





# **Financial Framework Legislation Amendment Act 2010**

**No. 148, 2010**

**An Act to amend the law relating to governance  
arrangements, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Financial Framework Legislation Amendment Act 2010

No. 148, 2010

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## **An Act to amend the law relating to governance arrangements, and for related purposes**

[Assented to 17 December 2010]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Financial Framework Legislation  
Amendment Act 2010*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	17 December 2010
2. Schedule 1	The day after this Act receives the Royal Assent.	18 December 2010
3. Schedule 2	1 July 2011.	1 July 2011
4. Schedules 3 and 4	The day after this Act receives the Royal Assent.	18 December 2010
5. Schedule 5	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
6. Schedule 6	The day after this Act receives the Royal Assent.	18 December 2010
7. Schedule 7	1 July 2011.	1 July 2011
8. Schedule 8	At the same time as the provision(s) covered by table item 5.	
9. Schedule 9	1 July 2011.	1 July 2011
10. Schedules 10 and 11	The day after this Act receives the Royal Assent.	18 December 2010

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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- (2) Any information in Column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### **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—Amendment of the Australian Human Rights Commission Act 1986**

### **Part 1—Amendment**

#### **1 At the end of section 7**

Add:

- (4) Any real or personal property held by the Commission is held for and on behalf of the Commonwealth.
- (5) Any money received by the Commission is received for and on behalf of the Commonwealth.
- (6) To avoid doubt, a right to sue is taken not to be personal property for the purposes of subsection (4).

## **Part 2—Transitional provisions**

### **2 Property held by Commission**

Any real or personal property that was held by the Commission immediately before this Schedule commences is taken, after this Schedule commences, to be real or personal property held by the Commission for and on behalf of the Commonwealth.

### **3 Right to sue**

To avoid doubt, the Commission's right to sue is not affected by the amendment of the *Australian Human Rights Commission Act 1986* in accordance with this Schedule.

## Schedule 2—Amendment of the Australian Law Reform Commission Act 1996

### Part 1—Amendments

#### 1 Section 3 (definition of *Board*)

Repeal the definition.

#### 2 Section 3 (definition of *Board member*)

Repeal the definition.

#### 3 Section 3 (definition of *Deputy President*)

Repeal the definition.

#### 4 Section 3 (definition of *Division*)

Repeal the definition.

#### 5 Section 3 (definition of *judicial office*)

Repeal the definition, substitute:

*judicial office* means:

- (a) an office of a judge, magistrate or justice of a federal court or a court of a State or Territory; or
- (b) an office whose holder has, under an Act of the Commonwealth, a State or a Territory, the same status as a judge, magistrate or justice of a federal court or a court of a State or Territory.

#### 6 Section 3

Insert:

*management advisory committee* means the management advisory committee established under section 27.

#### 7 Section 3

Insert:

*management advisory committee member* means a member of the management advisory committee.

**8 Section 3 (definition of *member*)**

Omit “and the Deputy President”.

**9 Subsection 5(1)**

Omit “(1)”.

**10 Subsections 5(2), (3) and (4)**

Repeal the subsections.

**11 Paragraphs 6(1)(b) and (c)**

Repeal the paragraphs, substitute:

(b) up to 6 other members.

**12 At the end of section 6**

Add:

(3) Subject to paragraph (1)(b), the Attorney-General may, from time to time, appoint such other part-time members of the Commission as the Attorney-General considers necessary to enable the Commission to perform its functions.

**13 Subsection 7(1)**

Repeal the subsection, substitute:

- (1) The members are to be appointed by:
- (a) for a full-time member—the Governor-General; and
  - (b) for a part-time member—the Attorney-General, by written instrument.

**14 Paragraph 7(2)(a)**

Repeal the paragraph, substitute:

(a) is the holder of a judicial office; or

**15 Paragraph 7(2)(d)**

Repeal the paragraph, substitute:

- (d) is, in the opinion of the Governor-General or the Attorney-General (as the case may be), suitable for appointment because of the person's special qualifications, training or experience.

**16 Subsection 8(1)**

Repeal the subsection, substitute:

- (1) The President must be appointed as a full-time member.

**17 Subsection 8(2)**

Omit "must", substitute "may".

**18 Subsection 8(4) (definition of *judicial office*)**

Repeal the definition.

**19 Subsection 9(1)**

Omit ", not longer than 7 years,", substitute "(of at least 6 months but not longer than 5 years)".

**20 Subsections 11(1) and (2)**

Repeal the subsections, substitute:

- (1) For the purposes of appointing a judge, magistrate or justice of a court of a State as a member, the Governor-General or the Attorney-General (as the case may be) may enter into any necessary arrangement with the Governor of the State.
- (2) For the purposes of appointing a judge, magistrate or justice of a court of the Australian Capital Territory or of the Northern Territory as a member, the Governor-General or the Attorney-General (as the case may be) may enter into any necessary arrangement with the Chief Minister of the Territory.

**21 Section 12**

Repeal the section.

**22 Subsection 13(1)**

Omit "appoint a full-time member (other than the Deputy President)", substitute ", by written instrument, appoint a member or a person who is qualified to be a member".

Note: The heading to section 13 is replaced by the heading “**Acting appointment: President**”.

### **23 Subsections 13(2) and (3)**

Repeal the subsections, substitute:

- (2) The appointment may be expressed to have effect:
  - (a) for a period specified in the instrument of appointment; or
  - (b) in the circumstances specified in the instrument of appointment (including whenever the President is on leave, for example).
- (3) If the Attorney-General appoints a person who is not a member, the person is taken to be a member for the period of the appointment.

### **24 Subsection 14(1)**

Omit “or Deputy President”.

### **25 Subsection 16(1)**

Omit “or a judge of the Supreme Court of a State or Territory”.

### **26 Sections 17 and 18**

Repeal the section, substitute:

### **17 Termination of full-time appointments**

- (1) The Governor-General may terminate a full-time member’s appointment for misbehaviour, or physical or mental incapacity.
- (2) The Governor-General must terminate a full-time member’s appointment if the member:
  - (a) becomes bankrupt; or
  - (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
  - (c) compounds with his or her creditors; or
  - (d) makes an assignment of his or her remuneration for the benefit of his or her creditors.
- (3) If a full-time member engages in paid employment outside the duties of the member’s office without the Attorney-General’s

approval, the Governor-General must terminate the member's appointment.

- (4) Subsections (1), (2) and (3) do not apply to a full-time member who holds a judicial office.
- (5) If a full-time member who is the holder of a judicial office stops holding that office, the Governor-General may terminate the member's appointment.

