

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

(Finance)

**COMMONWEALTH AUTHORITIES AND COMPANIES
(CONSEQUENTIAL AMENDMENTS) BILL 1995**

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1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

(*Finance*)

A BILL

FOR

An Act to amend the *Commonwealth Authorities and Companies Act 1995*, to make consequential amendments of other legislation because of the enactment of that Act, to amend the *Auditor-General Act 1995*, and for related purposes

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Commonwealth Authorities and Companies (Consequential Amendments) Act 1995*.

Note: Other amendments consequential on the enactment of the *Commonwealth Authorities and Companies Act 1995* are contained in the *Audit (Transitional and Miscellaneous) Amendment Act 1995*.

Commencement

2.(1) If this Act receives the Royal Assent on or before the day on which the *Financial Management and Accountability Act 1995* commences, this Act commences (subject to section 3) on the same day as the *Financial Management and Accountability Act 1995* commences. 5

(2) If this Act receives the Royal Assent after the day on which the *Financial Management and Accountability Act 1995* commences: 10

- (a) sections 1, 2, 3 and 7 commence on the day on which this Act receives the Royal Assent; and
- (b) sections 4 and 5, Schedule 1 (other than item 3), and Schedule 2, are taken to have commenced on the day on which the *Financial Management and Accountability Act 1995* commenced; and 15
- (c) section 6, item 3 of Schedule 1, and Schedule 3, commence (subject to section 3) on the first 1 July following the day on which this Act receives the Royal Assent, or if this Act receives the Royal Assent on a 1 July, on that 1 July.

Some amendments in Schedule 3 may not take effect 20

3.(1) If, on or before the commencement of section 6, item 28 of the Schedule to the *Commonwealth Bank Sale Act 1995* commences or has commenced, the amendment set out in item 117 of Schedule 3 to this Act does not take effect.

(2) If, on or before the commencement of section 6, item 32 of the Schedule to the *Commonwealth Bank Sale Act 1995* commences or has commenced, the amendment set out in item 118 of Schedule 3 to this Act does not take effect. 25

(3) If, on or before the commencement of section 6, item 14 of Schedule 1 to the *Education Legislation Amendment Act 1995* commences or has commenced, the amendments of the *University of Canberra Act 1989* set out in Schedule 3 to this Act do not take effect. 30

(4) If, on or before the commencement of section 6, Part 6 of the *Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1995* commences or has commenced, the following amendments set out in Schedule 3 to this Act do not take effect: 35

- (a) the amendments of the *Housing Loans Insurance Act 1965*;
- (b) the amendments of the *Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1995*.

(5) If the repeal day, as defined in section 163 of the *Moomba-Sydney Pipeline System Sale Act 1994*, occurs on or before the commencement of section 6 of this Act, the amendments of the *Pipeline Authority Act 1973* set out in Schedule 3 to this Act do not take effect.

- 5 (6) If, on or before the commencement of section 6, Part 12 of the *Wool International Act 1993* commences or has commenced, the amendments of that Act set out in Schedule 3 to this Act do not take effect.

Amendments of the *Commonwealth Authorities and Companies Act 1995* and the *Auditor-General Act 1995*

- 10 4. The *Commonwealth Authorities and Companies Act 1995* and the *Auditor-General Act 1995* are amended as set out in Schedule 1.

Consequential amendments of other Acts—authorities to which the *Audit Act 1901* applied

- 15 5. The Acts specified in Schedule 2 are amended as set out in that Schedule.

Consequential amendments of other Acts—other authorities

6. The Acts specified in Schedule 3 are amended as set out in that Schedule.

Regulations for transitional matters

- 20 7. The Governor-General may make regulations making such transitional provisions as are necessary or convenient because of the amendments made by this Act.
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**Commonwealth Authorities and Companies
(Consequential Amendments) No. , 1995**

Enacted

Enacted by the Commonwealth Parliament on the 11th day of May 1995

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SCHEDULE 1

Section 4

**AMENDMENTS OF THE COMMONWEALTH AUTHORITIES AND
COMPANIES ACT 1995 AND THE AUDITOR-GENERAL ACT 1995**

Commonwealth Authorities and Companies Act 1995

1. Section 5 (definition of *financial year*):

Omit the definition, substitute:

“financial year:

(a) means, for a Commonwealth authority:

(i) a period of 12 months commencing on 1 July; or

(ii) if the incorporating law specifies another period of 12 months as the financial year for the authority for the purpose of this Act—a period of 12 months as so specified; and

(b) means, for a Commonwealth company, the company’s annual accounting period.”.

2. Section 5:

Insert:

“incorporating law, in relation to a Commonwealth authority, means the Act, regulations or Ordinance by which the authority is incorporated.”.

3. Section 8:

Repeal the section.

4. Subsection 9(3):

Omit “cause the report to be tabled”, substitute “table the report”.

5. Section 13:

Repeal the section, substitute:

Interim reports

“13.(1) The Finance Minister may, by notice in the *Gazette*, require particular Commonwealth authorities or a class of Commonwealth authorities to give the responsible Minister either:

(a) an interim report for the first 6 months of a financial year; or

(b) an interim report for each of the following periods:

(i) the first 3 months of each financial year;

(ii) the first 6 months of each financial year;

(iii) the first 9 months of each financial year.

SCHEDULE 1—continued

“(2) The interim report must include:

- (a) a report of operations, prepared by the directors in accordance with the Finance Minister’s Orders; and
- (b) financial statements, prepared by the directors in accordance with the Finance Minister’s Orders; and
- (c) a report prepared by the Auditor-General in accordance with the regulations.

“(3) The directors must give the interim report to the responsible Minister within 2 months after the end of the period to which the report relates.

“(4) The responsible Minister may grant an extension of time in special circumstances.

“(5) The responsible Minister must table the interim report in each House of the Parliament as soon as practicable.”.

6. Paragraph 17(6)(h):

After “authority” insert “and the strategies and policies the authority is to follow to carry out those obligations”.

7. After section 19:

Insert:

Monetary limits on powers to enter into contracts do not apply to investments under subsection 18(3) or 19(3)

“19A. A provision in the incorporating law for a Commonwealth authority to the effect that the authority must not enter into a contract involving the expenditure or payment of more than a specified amount of money without the approval of a specified person does not apply to a contract for the investment of money under subsection 18(3) or 19(3), unless the provision expressly states that it applies to such a contract.”.

8. Subsection 30(1):

Omit “the annual accounting period of the authority”, substitute “the financial year of the authority”.

9. Subsection 30(1):

After “becomes the same” insert “as the authority’s financial year”.

10. Subsection 30(2):

After “already the same” insert “as the authority’s financial year”.

SCHEDULE 1—continued

11. Subsection 35(4):

Omit “cause the documents to be tabled” (wherever occurring), substitute “table the documents”.

12. Section 37:

Repeal the section, substitute:

Interim reports

“37.(1) The Finance Minister may, by notice in the *Gazette*, require particular wholly-owned Commonwealth companies or a class of wholly-owned Commonwealth companies to give the responsible Minister either:

- (a) an interim report for the first 6 months of a financial year; or
- (b) an interim report for each of the following periods:
 - (i) the first 3 months of each financial year;
 - (ii) the first 6 months of each financial year;
 - (iii) the first 9 months of each financial year.

