



Audit (Transitional and Miscellaneous) Amendment Act 1997

Act No. 152 of 1997 as amended

This compilation was prepared on 22 March 2007

**[This Act was amended by Act No. 63 of 2002; No. 100 of 2005;
No. 9 of 2006; No. 8 of 2007]**

Amendment from Act No. 63 of 2002

[Schedule 2 (item 1) repealed items 1306 to 1310 of Schedule 2
Schedule 2 (item 1) commenced immediately after 1 January 1998]

Amendments from Act No. 100 of 2005

[Schedule 2 (item 4) repealed item 394 of Schedule 2
Schedule 2 (items 5 and 6) amended heading to item 398 of Schedule 2
Schedule 2 (items 4–6) commenced immediately after 1 January 1998]

Amendments from Act No. 9 of 2006

[Schedule 2 (item 3) amended heading to item 1118 of Schedule 2
Schedule 2 (item 4) amended heading to item 1120 of Schedule 2
Schedule 2 (item 5) repealed and substituted item 1134 of Schedule 2
Schedule 2 (item 6) amended heading to item 1135 of Schedule 2
Schedule 2 (items 3–6) commenced immediately after 1 January 1998]

Amendment from Act No. 8 of 2007

[Schedule 2 (item 1) amended item 82 of Schedule 2
Schedule 2 (item 1) commenced immediately after 1 January 1998]

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An Act to deal with transitional and consequential matters arising from the repeal of the *Audit Act 1901* and the enactment of the *Auditor-General Act 1997*, the *Financial Management and Accountability Act 1997* and the *Commonwealth Authorities and Companies Act 1997*, and for related purposes

[Assented to 24 October 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Audit (Transitional and Miscellaneous) Amendment Act 1997*.

2 Commencement

- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (3) Schedule 3 commences as follows:
 - (a) the amendments of the *Air Services Act 1995* are taken to have commenced on the day on which that Act received the Royal Assent;
 - (b) the amendment of the *Australian Law Reform Commission Act 1996* commences immediately after the commencement of Schedule 1 of the *Australian Law Reform Commission (Repeal, Transitional and Miscellaneous) Act 1996*;
 - (c) the amendments of the *Australian Maritime Safety Authority Act 1990* commence on the day on which this Act receives the Royal Assent;
 - (d) the amendments of the *Civil Aviation Legislation Amendment Act 1995* are taken to have commenced on the day on which that Act received the Royal Assent;

Section 3

- (e) the amendment of the *Commonwealth Funds Management Limited Act 1990* commences, or is taken to have commenced, on the sale day as defined in subsection 3(1) of the *CFM Sale Act 1996*;
- (f) the amendments of the *Ozone Protection Amendment Act 1995* are taken to have commenced on the day on which that Act received the Royal Assent;
- (g) the amendments of the *Small Superannuation Accounts Act 1995* commence on the same day as the *Financial Management and Accountability Act 1997*;
- (h) the amendments of the *Transport Legislation Amendment Act 1995* are taken to have commenced on the day on which that Act received the Royal Assent.

3 Schedule(s)

Subject to section 2, 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.

4 Some amendments in Schedule 2 may not take effect or may take effect in a modified way

- (1) If, on or before the commencement of Schedule 2, Part 6 of the *Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Act 1996* commences or has commenced, the following amendments set out in Schedule 2 to this Act do not take effect:
 - (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 1996*.
- (2) If, on or before the commencement of Schedule 2, Part 12 of the *Wool International Act 1993* commences or has commenced, the amendments of that Act set out in Schedule 2 to this Act do not take effect.
- (3) If:
 - (a) an Act is amended by Schedule 2; and
 - (b) the short title of the Act is changed on or before the commencement of that Schedule;

the amendment made by Schedule 2 has effect as an amendment of the Act under its new short title.

Schedule 1—Repeal of the Audit Act 1901

Audit Act 1901

1 The whole of the Act

Repeal the Act.

Schedule 2—Consequential amendments of Acts

Aboriginal and Torres Strait Islander Commission Act 1989

1 Subsection 4(1) (definition of *approved bank*)

Repeal the definition.

2 Add at the end of subsection 6(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 conduct of officers.

3 Section 37

Repeal the section.

4 Paragraph 40(7)(e)

Omit “37”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

5 At the end of section 42

Add:

(2) This section does not apply to a liability that arises under the *Commonwealth Authorities and Companies Act 1997*.

6 Paragraph 44(5)(a)

Omit “37”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

7 Subsection 44(13)

Omit “37”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

8 After subsection 61(6B)

Insert:

(6C) Section 14 of the *Commonwealth Authorities and Companies Act 1997* does not apply to the Commission.

9 After subsection 67(3)

Insert:

(3A) Subsection (3) does not prevent the investment of money under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

10 Subsection 67(6)

Repeal the subsection.

11 After subsection 68(3)

Insert:

(3A) Subsection (3) does not prevent the investment of money under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

12 Subsection 68(6)

Repeal the subsection.

13 Subsection 69(1)

Omit “an approved bank”, substitute “a bank”.

14 At the end of section 69

Add:

(3) In this section:

bank has the same meaning as it has in the *Commonwealth Authorities and Companies Act 1997*.

15 Subsection 72(1)

Repeal the subsection, substitute:

(1) In this section, *annual report* means the annual report of the Commission prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*.

16 Subsections 72(2), (3) and (4)

Omit “report prepared under subsection (1)”, substitute “annual report”.

17 Subsection 72(5)

After “financial statements”, insert “included in the annual report”.

18 Subsection 72(6)

Omit “report prepared under subsection (1)”, substitute “annual report”.

19 Subsection 72(7)

Omit “a report prepared under subsection (1)”, substitute “an annual report”.

20 Subsections 72(8) and (9)

Repeal the subsections.

21 Section 73

Repeal the section.

22 Subsection 74(1)

Omit “, not inconsistent with this Act or the regulations,”.

23 After subsection 74(1)

Insert:

(1A) Directions under subsection (1) must not be inconsistent with:

- (a) this Act or the regulations under this Act; or
- (b) the *Commonwealth Authorities and Companies Act 1997*, or regulations or Finance Minister’s Orders made under that Act.

24 Subsection 74(3)

Repeal the subsection.

25 Subsection 99(1)

Omit “4 months”, substitute “2 months”.

26 At the end of subsection 142(2)

Add:

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

27 Section 143N

Repeal the section.

28 Paragraph 143S(6)(e)

Omit “143N”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

29 At the end of section 143U

Add:

(3) This section does not apply to a liability that arises under the *Commonwealth Authorities and Companies Act 1997*.

30 Paragraph 144E(5)(a)

Omit “143N”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

31 Subsection 144E(14)

Omit “143N”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

32 After subsection 144V(3)

Insert:

(3A) Subsection (3) does not prevent the investment of money under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

33 Subsection 144V(6)

Repeal the subsection.

34 Subsection 144W(4)

Repeal the subsection, substitute:

- (4) Subsection (3) does not prevent the investment of money under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

35 Subsection 144X(1)

Omit “an approved bank”, substitute “a bank”.

36 At the end of section 144X

Add:

- (3) In this section:

bank has the same meaning as it has in the *Commonwealth Authorities and Companies Act 1997*.

37 At the end of section 144ZA

Add:

- (5) Section 14 of the *Commonwealth Authorities and Companies Act 1997* does not apply to the TSRA.

38 Subsection 144ZB(1)

Repeal the subsection, substitute:

- (1) In this section, *annual report* means the annual report of the TSRA prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*.

Note: The heading to section 144ZB is altered by omitting “**and financial statements**”.

39 Subsection 144ZB(2)

Omit “each report”, substitute “each annual report”.

40 Subsection 144ZB(3)

Omit “report relating to the year”, substitute “annual report for the year”.

41 Subsection 144ZB(4)

Omit “report under this section”, substitute “annual report”.

42 Subsection 144ZB(5)

Omit “a report under this section”, substitute “an annual report”.

43 Subsections 144ZB(6) and (7)

Repeal the subsections.

44 Section 144ZC

Repeal the section.

45 Subsection 144ZD(1)

Omit “, not inconsistent with this Act or the regulations,”.

46 After subsection 144ZD(1)

Insert:

Directions must not be inconsistent with this Act etc.

(1A) Directions under subsection (1) must not be inconsistent with:

- (a) this Act or the regulations under this Act; or
- (b) the *Commonwealth Authorities and Companies Act 1997*, or regulations or Finance Minister’s Orders made under that Act.

47 Subsection 144ZD(3)

Repeal the subsection.

48 At the end of subsection 145(2)

Add:

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

49 Section 151

After “this Act”, insert “or the *Commonwealth Authorities and Companies Act 1997*”.

50 Section 163

Repeal the section.

51 Paragraph 165(2)(c)

Omit “163”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

52 Paragraph 167(3)(a)

Omit “163”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

53 Subsection 167(11)

Omit “163”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

54 Section 180

Repeal the section.

55 Section 186

Repeal the section.

56 Section 189

Repeal the section.

57 At the end of subsection 191A(2)

Add:

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

58 Section 191L

After “this Act”, insert “or the *Commonwealth Authorities and Companies Act 1997*”.

59 Section 191M

Repeal the section.

60 Subsections 192F(1) and (2)

Repeal the subsections.

61 Paragraph 192H(2)(e)

After “192F”, insert “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

62 Paragraph 192J(3)(a)

Omit “192F”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

Note: The heading to subsection 192J(3) is altered by omitting “192F” and substituting “21 of the *Commonwealth Authorities and Companies Act 1997*”.

63 Subsection 192W(1)

Omit “fund”, substitute “reserve”.

64 Subsections 192W(2) to (5)

Repeal the subsections, substitute:

- (2) The Land Fund is a component of the Reserved Money Fund.
- (3) So far as practicable, money in the Land Fund that is not required for the purpose of making payments out of the Land Fund must be invested under section 39 of the *Financial Management and Accountability Act 1997*.
- (4) If income is received by the Commonwealth from the investment of money from the Land Fund, an amount equal to the income must be transferred to the Land Fund from the Consolidated Revenue Fund.

65 Section 193F

Repeal the section.

66 Paragraph 193G(1)(b)

Repeal the paragraph, substitute:

- (b) any person to whom the Finance Minister has delegated powers conferred on the Finance Minister by section 39 of the *Financial Management and Accountability Act 1997*, in so far as those powers relate to the Land Fund; and

67 Subsection 193G(1) (note)

Repeal the note.

68 Section 193K

Repeal the section, substitute:

193K Modifications of Commonwealth Authorities and Companies Act

- (1) Subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997* does not apply to the Indigenous Land Corporation.
- (2) The annual report of the Indigenous Land Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1997* must include such additional information (if any) as is specified in the regulations under this Act.
- (3) Division 2 of Part 3 (except section 10) of the *Commonwealth Authorities and Companies Act 1997* applies as if the first category A year were a financial year.

69 Section 193V

Repeal the section.

70 Subsections 200(3), (4) and (5)

Repeal the subsections.

Aboriginal Councils and Associations Act 1976

71 At the end of subsection 19(3)

Add:

Note: Subject to section 19A, the *Commonwealth Authorities and Companies Act 1997* applies to an Aboriginal Council. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

72 After section 19

Insert:

19A Application of the *Commonwealth Authorities and Companies Act 1997* if Administrator appointed

If an Administrator of an Aboriginal Council is appointed under Part V then, while the appointment remains in force:

- (a) subject to paragraph (b), the *Commonwealth Authorities and Companies Act 1997* applies in relation to the Aboriginal

Council as if the Administrator were the sole director of the Aboriginal Council for the purposes of that Act; and
(b) section 21 of that Act does not apply to the Administrator.

73 Paragraph 22(1)(b) and subsection 22(9)

Omit “Chairman” (wherever occurring), substitute “Chair”.

74 Subsections 22(4), (8), (8A) and (9)

After “this Act” (wherever occurring), insert “or the *Commonwealth Authorities and Companies Act 1997*”.

75 Subsection 23(1)

After “regulations”, insert “and to the *Commonwealth Authorities and Companies Act 1997*”.

76 Section 29

After “this Act”, insert “and the *Commonwealth Authorities and Companies Act 1997*”.

77 Paragraph 29(c)

Repeal the paragraph.

78 Paragraph 35(2)(a)

Omit “or the regulations”, substitute “, the regulations or the *Commonwealth Authorities and Companies Act 1997*”.

79 Subsection 36(3)

Omit “Chairman” (wherever occurring), substitute “Chair”.

80 Subsections 38(1), (2), (3) and (4)

Repeal the subsections, substitute:

- (1) The members of an Aboriginal Council must give the Registrar a copy of the annual report on the Council for a financial year under section 9 of the *Commonwealth Authorities and Companies Act 1997*. The copy must be given to the Registrar as soon as practicable after the report is given to the Minister, and must not be given to the Registrar later than 31 December in the next financial year.

Note: The heading to section 38 is replaced by the heading “**Extra reporting and accounting requirements**”.

81 Paragraph 38(5)(a)

Omit “accounts and records”, substitute “accounting records”.

82 Paragraph 38(5)(b)

Omit “Council’s report and the examiner’s report”, substitute “annual report on the Council”.

83 Subsection 38(6)

Repeal the subsection.

84 Paragraph 40(1)(a)

Omit “or the Rules”, substitute “, the Rules or the *Commonwealth Authorities and Companies Act 1997*”.

85 Subsection 56(3)

Omit “Chairman” (wherever occurring), substitute “Chair”.

86 After section 75

Insert:

75A Disclosure of interest by Administrator of Aboriginal Council

If the corporation is an Aboriginal Council, the Administrator must give written notice to the Minister of any material personal interest that the Administrator has in a matter being considered or about to be considered in relation to a matter.

Aboriginal Land Grant (Jervis Bay Territory) Act 1986

87 Subsection 2(2)

Repeal the subsection.

88 At the end of section 2

Add:

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

89 At the end of subsection 4(2)

Add:

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

90 After section 4

Insert:

4A Who are directors for the purposes of the *Commonwealth Authorities and Companies Act 1997*?

The members of the executive committee (not the registered members of the Council) are directors of the Council for the purposes of the application of the *Commonwealth Authorities and Companies Act 1997* to the Council.

91 Paragraph 28(2)(a)

Omit “or by the regulations”, substitute “, by the regulations or by the *Commonwealth Authorities and Companies Act 1997*”.

92 Section 51

Repeal the section.

93 Section 52

Repeal the section, substitute:

52 Annual report to be laid before meeting of Council

The executive committee must table a copy of the annual report on the Council at the next general meeting of the Council held after the deadline for the financial year to which the report relates. The report is prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997* and the deadline is as specified in that section.

Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987

94 Part VI (heading)

Repeal the heading, substitute:

Part VI—Funding

95 Subsection 38(1)

Omit “trust fund”, substitute “reserve”.

Note: The heading to section 38 is replaced by the heading “**Payments into and out of Reserves**”.

96 Subsection 38(1)

Omit “Trust Fund”, substitute “Reserve”.

97 Subsection 38(2)

Omit “Trust Fund”, substitute “Reserve”.

98 Subsection 38(3)

Omit “trust fund”, substitute “reserve”.

99 Subsection 38(3)

Omit “Trust Fund”, substitute “Reserve”.

100 Subsection 38(4)

Omit “Trust Fund”, substitute “Reserve”.

101 Subsection 38(5)

Repeal the subsection.

102 Subsection 38(6)

Omit “Trust Fund”, substitute “Reserve”.

103 Subsection 38(7)

Omit “Land Trust Fund”, substitute “Land Reserve”.

104 Paragraph 38(7)(b)

Omit “paid into the Aboriginal Advancement Trust Fund”, substitute “credited to the Consolidated Revenue Fund”.

105 After subsection 38(7)

Insert:

- (7A) Whenever an amount is credited to the Consolidated Revenue Fund under paragraph (7)(b), an equal amount must be transferred to the Aboriginal Advancement Reserve from the Consolidated Revenue Fund.

106 Subsection 38(8)

Omit “Forest Trust Fund”, substitute “Forest Reserve”.

107 Paragraph 38(8)(b)

Omit “paid into the Aboriginal Advancement Trust Fund”, substitute “credited to the Consolidated Revenue Fund”.

108 After subsection 38(8)

Insert:

- (8A) Whenever an amount is credited to the Consolidated Revenue Fund under paragraph (8)(b), an equal amount must be transferred to the Aboriginal Advancement Reserve from the Consolidated Revenue Fund.

109 Subsection 38(9)

Omit “Trust Fund”, substitute “Reserve”.

110 Subsection 38(10)

Omit “Trust Fund” (first, second and third occurring), substitute “Reserve”.

111 Paragraph 38(10)(b)

Omit “paid into the Aboriginal Advancement Trust Fund”, substitute “credited to the Consolidated Revenue Fund”.

112 Subsections 38(11) and (12)

Repeal the subsections, substitute:

- (11) A reserve established by this section is a component of the Reserved Money Fund.

- (12) If interest is received by the Commonwealth from the investment of money from a reserve established by this section, an amount equal to the interest must be transferred to that reserve from the Consolidated Revenue Fund.

Aboriginal Land Rights (Northern Territory) Act 1976

113 Subsection 3(1) (definition of *Trust Account*)

Repeal the definition.

114 Subsection 3(1)

Insert:

Reserve means the Aboriginals Benefit Reserve established by section 62.

115 Subsections 4(5) and (5A) and 7(1) and (1A)

Omit “Chairman” (wherever occurring), substitute “Chair”.

116 At the end of subsection 22(1)

Add:

Note: Subject to section 22A, the *Commonwealth Authorities and Companies Act 1997* applies to a Land Council. That Act deals with matters relating to reporting and accountability, banking and investment, and conduct of officers.

117 After section 22

Insert:

22A Who are directors for the purposes of the *Commonwealth Authorities and Companies Act 1997*?

- (1) Subject to subsection (2), the members of a Land Council are directors of the Council for the purposes of the application of Division 4 of Part 3 of the *Commonwealth Authorities and Companies Act 1997* to the Land Council.
- (2) The Chair of a Land Council (not the members of the Land Council) is the only director of the Council for the purposes of the application to the Land Council of the other provisions of the *Commonwealth Authorities and Companies Act 1997*.

118 Subsection 28(1) and sections 30 and 31

Omit “Chairman” (wherever occurring), substitute “Chair”.

119 Section 32

Repeal the section.

120 After subsection 34(3)

Insert:

(3A) A Land Council is also required to prepare budget estimates under section 14 of the *Commonwealth Authorities and Companies Act 1997*.

Note: The heading to section 34 is replaced by the heading “**Administrative expenditure to be in accordance with approved estimates**”.

121 Subsection 35(10)

Omit “accordance with section 62B of the *Audit Act 1901*”, substitute “investments of the kind authorised by section 39 of the *Financial Management and Accountability Act 1997*”.

122 Sections 37, 37AA, 37A and 38

Repeal the sections, substitute:

37 Additional reporting requirements

The annual report on a Land Council under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also include particulars of any determinations:

- (a) made by the Land Council under subsection 35(1), (2), (3) or (3A) during the financial year to which the report relates; or
- (b) made by the Minister under subsection 35(6) during that year.

123 Part VI (heading)

Repeal the heading, substitute:

Part VI—Aboriginals Benefit Reserve

124 Subsection 62(1)

Omit “Fund”, substitute “reserve”.

Note: The heading to section 62 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

125 Subsection 62(1)

Omit “Trust Account”, substitute “Reserve”.

126 Subsections 62(2) and (3)

Repeal the subsections, substitute:

- (2) The Reserve is a component of the Reserved Money Fund.
- (3) If interest is received by the Commonwealth from the investment of money from the Reserve, an amount equal to the interest must be transferred to the Reserve from the Consolidated Revenue Fund.

127 Subsections 63(2), (3), (3A) and (4)

Omit “Trust Account”, substitute “Reserve”.

Note: The heading to section 63 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

128 Subsection 63(5A)

Omit “paid into the Trust Account”, substitute “transferred to the Reserve from the Consolidated Revenue Fund amounts equal to”.

129 Subsection 63(5B)

Omit “paid into the Trust Account”, substitute “transferred to the Reserve from the Consolidated Revenue Fund amounts equal to”.

130 Subsection 63(6)

Repeal the subsection.

131 Section 64

Omit “Trust Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 64 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

132 Section 64A

Omit “Trust Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 64A is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

133 Subsections 64B(1), (2), (3) and (4)

Repeal the subsections, substitute:

- (1) As soon as practicable after 30 June in each year, the Commission must prepare and give to the Minister a report relating to the operation of the Reserve for the year.
- (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

134 Section 65

Omit “Trust Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 65 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

135 Subsections 65(2) and (3)

Omit “Chairman” (wherever occurring), substitute “Chair”.

Acts Interpretation Act 1901

136 Paragraph 17(k)

Repeal the paragraph, substitute:

- (k) **Consolidated Revenue Fund** means the Consolidated Revenue Fund referred to in section 81 of the Constitution;
- (ka) **Loan Fund** means the Loan Fund established by section 19 of the *Financial Management and Accountability Act 1997*;
- (kb) **Reserved Money Fund** means the Reserved Money Fund established by section 20 of the *Financial Management and Accountability Act 1997*.

137 Section 18B

Repeal the section, substitute:

18B How Chairs and Deputy Chairs may be referred to

- (1) Where an Act establishes an office of Chair of a body, the Chair may be referred to as Chair, Chairperson, Chairman, Chairwoman or by any other such term as the person occupying the office so chooses.
- (2) If a person occupying an office mentioned in subsection (1) does not make known his or her choice of term, the person may be referred to by whichever of the following terms that a person addressing that person considers appropriate:
 - (a) Chair;
 - (b) Chairperson;
 - (c) Chairman;
 - (d) Chairwoman.
- (3) Where an Act establishes an office of Deputy Chair of a body, the Deputy Chair may be referred to as Deputy Chair, Deputy Chairperson, Deputy Chairman, Deputy Chairwoman or by any other such term as the person occupying the office so chooses.
- (4) If a person occupying an office mentioned in subsection (3) does not make known his or her choice of term, the person may be referred to by whichever of the following terms that a person addressing that person considers appropriate:
 - (a) Deputy Chair;
 - (b) Deputy Chairperson;
 - (c) Deputy Chairman;
 - (d) Deputy Chairwoman.

