

Insurance (Application of Laws) Act 1986 No 13

[1986-13]



New South Wales

Status Information

Currency of version

Historical version for 1 January 1992 to 20 June 2002 (accessed 28 July 2024 at 8:37)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**

[Financial Services Reform \(Consequential Amendments\) Bill 2002](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Insurance (Application of Laws) Act 1986 No 13



New South Wales

An Act to provide for the application of certain Commonwealth insurance legislation to State insurance.

1 Name of Act

This Act may be cited as the *Insurance (Application of Laws) Act 1986*.

2 Commencement

- (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

3 Definitions

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

applied provision means a provision of:

- (a) the *Insurance Contracts Act 1984* of the Commonwealth,
- (b) the *Insurance (Agents and Brokers) Act 1984* of the Commonwealth, or
- (c) an instrument in force under either of those Acts,

being a provision that, pursuant to this Act, applies as a law of New South Wales.

regulation means a regulation made under this Act.

- (2) An applied provision shall be construed in accordance with the *Acts Interpretation Act 1901* of the Commonwealth, as in force from time to time.
- (3) Without affecting the generality of section 31 of the *Interpretation Act 1987*, this Act shall be construed as operating to the full extent of, but so as not to exceed, the legislative power of Parliament.

4 Crown bound

- (1) This Act and the applied provisions bind the Crown in right of New South Wales and also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.
- (2) Nothing in this Act renders the Crown, whether in right of New South Wales or otherwise, liable to be prosecuted for an offence against an applied provision.

5 Application of [Insurance Contracts Act 1984](#) of the Commonwealth etc

- (1) Except to the extent to which the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of:
 - (a) the [Insurance Contracts Act 1984](#) of the Commonwealth, as in force from time to time, and
 - (b) any instrument in force under that Act,apply as laws of New South Wales to and in respect of all contracts of insurance and proposed contracts of insurance entered into, or proposed to be entered into, in the course of State insurance, including contracts and proposed contracts entered into, or proposed to be entered into, by the State and some other insurer as joint insurers.
- (2) Subsection (1) does not operate so as to apply section 5 or 9 (2) of the [Insurance Contracts Act 1984](#) of the Commonwealth as a law of New South Wales.

6 Application of [Insurance \(Agents and Brokers\) Act 1984](#) of the Commonwealth etc

- (1) Except to the extent to which the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of:
 - (a) the [Insurance \(Agents and Brokers\) Act 1984](#) of the Commonwealth, as in force from time to time, and
 - (b) any instrument in force under that Act,apply as laws of New South Wales to and in respect of:
 - (c) State insurance,
 - (d) all contracts of insurance and proposed contracts of insurance entered into, or proposed to be entered into, by the State and some other insurer as joint insurers, and
 - (e) conduct in connection with contracts and proposed contracts of the kind referred to in paragraph (d).
- (2) Subsection (1) does not operate so as to apply section 3 or 8 of the [Insurance \(Agents and Brokers\) Act 1984](#) of the Commonwealth as a law of New South Wales.

7 Exclusion of GIO insurance funds administration business

- (1) The applied provisions do not apply to or in respect of the insurance funds administration business of the Government Insurance Office of New South Wales (that is, business of the kind referred to in section 5B (1) (b) of the *Government Insurance Act 1927*) or to or in respect of that Office in its conduct of that business.
- (2) This section continues to have effect with respect to that insurance funds administration business even though it is transferred to another person or body under the *Government Insurance Office (Privatisation) Act 1991*.

8 Recovery of penalties

- (1) Proceedings for an offence against an applied provision may be dealt with summarily:
 - (a) before a Local Court constituted by a Magistrate, or
 - (b) before the Supreme Court in its summary jurisdiction.
- (2) Where proceedings for an offence against an applied provision are dealt with before a Local Court constituted by a Magistrate, the maximum pecuniary penalty that may be imposed in respect of the offence is \$5,000 or the pecuniary penalty indicated in the provision in respect of the offence, whichever is the lesser.
- (3) Where proceedings for an offence against an applied provision are dealt with before the Supreme Court in its summary jurisdiction, the maximum pecuniary penalty that may be imposed in respect of the offence is the pecuniary penalty indicated in the provision in respect of the offence.

9 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) 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.