



# **Insurance and Superannuation Commissioner (Consequential Provisions) Act 1987**

**No. 99 of 1987**

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# **Insurance and Superannuation Commissioner (Consequential Provisions) Act 1987**

**No. 99 of 1987**

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**An Act to amend certain Acts in consequence of the  
enactment of the *Insurance and Superannuation  
Commissioner Act 1987*, and for related purposes**

*[Assented to 5 November 1987]*

**BE IT ENACTED** by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

## **PART I—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Insurance and Superannuation Commissioner (Consequential Provisions) Act 1987*.

### **Commencement**

**2.** This Act shall come into operation on the day on which the *Insurance and Superannuation Commissioner Act 1987* comes into operation.

## **PART II—AMENDMENTS OF THE COMPANIES ACT 1981**

### **Principal Act**

3. The *Companies Act 1981*<sup>1</sup> is in this Part referred to as the Principal Act.

### **Application for winding-up**

4. Section 363 of the Principal Act is amended:

(a) by omitting paragraph (1) (h) and substituting the following paragraph:

“(h) the Insurance and Superannuation Commissioner appointed under the *Insurance and Superannuation Commissioner Act 1987*”; and

(b) by omitting from subsection (2) “Insurance Commissioner” and substituting “Insurance and Superannuation Commissioner”.

## **PART III—AMENDMENTS OF THE INSURANCE ACT 1973**

### **Principal Act**

5. The *Insurance Act 1973*<sup>2</sup> is in this Part referred to as the Principal Act.

### **Interpretation**

6. Section 3 of the Principal Act is amended:

(a) by omitting from subsection (1) the definition of “Commissioner” and substituting the following definition:

“‘Commissioner’ means the Insurance and Superannuation Commissioner appointed under the *Insurance and Superannuation Commissioner Act 1987*, or a person for the time being acting as Insurance and Superannuation Commissioner under that Act;”; and

(b) by omitting from subsection (1) the definition of “Acting Insurance Commissioner”.

7. Sections 8, 9, 10, 11, 12, 14, 15, 18 and 19 of the Principal Act are repealed and the following section is substituted:

### **General administration of Act**

“8. Subject to any directions of the Treasurer, the Commissioner shall have the general administration of this Act.”.

### **Repeal of section 20**

8. Section 20 of the Principal Act is repealed.

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**Secrecy**

9. Section 126 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) Subsection (2) applies to:

- (a) any person who is or has been the Commissioner or a member of the staff assisting the Commissioner; and
- (b) any person who, at any time before the commencement of this subsection, was the Insurance Commissioner or a member of the staff assisting the Insurance Commissioner.”.

**PART IV—AMENDMENTS OF THE INSURANCE (AGENTS AND BROKERS) ACT 1984**

**Principal Act**

10. The *Insurance (Agents and Brokers) Act 1984*<sup>3</sup> is in this Part referred to as the Principal Act.

**Interpretation**

11. Section 9 of the Principal Act is amended:

- (a) by omitting the definition of “Commissioner” and substituting the following definition:

“‘Commissioner’ means the Insurance and Superannuation Commissioner appointed under the *Insurance and Superannuation Commissioner Act 1987*, or a person for the time being acting as Insurance and Superannuation Commissioner under that Act;” and

- (b) by omitting the definitions of “Insurance Commissioner”, “Life Insurance Commissioner” and “relevant Commissioner”.

**Insurance intermediaries other than brokers to operate under written agreements**

12. Section 10 of the Principal Act is amended:

- (a) by omitting from subsection (4) “relevant”; and
- (b) by omitting from subsection (5) “A relevant Commissioner” and substituting “The Commissioner”.

**Brokers not to carry on business unless registered**

13. Section 19 of the Principal Act is amended by omitting from paragraph (1) (b) and subsection (3) “relevant”.

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**Applications for registration**

14. Section 20 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:  
“(1) A person who wants to be registered under this Part in respect of life insurance business or in respect of general insurance business may apply to the Commissioner accordingly.”;
- (b) by omitting from paragraph (2A) (b) “relevant”; and
- (c) by omitting from paragraphs (3) (a) and (b) “a Commissioner” and substituting “the Commissioner”.

