) he dies;
 - (b) being a part-time director, he absents himself from 4 consecutive meetings of the Board of which reasonable notice has been given to him personally or in the ordinary course of post, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings;
 - (c) being a full-time director, he absents himself from duty for 14 days (whether or not wholly or partly consecutive) in any period of 12 months, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant), unless his absence is occasioned by illness or other unavoidable cause;
 - (d) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
 - (e) he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (f) he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for 12 months or upwards, or he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
 - (g) he resigns his office by writing under his hand addressed to the Governor;
 - (h) being—
 - (i) a full-time director or the part-time director referred to in clause 2 (1) (c), he attains the age of 65 years; or
 - (ii) a part-time director referred to in clause 2 (1) (b), he attains the age of 70 years;
 - (i) he is retired or removed from office by the Governor under subclause (2) or (3);

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

- (j) being a full-time director, he engages during his term of office in any paid employment outside the duties of his office, except with the consent of the Minister (which consent the Minister is hereby authorised to give);
- (k) being the part-time director referred to in clause 2 (1) (c), he ceases to hold any of the qualifications that would be required by clause 3 (5) (b) or (c) for his nomination; or
- (l) without the consent of the Minister (which consent the Minister is hereby authorised to give), he is or becomes a director or a member of the controlling body or an employee of a corporation (other than the Office) whose business is wholly or mainly the business of insurance.

(2) A full-time director may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(3) Where the Governor is satisfied that a director is incapable or incompetent or has misconducted himself, the Governor may remove the director from his office.

Effect of certain other Acts.

12. (1) The provisions of the Public Service Act, 1979, shall not apply to or in respect of the appointment of a director and a director is not, as a director, subject to that Act during his term of office as a director.

(2) Where by or under any other Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a part-time director or from accepting and retaining any remuneration payable to him under clause 10 as a part-time director.

Government Insurance (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
 AND PROCEDURE OF THE BOARD—*continued.*

(3) The office of a part-time director shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Preservation of rights of full-time director previously public servant, etc.

13. (1) In this clause—

“statutory body” means any body declared under clause 15 to be a statutory body for the purposes of this Schedule;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where a full-time director was, immediately before his appointment as a full-time director—

- (a) an officer of the Public Service;
- (b) an officer of a Teaching Service;
- (c) a contributor to a superannuation scheme;
- (d) an officer employed by a statutory body; or
- (e) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (f) shall retain any rights accrued or accruing to him as such an officer, contributor or person;
- (g) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a full-time director; and
- (h) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a full-time director and—

Government Insurance (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

- (i) his service as a full-time director shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (j) he shall be deemed to be an officer or employee, and the Office shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) If a full-time director would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under the scheme, he shall not be so entitled upon his becoming (whether upon his appointment as a full-time director or at any later time while he holds office as a full-time director) a contributor to any other superannuation scheme, and the provisions of subclause (2) (j) cease to apply to or in respect of him and the Office in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to a full-time director upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of the scheme.

(5) A full-time director shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Full-time director entitled to re-appointment to former employment in certain cases.

14. (1) In this clause—

“retiring age” means—

- (a) in relation to a person who was, immediately before his appointment as a full-time director, an officer of the Public Service or an officer of a Teaching Service—the age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as a full-time director, an officer or employee of a statutory body—the age at which officers or employees (being officers or

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

employees of the class to which the person belonged immediately before his appointment as a full-time director), as the case may be, of the statutory body are entitled to retire;

“statutory body” means any body declared under clause 15 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a full-time director, otherwise than pursuant to clause 11 (1) (paragraph (g) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a full-time director, he was—

- (a) an officer of the Public Service—to some position in the Public Service;
- (b) an officer of a Teaching Service—to some position in the Teaching Service; or
- (c) an officer or employee of a statutory body—to some position in the service of the statutory body,

not lower in classification and salary than that which he held immediately before his appointment as a full-time director.

(3) Where subclause (2) does not apply to a person who—

- (a) was, immediately before his appointment to a full-time office constituted by an Act, an officer or employee referred to in subclause (2) (a), (b) or (c); and
- (b) is after that appointment appointed as a full-time director,

he shall have such rights (if any) to appointment as such an officer or employee, in the event of his ceasing to be a full-time director, as are specified in the instrument of his appointment as a full-time director or as are agreed upon by him and by or on behalf of the Government.

Declaration of statutory bodies.

15. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

SCHEDULE 3.

(Sec. 3BA (4).)

PROVISIONS RELATING TO THE PROCEDURE OF THE BOARD.

General procedure.

1. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Schedule, be as determined by the Board.

Quorum.

2. Four directors, of whom at least one shall be a full-time director referred to in clause 2 (1) (a) of Schedule 2, shall form a quorum and any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise all the functions of the Board.

Presiding director.

