

NSW Self Insurance Corporation Act 2004 No 106

[2004-106]



New South Wales

Status Information

Currency of version

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Provisions in force

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

Notes—

- **Does not include amendments by**
Miscellaneous Acts (Local Court) Amendment Act 2007 No 94 (not commenced)

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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NSW Self Insurance Corporation Act 2004 No 106



New South Wales

An Act to reconstitute the NSW Insurance Ministerial Corporation as the NSW Self Insurance Corporation and to clarify its functions; and for related purposes.

Part 1 Preliminary

1 Name of Act

This Act is the *NSW Self Insurance Corporation Act 2004*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

In this Act:

exercise a function includes perform a duty.

function includes a power, authority or duty.

Government managed fund scheme means an arrangement under which workers compensation, motor vehicle accident, public and other liabilities of the State or an authority of the State:

- (a) are managed as a self insurance scheme (including the collection of contributions from the State or an authority of the State towards the cost of claims), and
- (b) are paid, or otherwise settled, by the State or by the Self Insurance Corporation on behalf of the State or an authority of the State.

Self Insurance Corporation means the corporation constituted under section 4.

Part 2 Establishment of Self Insurance Corporation

4 Constitution of NSW Self Insurance Corporation

- (1) There is constituted by this Act a corporation with the corporate name of NSW Self Insurance Corporation.
- (2) The Self Insurance Corporation is, for the purposes of any Act, a statutory body representing the Crown.

5 Management of Self Insurance Corporation

- (1) The affairs of the Self Insurance Corporation are to be managed by the Minister.
- (2) Any act, matter or thing done in the name of, or on behalf of, the Self Insurance Corporation by the Minister, or with the authority of the Minister, is taken to have been done by the Self Insurance Corporation.

6 Staff of Self Insurance Corporation

- (1) The Self Insurance Corporation may arrange for the use of the services of any staff or facilities of any government department or public or local authority.
- (2) For the purpose of this Act, any such staff are taken to be staff of the Self Insurance Corporation.

Part 3 Functions of Self Insurance Corporation

7 General functions

- (1) The Self Insurance Corporation has the functions conferred or imposed on it by or under this or any other Act or law.
- (2) Without limiting subsection (1), the Self Insurance Corporation has the functions imposed on it under section 211B of the [Workers Compensation Act 1987](#) and sections 26 and 27 of the [Government Insurance Office \(Privatisation\) Act 1991](#).

8 Specific functions in relation to Government managed fund schemes

The Self Insurance Corporation has the following functions with respect to Government managed fund schemes:

- (a) to operate one or more Government managed fund schemes (including the function of establishing, reorganising, amalgamating, dividing or winding up such schemes),
- (b) to enter into agreements or arrangements with other persons to provide services (as agents or otherwise) in relation to the operation of any Government managed fund scheme,

- (c) to enter into insurance or other agreements or arrangements to cover the liabilities to which a Government managed fund scheme applies,
- (d) to act for the State or an authority of the State in dealing with claims under a Government managed fund scheme (including the recovery of amounts payable to the State or an authority of the State in connection with such claims).

9 Delegation of functions

The Self Insurance Corporation may delegate to any person the exercise of any of its functions, other than this power of delegation.

10 Ownership and control of records

- (1) Subject to the regulations, all records (within the meaning of the [State Records Act 1998](#)) made and kept, or received and kept, by an agent or other person in the exercise of functions on behalf of the Self Insurance Corporation are the property of the Self Insurance Corporation.
- (2) The Self Insurance Corporation may give directions to such an agent or other person with respect to the possession, custody and control of, and the granting of access to, those records.
- (3) A person must not, without reasonable excuse, fail to comply with any such direction given by the Self Insurance Corporation to the agent or person.

Maximum penalty: 100 penalty units.

Part 4 Finance

11 Self Insurance Fund

- (1) There is to be established in the Special Deposits Account a Self Insurance Fund (the **Fund**) into which is to be paid:
 - (a) all money received by the Self Insurance Corporation as contributions from the State or an authority of the State towards the cost of claims, and
 - (b) all money recovered by the Self Insurance Corporation from insurers, third parties or other persons in connection with claims to which a Government managed fund scheme applies, and
 - (c) all money advanced to the Self Insurance Corporation by the Minister or appropriated by Parliament for the purposes of the Self Insurance Corporation, and
 - (d) all money directed or authorised to be paid into the Fund by or under this or any other Act, and
 - (e) the proceeds of the investment of money in the Fund, and

- (f) all money received by the Self Insurance Corporation from any other source.
- (2) The Fund is to be applied for the purpose of enabling the Self Insurance Corporation to exercise its functions, including but not limited to the following:
 - (a) payment of claims to which a Government managed fund scheme applies,
 - (b) payment of Government managed fund scheme administration expenses,
 - (c) payment of the costs (including disbursements) of risk management, actuarial and legal services provided in connection with Government managed fund schemes,
 - (d) payments to provide incentives to authorities of the State to enhance the management of liabilities,
 - (e) payment of contributions by the Self Insurance Corporation made in accordance with an arrangement entered into under section 211B (3) of the *Workers Compensation Act 1987*.
- (3) All expenditure incurred by the Self Insurance Corporation is to be paid from the Fund.
- (4) The Treasurer may from time to time direct the payment out of the Fund of such sums as the Treasurer considers to be surplus to the requirements of the Fund under this section and such sums are to be paid out of the Fund in accordance with the Treasurer's direction.
- (5) Any sum paid out of the Fund in accordance with the Treasurer's direction is taken to be appropriated by this Act to the Treasurer, and may be issued and applied for or towards the recurrent services, or capital works and services, of the Crown Finance Entity.
- (6) In this section:

Crown Finance Entity means the entity responsible for the assets, liability and transactions that are the overall responsibility of the Government (in contrast to being the responsibility of individual Government agencies).

12 Investment of money in Fund

The Self Insurance Corporation may invest money in the Self Insurance Fund:

- (a) in the manner authorised by the *Public Authorities (Financial Arrangements) Act 1987*,
or
- (b) if that Act does not confer power on the Self Insurance Corporation to invest the money, in any other manner approved by the Minister.

Part 5 Miscellaneous

13 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 regulation may create offences with a maximum penalty not exceeding 50 penalty units.

14 Nature of proceedings for offences

Proceedings for an offence under this Act or the regulations may be dealt with summarily before a Local Court.

15 Seal of Corporation

The seal of the Self Insurance Corporation is to be kept by the Minister and may be affixed to a document only:

- (a) in the presence of the Minister or a member of the staff of the Corporation authorised in that behalf by the Minister, and
- (b) with an attestation by the signature of the Minister or that member of staff of the fact of the affixing of the seal.

16 Savings, transitional and other provisions

Schedule 1 has effect.

17 (Repealed)

18 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 Savings, transitional and other provisions

(Section 16)

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act

State Revenue and Other Legislation Amendment (Budget Measures) Act 2006

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision 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, 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.

Part 2 Provisions consequent on enactment of this Act

2 Continuation of NSW Insurance Ministerial Corporation

The NSW Self Insurance Corporation is a continuation of, and the same legal entity as, the NSW Insurance Ministerial Corporation that was constituted by the *Government Insurance Office (Privatisation) Act 1991*.

3 Continuation of NSW Treasury Managed Fund

Nothing in this Act affects the continuation of the NSW Treasury Managed Fund, except that the NSW Treasury Managed Fund is taken to be a Government managed fund scheme subject to this Act.

Schedule 2 (Repealed)