

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 13 November, 1975.*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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Act No.     , 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.

BE

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*Northumberland Insurance Company Limited.*

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**B**E 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  
5 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—

10 "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;

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

20 "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  
25 be authorised by this Act to be paid thereout.

(2) The fund shall, subject to this Act and any regula-  
tions thereunder, be under the direction, control and manage-  
ment of the Government Insurance Office.

(3)

*Northumberland Insurance Company Limited.*

5 (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.

10 (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.

15 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—

Powers of liquidator of Northumberland Insurance Company Limited.

20 (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.

25 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.

Satisfaction of claims, judgments and awards.

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*Northumberland Insurance Company Limited.*

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(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.

5       **6.** (1) Each licensed insurer shall from time to time pay <sup>Contribution</sup> to the Government Insurance Office for payment into the fund <sup>to fund.</sup> such amount as may be calculated, in accordance with subsection (2), by the Government Insurance Office as the appropriate contribution by that licensed insurer.

10       (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  
15 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.

20       (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.

25       (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  
30 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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*Northumberland Insurance Company Limited.*

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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 **5** continue and be paid out of the fund by the Government Insurance Office.

Continuance of payment of workers' compensation in certain cases.

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 **10** 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.

Recovery of moneys borrowed from fund.

15 (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.

20 (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.

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

Regulations.