“(2) The interim report must include:

- (a) a report of operations, prepared by the directors in accordance with the Finance Minister’s Orders; and
- (b) financial statements, prepared by the directors in accordance with the Finance Minister’s Orders; and
- (c) a report prepared by the Auditor-General in accordance with the regulations.

“(3) The directors must give the interim report to the responsible Minister within 2 months after the end of the period to which the report relates.

“(4) The responsible Minister may grant an extension of time in special circumstances.

“(5) The responsible Minister must table the interim report in each House of the Parliament as soon as practicable.”.

13. Paragraph 41(6)(h):

After “company” insert “and the strategies and policies the company is to follow to carry out those obligations”.

14. Section 42:

Add at the end:

SCHEDULE 1—continued

“(4) The responsible Minister may, in writing, exempt the directors of a wholly-owned Commonwealth company from subsection (2) or (3) in relation to specified activities.”.

15. Subsection 44(1):

Omit “cause a notice of the event to be tabled”, substitute “table a notice of the event”.

16. After section 45:

Insert:

Regulations may deal with how this Act applies if body stops being a Commonwealth authority

“45A.(1) The regulations may make provision dealing with how this Act applies in relation to a financial year of a body that ceases to be a Commonwealth authority during the financial year.

“(2) Without limiting the generality of subsection (1), regulations for the purposes of that subsection may provide that this Act applies with specified modifications.”.

Auditor-General Act 1995

17. Section 5 (definition of *Commonwealth authority*):

Add at the end:

“Note: Subsection (2) is also relevant to determining whether a body is a Commonwealth authority for the purposes of this Act.”.

18. Section 5:

Add at the end:

“(2) The issue of whether a body corporate is a Commonwealth authority for the purpose of this Act is not affected by any provision in a law that states that the body corporate is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995*.”.

SCHEDULE 2

Section 5

**CONSEQUENTIAL AMENDMENTS OF OTHER
ACTS—AUTHORITIES TO WHICH THE AUDIT ACT 1901
APPLIED**

Employment Services Act 1994

1. Subsection 68(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to ESRA. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

2. Sections 72 and 73:

Repeal the sections.

3. Subsections 85(1) and (2):

Omit the subsections.

4. Subsection 85(3):

Omit “direct or indirect pecuniary interests”, substitute “material personal interests”.

Note: The heading to section 85 is replaced by the heading “**Minister to be notified of material personal interests**”.

5. Paragraph 87(2)(e):

Omit “section 85 (which deals with conflict of interest)”, substitute “section 85 of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1995* (these sections deal with disclosure of interests)”.

6. Paragraph 89(3)(a):

Omit “85”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

7. Section 105:

Repeal the section.

8. Paragraph 106(c):

Omit “section 108”, substitute “subsection 18(3) of the *Commonwealth Authorities and Companies Act 1995*”.

9. Section 107:

Repeal the section, substitute:

SCHEDULE 2—continued

Extra matters to be included in annual report

“107. The annual report on ESRA under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:

- (a) particulars of any directions given by the Minister under section 71 during the financial year; and
- (b) such additional information (if any) as is specified in the regulations.”.

10. Section 108:

Repeal the section.

Maritime College Act 1978

11. After section 32:

Insert:

College’s financial year starts on 1 January

“33. For the purposes of the *Commonwealth Authorities and Companies Act 1995*, the College’s financial year is a period of 12 months starting on 1 January.”.

Meat and Live-stock Industry Act 1995

12. Subsection 8(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Council. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

13. Paragraph 23(1)(a):

Omit the paragraph, substitute:

“(a) to consider the most recent annual reports on the Council, AMLC and MRC (these reports are prepared under section 9 of the *Commonwealth Authorities and Companies Act 1995*); and”.

14. Paragraph 23(2)(a):

Omit all the words after “annual report”, substitute “on the Council be received;”.

15. Paragraph 23(2)(b):

Omit all the words after “annual report”, substitute “on AMLC be received;”.

SCHEDULE 2—continued

16. Paragraph 23(2)(c):

Omit all the words after “annual report”, substitute “on MRC be received;”.

17. Section 32:

Repeal the section, substitute:

Situations that do not amount to interests requiring disclosure

“32. For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1995*, a member is not taken to have a material personal interest in a matter being considered or about to be considered by the Council merely because the member is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat.”.

18. Paragraph 35(3)(c):

Omit “32”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

19. Section 44:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of the Council under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

20. Section 47:

Repeal the section.

21. Section 50:

Omit “The Council must include in each annual report prepared under section 63H of the *Audit Act 1901*, as that section applies to it because of section 47 of this Act.”, substitute “The annual report on the Council under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:”.

Note: The heading to section 50 is replaced by the heading “**Extra matters to be included in annual report**”.

22. Subsection 53(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to AMLC. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

SCHEDULE 2—continued

23. Section 112:

Repeal the section, substitute:

Situations that do not amount to interests requiring disclosure

“112. For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1995*, a member is not taken to have a material personal interest in a matter being considered or about to be considered by AMLC merely because the member is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat.”.

24. Paragraph 115(3)(c):

Omit “112”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

25. Section 126:

Add at the end:

“(3) Subsections (1) and (2) do not prevent investment of surplus money of AMLC under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

26. Sections 130, 131, 132 and 133:

Repeal the sections.

27. Subsection 163(1):

Omit the subsection.

28. Subsection 163(2):

Omit “The annual report for a financial year must include:”, substitute “The annual report on AMLC under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:”.

Note: The heading to section 163 is replaced by the heading “**Extra matters to be included in annual report**”.

29. Subsections 163(4) and (5):

Omit the subsections.

30. Subsection 166(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to MRC. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

SCHEDULE 2—continued

31. Section 191:

Repeal the section, substitute:

Situations that do not amount to interests requiring disclosure

“191. For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1995*, a member is not taken to have a material personal interest in a matter being considered or about to be considered by MRC merely because the member is a producer of live-stock, an exporter of live-stock, the operator of meatworks or an exporter of meat.”.

32. Paragraph 194(3)(c):

Omit “191”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

33. Section 205:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of MRC under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

34. Section 208:

Repeal the section.

35. Section 213:

Omit “MRC must include in each annual report prepared under section 63H of the *Audit Act 1901*, as that section applies to it because of section 208 of this Act.”, substitute “The annual report on MRC under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:”.

Note: The heading to section 213 is replaced by the heading “**Extra matters to be included in annual report**”.

36. Paragraph 221(3)(b):

Omit “authority’s annual report”, substitute “annual report on the authority under section 9 of the *Commonwealth Authorities and Companies Act 1995*”.

37. Section 221:

Add at the end:

“(5) This section does not apply to notices under section 28 of the *Commonwealth Authorities and Companies Act 1995*, and does not affect the Minister’s power to give notices under that section.”.

SCHEDULE 2—continued

National Health Act 1953

38. Subsection 82ZR(1):

Add at the end:

“Note: Subject to section 82ZRAA, the *Commonwealth Authorities and Companies Act 1995* applies to the Complaints Commissioner. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

39. After section 82ZR:

Insert:

Commonwealth Authorities and Companies Act 1995 applies as though Complaints Commissioner were a director

“82ZRAA.(1) Subsection 82ZR(1) provides that the Complaints Commissioner is a corporation. The *Commonwealth Authorities and Companies Act 1995* applies (subject to subsection (2)) in relation to the corporation as if the person holding, or performing the duties of, the office of Complaints Commissioner were a director of the corporation for the purposes of that Act.