Acts Interpretation Amendment Act 1976

138 Subsection 8(3)

Repeal the subsection.

Administrative Appeals Tribunal Act 1975

139 Section 24R

Repeal the section, substitute:

24R Annual report

- (1) As soon as practicable after 30 June in each year, the President must prepare and give to the Minister a report of the management of the administrative affairs of the Tribunal during the year.
- (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

140 Sections 24S and 24T

Repeal the sections.

Administrative Decisions (Judicial Review) Act 1977

141 Paragraph (h) of Schedule 2

Omit “32 or 36A of the *Audit Act 1901*”, substitute “27 of the *Financial Management and Accountability Act 1997*”.

Agricultural and Veterinary Chemicals (Administration) Act 1992

142 At the end of section 10

Add:

- (5) Section 28 of the *Commonwealth Authorities and Companies Act 1997* does not apply in relation to the NRA.

143 At the end of subsection 12(1)

Add:

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

144 Subsections 23(1), (2) and (3)

Repeal the subsections.

Note: The heading to section 23 is altered by adding at the end “**in resolutions without formal meetings**”.

145 Paragraph 24(2)(b)

After “23”, insert “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

146 Section 61

Repeal the section.

147 At the end of section 62

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the NRA under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

148 Section 68

Omit “Without limiting the generality of subsection 63H(1) of the *Audit Act 1901* in its application in relation to the NRA, the NRA must include in each report referred to in that subsection”, substitute “The directors must include in each report on the NRA prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

149 Paragraph 69(1)(b)

Omit “63D(1) of the *Audit Act 1901*”, substitute “18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

150 Subsection 69(2)

Repeal the subsection.

151 Section 81

Repeal the section.

Aircraft Noise Levy Collection Act 1995

152 Subsection 17(4)

Repeal the subsection.

Air Services Act 1995

153 At the end of subsection 7(2)

Add:

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

Albury-Wodonga Development Act 1973

154 Section 5

Omit “Chairman” (wherever occurring), substitute “Chair”.

155 Subsection 5(1)

Omit “Chairmen”, substitute “Chairs”.

156 After section 9

Insert:

9A *Commonwealth Authorities and Companies Act 1997* does not apply to Corporation

The Corporation is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

157 Subclause 5(3) of Schedule 2

Omit “Chairman” (wherever occurring), substitute “Chair”.

Anglo-Australian Telescope Agreement Act 1970

158 After section 6

Insert:

6A *Commonwealth Authorities and Companies Act 1997* does not apply to Board

The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

159 Subarticles 7(1) and (2) of the Schedule

Omit “Chairman” (wherever occurring), substitute “Chair”.

Australia Council Act 1975

160 At the end of subsection 8(1)

Add:

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

161 Subparagraph 14(2)(a)(ii)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

162 Subsection 15(6)

Omit “and section 19”, substitute “of this Act and section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

163 Section 19

Repeal the section.

164 Paragraph 19F(2)(e)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

165 Subsection 27(2)

Omit “19 or 31”, substitute “31 of this Act or with section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

166 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 1997*.

167 Subsection 34(2A)

Omit “in accordance with subsection 36A(2)”, substitute “under section 18 of the *Commonwealth Authorities and Companies Act 1997*.”

168 Sections 35 and 36

Repeal the sections.

169 At the end of subsection 36A(1)

Add “The Council may also invest surplus money under section 18 of the *Commonwealth Authorities and Companies Act 1997*.”.

170 Subsection 36A(2)

Repeal the subsection.

171 Subsection 36A(3)

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

172 Section 37

Repeal the section.

173 Section 38

Repeal the section, substitute:

38 Extra reporting requirements

- (1) The annual report on the Council under section 9 of the *Commonwealth Authorities and Companies Act 1997* 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 1997* to be tabled in each House of the Parliament as soon as practicable.

174 Section 39

Repeal the section.

Australia-Japan Foundation Act 1976

175 Section 3 (definition of *Fund*)

Repeal the definition.

176 Section 3

Insert:

Reserve means the reserve established by section 17.

177 Paragraph 5(1)(d)

Omit “Fund”, substitute “Reserve”.

178 Subsection 9(3), paragraph 9(4)(a), subsection 12(1) and section 15

Omit “Chairman” (wherever occurring), substitute “Chair”.

179 Part IV (heading)

Repeal the heading, substitute:

Part IV—Australia-Japan Reserve

180 Section 17

Repeal the section, substitute:

17 Establishment of Reserve

- (1) This subsection establishes a reserve called the Australia-Japan Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.

181 Section 18

Omit “The Fund shall consist of”, substitute “There must be transferred to the Reserve from the Consolidated Revenue Fund”.

Note: The heading to section 18 is altered by omitting “**Fund**” and substituting “**Reserve**”.

182 Paragraph 18(a)

Omit “Fund”, substitute “Reserve”.

183 Paragraph 18(b)

Before “income”, insert “amounts equal to”.

184 Paragraph 18(b)

Omit “Fund”, substitute “Reserve”.

185 Paragraph 18(c)

Before “any moneys”, insert “amounts equal to”.

186 Paragraph 18(c)

Omit “Fund”, substitute “Reserve”.

187 Paragraph 18(d)

Before “any other moneys”, insert “amounts equal to”.

188 Paragraph 18(e)

Before “any moneys”, insert “amounts equal to”.

189 Subsection 19(1)

Omit “Fund”, substitute “Reserve”.

Note: The heading to section 19 is altered by omitting “**Fund**” and substituting “**Reserve**”.

190 Sections 24A, 24B and 25

Repeal the sections, substitute:

25 Annual report

- (1) As soon as practicable after 30 June in each year, the Foundation must prepare and give to the Minister a report of the operations of the Foundation during the year.
 - (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*; and
-

- (c) a copy of all directions given by the Minister to the Foundation during the year under subsection 5(3) of this Act.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.
- (4) The Foundation must give the Minister any additional reports (with or without financial statements) that the Minister from time to time requires.

Australia New Zealand Food Authority Act 1991

191 At the end of subsection 6(2)

Add:

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

192 At the end of section 11

Add:

- (4) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1997* in relation to the Authority.

193 Subsections 50(1), (2) and (3)

Repeal the subsections.

194 Paragraph 52(2)(b)

After “50”, insert “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

195 Section 56

Repeal the section.

196 At the end of section 57

Add:

- (3) Subsection (2) does not prevent investment of surplus money of the Authority under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

197 Section 59

Repeal the section.

198 Paragraph 60(1)(b)

Omit “63J(1) of the *Audit Act 1901* (as that subsection applies under subsection 59(1))”, substitute “18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

199 Subsection 60(2)

Repeal the subsection.

200 Section 69

Omit “The Authority must include in each report prepared under section 63M of the *Audit Act 1901* (as that section applies to the Authority under subsection 59(1))”, substitute “The members must include in each report on the Authority under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

Australian Broadcasting Corporation Act 1983

201 At the end of subsection 5(1)

Add:

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

202 Subsection 8(3)

Omit “this section shall”, substitute “subsection (1) or (2) is to”.

203 Subsection 17(1)

Repeal the subsection.

204 Subsection 17(1A)

Omit “subsection (1)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

205 Subsection 17(2)

Repeal the subsection.

206 Subsection 17(5)

Repeal the subsection.

207 Subparagraph 18(2)(a)(ii)

Omit “17”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

208 At the end of subsection 25A(2)

Add:

Note: Section 15 of the *Commonwealth Authorities and Companies Act 1997* requires Directors to notify the Minister of significant business activities and arrangements.

209 Subsection 25A(3)

Repeal the subsection.

210 Subsection 68(1)

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

211 Subsections 68(2) and (3)

Repeal the subsections, substitute:

(2) Subsection (1) does not prevent investment of surplus money of the Corporation under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

Note: The heading to section 68 is altered by omitting “**and investment**”.

212 Section 69

Repeal the section.

213 Section 72

Repeal the section.

214 At the end of section 78

Add:

- (7) Without limiting subsection (6), section 28 of the *Commonwealth Authorities and Companies Act 1997* does not apply in relation to the Corporation.

215 Section 80

Omit “Board must cause to be included in each report prepared under section 63M of the *Audit Act 1901*, as that section applies to the Corporation by virtue of section 72 of this Act”, substitute “Directors must include in each annual report on the Corporation prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

Australian Centre for International Agricultural Research Act 1982

216 Section 3 (definition of *Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

217 Section 3 (definition of *Fund*)

Repeal the definition.

218 Section 3

Insert:

Reserve means the reserve established by section 33.

219 Section 9, subsections 10(6), 14(2), (4) and (5) and 15(6)

Omit “Chairman” (wherever occurring), substitute “Chair”.

220 Subsection 33(1)

Omit “Trust Fund”, substitute “Reserve”.

Note: The heading to section 33 is altered by omitting “Fund” and substituting “Reserve”.

221 Subsection 33(2)

Repeal the subsection, substitute:

- (2) The Reserve is a component of the Reserved Money Fund.

222 Section 34

Repeal the section, substitute:

34 Payments into Reserve

There must be transferred to the Reserve from the Consolidated Revenue Fund:

- (a) all money appropriated by the Parliament for the purposes of the Reserve; and
- (b) amounts equal to money from time to time received by the Centre.

223 Section 35

Omit “Fund”, substitute “Reserve”.

Note: The heading to section 35 is altered by omitting “**Fund**” and substituting “**Reserve**”.

224 Section 36

Omit “Fund” (wherever occurring), substitute “Reserve”.

225 Sections 38A, 38AA, 38B and 39

Repeal the sections, substitute:

39 Annual report

- (1) As soon as practicable after 30 June in each year, the Board must prepare and give to the Minister a report of the operations of the Centre during the year.
- (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

Australian Film Commission Act 1975**226 Section 3 (definitions of *Chairman, Deputy Chairman and member*)**

Omit “Chairman” (wherever occurring), substitute “Chair”.

227 At the end of subsection 4(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 conduct of officers.

228 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 1997* must also include a statement of:”.

229 Subsection 15(1) and sections 19 and 20

Omit “Chairman” (wherever occurring), substitute “Chair”.

230 Section 22

Repeal the section.

231 Subparagraph 23(2)(a)(ii)

Omit “section 22”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

232 Subsections 23(3) and 28(1), (4), (5), (6) and (7)

Omit “Chairman” (wherever occurring), substitute “Chair”.

233 Section 32

Repeal the section.

234 Subsection 33(2)

Repeal 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 1997*.

235 Section 34

Repeal the section.

236 Paragraph 35(2)(b)

Omit “in accordance with subsection 33(2)”, substitute “under section 18 of the *Commonwealth Authorities and Companies Act 1997*”.

237 Sections 37, 38, 40D, 44 and 45

Repeal the sections.

Australian Film, Television and Radio School Act 1973

238 At the end of subsection 4(2)

Add:

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

239 Subsection 12(5) and section 13

Omit “Chairman” (wherever occurring), substitute “Chair”.

240 Paragraph 18(c)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

241 Section 19

Repeal the section.

242 Sections 20 and 23

Omit “Chairman” (wherever occurring), substitute “Chair”.

243 Paragraph 29(1)(c)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

244 Sections 37 and 38

Repeal the sections.

245 After subsection 39(1)

Insert:

(1A) Subsection (1) does not prevent investment of surplus money of the School under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

246 Paragraph 51(c)

Omit “chairman”, substitute “chair”.

Australian Heritage Commission Act 1975

247 Section 3 (definition of *Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

248 At the end of subsection 11(1)

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 conduct of officers.

249 Paragraph 12(1)(a), subsections 12(1A), (3), (7), (8) and (9), section 16 and subsection 17(2)

Omit “Chairman” (wherever occurring), substitute “Chair”.

250 Paragraph 18(2)(c)

Omit “section 19”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

251 Section 19

Repeal the section, substitute:

19 Application of section 21 of the *Commonwealth Authorities and Companies Act 1997* to deemed and co-opted Commissioners

Section 21 of the *Commonwealth Authorities and Companies Act 1997* (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.

252 Section 20

Omit “Chairman” (wherever occurring), substitute “Chair”.

253 Subsection 21(3)

Repeal 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 1997*; 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 1997*.

254 Subsection 32(2)

Omit “Chairman”, substitute “Chair”.

255 At the end of section 35

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Commission under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

256 Sections 36, 38, 40 and 41

Repeal the sections.

257 Section 43

Repeal the section, substitute:

43 Extra reporting requirements

- (1) The annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997* 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 1997*, 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

258 Subsection 3(1) (definition of *authorised auditor*)

Repeal the definition.

259 Subsection 3(1) (definition of *company auditor*)

Repeal the definition.

260 Subsection 3(1) (definition of *Corporation auditor*)

Repeal the definition.

261 At the end of subsection 12(1)

Add:

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

262 At the end of section 13

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

263 Section 14

Repeal the section.

264 Subsection 15(8)

Repeal the subsection.

265 At the end of section 15

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

266 Section 23

Repeal the section.

267 Paragraph 24(2)(b)

Omit “23”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

268 Subsection 30(1)

Repeal the subsection.

269 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 1997* must also include:”.

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

270 Paragraph 30(2)(a)

Omit “and of each Board”.

271 Paragraph 30(2)(b)

Omit “or a Board” (wherever occurring).

272 Subsections 30(3), (4), (4A) and (5)

Repeal the subsections.

273 After section 30

Insert:

30A Corporation to give Minister annual reports on Product Boards

- (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 1997* (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.

274 Subsection 49(1)

Repeal the subsection.

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

275 Sections 50, 51, 56 and 57

Repeal the sections.

276 Subsection 73(5)

Repeal the subsection, substitute:

- (5) Section 21 of the *Commonwealth Authorities and Companies Act 1997* applies in relation to the committee as if the committee were a Commonwealth authority (as defined in that Act).

277 At the end of section 84

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

278 Section 85

Repeal the section.

279 Subsection 86(8)

Repeal the subsection.

280 At the end of section 86

Add:

Note: For the manner in which the Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

281 At the end of subsection 101(1)

Add:

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

282 After section 101

Insert:

101A Modification of the *Commonwealth Authorities and Companies Act 1997*

Section 9 of the *Commonwealth Authorities and Companies Act 1997* 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.

283 Subsection 115F(1)

Repeal the subsection.

284 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 1997* must also include:”.

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

285 Subsections 115F(3), (4) and (5)

Repeal the subsections.

286 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”.

287 Section 115S

Omit “50, 51,”.

288 Section 115T

Repeal the section.

289 Subsection 115ZB(5)

Repeal the subsection, substitute:

- (5) Section 21 of the *Commonwealth Authorities and Companies Act 1997* applies in relation to a committee as if the committee were a Commonwealth authority (as defined in that Act).

Australian Industry Development Corporation Act 1970

290 Section 4 (definition of *Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

291 At the end of subsection 5(2)

Add:

- Note: Subject to section 5A, the *Commonwealth Authorities and Companies Act 1997* applies to the Corporation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment and conduct of officers.

292 After section 5

Insert:

5A Modification of the *Commonwealth Authorities and Companies Act 1997*—how that Act applies to subsidiaries

- (1) Sections 15, 16, 17, 28 and 29 of the *Commonwealth Authorities and Companies Act 1997* have effect, as they apply to the Corporation, as if a reference in any of those sections to a subsidiary were instead a reference to an eligible subsidiary in relation to the Corporation as defined in section 4 of this Act.
- (2) Finance Minister’s Orders referred to in subsection 13(2) of the *Commonwealth Authorities and Companies Act 1997* cannot require the Corporation to include, in reports under section 13 of that Act, information about a subsidiary of the Corporation that is not an eligible subsidiary (as defined in section 4 of this Act).

293 Subsection 8A(10)

Omit all the words after “and shall include”, substitute “in the annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1997* a separate report on each such operation carried on during the year to which the report relates.”.

294 Subsection 8A(12)

Repeal the subsection.

295 Section 9

After “this Act”, insert “and the *Commonwealth Authorities and Companies Act 1997*”.

296 Section 11, subsections 12(1) and 13(2), sections 15A, 16, 17 and 18 and subsection 19(1)

Omit “Chairman” (wherever occurring), substitute “Chair”.

297 Paragraph 19(3)(b)

Omit “22”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

298 Section 20, paragraph 20A(1)(b) and subsections 21(1), (2), (3), (4) and (5)

Omit “Chairman” (wherever occurring), substitute “Chair”.

299 Sections 22, 23B, 23C and 23D

Repeal the sections.

300 Section 23E

After “financial target”, insert “for a corporate plan under section 17 of the *Commonwealth Authorities and Companies Act 1997*”.

301 Sections 23F, 23H and 25

Repeal the sections.

302 Subsection 26(1)

Omit “Subject to subsection (2), moneys”, substitute “Money”.

303 Subsection 26(2)

Repeal the subsection, substitute:

- (2) Subsection (1) does not prevent the investment of surplus money of the Corporation under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

304 Section 28

Repeal the section.

305 Subsections 29(1) to (7) (inclusive)

Repeal the subsections.

306 Paragraph 29(8)(a)

Omit “under this section”.

Note: The heading to section 29 is replaced by the heading “**Additional audit arrangements**”.

307 Subsection 33(2)

Omit “Chairman”, substitute “Chair”.

308 Subsections 37(1) to (2B) (inclusive)

Repeal the subsections.

309 Subsection 37(2C)

Omit “The report of the corporation’s operations for a financial year shall:”, substitute “The annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also:”.

Note: The heading to section 37 is replaced by the heading “**Extra reporting requirements**”.

310 Paragraph 37(2C)(b)

Omit “overall”.

311 Paragraphs 37(2C)(d) and (e)

Omit “target”, substitute “targets”.

312 Subsection 37(3)

Repeal the subsection.

313 Subsection 37(4)

Omit “under subsection (3)”, substitute “relating to the Corporation under Part 2 of Schedule 1 to the *Commonwealth Authorities and Companies Act 1997*”.

314 Subsection 37(5)

Repeal the subsection, substitute:

(5) In this section:

corporate plan means the corporate plan for the Corporation under section 17 of the *Commonwealth Authorities and Companies Act 1997*.

315 After section 37

Insert:

37A Information about the receiving subsidiary

- (1) The Minister or the Finance Minister may require the Corporation to give to him or her a copy of information of a particular kind about the receiving subsidiary that is provided to the Corporation as a holder of shares in the receiving subsidiary.
- (2) The Directors must comply with the requirement as soon as practicable after receiving information of that kind.
- (3) In this section:

Finance Minister means the Minister who administers the *Commonwealth Authorities and Companies Act 1997*.

Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989

316 At the end of subsection 4(2)

Add:

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

317 Section 19

Repeal the section.

318 Paragraph 21(2)(b)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

319 Section 37

Repeal the section.

320 At the end of section 38

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Institute under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

321 Section 40

Repeal the section.

322 Subsection 42(1)

Repeal the subsection.

Note: The heading to section 42 is altered by omitting “**Minister and Commission**” and substituting “**Commission and TSRA**”.

323 Section 58

Repeal the section.

Australian Institute of Health and Welfare Act 1987

324 Subsection 3(3)

Repeal the subsection.

325 At the end of section 3

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

326 At the end of subsection 4(2)

Add:

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

327 At the end of section 7

Add:

- (3) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1997* in relation to the Institute.

328 Paragraph 13(2)(b)

Omit “14”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

329 Subsections 14(1) and (2)

Repeal the subsections.

330 Subsection 14(3)

Omit “This section”, substitute “Section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

331 Subsection 16(13)

Repeal the subsection, substitute:

- (13) A member of a committee must disclose at a meeting of the committee any pecuniary or other interest:
- (a) that the member has directly or indirectly in a matter being considered, or about to be considered by the committee; and
 - (b) that would conflict with the proper performance of the member’s functions in relation to the consideration of the matter.

The member must make the disclosure as soon as practicable after he or she knows of the relevant facts.

- (14) The disclosure must be recorded in the minutes of the meeting.
- (15) Subsection (13) does not apply to an interest held by a member described in paragraph 8(1)(c), (ca), (cb) or (h) or subsection 8(2) merely because the member was nominated by a body or person mentioned in that paragraph or subsection.

332 Section 21

Repeal the section.

333 At the end of section 22

Add:

- (3) Subsection (2) does not prevent investment of surplus money of the Institute under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

334 Subsection 24(1)

Repeal the subsection.

Note: The heading to section 24 is replaced by the heading “**Extra matters to be included in annual report**”.

335 Subsection 24(2)

Omit “prepared under section 63M of the *Audit Act 1901* (as that section applies by virtue of subsection (1)) shall”, substitute “on the Institute under section 9 of the *Commonwealth Authorities and Companies Act 1997* must”.

336 Paragraph 25(1)(a)

Omit “subsection 63J(1) of the *Audit Act 1901* (as that subsection applies by virtue of subsection 24(1))”, substitute “subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

337 Subsection 25(2)

Repeal the subsection.

Australian Institute of Marine Science Act 1972

338 Subsection 5(2)

Repeal the subsection.

339 At the end of subsection 7(2)

Add:

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

340 Section 10AA

Repeal the section.

341 Paragraph 16(c)

Omit “18”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

342 Section 18

Repeal the section.

343 Paragraph 28(d)

Omit “18”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

344 Section 37

Repeal the section.

345 At the end of section 38

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Institute under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

346 Section 40

Repeal the section.

Australian Land Transport Development Act 1988

347 Title

Omit “**Trust Fund**”, substitute “**reserve**”.

