

FIRST PRINT

FIRE BRIGADES (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Bush Fires (Amendment) Bill 1993.

The object of this Bill is to amend the Fire Brigades Act 1989 to require insurance companies to submit their premium income returns under that Act in September each year in conformity with the scheme under the Bush Fires Act 1949.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on assent.

Clause 3 gives effect to the amendments to the Fire Brigades Act 1989 set out in Schedule 1.

Schedule 1 contains the following amendments to the Fire Brigades Act 1989:

Returns by insurance companies (and by certain owners of property insuring with foreign insurers)

At present under section 58 of the Fire Brigades Act 1989, insurance companies are required, during March in each year, to submit returns to the Director-General of the Department of NSW Fire Brigades. These returns show the total amount of certain premiums received by (or due to) insurance companies for the previous calendar year. They are used to assess and determine the contributions by insurance companies (for the previous calendar year) towards fire brigade expenditure and to determine the advance payments for the following calendar year. Under the Bush Fires Act 1949 however, insurance companies are required to submit their premium returns in September each year for the previous financial year.

Schedule 1 (4) amends section 58 to provide that returns are to be submitted by insurance companies in September each year showing the premiums for the previous financial year. As a consequence of changing the basis on which premium returns are made from a calendar year to a financial year basis, **Schedule 1 (2)** and **(3)** provide for

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the determination of advance payments and the assessment and adjustment of contributions by insurance companies to be brought forward in respect of the calendar year in which the relevant return is submitted. **Schedule 1 (6)** is a consequential amendment to section 61 (Returns by owners of property).

Schedule 1 (1) substitutes the definition of "policy of insurance" in section 3 to exclude policies of reinsurance. This will mean that re-insurers will only be required to send insurance returns (but not reinsurance returns) to the Director-General. **Schedule 1 (5)** amends the definition of "total amount of premiums" in section 59 to ensure that an insurance company will not be able to deduct bonuses or return premiums paid by way of reinsurance from the total amount of premiums that it is required to show to the Director-General in its return.

Schedule 1 (7) inserts proposed section 61A to provide, as a result of the amendments to be made by the proposed Act, for a special return by insurance companies (and by owners of property insuring with foreign insurers) for the 6 months ending 30 June 1993. This transitional provision is intended to deal with the changeover from calendar year to financial year returns. **Schedule 1 (8)** allows regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

