



New South Wales

Workers Compensation Amendment (Insurance Reform—Further Transitional Provisions) Regulation 2006

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

Division 5 of Part 23 of the *Workers Compensation Regulation 2003* (which commenced on 1 July 2005) provides for arrangements for the exercise by current managed fund insurers on behalf of the Nominal Insurer as “temporary agents” during the transition period before the appointment of scheme agents to exercise functions on behalf of the Nominal Insurer. The object of this Regulation is to extend those arrangements so as to authorise GIO General Limited (which was not a managed fund insurer when the transitional arrangements commenced) to act as agent for the Nominal Insurer during the transition period.

This Regulation is made under the *Workers Compensation Act 1987*, including Part 20 of Schedule 6 and section 280 (the general regulation-making power).

2006 No 27

Clause 1

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1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Insurance Reform—Further Transitional Provisions) Regulation 2006*.

2 Commencement

This Regulation is taken to have commenced on 1 July 2005.

3 Amendment of Workers Compensation Regulation 2003

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 239 Interpretation

Insert “or pursuant to clause 247 of this Division” after “1987 Act” in the definition of *temporary agent* in clause 239 (1).

[2] Clause 240 Authority to act as temporary agent

Insert “or GIO General Limited” after “managed fund insurer” wherever occurring in clause 240 (1) and (2).

[3] Clause 240 (3A)

Insert after clause 240 (3):

- (3A) GIO General Limited is authorised to act as temporary agent only in respect of the following policies of insurance (and in respect of claims and proceedings that relate to those policies):
 - (a) policies issued by or assigned to GIO Workers Compensation (NSW) Limited before 1 July 2005,
 - (b) policies issued by GIO General Limited as a temporary agent on or after 1 July 2005,
 - (c) such other policies of insurance as the Nominal Insurer may from time to time authorise GIO General Limited to act as agent for.

[4] Clause 240 (4)

Insert “or GIO General Limited” after “a managed fund insurer”.

[5] Clause 240 (5A)

Insert after clause 240 (5):

- (5A) GIO General Limited must exercise its functions as temporary agent in accordance with any requirements that would have been applicable to the exercise of the functions of GIO Workers Compensation (NSW) Limited as a licensed insurer under the 1987 Act (including the conditions of the licence of GIO Workers Compensation (NSW) Limited under the 1987 Act and any guidelines applicable under that Act to the exercise of those functions), except to the extent that any such requirement conflicts with the requirements of any directions of the Nominal Insurer.

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Schedule 1 Amendments

[6] Clause 241 Directors under trustee duty

Insert after clause 241 (1):

- (1A) GIO General Limited must comply with the directions of the Nominal Insurer as to the payment of money by GIO General Limited to or from the Insurance Fund in connection with the exercise of its functions as a temporary agent.

[7] Clause 241 (2)

Insert “or GIO General Limited” after “managed fund insurer”.

[8] Clause 241 (3) (b)

Insert “or GIO General Limited (as the case requires)” after “the insurer”.

[9] Clause 242 Construction of references

Insert “or GIO General Limited” after “managed fund insurer” in clause 242 (1).

[10] Clause 242 (3)

Insert after clause 242 (2):

- (3) A reference to GIO General Limited in any document issued by GIO General Limited on or after 1 July 2005 is, to the extent that the reference relates to the exercise of any function of GIO General Limited as a temporary agent after that date, to be read as a reference to GIO General Limited as agent for the Nominal Insurer.

[11] Clause 245 Termination of temporary agency arrangements

Insert “or GIO General Limited” after “insurer” wherever occurring in clause 245 (1)–(3), (4) (b) and (5).

[12] Clause 245 (4)

Insert “, or of the authority of GIO General Limited,” after “authority”.

[13] Clause 245 (4) (a)

Insert “or GIO General Limited (as the case requires)” after “insurer”.

[14] Clause 247

Insert after clause 246:

**247 GIO General Limited authorised to act as temporary agent of
Nominal Insurer**

- (1) GIO General Limited is, subject to this Division and any directions of the Nominal Insurer, authorised to act as agent for the Nominal Insurer.
- (2) Subclause (1) does not give rise to any entitlement on the part of GIO General Limited to be appointed as a scheme agent.
- (3) This clause and the other amendments made to this Division by the *Workers Compensation Amendment (Insurance Reform—Further Transitional Provisions) Regulation 2006* have effect despite the provisions of Part 19A of Schedule 6 to the 1987 Act.