3. (1) The chairman of the Board or, in the absence of the chairman of the Board, another part-time director referred to in clause 2 (1) (b) of Schedule 2 elected as chairman for the meeting by the directors present shall preside at a meeting of the Board.

(2) The person acting as chairman at any meeting of the Board shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

Voting.

4. A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present shall be the decision of the Board.

Minutes.

5. (1) The Board shall cause a minute book to be kept in which shall be recorded full and accurate minutes of the proceedings of each meeting of the Board.

Government Insurance (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION
AND PROCEDURE OF THE BOARD—*continued.*

(2) Minutes recorded under subclause (1) in respect of a meeting shall, when duly read and confirmed at the next meeting of the Board, be signed by the chairman of the Board or the director acting as chairman at that next meeting.

SCHEDULE 2.

(Sec. 5 (1).)

MINOR AND CONSEQUENTIAL AMENDMENTS TO THE
PRINCIPAL ACT.

(1) Section 2—

Omit the section, insert instead:—

Interpretation.

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

“Board” means the Government Insurance Office of New South Wales Board established by section 3B;

“director” means a director of the Board;

“function” includes power, authority and duty;

“insurance” includes assurance, additional insurance, counter insurance, treaty and internal insurance, re-insurance, guarantee and surety;

“Office” means the Government Insurance Office of New South Wales established by section 3;

“regulation” means a regulation made under this Act.

Government Insurance (Amendment).

SCHEDULE 2—*continued.*MINOR AND CONSEQUENTIAL AMENDMENTS TO THE
PRINCIPAL ACT—*continued.*

(2) A reference in this Act to the exercise of a function includes, where that function is a duty, a reference to the performance of that duty.

(3) In a Schedule to this Act, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs.

(2) (a) Section 3 (2)—

Omit “a common”, insert instead “an official”.

(b) Section 3 (6)—

Omit the subsection, insert instead:—

(6) The regulations may make provision for or with respect to the custody and use of the official seal of the Office.

(3) (a) Section 3A—

Omit “powers and authorities conferred” wherever occurring, insert instead “functions conferred or imposed”.

(b) Section 3A (2)—

Omit “power or authority conferred”, insert instead “function conferred or imposed”.

(4) Section 3B (3)—

Omit “or performance of its powers, authorities, duties and”, insert instead “of its”.

Government Insurance (Amendment).

SCHEDULE 2—*continued.*MINOR AND CONSEQUENTIAL AMENDMENTS TO THE
PRINCIPAL ACT—*continued.*

- (5) (a) Section 3BC (1), (7), (9)—
Omit “member” wherever occurring, insert instead “director”.
- (b) Section 3BC (5)—
Omit “member” where firstly occurring, insert instead “director”.
- (c) Section 3BC (8)—
Omit “members” wherever occurring, insert instead “directors”.
- (6) Section 3C—
Omit “1902;”, insert instead “1979;”.
- (7) Section 10B—
Omit “member”, insert instead “director”.
- (8) Section 12 (3)—
After section 12 (2), insert:—
- (3) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- or may do any combination of those things.

Government Insurance (Amendment).

SCHEDULE 2—*continued.*MINOR AND CONSEQUENTIAL AMENDMENTS TO THE
PRINCIPAL ACT—*continued.*

(9) Section 16 (a)—

Omit “common seal”, insert instead “official seal”.

(10) Section 18—

Omit “member” wherever occurring, insert instead “director”.

SCHEDULE 3.

(Sec. 5 (2).)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO ACCOUNTS,
AUDIT AND ANNUAL REPORTS.

Sections 11, 11A, 11B—

Omit section 11, insert instead:—

Accounts.

11. (1) The Office shall cause to be kept proper accounts and records in relation to all of its operations.

(2) The Office shall, as soon as practicable, but within 6 months, after the end of each financial year of the Office, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General’s certificate given under this section in relation to the statement.

(3) The statement of accounts shall—

(a) include separate statements of accounts for each division of the insurance business of the Office;

Government Insurance (Amendment).

SCHEDULE 3—*continued.*AMENDMENT TO THE PRINCIPAL ACT RELATING TO ACCOUNTS,
AUDIT AND ANNUAL REPORTS—*continued.*

- (b) be in a form approved by the Auditor-General;
- (c) include such information as is requested by him; and
- (d) exhibit a true and fair view of the financial position and transactions of the Office.

(4) The Office shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

(5) The Auditor-General's certificate shall state that he has audited the accounts of the Office relating to the relevant financial year, and shall indicate whether the statement of accounts complies with subsection (3), and shall set forth any qualifications subject to which the certificate is given.

(6) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(7) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

(8) The financial year of the Office shall be the year commencing on 1st July.

Audit.

11A. (1) The accounts and records of financial transactions of the Office, and the records relating to assets of or in the custody of the Office, shall be inspected and audited by the Auditor-General.

