FIRE AND ACCIDENT UNDERWRITERS’ ASSOCIATION OF SOUTH AUSTRALIA (CHANGE OF NAME) BILL 1976

House of Assembly, October 12, 1976, Page 1465

Second reading

The Hon. J. D. CORCORAN (Minister of Works): I move:

*That this Bill be now read a second time.*

I seek leave to have the second reading explanation inserted in Hansard without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill has become necessary in consequence of a change in the constitution and name as well as the identity of the unincorporated body formerly known as the Fire and Accident Underwriters’ Association of South Australia, which was an association that has in the past been recognised by legislation as representative of a wide section of the insurance industry in this State, By resolutions of the Fire and Accident Underwriters’ Association of South Australia in June last year, the name of the association was changed to Insurance Council of Australia (South Australia Branch) and the association adopted a new constitution and rules which made it possible for the composition of the association also to be altered. Both resolutions took effect on August 26, 1975.

A Federal body known as the Insurance Council of Australia was formed at the same time and the newly formed body has now become representative of the collective interests of the substantial majority of the non-government owned general insurers in Australia. Although the Insurance Council of Australia has a branch in this State, known as the Insurance Council of Australia (South Australia Branch), that branch now has very limited functions and the council conducts its operations in this State mainly through a Regional Director for South Australia, to whom the council delegates its main functions in this State.

The purpose of this Bill is to confer on the Insurance Council of Australia, acting by itself or through its Regional Director or other agent in South Australia, the powers and functions which had previously been vested in the now defunct Fire and Accident Underwriters’ Association of South Australia and to validate the performance of all functions and duties and the exercise of all powers, etc., by the council or its agents which, if they had been performed or exercised by the Fire and Accident Underwriters’ Association of South Australia, would have been lawful, valid and effectual for the purposes of any Act or law.

Clause 1 is formal.

Clause 2 (1) provides for the amendment of three Acts specified in the schedule, and I shall explain those amendments when I explain the provisions of the schedule.

Clause 2 (2) is a provision built into the Bill which would have the effect of repealing any amendment made by the Bill to any Act where that Act (or that Act as amended) is repealed by or by virtue of some other Act but that amendment and any provisions of this Bill which are ancillary to that amendment have not also been repealed by that other Act. For example, there is a Bill before Parliament which, if it becomes law, will repeal the Bush Fires Act, one of the Acts to be amended by this Bill. If that Bill should become law, the amendments by this Bill to the Bush Fires Act will also, by virtue of clause 2 (2), immediately thereafter be repealed, thus cleaning up the Statute Book of dead wood without the need for further corrective or consequential legislation to be passed.

Clause 3 (1) has the effect of interpreting all references in legislation or in documents to the now defunct Fire and Accident Underwriters’ Association of South Australia as references to the Insurance Council of Australia. Clause 3 (2) has the effect of validating the performance of functions and duties and the exercise of powers, etc., by the Insurance Council of Australia or its duly appointed agents resident in South Australia which, if they had been performed or exercised by the defunct association, would have been lawful, valid and effectual for the purposes of any Act or law.

THE SCHEDULE

*Amendments to the Bush Fires Act*, 1960-1972:

The first amendment to section 14 substitutes a reference to the Insurance Council of Australia for the reference to the Fire and Accident Underwriters’ Association of South Australia in subsection (3). When a vacancy last arose in the office of member of the Bush Fires Equipment Subsidies Committee who had to be appointed on the nomination of the Fire and Accident Underwriters’ Association of South Australia, that association had been superseded by the Insurance Council of Australia and that council had made the nomination instead of that association and the appointment was made on that nomination, Accordingly, the second amendment to section 14 adds a new subsection (5) to that section which has the effect of validating the appointment of the member who had been nominated by the Insurance Council of Australia.

The first amendment to section 21 substitutes a reference to the Insurance Council of Australia for the reference to the Fire and Accident Underwriters’ Association of South Australia in subsection (2). The second and third amendments to section 21 are consequential amendments which substitute for the reference to “that association” in subsection (2) and the reference to “the said association” in subsection (3) a reference to the Regional Director for South Australia, or other agent, of the 'Insurance Council of Australia resident in South Australia. This is in line with the administrative procedures adopted by the Insurance Council of Australia which conducts its operations in this State mainly through the Regional Director for South Australia.

*Amendments to the Commercial and Private Agents Act*, 1972:

The first and second amendments to section 7 substitute references to the Insurance Council of Australia for the references to the Fire and Accident Underwriters’ Association of South Australia in subsections (2) and (3) When a vacancy last arose in the office of member of the Commercial and Private Agents Board who had to be appointed on the nomination of the Fire and Accident Underwriters’ Association of South Australia, that association had been superseded by the Insurance Council of Australia which had made the nomination instead of that association and the appointment was made on that nomination. The third amendment to section 7 accordingly adds a new subsection (4) to that section which has the effect of validating the appointment of the member who had been nominated by the Insurance Council of Australia.

*Amendments to the Volunteer Fire Fighters Fund Act,* 1949-1975:

Subsection (2) of section 3 of the Volunteer Fire Fighters Fund Act provides, inter alia, that one of three trustees of the Volunteer Fire Fighters Fund is to be appointed by the Governor from a panel “nominated by the Fire and Accident Underwriters’ Association of South Australia”. Subsection (3) of that section provides, inter alia, that every trustee shall hold office for five years. The present holder of the office of trustee appointed from the panel nominated by that association was appointed for a five-year term, in 1974, expiring in 1979, but, since his appointment, that association has been superseded by the Insurance Council of Australia and, although his appointment as such was a valid one, some question could well arise during his term of office as to whether that member continues to represent the sections of the insurance industry which had been represented by the Fire and Accident Underwriters’ Association of South Australia after that association had ceased to exist.

Accordingly, section 3 of the Volunteer Fire Fighters Fund Act has been amended by inserting in subsection (2) after the reference to the Fire and Accident Underwriters’ Association of South Australia the passage “or by the Insurance Council of Australia”. This will enable all successors to the present member to be appointed from a panel nominated by the Insurance Council of Australia. The second amendment to that Act adds a new subsection (3a) to section 3 which has the effect of confirming that the present member shall, subject to the Act, continue to hold office as such, notwithstanding that the Fire and Accident Underwriters’ Association from whose panel he was appointed has ceased to exist.

Mr. COUMBE secured the adjournment of the debate.