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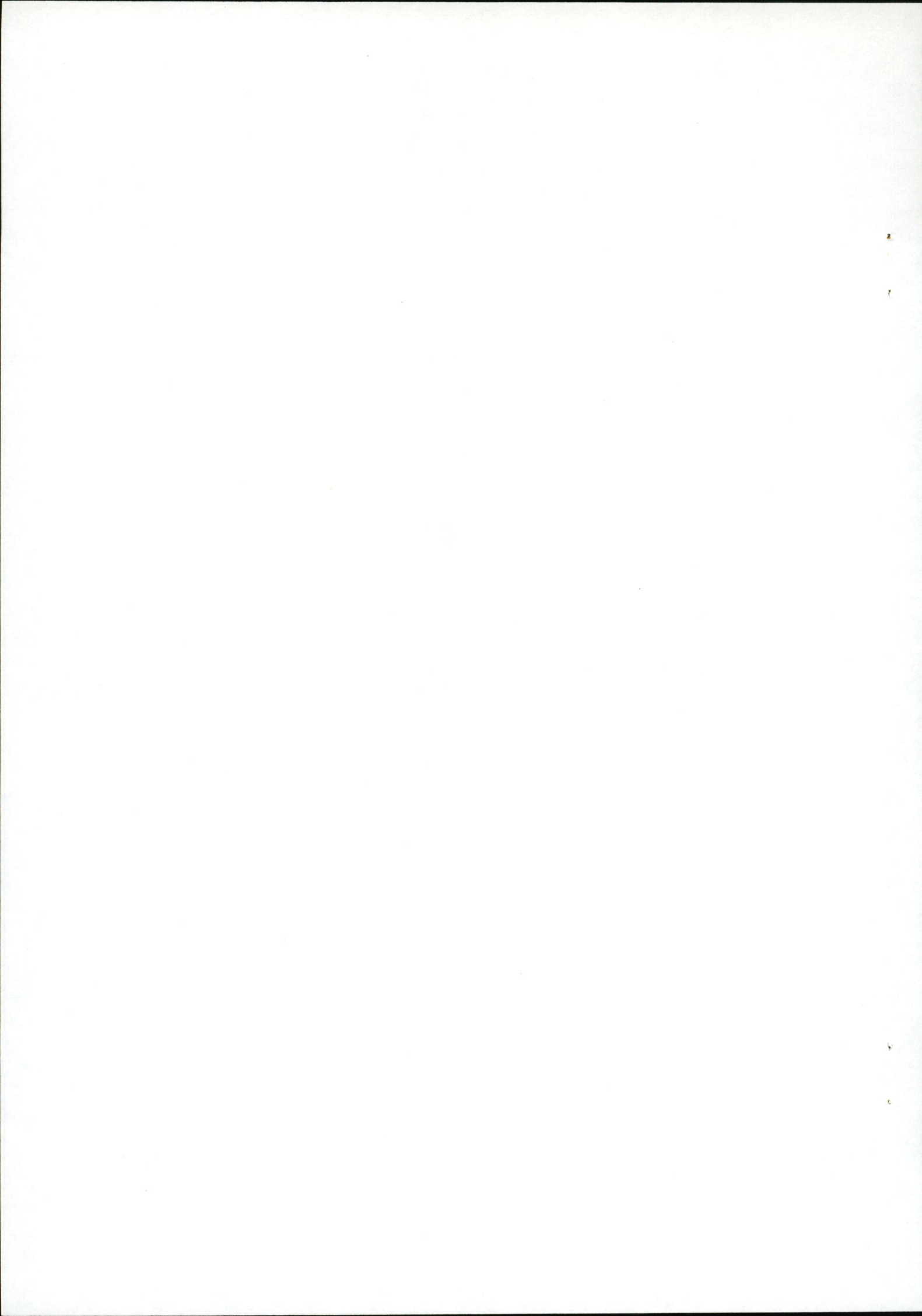
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Fire Brigades Act 1989 No. 192

SCHEDULE 1—AMENDMENTS



FIRE BRIGADES (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Fire Brigades Act 1989 with respect to returns by insurance companies, and for related purposes.

*Fire Brigades (Amendment) 1993***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Fire Brigades (Amendment) Act 1993.

Commencement

- 5 2. This Act commences on the date of assent.

Amendment of Fire Brigades Act 1989 No. 192

3. The Fire Brigades Act 1989 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- 10 (1) Section 3 (**Definitions**):

Omit the definition of "policy of insurance", insert instead:

"policy of insurance" includes:

- (a) any certificate or declaration as to the existence
of, and any agreement for, any insurance; or
15 (b) any instrument in writing by which any contract
of insurance is made or agreed to be made or is
evidenced,

but does not include a policy of reinsurance.

- 20 (2) Section 55 (**Advance payment by insurance companies**):

From section 55 (2), omit "calendar year immediately
preceding the last preceding calendar year", insert instead
"financial year that last ended before that calendar year".

- (3) Section 56 (**Assessments and adjustments**):

- 25 (a) From section 56 (1), omit "the last preceding calendar year",
insert instead "that year".
(b) From section 56 (2) and (3), omit "1 July" wherever
occurring, insert instead "31 December".

- (4) Section 58 (**Returns by insurance companies**):

- 30 (a) From section 58 (1), omit "March", insert instead
"September".
(b) From section 58 (1) (a), omit "calendar", insert instead
"financial".

Fire Brigades (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (5) Section 59 (**Definition of “total amount of premiums”**):
 From the definition of “total amount of premiums”, omit the words “but does not include:” and omit paragraphs (d) and (e), insert instead: 5
- but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.
- (6) Section 61 (**Returns by owners of property**):
- (a) From section 61 (1), omit “March”, insert instead “September”. 10
- (b) From section 61 (2), omit “12 months”, insert instead “financial year”.
- (7) Section 61A: 15
- After section 61, insert:
- Transitional arrangement—special returns by insurance companies (and by certain property owners) for 6 month period ending 30 June 1993**
- 61A. (1) The purpose of this section is to facilitate the changeover, from a calendar year to a financial year basis, of returns by insurance companies under section 58 and by owners of property under section 61 as a result of the amendments made by the Fire Brigades (Amendment) Act 1993. 20
- (2) As soon as practicable after the commencement of that Act (but not later than 1 month after that commencement): 25
- (a) an insurance company must submit to the Director-General a return (in accordance with section 58) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993; and 30
- (b) a person to whom section 57 applies must submit to the Director-General a return (in accordance with section 61) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993.
- (3) A return under this section is to be in a form approved by the Director-General. 35