### **17A Termination of part-time appointments**

- (1) The Attorney-General may terminate a part-time member's appointment for misbehaviour, or physical or mental incapacity.
- (2) The Attorney-General must terminate a part-time member's appointment if the member:
  - (a) becomes bankrupt; or
  - (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
  - (c) compounds with his or her creditors; or
  - (d) makes an assignment of his or her remuneration for the benefit of his or her creditors.
- (3) Subsections (1) and (2) do not apply to a part-time member who holds a judicial office.
- (4) If a part-time member who is the holder of a judicial office stops holding that office, the Attorney-General may terminate the member's appointment.

### **18 Resignation**

A member may resign from the office of member by signing a written resignation and delivering it to:

- (a) if the member is a full-time member—the Governor-General;  
or
- (b) if the member is a part-time member—the Attorney-General.

### **27 Subsection 19(3)**

Omit "the Deputy President or any other", substitute "a".

**28 At the end of section 19**

Add:

- (4) This section has effect subject to the *Remuneration Tribunal Act 1973*.

**29 Paragraph 24(1)(b)**

Omit “the International Covenant on Civil and Political Rights”, substitute “Australia’s international obligations that are relevant to the matter”.

**30 Subsections 24(2) and (3)**

Repeal the subsections, substitute:

- (2) The Commission, when formulating recommendations, must have regard to the effect that the recommendations may have on:
- (a) the costs of getting access to, and dispensing, justice; and
  - (b) persons and businesses who would be affected by the recommendations (including the economic effect, for example).

**31 After subsection 26(2)**

Insert:

- (2A) In the capacity of CEO of the Commission, the President must act in accordance with any policies determined, and comply with any directions given, in writing by the Attorney-General.

Note: Section 19 of the *Public Service Act 1999* has the effect that the President is not subject to direction by any Minister in relation to the exercise of powers by the President under Division 1 or 2 of Part 4 of that Act in relation to particular individuals.

**32 Subsection 26(4)**

Repeal the subsection.

**33 Sections 27 to 32**

Repeal the sections, substitute:

## **27 Management advisory committee**

- (1) The Attorney-General may, by written instrument, establish a committee (the management advisory committee) to advise the President on matters that are relevant to the proper discharge of the Commission's functions (including in relation to strategic planning, for example).
- (2) However, the management advisory committee must not attempt to compromise the independence or impartiality of the Commission in any way.
- (3) The Attorney-General is to appoint the members of the management advisory committee.
- (4) The Attorney-General may dissolve the management advisory committee at any time.
- (5) The President may decide any matters about the management advisory committee that are not provided for in this Act.

## **34 Section 34**

Repeal the section, substitute:

## **34 President to be CEO**

The President is the Chief Executive Officer of the Commission.

## **35 Subsection 36(1)**

Repeal the subsection, substitute:

- (1) The President must convene:
  - (a) at least 2 meetings each financial year; and
  - (b) any other meetings that the President thinks necessary for the efficient performance of the Commission's functions.

## **36 Subsection 36(2)**

Omit "at least 3", substitute "a majority of the".

## **37 Subsection 36(4)**

Repeal the subsection.

**38 Subsection 36(5)**

Omit “and the Deputy President are”, substitute “is”.

**39 Subsection 36(6)**

Repeal the subsection, substitute:

- (6) A quorum is constituted by a majority of the members of the Commission.

**40 Subsection 39(1)**

Omit “a material personal”, substitute “an”.

**41 Subsection 39(2)**

After “the meeting”, insert “of the Commission”.

**42 Subsection 39(4)**

Omit “a material personal”, substitute “an”.

**43 Subsection 39(5)**

Repeal the subsection, substitute:

- (5) A determination made under subsection (3) must be recorded in the minutes of the meeting.
- (6) Subsection (1) applies to interests:
- (a) whether direct or indirect, and whether or not pecuniary; and
  - (b) whether acquired before or after the member’s appointment.

**44 At the end of Division 2 of Part 4**

Add:

**40 Disclosing interests to the Attorney-General**

The President must give written notice to the Attorney-General of all interests, pecuniary or otherwise, that the President has or acquires and that conflict, or could conflict, with the proper performance of the President’s functions.

**45 Division 3 of Part 4**

Repeal the Division.

#### **46 Section 43**

Repeal the section, substitute:

#### **43 Staff of the Commission**

- (1) The staff of the Commission are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of that Act:
  - (a) the President and the staff together constitute a Statutory Agency; and
  - (b) the President is the Head of that Statutory Agency.

#### **47 Subsection 44(1)**

Repeal the subsection, substitute:

The President may engage persons with suitable qualifications and experience as consultants to the Commission.

#### **48 Subsection 44(2)**

Repeal the subsection.

#### **49 Part 5**

Repeal the Part, substitute:

### **Part 5—Finance**

#### **45 Law Reform Special Account**

- (1) The Law Reform Special Account is established by this section.
- (2) The Law Reform Special Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.
- (3) The following amounts must be credited to the Law Reform Special Account:
  - (a) amounts appropriated by the Parliament for the purposes of the Account;

- (b) amounts received by the Commission in relation to performing any of its functions, or exercising any of its powers, under this Act;
- (c) amounts of any gifts given, or bequests made, for the purposes of the Account.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

- (4) The Law Reform Special Account may be debited for the following purposes:
  - (a) to pay the costs, expenses and other obligations incurred by the Commonwealth in the performance of the Commission's functions;
  - (b) to pay any remuneration and allowances payable to a person under this Act;
  - (c) to pay the expenses of administering the Account;
  - (d) to pay any amount that is required or permitted to be repaid;
  - (e) to reduce the balance of the Account (and, therefore, the available appropriation for the Account) without making a real or notional payment.

Note: See section 21 of the *Financial Management and Accountability Act 1997* (debits from Special Accounts).

## **50 Section 50**

Repeal the section.

## Part 2—Transitional provisions

### 51 Application of subsection 9(1) amendment

The amendment of subsection 9(1) of the *Australian Law Reform Commission Act 1996* made by this Schedule does not apply to an appointment made before this Schedule commences.

