

Administering Department: This copy with documents sent to Federal Executive Council Secretariat in connection with the making of this legislation.

ExCo Secretariat: Please complete this copy by inserting signatures, date of making and instrument No. and send to:

Legislative Services Unit
Office of Legislative Drafting
Attorney-General's Department



Insurance Amendment Regulations 2002 (No. 1)

Statutory Rules 2002 No. ¹/₂

127

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Insurance Act 1973* and the *General Insurance Reform Act 2001*.

Dated - 6 JUN 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

IAN CAMPBELL
Parliamentary Secretary to the Treasurer

1 Name of Regulations

These Regulations are the *Insurance Amendment Regulations 2002* (No. 1).

2 Commencement

These Regulations commence on 1 July 2002.

3 Amendment of *Insurance Regulations 2002*

Schedule 1 amends the *Insurance Regulations 2002*.

Schedule 1 Amendment

(regulation 3)

[1] After regulation 10

insert

11 Application of prudential standards during transition period

- (1) For item 11 of Schedule 2 to the Reform Act, this regulation applies to a body corporate that, within 14 days before commencement:
 - (a) was authorised under the old Act to carry on insurance business; or
 - (b) had been granted an exemption under section 37 of the old Act.
- (2) APRA may, on application by the body corporate, make a declaration in accordance with this regulation that applies to the body corporate for a specified period (the *exemption period*) in the transition period.

- (3) APRA may make a declaration only if APRA is satisfied that the consequences of the body corporate being required to comply with the standard or provision in the exemption period would be unreasonable.
- (4) A prudential standard or a provision of a prudential standard specified by a declaration does not apply to the body corporate during the exemption period.
- (5) For subregulation (2), an application must:
- (a) be in writing; and
 - (b) state:
 - (i) that it is made for this regulation; and
 - (ii) the standard or provision for which the application is made; and
 - (iii) the reasons for the application.
- (6) APRA may withdraw a declaration if it ceases to be satisfied about the matter mentioned in subregulation (3).
- (7) A declaration or a withdrawal of a declaration must:
- (a) be in writing; and
 - (b) be given to the body corporate.
- (8) In this regulation:
- commencement* has the same meaning as in item 1 of Schedule 2 to the Reform Act.
- old Act* has the same meaning as in item 1 of Schedule 2 to the Reform Act.
- Reform Act* means the *General Insurance Reform Act 2001*.
- transition period* has the same meaning as in item 1 of Schedule 2 to the Reform Act.

Notes

1. These Regulations amend Statutory Rules 2002 No. 103.
2. Notified in the *Commonwealth of Australia Gazette* on / 2002. 14 June