Fire Brigades (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- 5 (4) Such returns are to be used by the Director-General to effect the assessments and adjustments under section 56 for the 1993 calendar year and to determine the advance payments under section 55 for the 1994 calendar year.
- (5) Without limiting clause 2 of Schedule 4, the regulations may make provision for or with respect to returns under this section and the assessments, adjustments and advance payments referred to in subsection (4).
- 10 (8) Schedule 4 (**Savings and transitional provisions**):
- (a) From clause 2 (1), omit “this Act.”, insert instead:
 the following Acts:
 this Act
 the Fire Brigades (Amendment) Act 1993.
- 15 (b) From clause 2 (2), omit “this Act”, insert instead “the Act concerned”.
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FIRE BRIGADES (AMENDMENT) ACT 1993 No. 99

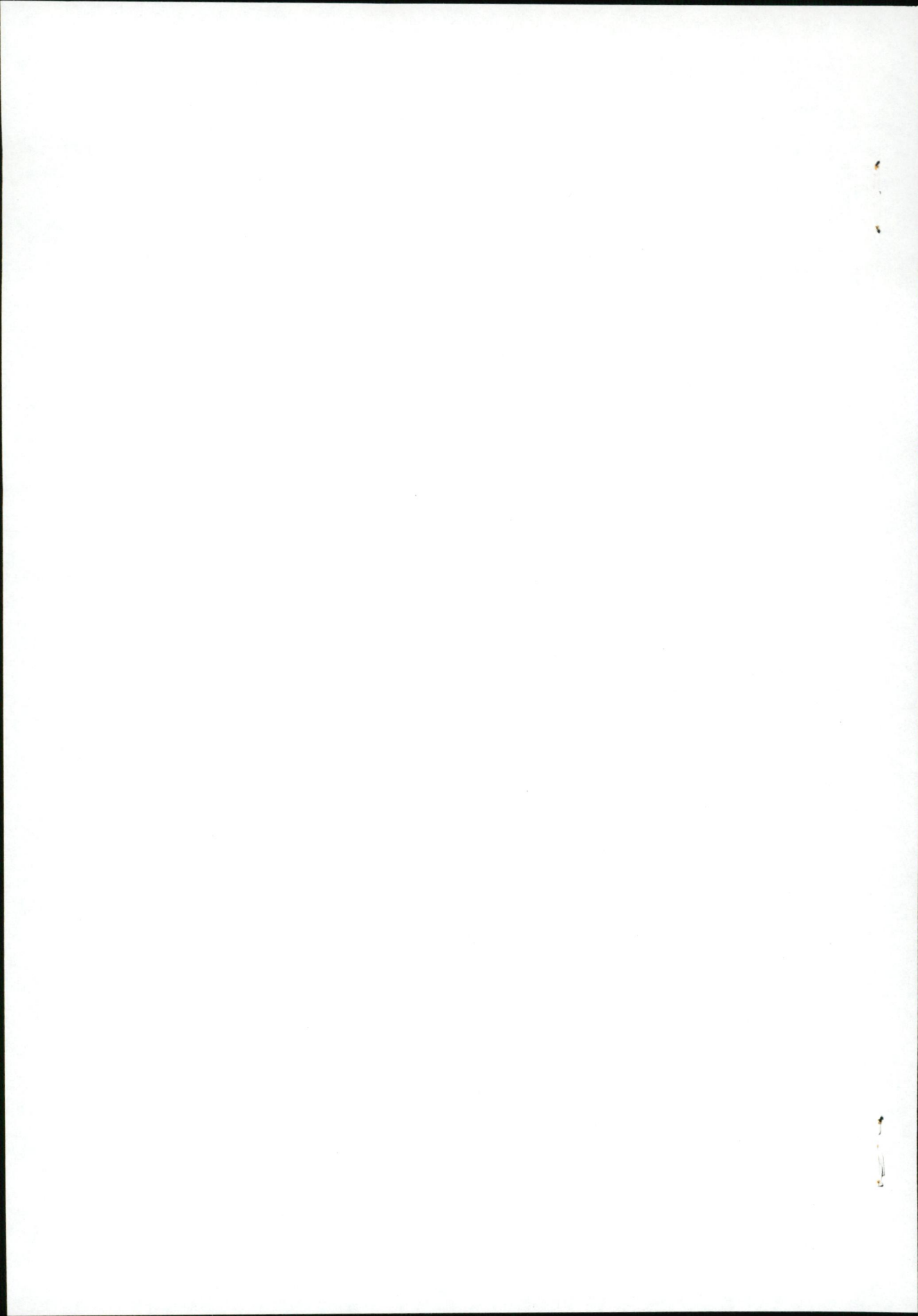
NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS



FIRE BRIGADES (AMENDMENT) ACT 1993 No. 99

NEW SOUTH WALES



Act No. 99, 1993

An Act to amend the Fire Brigades Act 1989 with respect to returns by insurance companies, and for related purposes. [Assented to 2 December 1993]

Fire Brigades (Amendment) Act 1993 No. 99

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Fire Brigades (Amendment) Act 1993.

Commencement

2. This Act commences on the date of assent.

Amendment of Fire Brigades Act 1989 No. 192

3. The Fire Brigades Act 1989 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

Omit the definition of “policy of insurance”, insert instead:

“**policy of insurance**” includes:

- (a) any certificate or declaration as to the existence of, and any agreement for, any insurance; or
- (b) any instrument in writing by which any contract of insurance is made or agreed to be made or is evidenced,

but does not include a policy of reinsurance.

(2) Section 55 (**Advance payment by insurance companies**):

From section 55 (2), omit “calendar year immediately preceding the last preceding calendar year”, insert instead “financial year that last ended before that calendar year”.

(3) Section 56 (**Assessments and adjustments**):

- (a) From section 56 (1), omit “the last preceding calendar year”, insert instead “that year”.
- (b) From section 56 (2) and (3), omit “1 July” wherever occurring, insert instead “31 December”.

(4) Section 58 (**Returns by insurance companies**):

- (a) From section 58 (1), omit “March”, insert instead “September”.
- (b) From section 58 (1) (a), omit “calendar”, insert instead “financial”.

Fire Brigades (Amendment) Act 1993 No. 99

SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 59 (**Definition of “total amount of premiums”**):

From the definition of “total amount of premiums”, omit the words “but does not include:” and omit paragraphs (d) and (e), insert instead:

but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.

(6) Section 61 (**Returns by owners of property**):

(a) From section 61 (1), omit “March”, insert instead “September”.

(b) From section 61 (2), omit “12 months”, insert instead “financial year”.

(7) Section 61A:

After section 61, insert:

Transitional arrangement—special returns by insurance companies (and by certain property owners) for 6 month period ending 30 June 1993

61A. (1) The purpose of this section is to facilitate the changeover, from a calendar year to a financial year basis, of returns by insurance companies under section 58 and by owners of property under section 61 as a result of the amendments made by the Fire Brigades (Amendment) Act 1993.

(2) As soon as practicable after the commencement of that Act (but not later than 1 month after that commencement):

(a) an insurance company must submit to the Director-General a return (in accordance with section 58) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993; and

(b) a person to whom section 57 applies must submit to the Director-General a return (in accordance with section 61) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993.

(3) A return under this section is to be in a form approved by the Director-General.

Fire Brigades (Amendment) Act 1993 No. 99

SCHEDULE 1—AMENDMENTS—*continued*

(4) Such returns are to be used by the Director-General to effect the assessments and adjustments under section 56 for the 1993 calendar year and to determine the advance payments under section 55 for the 1994 calendar year.

(5) Without limiting clause 2 of Schedule 4, the regulations may make provision for or with respect to returns under this section and the assessments, adjustments and advance payments referred to in subsection (4).

(8) Schedule 4 (**Savings and transitional provisions**):

(a) From clause 2 (1), omit “this Act.”, insert instead:
the following Acts:

 this Act

 the Fire Brigades (Amendment) Act 1993.

(b) From clause 2 (2), omit “this Act”, insert instead “the Act concerned”.

[Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 19 November 1993]

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FIRE BRIGADES (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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This Bill is cognate with the Bush Fires (Amendment) Bill 1993.