348 Subsection 3(1) (definition of *Fund*)

Repeal the definition.

349 Subsection 3(1)

Insert:

Reserve means the Australian Land Transport Reserve established by section 11.

350 Paragraph 3(6)(a)

Omit “Fund” (wherever occurring), substitute “Reserve”.

351 Subsections 10(3) and (4)

Repeal the subsections.

352 Part 2 (heading)

Repeal the heading, substitute:

Part 2—Australian Land Transport Development Reserve

353 Subsection 11(1)

Omit “fund”, substitute “reserve”.

Note: The heading to section 11 is altered by omitting “**Fund**” and substituting “**Reserve**”.

354 Subsection 11(1)

Omit “Trust Fund”, substitute “Reserve”.

355 Subsection 11(2)

Repeal the subsection, substitute:

(2) The Reserve is a component of the Reserved Money Fund.

356 Subsection 12(1)

Omit “Fund”, substitute “Reserve out of the Consolidated Revenue Fund”.

Note: The heading to section 12 is altered by omitting “**Fund**” and substituting “**Reserve**”.

357 Subsection 12(2)

Omit “Fund”, substitute “Reserve”.

358 Subsection 12(4)

Repeal the subsection, substitute:

- (4) If interest is received by the Commonwealth from the investment of money from the Reserve, an amount equal to the interest must be transferred to the Reserve from the Consolidated Revenue Fund.

359 Section 13

Repeal the section.

360 Section 15

Omit “the Fund” (wherever occurring), substitute “the Reserve”.

Note: The heading to section 15 is altered by omitting “**Fund**” and substituting “**Reserve**”.

361 Section 16

Repeal the section.

362 Sections 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28A, 29, 30, 31, 32 and 33

Omit “the Fund” (wherever occurring), substitute “the Reserve”.

Note 1: The heading to section 28 is altered by omitting “**Fund**” and substituting “**Reserve**”.

Note 2: The heading to section 28A is altered by omitting “**Fund**” and substituting “**Reserve**”.

Note 3: The heading to section 31 is altered by omitting “**Fund**” and substituting “**Reserve**”.

363 Subsection 34(1)

Repeal the subsection, substitute:

- (1) Whenever an amount is repaid to the Commonwealth by a State, approved railway authority or approved organisation under this Act, an equal amount must be transferred to the Reserve from the Consolidated Revenue Fund.

364 Section 35

Repeal the section.

365 Paragraph 37(1)(a)

Omit “Fund”, substitute “Reserve”.

366 Paragraph 40(d)

Omit “the Fund”, substitute “the Reserve”.

367 Subsection 41(1)

Omit “Fund” (wherever occurring), substitute “Reserve”.

Australian Maritime Safety Authority Act 1990

368 At the end of subsection 5(2)

Add:

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

369 At the end of subsection 10(2)

Add:

Note: Subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997* gives the Authority power to invest its surplus money.”.

370 Section 11

Repeal the section.

371 Section 19

Repeal the section.

372 Paragraph 21(2)(d)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

373 Section 28

Repeal the section.

374 Sections 44 and 45

Repeal the sections.

Australian National Maritime Museum Act 1990

375 At the end of subsection 5(2)

Add:

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

376 Subsection 10(5)

Omit “The Museum must, in each report prepared under section 63M of the *Audit Act 1901* (as that section applies by virtue of subsection 48(1)),”, substitute “In each report on the Museum under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must”.

377 Paragraph 21(2)(c)

Omit “22”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

378 Section 22

Repeal the section.

379 Subsection 23(6)

Omit “22(2)”, substitute “21(3) of the *Commonwealth Authorities and Companies Act 1997*”.

380 Paragraph 36(2)(e)

Omit “22 or 37”, substitute “37 of this Act, or section 21 of the *Commonwealth Authorities and Companies Act 1997*,”.

381 Subsection 44(4)

Omit “section 63J of the *Audit Act 1901* (as that section applies because of section 48 of this Act)”, substitute “subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

382 Subsection 45(2)

Repeal the subsection, substitute:

- (2) Subsection (1) does not prevent investment of surplus money of the Museum under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

383 Section 46

Repeal the section.

384 Subsection 47(3)

Omit “45(2) or paragraph 50(2)(b)”, substitute “18(3) of the *Commonwealth Authorities and Companies Act 1997* or paragraph 50(2)(b) of this Act”.

385 Subsections 48(1) and (2)

Repeal the subsections.

Note: The heading to section 48 is replaced by the heading “**Extra matters to be included in annual report**”.

386 Subsection 48(3)

Omit “submitted by the Museum under section 63M of the *Audit Act 1901*, as that section applies because of subsection (1) of this section, shall”, substitute “prepared by the members under section 9 of the *Commonwealth Authorities and Companies Act 1997* must”.

387 Subsection 50(1)

Omit “opened and maintained under section 63J of the *Audit Act 1901* (as that section applies because of section 48 of this Act) that does not, or accounts referred to in that section that do not”, substitute “maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997* that does not”.

388 Subsections 50(3) and (4)

Repeal the subsections.

Australian National Railways Commission Act 1983

389 Subsection 3(1) (definition of *authorised auditor*)

Repeal the definition.

390 Subsection 3(1)

Insert:

annual report means an annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997*.

corporate plan means a corporate plan for the Commission under section 17 of the *Commonwealth Authorities and Companies Act 1997*.

391 Section 3 (definitions of *Chairman, Commissioner and Deputy Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

392 At the end of subsection 4(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 conduct of officers.

393 Subsections 8(3), (4) and (5)

Repeal the subsections.

395 Subsection 20A(3)

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

396 Subsection 20A(4)

Repeal the subsection.

397 Section 22

Repeal the section.

398 Paragraphs 24(1)(a) and (b), subsections 24(4), (5) and (6) and 26(1), (2) and (3), sections 29 and 30 and paragraph 31(1)(b)

Omit “Chairman” (wherever occurring), substitute “Chair”.

399 Paragraph 32(2)(d)

Omit “his obligations under section 33”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

400 Subsection 32(3A)

Repeal the subsection, substitute:

(3A) If:

(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 1997*; or
 - (B) paragraph 16(1)(a) or (b) of the *Commonwealth Authorities and Companies Act 1997*; 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.

401 Sections 33 and 59

Repeal the sections.

402 Subsections 34(2), (4) and (5) and 36A(2), sections 36E, 39 and 41 and subsections 43(1), (2), (6) and (8)

Omit “Chairman” (wherever occurring), substitute “Chair”.

403 Subsection 60(2)

Repeal 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 1997*.

404 Sections 65, 66 and 66A

Repeal the sections.

405 Subsection 67A(1)

Repeal the subsection.

406 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**”.

407 Paragraph 67A(2)(a)

Omit “8(5) or”.

408 At the end of paragraphs 67A(2)(a), (b), (c) and (d) and subparagraph 67A(2)(e)(i)

Add “and”.

409 After paragraph 67A(2)(a)

Insert:

(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

410 Subsection 67A(3)

Repeal 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.

411 Subsections 67A(4), (5), (6) and (7)

Repeal the subsections.

412 Section 71

Repeal the section.

Australian National Training Authority Act 1992

413 At the end of section 18

Add:

- (5) This section does not affect, and is not affected by, section 9 of the *Commonwealth Authorities and Companies Act 1997* as it applies in relation to the Authority under section 23 of this Act.

414 Section 23

Repeal the section, substitute:

23 Application of the Commonwealth Authorities and Companies Act

- (1) The Authority is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.
- (2) Sections 9, 11, 18 and 20 of that Act, and Schedule 1 to that Act, apply in relation to the Authority as if it were a Commonwealth authority for the purposes of that Act.
- (3) A copy of each annual report given to the Minister must be given to each member of the Ministerial Council as soon as practicable.

Australian National University Act 1991

415 At the end of subsection 4(2)

Add:

Note: Subject to section 4A, the *Commonwealth Authorities and Companies Act 1997* applies to the University. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking, and conduct of officers.

416 After section 4

Insert:

4A Modification of the *Commonwealth Authorities and Companies Act 1997*

- (1) Section 14, subsection 18(3), and sections 28 and 29, of the *Commonwealth Authorities and Companies Act 1997* do not apply in relation to the University.
- (2) Nothing in section 16 of the *Commonwealth Authorities and Companies Act 1997* requires the members of the Council to do

anything that will or might affect the academic independence or integrity of the University.

4B University’s financial year starts on 1 January

For the purposes of the *Commonwealth Authorities and Companies Act 1997*, the University’s financial year is a period of 12 months starting on 1 January.

417 Subsection 6(3)

After “this Act”, insert “or the *Commonwealth Authorities and Companies Act 1997*”.

418 Section 14

Repeal the section.

419 Paragraph 15(1)(e)

Omit “subsection 14(1)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

420 Sections 45, 46, 47 and 49

Repeal the sections.

421 Subsection 50(1)

After “this Act” (first occurring), insert “or the *Commonwealth Authorities and Companies Act 1997*”.

422 Subparagraph 50(2)(f)(iii)

Repeal the subparagraph, substitute:

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

Australian Nuclear Science and Technology Organisation Act 1987

423 Subsection 3(2)

Repeal the subsection.

424 At the end of subsection 4(1)

Add:

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

425 Subsections 7(1) and (2)

Repeal the subsections.

Note: The heading to section 7 is replaced by the heading “**Disclosure of the Organisation’s interests in companies**”.

426 Subsection 7(3)

Omit “Subject to subsection (4), where”, substitute “If”.

427 Subsection 7(4)

Repeal the subsection.

428 Subsection 9(6)

Repeal the subsection.

429 At the end of section 9

Add:

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

430 Paragraph 14(2)(c)

Omit “15”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

431 Section 15

Repeal the section.

432 Subsection 16(6)

Omit “15(2)”, substitute “21(3) of the *Commonwealth Authorities and Companies Act 1997*”.

433 Paragraph 21C(2)(d)

Omit “15 or 22”, substitute “22 of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

434 Subsection 26(12)

Repeal the subsection.

435 At the end of section 26

Add:

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

436 Subsection 27(4)

Repeal the subsection, substitute:

(4) Subsection (3) does not prevent investment of surplus money of the Organisation under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

437 Section 28

Repeal the section.

438 Subsections 29(1) and (2)

Repeal the subsections.

Note: The heading to section 29 is replaced by the heading “**Extra matters to be included in annual report**”.

439 Subsection 29(3)

Omit “Organisation shall, in each report prepared pursuant to section 63M of the *Audit Act 1901* (as that section applies in relation to the Organisation by virtue of subsection (1))”, substitute “members of the Board must, in each annual report they prepare under section 9 of the *Commonwealth Authorities and Companies Act 1997*,”.

440 At the end of subsection 37(2)

Add:

Note: Subject to section 37R, the *Commonwealth Authorities and Companies Act 1997* applies to the Bureau. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

441 Subsection 37Q(4)

Repeal the subsection, substitute:

- (4) Subsection (3) does not prevent investment of surplus money of the Bureau under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

442 Section 37R

Repeal the section, substitute:

37R Application of the *Commonwealth Authorities and Companies Act 1997*

- (1) The *Commonwealth Authorities and Companies Act 1997* (except section 21) applies in relation to the Bureau as if the Director of the Nuclear Safety Bureau were a director of the Bureau for the purposes of that Act.
- (2) Each annual report prepared by the Director under section 9 of the *Commonwealth Authorities and Companies Act 1997* must include particulars of each direction that:
- (a) was given by the Minister to the Bureau under section 37D of this Act; and
 - (b) applied in relation to the financial year covered by the report.

443 Section 37U

Repeal the section, substitute:

37U Tabling of reports and documents given to the Minister by the Bureau

Within 15 sitting days of receiving a report or document from the Bureau under section 16 of the *Commonwealth Authorities and Companies Act 1997*, the Minister must cause a copy of the report or document to be tabled in each House of the Parliament.

444 Subsection 39(1)

Omit “opened and maintained pursuant to section 63J of the *Audit Act 1901* (as that section applies in relation to the Organisation by virtue of section 29 of this Act) that does not, or accounts referred to in that section that do not,” substitute “maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997* that does not”.

445 Subsection 39(2)

Omit “, 28 and 29”.

446 Subsections 39(3), (4) and (5)

Repeal the subsections.

Australian Postal Corporation Act 1989

447 Section 3 (definition of *authorised auditor*)

Repeal the definition.

448 At the end of section 13

Add:

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

449 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 1997*”.

450 Sections 35, 36 and 37

Repeal the sections.

451 Section 38

After “financial target”, insert “for inclusion in a corporate plan under section 17 of the *Commonwealth Authorities and Companies Act 1997*”.

452 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 1997*”.

453 Section 39

Repeal the section.

454 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 1997*, the Minister may, within 60 days”.

455 Paragraph 40(1)(b)

Omit “the”, substitute “a”.

456 At the end of section 40

Add:

- (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.

457 Sections 41 and 42

Repeal the sections.

458 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 1997* must also:”.

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

459 Paragraph 43(b)

Repeal 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

460 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 1997*”.

461 At the end of section 43

Add:

(2) In this section:

corporate plan means the corporate plan for Australia Post under section 17 of the *Commonwealth Authorities and Companies Act 1997*.

462 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 1997* must also:”.

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

463 Paragraph 44(1)(a)

Omit “target”, substitute “targets”.

464 Paragraph 44(1)(b)

Omit “vary the”, substitute “vary a”.

465 Paragraph 44(1)(c)

Omit “target”, substitute “targets”.

466 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 1997*”.

467 At the end of section 44

Add:

(3) In this section:

corporate plan means the corporate plan for Australia Post under section 17 of the *Commonwealth Authorities and Companies Act 1997*.

468 Sections 45, 46, 47 and 48

Repeal the sections.

469 Subsection 57(2)

Repeal 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 1997*.

470 Sections 58 and 59

Repeal the sections.

471 Subsection 67(2)

Omit “subsection 71(2)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

472 Section 71

Repeal the section, substitute:

71 Disclosure not required in relation to publicly available goods or services

Section 21 of the *Commonwealth Authorities and Companies Act 1997* 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.

473 Paragraph 79(2)(b)

Omit “71”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

474 Paragraph 79(5)(a)

Omit “41, 46 or 47”, substitute “15 or 16, or subsection 17(5), of the *Commonwealth Authorities and Companies Act 1997*”.

Australian Securities Commission Act 1989

475 At the end of section 8

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 conduct of officers.

476 Subsection 10(2)

Repeal the subsection.

477 At the end of section 10

Add:

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

478 At the end of section 124

Add:

(7) Section 21 of the *Commonwealth Authorities and Companies Act 1997* does not apply to members.

479 Subsection 135(1)

Omit “Subject to subsection (3), the”, substitute “The”.

480 Subsection 135(3)

Repeal the subsection, substitute:

(3) Subsection (1) does not prevent investment of surplus money of the Commission under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

481 Subsection 135(4)

Omit “has effect”, substitute “and subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997* have effect in relation to the Commission”.

482 Subsection 135(6)

Omit “subsection (3)”, substitute “subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

483 Section 136

Repeal the section.

484 Subsection 137(2) (definition of *contract*)

Omit “subsection 135(3)”, substitute “subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

485 Section 138

Repeal the section, substitute:

138 Extra matters to be included in annual report

A report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997* must:

- (a) describe the specific goals the Commission has pursued, and the priorities it has followed, during the year, in performing its functions and pursuing the objectives referred to in subsection 1(2); and
- (b) describe what progress the Commission has made during that year towards achieving those goals; and
- (c) describe any matters that, during that year, have adversely affected the Commission’s effectiveness or have hindered the Commission in pursuing any of those goals and objectives.

486 Paragraph 141(a)

Omit “section 63J of the *Audit Act 1901*”, substitute “subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

487 Sections 143 and 144

Repeal the sections.

488 At the end of section 146

Add:

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

489 Subsection 161(1)

Omit “Subject to subsection (3), the”, substitute “The”.

490 Subsection 161(3)

Repeal the subsection, substitute:

(3) Subsection (1) does not prevent investment of surplus money of the Advisory Committee under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

491 Subsection 161(6)

Omit “(3)”, substitute “18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

492 Section 162

Repeal the section.

493 Section 164

Repeal the section.

494 Paragraph 167(a)

Omit “section 63J of the *Audit Act 1901*”, substitute “subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

495 Sections 169 and 170

Repeal the sections.

Australian Sports Commission Act 1989

496 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 conduct of officers.

497 Section 18

Repeal the section.

498 Paragraph 19(2)(b)

Omit “section 18”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

499 Subsection 21(10)

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

500 Subsection 22(7)

Repeal the subsection, substitute:

- (7) Section 21 of the *Commonwealth Authorities and Companies Act 1997* applies to a member of a committee as if:
- (a) the committee were the Board referred to in that section; and
 - (b) the member were a director of a Commonwealth authority referred to in that section; and
 - (c) the Commission were the responsible Minister referred to in that section.

501 Section 44

Repeal the section.

502 At the end of section 45

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Commission under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

503 Subsection 47(2)

Omit “subsection 49(1)”, substitute “subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

504 Subsection 48(1)

Repeal the subsection.

Note: The heading to section 48 is replaced by the heading “**Extra matters to be included in annual report**”.

505 Subsection 48(2)

Omit “Commission shall, in each report prepared pursuant to section 63M of the *Audit Act 1901* (as that section applies by virtue of subsection (1))”, substitute “members must, in each report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

506 Section 49

Repeal the section.

507 Subsection 52(1)

Omit “opened and maintained under section 63J of the *Audit Act 1901* (as that section applies by virtue of section 48 of this Act)”, substitute “maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

508 Subsection 52(2)

Omit “Notwithstanding sections 44, 45, 48 and 49”, substitute “Despite section 45”.

509 Subsections 52(3) and (4)

Repeal the subsections.

510 Section 53

Repeal the section.

511 Section 56

Omit “, 44”.

512 Section 61

Repeal the section.

Australian Sports Drug Agency Act 1990

513 At the end of subsection 7(1)

Add:

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

514 Section 59

Repeal the section.

515 At the end of section 60

Add:

(2) Subsection (1) does not prevent investment of surplus money of the Agency under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

516 Subsection 62(2)

Omit “subsection 64(1)”, substitute “section 18 of the *Commonwealth Authorities and Companies Act 1997*”.

517 Subsection 63(1)

Repeal the subsection.

Note: The heading to section 63 is replaced by the heading “**Extra matters to be included in annual report**”.

518 Subsection 63(2)

Omit “The Agency must, in each report prepared under section 63M of the *Audit Act 1901* (as that section applies by virtue of subsection (1) of this section)”, substitute “In each report on the Agency under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must”.

519 Subsection 63(3)

Omit “prepared by the Agency”.

520 Section 64

Repeal the section.

521 Subsection 65(1)

Omit “opened and maintained under section 63J of the *Audit Act 1901* (as that section applies by virtue of section 63 of this Act)”, substitute “maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

522 Subsection 65(2)

Omit “Notwithstanding sections 59, 60, 63 and 64”, substitute “Despite section 60”.

523 Subsections 65(3) and (4)

Repeal the subsections.

524 Section 69

Repeal the section.

Australian Tourist Commission Act 1987

525 At the end of subsection 9(1)

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 conduct of officers.

526 Subsections 20(1), (2) and (3)

Repeal the subsections.

Note: The heading to section 20 is altered by adding at the end “**by the Chairperson**”.

527 Paragraph 21(2)(b)

Omit “20”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

528 After paragraph 21(2)(b)

Insert:

(ba) in the case of the Chairperson if the Chairperson is appointed on a full-time basis—contravenes section 20 without reasonable excuse.

529 Subsection 23(8)

Omit “subsection 20(2)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

530 At the end of section 29

Add:

(4) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1997* in relation to the Commission.

531 At the end of section 45

Add:

(2) Subsection (1) does not prevent investment of surplus money of the Commission under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

532 Section 47

Repeal the section.

Australian Trade Commission Act 1985

533 Subsection 3(1) (definition of *approved bank*)

Repeal the definition.

534 At the end of subsection 7(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 conduct of officers.

535 Paragraph 20(2)(d)

Omit “section 22”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

536 Section 22

Repeal the section.

537 Paragraph 72(e)

Omit “63E of the *Audit Act 1901* as that section applies to the Commission by virtue of sub-section 89(1) of this Act”, substitute “18 of the *Commonwealth Authorities and Companies Act 1997*”.

538 Sections 76 and 77

Repeal the sections.

539 Section 89

Repeal the section, substitute:

89 Extra matters to be included in annual report

The financial statements in an annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997* 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 10(1) of this Act; and

(b) was in force for all or part of the year to which the report relates.

540 Subsection 92(1)

Repeal the subsection, substitute:

- (1) The report of operations in the annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997* must include information about the Commission's operations under the *Export Market Development Grants Act 1974*, but not the Commission's operations under the *Export Expansion Grants Act 1978*.

541 Section 93

Repeal the section.

Australian War Memorial Act 1980

542 Section 3 (definition of *Chairman*)

Omit "Chairman" (wherever occurring), substitute "Chair".

543 At the end of subsection 4(2)

Add:

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

544 Section 11

Omit "Chairman" (wherever occurring), substitute "Chair".

545 Paragraph 14(2)(c)

Omit "16", substitute "21 of the *Commonwealth Authorities and Companies Act 1997*".

546 Section 16

Repeal the section.

547 Subsections 17(1), (3) and (4) and 19(6)

Omit "Chairman" (wherever occurring), substitute "Chair".

548 Section 31

Repeal the section.

549 Subsection 32(4)

Omit “section 63J of the *Audit Act 1901*”, substitute “subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

550 At the end of section 33

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Memorial under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

551 Subsection 34(1)

Repeal the subsection.

552 Subsection 35(2)

Omit “34”, substitute “18 of the *Commonwealth Authorities and Companies Act 1997*”.

