

1959. *Export Payments Insurance Corporation (No. 2)*. No. 101.

EXPORT PAYMENTS INSURANCE CORPORATION (No. 2).

No. 101 of 1959.

An Act to amend the *Export Payments Insurance Corporation Act 1956*, as amended by the *Export Payments Insurance Corporation Act 1959*.

[Assented to 4th December, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Export Payments Insurance Corporation Act (No. 2) 1959*. Short title and citation.

(2.) The *Export Payments Insurance Corporation Act 1956*,* as amended by the *Export Payments Insurance Corporation Act 1959*,† is in this Act referred to as the Principal Act.

(3.) Section one of the *Export Payments Insurance Corporation Act 1959* is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Export Payments Insurance Corporation Act 1956–1959*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section sixteen of the Principal Act is repealed and the following section inserted in its stead:—

“ 16.—(1.) Subject to this section, in a contract of insurance entered into by the Corporation, there shall, in relation to each cause of loss to which the contract applies, be specified a percentage as the percentage of the amount of the loss, as defined in the contract, to which the indemnity under the contract extends. Percentage of loss that may be covered.

“ (2.) In relation to the one cause of loss, different percentages may be specified as being applicable in respect of loss sustained by reason of the occurrence of the cause at different times.

* Act No. 32, 1956.

† Act No. 1, 1959.

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“(3.) The maximum percentage that may be specified, in pursuance of this section, in a contract of insurance that relates to a contract of sale of goods exported or to be exported is—

- (a) in relation to a commercial cause—eighty-five per centum; and
- (b) in relation to any other cause—
 - (i) in respect of loss sustained by reason of the occurrence of the cause after the goods have been exported within the meaning of the contract of insurance—ninety-five per centum; or
 - (ii) in respect of any loss sustained by reason of the occurrence of the cause at any other time—ninety per centum.

“(4.) The maximum percentage that may be specified, in pursuance of this section, in a contract of insurance that relates to an act or transaction other than a contract of sale of goods exported or to be exported is—

- (a) in relation to a commercial cause—eighty-five per centum;
or
- (b) in relation to any other cause—ninety-five per centum.

“(5.) In this section—

‘commercial cause’ means a cause related expressly to—

- (a) the failure of a person by whom moneys are payable in connexion with an act or transaction to which the contract of insurance relates, not being—
 - (i) a Government;
 - (ii) a person who the Corporation is satisfied is an authority of a Government; or
 - (iii) a person in respect of whom the Corporation is satisfied that his contractual obligations are guaranteed by a Government,
to pay any moneys so payable; or
- (b) the insolvency, within the meaning of the contract of insurance, of such a person.”.

Application
of moneys.

4. Section twenty-six of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

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“(2.) Moneys of the Corporation not immediately required for the purposes of the Corporation may be invested—

- (a) on fixed deposit with the Commonwealth Bank of Australia or with any other bank approved by the Treasurer;
 - (b) in securities of the Commonwealth; or
 - (c) subject to such conditions, if any, as the Treasurer determines by instrument under his hand—by way of loan to a person for the time being approved by the Treasurer upon the security of securities of the Commonwealth.”
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