### 52 Commission and Board

- (1) This item applies despite the amendment or repeal of a provision of the *Australian Law Reform Commission Act 1996 (ALRC Act)* made by this Schedule.
- (2) A person who holds office as a full-time member of the Australian Law Reform Commission (the *Commission*) immediately before the commencement of this item, continues after that commencement to hold office on the same terms and conditions, as if appointed under paragraph 7(1)(a) of the ALRC Act as amended by this Act.
- (3) A person who holds office as a part-time member of the Commission immediately before the commencement of this item, continues after that commencement to hold office on the same terms and conditions, as if appointed by the Attorney-General.
- (4) A person who holds an engagement as a consultant to the Commission immediately before this item commences, holds the engagement when this item commences, on the same terms and conditions as if appointed by the President.
- (5) If the context permits:
  - (a) a reference in an Act, statutory instrument or other document (including a contract, for example) to the Board is a reference to the President; and
  - (b) a reference in an Act, statutory instrument or other document to a member of the Board is a reference to a member of the Commission.
- (6) A decision made by the Board that is in force immediately before this item commences continues in force when this item commences, as if made by the President.

- (7) In this item:  
*decision* includes an agreement, approval, authorisation, certificate, consent, declaration, deed, delegation, direction, dismissal, exemption, instruction, minute of a meeting, order, policy, protocol, recommendation, release, resolution or settlement, for example.

### **53 Employees**

- (1) This item applies to a person who:
- (a) was an employee of the old Commission immediately before this Schedule commenced; and
  - (b) is covered by a determination that:
    - (i) is made under section 72 of the *Public Service Act 1999*; and
    - (ii) causes the person, when this Schedule commences, to become engaged under the *Public Service Act 1999* as an employee of the new Commission.
- (2) The service of the person as an employee of the old Commission is taken, for all purposes, to have been continuous with his or her service as an employee of the new Commission.
- (3) In this item:  
*new Commission* means the Commission as it exists after this Schedule commences.  
*old Commission* means the Commission as it existed immediately before this Schedule commenced.

### **54 Vesting of property and money**

- (1) When this Schedule commences:
- (a) any real or personal property or money of, or held on trust by, the Commission immediately before this Schedule commences:
    - (i) ceases to be property or money of, or held on trust by, the Commission; and
    - (ii) becomes the property or money of, or held on trust by, the Commonwealth, without any conveyance, transfer or assignment; and
  - (b) the Commonwealth becomes the Commission's successor in law in relation to that property or money.

- (2) When this Schedule commences, an amount equal to the money that the Commission had immediately before the commencement must be credited to the Law Reform Special Account.

### **55 Vesting of financial liabilities**

When this Schedule commences:

- (a) any financial liabilities of, or relating to property or money held on trust by, the Commission immediately before this Schedule commences:
  - (i) cease to be liabilities of, or relating to property or money held on trust by, the Commission; and
  - (ii) become financial liabilities of, or relating to property or money held on trust by, the Commonwealth, without any conveyance, transfer or assignment; and
- (b) the Commonwealth becomes the Commission's successor in law in relation to those liabilities.

### **56 Instruments relating to transferred assets and liabilities**

- (1) This item applies to an instrument that:
- (a) relates to assets or liabilities covered by items 54 and 55; and
  - (b) refers to the Commission; and
  - (c) is in force immediately before this Schedule commences.
- (2) When this Schedule commences, the reference to the Commission is to be read as a reference to the Commonwealth as necessary to give effect to items 54 and 55.

### **57 Exemption from stamp duty and other State or Territory taxes**

No stamp duty or other tax is payable under a law of a State or Territory in respect of, or anything connected with:

- (a) the transfer of an asset or liability under this Part; or
- (b) the operation of this Part in any other respect.

### **58 Proceedings**

- (1) This item applies to any proceedings to which the Commission was a party that were pending in any court or tribunal immediately before this Schedule commences.

- (2) When this Schedule commences, the Commonwealth is substituted for the Commission as a party to the proceedings.

## **59 Contracts**

- (1) This item applies to a contract that:
- (a) was entered into by the Commission before this Schedule commences; and
  - (b) was in force immediately before commencement of this Schedule.
- (2) When this Schedule commences, the contract has effect as if the Commonwealth had entered into the contract.
- (3) In this item:  
*contract* includes an agreement, arrangement or understanding.

## **60 Appropriations**

If the Consolidated Revenue Fund is appropriated under an Act (an *appropriation Act*) to the Department in which the *Australian Law Reform Commission Act 1996* is administered, for payment to the Australian Law Reform Commission, the appropriation Act continues to apply after this Schedule commences as if the appropriation were to the Commission as it exists after this Schedule commences.

## **61 Reports**

### *Reports for periods ending before this Schedule commences*

- (1) If:
- (a) a law required the Commission to provide a report (whether financial statements or otherwise) for a period that ended before this Schedule commences; and
  - (b) the report has not been provided before this Schedule commences;
- the Commission must provide the report as required.

### *Reports for periods ending after this Schedule commences*

- (2) If:

- (a) immediately before this Schedule commences, a law required the Commission to provide a report (whether financial statements or otherwise) for a period; and
    - (b) the period ends after this Schedule commences;
- the Commission must provide the report, as required, for the part of the period that occurs before this Schedule commences.
- (3) If:
- (a) under subitem (2), the Commission is required to provide a report for a part of a period; and
  - (b) the Commission is also required to provide a similar report for the remainder of the period;
- the Commission may meet the requirements in a single report for the period.

## **62 Regulations**

- (1) The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Schedule to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Schedule.
- (2) In particular, regulations may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.
- (3) Without limiting subitem (2), the regulations may prescribe matters of a transitional nature in relation to the transfer of staff from the old Commission to the new Commission and, in particular, may provide for:
- (a) the way in which the entitlements and obligations of the staff of the old Commission are to be treated on the transfer of staff; or
  - (b) staffing procedures of the old Commission to apply, or to continue to apply, in relation to:
    - (i) processes begun before, but not completed when, this Schedule commences; or
    - (ii) things done by, for or in relation to the old Commission or a staff member of the old Commission before this Schedule commences; or

- (c) staffing procedures of the new Commission to apply in relation to:
- (i) processes begun before, but not completed when, this Schedule commences; or
  - (ii) things done by, for or in relation to the old Commission or a staff member of the old Commission before this Schedule commences.
- (4) Regulations made under subitem (1) have effect despite:
- (a) the *Fair Work Act 2009*; or
  - (b) the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*; or
  - (c) the *Public Service Act 1999*.
- (5) In this item:
- new Commission*** means the Commission as it exists after this Schedule commences.
- old Commission*** means the Commission as it existed immediately before this Schedule commenced.
- staffing procedures*** includes procedures and policies, and any actions or decisions taken under or in accordance with those procedures and policies, that relate to the following:
- (a) recruitment, probation, or promotion;
  - (b) performance management or appraisal;
  - (c) inefficiency, misconduct, forfeiture of position, or fitness for duty;
  - (d) conditions of continued employment, including failure to gain, or loss of, essential qualifications or clearances;
  - (e) disciplinary action;
  - (f) grievance processes or reviews of, or appeals against, staffing decisions;
  - (g) transfers, redundancy, resignations, or termination of employment;
  - (h) leave.