Note: The heading to section 35 is replaced by the heading “**Contracts**”.

553 Section 36

Repeal the section.

Australian Wine and Brandy Corporation Act 1980

554 Subsection 4(2)

Repeal the subsection.

555 At the end of section 4

Add:

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

556 At the end of subsection 12(1)

Add:

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

557 Paragraph 20(4)(b)

After “21”, insert “of the *Commonwealth Authorities and Companies Act 1997*”.

558 Subsections 21(1), (2) and (3)

Repeal the subsections.

559 Subsection 21(4)

Omit “A member who is a wine maker or a grape grower shall not be taken to have a pecuniary interest”, substitute “For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, a member who is a winemaker or a grape grower is not taken to have a material personal interest”.

560 Subsection 31K(1)

After “section”, insert “and the *Commonwealth Authorities and Companies Act 1997*”.

561 Section 35

Omit “Subject to section 36, the”, substitute “The”.

562 At the end of section 35

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Corporation under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

563 Section 36

Repeal the section.

564 Subsections 38(1), (2) and (3)

Repeal the subsections.

Note: The heading to section 38 is replaced by the heading “**Extra matters to be included in annual report**”.

565 Subsection 38(4)

Omit “the Corporation of its operations”, substitute “the members under section 9 of the *Commonwealth Authorities and Companies Act 1997* on the operations of the Corporation”.

566 Section 38A

Repeal the section.

567 Section 41

Repeal the section.

***Australian Wool Research and Promotion Organisation Act
1993***

568 At the end of subsection 5(2)

Add:

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

569 Subsections 30(1) and (2)

Repeal the subsections.

570 Subsection 30(3)

Omit “A member”, substitute “For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, a member”.

571 Subsection 30(3)

Omit “pecuniary”, substitute “material personal”.

572 Paragraph 33(2)(c)

Omit “30”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

573 Paragraph 42(4)(c)

Omit “30”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

574 Subsection 56(2)

Repeal the subsection, substitute:

- (2) Subsection (1) does not prevent the investment under section 19 of the *Commonwealth Authorities and Companies Act 1997* of money in the Fund that is not immediately required for the purposes of the Organisation.

575 At the end of section 59

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Organisation under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

576 Section 63

Repeal the section.

577 Subsection 64(2)

Repeal the subsection.

578 Section 65

Repeal the section.

579 Part 9

Repeal the Part.

580 At the end of section 68

Add:

- (5) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1997* in relation to the Organisation.

581 Subsection 76(1)

Repeal the subsection.

582 Subsection 76(2)

After “report”, insert “on the Organisation under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

583 Subsections 76(3) and (4)

Repeal the subsections.

Bankruptcy Act 1966

584 After section 18

Insert:

18AA *Commonwealth Authorities and Companies Act 1997* does not apply to Official Trustee

The Official Trustee is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

585 Section 20A (definition of *Equalization Account*)

Repeal the definition.

586 Section 20A

Insert:

Equalization Reserve means the Common Investment Fund Equalization Reserve established by section 20G.

587 Section 20G

Repeal the section, substitute:

20G Common Investment Fund Equalization Reserve

- (1) This subsection establishes a reserve called the Common Investment Fund Equalization Reserve.
- (2) The Equalization Reserve is a component of the Reserved Money Fund.

588 Subsections 20H(1) and (2)

Omit “Equalization Account”, substitute “Consolidated Revenue Fund”.

Note: The heading to section 20H is altered by omitting “**Account**” and substituting “**Reserve**”.

589 After subsection 20H(2)

Insert:

- (2A) Whenever a payment is made into the Consolidated Revenue Fund under subsection (1) or (2), an equal amount must be transferred to the Equalization Reserve from the Consolidated Revenue Fund.

590 Subsection 20H(3)

Omit “Account”, substitute “Reserve”.

591 Subsection 20H(4)

Omit “Equalization Account”, substitute “Equalization Reserve”.

592 Subsection 20H(4)

Omit “that Account” (wherever occurring), substitute “the Equalization Reserve”.

593 Subsection 20H(5)

Repeal the subsection, substitute:

- (5) Whenever an amount required by subsection (3) to be paid out of the Equalization Reserve exceeds the amount standing to the credit of the Equalization Reserve, an amount equal to the excess must be transferred to the Equalization Reserve from the Consolidated Revenue Fund.

594 Subparagraph 40(1)(f)(ii)

Omit “Chairman”, substitute “Chair”.

595 Section 139L (sub-subparagraph (b)(i)(A) of the definition of *income*)

Omit “Trust Account”, substitute “Reserve”.

596 Section 257 and paragraph 258(a)

Omit “chairman” (wherever occurring), substitute “chair”.

Broadcasting Services Act 1992

597 At the end of subsection 154(2)

Add:

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

598 Paragraph 160(b)

Omit “161”, substitute “28 of the *Commonwealth Authorities and Companies Act 1997*”.

599 Section 161

Repeal the section.

600 Clause 6 of Schedule 3

Repeal the clause.

601 Paragraph 9(3)(e) of Schedule 3

Omit “6 or 7”, substitute “7 of this Schedule or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

602 Clauses 13 and 14 of Schedule 3

Repeal the clauses.

603 Subclause 16(1) of Schedule 3

Omit “Subject to subclause (2), money”, substitute “Money”.

604 Subclause 16(2) of Schedule 3

Repeal the subclause, substitute:

(2) Subclause (1) does not prevent investment of surplus money of the ABA under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

Child Support (Registration and Collection) Act 1988

605 Subsection 4(1) (definition of *Trust Account*)

Repeal the definition.

606 Subsection 4(1)

Insert:

Reserve means the Child Support Reserve established by section 73.

607 Paragraph 53(c)

Omit “appropriated out of the Consolidated Revenue Fund”, substitute “required to be transferred to the Reserve”.

608 Division 1 of Part VI (heading)

Omit “*Trust Account*”, substitute “*Child Support Reserve*”.

609 Subsection 73(1)

Omit “An account”, substitute “A reserve”.

610 Subsection 73(1)

Omit “Trust Account”, substitute “Reserve”.

611 Subsection 73(2)

Repeal the subsection, substitute:

(2) The Reserve is a component of the Reserved Money Fund.

612 Subsection 74(1)

Omit “There shall be paid into the Trust Account”, substitute “The following amounts must be transferred to the Reserve out of the Consolidated Revenue Fund”.

Note: The heading to section 74 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

613 Paragraphs 74(1)(a), (b) and (c)

Before “amounts received”, insert “amounts equal to”.

614 Paragraph 74(1)(c)

Omit “and”.

615 Paragraph 74(1)(d)

Repeal the paragraph.

616 Subsection 74(2)

Omit “and pay that portion into the Trust Account”, substitute “and only that portion is to be transferred to the Reserve under subsection (1)”.

617 Section 75

Omit “Trust Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 75 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

618 Paragraph 75(d)

Omit “an appropriation has previously been required from that Fund”, substitute “amounts have been transferred from the Consolidated Revenue Fund”.

619 Section 77

Omit “is payable into the Trust Account out of the Consolidated Revenue Fund, which is appropriated accordingly”, substitute “must be transferred to the Reserve from the Consolidated Revenue Fund”.

620 Paragraph 78(3)(d)

Omit “is payable into the Trust Account out of the Consolidated Revenue Fund, which is appropriated accordingly”, substitute “must be transferred to the Reserve from the Consolidated Revenue Fund”.

Civil Aviation Act 1988

621 At the end of subsection 8(2)

Add:

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

Coal Industry Act 1946

622 After section 6

Insert:

6A *Commonwealth Authorities and Companies Act 1997* does not apply to Board

The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

623 Section 28G

Repeal the section.

Coal Mining Industry (Long Service Leave Funding) Act 1992

624 At the end of subsection 6(2)

Add:

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

625 Subsection 20(3)

Omit “would, for the purposes of section 22, be taken to have an interest”, substitute “has a material personal interest”.

626 Section 22

Repeal the section.

627 Paragraph 28(2)(c)

Omit “22 or 27”, substitute “27 of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

628 Section 30

Repeal the section.

629 Subsection 39(1)

Repeal the subsection.

630 Subsection 39(2)

Omit “Section 63E of the *Audit Act 1901*”, substitute “Subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

Note: The heading to section 39 is altered by omitting “**Division 2 of Part XI of the Audit Act**” and substituting “**the Commonwealth Authorities and Companies Act**”.

631 Subsection 39(3)

Repeal the subsection.

632 Subsections 39(4) and (5)

Omit “Division 2 of Part XI of the *Audit Act 1901* as that Division”, substitute “the *Commonwealth Authorities and Companies Act 1997* as that Act”.

Commonwealth Inscribed Stock Act 1911

633 Section 51F

Repeal the section.

634 Section 53

Repeal the section.

Commonwealth Places (Application of Laws) Act 1970

635 Section 21

Omit “*Audit Act 1901-1969*”, substitute “*Financial Management and Accountability Act 1997*”.

Note: The heading to section 21 is altered by omitting “**Audit**” and substituting “**Financial Management and Accountability**”.

Crimes Act 1914

636 Section 3 (definition of *Trust Fund*)

Repeal the definition.

637 Paragraph 9A(c)

Omit “Trust Fund”, substitute “Confiscated Assets Reserve”.

638 Paragraph 66(d)

Omit “chairman”, substitute “chair”.

Criminology Research Act 1971

639 Section 4 (definition of *approved bank*)

Repeal the definition.

640 At the end of subsection 5(2)

Add:

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

641 Section 12 and subsections 13(2) and 14(1), (2), (3) and (4)

Omit “Chairman” (wherever occurring), substitute “Chair”.

642 Sections 28A and 30

Repeal the sections.

643 At the end of section 31

Add:

(2) Subsection (1) does not prevent investment of surplus money of the Institute under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

644 Section 32

Repeal the section.

645 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 1997* that does not”.

646 Subsection 32A(2)

After “Division”, insert “or any provision of the *Commonwealth Authorities and Companies Act 1997*”.

647 Subsections 32A(3), (4) and (5)

Repeal the subsections.

648 Section 33

Repeal the section.

649 At the end of subsection 34(2)

Add:

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

650 Section 37 and subsections 39(1), (2), (3) and (4)

Omit “Chairman” (wherever occurring), substitute “Chair”.

651 Section 42

Repeal the section.

652 Section 43

Repeal the section, substitute:

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

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 1997*, 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.

653 At the end of section 44

Add:

- (2) The *Commonwealth Authorities and Companies Act 1997* applies to the Fund as though the Fund were money of the Council.

654 Section 45

Repeal the section.

655 At the end of section 47

Add:

- (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 1997*, 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.

656 Sections 48 and 49

Repeal the sections.

Customs Act 1901

657 Sections 183DA and 183DC and subsections 183J(1) and (4), 183K(1) and 183R(1)

Omit “Chairman” (wherever occurring), substitute “Chair”.

658 Subsection 208DA(1) (definition of *Trust Fund*)

Repeal the definition.

659 Subsection 208DA(3)

Omit “Trust Fund” (wherever occurring), substitute “Confiscated Assets Reserve”.

660 Subsection 243A(1) (definition of *Trust Fund*)

Repeal the definition.

661 Subsections 243G(6) and (7)

Omit “Trust Fund” (wherever occurring), substitute “Confiscated Assets Reserve”.

Dairy Produce Act 1986

662 Subsection 3(1) (definitions of *approved bank* and *Corporation auditor*)

Repeal the definitions.

663 Subsection 3(1)

Insert:

annual report means an annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1997*.

664 Subsection 3(2)

Repeal the subsection.

665 At the end of section 3

Add:

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

666 At the end of subsection 5(2)

Add:

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

667 Paragraph 12(2)(f)

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

668 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 1997*.

669 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 1997*”.

670 Section 35

Repeal the section, substitute:

35 Situations that do not amount to interests requiring disclosure

For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, 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.

671 Paragraph 38(3)(c)

Omit “35”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

672 At the end of section 40

Add:

- (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.

673 At the end of section 46

Add:

- (2) Section 21 of the *Commonwealth Authorities and Companies Act 1997* applies in relation to the Selection Committee as if the Selection Committee were a Commonwealth authority (as defined in that Act).

674 Paragraph 47(4)(d)

Omit “35”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

675 Sections 72 and 73

Repeal the sections.

676 Subsections 74(2) and (3)

Repeal the subsections, substitute:

- (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.

677 At the end of section 74

Add:

- (3) This section does not prevent investment of surplus money of the Corporation under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

678 Subsection 80(4)

Omit “section 73”, substitute “subsection 19(2) of the *Commonwealth Authorities and Companies Act 1997*”.

679 Sections 81 and 82

Repeal the sections.

680 Section 85

Repeal the section, substitute:

85 Investment of money standing to credit of a relevant fund

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 1997*.

681 At the end of section 86

Add:

- (3) The *Commonwealth Authorities and Companies Act 1997* applies to the Fund as though the Fund were money of the Corporation.

682 Paragraphs 87(c) and 88(1)(j)

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

683 Paragraph 88(1)(m)

Omit “Chairman”, substitute “Chair”.

684 At the end of section 89

Add:

- (3) The *Commonwealth Authorities and Companies Act 1997* applies to the Fund as though the Fund were money of the Corporation.

685 Paragraphs 90(2)(d) and 91(1)(d)

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

686 After subsection 92(2)

Insert:

- (3) The *Commonwealth Authorities and Companies Act 1997* applies to the Fund as though the Fund were money of the Corporation.

687 Paragraph 101(g)

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

688 At the end of section 104

Add:

- (3) The *Commonwealth Authorities and Companies Act 1997* applies to the Fund as though the Fund were money of the Corporation.

689 Paragraph 106(h)

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

690 Subsection 108G(3)

Omit “section 73”, substitute “subsection 19(2) of the *Commonwealth Authorities and Companies Act 1997*”.

691 Section 122

Repeal the section.

692 Subsections 123(1) and (2)

Repeal the subsections.

693 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 1997* must also include:”.

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

694 Subsection 123(4)

Repeal the subsection.

695 Section 124

Omit “The”, substitute “Subject to the provisions of the *Commonwealth Authorities and Companies Act 1997*, the”.

Defence Housing Authority Act 1987

696 Subsection 3(1) (definitions of *authorised auditor* and *financial statements*)

Repeal the definitions.

697 At the end of section 8

Add:

(9) Section 29 of the *Commonwealth Authorities and Companies Act 1997* does not apply to the Authority.

698 At the end of subsection 11(1)

Add:

Note: Subject to subsection 8(9), the *Commonwealth Authorities and Companies Act 1997* applies to the Authority. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

699 Subsections 20(1), (2) and (3)

Repeal the subsections.

700 Subsection 20(4)

Omit “A member shall not be taken to have a pecuniary”, substitute “For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, a member is not taken to have a material personal”.

701 Paragraph 21(2)(b)

Omit “20”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

702 Subsection 26(6)

Repeal the subsection, substitute:

- (6) Section 21 of the *Commonwealth Authorities and Companies Act 1997* applies to members of a committee as if:
- (a) the committee were a Commonwealth authority; and
 - (b) the members of the committee were directors of a Commonwealth authority; and
 - (c) a member of the committee did not have a material personal interest in a matter only because the member is the tenant of a house rented from the Authority.

703 Section 27

Repeal the section.

704 Subsection 28(1)

Repeal the subsection.

Note: The heading to section 28 is altered by omitting “plans” and substituting “**targets to be included in corporate plan**”.

705 Subsection 28(2)

Omit “, the Authority shall”, substitute “to be included in the Authority’s corporate plan under section 17 of the *Commonwealth Authorities and Companies Act 1997*, the members must”.

706 Subsection 28(3)

Repeal the subsection.

707 Section 29

Repeal the section.

708 Sections 43 and 44

Repeal the sections.

Defence Service Homes Act 1918

709 Subsection 40(1)

Repeal the subsection, substitute:

(1) This subsection establishes a reserve called the Defence Service Homes Insurance Reserve.

(1A) The Reserve is a component of the Reserved Money Fund.

Note: The heading to section 40 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

710 Subsection 40(2)

Omit “To that Trust Account there must be credited”, substitute “There must be transferred to the Reserve from the Consolidated Revenue Fund amounts equal to”.

711 Subsection 40(3)

Omit “that Trust Account”, substitute “the Reserve”.

712 Subsection 40A(1)

Omit “there shall be paid to the Defence Service Homes Insurance Trust Account”, substitute “there must be transferred to the Defence Service Homes Insurance Reserve from the Consolidated Revenue Fund”.

Note: The heading to section 40A is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

713 Subsection 40A(1)

Omit “that Account”, substitute “the Reserve”.

714 Subsection 40A(2)

Repeal the subsection, substitute:

(2) If interest is received by the Commonwealth from the investment of money from the Defence Service Homes Insurance Reserve, an amount equal to the interest must be transferred to the Reserve from the Consolidated Revenue Fund.

715 Subsection 40A(3)

Repeal the subsection.

Dried Sultana Production Underwriting Act 1982

716 Subsection 3(1) (definition of *Audit Act*)

Repeal the definition.

717 Subsection 12(4)

Omit “*Audit Act*”, substitute “*Financial Management and Accountability Act 1997*”.

718 Subsection 13(2)

Omit “*Audit Act*”, substitute “*Financial Management and Accountability Act 1997*”.

Dried Vine Fruits Equalization Act 1978

719 Subsection 9(1)

Omit “the Corporation”, substitute “the Australian Dried Fruits Board”.

720 Paragraph 9(1)(a)

Omit “an approved bank”, substitute “a bank”.

721 Subsection 9(2)

Repeal the subsection, substitute:

(2) In this section:

bank has the same meaning as it has in the *Commonwealth Authorities and Companies Act 1997*.

Dried Vine Fruits Stabilization Legislation Repeal Act 1981

722 Subsection 8(4)

Omit “*Audit Act 1901*”, substitute “*Financial Management and Accountability Act 1997*”.

723 Subsection 9(2)

Omit “*Audit Act 1901*”, substitute “*Financial Management and Accountability Act 1997*”.

Employment Services Act 1994

724 At the end of subsection 68(2)

Add:

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

725 Sections 72 and 73

Repeal the sections.

726 Subsections 85(1) and (2)

Repeal the subsections.

727 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**”.

728 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 1997* (these sections deal with disclosure of interests)”.

729 Paragraph 89(3)(a)

Omit “85”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

730 Section 105

Repeal the section.

731 Paragraph 106(c)

Omit “section 108”, substitute “subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

732 Section 107

Repeal the section, substitute:

107 Extra matters to be included in annual report

The annual report on ESRA under section 9 of the *Commonwealth Authorities and Companies Act 1997* 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.

733 Section 108

Repeal the section.

Endangered Species Protection Act 1992

734 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 1997*”.

Excise Act 1901

735 Subsection 165A(11)

Omit “section 70C of the *Audit Act 1901*”, substitute “section 34 of the *Financial Management and Accountability Act 1997*”.

Export Finance and Insurance Corporation Act 1991

736 At the end of subsection 6(2)

Add:

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

737 At the end of subsection 11(2)

Add:

Note: Subsection 19(3) of the *Commonwealth Authorities and Companies Act 1997* also gives EFIC the power to invest its surplus money.

738 Paragraph 42(3)(c)

Omit “45”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

739 Section 45

Repeal the section.

740 Subsection 46(3)

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

741 Section 48

Repeal the section.

742 Subsection 49(1)

Repeal the subsection.

743 Subsection 49(2)

After “financial target” insert “to be included in a corporate plan”.

744 At the end of subsection 49(2)

Add:

Note: Section 17 of the *Commonwealth Authorities and Companies Act 1997* requires the members to prepare corporate plans for EFIC.

745 Sections 50 and 51

Repeal the sections.

746 Section 57

Repeal the section.

747 Subsection 70(1)

Repeal the subsection.

Note: The heading to section 70 is replaced by the heading “**Extra matters to be included in annual report**”.

748 Subsection 70(2)

Omit “EFIC is required, in the financial statements prepared in respect of each financial year for the purpose of section 63H of the *Audit Act 1901* (as it applies by virtue of subsection (1)), to”, substitute “In each report on EFIC under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must”.

749 Subsection 85(1)

Repeal the subsection.

750 Section 86

Repeal the section.

Family Law Act 1975**751 Sections 38S, 38T and 38U**

Repeal the sections, substitute:

38S Annual report

- (1) As soon as practicable after 30 June in each year, the Chief Judge must prepare and give to the Attorney-General a report of the management of the administrative affairs of the Court during the year.
- (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*.
- (3) The Attorney-General must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

752 Subsection 114B(4)

Omit “by the Institute under section 63M of the *Audit Act 1901*, as that section applies to the Institute by virtue of section 114N of this Act, shall”, substitute “on the Institute under section 9 of the *Commonwealth Authorities and Companies Act 1997* must”.

753 At the end of subsection 114BA(1)

Add:

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

754 Paragraphs 114J(2)(a) and (c)

Add at the end “or”.

755 After paragraph 114J(2)(c)

Insert:

(d) without reasonable excuse contravenes section 21 of the *Commonwealth Authorities and Companies Act 1997*;

756 Section 114MB

Repeal the section.

757 At the end of section 114MD

Add:

(2) Subsection (1) does not prevent investment of surplus money of the Institute under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

758 Section 114ME

Repeal the section.

759 Section 114N

Repeal the section.

Federal Airports Corporation Act 1986

760 Subsection 3(1) (definition of *Corporate plan*)

Repeal the definition.

761 Subsection 3(1) (definition of *financial plan*)

Repeal the definition.

762 Subsection 3(1)

Insert:

annual report means an annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1997*.

763 Subsection 3(1)

Insert:

corporate plan means a corporate plan for the Corporation under section 17 of the *Commonwealth Authorities and Companies Act 1997*.

