



Australian Capital Territory

## Regulations

### Subordinate Law No. 30 of 1998<sup>1</sup>

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The Australian Capital Territory Executive makes the following Regulations under the *Insurance Levy Act 1998*.

Dated 22 September 1998.

GARY HUMPHRIES  
Minister

KATE CARNELL  
Minister

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**1. Citation**

These Regulations may be cited as the *Regulations*.

**2. Commencement**

These Regulations commence on the day on which they are notified in the *Gazette*.

**3. Interpretation**

In these Regulations—

“Act” means the *Insurance Levy Act 1998*.

**4. Assessable portions of prescribed premiums**

(1) For the purposes of section 5 of the Act, the assessable portion of a prescribed premium for an insurance policy of a class specified in Column 2 of Schedule 1 is the proportion (expressed as a percentage) referred to in Column 3 of that Schedule that corresponds to that class.

(2) For the purposes of section 5 of the Act, the classes of policy in relation to which prescribed premiums are payable are those specified in Column 2 of Schedule 1.

**5. Annual returns by general insurers**

(1) For the purposes of section 10 of the Act—

- (a) the annual return required to be given by a general insurer shall be in the form set out in Schedule 2;
- (b) an auditor of such an annual return shall be a member of 1 of the following bodies:
  - (i) the Institute of Chartered Accountants in Australia;
  - (ii) the Australian Society of Certified Practising Accountants;
  - (iii) the National Institute of Accountants; and
- (c) the auditor’s certificate required to be given in relation to that return shall be in the form set out at the foot of the form for the annual return.

(2) An auditor is not qualified for the purposes of section 10 of the Act in relation to the annual return of a general insurer if any of the following persons is a director, partner, officer or employee of the insurer:

- (a) the auditor;
- (b) any director, partner, officer or employee of a firm of auditors or accountants of which the auditor is a director, partner, officer or employee.

**SCHEDULE 1**

Regulation 4

**ASSESSABLE PORTIONS OF PRESCRIBED PREMIUMS**

Item	Class of insurance policy	Assessable portion
1	Insurance of property including— (a) insurance against consequential loss; and (b) insurance against <i>static risks</i> ; <sup>1</sup> but not including any insurance of a class specified elsewhere in this Schedule.	80%
2	Houseowners' and householders' insurance, however designated (buildings or contents or both).	50%
3	Personal insurance combined on personal jewellery and clothing, personal effects and works of art.	10%
4	Motor vehicle and motor cycle insurance.	2.5%
5	Marine and baggage insurance confined to— (a) maritime perils; or (b) risks involving transportation on land or in the air; including storage incidental to transportation by sea, land or air, but not including <i>static risks</i> . <sup>1</sup>	1%
6	Combined fire and hail insurance on growing crops.	1%
7	Live stock insurance.	1%
8	Aviation hull insurance.	0%
9	Insurance solely covering loss by theft.	0%
10	Insurance solely covering plate glass.	0%
11	Insurance solely covering machinery, where confined to mechanical breakdown or consequential loss arising from mechanical breakdown.	0%

**SCHEDULE 1—continued**

Item	Class of insurance policy	Assessable portion
12	Insurance solely covering explosion or collapse of boilers or pressure vessels, where confined to damage other than by fire.	0%
13	Insurance solely covering inherent or latent defects in goods, where—	
	(a) the insurance is confined to damage or consequential loss arising out of defective design, defective workmanship or defective materials; and	
	(b) the insurance does not cover any damage or consequential loss arising from fire.	0%

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**Note**

<sup>1</sup> *Static risks* include risks involving movements at any situation of any or all of the following:

- (a) goods;
  - (b) stock;
  - (c) material associated with processing or storage operations.
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**SCHEDULE 2**

Regulation 5

**ANNUAL RETURN BY GENERAL INSURERS**

Name of *general insurer*:<sup>1</sup>

Business address:

Billing address:

Contact name: Telephone No.: Fax No.:  
 Email address (if any):

Year in which last return submitted: No.:

Name shown on last return (if different from above):

The total amounts of *prescribed premiums*<sup>2</sup> due to the insurer (whether or not the premiums were actually received) for the taking out or renewal of insurance policies in the financial year from 1 July [*year*] to 30 June [*year*] were as follows. The *assessable portions*<sup>3</sup> of those premiums for the purposes of the *Insurance Levy Act 1998* are set out in relation to each total.

