

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, 2 June, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Northumberland Insurance Company Limited Act, 1975, with respect to the satisfaction of claims, judgments and awards arising from or pertaining to policies of insurance issued by the Northumberland Insurance Company Limited; and to validate certain matters.

BE

Northumberland Insurance Company Limited (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:—

1. This Act may be cited as the "Northumberland Insurance Company Limited (Amendment) Act, 1977". Short title.

2. (1) This Act, except section 3 (d) and (e), shall be deemed to have commenced on 27th April, 1976. Commencement.

10 (2) Section 3 (d) and (e) shall commence on the date of assent to this Act.

3. The Northumberland Insurance Company Limited Act, 1975, is amended— Amendment of Act No. 86, 1975.

15 (a) by inserting in section 2 after the definition of "Company" the following definition :— Sec. 2. (Definitions.)

"Contribution Fund" means the Insurers' Contribution Fund established under section 30H (1) of the Workers' Compensation Act, 1926;

20 (b) by inserting in section 3 (1) after the word "insurers" the words ", all income accruing from the investment or re-investment of moneys under subsection (3), or otherwise accruing to the fund, and any amounts recovered by the Government Insurance Office pursuant to the exercise of any right referred to in section 5c (1) (b)"; Sec. 3. (Fund.)

25 (c) by omitting section 5 and by inserting instead the following sections :— Secs. 5-5E.

30 5. The liquidator of the Company shall, on the receipt by him of any claim pertaining to any policy of insurance issued by the Company, forward that claim to the Government Insurance Office. Liquidator to notify Government Insurance Office of claims.

Northumberland Insurance Company Limited (Amendment).

5A. The liquidator of the Company shall, whenever requested to do so by the Government Insurance Office, deliver to the Government Insurance Office all documents relating to policies of insurance issued by the Company and any claims, judgments or awards made in respect of any such policies in his possession and furnish to the Government Insurance Office any information in his possession relating to any such policies or any such claims, judgments or awards.

Delivery of documents, etc., to Government Insurance Office.

5B. If any complaint is made to the Supreme Court by the Government Insurance Office with respect to the exercise or performance by the liquidator of any of his powers, authorities, duties or functions under this Act, the Supreme Court shall inquire into the matter and take such action as it thinks fit.

Control of Supreme Court over liquidator.

5C. (1) The Government Insurance Office, as manager of the fund—

(a) may in all respects deal with and finalise any claim; and

(b) may exercise any right of the Company arising from or pertaining to any claim, judgment or award,

arising from or pertaining to any policy of insurance issued by the Company as if the Government Insurance Office had been the insurer under the policy.

Claims, judgments and awards arising out of policies of insurance.

(2) A reference in subsection (1) (b) to any right of the Company includes a reference to any right the Company would have had but for its dissolution pursuant to section 64 of the Workers' Compensation Act, 1926, or for the purpose of recovering contribution from an insurer.

5D.

Northumberland Insurance Company Limited (Amendment).

5D. Out of the fund, the Government Insurance Office— Application of fund.

5 (a) shall, as manager of the fund, satisfy any liability of the Company in respect of any claim, judgment or award arising from or pertaining to any policy of insurance issued by the Company; and

(b) is entitled—

10 (i) to be paid, as manager of the fund, the costs of administration of the fund; and

15 (ii) to be indemnified against all liabilities met by it and all costs and expenses that it may incur, as manager of the fund, in or in connection with the exercise or performance or the purported exercise or performance of its powers, authorities, duties and functions under this Act.

25 5E. The liquidator of the Company shall not be personally liable for or in respect of the exercise or performance or the purported exercise or performance by the Government Insurance Office of its powers, authorities, duties and functions under this Act. Exclusion of liability of liquidator.

(d) by inserting after section 6 the following section :— **Sec. 6A.**

30 6A. The Company shall not be dissolved before such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Dissolution of Company.

(e)

Northumberland Insurance Company Limited (Amendment).

(e) by inserting after section 7 the following sections :— Secs. 7A, 7B.

5 7A. (1) When the Company has been dissolved, a person who would have had, but for the dissolution of the Company, an entitlement to payment of any amount arising from or pertaining to any policy of insurance issued by the Company, other than an entitlement to payment of an amount under section 7, shall be entitled to payment of that amount out of the Contribution Fund.

Entitlements payable after dissolution of the Company.

10 (2) A person referred to in subsection (1) may make a claim against the Government Insurance Office, as manager of the Contribution Fund, in respect of an entitlement to payment of an amount under that subsection.

