

Australian Capital Territory

# **Financial Management (Public Liability Insurance) Guidelines 2011**

**Disallowable instrument DI2011-166**

made under the

**Financial Management Act 1996, s133 (Guideline-making power)**

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The Treasurer makes the following guidelines under the Financial Management Act 1996, section 133 (Guideline-making power).

Dated: 28 June 2011

KATY GALLAGHER MLA  
TREASURER

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# Financial Management (Public Liability Insurance) Guidelines 2011

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### **1 Name of guidelines**

These guidelines are the *Financial Management (Public Liability Insurance) Guidelines 2011*.

### **2 Commencement**

These guidelines commence on 1 July 2011

### **3 Dictionary**

The dictionary at the end of these guidelines is part of these guidelines.

*Note 1* The dictionary at the end of these guidelines defines certain words and expressions used in these guidelines

*Note 2* A definition in the dictionary applies to the entire guidelines unless the definition, or another provision of the guidelines, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

### **4 Notes**

A note included in these guidelines is explanatory and is not part of the guidelines.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

### **5 Public liability insurance to be required**

- (1) The Territory may enter into an insurance agreement only if the directorate or body negotiating the agreement for the Territory has ensured that—
  - (a) an assessment has been made, in accordance with the Treasurer’s risk assessment procedures and criteria, of the risks to the Territory that would result from the occupation or use of Territory land or premises under the agreement or the performance of the agreement, as the case requires; and
  - (b) the agreement requires public liability insurance to be arranged, in accordance with the Treasurer’s requirements, for those risks.

- (2) The Treasurer may, in writing—
  - (a) determine procedures and criteria for assessing risk for subsection (1) (a); and
  - (b) determine requirements for public liability insurance for subsection (1) (b).
- (3) A determination under subsection (2) (a) must provide criteria for rating the level of risk to the Territory resulting from the occupation or use of land or premises for a particular purpose, or in the case of the provision of goods, services or works not involving occupation of Territory land or premises, the risk the activity arising from such provision presents to the Territory.
- (4) A determination under subsection (2) (b) must state the amount for which public liability insurance is to be arranged for different levels of risk to the Territory from the occupation or use of land or premises for particular purposes, or in the case of the provision of goods, services or works not involving occupation of Territory land or premises, the risk the activity arising from such provision presents to the Territory.
- (5) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

## 6 Revocation

DI2005-205 notified on the legislation register on 19 September 2005 is revoked.

### Dictionary (see s 3)

*Note* The *Legislation Act 2001* contains definitions and other provisions relevant to these guidelines.

***insurance agreement*** means a written agreement that—

- (a) either—
  - (i) requires or allows the use or occupation by an entity of Territory land or premises; or
  - (ii) otherwise provides for the provision of goods, services or works to the Territory by the entity; and
- (b) requires public liability insurance to be arranged for the use or occupation of the land or premises by the entity, or for the purposes of the agreement.

***Territory land or premises*** means land or premises owned or occupied by the Territory.