**Registration of brokers**

15. Section 21 of the Principal Act is amended:

- (a) by omitting from subsections (1), (2) and (4) “relevant”;
- (b) by omitting from subsection (4) “that Commissioner” (wherever occurring) and substituting “the Commissioner”; and
- (c) by omitting from subsection (5) “a Commissioner” and substituting “the Commissioner”.

**Registers to be kept**

16. Section 22 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:  
“(1) For the purposes of this Act, the Commissioner shall cause registers to be kept, to be known as the Register of Life Insurance Brokers and the Register of General Insurance Brokers.”; and
- (b) by omitting from subsection (2) “relevant”.

**Inspection of Registers, accounts and contracts**

17. Section 23 of the Principal Act is amended by omitting from paragraphs (b) and (c) “a Commissioner” and substituting “the Commissioner”.

**Delay in registration or renewal**

18. Section 24 of the Principal Act is amended by omitting from paragraphs (1) (a) and (b) and (2) (a) and (b) and subsections (3) and (4) “relevant”.

**Suspension or cancellation of registration**

19. Section 25 of the Principal Act is amended:

- (a) by omitting from subsections (1), (3) and (5) “relevant” (wherever occurring); and
- (b) by omitting from subsection (7) “a Commissioner” and substituting “the Commissioner”.

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**Insurance broking accounts**

20. Section 26 of the Principal Act is amended by omitting from subsection (3) “relevant”.

**Hearing before making adverse decision**

21. Section 41 of the Principal Act is amended by omitting “A Commissioner” and substituting “The Commissioner”.

**Application for review**

22. Section 42 of the Principal Act is amended by omitting from subsection (1) “a Commissioner” and substituting “the Commissioner”.

**Statement to accompany notice of decisions**

23. Section 43 of the Principal Act is amended by omitting from subsection (1) “a Commissioner” and substituting “the Commissioner”.

**Certain particulars to be included in reports**

24. Section 45 of the Principal Act is amended by omitting “A relevant Commissioner” and substituting “The Commissioner”.

**Delegation**

25. Section 47 of the Principal Act is amended:

- (a) by omitting from subsection (1) “A Commissioner” and substituting “The Commissioner”;
- (b) by omitting from subsections (2) and (3) “a Commissioner” and substituting “the Commissioner”; and
- (c) by omitting from subsection (2) “that Commissioner” and substituting “the Commissioner”.

**PART V—AMENDMENTS OF THE LIFE INSURANCE ACT 1945**

**Principal Act**

26. The *Life Insurance Act 1945*<sup>4</sup> is in this Part referred to as the Principal Act.

**Interpretation**

27. Section 4 of the Principal Act is amended:

- (a) by omitting from subsection (1) the definition of “the Commissioner”; and
- (b) by inserting in subsection (1) the following definition in its appropriate alphabetical position (determined on a letter-by-letter basis):

“‘Commissioner’ means the Insurance and Superannuation Commissioner appointed under the *Insurance and*

*Insurance and Superannuation Commissioner (Consequential Provisions) No. 99, 1987*

*Superannuation Commissioner Act 1987, or a person for the time being acting as Insurance and Superannuation Commissioner under that Act;”.*

28. Sections 9, 9A, 9B, 9C, 9D, 9E, 9F, 9G and 9H of the Principal Act are repealed and the following section is substituted:

**General administration of Act**

“9. Subject to any directions of the Treasurer, the Commissioner shall have the general administration of this Act.”.

**Repeal of section 10A**

29. Section 10A of the Principal Act is repealed.

**PART VI—AMENDMENTS OF THE PUBLIC SERVICE ACT 1922**

**Principal Act**

30. The *Public Service Act 1922*<sup>s</sup> is in this Part referred to as the Principal Act.

**Officers engaged in eligible public employment**

31. Section 87C of the Principal Act is amended:

- (a) by adding at the end of paragraph (4) (c) “or”; and
- (b) by omitting paragraph (4) (d).

**PART VII—TRANSITIONAL**

**Transitional—acts and things done by or in relation to the Insurance Commissioner before commencement etc.**

32. (1) In this section:

- (a) “instrument” means any instrument (including rules, regulations and by-laws) made, granted or issued pursuant to any Act; and
- (b) a reference to a thing done by, or in relation to, the Insurance Commissioner includes a reference to a thing done by, or in relation to:
  - (i) a person acting as Insurance Commissioner; or
  - (ii) a delegate of the Insurance Commissioner.