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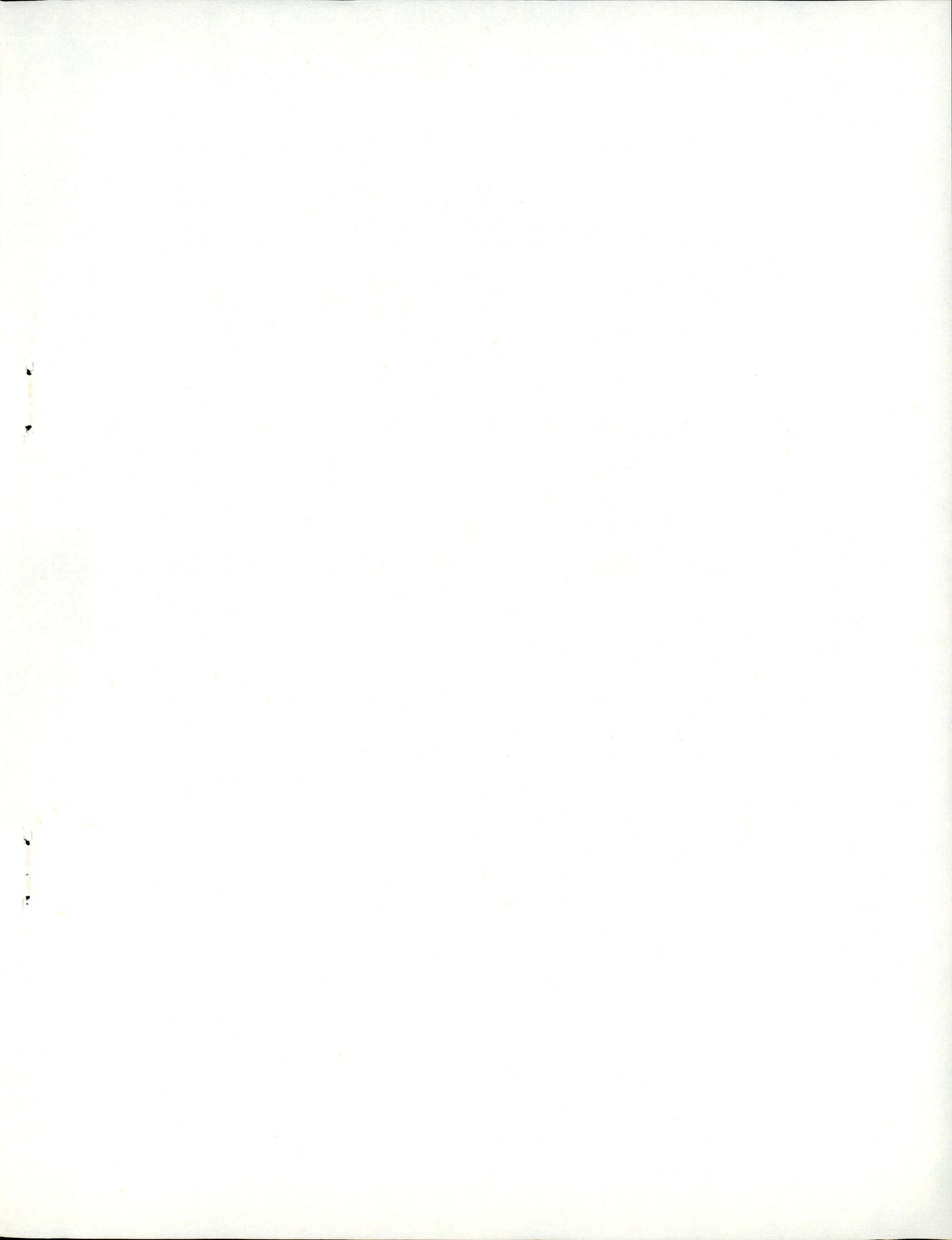
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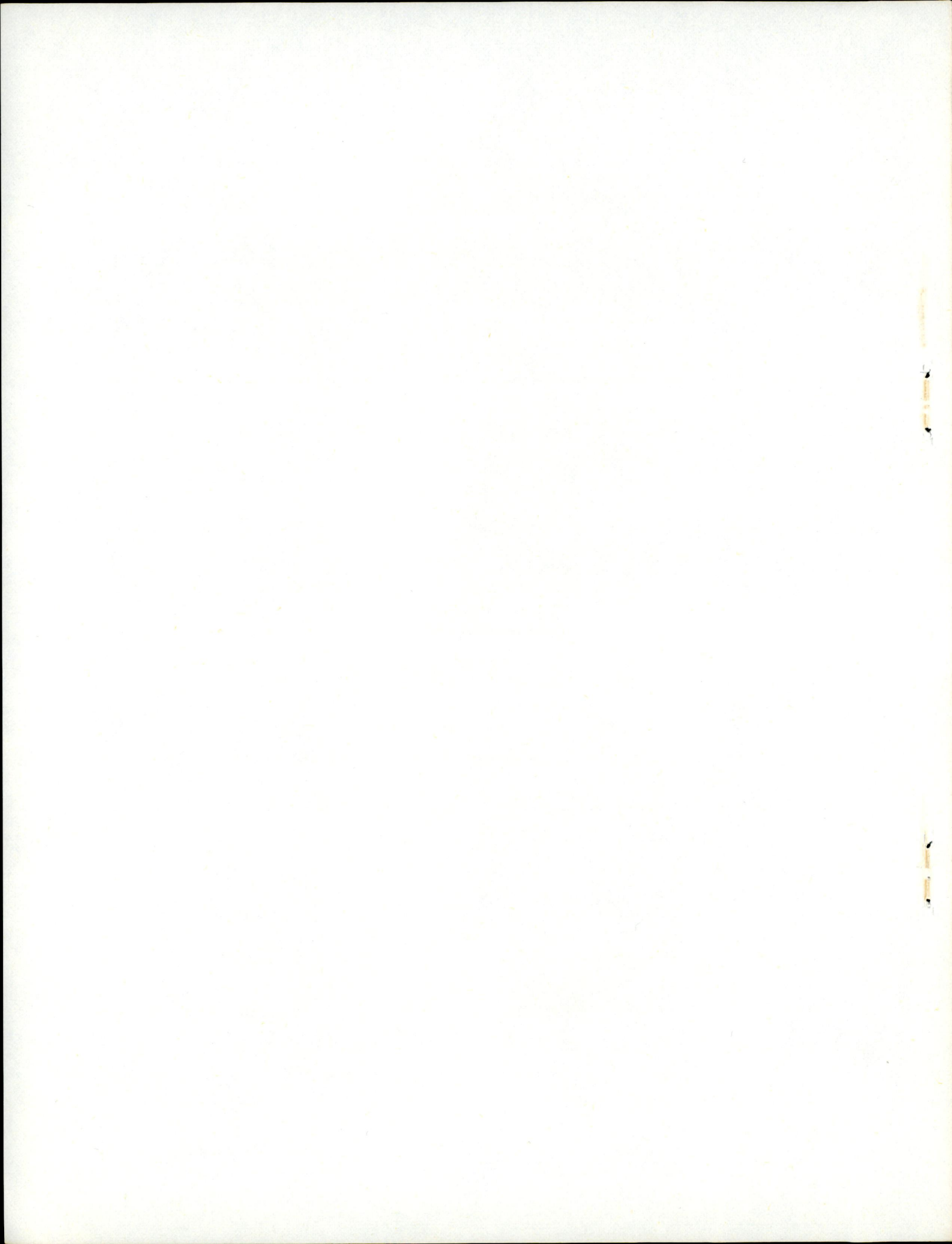
- an insurer has ceased to be a licensed insurer or where the Government Insurance Office pays out of the fund weekly payments of compensation under section 7;
- 5 (b) the manner and method of determining any such further contributions;
- (c) varying in circumstances therein specified the periods with respect to which contributions are based on premium income or the basis on which  
10 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.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975  
[8c]