Item	Class of insurance policy <sup>4</sup>	Total prescribed premiums \$	Assessable portion (%)	Assessable portion \$
1	Insurance of property including— (a) insurance against consequential loss; and (b) insurance against <i>static risks</i> ; <sup>5</sup> but not including any insurance of a class specified elsewhere in this return.		(80%)	
2	Houseowners' and householders' insurance, however designated (buildings or contents or both).		(50%)	
3	Personal insurance combined on personal jewellery and clothing, personal effects and works of art.		(10%)	

**SCHEDULE 2**—continued

Item	Class of insurance policy <sup>4</sup>	Total prescribed premiums \$	Assessable portion (%)	Assessable portion \$
4	Motor vehicle and motor cycle insurance.		(2.5%)	
5	Marine and baggage insurance confined to— (a) maritime perils; or (b) risks involving transportation on land or in the air;  including storage incidental to transportation by sea, land or air, but not including <i>static risks</i> . <sup>5</sup>		(1%)	
6	Combined fire and hail insurance on growing crops.		(1%)	
7	Live stock insurance.		(1%)	
8	Aviation hull insurance.		(0%)	(\$0)
9	Insurance solely covering loss by theft.		(0%)	(\$0)
10	Insurance solely covering plate glass.		(0%)	(\$0)
11	Insurance solely covering machinery, where confined to mechanical breakdown or consequential loss arising from mechanical breakdown.		(0%)	(\$0)
12	Insurance solely covering explosion or collapse of boilers or pressure vessels, where confined to damage other than by fire.		(0%)	(\$0)

**SCHEDULE 2**—continued

Item	Class of insurance policy <sup>4</sup>	Total prescribed premiums \$	Assessable portion (%)	Assessable portion \$
13	Insurance solely covering inherent or latent defects in goods, where— (a) the insurance is confined to damage or consequential loss arising out of defective design, defective workmanship or defective materials; and (b) the insurance does not cover any damage or consequential loss arising from fire.		(0%)	(\$0)
<b>Total assessable portions</b>				<b>\$</b>

**Notes**

- <sup>1</sup> A *general insurer* is an insurer who is in the business of providing insurance in respect of—  
(a) property situated in the ACT when the insurance was taken out; or  
(b) an act or omission occurring in the ACT.  
See *Insurance Levy Act 1998* s. 4 (1)—definitions of “general insurance” and “general insurer”.
- <sup>2</sup> The *prescribed premium* is the premium for each insurance policy of the class listed in the return—  
(a) **including** any brokerage or commission paid or due to be paid or allowed on the premium, or on any bonus or return premium allowed in respect of the policy;  
(b) **not including** stamp duty payable in respect of the policy under a law of the Territory, a State or another Territory; and  
(c) **not including** any part of the premium that is paid or due to be paid by way of reinsurance by the insurer to any other insurer in the Territory.  
See *Insurance Levy Act 1998* s. 4 (1)—definitions of “premium” and “prescribed premium”.
- <sup>3</sup> The assessable portions for each class of policy shown in the return are those set out in Schedule 1 to the *Insurance Levy Regulations*.
- <sup>4</sup> The classes of insurance policy shown in the return are those set out in Schedule 1 to the *Insurance Levy Regulations*.

**SCHEDULE 2**—continued

<sup>5</sup> *Static risks* include risks involving movements at any situation of any or all of the following:

- (a) goods;
- (b) stock;
- (c) material associated with processing or storage operations.

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**Declaration by insurer**

I, ..... [*insert name*] ..... of ..... [*insert business address*] ..... declare that this is a true return of the total amounts of prescribed premiums due to the insurer (whether or not the premiums were actually received) for the taking out or renewal of insurance policies in the financial year from 1 July [*insert year*] to 30 June [*insert year*].

Dated

[*insert date*]

Signed

[*insert signature of person authorised to sign for insurer*]

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**Auditor's certificate**

I [*or We*] ..... [*insert name(s)*] ..... of the firm ..... [*insert name of firm*] ..... declare that I am [*we are*] qualified auditors for the purposes of the *Insurance Levy Act 1998* (as amended) and the *Insurance Levy Regulations* (as amended).

I [*or We*] certify that I [*or we*] have carried out an audit of the books and records of ..... [*insert name of insurer, and branch (if appropriate)*] ..... and relied on audit returns from branches or offices outside the ACT but within Australia, where applicable, as far as concerns the requirements of the *Insurance Levy Act 1998* (as amended).

In my [*or our*] opinion, the total amounts of prescribed premiums due to the insurer (whether or not the premiums were actually received) for the taking out or renewal of insurance policies in the financial year from 1 July [*insert year*] to 30 June [*insert year*], as set out in this return, are correct as shown by such books and records, and the return is a true return for the purposes of the *Insurance Levy Act 1998* (as amended).

Dated

[*insert date*]

Signed

[*insert signature(s)*]



**NOTE**

**Notification**

1. Notified in the ACT Gazette on 24 September 1998.