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Insurance Contracts Amendment Regulations 2002 (No. 2)¹

Statutory Rules 2002 No. 2²

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Insurance Contracts Act 1984*.

Dated 26 JUN 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

IAN CAMPBELL
Parliamentary Secretary to the Treasurer

1 Name of Regulations

These Regulations are the *Insurance Contracts Amendment Regulations 2002* (No. 2).

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Insurance Contracts Regulations 1985*

Schedule 1 amends the *Insurance Contracts Regulations 1985*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 31

omit everything before paragraph (a), insert

- (1) For section 53 of the Act, each of the following classes of contracts is declared to be a class of contracts in relation to which that section does not apply:

[2] Paragraph 31 (f)

omit

1991.

insert

1991;

[3] After paragraph 31 (f)

insert

- (g) aviation liability indemnity contracts.

[4] Regulation 31*insert*

- (2) For this regulation, ***aviation liability indemnity contracts*** are contracts under which the Commonwealth provides indemnities to airlines, airports or other aviation service providers for claims against them by third parties, for property damage or bodily injury or both (other than injury to aircraft passengers and employees of the insured travelling as passengers in the course of their duties) arising as a consequence of:
- (a) war, invasion, acts of foreign enemies, hostilities (whether war has been declared or not), civil war, rebellion, revolution, insurrection, martial law, military law, military or usurped power or attempts at usurpation of power; or
 - (b) strikes, riots, civil commotions or labour disturbances; or
 - (c) an act of one or more persons (whether or not as agent of a sovereign power) for political or terrorist purposes (whether the resulting loss or damage is accidental or intentional); or
 - (d) a malicious act or act of sabotage; or
 - (e) hi-jacking or an unlawful seizure or wrongful exercise of control of the aircraft or crew in flight (including an attempt at such seizure or control) made by any person acting without the consent of the insured; or
 - (f) confiscation, nationalisation, seizure, restraint, detention, appropriation, requisition or use by or under the order of a government (civil, military or de facto) or public or local authority.

Notes

1. These Regulations amend Statutory Rules 1985 No. 162, as amended by 1990 No. 444; 1994 No. 327; 1996 No. 304; 1997 Nos. 226 and 238; 1998 Nos. 78 and 195; 1999 No. 191; 2000 No. 118; 2002 No. 18.
2. Notified in the *Commonwealth of Australia Gazette* on 2002.

27 June