15 (3) Section 5C (1) and section 5D apply in respect of a claim referred to in subsection (2) in the same way as they apply in respect of a claim referred to in those sections and in so applying those sections—

20 (a) a reference to the fund shall be construed as a reference to the Contribution Fund; and

25 (b) a reference to any right or liability of the Company shall be construed as a reference to any right or liability the Company would have had but for its dissolution.

30 7B. If, after payment out of the fund of all money authorised or required to be paid out of the fund by this Act, any money remains in the fund, the Government Insurance Office shall pay that money remaining in the fund into the Contribution Fund.

Final application of money in fund.

Northumberland Insurance Company Limited (Amendment).

(f) by omitting section 8 (1) (a) and by inserting instead the following paragraph :—

Sec. 8.
(Recovery
of moneys
paid out
of the
fund.)

5 (a) all amounts paid out of the fund by the Government Insurance Office, or to which the Government Insurance Office is entitled, under the provisions of this Act; and

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

No. , 1977.

A BILL

To amend the Northumberland Insurance Company Limited Act, 1975, with respect to the satisfaction of claims, judgments and awards arising from or pertaining to policies of insurance issued by the Northumberland Insurance Company Limited; and to validate certain matters.

[Mr F. J. WALKER—29 March, 1977.]

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Northumberland Insurance Company Limited (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:—

1. This Act may be cited as the "Northumberland Insurance Company Limited (Amendment) Act, 1977".

2. (1) This Act, except section 3 (d) and (e), shall be deemed to have commenced on 27th April, 1976.

(2) Section 3 (d) and (e) shall commence on the date of assent to this Act.

3. The Northumberland Insurance Company Limited Act, 1975, is amended—

(a) by inserting in section 2 after the definition of "Company" the following definition :—

"Contribution Fund" means the Insurers' Contribution Fund established under section 30H (1) of the Workers' Compensation Act, 1926;

(b) by inserting in section 3 (1) after the word "insurers" the words " , all income accruing from the investment or re-investment of moneys under subsection (3), or otherwise accruing to the fund, and any amounts recovered by the Government Insurance Office pursuant to the exercise of any right referred to in section 5c (1) (b)";

(c) by omitting section 5 and by inserting instead the following sections :—

5. The liquidator of the Company shall, on the receipt by him of any claim pertaining to any policy of insurance issued by the Company, forward that claim to the Government Insurance Office.

5A.

Northumberland Insurance Company Limited (Amendment).

5A. The liquidator of the Company shall, when-
ever requested to do so by the Government
Insurance Office, deliver to the Government Insur-
ance Office all documents relating to policies of
insurance issued by the Company and any claims,
judgments or awards made in respect of any such
policies in his possession and furnish to the
Government Insurance Office any information in his
possession relating to any such policies or any such
claims, judgments or awards.

Delivery of
documents,
etc., to
Government
Insurance
Office.

5B. If any complaint is made to the Supreme
Court by the Government Insurance Office with
respect to the exercise or performance by the
liquidator of any of his powers, authorities, duties
or functions under this Act, the Supreme Court
shall inquire into the matter and take such action
as it thinks fit.

Control of
Supreme
Court over
liquidator.

5C. (1) The Government Insurance Office, as
manager of the fund—

(a) may in all respects deal with and finalise
any claim; and

(b) may exercise any right of the Company
arising from or pertaining to any claim,
judgment or award,

arising from or pertaining to any policy of insurance
issued by the Company as if the Government
Insurance Office had been the insurer under the
policy.

Claims,
judgments
and awards
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(2) A reference in subsection (1) (b) to
any right of the Company includes a reference to
any right the Company would have had but for its
dissolution pursuant to section 64 of the Workers'
Compensation Act, 1926, or for the purpose of
recovering contribution from an insurer.

Northumberland Insurance Company Limited (Amendment).

5D. Out of the fund, the Government Insurance Office— Application of fund.

5 (a) shall, as manager of the fund, satisfy any liability of the Company in respect of any claim, judgment or award arising from or pertaining to any policy of insurance issued by the Company; and

(b) is entitled—

10 (i) to be paid, as manager of the fund, the costs of administration of the fund; and

15 (ii) to be indemnified against all liabilities met by it and all costs and expenses that it may incur, as manager of the fund, in or in connection with the exercise or performance or the purported exercise or performance of its powers, authorities, duties and functions under this Act.

25 5E. The liquidator of the Company shall not be personally liable for or in respect of the exercise or performance or the purported exercise or performance by the Government Insurance Office of its powers, authorities, duties and functions under this Act. Exclusion of liability of liquidator.

(d) by inserting after section 6 the following section :— Sec. 6A.

30 6A. The Company shall not be dissolved before such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Dissolution of Company.

(e)

Northumberland Insurance Company Limited (Amendment).