Government Insurance (Amendment).

SCHEDULE 3—*continued.*AMENDMENT TO THE PRINCIPAL ACT RELATING TO ACCOUNTS,
AUDIT AND ANNUAL REPORTS—*continued.*

(2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the Office and may make copies thereof or take extracts therefrom.

(3) The Auditor-General or a person authorised by him may require a person, being a person engaged in the administration of this Act, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty: \$200.

(4) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(5) The Auditor-General shall report to the Board and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for special notice or as are prescribed.

(6) Towards defraying the costs and expenses of any such inspection and audit, the Office shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Annual report.

11B. (1) The Office shall, as soon as practicable after 30th June, but not later than 31st December, in each year, prepare and forward to the Minister a report of its work and activities for the year ending on 30th June in that year.

Government Insurance (Amendment).

SCHEDULE 3—*continued.*

AMENDMENT TO THE PRINCIPAL ACT RELATING TO ACCOUNTS,
AUDIT AND ANNUAL REPORTS—*continued.*

(2) The Minister shall lay the report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

SCHEDULE 4.

(Sec. 6.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Interpretation: Sch. 4.

1. (1) In this Schedule—

“appointed day” means the day appointed and notified under section 2 (2);

“Board” means the Government Insurance Office of New South Wales Board.

(2) In this Schedule, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs.

Members holding office immediately before appointed day.

2. (1) In this clause—

“new Board” means the Board as constituted in accordance with the Principal Act as in force on or after the appointed day;

“old Board” means the Board as constituted in accordance with the Principal Act as in force before the appointed day.

(2) A person who, immediately before the appointed day, held office as a member of the old Board—

(a) shall cease to hold office as such on the appointed day; and

(b) is eligible, if otherwise qualified, to be appointed as a director of the new Board.

Government Insurance (Amendment).

SCHEDULE 4—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) A member of the old Board who ceases to hold office as such by reason of the operation of subclause (2) is not entitled to be paid any remuneration or compensation by reason of his ceasing to hold that office, but nothing in this subclause prevents the payment to that person of such compensation (if any) as the Minister determines out of the funds of the Office.

(4) A person who, immediately before the appointed day, held office as a full-time member of the old Board, and who has not attained the age of 60 years, shall, if he ceases to hold that office pursuant to subclause (2) and is not appointed as a full-time director of the new Board with effect on the appointed day, be entitled to be appointed—

- (a) where he was, immediately before his appointment as a full-time member of the old Board, an officer of the Public Service—to some position in the Public Service not lower in classification and salary than that which he held as such an officer;
- (b) where he was, immediately before his appointment as a full-time member of the old Board, General Manager of the Government Insurance Office of New South Wales, and he was, immediately before his appointment as General Manager, an officer of the Public Service—to some position in the Public Service not lower in classification and salary than that which he held as such an officer; or
- (c) where he was, immediately before his appointment as a full-time member of the old Board, the holder of a full-time office as a member of a body constituted by an Act—to some position in the service of the Government at a salary not lower than that which maintains the relationship existing, immediately before his appointment as full-time member of the old Board, between the rate of salary payable to him and the rates of other relevant salaries.

Appointments, etc., before appointed day.

3. For the purpose only of enabling the Board to be constituted in accordance with the Principal Act, as amended by this Act, on or after (but not before) the appointed day, appointments may be made under the Principal Act, as so amended, and any other act, matter or thing may be done, before that day as if the whole of this Act commenced on the date of assent to this Act, but so that no appointment as director of the Board as so constituted takes effect before the appointed day.

Government Insurance (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

Constitution of the Board pending election.

4. Notwithstanding the provisions of the Principal Act, as amended by this Act, the Board shall be deemed to be as fully and properly constituted during the period commencing on the appointed day and ending on the appointment of the director referred to in clause 2 (1) (c) of Schedule 2 to that Act, as so amended, as it would have been if there were no provision in that Act, as so amended, for the appointment of such a director.

First meeting of newly constituted Board.

5. The Minister shall call the first meeting of the Board to be held on or after the appointed day in such manner as he thinks fit.

Delegations.

6. Any delegation in force under section 3BB of the Principal Act immediately before the appointed day shall be deemed to be a delegation under section 3BB of the Principal Act, as amended by this Act.

Accounts, audit and annual reports.

7. (1) Section 11 of the Principal Act applies to and in respect of the year ending on 30th June, 1982, as if Schedule 3 had not been enacted.

(2) Sections 11, 11A and 11B of the Principal Act, as amended by this Act, apply to and in respect of the year commencing on 1st July, 1982, and subsequent years.

Regulations.

8. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

Government Insurance (Amendment).

SCHEDULE 4—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule (clauses 2 and 3 excepted).
