



Notice varying conditions on Authorisation to carry on insurance business

Insurance Act 1973

TO: Hotel Employers Mutual Limited ABN 34 124 091 470 (the general insurer)

SINCE

- A. APRA issued to the general insurer an Authorisation to carry on insurance business in Australia under subsection 12(1) of the *Insurance Act 1973* (the Act), on 9 January 2008 (the Authorisation); and
- B. the Authorisation is subject to conditions,

I, Brandon Kong Leong Khoo, a delegate of APRA:

- (i) VARY those conditions imposed on the Authorisation in the manner specified in the attached Schedule; and
- (ii) REVOKE those conditions on the Authorisation, specified in the attached Schedule.

When this Notice takes effect, the conditions which apply to the Authorisation are set out in the attached Schedule of consolidated conditions.

Dated 4 July 2008

A handwritten signature in blue ink, appearing to read 'Brandon Kong Leong Khoo', is written over a dotted line.

Brandon Kong Leong Khoo
Executive General Manager
Specialised Institutions Division

Interpretation

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In this Notice

APRA means the Australian Prudential Regulation Authority.

insurance business has the meaning given in section 3 of the Act.

prudential standard has the meaning given in section 3 of the Act.

Note 1 Under subsection 13(1) of the Act, APRA may, at any time, by written notice to the general insurer impose conditions or additional conditions or vary or revoke conditions imposed on the insurer's authorisation under section 12 of the Act. The conditions must relate to prudential matters.

Note 2 Under subsection 13(2) of the Act, a condition may be expressed to have effect despite anything in the prudential standards.

Note 3 Under subsection 13(4) of the Act, if APRA imposes, varies or revokes the conditions on a general insurer's authorisation, APRA must give written notice to the insurer and ensure that notice that the action has been taken is published in the *Gazette*.

Note 4 Under subsection 14(1) of the Act, a general insurer commits an offence if:

- (a) the insurer does an act or fails to do an act; and
- (b) doing the act or failing to do the act results in a contravention of a condition of the insurer's authorisation under section 12 of the Act; and
- (c) there is no determination in force under subsection 7(1) of the Act, that subsection 14(1) of the Act does not apply to the insurer.

The maximum penalty is 300 penalty units. Under subsection 14(1A) of the Act, where an individual commits an offence against subsection 14(1) of the Act, because of Part 2.4 of the *Criminal Code* or commits an offence under Part 2.4 of the *Criminal Code* in relation to an offence against subsection 14(1) of the Act, the individual is punishable, on conviction, by a fine not exceeding 60 penalty units. Under subsection 14(2) of the Act, an offence against section 14 of the Act, is an offence of strict liability.

Note 5 Under subsection 13(6) of the Act, a decision to impose conditions, or additional conditions, or to vary the conditions on the Authorisation are reviewable decisions to which Part VI of the Act applies. If you are dissatisfied with a reviewable decision, you may seek reconsideration of the decision by APRA in accordance with subsection 63(2) of the Act. The request for reconsideration must be in writing, must state the reasons for the request, and must be given to APRA within 21 days after the decision first comes to your notice or within such further period as APRA allows. If dissatisfied with APRA's reconsidered decision confirming or varying the first decision, you may, subject to the *Administrative Appeals Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

The address where written notice may be given to APRA is .

Schedule - the conditions which are being varied

The existing condition(s) which are to be varied:

Existing condition 3 is being re-numbered as condition 1 as a result of existing conditions 1 and 2 being revoked by this instrument.

The condition(s) as varied are:

Conditions 1 and 2 are revoked. These have been replaced by an individual Prudential Standard.

Existing Condition 3 will be re-numbered as Condition 1.

Schedule - the conditions which are being revoked

1. Hotel Employers Mutual Limited (the Company) must meet the capital requirements set out in the Prudential Standard GPS 110 Capital Adequacy (GPS 110), however, paragraph 16 and 17 of Attachment D to GPS 110 shall not apply to impose an Investment Capital Factor of 100% on assets that are charged or encumbered under requirements administered by the WorkCover Authority of New South Wales (except to the extent that those assets may be charged for another purpose).
2. Condition 1 shall have effect until end of 30 June 2009 despite anything in the prudential standards, and the Company shall not be required to hold capital under GPS 110 in an amount in excess of the capital required by condition 1 until 1 July 2009.

Schedule of consolidated conditions

1. The Company is authorised to conduct general insurance business for workers compensation business only.