No. , 1975.

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## A BILL

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.

[SIR ERIC WILLIS—4 November, 1975.]

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5 (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.

10 (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.

15 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—

Powers of liquidator of Northumberland Insurance Company Limited.

20 (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.

25 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)

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*Northumberland Insurance Company Limited.*

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(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 <sup>Contribution</sup> to the Government Insurance Office for payment into the fund <sup>to fund.</sup> 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.

*Northumberland Insurance Company Limited.*

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.

Continuance of payment of workers' compensation in certain cases.

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

Recovery of moneys borrowed from fund.

(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.

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

Regulations.

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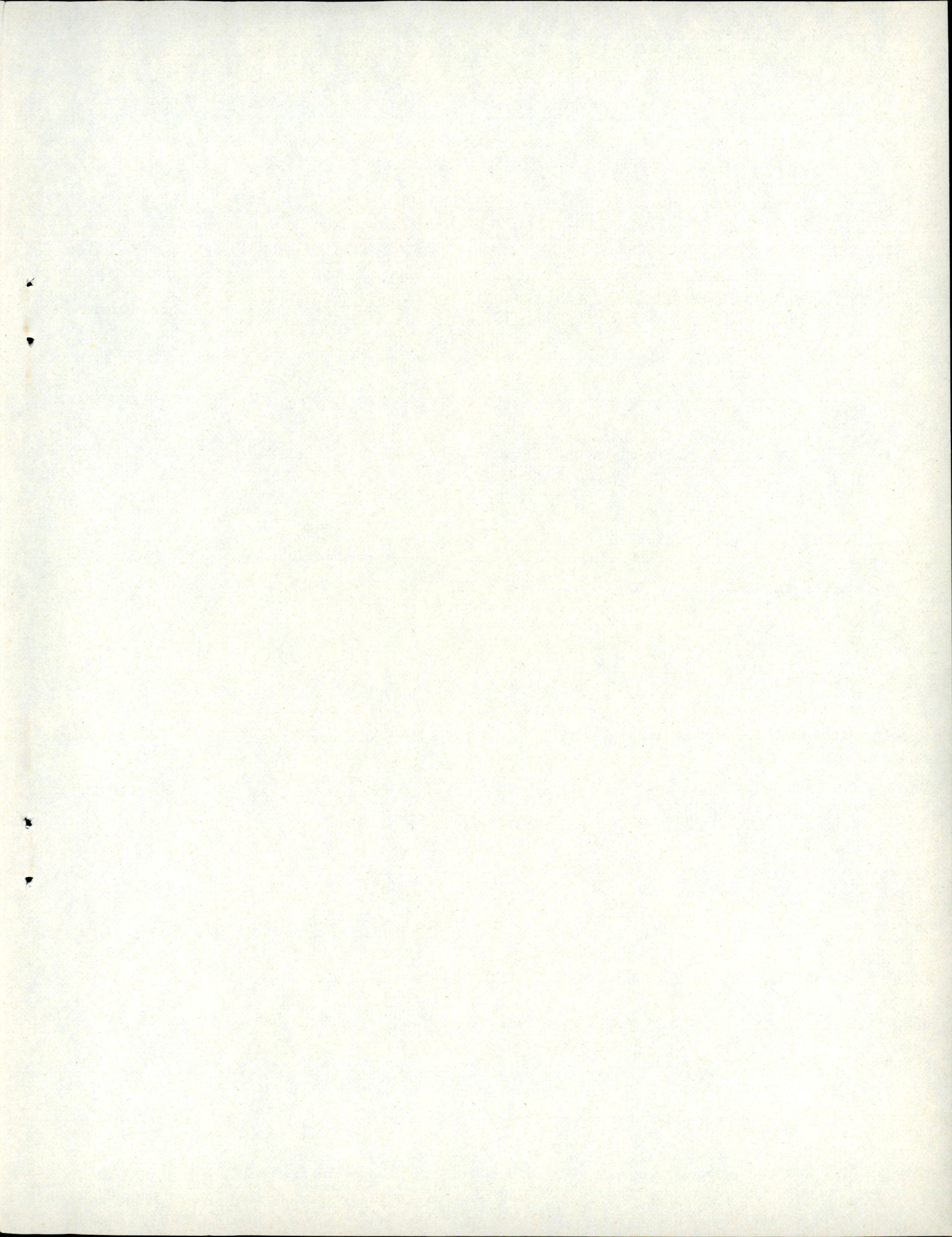
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- 10 such contributions are determined under section 6;
- (d) matters authorised or required by this Act to be prescribed or which the Governor may deem necessary or convenient for carrying out or giving effect to or implementing the objects of this Act.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975  
[8c]







*PROOF*

**NORTHUMBERLAND INSURANCE COMPANY LIMITED  
BILL, 1975**

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**EXPLANATORY NOTE**

THE object of this Bill is to create a fund contributed to by licensed insurers under the Workers' Compensation Act, 1926, out of which claims under workers' compensation policies issued by the Northumberland Insurance Company Limited, which is in liquidation, will be met.

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**PROOF**

No. , 1975.

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# A BILL

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.

[SIR ERIC WILLIS—4 November, 1975.]

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**B**E 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:—

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

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"fund" means the fund established under section 3;

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

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20 "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 25 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.

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*Northumberland Insurance Company Limited.*

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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.

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Satisfaction of claims, judgments and awards.

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(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.

*Northumberland Insurance Company Limited.*

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(a) all amounts borrowed from the fund in accordance with this Act; and