764 Subsection 3(2)

Repeal the subsection, substitute:

- (2) For the purposes of this Act:
 - (a) the Acting Chair may be referred to as the Acting Chair, Acting Chairperson, Acting Chairman or Acting Chairwoman or by any other such term as the person occupying the office so chooses; and
 - (b) the Acting Deputy Chair may be referred to as the Acting Deputy Chair, Acting Deputy Chairperson, Acting Deputy Chairman or Acting Deputy Chairwoman or by any other such term as the person occupying the office so chooses.
- (2A) If a person occupying either of the offices mentioned in subsection (2) does not make known his or her choice of term, the person may be referred to by whichever of the following terms that a person addressing that person considers appropriate, as the case requires:
 - (a) Acting Chair or Acting Deputy Chair;
 - (b) Acting Chairperson or Acting Deputy Chairperson;
 - (c) Acting Chairman or Acting Deputy Chairman;
 - (d) Acting Chairwoman or Acting Deputy Chairwoman.

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

765 At the end of subsection 5(2)

Add:

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

766 Sections 10 and 11

Repeal the sections.

767 Paragraph 19(2)(d)

Omit “20”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

768 Subsection 19(2C)

Repeal 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 1997*; or

- (ii) paragraph 16(1)(a) or (b) or the *Commonwealth Authorities and Companies Act 1997*;

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

769 Section 20

Repeal the section.

770 Subsection 27A(1)

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

771 Sections 37 and 38

Repeal the sections.

772 Subsection 39(1)

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

773 Subsection 39(2)

Repeal the subsection.

774 Subsection 40(1)

Repeal the subsection, substitute:

- (1) Without limiting the generality of the Minister’s powers under subsection 41(1A) or (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**”.

775 Section 40A

Repeal the section.

776 At the end of section 41

Add:

Note: This section does not affect the application of the *Commonwealth Authorities and Companies Act 1997* to the Corporation.

777 Subsection 42A(3)

Omit “Corporate”, substitute “corporate”.

778 Sections 54, 54A, 54B, 54C and 55

Repeal the sections.

779 Section 65

Repeal the section, substitute:

65 Extra matters to be included in annual report

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.

Federal Court of Australia Act 1976

780 Sections 18S, 18T and 18U

Repeal the sections, substitute:

18S Annual report

- (1) As soon as practicable after 30 June in each year, the Chief Judge must prepare and give to the Attorney-General a report of the management of the administrative affairs of the Court during the year.
- (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*.
- (3) The Attorney-General must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

Financial Agreement Act 1994

781 Subsection 6(2)

Repeal the subsection, substitute:

- (2) The account is a component of the Reserved Money Fund.

782 At the end of section 6

Add:

- (4) There must be transferred to the account from the Consolidated Revenue Fund amounts equal to all money received by the Commonwealth under the 1994 Financial Agreement.

783 Subclause 4(4) of the Schedule

Omit “Chairman”, substitute “Chair”.

Fisheries Administration Act 1991

784 Paragraph 7(k)

Omit “section 63H of the *Audit Act 1901*, and in this Part,”, substitute “this Part”.

785 At the end of section 7

Add:

Note: Section 9 of the *Commonwealth Authorities and Companies Act 1997* requires the members of the Authority to prepare an annual report on the Authority.

786 At the end of subsection 10(1)

Add:

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

787 Section 20

Repeal the section.

788 Paragraph 21(2)(b)

Omit “20”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

789 Section 64

Omit “to 21 (inclusive) and section”, substitute “, 19, 21 and”.

790 After section 64

Insert:

64A Disclosure of interests of members of management advisory committees

- (1) If:
- (a) a member of a management advisory committee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the committee; and
 - (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter;
- the member must disclose the nature of the interest at a meeting of the committee, as soon as practicable after the relevant facts have come to the member's knowledge.
- (2) A disclosure must be recorded in the minutes of the meeting.

791 Subsection 88(1)

Repeal the subsection.

Note: The heading to section 88 is replaced by the heading “**Extra matters to be included in annual report**”.

792 Subsection 88(2)

Omit “Without limiting the generality of subsection 63H(1) of the *Audit Act 1901* in its application in relation to the Authority, the Authority must include in each report referred to in that subsection”, substitute “Each annual report on the Authority prepared by the directors under section 9 of the *Commonwealth Authorities and Companies Act 1997* must include”.

793 Subsection 88(2) (note)

Repeal the note.

Forestry and Timber Bureau Act 1930

794 Section 5

Repeal the section, substitute:

5 Forestry Reserve

- (1) This subsection establishes a reserve called the Forestry Reserve.
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- (1A) The Reserve is a component of the Reserved Money Fund.
 - (2) There must be transferred to the Reserve from the Consolidated Revenue Fund:
 - (a) amounts equal to donations for the furtherance of forestry that are received by the Director-General or are otherwise received by or on behalf of the Commonwealth; and
 - (b) money appropriated by the Parliament for the purposes of the Reserve or payable to the Reserve under any other law.
 - (3) Money in the Reserve may be applied, in a manner approved by the Minister, for the furtherance of forestry.
 - (4) If interest is received by the Commonwealth from the investment of money from the Reserve, an amount equal to the interest must be transferred to the Reserve from the Consolidated Revenue Fund.

Great Barrier Reef Marine Park Act 1975

795 Subsection 7(3)

Omit “Authority shall include in each report prepared under section 63M of the *Audit Act 1901*”, substitute “members must include in each report on the Authority under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

796 At the end of subsection 9(1)

Add:

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

797 Paragraph 16(2)(e)

Omit “section 16A”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

798 Subsections 16A(1) and (2)

Repeal the subsections.

Note: The heading to section 16A is altered by omitting “members” and substituting “Chair”.

799 Subsection 16A(4)

Repeal the subsection.

800 At the end of section 53

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Authority under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

801 Sections 53A and 54

Repeal the sections.

802 Section 55

Repeal the section.

803 Subsection 56(2)

Omit “subsection 53A(2)”, substitute “section 18 of the *Commonwealth Authorities and Companies Act 1997*”.

804 Subsection 61A(5)

Omit “Authority shall include in each report prepared under section 63M of the *Audit Act 1901*”, substitute “members must include in each annual report on the Authority under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

Health Insurance Commission Act 1973

805 Section 8G

After “this Act”, insert “and the *Commonwealth Authorities and Companies Act 1997*”.

806 At the end of subsection 9(1)

Add:

Note: Subject to section 9A, the *Commonwealth Authorities and Companies Act 1997* applies to the Commission. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability and conduct of officers.

807 After section 9

Insert:

9A Modification of the *Commonwealth Authorities and Companies Act 1997*

Sections 14, 18 and 19 of the *Commonwealth Authorities and Companies Act 1997* do not apply in relation to the Commission, except as provided in subsections 36(6), (6A) and (6D).

808 Section 15

Repeal the section.

809 Paragraph 17(2)(b)

Omit “15”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

810 Paragraph 26(2)(b)

Omit “15”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

811 Subsection 34(1)

Omit all the words from and including “prepare estimates” to and including “medicare functions”, substitute “prepare budget estimates, in such form as the Minister directs, relating to the Commission’s performance of its medicare functions”.

812 Subsection 34AAA(1)

Omit all the words from and including “prepare estimates” to and including “child care cash rebate functions”, substitute “prepare budget estimates, in such form as the Minister directs, relating to the Commission’s performance of its child care cash rebate functions”.

813 Subsection 35(1)

Omit “an approved bank or banks”, substitute “a bank or banks”.

814 Subsection 35(5)

Repeal the subsection, substitute:

(5) In this section:

bank has the same meaning as it has in the *Commonwealth Authorities and Companies Act 1997*.

815 Subsection 36(6)

Omit all the words from and including “Commission:” to and including “Treasurer;”, substitute “Commission in any manner specified in subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*,”.

816 Subsection 36(6A)

Omit all the words from and including “invested:” to and including “body thinks fit;”, substitute “invested in any manner specified in subsection 19(3) of the *Commonwealth Authorities and Companies Act 1997*,”.

817 After subsection 36(6B)

Insert:

- (6BA) Powers to invest money under subsection (6A) may be exercised:
- (a) by the Commission; or
 - (b) by a person or body who or that is:
 - (i) approved by the Commission; and
 - (ii) in the business of investment management; and
 - (iii) acting in accordance with any directions given by the Commission.

818 Subsection 36(6C)

Omit “and (6B)”, substitute “,(6B) and (6BA)”.

819 Subsection 36(6D)

Omit all the words from and including “Commission:” to and including “Treasurer;”, substitute “Commission in any manner specified in subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*,”.

820 Sections 40 and 41

Repeal the sections.

821 Section 42

Repeal the section, substitute:

42 Extra matters to be included in annual report

The annual report on the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also include:

- (a) the principles that were applicable in accordance with subsections 34B(2), 34C(1) and 36(6B) during the financial year; and
- (b) a statement as to whether those principles differed from the principles that were applicable in the preceding financial year, and, if they differed, as to the manner in which they differed; and
- (c) the number of:
 - (i) signed instruments made under section 8M; and
 - (ii) notices in writing given under section 8P; and
 - (iii) notices in writing given to individual patients under section 8P; and
 - (iv) premises entered under section 8U; and
 - (v) occasions when powers were used under section 8V; and
 - (vi) search warrants issued under section 8Y; and
 - (vii) search warrants issued by telephone or other electronic means under section 8Z; and
 - (viii) patients advised in writing under section 8ZN.

822 Section 43

Repeal the section.

Hearing Services Act 1991**823 At the end of subsection 7(2)**

Add:

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

824 Section 10

Repeal the section.

825 At the end of section 12

Add:

- (4) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1997* in relation to the Authority.

826 Subsection 22(3)

Omit “would, for the purposes of section 24, be taken to have an interest”, substitute “has a material personal interest”.

827 Section 24

Repeal the section.

828 Paragraph 31(2)(b)

Omit “or section 24”, substitute “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

829 Section 39

Repeal the section.

830 Paragraph 46(2)(b)

Omit “or section 24”, substitute “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

831 Subsection 52(2)

Omit “Subject to subsection (3), the”, substitute “The”.

832 Subsections 52(3), (4) and (5)

Repeal the subsections, substitute:

- (3) Subsection (2) does not prevent investment of surplus money of the Authority under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

833 Section 59

Repeal the section.

834 Paragraph 60(1)(b)

Omit “63D(1) of the *Audit Act 1901*”, substitute “18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

835 Subsection 60(2)

Repeal the subsection.

836 Section 61

Repeal the section.

837 Section 71

Repeal the section.

Higher Education Funding Act 1988

838 Subsection 34(1) (definition of *Fund*)

Repeal the definition.

839 Subsection 34(1)

Insert:

Reserve means the Higher Education (HECS) Reserve established by section 59.

840 Part 4.3 (heading)

Repeal the heading, substitute:

Part 4.3—Higher Education (HECS) Reserve

841 Subsection 59(1)

Omit “fund”, substitute “reserve”.

Note: The heading to section 59 is altered by omitting “**Fund**” and substituting “**Reserve**”.

842 Subsection 59(1)

Omit “Trust Fund”, substitute “(HECS) Reserve”.

843 Subsection 59(2)

Repeal the subsection, substitute:

(2) The Reserve is a component of the Reserved Money Fund.

844 Subsection 60(1)

Omit “There shall be paid into the Fund”, substitute “There must be transferred to the Reserve from the Consolidated Revenue Fund amounts equal to”.

Note: The heading to section 60 is altered by omitting “**Fund**” and substituting “**Reserve**”.

845 Paragraph 60(1)(b)

Omit “amounts equal to”.

846 Paragraphs 60(1)(c) and (d)

Omit “Fund”, substitute “Reserve”.

847 Paragraph 60(1)(e)

Omit “in the Fund”, substitute “from the Fund”.

848 Subsection 60(2)

Repeal the subsection.

849 Subsection 61(1)

Omit “Fund”, substitute “Reserve”.

Note: The heading to section 61 is altered by omitting “**Fund**” and substituting “**Reserve**”.

850 Subsection 117(2)

Omit “section 49 or 50 of the *Audit Act 1901*”, substitute “section 54 or 55 of the *Financial Management and Accountability Act 1997*”.

***Horticultural Research and Development Corporation Act
1987***

851 Subsection 7(1)

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

852 Subsection 7(2)

Repeal the subsection.

853 At the end of subsection 11(1)

Add:

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

854 Section 22

Repeal the section.

855 Paragraph 23(2)(b)

Omit “22”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

856 Subsection 29(1)

Omit “Without limiting the matters that the Corporation may include in its annual report for a period, the Corporation shall include in the report”, substitute “The members of the Corporation must include in a report on the Corporation prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

857 Subsection 29(2)

Repeal the subsection.

858 At the end of section 47

Add:

- (3) This section does not prevent investment of surplus money of the Corporation under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

859 Section 52

Repeal the section.

860 Subsection 54(5)

Repeal the subsection, substitute:

- (5) Section 21 of the *Commonwealth Authorities and Companies Act 1997* applies to a member of a committee as if the committee were a Commonwealth authority and the member were a director of the authority.

Housing Loans Insurance Act 1965

861 Subsection 4(1) (definition of *approved bank*)

Repeal the definition.

862 At the end of subsection 6(2)

Add:

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

863 Section 10

Repeal the section.

864 Paragraph 11(2)(b)

Omit “10”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

865 Section 32

Repeal the section.

866 Section 33

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

867 At the end of section 33

Add:

(2) Subsection (1) does not prevent investment of surplus money of the Corporation under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

868 Section 34

Repeal the section.

869 Subsection 36(1)

Repeal the subsection.

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

870 Section 37

Repeal the section.

871 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 1997*”.

872 Section 37B

Repeal the section.

873 Section 39

Repeal the section, substitute:

39 Extra matters to be included in annual report

The annual report on the Corporation under section 9 of the *Commonwealth Authorities and Companies Act 1997* 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.

874 Section 40

Repeal the section, substitute:

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

A Minister cannot, under paragraph 16(1)(b) or (c) of the *Commonwealth Authorities and Companies Act 1997*, 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 1996

875 Subsection 40(1)

After “section 39 of that Act”, insert “, or section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

876 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 1997*)”.

Income Tax Assessment Act 1936

877 Subsection 128U(1) (definition of *mining payment*)

Omit “Trust Account” (wherever occurring), substitute “Aboriginals Benefit Reserve”.

878 Subsection 128U(1) (definition of *Trust Account*)

Repeal the definition.

879 Subsection 128U(1)

Insert:

Aboriginals Benefit Reserve means the Aboriginals Benefit Reserve established by section 62 of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

880 Subsection 159ZR(1) (definition of *eligible income*)

After “section 34A of the *Audit Act 1901*”, insert “or section 33 of the *Financial Management and Accountability Act 1997*”.

Interstate Road Transport Act 1985

881 Subsection 3(1) (definition of *Fund*)

Repeal the definition.

882 Subsection 3(1)

Insert:

Reserve means the Interstate Road Transport Reserve established by section 21.

883 Part IV (heading)

Repeal the heading, substitute:

Part IV—Interstate Road Transport Reserve

884 Section 21

Repeal the section, substitute:

21 Interstate Road Transport Reserve

- (1) This subsection establishes a reserve called the Interstate Road Transport Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.
- (3) If interest is received by the Commonwealth from the investment of money from the Reserve, an amount equal to the interest must be transferred to the Reserve from the Consolidated Revenue Fund.

885 Subsection 22(1)

Omit “Fund”, substitute “Reserve”.

Note: The heading to section 22 is altered by omitting “**Fund**” and substituting “**Reserve**”.

886 Subsection 22(1)

Omit “which is appropriated accordingly,”.

887 Subsection 22(2)

Omit “Fund”, substitute “Reserve, out of the Consolidated Revenue Fund, amounts equal to”.

888 Section 23

Omit “Fund”, (wherever occurring), substitute “Reserve”.

Note: The heading to section 23 is altered by omitting “**Fund**” and substituting “**Reserve**”.

Lands Acquisition Act 1989

889 Section 6 (definition of *Trust Fund*)

Repeal the definition.

890 Section 6

Insert:

Reserve means the Lands Acquisition Reserve established by section 89A.

891 After section 89

Insert:

89A Establishment of Lands Acquisition Reserve

- (1) This subsection establishes a reserve called the Lands Acquisition Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.

892 Section 90

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

Note: The heading to section 90 is altered by omitting “**Trust Fund**” and substituting “**Reserve**”.

893 Section 114

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

Note: The heading to section 114 is altered by omitting “**Trust Fund**” and substituting “**Reserve**”.

Loan Consolidation and Investment Reserve Act 1955

894 Subsection 4(2)

Repeal the subsection, substitute:

- (2) The Reserve is a component of the Reserved Money Fund.

895 Section 5

Repeal the section, substitute:

5 Payments to Reserve

There must be transferred to the Reserve from the Consolidated Revenue Fund:

- (a) amounts appropriated by the Parliament for the purposes of the Reserve; and

- (b) amounts equal to interest received by the Commonwealth from the investment of money from the Reserve.

896 Subsection 6(4)

Omit “section 62B of the *Audit Act 1901*”, substitute “section 39 of the *Financial Management and Accountability Act 1997*”.

897 Subsection 7(4)

Repeal the subsection, substitute:

- (4) Section 62 of the *Financial Management and Accountability Act 1997* applies to the Finance Minister’s power under subsection 6(4) of this Act in the same way as that section applies to the Finance Minister’s powers under the *Financial Management and Accountability Act 1997*.

Loan (Income Equalization Deposits) Act 1976

898 Subsection 4B(3)

Omit “Trust Account”, substitute “Reserve”.

899 Section 7

Repeal the section, substitute:

7 Establishment of Reserve

- (1) This subsection establishes a reserve called the Income Equalization Deposits Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.

900 Section 8

Omit “Trust Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 8 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

901 Subsection 15A(9)

Omit “Trust Account”, substitute “Reserve”.

Loan (Temporary Revenue Deficits) Act 1953

902 Subsection 3(1)

Omit “Notwithstanding section fifty-seven of the *Audit Act 1901-1952*, whenever”, substitute “Whenever”.

Maritime College Act 1978

903 At the end of subsection 5(2)

Add:

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

904 Paragraph 17(2)(b)

Omit “an obligation imposed on him or her by section 18”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

905 Section 18

Repeal the section.

906 After section 32

Insert:

33 College’s financial year starts on 1 January

For the purposes of the *Commonwealth Authorities and Companies Act 1997*, the College’s financial year is a period of 12 months starting on 1 January.

907 At the end of section 34

Add:

(2) Subsection (1) does not prevent investment of surplus money of the College under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

908 Section 35

Repeal the section.

909 Section 37C

Omit “35,”.

910 Section 37E

Repeal the section.

Meat and Live-stock Industry Act 1995

911 At the end of subsection 8(2)

Add:

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

912 Paragraph 23(1)(a)

Repeal 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 1997*); and

913 Paragraph 23(2)(a)

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

914 Paragraph 23(2)(b)

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

915 Paragraph 23(2)(c)

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

916 Section 32

Repeal the section, substitute:

32 Situations that do not amount to interests requiring disclosure

For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, 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.

917 Paragraph 35(3)(c)

Omit “32”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

918 At the end of section 44

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Council under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

919 Section 47

Repeal the section.

920 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 1997* must also include:”.

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

921 At the end of subsection 53(2)

Add:

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

922 Section 112

Repeal the section, substitute:

112 Situations that do not amount to interests requiring disclosure

For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, 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.

923 Paragraph 115(3)(c)

Omit “112”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

924 At the end of section 126

Add:

- (3) Subsections (1) and (2) do not prevent investment of surplus money of AMLC under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

925 Sections 130, 131, 132 and 133

Repeal the sections.

926 Subsection 163(1)

Repeal the subsection.

927 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 1997* must also include:”.

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

928 Subsections 163(4) and (5)

Repeal the subsections.

929 At the end of subsection 166(2)

Add:

Note: The *Commonwealth Authorities and Companies Act 1997* applies to MRC. That Act deals with matters relating to Commonwealth

authorities, including reporting and accountability, banking and investment, and conduct of officers.

930 Section 191

Repeal the section, substitute:

191 Situations that do not amount to interests requiring disclosure

For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, 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.

931 Paragraph 194(3)(c)

Omit “191”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

932 At the end of section 205

Add:

- (2) Subsection (1) does not prevent investment of surplus money of MRC under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

933 Section 208

Repeal the section.

934 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 1997* must also include:”.

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

935 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 1997*”.

936 At the end of section 221

Add:

- (5) This section does not apply to notices under section 28 of the *Commonwealth Authorities and Companies Act 1997*, and does not affect the Minister’s power to give notices under that section.

Military Superannuation and Benefits Act 1991

937 At the end of section 19

Add:

- (4) The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

938 Section 25

Repeal the section, substitute:

25 Banking

- (1) The Board must pay all money received by it in respect of the Fund into an account maintained by it with a bank.

- (2) In this section:

bank has the same meaning as it has in the *Commonwealth Authorities and Companies Act 1997*.

25A Accounting records

- (1) The Board must keep proper accounts and records of the Fund’s transactions and affairs in accordance with the accounting principles generally applied in commercial practice.
- (2) The Board must do all things necessary to ensure that:
- (a) all payments out of the Fund are correctly made and properly authorised; and

- (b) adequate control is maintained over the assets of the Fund and over the incurring of liabilities by the Board in respect of the Fund.
- (3) If a requirement of this section is contravened, each member of the Board who intentionally:
 - (a) caused the contravention; or
 - (b) failed to take all reasonable steps to comply with the requirement, or secure compliance with the requirement;is guilty of an offence.