The object of this Bill is to amend the Fire Brigades Act 1989 to require insurance companies to submit their premium income returns under that Act in September each year in conformity with the scheme under the Bush Fires Act 1949.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on assent.

Clause 3 gives effect to the amendments to the Fire Brigades Act 1989 set out in Schedule 1.

Schedule 1 contains the following amendments to the Fire Brigades Act 1989:

Returns by insurance companies (and by certain owners of property insuring with foreign insurers)

At present under section 58 of the Fire Brigades Act 1989, insurance companies are required, during March in each year, to submit returns to the Director-General of the Department of NSW Fire Brigades. These returns show the total amount of certain premiums received by (or due to) insurance companies for the previous calendar year. They are used to assess and determine the contributions by insurance companies (for the previous calendar year) towards fire brigade expenditure and to determine the advance payments for the following calendar year. Under the Bush Fires Act 1949 however, insurance companies are required to submit their premium returns in September each year for the previous financial year.

Schedule 1 (4) amends section 58 to provide that returns are to be submitted by insurance companies in September each year showing the premiums for the previous financial year. As a consequence of changing the basis on which premium returns are made from a calendar year to a financial year basis, **Schedule 1 (2)** and **(3)** provide for

Fire Brigades (Amendment) 1993

the determination of advance payments and the assessment and adjustment of contributions by insurance companies to be brought forward in respect of the calendar year in which the relevant return is submitted. **Schedule 1 (6)** is a consequential amendment to section 61 (Returns by owners of property).

Schedule 1 (1) substitutes the definition of "policy of insurance" in section 3 to exclude policies of reinsurance. This will mean that re-insurers will only be required to send insurance returns (but not reinsurance returns) to the Director-General. **Schedule 1 (5)** amends the definition of "total amount of premiums" in section 59 to ensure that an insurance company will not be able to deduct bonuses or return premiums paid by way of reinsurance from the total amount of premiums that it is required to show to the Director-General in its return.

Schedule 1 (7) inserts proposed section 61A to provide, as a result of the amendments to be made by the proposed Act, for a special return by insurance companies (and by owners of property insuring with foreign insurers) for the 6 months ending 30 June 1993. This transitional provision is intended to deal with the changeover from calendar year to financial year returns. **Schedule 1 (8)** allows regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

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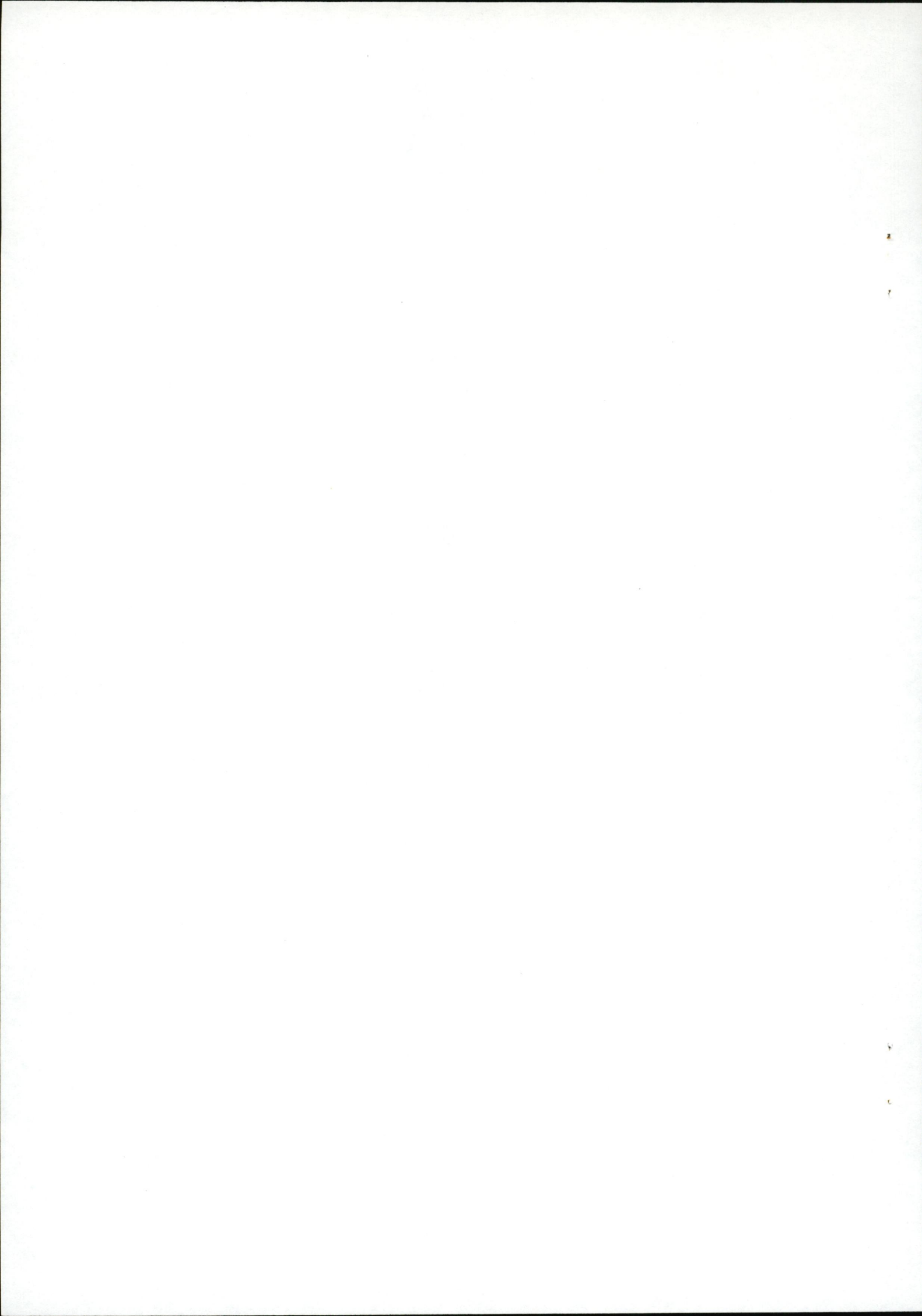
NEW SOUTH WALES