## **Schedule 3—Amendment of the Australian Postal Corporation Act 1989**

### **1 Paragraph 28(a)**

Repeal the paragraph, substitute:

- (a) any General Policy Orders made under section 48A of the *Commonwealth Authorities and Companies Act 1997* that apply to Australia Post and to its directors under section 28 of that Act;

### **2 Paragraph 38(h)**

Repeal the paragraph, substitute:

- (h) the cost of performing Australia Post's functions in a manner consistent with any General Policy Orders made under section 48A of the *Commonwealth Authorities and Companies Act 1997* that apply to Australia Post and to its directors under section 28 of that Act;

### **3 Subparagraph 43(1)(g)(i)**

Repeal the subparagraph, substitute:

- (i) any General Policy Orders made under section 48A of the *Commonwealth Authorities and Companies Act 1997* that apply to Australia Post and to its directors under section 28 of that Act, and are applicable to the year; and

### **4 Subparagraph 44(1)(g)(ii)**

Repeal the subparagraph, substitute:

- (ii) the cost of performing Australia Post's functions in a way consistent with any General Policy Orders made under section 48A of the *Commonwealth Authorities and Companies Act 1997* that apply to Australia Post and to its directors under section 28 of that Act;

### **5 Section 50**

Omit "Commonwealth", substitute "Australian".

## **Schedule 4—Australian Wine and Brandy Corporation amendments**

### **Part 1—Amendment of the Australian Wine and Brandy Corporation Act 1980**

#### **1 Title**

Omit “**an Australian Wine and Brandy**”, substitute “**a Wine Australia**”.

#### **2 Section 1**

Omit “*Australian Wine and Brandy*”, substitute “*Wine Australia*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

#### **3 Subsection 4(1) (definition of *Corporation*)**

Omit “Australian Wine and Brandy”, substitute “Wine Australia”.

#### **4 Subsection 4(1) (definition of *Selection Committee*)**

Omit “Australian Wine and Brandy”, substitute “Wine Australia”.

#### **5 Part II (heading)**

Repeal the heading, substitute:

### **Part II—Wine Australia Corporation**

#### **6 Section 6**

Omit “Australian Wine and Brandy”, substitute “Wine Australia”.

#### **7 Subsection 8(2F)**

Omit “*Australian Wine and Brandy*” (wherever occurring), substitute “*Wine Australia*”.

#### **8 Part IVA (heading)**

Repeal the heading, substitute:

## **Part IVA—Wine Australia Corporation Selection Committee**

### **9 Section 29AA (definition of *Committee*)**

Omit “Australian Wine and Brandy”, substitute “Wine Australia”.

### **10 Section 29A**

Omit “Australian Wine and Brandy”, substitute “Wine Australia”.

### **11 Subsection 40Y(2)**

Omit “*Australian Wine and Brandy*” (wherever occurring), substitute “*Wine Australia*”.

## **Part 2—Consequential amendments**

### ***Freedom of Information Act 1982***

#### **12 Part III of Schedule 2**

Omit “*Australian Wine and Brandy*”, substitute “*Wine Australia*”.

### ***Primary Industries (Customs) Charges Act 1999***

#### **13 Clause 1 of Schedule 13 (definition of *Corporation*)**

Repeal the definition, substitute:

*Corporation* means the Wine Australia Corporation established by the *Wine Australia Corporation Act 1980*.

#### **14 Subclauses 5(2) and (3) of Schedule 13**

Omit “*Australian Wine and Brandy*”, substitute “*Wine Australia*”.

### ***Primary Industries (Excise) Levies Act 1999***

#### **15 Clause 1 of Schedule 26 (definition of *Corporation*)**

Repeal the definition, substitute:

*Corporation* means the Wine Australia Corporation established by the *Wine Australia Corporation Act 1980*.

#### **16 Clause 1 of Schedule 26 (definition of *declared winemakers’ organisation*)**

Omit “*Australian Wine and Brandy*”, substitute “*Wine Australia*”.

#### **17 Subclauses 9(2) and (3) of Schedule 26**

Omit “*Australian Wine and Brandy*”, substitute “*Wine Australia*”.

### ***Safety, Rehabilitation and Compensation Act 1988***

#### **18 Subsection 128A(4) (paragraph (r) of the definition of *prescribed Commonwealth authority*)**

**Schedule 4** Australian Wine and Brandy Corporation amendments  
**Part 2** Consequential amendments

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Repeal the paragraph, substitute:

(r) Wine Australia Corporation.

## **Schedule 5—Amendment of the Commonwealth Authorities and Companies Act 1997**

### **1 Section 5**

Insert:

*general law* means the principles and rules of the common law and equity.

### **2 At the end of paragraph 9(2)(a)**

Add:

Note: The deadline will be 15 October if the financial year ends on 30 June. Financial year is defined in section 5.

### **3 Subsections 15(2) and (3)**

Repeal the subsections, substitute:

- (2) The responsible Minister may give written guidelines to the directors that are to be used by the directors in deciding whether a proposal is covered by subsection (1).

### **4 Subsection 18(4A)**

Repeal the subsection.

### **5 Subsection 22(2)**

Omit “at common law and in equity”, substitute “under the general law”.

### **6 Subsection 22(2) (note)**

Omit “at common law or in equity”, substitute “under the general law”.

### **7 Subsection 27A(1)**

Omit “at common law or in equity”, substitute “under the general law”.

### **8 Subsection 27A(1) (note)**

Omit “at common law and in equity”, substitute “under the general law”.

## 9 Section 27B

Omit “at common law and in equity”, substitute “under the general law”.

Note: The heading to section 27E is altered by inserting “**directors**” before “**delegate**”.

