

Australian Capital Territory

Insurance Management Guidelines 2005 (No 1)

Disallowable Instrument DI2005-108

Made under:

Insurance Authority Act 2005, section 14

The Treasurer makes the following guidelines under the *Insurance Authority Act 2005*, section 14 (Guideline-making power).

Dated 22 June 2005

Ted Quinlan MLA
Treasurer

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Made under:

Insurance Authority Act 2005, section 14

1 Name of guidelines

These guidelines are the *Insurance Management Guidelines 2005 (No 1)*.

2 Commencement

These Guidelines commence on 4 July 2005.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Insurance Advisory Board

(1) In these Guidelines:

Act means the *Insurance Authority Act 2005*.

Board means the Insurance Advisory Board.

Authority means the Australian Capital Territory Insurance Authority.

(2) The Authority, in accordance with the conditions specified in these Guidelines must establish the Board.

(3) The Board must consist of 2 members, appointed by the Authority.

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

(4) The members appointed must, in the opinion of the Authority, possess sufficient skill and judgment with respect to the following:

(a) at the request of the Treasurer or the Authority, providing advice to the Treasurer or the Authority on any question relating to the exercise by the Authority of its powers, functions or duties under the Act;

(b) if, in the opinion of the Board, it should provide advice to the Treasurer or the Authority on any matter relating to the exercise by the Authority of its powers, functions or duties under the Act—providing advice on its own initiative.

(5) A member of the Board who is appointed by the Authority (an "appointed member") is appointed for the term (which must not exceed 3 years) stated in the appointment document.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def **appoint**).

(6) The Authority may revoke a member's appointment if the member:

(a) is guilty of misconduct or neglect of duty; or

(b) is incapable of carrying out the duties of his or her office satisfactorily.

4 Allowances and Expenses

An appointed member of the Board is entitled to allowances and expenses on a basis decided by the Authority, after reference to the Remuneration Tribunal.

Note *Remuneration Tribunal Act 1995*, s 10(1)(r) refers)

5 Proceedings of the Board

- (1) The Under Treasurer may attend meetings of the Board and in the Under Treasurer's absence his or her nominee may attend.
- (2) The general manager of the Authority must attend meetings of the Board.
- (3) Both appointed members constitute a quorum for meetings of the Board.
- (4) The Board may act with respect to advice previously provided despite a vacancy in its membership or the defective appointment of a member, so long as the advice emanated from a unanimous decision. In such case, the Board must not meet, decide or render new advice until its full membership is restored.
- (5) The Board may provide advice to the Treasurer. Any advice the Board provides to the Treasurer must be in writing. Advice the Board provides to the Authority may be either orally or in writing but if orally, the advice must be duly recorded in the minutes of the next meeting of the Board.
- (6) The Board must record its advice in the minutes of its meetings.
- (7) A decision carried unanimously is advice rendered by the Board.
- (8) A conference by telephone or other electronic means between members will, for the purposes of this section, be taken to be a meeting of the Board at which the participating members are present, if
 - (a) notice of the conference is given to all members in the manner determined by the Board for that purpose; and

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- (b) each participating member is capable of communicating with every other participating member during the conference.
- (9) A proposed decision of the Board becomes valid advice despite the fact that it is not determined at a meeting of the Board if—
- (a) notice of the proposed decision is given to both members in accordance with procedures determined by the Board; and
 - (b) the members concur by email, letter, telex, facsimile transmission or other written communication setting out the terms of the advice.
- (10) The Board may, subject to the Act and these Guidelines, decide its own procedures.
- (11) The Board must keep minutes of its proceedings.

6 Conflict of interest

A member of the Board who has a direct or indirect pecuniary or personal interest in a matter decided or under consideration by the Board—

- (a) must disclose the nature of the interest to the Board; and
 - (b) must not take part in any deliberations or decisions of the Board on the matter.
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