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FIRE BRIGADES (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Fire Brigades Act 1989 with respect to returns by insurance companies, and for related purposes.

*Fire Brigades (Amendment) 1993***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Fire Brigades (Amendment) Act 1993.

Commencement

- 5 2. This Act commences on the date of assent.

Amendment of Fire Brigades Act 1989 No. 192

3. The Fire Brigades Act 1989 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- 10 (1) Section 3 (**Definitions**):

Omit the definition of "policy of insurance", insert instead:

"policy of insurance" includes:

- (a) any certificate or declaration as to the existence
of, and any agreement for, any insurance; or
15 (b) any instrument in writing by which any contract
of insurance is made or agreed to be made or is
evidenced,

but does not include a policy of reinsurance.

- (2) Section 55 (**Advance payment by insurance companies**):

20 From section 55 (2), omit "calendar year immediately
preceding the last preceding calendar year", insert instead
"financial year that last ended before that calendar year".

- (3) Section 56 (**Assessments and adjustments**):

- (a) From section 56 (1), omit "the last preceding calendar year",
25 insert instead "that year".
(b) From section 56 (2) and (3), omit "1 July" wherever
occurring, insert instead "31 December".

- (4) Section 58 (**Returns by insurance companies**):

- (a) From section 58 (1), omit "March", insert instead
30 "September".
(b) From section 58 (1) (a), omit "calendar", insert instead
"financial".

Fire Brigades (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (5) Section 59 (**Definition of “total amount of premiums”**):
 From the definition of “total amount of premiums”, omit the words “but does not include:” and omit paragraphs (d) and (e), insert instead: 5
- but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.
- (6) Section 61 (**Returns by owners of property**):
- (a) From section 61 (1), omit “March”, insert instead “September”. 10
- (b) From section 61 (2), omit “12 months”, insert instead “financial year”.
- (7) Section 61A: 15
- After section 61, insert:
- Transitional arrangement—special returns by insurance companies (and by certain property owners) for 6 month period ending 30 June 1993**
- 61A. (1) The purpose of this section is to facilitate the changeover, from a calendar year to a financial year basis, of returns by insurance companies under section 58 and by owners of property under section 61 as a result of the amendments made by the Fire Brigades (Amendment) Act 1993. 20
- (2) As soon as practicable after the commencement of that Act (but not later than 1 month after that commencement): 25
- (a) an insurance company must submit to the Director-General a return (in accordance with section 58) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993; and 30
- (b) a person to whom section 57 applies must submit to the Director-General a return (in accordance with section 61) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993.
- (3) A return under this section is to be in a form approved by the Director-General. 35