(e) by inserting after section 7 the following sections :— Secs. 7A, 7B.

5 7A. (1) When the Company has been dissolved, Entitlements payable after dissolution of the Company.
a person who would have had, but for the dissolution of the Company, an entitlement to payment of any amount arising from or pertaining to any policy of insurance issued by the Company, other than an entitlement to payment of an amount under section 7, shall be entitled to payment of that amount out of the Contribution Fund.

10 (2) A person referred to in subsection (1) may make a claim against the Government Insurance Office, as manager of the Contribution Fund, in respect of an entitlement to payment of an amount under that subsection.

15 (3) Section 5C (1) and section 5D apply in respect of a claim referred to in subsection (2) in the same way as they apply in respect of a claim referred to in those sections and in so applying those sections—

20 (a) a reference to the fund shall be construed as a reference to the Contribution Fund; and

25 (b) a reference to any right or liability of the Company shall be construed as a reference to any right or liability the Company would have had but for its dissolution.

30 7B. If, after payment out of the fund of all money authorised or required to be paid out of the fund by this Act, any money remains in the fund, the Government Insurance Office shall pay that money remaining in the fund into the Contribution Fund. Final application of money in fund.

Northumberland Insurance Company Limited (Amendment).

- (f) by omitting section 8 (1) (a) and by inserting instead the following paragraph :—
- (a) all amounts paid out of the fund by the Government Insurance Office, or to which the Government Insurance Office is entitled, under the provisions of this Act; and
- 5
- Sec. 8.
(Recovery of moneys paid out of the fund.)

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

**NORTHUMBERLAND INSURANCE COMPANY LIMITED
(AMENDMENT) BILL, 1977**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide for the application of the income accruing from the investment of the fund established under section 3 of the Northumberland Insurance Company Limited Act, 1975 (hereinafter called "the fund") (clause 3 (b));
- (b) to require the liquidator of the Northumberland Insurance Company Limited (hereinafter called "the Company") to forward workers' compensation claims made against the Company to the Government Insurance Office (clause 3 (c));
- (c) to require the liquidator of the Company to deliver to the Government Insurance Office certain documents relating to insurance policies issued by the Company (clause 3 (c)) and to validate certain actions taken in that behalf (clause 2 (1));
- (d) to extend the Supreme Court's powers of control in respect of the liquidator of the Company (clause 3 (c));
- (e) to empower the Government Insurance Office to act in the place of the Company in respect of claims, judgments and awards arising from insurance policies issued by the Company (clause 3 (c));
- (f) to provide for the application of the fund (clause 3 (c));
- (g) to exclude the liquidator of the Company from personal liability for the actions of the Government Insurance Office under the Northumberland Insurance Company Limited Act, 1975, as amended by the proposed Act (clause 3 (c));
- (h) to provide that the Company shall not be dissolved before a day appointed by the Governor (clause 3 (d));
- (i) to enable workers' compensation claims in respect of insurance policies issued by the Company to be made after the date of dissolution of the Company against the Government Insurance Office and to provide for the satisfaction of those claims out of the Insurers' Contribution Fund established under section 30H (1) of the Workers' Compensation Act, 1926 (clause 3 (e));
- (j) to provide for the ultimate distribution of any money remaining in the fund (clause 3 (e));
- (k) to enable the Government Insurance Office to prove as debts in the winding up of the Company amounts paid by it, or to which it is entitled, out of the fund (clause 3 (f)); and
- (l) to make other provisions of a minor, consequential or ancillary character.

PROOF

No. , 1977.

A BILL

To amend the Northumberland Insurance Company Limited Act, 1975, with respect to the satisfaction of claims, judgments and awards arising from or pertaining to policies of insurance issued by the Northumberland Insurance Company Limited; and to validate certain matters.

[Mr F. J. WALKER—29 March, 1977.]

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1. This Act may be cited as the "Northumberland Insurance Company Limited (Amendment) Act, 1977". Short title.

2. (1) This Act, except section 3 (d) and (e), shall be deemed to have commenced on 27th April, 1976. Commencement.

10 (2) Section 3 (d) and (e) shall commence on the date of assent to this Act.

3. The Northumberland Insurance Company Limited Act, 1975, is amended— Amendment of Act No. 86, 1975.

15 (a) by inserting in section 2 after the definition of "Company" the following definition :— Sec. 2. (Definitions.)

"Contribution Fund" means the Insurers' Contribution Fund established under section 30H (1) of the Workers' Compensation Act, 1926;

20 (b) by inserting in section 3 (1) after the word "insurers" the words " , all income accruing from the investment or re-investment of moneys under subsection (3), or otherwise accruing to the fund, and any amounts recovered by the Government Insurance Office pursuant to the exercise of any right referred to in section 5c (1) (b)"; Sec. 3. (Fund.)