## 10 After Part 3

Insert:

# Part 3A—Interjurisdictional authorities

## 33A Interjurisdictional authorities

- (1) The regulations may prescribe:
  - (a) a Commonwealth authority to be an interjurisdictional authority for the purposes of this section; and
  - (b) persons who comprise an interjurisdictional authority (including directors and employees, for example); and
  - (c) a Minister of a State, the Australian Capital Territory, or the Northern Territory to be a State/Territory Minister for an interjurisdictional authority.
- (2) The regulations may provide for the following:
  - (a) the directors of an interjurisdictional authority to give an interim report, for a period mentioned in subsection 13(1), to a State/Territory Minister;
  - (b) the directors of an interjurisdictional authority to give written particulars of a proposal mentioned in subsection 15(1) to a State/Territory Minister;
  - (c) a State/Territory Minister to give written guidelines under subsection 15(2) to the directors of an interjurisdictional authority;
  - (d) the directors of an interjurisdictional authority:
    - (i) to keep a State/Territory Minister informed of the operations of the authority and its subsidiaries; or
    - (ii) to give a State/Territory Minister the reports, documents and information in relation to those operations that the

State/Territory Minister requires, within the time limits set by the State/Territory Minister;

- (e) the application of section 27A, with necessary modifications, to an officer or employee of a State or Territory;
- (f) anything that is necessary or convenient to be prescribed to give effect to paragraphs (a) to (e).

**11 Subsections 40(2) and (3)**

Repeal the subsections, substitute:

- (2) The responsible Minister may give written guidelines to the directors that are to be used by the directors in deciding whether a proposal is covered by subsection (1).

**12 Section 45**

Repeal the section.

**13 After subsection 47A(6)**

Insert:

- (6A) The Finance Minister's directions are legislative instruments, but neither section 42 (disallowance) nor Part 6 (sunsetting) of the *Legislative Instruments Act 2003* apply to the directions.

**14 Subsection 47A(7)**

Omit "the *Financial Management and Accountability Regulations 1997*", substitute "regulations made under the *Financial Management and Accountability Act 1997*".

**15 Subsection 48A(5)**

Omit "nor Part 6", substitute "(disallowance) nor Part 6 (sunsetting)".

**16 After section 48A**

Insert:

**48B Delegation by Minister**

- (1) A Minister may, by written instrument, delegate any of the Minister's powers or functions under the following provisions of this Act to a Secretary of a Department within the meaning of the *Public Service Act 1999*:

- (a) section 14 (Estimates);
  - (b) paragraphs 16(1)(b) and (c) (Keeping responsible Minister and Finance Minister informed);
  - (c) subsection 16(2) (Keeping responsible Minister and Finance Minister informed);
  - (d) paragraph 18(3)(d) (Banking and investment (authorities other than GBEs and SMAs));
  - (e) section 39 (Estimates);
  - (f) paragraphs 41(1)(b) and (c) (Keeping responsible Minister and Finance Minister informed);
  - (g) subsection 41(2) (Keeping responsible Minister and Finance Minister informed).
- (2) In exercising powers or functions under a delegation, the Secretary must comply with the Minister's directions.

## **Schedule 6—Amendment of the Competition and Consumer Act 2010**

### **Part 1—Amendment**

#### **1 At the end of section 6A**

Add:

- (3) Any real or personal property held by the Commission is held for and on behalf of the Commonwealth.
- (4) Any money received by the Commission is received for and on behalf of the Commonwealth.
- (5) To avoid doubt, a right to sue is taken not to be personal property for the purposes of subsection (3).

## **Part 2—Transitional provisions**

### **2 Property held by Commission**

Any real or personal property that was held by the Commission immediately before this Schedule commences is taken, after this Schedule commences, to be real or personal property held by the Commission for and on behalf of the Commonwealth.

### **3 Right to sue**

To avoid doubt, the Commission's right to sue is not affected by the amendment of the *Competition and Consumer Act 2010* in accordance with this Schedule.

## **Schedule 7—Amendment of the Criminology Research Act 1971**

### **Part 1—Amendments**

#### **1 Section 4**

Insert:

*Advisory Council* means the Criminology Research Advisory Council established under section 33.

#### **2 Section 4 (definition of *the Board*)**

Repeal the definition.

#### **3 Section 4 (definition of *the Council*)**

Repeal the definition.

#### **4 Section 4 (definition of *the Fund*)**

Repeal the definition.

#### **5 Subsections 5(2) to (4)**

Repeal the subsections, substitute:

- (2) The Institute consists of:
- (a) the Director; and
  - (b) the staff of the Institute.

#### **6 Section 6**

Repeal the section, substitute:

#### **6 Functions of Institute**

The Institute has the following functions:

- (a) to promote justice and reduce crime by:
  - (i) conducting criminological research; and
  - (ii) communicating the results of that research to the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the community;

- (b) to assist the Director in performing the Director's functions;
- (c) to administer programs for awarding grants, and engaging specialists, for:
  - (i) criminological research that is relevant to the public policy of the States, the Australian Capital Territory and the Northern Territory; and
  - (ii) activities related to that research (including the publication of that research, for example).

**7 Subsection 6A(2)**

Omit "Board ", substitute "Director".

**8 Section 7**

Repeal the section.

**9 Division 2 of Part II**

Repeal the Division.

**10 Subsections 15(1) and (2)**

Omit "Governor-General", substitute "Attorney-General".

**11 Section 16**

Repeal the section, substitute:

**16 Functions of Director**

The Director has the following functions:

- (a) to conduct, or arrange for the conduct of, the criminological research that is:
  - (i) approved by the Director, taking the advice of the Advisory Council into account; or
  - (ii) requested by the Attorney-General;
- (b) to communicate the results of that research to the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the community;
- (c) to conduct, or arrange for the conduct of, the seminars and courses of training or instruction for persons engaged, or to be engaged, in criminological research or in work related to the prevention or correction of criminal behaviour that are:

- (i) approved by the Director, taking the advice of the Advisory Council into account; or
- (ii) requested by the Attorney-General;
- (d) to advise the Advisory Council in relation to needs for, and programs of, criminological research;
- (e) to provide secretarial and administrative services for the Advisory Council;
- (f) to give advice and assistance in relation to any research performed wholly or partly with money provided out of the grants program;
- (g) to give advice in relation to the compilation of statistics relating to crime;
- (h) to publish the material resulting from or connected with the performance of the Institute's functions that is approved by the Director, taking the advice of the Advisory Council into account;
- (i) to collect information and statistics (without detracting from, and in the context of, the overall collecting and coordinating role of the Australian Bureau of Statistics);
- (j) to provide information and advice to Departments, agencies and authorities of the Commonwealth, of the States, of the Australian Capital Territory and of the Northern Territory dealing with the administration of criminal justice;
- (k) to collaborate, in and outside Australia, with governments, institutions and authorities, and with bodies and persons, in relation to research, or the training of persons, in or in connection with the administration of criminal justice;
- (l) to approve payments for grants and engaging specialists, taking the advice of the Advisory Council into account;
- (m) to do anything incidental or conducive to the performance of any of these functions.