“(2) Section 21 of the *Commonwealth Authorities and Companies Act 1995* does not apply in relation to the Complaints Commissioner.”.

40. After section 82ZUB:

Insert:

Disclosure of interest by Complaints Commissioner

“82ZUBA. If the Complaints Commissioner has a material personal interest in a matter that the Complaints Commissioner is considering or is about to consider, the Complaints Commissioner must give written notice of the interest to the Minister.”.

41. Paragraph 82ZUGA(c):

Omit “82ZUGC”, substitute “18 of the *Commonwealth Authorities and Companies Act 1995*”.

42. Subsection 82ZUGB(1):

Omit the subsection.

SCHEDULE 2—continued

43. Subsection 82ZUGB(2):

Omit all the words from and including “The annual report” to and including “a summary of:”, substitute “The annual report prepared by the Complaints Commissioner under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include a summary of:”.

Note: The heading to section 82ZUGB is replaced by the heading “**Extra matters to be included in annual report**”.

44. Section 82ZUGC:

Repeal the section.

45. Subsection 82ZUGD(2):

Omit “82ZUGC”, substitute “18 of the *Commonwealth Authorities and Companies Act 1995*”.

Royal Australian Air Force Veterans’ Residences Act 1953

46. After section 5:

Insert:

Application of Commonwealth Authorities and Companies Act 1995 and Auditor-General Act 1995

“5A. The Trust is taken to constitute a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995* and the *Auditor-General Act 1995*.”.

Services Trust Funds Act 1947

47. After section 32:

Insert in Part VII:

Application of Commonwealth Authorities and Companies Act 1995 and Auditor-General Act 1995

“33. The trustees of each fund are taken to constitute a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995* and the *Auditor-General Act 1995*.”.

Fund’s financial year starts on 1 January

“33A. For the purposes of the *Commonwealth Authorities and Companies Act 1995*, the financial year for the trustees of each fund is a period of 12 months starting on 1 January.”.

SCHEDULE 2—continued

Wheat Marketing Act 1989

48. After section 88:

Insert:

Board's financial year starts on 1 October

“88A. For the purposes of the *Commonwealth Authorities and Companies Act 1995*, the Board's financial year is a period of 12 months starting on 1 October.”.

SCHEDULE 3

Section 6

**CONSEQUENTIAL AMENDMENTS OF OTHER ACTS—OTHER
AUTHORITIES**

Albury-Wodonga Development Act 1973

1. After section 9:

Insert:

***Commonwealth Authorities and Companies Act 1995 does not apply to
Corporation***

“9A. The Corporation is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995*.”.

Anglo-Australian Telescope Agreement Act 1970

2. After section 6:

Insert:

***Commonwealth Authorities and Companies Act 1995 does not apply to
Board***

“6A. The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995*.”.

Australia Council Act 1975

3. Subsection 8(1):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Council. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

4. Subparagraph 14(2)(a)(ii):

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

5. Subsection 15(6):

Omit “and section 19”, substitute “of this Act and section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

6. Section 19:

Repeal the section.

7. Paragraph 19F(2)(e):

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

SCHEDULE 3—continued

8. Subsection 27(2):

Omit “19 or 31”, substitute “31 of this Act or with section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

9. After subsection 33(1):

Insert:

“(1A) Subsection (1) does not prevent investment of surplus money of the Council under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

10. Subsection 34(2A):

Omit “in accordance with subsection 36A(2)”, substitute “under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

11. Sections 35 and 36:

Repeal the sections.

12. Subsection 36A(1):

Add at the end “The Council may also invest surplus money under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

13. Subsection 36A(2):

Omit the subsection.

14. Subsection 36A(3):

Omit “in accordance with this section”, substitute “as mentioned in subsection (1)”.

15. Section 37:

Repeal the section.

16. Section 38:

Repeal the section, substitute:

Extra reporting requirements

“38.(1) The annual report on the Council under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:

- (a) particulars of all matters specified by the Minister under paragraph 6A(c) during the year to which the report relates; and
- (b) the text of all directions under sections 6B and 7 during the year to which the report relates.

“(2) The Minister must cause any report or financial statements given by the members of the Council to the Minister under paragraph 16(1)(b) of the *Commonwealth Authorities and Companies Act 1995* to be tabled in each House of the Parliament as soon as practicable.”.

SCHEDULE 3—continued

17. Section 39:

Repeal the section.

Australian Film Commission Act 1975

18. Subsection 4(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Commission. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

19. Subsection 6(4):

Omit all the words from and including “The Commission” to and including “a statement of:”, substitute “The annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include a statement of:”.

20. Section 22:

Repeal the section.

21. Subparagraph 23(2)(a)(ii):

Omit “an obligation imposed on him by section 22”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

22. Section 32:

Repeal the section.

23. Subsection 33(2):

Omit the subsection, substitute:

“(2) Subsection (1) does not prevent investment of surplus money of the Commission under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

24. Section 34:

Repeal the section.

25. Paragraph 35(2)(b):

Omit “in accordance with subsection 33(2)”, substitute “under section 18 of the *Commonwealth Authorities and Companies Act 1995*”.

26. Sections 37, 38, 44 and 45:

Repeal the sections.

SCHEDULE 3—continued

Australian Heritage Commission Act 1975

27. Subsection 11(1):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Commission. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”

28. Paragraph 18(2)(c):

Omit “his obligations under section 19”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

29. Section 19:

Repeal the section, substitute:

Application of section 21 of the Commonwealth Authorities and Companies Act 1995 to deemed and co-opted Commissioners

“19. Section 21 of the *Commonwealth Authorities and Companies Act 1995* (disclosure of material personal interests) applies to a person deemed to be a Commissioner under subsection 17(3), or to a person who is a co-opted Commissioner, as if the person were a Commissioner.”.

30. Subsection 21(3):

Omit the subsection, substitute:

“(3) A person appointed under subsection (1):

- (a) is to be regarded as a Commissioner for the purposes of section 14 of this Act and of section 21 of the *Commonwealth Authorities and Companies Act 1995*; but
- (b) is not to be regarded as a Commissioner for the purposes of any of the other provisions of this Act or of the *Commonwealth Authorities and Companies Act 1995*.”.

31. Section 35:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of the Commission under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

32. Sections 36, 38, 40 and 41:

Repeal the sections.

33. Section 43:

Repeal the section, substitute:

SCHEDULE 3—continued

Extra reporting requirements

“43.(1) The annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:

- (a) a description of the condition of the national estate at the end of the period to which the report relates; and
- (b) the text of all directions given by the Minister to the Commission under section 25 during the period to which the report relates.

“(2) The Commission may also give the Minister any other reports relating to the national estate that it thinks fit.

“(3) The Minister must cause any report the Commission gives the Minister under subsection (2), or under paragraph 16(1)(b) of the *Commonwealth Authorities and Companies Act 1995*, to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.”.

Australian Horticultural Corporation Act 1987

34. Subsection 3(1) (definitions of *authorised auditor*, *company auditor* and *Corporation auditor*):

Omit the definitions.

35. Subsection 12(1):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Corporation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

36. Section 23:

Repeal the section.