25 (c) by omitting section 5 and by inserting instead the following sections :— Secs. 5-5E.

30 5. The liquidator of the Company shall, on the receipt by him of any claim pertaining to any policy of insurance issued by the Company, forward that claim to the Government Insurance Office. Liquidator to notify Government Insurance Office of claims.

Northumberland Insurance Company Limited (Amendment).

5 5A. The liquidator of the Company shall, when-
ever requested to do so by the Government
Insurance Office, deliver to the Government Insur-
ance Office all documents relating to policies of
insurance issued by the Company and any claims,
judgments or awards made in respect of any such
policies in his possession and furnish to the
Government Insurance Office any information in his
possession relating to any such policies or any such
10 claims, judgments or awards.

Delivery of
documents,
etc., to
Government
Insurance
Office.

15 5B. If any complaint is made to the Supreme
Court by the Government Insurance Office with
respect to the exercise or performance by the
liquidator of any of his powers, authorities, duties
or functions under this Act, the Supreme Court
shall inquire into the matter and take such action
as it thinks fit.

Control of
Supreme
Court over
liquidator.

20 5C. (1) The Government Insurance Office, as
manager of the fund—
(a) may in all respects deal with and finalise
any claim; and
(b) may exercise any right of the Company
arising from or pertaining to any claim,
judgment or award,

Claims,
judgments
and awards
arising out
of policies
of insurance.

25 arising from or pertaining to any policy of insurance
issued by the Company as if the Government
Insurance Office had been the insurer under the
policy.

30 (2) A reference in subsection (1) (b) to
any right of the Company includes a reference to
any right the Company would have had but for its
dissolution pursuant to section 64 of the Workers'
Compensation Act, 1926, or for the purpose of
recovering contribution from an insurer.

5D.

Northumberland Insurance Company Limited (Amendment).

5D. Out of the fund, the Government Insurance Office— Application of fund.

5 (a) shall, as manager of the fund, satisfy any liability of the Company in respect of any claim, judgment or award arising from or pertaining to any policy of insurance issued by the Company; and

(b) is entitled—

10 (i) to be paid, as manager of the fund, the costs of administration of the fund; and

15 (ii) to be indemnified against all liabilities met by it and all costs and expenses that it may incur, as manager of the fund, in or in connection with the exercise or performance or the purported exercise or performance of its powers, authorities, duties and functions under this Act.

25 5E. The liquidator of the Company shall not be personally liable for or in respect of the exercise or performance or the purported exercise or performance by the Government Insurance Office of its powers, authorities, duties and functions under this Act. Exclusion of liability of liquidator.

(d) by inserting after section 6 the following section :— Sec. 6A.

30 6A. The Company shall not be dissolved before such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Dissolution of Company.

(e)

Northumberland Insurance Company Limited (Amendment).

(e) by inserting after section 7 the following sections :— Secs. 7A, 7B.

5 7A. (1) When the Company has been dissolved, a person who would have had, but for the dissolution of the Company, an entitlement to payment of any amount arising from or pertaining to any policy of insurance issued by the Company, other than an entitlement to payment of an amount under section 7, shall be entitled to payment of that amount out of the Contribution Fund.

Entitlements payable after dissolution of the Company.

10 (2) A person referred to in subsection (1) may make a claim against the Government Insurance Office, as manager of the Contribution Fund, in respect of an entitlement to payment of an amount under that subsection.

15 (3) Section 5c (1) and section 5D apply in respect of a claim referred to in subsection (2) in the same way as they apply in respect of a claim referred to in those sections and in so applying those sections—

20 (a) a reference to the fund shall be construed as a reference to the Contribution Fund; and

25 (b) a reference to any right or liability of the Company shall be construed as a reference to any right or liability the Company would have had but for its dissolution.

30 7B. If, after payment out of the fund of all money authorised or required to be paid out of the fund by this Act, any money remains in the fund, the Government Insurance Office shall pay that money remaining in the fund into the Contribution Fund.

Final application of money in fund.

Northumberland Insurance Company Limited (Amendment).

(f) by omitting section 8 (1) (a) and by inserting Sec. 8.
instead the following paragraph :— (Recovery
of moneys
paid out
of the
fund.)

5 (a) all amounts paid out of the fund by the
Government Insurance Office, or to which
the Government Insurance Office is entitled,
under the provisions of this Act; and

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

**NORTHUMBERLAND INSURANCE COMPANY
LIMITED AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 63, 1977.

An Act to amend the Northumberland Insurance Company Limited Act, 1975, with respect to the satisfaction of claims, judgments and awards arising from or pertaining to policies of insurance issued by the Northumberland Insurance Company Limited; and to validate certain matters. [Assented to, 7th September, 1977.]