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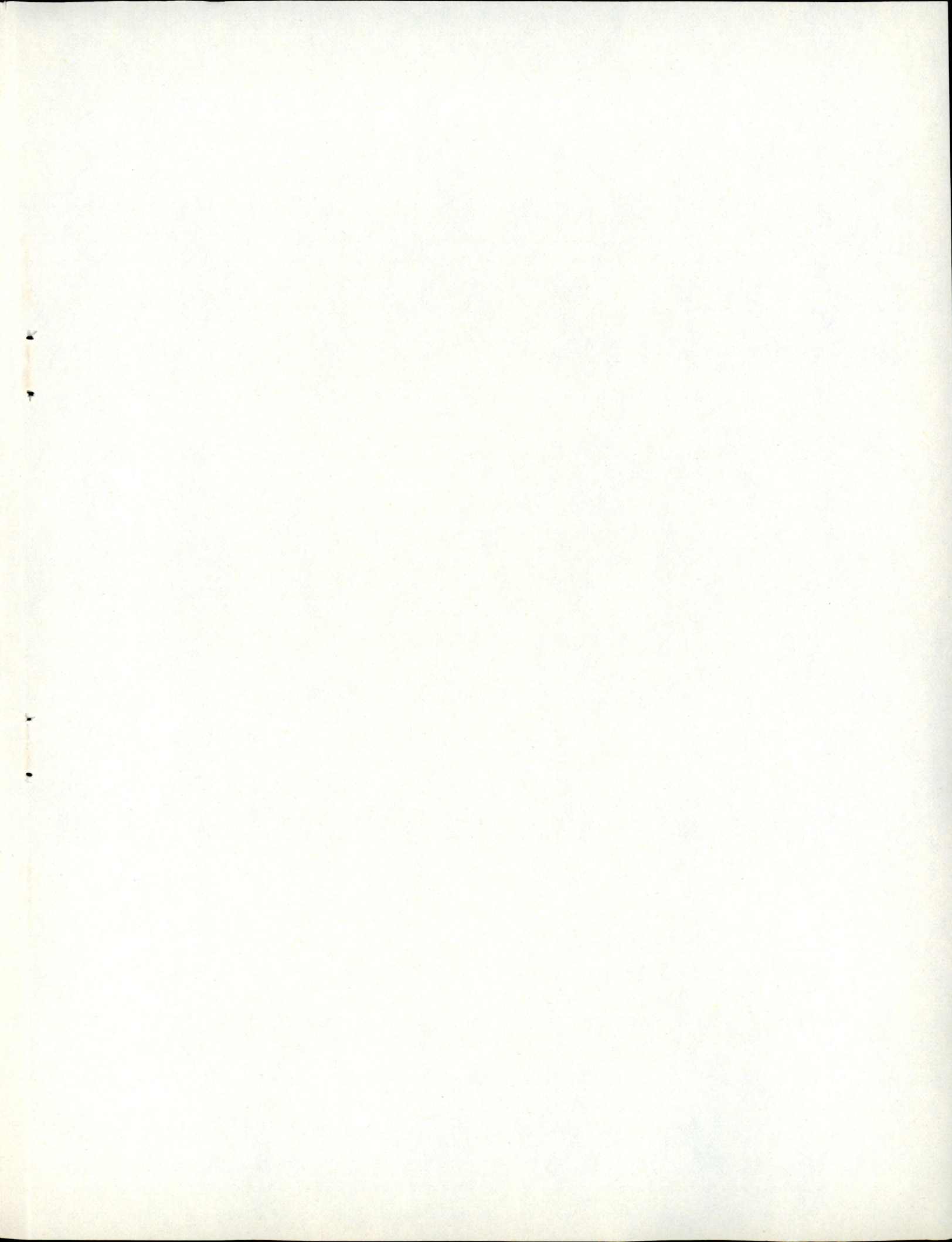
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# New South Wales



ANNO VICESIMO QUARTO

# ELIZABETHÆ II REGINÆ

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**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.*

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

Fund.           **3.** (1) There shall be a fund into which shall be paid the 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.