37. Paragraph 24(2)(b):

Omit “23”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

38. Subsection 30(1):

Omit the subsection.

39. Subsection 30(2):

Omit “Without limiting the generality of subsection (1), the Corporation shall include in the report:”, substitute “The annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:”.

Note: The heading to section 30 is replaced by the heading “**Extra matters to be included in annual report**”.

SCHEDULE 3—continued

40. Paragraph 30(2)(a):

Omit “and of each Board”.

41. Paragraph 30(2)(b):

Omit “or a Board” (wherever occurring).

42. Subsections 30(3), (4) and (4A):

Omit the subsections.

43. Subsection 30(5):

Omit the subsection.

44. After section 30:

Insert:

Corporation to give Minister annual reports on Product Boards

“30A.(1) The Corporation must, by the 15 October after the end of each financial year, give to the Minister the annual report on each Product Board for that year given to the Corporation by the Board under section 9 of the *Commonwealth Authorities and Companies Act 1995* (as modified by section 101A of this Act).

“(2) The Minister may grant an extension of time in special circumstances.

“(3) The Minister must table each report in each House of the Parliament as soon as practicable.”.

45. Subsection 49(1):

Omit the subsection.

Note: The heading to section 49 is replaced by the heading “**Separate accounts may be required in some circumstances**”.

46. Sections 50, 51, 56 and 57:

Repeal the sections.

47. Subsection 73(5):

Omit the subsection, substitute:

“(5) Section 21 of the *Commonwealth Authorities and Companies Act 1995* applies in relation to the committee as if the committee were a Commonwealth authority (as defined in that Act).”.

48. Subsection 101(1):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to each Board. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

SCHEDULE 3—continued

49. After section 101:

Insert:

Modification of the *Commonwealth Authorities and Companies Act 1995*

“101A. Section 9 of the *Commonwealth Authorities and Companies Act 1995* applies in relation to a Board as if:

- (a) a reference to the responsible Minister were instead a reference to the Corporation; and
- (b) the reference to the 15th day of the 4th month after the end of the financial year were instead a reference to the next 31 August after the end of the financial year; and
- (c) subsection (3) were omitted.”.

50. Subsection 115F(1):

Omit the subsection.

51. Subsection 115F(2):

Omit “Without limiting the generality of subsection (1), each report must include:”, substitute “The annual report on a Board under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:”.

Note: The heading to section 115F is replaced by the heading “**Extra matters to be included in Product Board annual reports**”.

52. Subsections 115F(3), (4) and (5):

Omit the subsections.

53. Section 115FA:

Omit “a report of a Board has been given to the Corporation under subsection 115F(1)”, substitute “an annual report on a Board has been given to the Corporation”.

54. Section 115S:

Omit “50, 51,”.

55. Section 115T:

Repeal the section.

56. Subsection 115ZB(5):

Omit the subsection, substitute:

“(5) Section 21 of the *Commonwealth Authorities and Companies Act 1995* applies in relation to a committee as if the committee were a Commonwealth authority (as defined in that Act).”.

SCHEDULE 3—continued

Australian National Railways Commission Act 1983

57. Subsection 3(1) (definition of *authorised auditor*):

Omit the definition.

58. Subsection 3(1):

Insert:

“annual report means an annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1995*.

corporate plan means a corporate plan for the Commission under section 17 of the *Commonwealth Authorities and Companies Act 1995*.”.

59. Subsection 4(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Commission. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

60. Subsections 8(3), (4) and (5):

Omit the subsections.

61. Section 19:

Add at the end:

“Note: This section does not affect the application of the *Commonwealth Authorities and Companies Act 1995* to the Commission.”.

62. Subsection 20A(3):

Omit “, in developing objectives, strategies and policies under subsection 22(1),”, substitute “, in preparing its corporate plan,”.

63. Subsection 20A(4):

Omit the subsection.

64. Section 22:

Repeal the section.

65. Paragraph 32(2)(d):

Omit “his obligations under section 33”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

66. Subsection 32(3A):

Omit the subsection, substitute:

“(3A) If:

SCHEDULE 3—continued

(a) the Minister is of the opinion that:

(i) the Commission has failed to comply with section 20B of this Act; or

(ii) the Commissioners have failed to comply with:

(A) subsection 13(2), 15(1) or 17(5) of the *Commonwealth Authorities and Companies Act 1995*; or

(B) paragraph 16(1)(a) or (b) of the *Commonwealth Authorities and Companies Act 1995*; and

(b) the Minister proposes that the appointment of all or specified Commissioners be terminated;

the Governor-General is to terminate the appointment of all Commissioners, or the specified Commissioners, as the case may be.”.

67. Sections 33 and 59:

Repeal the sections.

68. Subsection 60(2):

Omit the subsection, substitute:

“(2) Subsection (1) does not prevent investment of surplus money of the Commission under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

69. Sections 65, 66 and 66A:

Repeal the sections.

70. Subsection 67A(1):

Omit the subsection.

71. Subsection 67A(2):

Omit “The report shall:”, substitute “The Commission’s annual report must also:”.

Note: The heading to section 67A is replaced by the heading “**Extra matters to be included in annual report**”.

72. Paragraph 67A(2)(a):

Omit “8(5) or”.

73. Paragraphs 67A(2)(a), (b), (c) and (d) and subparagraph 67A(2)(e)(i):

Add at the end “and”.

74. After paragraph 67A(2)(a):

Insert:

SCHEDULE 3—continued

“(aa) include a summary of:

- (i) notices given to the Commission in that financial year under subsection 20A(1); and
- (ii) action taken by the Commission, in that financial year, because of notices given to the Commission under subsection 20A(1); and”.

75. Subsection 67A(3):

Omit the subsection, substitute:

“(3) The financial statements in the annual report must show separately the financial effect on the Commission’s operations of each direction that:

- (a) was given to the Commission by the Minister under subsection 19(2); and
- (b) was applicable to the year to which the report relates.”.

76. Subsections 67A(4), (5), (6) and (7):

Omit the subsections.

77. Section 71:

Repeal the section.

Australian National University Act 1991

78. Subsection 4(2):

Add at the end:

“Note: Subject to section 4A, the *Commonwealth Authorities and Companies Act 1995* applies to the University. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

79. After section 4:

Insert:

Modification of the *Commonwealth Authorities and Companies Act 1995*

“4A.(1) Section 14, subsection 18(3), and sections 28 and 29, of the *Commonwealth Authorities and Companies Act 1995* do not apply in relation to the University.

“(2) Nothing in section 16 of the *Commonwealth Authorities and Companies Act 1995* requires the members of the Council to do anything that will or might affect the academic independence or integrity of the University.

University’s financial year starts on 1 January

“4B. For the purposes of the *Commonwealth Authorities and Companies Act 1995*, the University’s financial year is a period of 12 months starting on 1 January.”.

SCHEDULE 3—continued

80. Subsection 6(3):

After “this Act” insert “or the *Commonwealth Authorities and Companies Act 1995*”.

81. Section 14:

Repeal the section.

82. Paragraph 15(1)(e):

Omit “subsection 14(1)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

83. Sections 45, 46, 47 and 49:

Repeal the sections.

84. Subsection 50(1):

After “this Act” (first occurring) insert “or the *Commonwealth Authorities and Companies Act 1995*”.