BE

Northumberland Insurance Company Limited (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 "Northumberland Insurance Company Limited (Amendment) Act, 1977".

Commence- **2.** (1) This Act, except section 3 (d) and (e), shall be
ment. deemed to have commenced on 27th April, 1976.

(2) Section 3 (d) and (e) shall commence on the date of assent to this Act.

Amendment **3.** The Northumberland Insurance Company Limited
of Act No. Act, 1975, is amended—
86, 1975.

Sec. 2. (a) by inserting in section 2 after the definition of
(Defini- "Company" the following definition :—
tions.)

"Contribution Fund" means the Insurers' Contribution Fund established under section 30H (1) of the Workers' Compensation Act, 1926;

Sec. 3. (b) by inserting in section 3 (1) after the word
(Fund.) "insurers" the words ", all income accruing from the investment or re-investment of moneys under subsection (3), or otherwise accruing to the fund, and any amounts recovered by the Government Insurance Office pursuant to the exercise of any right referred to in section 5c (1) (b)";

Secs. (c) by omitting section 5 and by inserting instead the
5-5E. following sections :—

Liquidator
to notify
Government
Insurance
Office
of claims.

5. The liquidator of the Company shall, on the receipt by him of any claim pertaining to any policy of insurance issued by the Company, forward that claim to the Government Insurance Office.

Northumberland Insurance Company Limited (Amendment).

5A. The liquidator of the Company shall, whenever requested to do so by the Government Insurance Office, deliver to the Government Insurance Office all documents relating to policies of insurance issued by the Company and any claims, judgments or awards made in respect of any such policies in his possession and furnish to the Government Insurance Office any information in his possession relating to any such policies or any such claims, judgments or awards.

Delivery of documents, etc., to Government Insurance Office.

5B. If any complaint is made to the Supreme Court by the Government Insurance Office with respect to the exercise or performance by the liquidator of any of his powers, authorities, duties or functions under this Act, the Supreme Court shall inquire into the matter and take such action as it thinks fit.

Control of Supreme Court over liquidator.

5c. (1) The Government Insurance Office, as manager of the fund—

- (a) may in all respects deal with and finalise any claim; and
- (b) may exercise any right of the Company arising from or pertaining to any claim, judgment or award,

Claims, judgments and awards arising out of policies of insurance.

arising from or pertaining to any policy of insurance issued by the Company as if the Government Insurance Office had been the insurer under the policy.

(2) A reference in subsection (1) (b) to any right of the Company includes a reference to any right the Company would have had but for its dissolution pursuant to section 64 of the Workers' Compensation Act, 1926, or for the purpose of recovering contribution from an insurer.

5D.

Northumberland Insurance Company Limited (Amendment).

Application
of fund.

5D. Out of the fund, the Government Insurance Office—

(a) shall, as manager of the fund, satisfy any liability of the Company in respect of any claim, judgment or award arising from or pertaining to any policy of insurance issued by the Company; and

(b) is entitled—

(i) to be paid, as manager of the fund, the costs of administration of the fund; and

(ii) to be indemnified against all liabilities met by it and all costs and expenses that it may incur, as manager of the fund, in or in connection with the exercise or performance or the purported exercise or performance of its powers, authorities, duties and functions under this Act.

Exclusion of
liability of
liquidator.

5E. The liquidator of the Company shall not be personally liable for or in respect of the exercise or performance or the purported exercise or performance by the Government Insurance Office of its powers, authorities, duties and functions under this Act.

Sec. 6A.

(d) by inserting after section 6 the following section :—

Dissolution
of Company.

6A. The Company shall not be dissolved before such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(e)

Northumberland Insurance Company Limited (Amendment).

(e) by inserting after section 7 the following sections :— Secs. 7A, 7B.

7A. (1) When the Company has been dissolved, a person who would have had, but for the dissolution of the Company, an entitlement to payment of any amount arising from or pertaining to any policy of insurance issued by the Company, other than an entitlement to payment of an amount under section 7, shall be entitled to payment of that amount out of the Contribution Fund.

Entitlements payable after dissolution of the Company.

(2) A person referred to in subsection (1) may make a claim against the Government Insurance Office, as manager of the Contribution Fund, in respect of an entitlement to payment of an amount under that subsection.