Penalty for contravention of subsection (3): Imprisonment for 6 months

25B Audit

- (1) At least once a year, the Auditor-General must:
 - (a) inspect and audit:
 - (i) the accounts and records of the Fund's financial transactions; and
 - (ii) the records relating to assets of the Fund; and
 - (b) report to the Minister the results of the inspection and audit.
- (2) The Auditor-General may, however, decide to dispense with all or any part of the detailed inspection of the accounts and records.
- (3) The Auditor-General must, as soon as practicable, report to the Minister any irregularity disclosed by the inspection that the Auditor-General thinks is sufficiently important to be reported.

Note: For the information-gathering powers of the Auditor-General, see Part 5 of the *Auditor-General Act 1997*.

National Cattle Disease Eradication Trust Account Act 1991

939 Title

Omit “**continue in existence the National Cattle Disease Eradication Trust Account**”, substitute “**establish the National Cattle Disease Eradication Reserve**”.

940 Section 1

Omit “*Trust Account*”, substitute “*Reserve*”.

941 Section 3 (definition of *the Account*)

Repeal the definition.

942 Section 3

Insert:

Reserve means the National Cattle Disease Eradication Reserve established by section 4.

943 Section 4

Repeal the section, substitute:

4 Establishment of Reserve

- (1) This subsection establishes a reserve called the National Cattle Disease Eradication Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.

944 Subsection 5(1)

Omit “There is to be paid into the Account”, substitute “There must be transferred to the Reserve from the Consolidated Revenue Fund”.

Note: The heading to section 5 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

945 Paragraph 5(1)(c)

Omit “Account”, substitute “Reserve”.

946 Paragraph 5(1)(d)

Repeal the paragraph, substitute:

- (d) amounts equal to interest from the investment of money from the Reserve.

947 Subsection 5(2)

Repeal the subsection.

948 Section 6

Omit “Account”, substitute “Reserve”.

Note: The heading to section 6 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

National Environment Protection Council Act 1994

949 At the end of section 56

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Service Corporation under section 18 of the *Commonwealth Authorities and Companies Act 1997* as it applies to the Service Corporation under section 59 of this Act.

950 Sections 58 and 59

Repeal the sections, substitute:

59 Application of the *Commonwealth Authorities and Companies Act 1997*

- (1) The Service Corporation is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.
- (2) Sections 9, 18 and 20 of that Act, and Schedule 1 to that Act, apply in relation to the Service Corporation as if it were a Commonwealth authority for the purposes of that Act.
- (3) Section 9 of the *Commonwealth Authorities and Companies Act 1997* applies in relation to the Service Corporation as if the NEPC Executive Officer were a director of the Service Corporation for the purposes of that Act.
- (4) Schedule 1 to that Act applies in relation to the Commission as if references in that Schedule to the Finance Minister's Orders were references to requirements set out in a resolution of the Ministerial Council carried in accordance with section 28 of this Act.
- (5) An annual report prepared under section 9 of that Act must also contain any other information required by the Council to be included in the report.
- (6) A copy of each annual report given to the Minister must be given to each member of the Ministerial Council as soon as practicable.

National Gallery Act 1975

951 Subsection 3(1) (definitions of *Chairman* and *Deputy Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

952 At the end of subsection 4(2)

Add:

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

953 Subsection 7(4)

Omit “sections 36 and 39”, substitute “section 36 of this Act and subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

954 Paragraph 13(1)(a) and section 14

Omit “Chairman” (wherever occurring), substitute “Chair”.

955 Paragraph 17(2)(c)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

956 Section 19

Repeal the section.

957 Section 20 and subsections 22(1) and (5)

Omit “Chairman” (wherever occurring), substitute “Chair”.

958 Paragraph 29(2)(aa)

Omit “19”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

959 Section 35

Repeal the section.

960 At the end of section 37

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Gallery under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

961 Subsection 38(2)

Omit “39”, substitute “18 of the *Commonwealth Authorities and Companies Act 1997*”.

962 Sections 39 and 40

Repeal the sections, substitute:

40 Extra matters to be included in annual report

In each report on the Gallery under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must include particulars of any disposals of works of art under section 9 of this Act during the financial year to which the report relates.

National Health Act 1953

963 At the end of subsection 82B(2)

Add:

Note: Subject to section 82BA, the *Commonwealth Authorities and Companies Act 1997* applies to the Council. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

964 After section 82B

Insert:

82BA Modification of the *Commonwealth Authorities and Companies Act 1997*

- (1) The *Commonwealth Authorities and Companies Act 1997* 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 1997* do not apply in relation to the Council.

965 After section 82C

Insert:

82CA Disclosure of interests by Commissioner

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.

966 Section 82P

After “powers of the Council”, insert “, other than functions and powers under the *Commonwealth Authorities and Companies Act 1997*”.

967 At the end of section 82PA

Add:

Note: An annual report on the Council’s operations must also be prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*.

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

968 At the end of subsection 82ZR(1)

Add:

Note: Subject to section 82ZRAA, the *Commonwealth Authorities and Companies Act 1997* applies to the Complaints Commissioner. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

969 After section 82ZR

Insert:

82ZRAA *Commonwealth Authorities and Companies Act 1997* applies as though Complaints Commissioner were a director

- (1) Subsection 82ZR(1) provides that the Complaints Commissioner is a corporation. The *Commonwealth Authorities and Companies Act 1997* 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 1997* does not apply in relation to the Complaints Commissioner.

970 After section 82ZUB

Insert:

82ZUBA Disclosure of interest by Complaints Commissioner

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.

971 Subsection 82ZVA(1)

Repeal the subsection.

972 Subsection 82ZVA(2)

Omit all the words from and including “The annual report” to and including “summary of:”, substitute “The annual report prepared by the Complaints Commissioner under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also include a summary of:”.

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

National Health and Medical Research Council Act 1992

973 Section 4 (definition of *Fund*)

Repeal the definition.

974 Section 4

Insert:

Reserve means the Medical Research Endowment Reserve established by section 49.

975 Paragraph 7(1)(c)

Omit “Fund”, substitute “Reserve”.

976 Paragraphs 35(2)(a) and (b)

Omit “Fund”, substitute “Reserve”.

977 Part 7 (heading)

Repeal the heading, substitute:

Part 7—Medical Research Endowment Reserve**978 Section 49**

Repeal the section, substitute:

49 Establishment of Reserve

- (1) This subsection establishes a reserve called the Medical Research Endowment Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.
- (3) If interest is received by the Commonwealth from the investment of money from the Reserve, an amount equal to the interest must be transferred to the Reserve from the Consolidated Revenue Fund.

979 Section 50

Repeal the section, substitute:

50 Payments into Reserve

There must be transferred to the Reserve from the Consolidated Revenue Fund:

- (a) amounts from time to time appropriated by the Parliament for the purposes of the Reserve; and
- (b) amounts equal to amounts that are given or bequeathed for the purposes of the Reserve.

980 Subsection 51(1)

Omit “Fund”, substitute “Reserve”.

Note: The heading to section 51 is altered by omitting “**Fund**” and substituting “**Reserve**”.

981 Subsection 52(1)

Omit “the *Audit Act 1901* (other than section 62B of that Act)”, substitute “the *Financial Management and Accountability Act 1997* (other than section 39 of that Act)”.

982 Subsection 52(1)

Omit “Fund” (wherever occurring), substitute “Reserve”.

983 Subsection 52(2)

Omit “Fund”, substitute “Reserve”.

984 Section 53

Repeal the section, substitute:

53 Money repaid to the Commonwealth

Amounts equal to money repaid to the Commonwealth in accordance with a condition determined under subsection 51(2) must be transferred to the Reserve from the Consolidated Revenue Fund.

National Library Act 1960

985 At the end of subsection 5(1)

Add:

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

986 Section 12

Omit “Chairman” (wherever occurring), substitute “Chair”.

987 Paragraph 15(1)(e)

Omit “15B”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

988 Section 15B

Repeal the section.

989 Section 16

Omit “Chairman” (wherever occurring), substitute “Chair”.

990 Paragraph 17E(1)(aa)

Omit “15B”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

991 Sections 21 and 21A

Repeal the sections.

992 At the end of section 22

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Library under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

993 Section 23

Repeal the section.

994 Section 27

Repeal the section.

National Measurement Act 1960

995 At the end of subsection 16(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 conduct of officers.

996 Subsection 17(1)

Omit “Chairman”, substitute “Chair”.

997 Paragraph 18AC(2)(c)

Omit “18AD”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

998 Sections 18AD and 18C

Repeal the sections.

999 Subsections 18AE(2), (4), (5) and (7), sections 18AM, 18AN and 18AO and subsection 18AP(6)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1000 Paragraph 18D(c)

Omit “18DA”, substitute “18 of the *Commonwealth Authorities and Companies Act 1997*”.

1001 Sections 18DA and 18E

Repeal the sections.

1002 Subsection 18F(2)

Omit “18DA”, substitute “18 of the *Commonwealth Authorities and Companies Act 1997*”.

1003 Sections 18G, 18H and 19C

Repeal the sections.

National Museum of Australia Act 1980

1004 Section 3 (definitions of *Chairman* and *Deputy Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1005 At the end of subsection 4(2)

Add:

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

1006 Subsection 9(5)

Omit “The Museum must, in each report prepared under section 63M of the *Audit Act 1901* (as that section applies by virtue of section 38),”, substitute “In each report on the Museum under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must”.

1007 Paragraph 13(1)(a) and section 14

Omit “Chairman” (wherever occurring), substitute “Chair”.

1008 Paragraph 17(2)(c)

Omit “section 19”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

1009 Section 19

Repeal the section.

1010 Section 20 and subsection 22(6)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1011 Paragraph 27(2)(e)

Omit “his obligations under section 19”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

1012 Section 34

Repeal the section.

1013 At the end of section 35

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Museum under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1014 Section 36

Repeal the section.

1015 Subsection 37(2)

Omit “36”, substitute “18 of the *Commonwealth Authorities and Companies Act 1997*”.

1016 Subsections 38(1), (2) and (3)

Repeal the subsections.

Note: The heading to section 38 is replaced by the heading “**Extra matters to be included in annual report**”.

1017 Subsection 38(4)

Omit “Museum in pursuance of section 63M of the *Audit Act 1901* shall”, substitute “members under section 9 of the *Commonwealth Authorities and Companies Act 1997* must”.

***National Occupational Health and Safety Commission Act
1985***

1018 At the end of subsection 6(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 conduct of officers.

1019 Subsection 10(11)

Repeal the subsection.

1020 At the end of section 10

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1021 Paragraph 14(3)(b)

After “27”, insert “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

1022 Subsection 14(6)

Omit “15 or 27”, substitute “27 of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

1023 Subsections 15(1), (2) and (3)

Repeal the subsections.

Note: The heading to section 15 is altered by omitting “members” and substituting “Chairperson and Chief Executive Officer”.

1024 Section 57

Repeal the section.

1025 Subsection 58(2)

Repeal the subsection, substitute:

- (2) Money standing to the credit of the Fund that is not immediately needed for the purposes of the Fund may be invested under

subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*.

1026 Subsection 58(8) (definition of *approved bank*)

Repeal the definition.

1027 At the end of section 59

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Commission under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1028 Section 60

Repeal the section.

1029 Subsection 66(2)

Repeal the subsection, substitute:

- (2) The Minister must cause to be tabled in each House of the Parliament a copy of the statement prepared for a year under subsection (1) at the same time as the annual report for the Commission for that year is tabled under the *Commonwealth Authorities and Companies Act 1997*.

National Parks and Wildlife Conservation Act 1975

1030 At the end of subsection 15(1)

Add:

Note: Subject to section 15A, the *Commonwealth Authorities and Companies Act 1997* applies to the Director. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

1031 After section 15

Insert:

15A Modification of the *Commonwealth Authorities and Companies Act 1997*

- (1) Subsection 15(1) provides that the Director is a corporation. The *Commonwealth Authorities and Companies Act 1997* 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 1997* does not apply in relation to the Director.
- (3) The *Commonwealth Authorities and Companies Act 1997* applies to the Fund as though the Fund were money of the Director.

1032 Subsection 16(3)

Repeal the subsection.

1033 After section 17

Insert:

17AA Disclosure of interest by Director

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.

1034 Section 47

Repeal the section.

1035 At the end of section 48

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Fund under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1036 Sections 49A, 50 and 51

Repeal the sections.

1037 Section 52

Repeal the section, substitute:

52 Extra matters to be included in annual report

The annual report prepared by the Director under section 9 of the *Commonwealth Authorities and Companies Act 1997* 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*.

1038 Section 53

Repeal the section.

National Residue Survey Administration Act 1992

1039 Title

Omit “**Trust Account**”, substitute “**Reserve**”.

1040 Section 4 (definition of *Account*)

Repeal the definition.

1041 Section 4

Insert:

Reserve means the National Residue Survey Reserve established by section 6.

1042 Part 3 (heading)

Repeal the heading, substitute:

Part 3—National Residue Survey Account

1043 Section 6

Repeal the section, substitute:

6 Establishment of Reserve

- (1) This subsection establishes a reserve called the National Residue Survey Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.

1044 Section 7

Omit “There is to be paid into the Account”, substitute “There must be transferred to the Reserve from the Consolidated Revenue Fund”.

Note: The heading to section 7 is altered by omitting “Account” and substituting “Reserve”.

1045 Paragraphs 7(c), (d) and (da)

Repeal the paragraphs, substitute:

- (c) amounts equal to amounts paid to the Commonwealth for the purposes of the National Residue Survey or the Reserve;

1046 Paragraph 7(e)

Omit “Account”, substitute “Reserve”.

1047 Paragraph 7(f)

Repeal the paragraph, substitute:

- (f) amounts equal to income from the investment of money from the Reserve.

1048 Section 8

Omit “Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 8 is altered by omitting “Account” and substituting “Reserve”.

1049 Section 10

Omit “National Residue Survey Account”, substitute “Reserve”.

1050 Paragraphs 10(a), (b) and (c)

Omit “Account”, substitute “Reserve”.

1051 Section 11

Omit “National Residue Survey Account”, substitute “Reserve”.

1052 Section 12

Repeal the section.

National Road Transport Commission Act 1991

1053 Sections 40 and 41

Repeal the sections, substitute:

40 Application of the *Commonwealth Authorities and Companies Act 1997*

- (1) The Commission is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.
- (2) Sections 9, 18 and 20 of that Act, and Schedule 1 to that Act, apply in relation to the Commission as if it were a Commonwealth authority for the purposes of that Act.
- (3) Schedule 1 to that Act applies in relation to the Commission as if references in that Schedule to the Finance Minister's Orders were references to requirements set out in a resolution of the Ministerial Council passed in accordance with the Heavy Vehicles Agreement.
- (4) An annual report prepared by members under section 9 of that Act must also contain any other information required by an Agreement to be included in the report.
- (5) A copy of each annual report given to the Minister must be given to each member of the Ministerial Council as soon as practicable.

Native Title Act 1993

1054 Sections 133, 134 and 135

Repeal the sections, substitute:

133 Annual report

- (1) As soon as practicable after 30 June in each year, the President must prepare and give to the Commonwealth Minister a report of the management of the administrative affairs of the Tribunal during the year.

- (2) The report must include:
 - (a) the financial statements required by section 49 of the *Financial Management and Accountability Act 1997*; and
 - (b) an audit report on those statements under section 57 of the *Financial Management and Accountability Act 1997*.
- (3) The Commonwealth Minister must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

Natural Heritage Trust of Australia Act 1997

1055 Section 52 (note)

Omit “40(2)”, substitute “39(2)”.

Natural Resources Management (Financial Assistance) Act 1992

1056 Title

Omit “Fund”, substitute “Reserve”.

1057 Subsection 4(1) (definition of *Fund*)

Repeal the definition.

1058 Subsection 4(1)

Insert:

Reserve means the Natural Resources Management Reserve established by section 11.

1059 Subsection 6(5)

Omit “Fund”, substitute “Reserve”.

1060 Part 3 (heading)

Repeal the heading, substitute:

Part 3—Natural Resources Management Reserve

1061 Subsections 11(1), (2) and (3)

Repeal the subsections, substitute:

-
- (1) This subsection establishes a reserve called the Natural Resources Management Reserve.
 - (2) The Reserve is a component of the Reserved Money Fund.
 - (3) If interest is received by the Commonwealth from the investment of money from the Reserve, an amount equal to the interest must be transferred to the Reserve from the Consolidated Revenue Fund.

Note: The heading to section 11 is altered by omitting “**Fund**” and substituting “**Reserve**”.

1062 Subsection 11(4)

Omit “The following amounts are to be paid into the Fund”, substitute “There must be transferred to the Reserve from the Consolidated Revenue Fund”.

1063 Paragraph 11(4)(b)

Omit “Fund”, substitute “Reserve”.

1064 Paragraphs 11(4)(b), (c) and (d)

Before “amounts”, insert “amounts equal to”.

1065 Subsection 11(5)

Omit “Fund” (wherever occurring), substitute “Reserve”.

1066 Subsection 12(1)

Omit “or in the *Audit Act 1901* (other than subsection (2) of this section and section 62B of the *Audit Act 1901*)”, substitute “(other than subsection (2) of this section) or in the *Financial Management and Accountability Act 1997* (other than section 39 of that Act)”.

1067 Paragraphs 12(1)(a) and (b)

Omit “Fund”, substitute “Reserve”.

1068 Subsection 12(2)

Omit “Fund”, substitute “Reserve”.

Norfolk Island Act 1979

1069 Section 51G

Omit “subsection 63MB(1) of the *Audit Act 1901*” (wherever occurring), substitute “section 24 of the *Auditor-General Act 1997*”.

***Occupational Health and Safety (Commonwealth
Employment) Act 1991***

1070 Subsection 5(1) (definition of *annual report of Comcare*)

Repeal the definition, substitute:

annual report of Comcare means the annual report on Comcare prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*.

Pig Industry Act 1986

1071 Section 4 (definition of *company auditor*)

Repeal the definition.

1072 Section 4 (definition of *Corporation auditor*)

Repeal the definition.

1073 At the end of subsection 5(2)

Add:

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

1074 Subsection 10(10)

Repeal the subsection.

1075 At the end of section 10

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1076 Subsection 11(9)

Repeal the subsection.

1077 At the end of section 11

Add:

Note: For the manner in which the Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1078 Paragraph 14(2)(b)

Omit “15”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1079 Section 15

Repeal the section, substitute:

15 Situations that do not amount to interests requiring disclosure

(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
- (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 1997*.

(2) In this section:

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

1080 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 1997*”.

1081 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 1997*.

1082 Sections 26, 27, 28, 29 and 30

Repeal the sections.

1083 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 1997*”.

1084 Subsections 34(1), (2) and (3)

Repeal the subsections.

1085 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 1997* must also include:”.

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

1086 Subsection 34(5)

Repeal the subsection.

Prawn Export Promotion Act 1995

1087 Section 14

Repeal the section.

Primary Industries and Energy Research and Development Act 1989

1088 At the end of subsection 10(1)

Add:

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

1089 Subsection 12(1)

Omit “Subject to subsection (2), an”, substitute “An”.

1090 Subsection 12(2)

Repeal the subsection.

1091 Subsection 28(1)

Omit “Without limiting the matters that an R&D Corporation may include in its annual report under section 63H of the *Audit Act 1901* for a period, it must include in the report”, substitute “The directors must include in each report on an R&D Corporation prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

1092 Subsection 28(2)

Repeal the subsection.

1093 Section 54

Repeal the section.

1094 Paragraph 73(1)(c)

Omit “54”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1095 At the end of section 100

Add:

- (2) Section 21 of the *Commonwealth Authorities and Companies Act 1997* applies to members of an R&D Council as if the Council were a Commonwealth authority and the members were directors of the authority.

1096 At the end of section 138

Add:

- ; and (g) the reference in paragraph 73(1)(c) of this Act to section 21 of the *Commonwealth Authorities and Companies Act 1997* were a reference to subsections (2), (3), (4) and (5) of this section.

- (2) If:

- (a) a member of the Selection Committee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Committee; and
 - (b) the interest could conflict with the proper performance of the member's duties in relation to the matter;
- the member must disclose the nature of the interest at a meeting of the Committee as soon as practicable after the member knows the relevant facts.
- (3) The disclosure must be recorded in the minutes of the meeting.
 - (4) Unless the Committee determines otherwise, the member must not:
 - (a) be present during any deliberation of the Committee in relation to the matter; or
 - (b) take part in any decision of the Committee in relation to the matter.
 - (5) A member who has a direct or indirect pecuniary interest in a matter to which a disclosure relates must not:
 - (a) be present during any deliberation of the Committee for the purpose of making a determination under subsection (4); or
 - (b) take part in the Committee's making of the determination.

Note: The heading to section 138 is altered by adding at the end “**and disclosure of interest provisions**”.

Primary Industries Levies and Charges Collection Act 1991

1097 Section 13

Omit “*Audit Act 1901*”, substitute “*Financial Management and Accountability Act 1997*”.

Note: The heading to section 13 is altered by omitting “**Audit Act**” and substituting “**Financial Management and Accountability Act**”.

Proceeds of Crime Act 1987

1098 Subsection 4(1) (definition of *distributable funds*)

Omit “Trust Fund”, substitute “Reserve”.

1099 Subsection 4(1) (definition of *suspended funds*)

Omit “Trust Fund”, substitute “Reserve”.

1100 Subsection 4(1) (definition of *Trust Fund*)

Repeal the definition.

1101 Subsection 4(1)

Insert:

Reserve means the Confiscated Assets Reserve established by section 34A.

1102 Subsection 20(3)

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

1103 Subsection 30(4)

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

1104 Part IIA (heading)

Repeal the heading, substitute:

Part IIA—Confiscated Assets Reserve

1105 Section 34A

Repeal the section, substitute:

34A Establishment of Reserve

- (1) This subsection establishes a reserve called the Confiscated Assets Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.

1106 Subsection 34B(1)

Omit “There are to be paid into the Trust Fund”, substitute “There must be transferred to the Reserve from the Consolidated Revenue Fund amounts equal to”.