85. Subparagraph 50(2)(f)(iii):

Omit the subparagraph, substitute:

“(iii) disclosure of pecuniary interests at meetings of the Convocation or of a statutory Board; and”.

Australian Postal Corporation Act 1989

86. Section 3 (definition of *authorised auditor*):

Omit the definition.

87. Section 13:

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to Australia Post. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

88. Paragraph 28(a):

Omit “notified by the Minister under section 48”, substitute “of which the directors are notified under section 28 of the *Commonwealth Authorities and Companies Act 1995*”.

89. Sections 35, 36 and 37:

Repeal the sections.

90. Section 38:

After “financial target” insert “for inclusion in a corporate plan under section 17 of the *Commonwealth Authorities and Companies Act 1995*”.

SCHEDULE 3—continued

91. Paragraph 38(h):

Omit “notified by the Minister under section 48”, substitute “of which the directors are notified under section 28 of the *Commonwealth Authorities and Companies Act 1995*”.

92. Section 39:

Repeal the section.

93. Subsection 40(1):

Omit all the words from and including “When” to and including “receiving the copy of the plan”, substitute “If the Minister receives a corporate plan for Australia Post under section 17 of the *Commonwealth Authorities and Companies Act 1995*, the Minister may, within 60 days”.

94. Paragraph 40(1)(b):

Omit “the”, substitute “a”.

95. Section 40:

Add at the end:

“(5) Australia Post must comply with a direction under subsection (1) and must inform the Minister of the changes made to the plan to comply with the direction.”.

96. Sections 41 and 42:

Repeal the sections.

97. Section 43:

Omit “The report of Australia Post’s operations for a financial year shall:”, substitute “The annual report on Australia Post under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also:”.

Note: The heading to section 43 is altered by omitting “General” and substituting “Extra general”.

98. Paragraph 43(b):

Omit the paragraph, substitute:

“(b) include an outline of:

- (i) the strategies and policies of Australia Post and its subsidiaries that are set out in the corporate plan; and
- (ii) the financial targets and non-financial performance measures that are set out in the corporate plan; and”.

99. Subparagraph 43(g)(i):

Omit “notified under section 48”, substitute “of which the directors are notified under section 28 of the *Commonwealth Authorities and Companies Act 1995*”.

SCHEDULE 3—continued

100. Section 43:

Add at the end:

“(2) In this section:

corporate plan means the corporate plan for Australia Post under section 17 of the *Commonwealth Authorities and Companies Act 1995*.”.

101. Subsection 44(1):

Omit “The report of Australia Post’s operations for a financial year shall:”, substitute “The annual report on Australia Post under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also:”.

Note: The heading to section 44 is altered by omitting “**Financial**” and substituting “**Extra financial**”.

102. Paragraph 44(1)(a):

Omit “target”, substitute “targets”.

103. Paragraph 44(1)(b):

Omit “vary the”, substitute “vary a”.

104. Paragraph 44(1)(c):

Omit “target”, substitute “targets”.

105. Subparagraph 44(1)(g)(ii):

Omit “notified by the Minister under section 48”, substitute “of which the directors are notified under section 28 of the *Commonwealth Authorities and Companies Act 1995*”.

106. Section 44:

Add at the end:

“(3) In this section:

corporate plan means the corporate plan for Australia Post under section 17 of the *Commonwealth Authorities and Companies Act 1995*.”.

107. Sections 45, 46, 47 and 48:

Repeal the sections.

108. Subsection 57(2):

Omit the subsection, substitute:

“(2) Subsection (1) does not prevent investment of surplus money of Australia Post under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

SCHEDULE 3—continued

109. Sections 58 and 59:

Repeal the sections.

110. Subsection 67(2):

Omit “subsection 71(2)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

111. Section 71:

Repeal the section, substitute:

Disclosure not required in relation to publicly available goods or services

“71. Section 21 of the *Commonwealth Authorities and Companies Act 1995* does not apply to a matter relating to the supply of goods or services for a director if the goods or services are, or are to be, available to members of the public on the same terms and conditions.”.

112. Paragraph 79(2)(b):

Omit “71”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

113. Paragraph 79(5)(a):

Omit “41, 46 or 47”, substitute “15 or 16, or subsection 17(5), of the *Commonwealth Authorities and Companies Act 1995*”.

Bankruptcy Act 1966

114. After section 18:

Insert:

***Commonwealth Authorities and Companies Act 1995* does not apply to Official Trustee**

“18AA. The Official Trustee is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995*.”.

Coal Industry Act 1946

115. After section 6:

Insert:

***Commonwealth Authorities and Companies Act 1995* does not apply to Board**

“6A. The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995*.”.

SCHEDULE 3—continued

116. Section 28G:

Repeal the section.

Commonwealth Banks Act 1959

117. After section 71:

Insert:

Commonwealth Authorities and Companies Act 1995 does not apply to Development Bank

“71A.(1) The Development Bank is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995*.

“(2) This section ceases to have effect on the commencement of item 28 of the Schedule to the *Commonwealth Bank Sale Act 1995*.”.

118. After section 108:

Insert:

Commonwealth Authorities and Companies Act 1995 does not apply to Corporation

“108AA.(1) The Corporation is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1995*.

“(2) This section ceases to have effect on the commencement of item 32 of the Schedule to the *Commonwealth Bank Sale Act 1995*.”.

Criminology Research Act 1971

119. Section 4 (definition of *approved bank*):

Omit the definition.

120. Subsection 5(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Institute. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

121. Sections 28A and 30:

Repeal the sections.

122. Section 31:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of the Institute under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

SCHEDULE 3—continued

123. Section 32:

Repeal the section.

124. Subsection 32A(1):

Omit “opened and maintained pursuant to section 30 that does not, or accounts referred to in that section that do not,”, substitute “maintained under section 18 of the *Commonwealth Authorities and Companies Act 1995* that does not”.

125. Subsection 32A(2):

After “Division” insert “or any provision of the *Commonwealth Authorities and Companies Act 1995*”.

126. Subsections 32A(3), (4) and (5):

Omit the subsections.

127. Section 33:

Repeal the section.

128. Subsection 34(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Council. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

129. Section 42:

Repeal the section.

130. Section 43:

Repeal the section, substitute:

Copy of annual report also to be given to State and Northern Territory Ministers and Auditors-General

“43. As soon as practicable after the members of the Council give the Attorney-General the annual report on the Council for a financial year under section 9 of the *Commonwealth Authorities and Companies Act 1995*, the members must give a copy of the report to:

- (a) the appropriate Minister of each State and of the Northern Territory;
and
- (b) the Auditor-General of each State and of the Northern Territory.”.

131. Section 44:

Add at the end:

SCHEDULE 3—continued

“(2) The *Commonwealth Authorities and Companies Act 1995* applies to the Fund as though the Fund were money of the Council.”.

132. Section 45:

Repeal the section.

133. Section 47:

Add at the end:

“(3) Surplus money of the Fund may be invested, in the name of the Council, under section 18 of the *Commonwealth Authorities and Companies Act 1995*, unless subsection (2) applies to the money and the conditions referred to in that subsection specify the manner in which the money is to be or may be invested. In that case, the money may only be invested in accordance with those conditions.”.

134. Sections 48 and 49:

Repeal the sections.