**12 Subsection 17(1)**

Omit "7 years", substitute "5 years".

**13 Subsection 17(4)**

Omit "Governor-General", substitute "Attorney-General".

**14 Sections 20 and 21**

Omit “Governor-General”, substitute “Attorney-General”.

**15 Section 23**

Repeal the section, substitute:

**23 Staff of the Institute**

- (1) The staff of the Institute are:
  - (a) persons engaged under the *Public Service Act 1999*; or
  - (b) persons employed or engaged by the Institute for a particular project.
- (2) The Director, with the approval of the Attorney-General, must determine the terms and conditions of employment of the persons mentioned in paragraph (1)(b).
- (3) For the purposes of the *Public Service Act 1999*:
  - (a) the Director, and the APS employees assisting the Director, together constitute a Statutory Agency; and
  - (b) the Director is the Head of the Statutory Agency.

**24 Consultants**

The Director, on behalf of the Commonwealth, may engage persons having suitable qualifications and experience as consultants to the Institute.

**16 Division 4 of Part II**

Repeal the Division.

**17 Parts III and IV**

Repeal the Parts, substitute:

**Part III—Criminology Research Advisory Council**

**33 Criminology Research Advisory Council**

- (1) The Criminology Research Advisory Council is established.

- (2) The Advisory Council has the functions of advising the Director in relation to:
  - (a) the strategic priorities for research in criminology; and
  - (b) the priorities for communicating the results of that research; and
  - (c) applications for research grants.
- (3) The Advisory Council consists of the following members:
  - (a) a representative of the Commonwealth, who is appointed by the Attorney-General;
  - (b) a representative of each of the States, the Australian Capital Territory and the Northern Territory, who is appointed by the Attorney-General for the State or Territory.
- (4) A person stops being a member of the Advisory Council if:
  - (a) the person resigns, by a written notice given to the Attorney-General of the government that the person represents; or
  - (b) the Attorney-General of the government that the person represents, by a written notice, revokes the appointment.

### **34 Meetings of the Advisory Council**

- (1) The Director must ensure that the Advisory Council meets at least 3 times in each calendar year.
- (2) The Director must attend, and keep minutes of, the meetings.
- (3) However, the Director is not entitled to vote at the meetings.
- (4) Except as otherwise provided in this section, or in the regulations, the Advisory Council may conduct its meetings in any way that it considers appropriate.

### **18 Section 50**

Repeal the section, substitute:

### **46 Criminology Research Special Account**

- (1) The Criminology Research Special Account is established by this section.

- (2) The Criminology Research Special Account is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.
- (3) The following amounts must be credited to the Criminology Research Special Account:
- (a) amounts appropriated by the Parliament for the purposes of the Account;
  - (b) amounts paid by a State, the Australian Capital Territory or the Northern Territory to the Institute;
  - (c) amounts received by the Institute in relation to performing any of its functions, or exercising any of its powers, under this Act;
  - (d) amounts of any gifts given, or bequests made, for the purposes of the Account.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

- (4) The Criminology Research Special Account may be debited for the following purposes:
- (a) the costs, expenses and other obligations incurred by the Commonwealth in the performance of the Institute's functions;
  - (b) any remuneration and allowances payable to a person under this Act;
  - (c) the expenses of administering the Account;
  - (d) any amount that is required or permitted to be repaid;
  - (e) to reduce the balance of the Account (and, therefore, the available appropriation for the Account) without making a real or notional payment.

Note: See section 21 of the *Financial Management and Accountability Act 1997* (debits from Special Accounts).

#### **47 Institute may charge for services**

- (1) The Institute may charge for services that it provides in performing any of its functions, or exercising any of its powers, under this Act.
- (2) The charge must be an amount that is reasonably related to the cost of providing the services.

#### **48 Delegation by Director**

- (1) The Director, by signed instrument, may delegate all or any of the Director's functions or powers to an SES employee, or acting SES employee, of the Institute.
- (2) A delegate must comply with any written directions that the Director gives to the delegate when performing a function, or exercising a power, of the Director.

#### **49 Annual report**

- (1) The Director must prepare a written report on the operations of the Institute each financial year, and give it to the Minister for presentation to the Parliament.

Note: Also see section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about annual reports.

- (2) Without limiting subsection (1), the report must include:
  - (a) if a grant was made to a person during the financial year:
    - (i) the name of the person; and
    - (ii) the amount of the grant; and
    - (iii) the purpose of the grant; and
  - (b) any other matter prescribed by the regulations.

## Part 2—Transitional provisions

### 19 Institute and Board

- (1) This item applies despite the amendment or repeal of a provision of the *Criminology Research Act 1971* made by this Schedule.
- (2) A person who holds office as a member of the Criminology Research Council, immediately before the commencement of this item, continues to hold office as a member of the Criminology Research Advisory Council after that commencement on the same terms and conditions, as if appointed under section 33 of the *Criminology Research Act 1971* as inserted by this Act.
- (3) A person who holds office as the Director of the Australian Institute of Criminology (the *Institute*), immediately before the commencement of this item, continues to hold office after that commencement on the same terms and conditions, as if appointed by the Attorney-General.
- (4) If the context permits:
  - (a) a reference in an Act, statutory instrument or other document (including a contract, for example) to the Board is a reference to the Director; and
  - (b) a reference in an Act, statutory instrument or other document to a member of the Board is a reference to a member of the Institute.
- (5) A decision made by the Board that is in force immediately before this item commences continues in force when this item commences, as if made by the Director.
- (6) In this item:

*decision* includes an agreement, approval, authorisation, certificate, consent, declaration, deed, delegation, direction, dismissal, exemption, instruction, minute of a meeting, order, policy, protocol, recommendation, release, resolution or settlement, for example.

### 20 Employees

- (1) This item applies to a person who was an employee of the old Institute immediately before this Schedule commenced.
-

- (2) If a public service determination applies to the person, the person's service as an employee of the old Institute is taken, for all purposes, to be continuous with his or her service as an employee of the new Institute.
- (3) If a public service determination does not apply to the person:
- (a) the person is taken, when this Schedule commences, to be employed under this Act as an employee of the new Institute without change to the terms and conditions of their employment; and
  - (b) the person's service as an employee of the old Institute is taken, for all purposes, to be continuous with his or her service as an employee of the new Institute.
- (4) In this item:
- new Institute*** means the Institute as it exists after this Schedule commences.
- old Institute*** means the Institute as it existed immediately before this Schedule commenced.
- public service determination*** means a determination that:
- (a) is made under section 72 of the *Public Service Act 1999*; and
  - (b) causes the person, when this Schedule commences, to become engaged under the *Public Service Act 1999* as an employee of the new Institute.