Fire Brigades (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- 5 (4) Such returns are to be used by the Director-General to effect the assessments and adjustments under section 56 for the 1993 calendar year and to determine the advance payments under section 55 for the 1994 calendar year.
- (5) Without limiting clause 2 of Schedule 4, the regulations may make provision for or with respect to returns under this section and the assessments, adjustments and advance payments referred to in subsection (4).
- 10 (8) Schedule 4 (**Savings and transitional provisions**):
- (a) From clause 2 (1), omit “this Act.”, insert instead:
 the following Acts:
 this Act
 the Fire Brigades (Amendment) Act 1993.
- 15 (b) From clause 2 (2), omit “this Act”, insert instead “the Act concerned”.
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FIRE BRIGADES (AMENDMENT) ACT 1993 No. 99

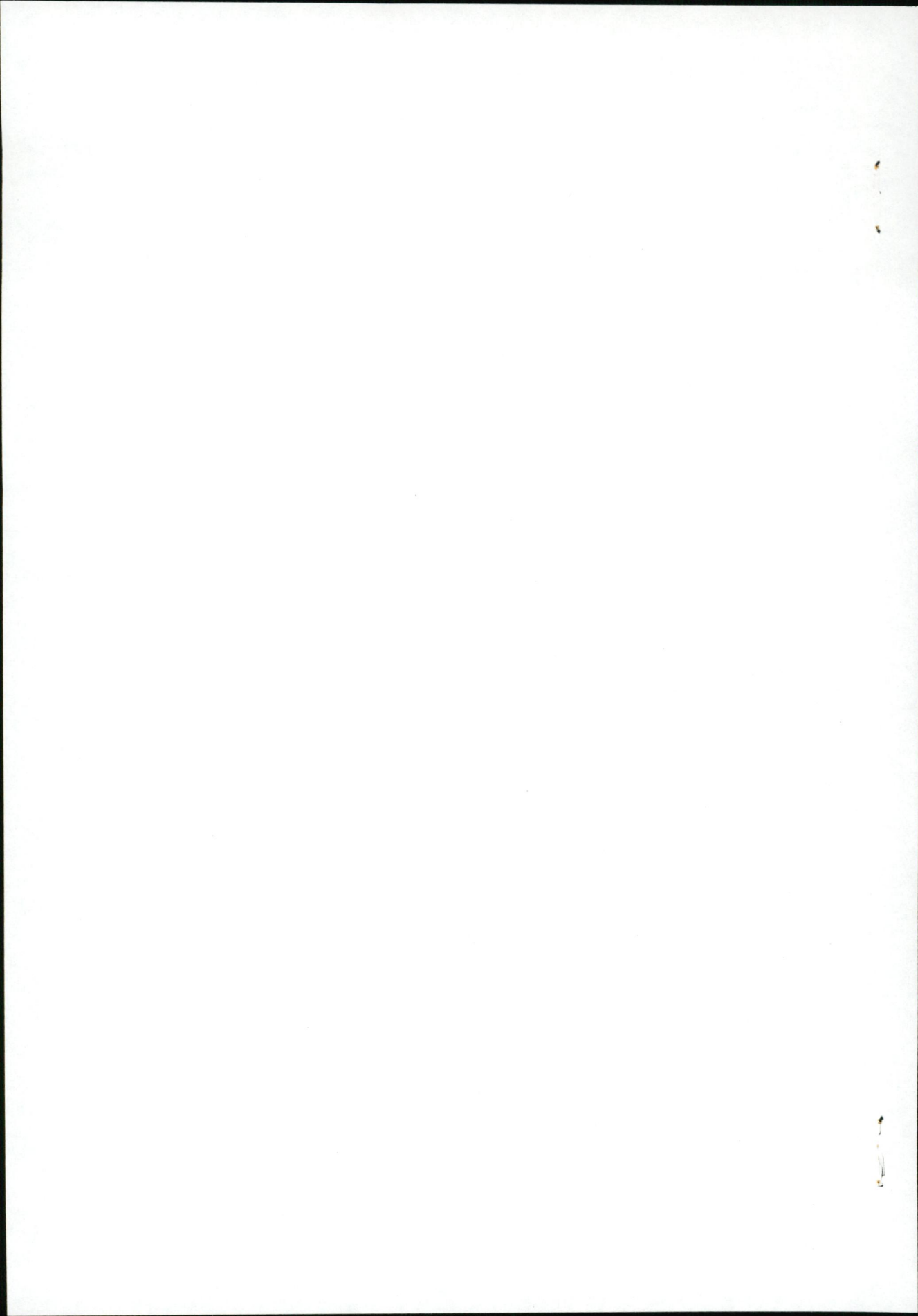
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SCHEDULE 1—AMENDMENTS