Dairy Produce Act 1986

135. Subsection 3(1) (definitions of *approved bank* and *Corporation auditor*):

Omit the definitions.

136. Subsection 3(1):

Insert:

“***annual report*** means an annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1995*.”.

137. Subsection 5(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Corporation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

138. Paragraph 12(2)(f):

Omit “Corporation auditor” (wherever occurring), substitute “Auditor-General”.

139. After subsection 12(9):

Insert:

“(9A) Asia Dairy Industries (H.K.) Limited is not to be taken to be a subsidiary of the Corporation for the purposes of section 29 of the *Commonwealth Authorities and Companies Act 1995*.”.

SCHEDULE 3—continued

140. Section 16:

Omit “laid before each House of the Parliament under subsection 123(4)”, substitute “tabled in each House of the Parliament under section 9 of the *Commonwealth Authorities and Companies Act 1995*”.

141. Section 35:

Repeal the section, substitute:

Situations that do not amount to interests requiring disclosure

“35. For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1995*, a member is not taken to have a material personal interest in a matter being considered or about to be considered by the Corporation merely because the member is a dairy farmer or manufacturer of dairy produce.”.

142. Paragraph 38(3)(c):

Omit “35”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

143. Section 40:

Add at the end:

“(3) A member who has a material personal interest in a matter being considered or about to be considered by the Corporation under this section, being an interest that could conflict with the proper performance of the member’s functions in relation to the consideration of the matter, must not sign a document under this section.”.

144. Section 46:

Add at the end:

“(2) Section 21 of the *Commonwealth Authorities and Companies Act 1995* applies in relation to the Selection Committee as if the Selection Committee were a Commonwealth authority (as defined in that Act).”.

145. Paragraph 47(4)(d):

Omit “35”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

146. Sections 72 and 73:

Repeal the sections.

147. Subsections 74(2) and (3):

Omit the subsections, substitute:

SCHEDULE 3—continued

“(2) Money of the Corporation not immediately required for the purpose of the Corporation may be lent to a relevant fund for the purpose of meeting a temporary deficit in the fund.”.

148. Section 74:

Add at the end:

“(3) This section does not prevent investment of surplus money of the Corporation under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

149. Subsection 80(4):

Omit “section 73”, substitute “subsection 19(2) of the *Commonwealth Authorities and Companies Act 1995*”.

150. Sections 81 and 82:

Repeal the sections.

151. Section 85:

Repeal the section, substitute:

Investment of money standing to credit of a relevant fund

“85. Money standing to the credit of a relevant fund may be invested:

- (a) by way of a loan to another relevant fund for the purposes of meeting a temporary deficit in that fund; or
- (b) under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

152. Section 86:

Add at the end:

“(3) The *Commonwealth Authorities and Companies Act 1995* applies to the Fund as though the Fund were money of the Corporation.”.

153. Paragraphs 87(c) and 88(1)(j):

Omit “paragraph 74(2)(b)”, substitute “subsection 74(2)”.

154. Section 89:

Add at the end:

“(3) The *Commonwealth Authorities and Companies Act 1995* applies to the Fund as though the Fund were money of the Corporation.”.

155. Paragraphs 90(2)(d) and 91(1)(d):

Omit “paragraph 74(2)(b)”, substitute “subsection 74(2)”.

SCHEDULE 3—continued

156. Section 92:

Add at the end:

“(3) The *Commonwealth Authorities and Companies Act 1995* applies to the Fund as though the Fund were money of the Corporation.”.

157. Paragraph 101(g):

Omit “paragraph 74(2)(b)”, substitute “subsection 74(2)”.

158. Section 104:

Add at the end:

“(3) The *Commonwealth Authorities and Companies Act 1995* applies to the Fund as though the Fund were money of the Corporation.”.

159. Paragraph 106(h):

Omit “paragraph 74(2)(b)”, substitute “subsection 74(2)”.

160. Subsection 108G(3):

Omit “section 73”, substitute “subsection 19(2) of the *Commonwealth Authorities and Companies Act 1995*”.

161. Section 122:

Repeal the section.

162. Subsections 123(1) and (2):

Omit the subsections.

163. Subsection 123(3):

Omit “Without limiting, by implication, the generality of subsection (1), the Corporation shall include in each annual report referred to in that subsection:”, substitute “The annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:”.

Note: The heading to section 123 is replaced by the heading “**Extra matters to be included in annual report**”.

164. Subsection 123(4):

Omit the subsection.

165. Section 124:

Omit “The”, substitute “Subject to the provisions of the *Commonwealth Authorities and Companies Act 1995*, the”.

SCHEDULE 3—continued

Endangered Species Protection Act 1992

166. Section 49:

Omit “prepared under section 52 of the *National Parks and Wildlife Conservation Act 1975*”, substitute “the Director prepares under section 9 of the *Commonwealth Authorities and Companies Act 1995*”.

Federal Airports Corporation Act 1986

167. Subsection 3(1) (definitions of *Corporate plan* and *financial plan*):

Omit the definitions.

168. Subsection 3(1):

Insert:

“***annual report*** means an annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1995*.

corporate plan means a corporate plan for the Corporation under section 17 of the *Commonwealth Authorities and Companies Act 1995*.”.

169. Subsection 5(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Corporation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

170. Sections 10 and 11:

Repeal the sections.

171. Paragraph 19(2)(d):

Omit “20”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

172. Subsection 19(2C):

Omit the subsection, substitute:

“(2C) If the Minister is of the opinion that:

(a) the Board has failed to comply with section 42B; or

(b) the members have failed to comply with:

(i) subsection 13(2), 15(1) or 17(5) of the *Commonwealth Authorities and Companies Act 1995*; or

(ii) paragraph 16(1)(a) or (b) or the *Commonwealth Authorities and Companies Act 1995*;

SCHEDULE 3—continued

the Minister may terminate the appointment of all members (other than the Chief Executive Officer) or specified members (other than the Chief Executive Officer).”.

173. Section 20:

Repeal the section.

174. Subsection 27A(1):

Omit “financial plan”, substitute “corporate plan”.

175. Sections 37 and 38:

Repeal the sections.

176. Subsection 39(1):

Omit “financial plan under paragraph 38(3)(b)”, substitute “corporate plan”.

177. Subsection 39(2):

Omit the subsection.

178. Subsection 40(1):

Omit the subsection, substitute:

“(1) Without limiting the generality of the Minister’s powers under subsection 41(2), the Minister may direct the Board to vary the Corporation’s corporate plan in respect of financial targets or non-financial performance measures or both.”.

Note: The heading to section 40 is altered by omitting “financial” and substituting “corporate”.

179. Section 40A:

Repeal the section.

180. Section 41:

Add at the end:

“Note: This section does not affect the application of the *Commonwealth Authorities and Companies Act 1995* to the Corporation.”.

181. Subsection 42A(3):

Omit “Corporate”, substitute “corporate”.

182. Sections 54, 54A, 54B, 54C and 55:

Repeal the sections.