(3) Section 5C (1) and section 5D apply in respect of a claim referred to in subsection (2) in the same way as they apply in respect of a claim referred to in those sections and in so applying those sections—

- (a) a reference to the fund shall be construed as a reference to the Contribution Fund; and
- (b) a reference to any right or liability of the Company shall be construed as a reference to any right or liability the Company would have had but for its dissolution.

7B. If, after payment out of the fund of all money authorised or required to be paid out of the fund by this Act, any money remains in the fund, the Government Insurance Office shall pay that money remaining in the fund into the Contribution Fund.

Final application of money in fund.

(f)

Northumberland Insurance Company Limited (Amendment).

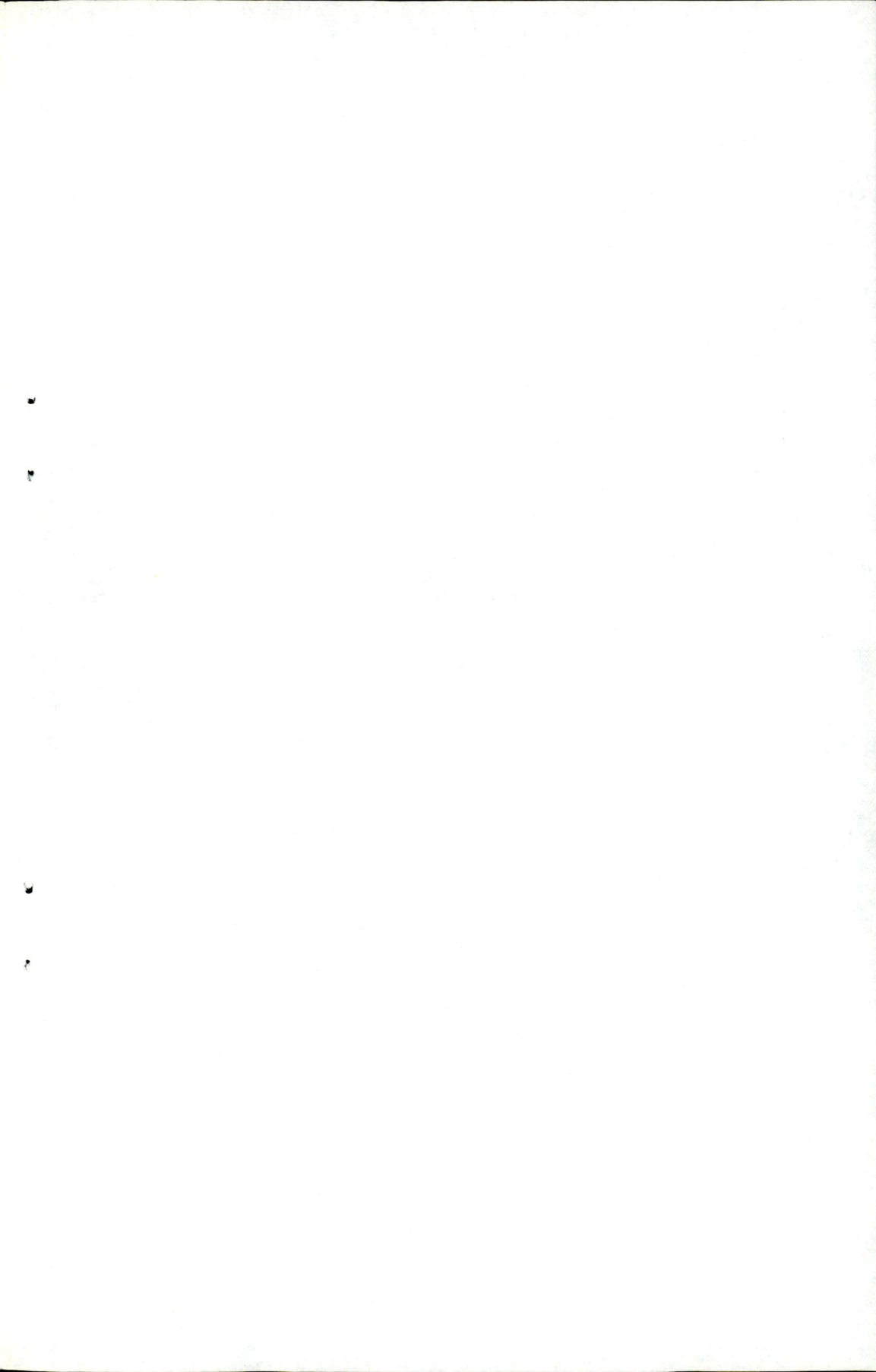
Sec. 8.
(Recovery
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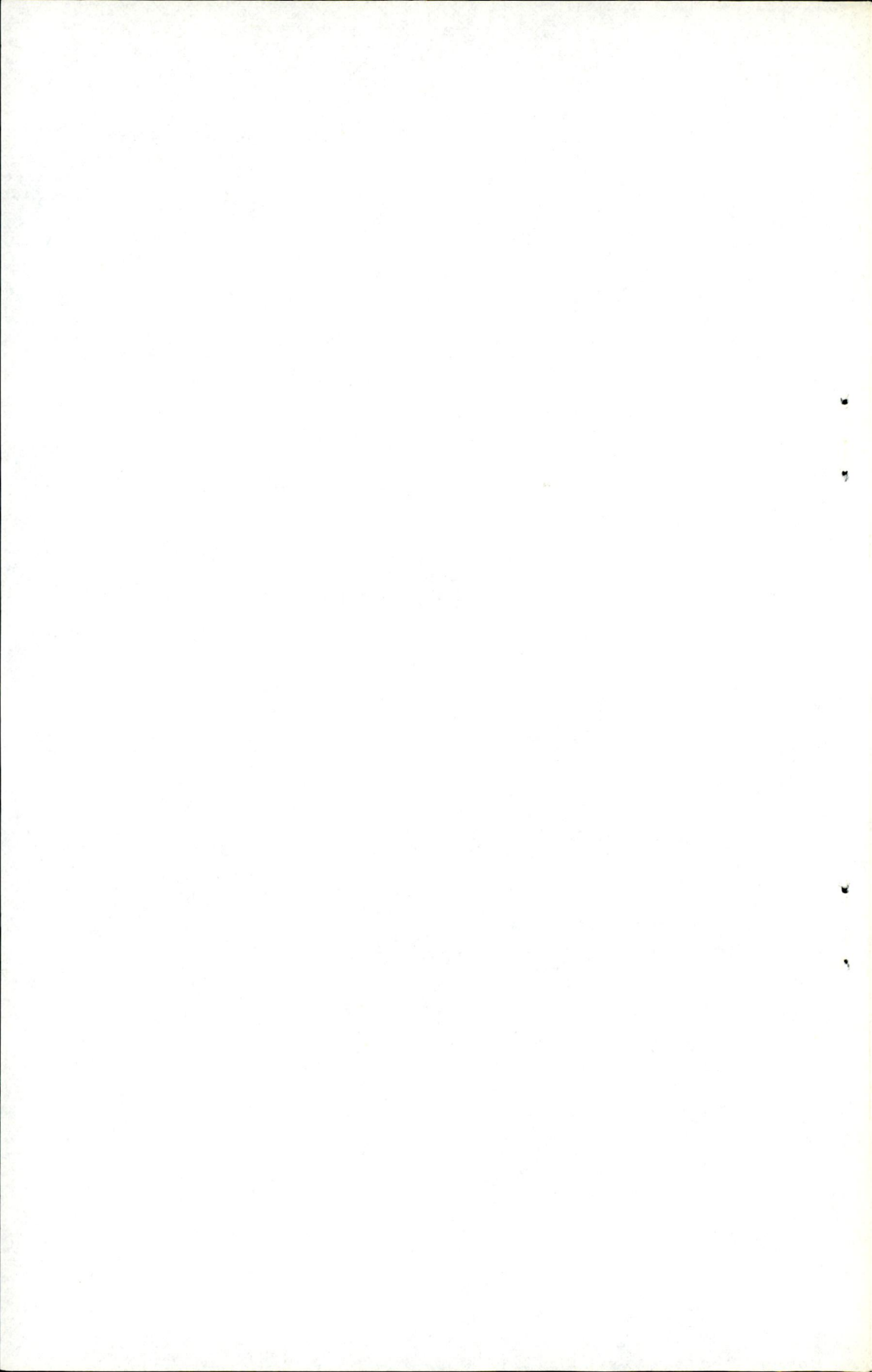
(f) by omitting section 8 (1) (a) and by inserting instead the following paragraph :—