(2) Any act or thing done at any time before the commencement of this Act by, or in relation to, the Insurance Commissioner, being an act or thing done pursuant to, or in relation to, the duties of the Insurance Commissioner under any Act, shall have such effects after the commencement of this Act as it would have if it had been done by, or in relation to, the Insurance and Superannuation Commissioner pursuant to, or in relation to, the corresponding duties of the Insurance and Superannuation Commissioner.



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(3) Where, immediately before the commencement of this Act, there were pending in any court or tribunal any proceedings to which the Insurance Commissioner was a party, those proceedings may be continued after the commencement of this Act with the Insurance and Superannuation Commissioner being substituted for the Insurance Commissioner as a party to the proceedings.

(4) A reference in any instrument to the Insurance Commissioner shall, in relation to any act or thing done, or to be done, after the commencement of this Act, be read as a reference to the Insurance and Superannuation Commissioner.

**Transitional—acts and things done by or in relation to the Life Insurance Commissioner before commencement etc.**

**33. (1)** In this section:

- (a) “instrument” means any instrument (including rules, regulations and by-laws) made, granted or issued pursuant to any Act; and
- (b) a reference to a thing done by, or in relation to, the Life Insurance Commissioner includes a reference to a thing done by, or in relation to:
  - (i) a person acting as Life Insurance Commissioner; or
  - (ii) a delegate of the Life Insurance Commissioner.

(2) Any act or thing done at any time before the commencement of this Act by, or in relation to, the Life Insurance Commissioner, being an act or thing done pursuant to, or in relation to, the duties of the Life Insurance Commissioner under any Act, shall have such effects after the commencement of this Act as it would have if it had been done by, or in relation to, the Insurance and Superannuation Commissioner pursuant to, or in relation to, the corresponding duties of the Insurance and Superannuation Commissioner.

(3) Where, immediately before the commencement of this Act, there were pending in any court or tribunal any proceedings to which the Life Insurance Commissioner was a party, those proceedings may be continued after the commencement of this Act with the Insurance and Superannuation Commissioner being substituted for the Life Insurance Commissioner as a party to the proceedings.

(4) A reference in any instrument to the Life Insurance Commissioner shall, in relation to any act or thing done, or to be done, after the commencement of this Act, be read as a reference to the Insurance and Superannuation Commissioner.

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**NOTES**

1. No. 89, 1981, as amended. For previous amendments, see No. 153, 1981; Nos. 26 and 80, 1982; No. 108, 1983; No. 13, 1984; Nos. 140, 192 and 193, 1985; Nos. 68 and 163, 1986; and No. 6, 1987.
2. No. 76, 1973, as amended. For previous amendments, see No. 216, 1973; No. 157, 1976; No. 31, 1977; Nos. 92 and 177, 1981; No. 26, 1982; Nos. 54 and 129, 1983; No. 72, 1984; No. 187, 1985; and No. 168, 1986.
3. No. 75, 1984, as amended. For previous amendments, see Nos. 76 and 168, 1986.
4. No. 28, 1945, as amended. For previous amendments, see Nos. 65 and 80, 1950; No. 94, 1953; No. 3, 1958; No. 93, 1959; No. 29, 1961; No. 145, 1965; Nos. 78 and 216, 1973; No. 32, 1977; No. 177, 1978; Nos. 92 and 176, 1981; No. 143, 1983; No. 74, 1984; and No. 65, 1985.
5. No. 21, 1922, as amended. For previous amendments, see No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; Nos. 47 and 85, 1966; Nos. 2 and 115, 1967; Nos. 59, 114 and 120, 1968; No. 6, 1972; Nos. 21, 71, 73 and 209, 1973; No. 59, 1974; No. 40, 1975; Nos. 193 and 194, 1976; Nos. 6 and 80, 1977; Nos. 36 and 170, 1978; Nos. 52 and 155, 1979; No. 177, 1980; No. 61, 1981; Nos. 26 and 80, 1982; No. 111, 1982 (as amended by No. 39, 1983); Nos. 39, 56 and 92, 1983; No. 63, 1984 (as amended by No. 165, 1984); No. 165, 1984; Nos. 65, 166 and 187, 1985; and Nos. 28, 29, 76 and 153, 1986.

[*Minister's second reading speech made in—  
House of Representatives on 18 September 1987  
Senate on 6 October 1987*]