183. Section 65:

Repeal the section, substitute:

SCHEDULE 3—continued

Extra matters to be included in annual report

“65. The Corporation’s annual report must also include:

- (a) an evaluation of the Corporation’s overall performance against:
 - (i) the objectives, including operational targets, set out in its corporate plan; and
 - (ii) the financial targets and non-financial performance measures set out in its corporate plan; and
- (b) an assessment of the adverse effect, if any, that meeting the non-commercial commitments imposed on the Corporation has had on the Corporation’s profitability during the financial year; and
- (c) assessments of the financial performance of each Federal airport during the financial year; and
- (d) a summary of:
 - (i) income earned by the Corporation from each Federal airport development site; and
 - (ii) the expenditure of money by the Corporation in relation to each Federal airport development site; and
 - (iii) any other financial transactions by the Corporation in relation to each Federal airport development site; and
- (e) details of the progress in the establishment of an airport at each Federal airport development site.”.

Housing Loans Insurance Act 1965

184. Subsection 4(1) (definition of *approved bank*):

Omit the definition.

185. Subsection 6(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Corporation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

186. Section 10:

Repeal the section.

187. Paragraph 11(2)(b):

Omit “10”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

188. Section 32:

Repeal the section.

SCHEDULE 3—continued

189. Section 33:

Omit “Subject to section 34, the”, substitute “The”.

190. Section 33:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of the Corporation under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

191. Section 34:

Repeal the section.

192. Subsection 36(1):

Omit the subsection.

Note: The heading to section 36 is replaced by the heading “**Special account for business under subsection 17(3C) directions**”.

193. Section 37:

Repeal the section.

194. Section 37A:

Omit “17A, 19 or 34”, substitute “17A or 19 of this Act, or subsection 19(3) of the *Commonwealth Authorities and Companies Act 1995*”.

195. Section 37B:

Repeal the section.

196. Section 39:

Repeal the section, substitute the following section:

Extra matters to be included in annual report

“39. The annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also set out:

- (a) all directions given to the Corporation by the Minister under subsection 17(3C), section 20 or subsection 31A(4) or 31C(1) during the year to which the report relates; and
- (b) all determinations made by the Minister under subsection 25(4) or 31B(1) or (2) during the year to which the report relates.”.

197. Section 40:

Repeal the section, substitute:

SCHEDULE 3—continued

**A Minister cannot require reports etc. about affairs
of a particular person**

“40. A Minister cannot, under paragraph 16(1)(b) or (c) of the *Commonwealth Authorities and Companies Act 1995*, require the members of the Corporation to give that Minister a report, document or information relating to the affairs of a particular person.”.

***Housing Loans Insurance Corporation (Transfer of Assets and
Abolition) Act 1995***

198. Subsection 40(1):

After “section 39 of that Act” insert “, or section 9 of the *Commonwealth Authorities and Companies Act 1995*,”.

199. Subsection 40(2):

Omit “section 39 of the Housing Loans Insurance Act, as it continues in force by subsection (1) of this section,”, substitute “the section that applies to the period of 12 months ending on that 30 June (being either section 39 of the Housing Loans Insurance Act or section 9 of the *Commonwealth Authorities and Companies Act 1995*)”.

National Health Act 1953

200. Subsection 82B(2):

Add at the end:

“Note: Subject to section 82BA, the *Commonwealth Authorities and Companies Act 1995* applies to the Council. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

201. After section 82B:

Insert:

Modification of the *Commonwealth Authorities and Companies Act 1995*

“82BA.(1) The *Commonwealth Authorities and Companies Act 1995* applies (subject to subsection (2)) in relation to the Council as if the Commissioner were the Council’s only director.

“(2) Sections 14 and 21 of the *Commonwealth Authorities and Companies Act 1995* do not apply in relation to the Council.”.

202. After section 82C:

Insert:

SCHEDULE 3—continued

Disclosure of interests by Commissioner

“82CA. If the Commissioner has a material personal interest in a matter that the Commissioner is considering or is about to consider, the Commissioner must give written notice of the interest to the Minister.”.

203. Section 82P:

After “powers of the Council” insert “, other than functions and powers under the *Commonwealth Authorities and Companies Act 1995*”.

204. Section 82PA:

Add at the end:

“Note: An annual report on the Council’s operations must also be prepared under section 9 of the *Commonwealth Authorities and Companies Act 1995*.”.

Note: The heading to section 82PA is replaced by the heading “**Report on registered organisations**”.

National Measurement Act 1960

205. Subsection 16(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Commission. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

206. Paragraph 18AC(2)(c):

Omit “18AD”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

207. Sections 18AD and 18C:

Repeal the sections.

208. Paragraph 18D(c):

Omit “18DA”, substitute “18 of the *Commonwealth Authorities and Companies Act 1995*”.

209. Sections 18DA and 18E:

Repeal the sections.

210. Subsection 18F(2):

Omit “18DA”, substitute “18 of the *Commonwealth Authorities and Companies Act 1995*”.

211. Sections 18G, 18H and 19C:

Repeal the sections.

SCHEDULE 3—continued

National Parks and Wildlife Conservation Act 1975

212. Subsection 15(1):

Add at the end:

“Note: Subject to section 15A, the *Commonwealth Authorities and Companies Act 1995* applies to the Director. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

213. After section 15:

Insert:

Modification of the *Commonwealth Authorities and Companies Act 1995*

“15A.(1) Subsection 15(1) provides that the Director is a corporation. The *Commonwealth Authorities and Companies Act 1995* applies (subject to subsections (2) and (3)) in relation to the corporation as if the person holding, or performing the duties of, the office of Director were a director of the corporation for the purposes of that Act.

“(2) Section 21 of the *Commonwealth Authorities and Companies Act 1995* does not apply in relation to the Director.

“(3) The *Commonwealth Authorities and Companies Act 1995* applies to the Fund as though the Fund were money of the Director.”.

214. Subsection 16(3):

Omit the subsection.

215. After section 17:

Insert:

Disclosure of interest by Director

“17AA. If the Director has a material personal interest in a matter that the Director is considering or is about to consider, the Director must give written notice of the interest to the Minister.”.

216. Section 47:

Repeal the section.

217. Section 48:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of the Fund under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

SCHEDULE 3—continued

218. Sections 49A, 50 and 51:

Repeal the sections.

219. Section 52:

Repeal the section, substitute:

Extra matters to be included in annual report

“52. The annual report prepared by the Director under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:

- (a) particulars of any directions given by the Minister under subsection 16(2) of this Act during the year to which the report relates; and
- (b) the report prepared by the Director under section 49 of the *Endangered Species Protection Act 1992*.”.

220. Section 53:

Repeal the section.

Pig Industry Act 1986

221. Section 4 (definitions of *company auditor* and *Corporation auditor*):

Omit the definitions.

222. Subsection 5(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Corporation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

223. Paragraph 14(2)(b):

Omit “15”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

224. Section 15:

Repeal the section, substitute:

Situations that do not amount to interests requiring disclosure

“15.(1) If:

- (a) a member has an interest in a matter being considered or about to be considered by the Corporation; and
- (b) it is an interest that the member has by reason of being a principal in the industry; and

SCHEDULE 3—continued

(c) the member has that interest in common with other principals in the industry;

the interest is not to be taken to be a material personal interest of the member for the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1995*.

“(2) In this section:

principal in the industry means a pig producer, pig exporter, pork processor, pork producer or pork exporter.”.

225. Subsection 21(4):

Omit “annual report of the Corporation”, substitute “annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1995*”.