Note: The heading to section 34B is altered by omitting “**Trust Fund**” and substituting “**Reserve**”.

1107 Paragraph 34B(1)(d)

Omit “Trust Fund”, substitute “Reserve”.

1108 Subsections 34B(2) and (3)

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

1109 Section 34C

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

Note: The heading to section 34C is altered by omitting “**Trust Fund**” and substituting “**Reserve**”.

1110 Subsection 34E(1)

Omit “Trust Fund”, substitute “Reserve”.

1111 Subsections 49(6), (7) and (8)

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

1112 Subsections 63(4), (5) and (6)

Omit “Trust Fund” (wherever occurring), substitute “Reserve”.

Public Accounts Committee Act 1951

1113 At the end of the title

Add “**and Audit**”.

1114 Section 1

After “*Accounts*”, insert “*and Audit*”.

1115 Section 4

Insert:

Audit Office means the Australian National Audit Office established by section 38 of the *Auditor-General Act 1997*.

1116 Section 4

Insert:

Auditor-General means the Auditor-General for the Commonwealth referred to in section 7 of the *Auditor-General Act 1997*.

1117 Section 4

Insert:

Independent Auditor means the Independent Auditor referred to in section 41 of the *Auditor-General Act 1997*.

1118 Section 4 (definition of *the Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1119 Section 4 (definition of *the Committee*)

After “Accounts”, insert “and Audit”.

1120 Section 4 (definition of *the Vice-Chairman*)

Omit “Vice-Chairman” (wherever occurring), substitute “Deputy Chair”.

1121 At the end of section 4

Add:

Note: For the manner in which the Chair and Deputy Chair may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1122 Subsections 5(1) and (2)

Repeal the subsections, substitute:

- (1) As soon as practicable after the commencement of this subsection and the first session of each Parliament, a joint committee of members of the Parliament, to be known as the Joint Committee of Public Accounts and Audit, is to be appointed.
- (2) The Committee is to consist of 16 members of the Parliament. 6 members must be members of, and be appointed by, the Senate. 10 members must be members of, and be appointed by, the House of Representatives. The members must be appointed according to the practice of the Parliament for the appointment of members to serve on joint select committees of both Houses of the Parliament.

1123 Transitional provision relating to changes to Committee

For the purposes of section 25B of the *Acts Interpretation Act 1901*, the amendment made by item 1122 is taken to be an amendment altering the name and constitution of the Committee provided for in the *Public Accounts Committee Act 1951* as in force immediately before the commencement of that item.

1124 Subsection 5(6)

After “Accounts” (wherever occurring), insert “and Audit”.

1125 Subsection 5(6)

Omit “(1)”, substitute “(2)”.

1126 Paragraph 5(6)(b)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1127 Subsections 6(1), (2), (2A) and (3), 6A(1) and (2) and 7(3)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1128 Subsections 6(1), (2A) and (3) and 6A(2)

Omit “Vice-Chairman” (wherever occurring), substitute “Deputy Chair”.

1129 Subsection 8(1)

Repeal the subsection, substitute:

- (1) The duties of the Committee are:
 - (a) to examine the accounts of the receipts and expenditure of the Commonwealth, including the financial statements given to the Auditor-General under subsections 49(1) and 55(2) of the *Financial Management and Accountability Act 1997*; and
 - (b) to examine the financial affairs of authorities of the Commonwealth to which this Act applies and of intergovernmental bodies to which this Act applies; and
 - (c) to examine all reports of the Auditor-General (including reports of the results of performance audits) that are tabled in each House of the Parliament; and
 - (d) to report to both Houses of the Parliament, with any comment it thinks fit, on any items or matters in those accounts, statements and reports, or any circumstances connected with them, that the Committee thinks should be drawn to the attention of the Parliament; and
 - (e) to report to both Houses of the Parliament any alteration that the Committee thinks desirable in:
 - (i) the form of the public accounts or in the method of keeping them; or

-
- (ii) the mode of receipt, control, issue or payment of public moneys; and
 - (f) to inquire into any question connected with the public accounts which is referred to the Committee by either House of the Parliament, and to report to that House on that question; and
 - (g) to consider:
 - (i) the operations of the Audit Office; and
 - (ii) the resources of the Audit Office, including funding, staff and information technology; and
 - (iii) reports of the Independent Auditor on operations of the Audit Office; and
 - (h) to report to both Houses of the Parliament on any matter arising out of the Committee's consideration of the matters listed in paragraph (g), or on any other matter relating to the Auditor-General's functions and powers, that the Committee considers should be drawn to the attention of the Parliament; and
 - (i) to report to both Houses of the Parliament on the performance of the Audit Office at any time; and
 - (j) to consider draft estimates for the Audit Office submitted under section 53 of the *Auditor-General Act 1997*; and
 - (k) to consider the level of fees determined by the Auditor-General under subsection 14(1) of the *Auditor-General Act 1997*; and
 - (l) to make recommendations to both Houses of Parliament, and to the Minister who administers the *Auditor-General Act 1997*, on draft estimates referred to in paragraph (j); and
 - (m) to determine the audit priorities of the Parliament and to advise the Auditor-General of those priorities; and
 - (n) to determine the audit priorities of the Parliament for audits of the Audit Office and to advise the Independent Auditor of those priorities; and
 - (o) any other duties given to the Committee by this Act, by any other law or by Joint Standing Orders approved by both Houses of the Parliament.
- (1A) Nothing in subsection (1) authorises the Committee to direct the activities of the Auditor-General or the Independent Auditor.

1130 After section 8

Insert:

8A Committee may approve or reject recommendation for appointment of Auditor-General or Independent Auditor

- (1) If the Audit Minister refers a proposed recommendation for an appointment of the Auditor-General or Independent Auditor to the Committee for approval, the Committee must:
 - (a) approve or reject the proposal within 14 days after receiving it; or
 - (b) notify the Audit Minister as provided for in subsection (2).

Note: Clauses 2 of Schedule 1 and 2 of Schedule 2 of the *Auditor-General Act 1997* require proposed recommendations to be referred to the Committee for approval.

- (2) The Committee may notify the Audit Minister within 14 days after receiving a proposal that it needs more time to consider the proposal. If the Committee does so, the Committee must approve or reject the proposal within 44 days after receiving it.
- (3) The decision to approve or reject a proposal is to be by majority of the members of the Committee for the time being holding office.
- (4) If the Committee does not make a decision on a proposal by the required time, the Committee is taken, at that time, to have approved the proposal.
- (5) The Committee must notify the Audit Minister of its decision on a proposal as soon as practicable after making the decision.
- (6) A notification under this section must be in writing.
- (7) The Committee must report to both Houses of the Parliament on its decision on a proposal.
- (8) In this section:

Audit Minister means the Minister administering the *Auditor-General Act 1997*.

8B Annual report

- (1) The Committee must, in relation to each financial year, prepare a report on the performance of its duties during the year.
- (2) The Committee must table the report in each House of the Parliament.

1131 Subsection 9(3)

Omit “sections 8 and 12”, substitute “sections 8, 8A, 8B and 12”.

1132 Subsections 9(3), 10(1), 11(4), 13(2) and 14(1), paragraph 14(3)(c), section 20 and subsections 22(1) and (2)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1133 Subsections 9(3), 10(1), 13(2) and 14(1), paragraph 14(3)(c), section 20 and subsection 22(2)

Omit “Vice-Chairman” (wherever occurring), substitute “Deputy Chair”.

1134 Schedule, Form C

Omit “Chairman” (wherever occurring), substitute “Chair”.

1135 Schedule, Form C

Omit “Vice-Chairman”, substitute “Deputy Chair”.

1136 Schedule, Form C

Omit “*Public Accounts Committee Act 1951*”, substitute “*Public Accounts and Audit Committee Act 1951*”.

1137 Schedule, Form C

Omit “Joint Committee of Public Accounts” (wherever occurring), substitute “Joint Committee of Public Accounts and Audit”.

1138 Schedule, Form D

Omit “*Public Accounts Committee Act 1951*”, substitute “*Public Accounts and Audit Committee Act 1951*”.

1139 Schedule, Form D

Omit “Joint Committee of Public Accounts” (wherever occurring), substitute “Joint Committee of Public Accounts and Audit”.

1140 Schedule, Form D

Omit “Chairman”, substitute “Chair”.

1141 Schedule, Form D

Omit “Vice-Chairman”, substitute “Deputy Chair”.

Public Service Act 1922

1142 At the end of subsection 25(7)

Add “and Audit”.

Qantas Sale Act 1992

1143 Sections 43 and 44

Repeal the sections.

Remuneration and Allowances Act 1990

1144 Part 3 of Schedule 2 (table row relating to Chairman, Albury-Wodonga Development Corporation)

Omit “Chairman”, substitute “Chair”.

1145 Part 3 of Schedule 2 (table row relating to Chairman, Australian Wheat Board)

Omit “Chairman”, substitute “Chair”.

1146 Schedule 4 (table row relating to Chairmen of Committees)

Omit “Chairmen”, substitute “Chairs”.

1147 Schedule 4 (table row relating to Chairman, Joint Committee of Public Accounts)

Omit “Accounts”, substitute “Accounts and Audit”.

1148 Schedule 4 (all table rows after the heading relating to Chairmen of Committees except for the table row relating to the Chairman, Parliamentary Standing Committee on Public Works)

Omit “Chairman” (wherever occurring), substitute “Chair”.

Reserve Bank Act 1959

1149 At the end of section 7

Add:

Note: Subject to section 7A, the *Commonwealth Authorities and Companies Act 1997* applies to the Bank. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability and conduct of officers.

1150 After section 7

Insert:

7A Modification of the *Commonwealth Authorities and Companies Act 1997*

Sections 14 and 18 of the *Commonwealth Authorities and Companies Act 1997* do not apply in relation to the Bank.

1151 Paragraph 18(1)(e)

Omit “23”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1152 Subsections 20(2) and (3)

Repeal the subsections.

1153 At the end of section 20

Add:

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1154 Sections 23, 78 and 80

Repeal the sections.

1155 Section 30

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

1156 Before paragraph 30(a)

Insert:

- (aa) such amount as the Treasurer, after consultation with the Board, determines is to be set aside for contingencies; and

1157 At the end of section 30

Add:

- (2) If the net profit of the Bank for a year is calculated on a basis that requires the inclusion of unrealised gains on assets during the year, the amount to which subsection (1) applies is to be worked out as follows:
 - (a) deduct from the net profit an amount equal to the total of all amounts of unrealised gains included in the net profit; and
 - (b) if an asset in respect of which unrealised gains were included in the net profit for a previous year or years is realised during the year—add to the amount remaining after applying paragraph (a) the total amount of those unrealised gains.

1158 Section 81

Repeal the section, substitute:

81 Extra matters to be included in annual report

- (1) The annual report on the Bank under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also include a report on any investigations on prudential matters under section 61 of the *Banking Act 1959*, including details of persons appointed to investigate and report on such matters.
- (2) Subsection (1) does not authorise the inclusion in the annual report of a report with respect to the affairs of an individual bank or the affairs of an individual customer of a bank.

1159 Section 81A

Repeal the section.

Royal Australian Air Force Veterans' Residences Act 1953

1160 Subsection 3(3)

Repeal the subsection.

1161 Subsection 3(4)

Omit "shall consist of the moneys payable to the Trust under the last preceding sub-section", substitute "consists of money from the Prize Money Trust Account paid to the Trust for the purposes of the Fund".

1162 After section 5

Insert:

5A Application of the *Commonwealth Authorities and Companies Act 1997* and the *Auditor-General Act 1997*

- (1) The Trust is taken to constitute a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997* and the *Auditor-General Act 1997*.
- (2) Subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997* does not apply to the Trust.

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

1163 Section 10

Repeal the section.

Safety, Rehabilitation and Compensation Act 1988

1164 At the end of subsection 74(1)

Add:

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

1165 At the end of section 70B

Add:

- (2) Section 29 of the *Commonwealth Authorities and Companies Act 1997* does not apply to Comcare in relation to the activities of Comcare subsidiaries under Part VIII B or contracts referred to in that Part.

Note: The heading to section 70B is replaced by the heading “**Formation and activities of Comcare subsidiaries**”.

1166 At the end of section 73

Add:

- (3) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1997* in relation to Comcare.

1167 At the end of section 76

Add:

- (4) The Chief Executive Officer is a director of Comcare for the purposes of the *Commonwealth Authorities and Companies Act 1997*.
- (5) If the Chief Executive Officer has a material personal interest in a matter that Comcare is considering or is about to consider, he or she must give written notice of the interest to the Minister.

1168 Paragraph 84(2)(b)

After “contravenes”, insert “subsection 76(5) or”.

1169 After subsection 89E(2)

Insert:

- (2A) The Commissioners are not directors of Comcare for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

Note: *Commissioner* does not include the Chief Executive Officer: see subsection 4(1).

1170 Section 90

Repeal the section, substitute:

90 Application of the *Commonwealth Authorities and Companies Act 1997*

- (1) The *Commonwealth Authorities and Companies Act 1997* (except section 21) applies in relation to Comcare as if the Chief Executive Officer were a director of Comcare for the purposes of that Act.
- (2) Each report on Comcare for a year prepared by the Chief Executive Officer under section 9 of that Act must include particulars of each direction given under section 73 of this Act during that year.

1171 Subsection 90A(1)

Omit “section 63J of the *Audit Act 1901* as it applies to Comcare by section 90 of this Act”, substitute “subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*”.

1172 Subsection 90A(2)

Repeal the subsection.

1173 Subsection 91(4)

Repeal the subsection, substitute:

- (4) Subsection (3) does not prevent investment of surplus money of Comcare under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1174 Subsections 92(1) and (2)

Repeal the subsections.

1175 Subsection 92(3)

Omit “A reference in this section to”, substitute “For the purposes of section 14 of the *Commonwealth Authorities and Companies Act 1997*”.

1176 Subsection 94(2)

Omit “91(4)”, substitute “18(3) of the *Commonwealth Authorities and Companies Act 1997*”.

1177 Subsection 108Y(4)

Omit “Comcare must, in each report prepared by it under section 63M of the *Audit Act 1901* (as that section applies to it by virtue of section 90 of this Act)”, substitute “In each report on Comcare under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the Chief Executive Officer must”.

Science and Industry Research Act 1949

1178 Subsection 8(2)

Add at the end:

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

1179 Subsections 9AA(2) to (6) (inclusive)

Repeal the subsections.

1180 Paragraph 10E(2)(b)

Omit “or 23”, substitute “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

1181 Section 14

Repeal the section.

1182 Subsection 14A(6)

Repeal the subsection.

1183 At the end of section 14A

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1184 Paragraph 22(2)(c)

Omit “23”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1185 Section 23

Repeal the section.

1186 Section 45

Repeal the section.

1187 Subsection 48(1)

Omit “Subject to sub-section (2), the”, substitute “The”.

1188 Subsection 48(2)

Repeal the subsection, substitute:

- (2) Subsection (1) does not prevent investment of surplus money of the Organisation under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1189 Section 49

Repeal the section.

1190 Subsection 51(1)

Repeal the subsection.

Note: The heading to section 51 is replaced by the heading “**Extra matters to be included in annual report**”.

1191 Subsection 51(2)

Omit “The Organisation shall, in each report prepared under section 63M of the *Audit Act 1901* in respect of a financial year,”, substitute “In each report on the Organisation under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must”.

1192 Paragraph 51(2)(e)

Omit “14”, substitute “28 of the *Commonwealth Authorities and Companies Act 1997*”.

Sea Installations Act 1987

1193 Subsections 38(1), (2) and (3)

Repeal the subsections, substitute:

- (1) This subsection establishes a reserve called the Sea Installations Reserve.

- (2) The Reserve is a component of the Reserved Money Fund.
- (3) There must be transferred to the Reserve from the Consolidated Revenue Fund amounts equal to money paid as a security under section 37 by way of a cash deposit.

Note: The heading to section 38 is altered by omitting “**Trust Account**” and substituting “**Reserve**”.

1194 Subsection 38(4)

Omit “account that is”, substitute “Reserve that represents”.

Services Trust Funds Act 1947

1195 Section 5

Omit “chairman” (wherever occurring), substitute “chair”.

1196 Section 34

Repeal the section, substitute:

34 Application of the *Commonwealth Authorities and Companies Act 1997* and the *Auditor-General Act 1997*

- (1) The trustees of each fund are taken to constitute a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997* and the *Auditor-General Act 1997*.
- (2) Subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997* does not apply to the Trust.

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

35 Financial years start on 1 July

- (1) For the purposes of the *Commonwealth Authorities and Companies Act 1997*, the financial year for the trustees of each fund is, subject to subsection (2), a period of 12 months starting on 1 July.
- (2) The first annual report required to be prepared under the *Commonwealth Authorities and Companies Act 1997* by the trustees of each fund is to relate to the period of 18 months starting on the last 1 January before the commencement of this section.

Note: Previously, funds had financial years that ended on 31 December.

1197 Paragraph 36(b)

Omit “chairman”, substitute “chair”.

Snowy Mountains Hydro-electric Power Act 1949

1198 At the end of subsection 7(2)

Add:

Note: Subject to section 26, the *Commonwealth Authorities and Companies Act 1997* applies to the Authority. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

1199 After section 11

Insert:

11A Disclosure of Commissioner’s interests

If the Commissioner has a material personal interest in a matter that the Authority is considering or is about to consider, he or she must give written notice of the interest to the Minister.

1200 At the end of section 13

Add:

; or (f) if the Commissioner contravenes section 11A without reasonable excuse.

1201 Section 26

Repeal the section, substitute:

26 Application of the *Commonwealth Authorities and Companies Act 1997*

- (1) The *Commonwealth Authorities and Companies Act 1997* (except section 21) applies to the Authority as if:
 - (a) the Authority were a body corporate; and
 - (b) the Commissioner were a director of the Authority for the purposes of that Act.

- (2) For the purposes of the application of that Act to the Authority, the following persons are not directors of the Authority:
- (a) Associate Commissioners;
 - (b) members of the Snowy Mountains Council referred to in clause 17 of the Agreement, except the Commissioner.

1202 Subsection 30(1)

Omit “63E of the *Audit Act 1901*”, substitute “19 of the *Commonwealth Authorities and Companies Act 1997*”.

1203 Section 30A

Repeal the section.

1204 Subsections 31(2), (3) and (4)

Repeal the subsections, substitute:

- (2) Subsection (1) does not apply to investments of surplus money of the Authority under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

1205 Sections 32 and 32A

Repeal the sections.

1206 Subclauses 17(2) and 18(1) and (2) of Schedule 1

Omit “Chairman” (wherever occurring), substitute “Chair”.

Special Broadcasting Service Act 1991

1207 At the end of subsection 5(1)

Add:

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

1208 At the end of section 13

Add:

- (2) The Minister may notify the Directors of general policies of the Commonwealth Government under section 28 of the

Commonwealth Authorities and Companies Act 1997. However, the Minister must not notify the Directors of general policies that would affect the content or scheduling of programs.

Note: The heading to section 13 is replaced by the heading “**Limits on Government directions to SBS**”.

1209 Subparagraph 27(2)(c)(ii)

Omit “43”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1210 Paragraph 37(2)(d)

Omit “or 43”, substitute “of this Act or section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

1211 Subsection 40(2)

Omit “43(2)”, substitute “21(3) of the *Commonwealth Authorities and Companies Act 1997*”.

1212 Section 43

Repeal the section.

1213 At the end of subsection 52(2)

Add:

Note: Section 15 of the *Commonwealth Authorities and Companies Act 1997* requires Directors to notify the Minister of significant business activities and arrangements.

1214 Subsection 52(3)

Repeal the subsection.

1215 Subsections 58(2) and 58(3)

Repeal the subsections, substitute:

(2) Subsection (1) does not prevent investment of surplus money of the SBS under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

Note: The heading to section 58 is altered by omitting “**and investment**”.

1216 Section 66

Repeal the section.

1217 Section 69

Repeal the section.

1218 Section 73

Omit “Board must include in each report prepared under section 63M of the *Audit Act 1901*, as that section applies to the SBS because of section 69 of this Act”, substitute “Directors must include in each report on the SBS under section 9 of the *Commonwealth Authorities and Companies Act 1997*”.

States Grants (Primary and Secondary Education Assistance) Act 1992

1219 Subsection 115(2)

Omit “section 50 of the *Audit Act 1901*”, substitute “section 55 of the *Financial Management and Accountability Act 1997*”.

States Grants (Schools Assistance) Act 1984

1220 Subsection 87(2)

Omit “section 50 of the *Audit Act 1901*”, substitute “section 55 of the *Financial Management and Accountability Act 1997*”.

States Grants (Schools Assistance) Act 1988

1221 Subsection 48(2)

Omit “section 50 of the *Audit Act 1901*”, substitute “section 55 of the *Financial Management and Accountability Act 1997*”.

States Grants (TAFE Assistance) Act 1989

1222 Subsection 26(2)

Omit “section 49 or 50 of the *Audit Act 1901*”, substitute “section 54 or 55 of the *Financial Management and Accountability Act 1997*”.

Stevedoring Industry Finance Committee Act 1977

1223 At the end of subsection 4(2)

Add:

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

1224 Section 17

Repeal the section.

1225 At the end of section 18

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Committee under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1226 Section 28

Repeal the section.

Student and Youth Assistance Act 1973

1227 Subsection 3(1) (definition of *Fund*)

Repeal the definition.

1228 Subsection 3(1)

Insert:

Reserve means the Students (Financial Supplement) Reserve established by section 12M.

1229 Section 12M

Repeal the section, substitute:

12M Students (Financial Supplement) Reserve

- (1) This subsection establishes a reserve called the Students (Financial Supplement) Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.