FIRE BRIGADES (AMENDMENT) ACT 1993 No. 99

NEW SOUTH WALES



Act No. 99, 1993

An Act to amend the Fire Brigades Act 1989 with respect to returns by insurance companies, and for related purposes. [Assented to 2 December 1993]

Fire Brigades (Amendment) Act 1993 No. 99

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Fire Brigades (Amendment) Act 1993.

Commencement

2. This Act commences on the date of assent.

Amendment of Fire Brigades Act 1989 No. 192

3. The Fire Brigades Act 1989 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

Omit the definition of “policy of insurance”, insert instead:

“**policy of insurance**” includes:

- (a) any certificate or declaration as to the existence of, and any agreement for, any insurance; or
- (b) any instrument in writing by which any contract of insurance is made or agreed to be made or is evidenced,

but does not include a policy of reinsurance.

(2) Section 55 (**Advance payment by insurance companies**):

From section 55 (2), omit “calendar year immediately preceding the last preceding calendar year”, insert instead “financial year that last ended before that calendar year”.

(3) Section 56 (**Assessments and adjustments**):

- (a) From section 56 (1), omit “the last preceding calendar year”, insert instead “that year”.
- (b) From section 56 (2) and (3), omit “1 July” wherever occurring, insert instead “31 December”.

(4) Section 58 (**Returns by insurance companies**):

- (a) From section 58 (1), omit “March”, insert instead “September”.
- (b) From section 58 (1) (a), omit “calendar”, insert instead “financial”.

Fire Brigades (Amendment) Act 1993 No. 99

SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 59 (**Definition of “total amount of premiums”**):

From the definition of “total amount of premiums”, omit the words “but does not include:” and omit paragraphs (d) and (e), insert instead:

but does not include stamp duty payable in respect of any policy of insurance the subject of any such premium.

(6) Section 61 (**Returns by owners of property**):

(a) From section 61 (1), omit “March”, insert instead “September”.

(b) From section 61 (2), omit “12 months”, insert instead “financial year”.

(7) Section 61A:

After section 61, insert:

Transitional arrangement—special returns by insurance companies (and by certain property owners) for 6 month period ending 30 June 1993

61A. (1) The purpose of this section is to facilitate the changeover, from a calendar year to a financial year basis, of returns by insurance companies under section 58 and by owners of property under section 61 as a result of the amendments made by the Fire Brigades (Amendment) Act 1993.

(2) As soon as practicable after the commencement of that Act (but not later than 1 month after that commencement):

(a) an insurance company must submit to the Director-General a return (in accordance with section 58) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993; and

(b) a person to whom section 57 applies must submit to the Director-General a return (in accordance with section 61) in respect of the period of 6 months beginning 1 January 1993 and ending 30 June 1993.

(3) A return under this section is to be in a form approved by the Director-General.

Fire Brigades (Amendment) Act 1993 No. 99

SCHEDULE 1—AMENDMENTS—*continued*

(4) Such returns are to be used by the Director-General to effect the assessments and adjustments under section 56 for the 1993 calendar year and to determine the advance payments under section 55 for the 1994 calendar year.

(5) Without limiting clause 2 of Schedule 4, the regulations may make provision for or with respect to returns under this section and the assessments, adjustments and advance payments referred to in subsection (4).

(8) Schedule 4 (**Savings and transitional provisions**):

(a) From clause 2 (1), omit “this Act.”, insert instead:
the following Acts:

 this Act

 the Fire Brigades (Amendment) Act 1993.

(b) From clause 2 (2), omit “this Act”, insert instead “the Act concerned”.

[Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 19 November 1993]