## **21 Vesting of property and money**

- (1) When this Schedule commences:
- (a) any real or personal property or money of, or held on trust by, the Institute immediately before this Schedule commences:
    - (i) ceases to be property or money of, or held on trust by, the Institute; and
    - (ii) becomes the property or money of, or held on trust by, the Commonwealth, without any conveyance, transfer or assignment; and
  - (b) the Commonwealth becomes the Institute's successor in law in relation to that property or money.

- (2) An amount that is equal to the total of following amounts is credited to the Criminology Research Special Account when this Schedule commences:
- (a) the amount of money that the Institute had immediately before this Schedule commences;
  - (b) the amount that was credited to the Criminology Research Fund immediately before this Schedule commences.

## **22 Vesting of financial liabilities**

When this Schedule commences:

- (a) any financial liabilities of, or relating to property or money held on trust by, the Institute immediately before this Schedule commences:
  - (i) cease to be liabilities of, or relating to property or money held on trust by, the Institute; and
  - (ii) become financial liabilities of, or relating to property or money held on trust by, the Commonwealth, without any conveyance, transfer or assignment; and
- (b) the Commonwealth becomes the Institute's successor in law in relation to those liabilities.

## **23 Instruments relating to transferred assets and liabilities**

- (1) This item applies to an instrument that:
- (a) relates to assets or liabilities covered by items 21 and 22; and
  - (b) refers to the Institute; and
  - (c) is in force immediately before this Schedule commences.
- (2) When this Schedule commences, the reference to the Institute is to be read as a reference to the Commonwealth as necessary to give effect to items 21 and 22.

## **24 Exemption from stamp duty and other State or Territory taxes**

No stamp duty or other tax is payable under a law of a State or Territory in respect of, or anything connected with:

- (a) the transfer of an asset or liability under this Part; or
- (b) the operation of this Part in any other respect.

## **25 Proceedings**

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- (1) This item applies to any proceedings to which the Institute was a party that were pending in any court or tribunal immediately before this Schedule commences.
- (2) When this Schedule commences, the Commonwealth is substituted for the Institute as a party to the proceedings.

## **26 Contracts**

- (1) This item applies to a contract that:
  - (a) was entered into by the Institute before this Schedule commences; and
  - (b) was in force immediately before commencement of this Schedule.
- (2) When this Schedule commences, the contract has effect as if the Commonwealth had entered into the contract.
- (3) In this item:  
*contract* includes an agreement, arrangement or understanding.

## **27 Appropriations**

If the Consolidated Revenue Fund is appropriated under an Act (an *appropriation Act*) to the Department in which the *Criminology Research Act 1971* is administered, for payment to the Australian Institute of Criminology or to the Criminology Research Council, the appropriation Act continues to apply after this Schedule commences as if the appropriations were to the Institute.

## **28 Reports**

*Reports for periods ending before this Schedule commences*

- (1) If:
  - (a) a law required the Institute, or the Criminology Research Council, to provide a report (whether financial statements or otherwise) for a period that ended before this Schedule commences; and
  - (b) the report has not been provided before this Schedule commences;the Institute must provide the report as required.

*Reports for periods ending after this Schedule commences*

- (2) If:
- (a) immediately before this Schedule commences, a law required the Institute, or the Criminology Research Council, to provide a report (whether financial statements or otherwise) for a period; and
  - (b) the period ends after this Schedule commences;
- the Institute must provide the report, as required, for the part of the period that occurs before this Schedule commences.
- (3) If:
- (a) under subitem (2), the Institute is required to provide a report for a part of a period; and
  - (b) the Criminology Research Council is also required to provide a similar report for the remainder of the period;
- the Institute may meet the requirements in a single report for the period.

**29 Regulations**

- (1) The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Part to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
- (2) In particular, regulations may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.
- (3) Without limiting subitem (2), the regulations may prescribe matters of a transitional nature in relation to the transfer of staff from the old Institute to the new Institute and, in particular, may provide for:
- (a) the way in which the entitlements and obligations of the staff of the old Institute are to be treated on the transfer of staff; or
  - (b) staffing procedures of the old Institute to apply, or to continue to apply, in relation to:
    - (i) processes begun before, but not completed when, this Schedule commences; or

- (ii) things done by, for or in relation to the old Institute or a staff member of the old Institute before this Schedule commences; or
- (c) staffing procedures of the new Institute to apply in relation to:
  - (i) processes begun before, but not completed when, this Schedule commences; or
  - (ii) things done by, for or in relation to the old Institute or a staff member of the old Institute before this Schedule commences.
- (4) Regulations made under subitem (1) have effect despite:
  - (a) the *Fair Work Act 2009*; or
  - (b) the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*; or
  - (c) the *Public Service Act 1999*.
- (5) In this item:
  - new Institute** means the Institute as it exists after this Schedule commences.
  - old Institute** means the Institute as it existed immediately before this Schedule commenced.
  - staffing procedures** includes procedures and policies, and any actions or decisions taken under or in accordance with those procedures and policies, that relate to the following:
    - (a) recruitment, probation, or promotion;
    - (b) performance management or appraisal;
    - (c) inefficiency, misconduct, forfeiture of position, or fitness for duty;
    - (d) conditions of continued employment, including failure to gain, or loss of, essential qualifications or clearances;
    - (e) disciplinary action;
    - (f) grievance processes or reviews of, or appeals against, staffing decisions;
    - (g) transfers, redundancy, resignations, or termination of employment;
    - (h) leave.

## **Schedule 8—Amendment of the Financial Management and Accountability Act 1997**

### **1 Part 2 (heading)**

Repeal the heading, substitute:

## **Part 2—General provisions about definitions**

### **2 Section 5 (definition of *Special Account*)**

Repeal the note.

Note: The heading to section 31 is replaced by the heading “**Retaining prescribed receipts**”.