- (a) all amounts paid out of the fund by the Government Insurance Office, or to which the Government Insurance Office is entitled, under the provisions of this Act; and

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977





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, 16 August, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 63, 1977.

An Act to amend the Northumberland Insurance Company Limited Act, 1975, with respect to the satisfaction of claims, judgments and awards arising from or pertaining to policies of insurance issued by the Northumberland Insurance Company Limited; and to validate certain matters. [Assented to, 7th September, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Northumberland Insurance Company Limited (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 "Northumberland Insurance Company Limited (Amendment) Act, 1977".

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Amendment 3. The Northumberland Insurance Company Limited
of Act No. Act, 1975, is amended—
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Sec. 2. (a) by inserting in section 2 after the definition of
(Defini- "Company" the following definition :—
tions.)

"Contribution Fund" means the Insurers' Contribution Fund established under section 30H (1) of the Workers' Compensation Act, 1926;

Sec. 3. (b) by inserting in section 3 (1) after the word
(Fund.) "insurers" the words ", all income accruing from the investment or re-investment of moneys under subsection (3), or otherwise accruing to the fund, and any amounts recovered by the Government Insurance Office pursuant to the exercise of any right referred to in section 5c (1) (b)";

Secs. (c) by omitting section 5 and by inserting instead the
5-5E. following sections :—

Liquidator 5. The liquidator of the Company shall, on the
to notify receipt by him of any claim pertaining to any policy
Government of insurance issued by the Company, forward that
Insurance claim to the Government Insurance Office.
Office
of claims.

5A.

Northumberland Insurance Company Limited (Amendment).

5A. The liquidator of the Company shall, whenever requested to do so by the Government Insurance Office, deliver to the Government Insurance Office all documents relating to policies of insurance issued by the Company and any claims, judgments or awards made in respect of any such policies in his possession and furnish to the Government Insurance Office any information in his possession relating to any such policies or any such claims, judgments or awards.

Delivery of documents, etc., to Government Insurance Office.

5B. If any complaint is made to the Supreme Court by the Government Insurance Office with respect to the exercise or performance by the liquidator of any of his powers, authorities, duties or functions under this Act, the Supreme Court shall inquire into the matter and take such action as it thinks fit.

Control of Supreme Court over liquidator.

5C. (1) The Government Insurance Office, as manager of the fund—

(a) may in all respects deal with and finalise any claim; and

(b) may exercise any right of the Company arising from or pertaining to any claim, judgment or award,

Claims, judgments and awards arising out of policies of insurance.

arising from or pertaining to any policy of insurance issued by the Company as if the Government Insurance Office had been the insurer under the policy.

(2) A reference in subsection (1) (b) to any right of the Company includes a reference to any right the Company would have had but for its dissolution pursuant to section 64 of the Workers' Compensation Act, 1926, or for the purpose of recovering contribution from an insurer.

5D.

Northumberland Insurance Company Limited (Amendment).

Application
of fund.

5D. Out of the fund, the Government Insurance Office—

(a) shall, as manager of the fund, satisfy any liability of the Company in respect of any claim, judgment or award arising from or pertaining to any policy of insurance issued by the Company; and

(b) is entitled—

(i) to be paid, as manager of the fund, the costs of administration of the fund; and

(ii) to be indemnified against all liabilities met by it and all costs and expenses that it may incur, as manager of the fund, in or in connection with the exercise or performance or the purported exercise or performance of its powers, authorities, duties and functions under this Act.

Exclusion of
liability of
liquidator.

5E. The liquidator of the Company shall not be personally liable for or in respect of the exercise or performance or the purported exercise or performance by the Government Insurance Office of its powers, authorities, duties and functions under this Act.

Sec. 6A.

(d) by inserting after section 6 the following section :—

Dissolution
of Company.

6A. The Company shall not be dissolved before such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(e)

Northumberland Insurance Company Limited (Amendment).

(e) by inserting after section 7 the following sections :— Secs. 7A, 7B.

7A. (1) When the Company has been dissolved, a person who would have had, but for the dissolution of the Company, an entitlement to payment of any amount arising from or pertaining to any policy of insurance issued by the Company, other than an entitlement to payment of an amount under section 7, shall be entitled to payment of that amount out of the Contribution Fund. Entitlements payable after dissolution of the Company.

(2) A person referred to in subsection (1) may make a claim against the Government Insurance Office, as manager of the Contribution Fund, in respect of an entitlement to payment of an amount under that subsection.

(3) Section 5C (1) and section 5D apply in respect of a claim referred to in subsection (2) in the same way as they apply in respect of a claim referred to in those sections and in so applying those sections—

(a) a reference to the fund shall be construed as a reference to the Contribution Fund; and

(b) a reference to any right or liability of the Company shall be construed as a reference to any right or liability the Company would have had but for its dissolution.

7B. If, after payment out of the fund of all money authorised or required to be paid out of the fund by this Act, any money remains in the fund, the Government Insurance Office shall pay that money remaining in the fund into the Contribution Fund. Final application of money in fund.

(f)

Northumberland Insurance Company Limited (Amendment).

Sec. 8.
(Recovery
of moneys
paid out
of the
fund.)

(f) by omitting section 8 (1) (a) and by inserting
instead the following paragraph :—

(a) all amounts paid out of the fund by the
Government Insurance Office, or to which
the Government Insurance Office is entitled,
under the provisions of this Act; and

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 7th September, 1977.*