226. After subsection 25(1):

Insert:

“(1A) Subsection (1) does not prevent investment of surplus money of the Corporation under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

227. Sections 26, 27, 28, 29 and 30:

Repeal the sections.

228. Section 33:

Omit “laid before each House of the Parliament in accordance with section 34”, substitute “tabled in each House of the Parliament under section 9 of the *Commonwealth Authorities and Companies Act 1995*”.

229. Subsections 34(1), (2) and (3):

Omit the subsections.

230. Subsection 34(4):

Omit “Without limiting the generality of subsection (1), the Corporation shall include in each annual report referred to in that subsection—”, substitute “The annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:”.

Note: The heading to section 34 is replaced by the heading “**Extra matters to be included in annual report**”.

231. Subsection 34(5):

Omit the subsection.

SCHEDULE 3—continued

Pipeline Authority Act 1973

232. Subsection 3(1) (definition of *approved bank*):

Omit the definition.

233. Subsection 5(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Authority. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

234. Paragraph 9(3)(c):

Omit “10A”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

235. Section 10A:

Repeal the section, substitute:

Disclosure not required in relation to publicly available goods or services

“10A. Section 21 of the *Commonwealth Authorities and Companies Act 1995* does not apply to a matter relating to the supply of goods or services for a director if the goods or services are, or are to be, available to members of the public on the same terms and conditions.”.

236. Section 26:

Repeal the section.

237. Subsection 27(2):

Omit the subsection, substitute:

“(2) Subsection (1) does not prevent investment of surplus money of the Authority under section 19 of the *Commonwealth Authorities and Companies Act 1995*”.

238. Sections 28A, 31, 32, 34 and 45:

Repeal the sections.

Tobacco Marketing Act 1965

239. Section 4 (definitions of *approved bank* and the *Auditor-General*):

Omit the definitions.

240. Subsection 5(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Committee. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

SCHEDULE 3—continued

241. After section 5:

Insert:

Committee's financial year starts on 1 January

“5A. For the purposes of the *Commonwealth Authorities and Companies Act 1995*, the Committee's financial year is a period of 12 months starting on 1 January.”.

242. Section 20:

Repeal the section.

243. Section 21:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of the Committee under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

244. Sections 22, 23, 24 and 26:

Repeal the sections.

Trade Union Training Authority Act 1975

245. After subsection 6(1):

Insert:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to the Authority. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

246. Subsection 8(2):

Omit the subsection.

247. Paragraph 21(3)(c):

Omit “22”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

248. Sections 22 and 43:

Repeal the sections.

249. Subsection 44(1):

Omit “Subject to subsection (2), the”, substitute “The”.

250. Subsection 44(2):

Omit the subsection, substitute:

SCHEDULE 3—continued

“(2) Subsection (1) does not prevent investment of surplus money of the Authority under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

251. Sections 45, 46 and 49:

Repeal the sections.

252. Section 58:

Repeal the section, substitute:

Extra matters to be included in annual report

“58. The annual report on the Authority under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include:

- (a) details of the syllabuses and study undertaken at the College and at each of the Trade Union Training Centres during the year to which the report relates; and
- (b) the text of all directions under section 8 during the year to which the report relates.”.

University of Canberra Act 1989

253. Subsection 4(3):

Add at the end:

“Note: Subject to section 4A, the *Commonwealth Authorities and Companies Act 1995* applies to the University. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

254. After section 4:

Insert:

Modification of the *Commonwealth Authorities and Companies Act 1995*

“4A.(1) Sections 14 and 28 of the *Commonwealth Authorities and Companies Act 1995* do not apply to the University.

“(2) Nothing in section 16 of the *Commonwealth Authorities and Companies Act 1995* requires the members of the Council to do anything that will or might affect the academic independence or integrity of the University.

University’s financial year starts on 1 January

“4B. For the purposes of the *Commonwealth Authorities and Companies Act 1995*, the University’s financial year is a period of 12 months starting on 1 January.”.

SCHEDULE 3—continued

255. Paragraph 7(2)(n):

Omit the paragraph.

256. Subsection 7(3):

After “this Act” insert “or the *Commonwealth Authorities and Companies Act 1995*”.

257. Section 14:

Repeal the section.

258. Paragraph 15(1)(e):

Omit “subsection 14(1)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1995*”.

259. Section 33:

Add at the end:

“(2) Subsection (1) does not prevent the investment of surplus money of the University under section 18 of the *Commonwealth Authorities and Companies Act 1995*.”.

260. Sections 35, 36, 37 and 39:

Repeal the sections.

261. Subsection 40(1):

After “this Act” (first occurring) insert “or the *Commonwealth Authorities and Companies Act 1995*”.

262. Subparagraph 40(2)(e)(iii):

Omit the subparagraph, substitute:

“(iii) disclosure of pecuniary interests at meetings of the Board; and”.

Wool International Act 1993

263. Subsection 7(2):

Add at the end:

“Note: The *Commonwealth Authorities and Companies Act 1995* applies to Wool International. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of executive officers.”.

264. Section 25:

Repeal the section, substitute:

SCHEDULE 3—continued

Situations that do not amount to interests requiring disclosure

“25. For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1995*, a member is not taken to have a material personal interest in a matter being considered or about to be considered by Wool International merely because the member is a wool producer, a wool processor or a manufacturer of wool products.”.

265. Paragraph 28(2)(c):

Omit “25”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

266. Paragraph 36(3)(c):

Omit “25”, substitute “21 of the *Commonwealth Authorities and Companies Act 1995*”.

267. Section 49:

Add at the end:

“(2) Subsection (1) does not prevent investment of surplus money of Wool International under section 19 of the *Commonwealth Authorities and Companies Act 1995*.”.

268. Subsection 50(1):

Omit the subsection.

269. Subsection 55(1):

Omit “with a bank or banks”, substitute “maintained under subsection 19(2) of the *Commonwealth Authorities and Companies Act 1995*”.

270. Subsection 55(2):

Omit the subsection.

271. Section 56:

Repeal the section.

272. Part 8:

Repeal the Part.

273. Subsection 67:

Repeal the section, substitute:

Extra matters to be included in annual report

“67. The annual report on Wool International under section 9 of the *Commonwealth Authorities and Companies Act 1995* must also include such particulars (if any) as are prescribed.”.

SCHEDULE 3—continued

274. Subsection 69(2):

Omit “, Part 8”.

275. Section 85:

Omit “under section 50 of this Act, as in force immediately before the commencement of this Part,”, substitute “in relation to Wool International under a previous accounting requirement”.

276. Section 85:

Add at the end:

“(2) In this section:

previous accounting requirement means:

- (a) section 50 of this Act as in force immediately before its repeal by the *Commonwealth Authorities and Companies (Consequential Amendments) Act 1995*; or
- (b) section 20 of the *Commonwealth Authorities and Companies Act 1995*.”.

277. Subsection 86(2):

Omit “under section 67 of this Act, as in force immediately before the commencement of this Part,”, substitute “in relation to Wool International under a previous reporting requirement”.

278. Section 86:

Add at the end:

“(3) In this section:

previous reporting requirement means:

- (a) section 67 of this Act as in force immediately before its repeal by the *Commonwealth Authorities and Companies (Consequential Amendments) Act 1995*; or
- (b) section 9 of the *Commonwealth Authorities and Companies Act 1995*.”.



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