

Export Finance and Insurance Corporation Amendment (Finance) Act 2013

No. 30, 2013

An Act to amend the *Export Finance and Insurance Corporation Act 1991*, and for related purposes

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An Act to amend the *Export Finance and Insurance Corporation Act 1991*, and for related purposes

[*Assented to 30 March 2013*]

The Parliament of Australia enacts:

1 Short title

 This Act may be cited as the *Export Finance and Insurance Corporation Amendment (Finance) Act 2013*.

2 Commencement

 This Act commences on the day after this Act receives the Royal Assent.

3 Schedule(s)

 Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Export Finance and Insurance Corporation Act 1991

1 Subsection 36(3)

Omit “(3)”.

2 Subsection 49(2)

Omit “(2)” (first occurring).

3 At the end of subsection 49(2) (before the note)

Add:

 ; and (d) any direction by the Minister under subsection 55A(2) for the payment of a dividend by EFIC in the financial year to which the target relates.

4 Subsection 54(8)

Repeal the subsection, substitute:

 (8) EFIC’s called capital at any time must not exceed:

 (a) $200,000,000; or

 (b) if a greater amount is specified in a legislative instrument made by the Minister—that greater amount.

5 Section 55 (heading)

Before “**dividends**”, insert “**annual**”.

6 After section 55

Insert:

55A Payment of additional dividends to the Commonwealth

One‑off dividend

 (1) EFIC must pay the Commonwealth a dividend of $200,000,000 before 30 June 2013.

Minister may direct payment of a specified dividend

 (2) The Minister may, in writing, direct EFIC to pay the Commonwealth a specified dividend within a specified period.

 (3) In giving a direction under subsection (2), the Minister must:

 (a) have regard to:

 (i) the policies of the Commonwealth Government; and

 (ii) the general policy of EFIC in relation to the performance of its functions; and

 (iii) such commercial considerations as the Minister considers appropriate; and

 (b) be satisfied that the specified dividend is reasonable having regard to:

 (i) the likely capital and reserves of EFIC at the time the direction is given; and

 (ii) the expected liabilities, losses and claims of and against EFIC at that time.

 (4) Before the Minister gives a direction under subsection (2), the Minister must:

 (a) consult the Board about the matters referred to in subparagraphs (3)(a)(ii) and (b)(i) and (ii); and

 (b) obtain the agreement of the Prime Minister, Treasurer and Finance Minister to the direction.

 (5) EFIC must comply with a direction given under subsection (2).

 [*Minister’s second reading speech made in—*

*House of Representatives on 13 February 2013*

*Senate on 14 March 2013*]

(23/13)