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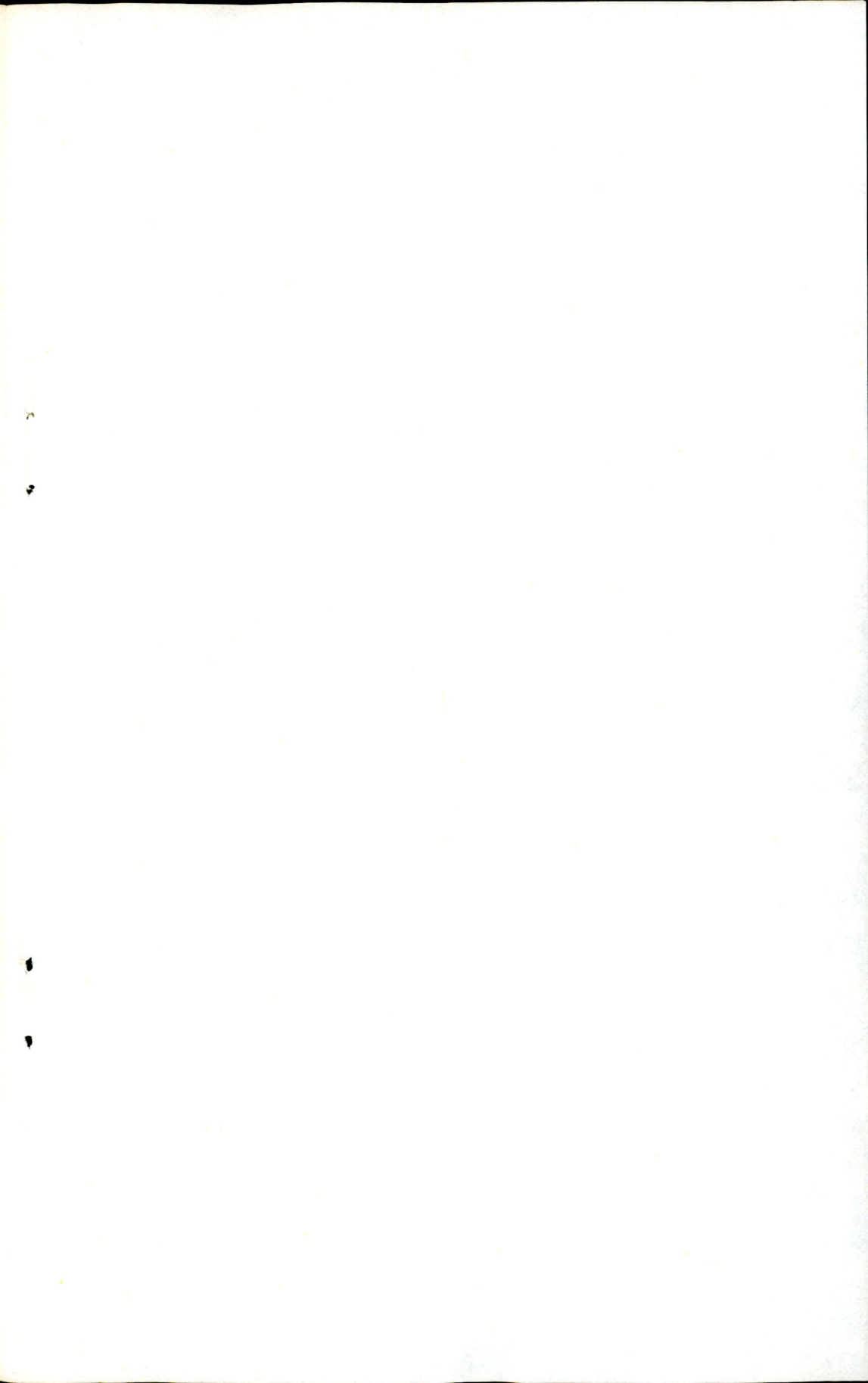
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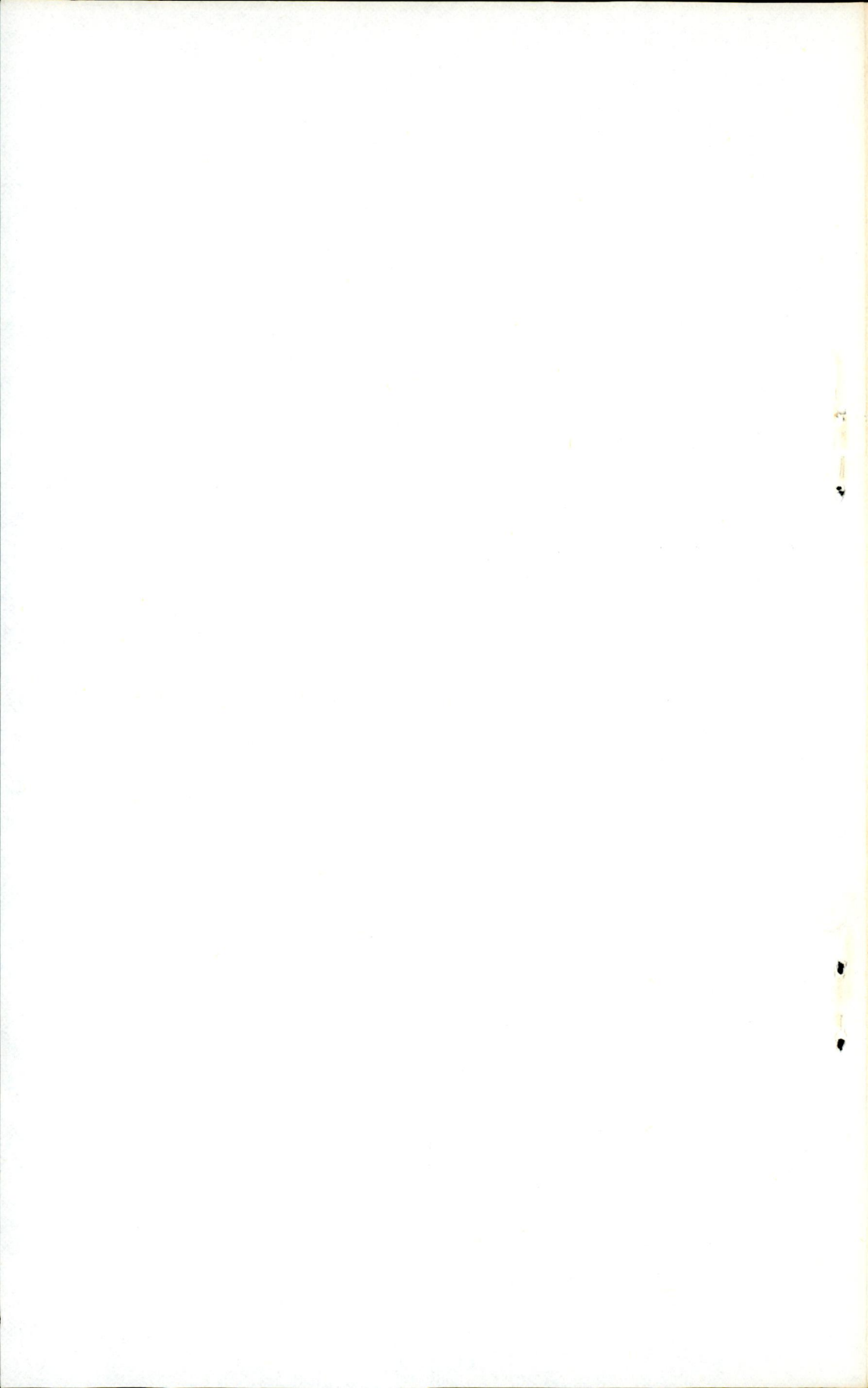
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976







*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 November, 1975.*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

J. H. BROWN,  
*Chairman of Committees of the Legislative Assembly.*

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(3)

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*Northumberland Insurance Company Limited.*

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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.

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—

Powers of liquidator of Northumberland Insurance Company Limited.

(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.

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.

Satisfaction of claims, judgments and awards.

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*Northumberland Insurance Company Limited.*

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(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.

Contribution  
to fund.

6. (1) Each licensed insurer shall from time to time pay 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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*Northumberland Insurance Company Limited.*

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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.

Continuance of payment of workers' compensation in certain cases.

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

Recovery of moneys borrowed from fund.

- (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.

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

Regulations.

- (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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*Northumberland Insurance Company Limited.*

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- an insurer has ceased to be a licensed insurer or 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.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 10th December, 1975.*