1230 Subsection 12N(2)

Omit “Any amount”, substitute “An amount equal to any amount”.

1231 Subsection 12N(2)

Omit “is to be paid into the Fund”, substitute “is to be paid into the Reserve out of the Consolidated Revenue Fund”.

1232 Paragraph 12N(2)(a)

Omit “Fund” (wherever occurring), substitute “Reserve”.

1233 Subsection 12N(3)

Omit “Fund” (wherever occurring), substitute “Reserve”.

1234 Paragraph 56(f)

Omit “Fund”, substitute “Reserve”.

Superannuation Act 1976

1235 At the end of section 27B

Add:

- (4) The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

1236 Paragraph 41(2)(e)

Repeal the paragraph, substitute:

- (e) to open and maintain accounts with banks.

1237 At the end of section 41

Add:

- (9) In this section:

bank has the same meaning as it has in the *Commonwealth Authorities and Companies Act 1997*.

1238 Section 44

Repeal the section, substitute:

44 Accounting records

- (1) The Board must keep proper accounts and records of the Fund's transactions and affairs in accordance with the accounting principles generally applied in commercial practice.
- (2) The Board must do all things necessary to ensure that:
 - (a) all payments out of the Fund are correctly made and properly authorised; and
 - (b) adequate control is maintained over the assets of the Fund and over the incurring of liabilities by the Board in respect of the Fund.
- (3) If a requirement of this section is contravened, each member of the Board who intentionally:
 - (a) caused the contravention; or
 - (b) failed to take all reasonable steps to comply with the requirement, or secure compliance with the requirement;is guilty of an offence.

Penalty for contravention of subsection (3): Imprisonment for 6 months.

44A Audit

- (1) At least once a year, the Auditor-General must:
 - (a) inspect and audit:
 - (i) the accounts and records of the Fund's financial transactions; and
 - (ii) the records relating to assets of the Fund; and
 - (b) report to the Minister the results of the inspection and audit.
- (2) The Auditor-General may, however, decide to dispense with all or any part of the detailed inspection and audit of the accounts and records.
- (3) The Auditor-General must, as soon as practicable, report to the Minister any irregularity disclosed by the inspection and audit that the Auditor-General thinks is sufficiently important to be reported.

Note: For the information-gathering powers of the Auditor-General, see Part 5 of the *Auditor-General Act 1997*.

1239 Section 170 (definition of *authorized person*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

Superannuation Act 1990

1240 At the end of section 21

Add:

- (4) The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

1241 Section 27

Repeal the section, substitute:

27 Banking

- (1) The Board must pay all money received by it in respect of the PSS Fund into an account maintained by it with a bank.
- (2) In this section:

bank has the same meaning as it has in the *Commonwealth Authorities and Companies Act 1997*.

27A Accounting records

- (1) The Board must keep proper accounts and records of the PSS Fund’s transactions and affairs in accordance with the accounting principles generally applied in commercial practice.
- (2) The Board must do all things necessary to ensure that:
 - (a) all payments out of the PSS Fund are correctly made and properly authorised; and
 - (b) adequate control is maintained over the assets of the PSS Fund and over the incurring of liabilities by the Board in respect of the PSS Fund.
- (3) If a requirement of this section is contravened, each member of the Board who intentionally:
 - (a) caused the contravention; or
 - (b) failed to take all reasonable steps to comply with the requirement, or secure compliance with the requirement;

is guilty of an offence.

Penalty for contravention of subsection (3): Imprisonment for 6 months.

27B Audit

- (1) At least once a year, the Auditor-General must:
 - (a) inspect and audit:
 - (i) the accounts and records of the PSS Fund's financial transactions; and
 - (ii) the records relating to assets of the PSS Fund; and
 - (b) report to the Minister the results of the inspection and audit.
- (2) The Auditor-General may, however, decide to dispense with all or any part of the detailed inspection and audit of the accounts and records.
- (3) The Auditor-General must, as soon as practicable, report to the Minister any irregularity disclosed by the inspection and audit that the Auditor-General thinks is sufficiently important to be reported.

Note: For the information-gathering powers of the Auditor-General, see Part 5 of the *Auditor-General Act 1997*.

Superannuation Industry (Supervision) Act 1993

1242 Section 234

Repeal the section, substitute:

234 Superannuation Protection Reserve

- (1) This subsection establishes a reserve called the Superannuation Protection Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.
- (3) So far as practicable, money in the Reserve that is not required for the purpose of making payments out of the Reserve must be invested under section 39 of the *Financial Management and Accountability Act 1997*.

- (4) If income is received by the Commonwealth from the investment of money from the Reserve, an amount equal to the income must be transferred to the Reserve from the Consolidated Revenue Fund.

1243 Paragraph 235(1)(b)

Omit “Superannuation Protection Account”, substitute “Reserve”.

1244 Section 236

Omit “Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 236 is altered by omitting “**Account**” and substituting “**Reserve**”.

1245 Section 237

Omit “Account” (wherever occurring), substitute “Reserve”.

Note: The heading to section 237 is altered by omitting “**Account**” and substituting “**Reserve**”.

Surplus Revenue Act 1908

1246 Section 5

Repeal the section.

Taxation (Interest on Overpayments and Early Payments) Act 1983

1247 Subsection 3(3)

Repeal the subsection.

Telstra Corporation Act 1991

1248 Subsections 36(1) and (2)

Repeal the subsections.

Note: The heading to section 36 is replaced by the heading “**Audit**”.

Therapeutic Goods Act 1989

1249 Section 45

Repeal the section, substitute:

45 Therapeutic Goods Administration Reserve

- (1) This subsection establishes a reserve called the Therapeutic Goods Administration Reserve.
- (2) The Reserve is a component of the Reserved Money Fund.
- (3) Money standing to the credit of the Therapeutic Goods Administration Trust Account immediately before the commencement of the *Audit (Transitional and Miscellaneous) Amendment Act 1997* must be transferred to the Reserve.
- (4) There must be transferred to the Reserve from the Consolidated Revenue Fund:
 - (a) money appropriated by the Parliament for the purposes of the Reserve; and
 - (b) amounts equal to amounts received by the Commonwealth by way of annual registration charge, annual listing charge and annual licensing charge; and
 - (c) amounts equal to interest received by the Commonwealth from the investment of money from the Reserve; and
 - (d) amounts equal to money received by the Commonwealth in relation to property paid for with money from the Reserve; and
 - (e) amounts equal to money received by the Commonwealth for services provided or to be provided, by or on behalf of the Commonwealth, using money from the Reserve (including amounts received by way of fees payable under the regulations); and
 - (f) amounts equal to donations for the furtherance of a purpose of the Reserve that are received by the Commonwealth; and
 - (g) amounts equal to receipts relating to the recovery of debts (other than debts in respect of statutory fines and penalties) by the Commonwealth that are associated with expenditure of money from the Reserve.
- (5) The purposes of the Reserve are to make payments:
 - (a) to further the objects of this Act (as set out in section 4); and
 - (b) to enable the Commonwealth to participate in the international harmonisation of regulatory controls on therapeutic goods and other related activities.

Tobacco Marketing Act 1965

1250 Section 4 (definition of *approved bank*)

Repeal the definition.

1251 Section 4 (definition of *the Auditor-General*)

Repeal the definition.

1252 Section 4 (definitions of *Chairman* and *Deputy Chairman*)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1253 At the end of subsection 5(2)

Add:

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

1254 After section 5

Insert:

5A Committee’s financial year starts on 1 January

For the purposes of the *Commonwealth Authorities and Companies Act 1997*, the Committee’s financial year is a period of 12 months starting on 1 January.

1255 Section 7 and subsections 8(5) and 10(2), (3), (4) and (5)

Omit “Chairman” (wherever occurring), substitute “Chair”.

1256 Section 20

Repeal the section.

1257 At the end of section 21

Add:

(2) Subsection (1) does not prevent investment of surplus money of the Committee under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1258 Sections 22, 23, 24 and 26

Repeal the sections.

1259 Section 28

Omit “Chairman” (wherever occurring), substitute “Chair”.

Trade Practices Act 1974

1260 Section 20

Repeal the section.

University of Canberra Act 1989

1261 At the end of subsection 4(3)

Add:

Note: Subject to section 4A, the *Commonwealth Authorities and Companies Act 1997* applies to the University. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

1262 After section 4

Insert:

4A Modification of the *Commonwealth Authorities and Companies Act 1997*

- (1) Sections 14 and 28 of the *Commonwealth Authorities and Companies Act 1997* do not apply to the University.
- (2) Nothing in section 16 of the *Commonwealth Authorities and Companies Act 1997* requires the members of the Council to do anything that will or might affect the academic independence or integrity of the University.

4B University’s financial year starts on 1 January

For the purposes of the *Commonwealth Authorities and Companies Act 1997*, the University’s financial year is a period of 12 months starting on 1 January.

1263 Paragraph 7(2)(n)

Repeal the paragraph.

1264 Subsection 7(3)

After “this Act”, insert “or the *Commonwealth Authorities and Companies Act 1997*”.

1265 Section 14

Repeal the section.

1266 Paragraph 15(1)(e)

Omit “subsection 14(1)”, substitute “section 21 of the *Commonwealth Authorities and Companies Act 1997*”.

1267 At the end of section 33

Add:

- (2) Subsection (1) does not prevent the investment of surplus money of the University under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

1268 Sections 35, 36, 37 and 39

Repeal the sections.

1269 Subsection 40(1)

After “this Act” (first occurring), insert “or the *Commonwealth Authorities and Companies Act 1997*”.

1270 Subparagraph 40(2)(e)(iii)

Repeal the subparagraph, substitute:

- (iii) disclosure of pecuniary interests at meetings of the Board; and

Vocational Education and Training Funding Act 1992

1271 Subsection 13(2)

Omit “section 49 of the *Audit Act 1901*”, substitute “section 54 of the *Financial Management and Accountability Act 1997*”.

Wheat Marketing Act 1989

1272 Subsection 3(1) (definition of *Board auditor*)

Repeal the definition.

1273 At the end of subsection 4(2)

Add:

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

1274 At the end of section 8

Add:

(4) This section does not affect the application of section 28 of the *Commonwealth Authorities and Companies Act 1997* in relation to the Board.

1275 Section 11

Omit “89(5)”, substitute “9(3) of the *Commonwealth Authorities and Companies Act 1997*”.

1276 Subsection 15(13)

Repeal the subsection.

1277 At the end of section 15

Add:

Note: For the manner in which the Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1278 Subsection 16(8)

Repeal the subsection.

1279 At the end of section 16

Add:

Note: For the manner in which the Deputy Chairperson may be referred to, see section 18B of the *Acts Interpretation Act 1901*.

1280 Subparagraph 20(2)(a)(ii)

Omit “21”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1281 Subsections 21(1), (2) and (3)

Repeal the subsections.

1282 Subsection 21(4)

Omit “This section does not apply to a pecuniary”, substitute “Section 21 of the *Commonwealth Authorities and Companies Act 1997* does not apply to a material personal”.

1283 Subsections 67(1), (2) and (3)

Repeal the subsections.

Note: The heading to section 67 is replaced by the heading “**Accounting for dealings in wheat**”.

1284 Subsections 67(5), (6) and (7)

Repeal the subsections.

1285 Section 68

Repeal the section.

1286 At the end of section 69

Add:

- (2) Subsection (1) does not prevent investment of surplus money of the Board under subsection 19(3) of the *Commonwealth Authorities and Companies Act 1997*.

1287 Subsection 70(1)

Repeal the subsection, substitute:

- (1) Subsection 19(3) of the *Commonwealth Authorities and Companies Act 1997* does not apply to pool funds.

Note: The heading to section 70 is altered by adding at the end “**of pool funds**”.

1288 Subsections 70(3) and (4)

Repeal the subsections, substitute:

- (3) Pool funds not immediately required for the purposes of the Board may be invested in the ways described in subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*.

1289 After section 88

Insert:

88A Board's financial year starts on 1 October

For the purposes of the *Commonwealth Authorities and Companies Act 1997*, the Board's financial year is a period of 12 months starting on 1 October.

1290 Subsections 89(1) and (2)

Repeal the subsections.

1291 Subsection 89(3)

Omit "Without limiting the generality of subsection (1), the Board shall include in each report under that subsection", substitute "In each report on the Board under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must include".

1292 Subsection 89(4)

Omit "referred to in subsection (1)", substitute "for the Board that are referred to in clauses 1 and 2 of the Schedule to the *Commonwealth Authorities and Companies Act 1997*".

1293 Subsections 89(5) and (6)

Repeal the subsections.

1294 Subsection 93(11)

Repeal the subsection.

Wool International Act 1993

1295 At the end of subsection 7(2)

Add:

Note: The *Commonwealth Authorities and Companies Act 1997* applies to Wool International. That Act deals with matters relating to

Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

1296 Section 25

Repeal the section, substitute:

25 Situations that do not amount to interests requiring disclosure

For the purposes of section 21 of the *Commonwealth Authorities and Companies Act 1997*, 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.

1297 Paragraph 28(2)(c)

Omit “25”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1298 Paragraph 36(3)(c)

Omit “25”, substitute “21 of the *Commonwealth Authorities and Companies Act 1997*”.

1299 At the end of section 49

Add:

- (2) Subsection (1) does not prevent investment of surplus money of Wool International under section 19 of the *Commonwealth Authorities and Companies Act 1997*.

1300 Subsection 50(1)

Repeal the subsection.

1301 Subsection 55(1)

Omit “with a bank or banks”, substitute “maintained under subsection 19(2) of the *Commonwealth Authorities and Companies Act 1997*”.

1302 Subsection 55(2)

Repeal the subsection.

1303 Section 56

Repeal the section.

1304 Part 8

Repeal the Part.

1305 Section 67

Repeal the section, substitute:

67 Extra matters to be included in annual report

The annual report on Wool International under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also include such particulars (if any) as are prescribed.

Schedule 3—Amendment of Acts to update references and make other changes

Air Services Act 1995

1 Subsection 2(2), section 13, subsection 16(6), the notes at the end of subsections 17(3) and (4), paragraph 32(2)(d), subparagraphs 32(5)(b)(i) and (ii) and section 51

Omit “1995” (wherever occurring), substitute “1997”.

Australian Law Reform Commission Act 1996

2 Subsection 5(2) (note)

Omit “executive”.

Australian Maritime Safety Authority Act 1990

3 Paragraph 10(2)(f)

Repeal the paragraph.

Civil Aviation Legislation Amendment Act 1995

4 Subsections 2(2) and (3)

Repeal the subsections, substitute:

- (2) Section 4 and Schedule 2 commence on the same day as the *Commonwealth Authorities and Companies Act 1997* commences.

5 Section 6

Repeal the section.

6 Section 7 (definition of CAC Act) and items 1, 3, 5, 7, 10 and 11 of Schedule 2

Omit “1995” (wherever occurring), substitute “1997”.

7 Subsection 18(3) (definition of pre-CAC rules)

After “sections”, insert “14, 15, 40,”.

8 Subsection 18(3) (definition of *pre-CAC rules*)

Omit “and 64”, substitute “, 64 and 65”.

9 Schedule 4

Repeal the Schedule.

Commonwealth Funds Management Limited Act 1990

10 Section 45

Repeal the section.

Ozone Protection Amendment Act 1995

11 Part 2 of Schedule 1

Repeal the Part.

12 Items 56 and 57 of Schedule 1

Repeal the items.

13 Item 58 of Schedule 1

Omit “If this Part applies, the”, substitute “The”.

14 Items 59 and 60 of Schedule 1

Repeal the items.

15 Item 61 of Schedule 1

Omit “If this Part applies, the”, substitute “The”.

16 Item 61 of Schedule 1

Omit “Financial Management and Accountability Act”, substitute “*Financial Management and Accountability Act 1997*”.

17 Item 63 of Schedule 1 (definition of *Transitional Provisions Act* in new section 65A)

Repeal the definition.

18 Item 63 of Schedule 1 (new subsection 65B(5))

Omit “Transitional Provisions Act”, substitute “*Audit (Transitional and Miscellaneous) Amendment Act 1997*”.

Small Superannuation Accounts Act 1995

19 Subsection 8(2)

Omit “1995” (wherever occurring), substitute “1997”.

20 Subsection 8(2) (note 1)

Omit “40”, substitute “39”.

21 At the end of subsection 8(2)

Add:

Note 3: Before the commencement of the *Financial Management and Accountability Act 1997*, the Reserve was a trust account for the purposes of section 62A of the *Audit Act 1901*.

22 Subsection 8(3)

Repeal the subsection, substitute:

Transitional—appropriation

- (3) The Trust Fund established by the *Audit Act 1901* is appropriated to the extent necessary to achieve the transition of the Reserve from the scheme of the *Audit Act 1901* to the scheme of the *Financial Management and Accountability Act 1997*.

23 Subsection 10(2)

Repeal the subsection.

24 Subsection 19(1)

Omit “1995”, substitute “1997”.

25 Subsection 19(3)

Repeal the subsection.

26 Subsection 33(1)

Omit “1995”, substitute “1997”.

27 Subsection 33(3)

Repeal the subsection.

28 Section 95

Repeal the section.

Transport Legislation Amendment Act 1995

29 Subsection 2(2)

Repeal the subsection.

30 Subsection 2(4)

Omit “1995”, substitute “1997”.

31 Part B of Schedule 1

Repeal the Part.

32 Items 4, 5 and 7 of Part C of Schedule 1

Omit “1995” (wherever occurring), substitute “1997”.

Schedule 4—Transitional matters and regulations

1 This Schedule binds the Crown

This Schedule binds the Crown in right of the Commonwealth, but does not make the Crown liable to be prosecuted for an offence.

2 This Schedule extends to things outside Australia

This Schedule extends to acts, omissions, matters and things outside Australia.

3 Interpretation

In this Schedule, unless the contrary intention appears:

Audit Act means the *Audit Act 1901*.

Commercial Activities Fund means the Commercial Activities Fund established by the *Financial Management and Accountability Act 1997*.

Finance Minister means the Minister who administers this Act.

new Loan Fund means the Loan Fund established by the *Financial Management and Accountability Act 1997*.

old Loan Fund means the Loan Fund established by the *Audit Act*.

old Trust Fund means the Trust Fund established by the *Audit Act*.

replacement Acts means the *Auditor-General Act 1997*, the *Financial Management and Accountability Act 1997* and the *Commonwealth Authorities and Companies Act 1997*.

Reserved Money Fund means the Reserved Money Fund established by the *Financial Management and Accountability Act 1997*.

4 Transfers from old Funds to new Funds

- (1) Money in the old Loan Fund immediately before the commencement of this Schedule must be transferred to the new Loan Fund.

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- (2) If:
- (a) immediately before the commencement of this Schedule, money was in an account (however described) that was established or continued in existence by an Act that is amended by Schedule 2 to this Act; and
 - (b) that account formed part of the old Trust Fund;
- the money must be transferred from that account to the component of the Reserved Money Fund that is established to replace that account.
- (3) If an amendment made by Schedule 2 substitutes a component of the Reserved Money Fund for an account (however described), any reference in any Act or other instrument to that component is to be read as including a reference to the account for which it is substituted, unless the context otherwise requires.
- (4) Money in the old Trust Fund immediately before the commencement of this Schedule (other than money covered by subitem (2)) must be transferred to components of the Reserved Money Fund and Commercial Activities Fund that are established by determinations under subsections 20(2) and 21(2) of the *Financial Management and Accountability Act 1997*.
- (5) The disallowance rules in section 22 of the *Financial Management and Accountability Act 1997* do not apply to an original determination made for the purposes of subitem (4) of this item. However, the disallowance rules do apply to any revocation or variation of an original determination.
- (6) The old Loan Fund and the old Trust Fund are appropriated for the purposes of this item.

5 Auditor-General

The person holding office as Auditor-General under the Audit Act immediately before the commencement of this Schedule holds office after the commencement of this Schedule as if the person had been properly appointed as Auditor-General under the *Auditor-General Act 1997* for the remainder of the period of 10 years that started when the person was appointed under the Audit Act.

6 Independent Auditor

- (1) This item applies if, immediately before the commencement of this Schedule, an arrangement was in operation under section 48K of the Audit Act for a person to perform the functions of the Independent Auditor under the Audit Act.
- (2) The person is taken to be properly appointed on the commencement of this Schedule as the Independent Auditor under the *Auditor-General Act 1997*.
- (3) The appointment is for a term that commences on the commencement of this Schedule and ends on the expiry of the arrangement referred to in subitem (1).
- (4) While the person holds office as Independent Auditor in accordance with this item, the person is entitled to be paid fees and allowances in accordance with the arrangement referred to in subitem (1), but is not entitled to be paid fees or allowances under clause 3 of Schedule 2 to the *Auditor-General Act 1997*.

7 Exempt accounts

- (1) In this item:
 - preserved provisions* means section 70D of the Audit Act and the regulations made for the purposes of that section.
 - replacement provisions* means section 56 of the *Auditor-General Act 1997*, section 46 of the *Commonwealth Authorities and Companies Act 1997* and section 58 of the *Financial Management and Accountability Act 1997*.
- (2) The preserved provisions continue to have effect until the first regulations are in operation for the purposes of the replacement provisions.
- (3) If those first regulations, or any of them, are later disallowed by a House of the Parliament, the preserved provisions continue to have effect, to the extent that they cover matters no longer covered by regulations in operation under the replacement provisions, until further regulations are in operation under those provisions that cover those matters.

8 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) In particular, regulations may be made:
 - (a) providing for bank accounts under section 21 of the Audit Act to continue in effect as official accounts for the purposes of the *Financial Management and Accountability Act 1997*; and
 - (b) for other transitional matters arising out of the repeal of the Audit Act or the enactment of the replacement Acts, or the transition from the Audit Act to the replacement Acts; and
 - (c) for other transitional matters arising out of the amendments made by Schedules 2 and 3.