### **3 Part 5 (heading)**

Repeal the heading, substitute:

## **Part 5—Borrowing, investment and involvement in companies**

### **4 At the end of Part 5**

Add:

#### **39A Minister must inform Parliament of involvement in a company by the Commonwealth or a prescribed body**

- (1) The Minister who has the responsibility for any of the following events must table a notice of the event in each House of the Parliament as soon as practicable after the event occurs:
- (a) the Commonwealth or a prescribed body forms, or participates in forming, a company;
  - (b) the Commonwealth or a prescribed body acquires shares in a company (either by purchase or subscription) or disposes of shares in a company;
  - (c) the Commonwealth or a prescribed body becomes a member of a company;

- (d) a variation occurs in the rights attaching to company shares held by the Commonwealth or a prescribed body;
  - (e) a variation occurs in rights of the Commonwealth or a prescribed body as a member of a company;
  - (f) the Commonwealth or a prescribed body ceases to be a member of a company.
- (2) The notice must be in the form, and contain the particulars, set out in the regulations.
- (3) This section does not apply to:
- (a) an event mentioned in paragraphs (1)(a) to (f) that occurs in relation to:
    - (i) an authorised investment made under section 39; or
    - (ii) an investment made under the *Future Fund Act 2006*; or
  - (b) anything that results from the transfer to a Minister of any property that is to be dealt with as unclaimed property under Part 9.7 of the *Corporations Act 2001*; or
  - (c) a company that is conducted for the purposes of an intelligence or security agency (within the meaning given by section 85ZL of the *Crimes Act 1914*).

- (4) In this section:

**company** includes a body of a kind prescribed by the regulations for the purposes of this section.

**prescribed body** means a body corporate that is, or is included in, an Agency.

## **5 After Part 6**

Insert:

## **Part 6A—Interjurisdictional agencies**

### **43A Interjurisdictional agencies**

- (1) The regulations may prescribe:
- (a) an Agency to be an interjurisdictional agency for the purposes of this section; and

- (b) the persons who comprise an interjurisdictional agency (including employees of a State, for example); and
  - (c) a Minister of a State, the Australian Capital Territory, or the Northern Territory to be a State/Territory Minister for an interjurisdictional agency.
- (2) The regulations may provide for the following:
- (a) a Chief Executive of an interjurisdictional agency to give to a State/Territory Minister the reports, documents and information in relation to the operations of an interjurisdictional agency that the State/Territory Minister requires, within the time limits set by the State/Territory Minister;
  - (b) the types of reports, documents and information that a State/Territory Minister may require under paragraph (a);
  - (c) the circumstances in which a State/Territory Minister may require a Chief Executive to give to the State/Territory Minister the reports, documents and information mentioned in paragraph (b);
  - (d) anything that is necessary or convenient to be prescribed to give effect to paragraphs (a) to (c).

**5A Subsection 44(3) (definition of *proper use*)**

After “effective”, insert “, economical”.

Note: The heading to section 44 is altered by omitting “**efficient, effective and ethical use**”, and substituting “**proper use**”.

**6 Section 62(1)**

After “make Orders”, insert “or a function under subsection 39A(1)”.

**7 Section 62A(1)**

After “this Act”, insert “, except a function under subsection 39A(1)”.

## **Schedule 9—Amendment of the National Transport Commission Act 2003**

### **1 At the end of subsection 5(2)**

Add:

Note: The *Commonwealth Authorities and Companies Act 1997* applies to the Commission. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and the conduct of officers.

### **2 Paragraph 19(2)(b)**

Repeal the paragraph, substitute:

(b) fails, without reasonable excuse, to comply with his or her obligations under section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*;

### **3 Section 31**

Repeal the section.

### **4 Section 38**

Repeal the section, substitute:

### **38 Annual report**

- (1) An annual report prepared by members under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also contain any other information required by the Agreement to be included in the report.
- (2) A copy of each annual report given to the Minister must be given to each member of the Australian Transport Council as soon as practicable.

## **Schedule 10—Amendment of the Parliamentary Service Act 1999**

### **1 Subsection 66(6)**

Repeal the subsection.

### **2 At the end of section 66**

Add:

Note: Payments under this section are to be made out of money appropriated by the Parliament.

## **Schedule 11—Repeals**

### **Part 1—Acts repealed**

#### *Appropriation (Dr Carmen Lawrence’s Legal Costs) Act 1999-2000*

**1 The whole of the Act**

Repeal the Act.

#### *Appropriation (HIH Assistance) Act 2001*

**2 The whole of the Act**

Repeal the Act.

#### *Appropriation (Supplementary Measures) Act (No. 1) 1999*

**3 The whole of the Act**

Repeal the Act.

#### *Appropriation (Supplementary Measures) Act (No. 2) 1999*

**4 The whole of the Act**

Repeal the Act.

#### *Growth Centres (Financial Assistance) Act 1973*

**5 The whole of the Act**

Repeal the Act.

#### *Land Commissions (Financial Assistance) Act 1973*

**6 The whole of the Act**

Repeal the Act.

## **Part 2—Provisions repealed**

### ***Aboriginal and Torres Strait Islander Act 2005***

#### **7 Part 4B**

Repeal the Part.

### ***Aged or Disabled Persons Care Act 1954***

#### **8 Section 10KA**

Repeal the section.

### ***Appropriation (Development Bank) Act 1975***

#### **9 Subsection 3(2)**

Repeal the subsection.

### ***CFM Sale Act 1996***

#### **10 Subsection 56(2)**

Repeal the subsection.

### ***Commonwealth Funds Management Limited Act 1990***

#### **11 Subsections 7(2) and 8(2)**

Repeal the subsections.

### ***CSL Sale Act 1993***

#### **12 Subsections 29(2) and 50(2)**

Repeal the subsections.

### ***Hearing Services and AGHS Reform Act 1997***

#### **13 Division 3 of Part 2**

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Repeal the Division.

***Qantas Sale Act 1992***

**14 Section 18**

Repeal the section.

**15 Subsection 45(2)**

Repeal the subsection.

**16 Subsection 46(1)**

Omit “(1)”.

**17 Subsection 46(2)**

Repeal the subsection.

***Snowy Mountains Engineering Corporation Limited Sale Act  
1993***

**18 Section 41**

Repeal the section.

***Student Assistance Act 1973***

**19 Subsection 3(1) (definition of *Account*)**

Repeal the definition.

**20 Sections 12M and 12N**

Repeal the sections.

**21 Paragraph 56(1)(d)**

Omit “regulations; and”, substitute “regulations.”.

**22 Paragraph 56(1)(f)**

Repeal the paragraph.

***Telstra Corporation Act 1991***

**23 Sections 8AL and 8AS**

Repeal the sections.

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*[Minister's second reading speech made in—  
House of Representatives on 30 September 2010  
Senate on 26 November 2010]*