



Financial Framework Legislation Amendment Regulations 2011 (No. 1)¹

Select Legislative Instrument 2011 No. 14

I, PROFESSOR MARIE BASHIR, AC, CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Financial Management and Accountability Act 1997* and the *Commonwealth Authorities and Companies Act 1997*.

Dated 24 February 2011

MARIE BASHIR
Administrator

By Her Excellency's Command

PENELOPE YING YEN WONG
Minister for Finance and Deregulation

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1 Name of Regulations

These Regulations are the *Financial Framework Legislation Amendment Regulations 2011 (No. 1)*.

2 Commencement

These Regulations commence as follows:

- (a) on the day after they are registered — regulations 1 to 4 and Schedules 1 and 2;
- (b) on the commencement of Schedule 5 to the *Financial Framework Legislation Amendment Act 2010* — regulations 5 and 6 and Schedules 3 and 4;
- (c) on 1 July 2011 — regulations 7 and 8 and Schedules 5 and 6.

3 Amendment of *Financial Management and Accountability Regulations 1997*

Schedule 1 amends the *Financial Management and Accountability Regulations 1997*.

4 Amendment of *Commonwealth Authorities and Companies Regulations 1997*

Schedule 2 amends the *Commonwealth Authorities and Companies Regulations 1997*.

5 Amendment of *Financial Management and Accountability Regulations 1997*

Schedule 3 amends the *Financial Management and Accountability Regulations 1997*.

6 Amendment of *Commonwealth Authorities and Companies Regulations 1997*

Schedule 4 amends the *Commonwealth Authorities and Companies Regulations 1997*.

7 Amendment of *Financial Management and Accountability Regulations 1997*

Schedule 5 amends the *Financial Management and Accountability Regulations 1997*.

8 Amendment of *Commonwealth Authorities and Companies Regulations 1997*

Schedule 6 amends the *Commonwealth Authorities and Companies Regulations 1997*.

Schedule 1 Amendments of *Financial Management and Accountability Regulations 1997* commencing on day after registration
(regulation 3)

[1] Schedule 1, item 124

after

Investments Commission

insert

(ASIC)

[2] Schedule 1, item 161

substitute

- | | | |
|-----|---|-------------------------|
| 161 | National Offshore Petroleum Safety Authority (<i>NOPSA</i>), continued in existence by section 645 of the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> , comprising: <ul style="list-style-type: none">(a) the Chief Executive Officer of NOPSA; and(b) the staff mentioned in subsection 677 (1) of that Act; and(c) consultants engaged under subsection 676 (1) of that Act; and(d) the officers and employees mentioned in subsection 677 (3) of that Act | Chief Executive Officer |
|-----|---|-------------------------|

See Note B

[3] Further amendments of Schedule 1

<i>Item of Schedule 1</i>	<i>omit</i>	<i>insert</i>
Item 106	(the ACMA)	(ACMA)
Item 107, paragraph (b)	<i>Trade Practices Act 1974</i>	<i>Competition and Consumer Act 2010</i>
Item 117	(AOFM)	(AOFM)
Item 121	(ARPANSA)	(ARPANSA)
Item 126	(the ASADA)	(ASADA)
Item 126, paragraph (a)	the ASADA	ASADA
Item 149	(ITSA)	(ITSA)
Item 153, paragraph (a)	(MRT)	(MRT)
Item 153, paragraph (c)	(RRT)	(RRT)
Item 158, paragraph (a)	<i>Trade Practices Act 1974</i>	<i>Competition and Consumer Act 2010</i>
Item 159	(NHMRC)	(NHMRC)
Item 164, paragraph (a)	(AASB)	(AASB)
Item 201	(ARIA)	(ARIA)

**Schedule 2 Amendment of *Commonwealth
Authorities and Companies
Regulations 1997* commencing
on day after registration**
(regulation 4)

[1] Regulation 5
substitute

5 Statutory marketing authorities (Act s 5)

For the definition of *SMA* in section 5 of the Act, the Wine Australia Corporation is prescribed.

**Schedule 3 Amendments of *Financial
Management and Accountability
Regulations 1997* commencing
on commencement of
Schedule 5 to *Financial
Framework Legislation
Amendment Act 2010***
(regulation 5)

[1] After regulation 22

insert

**22AA Notice of share acquisitions and other events
(Act s 39A)**

- (1) A notice of an event mentioned in subsection 39A (2) of the Act must be in the form in Schedule 1A.
- (2) The notice must include the particulars set out in the table.

Item	Particular
-------------	-------------------

- | | |
|---|--|
| 1 | The name and portfolio of the Minister who has the responsibility for the event |
| 2 | The nature of the event |
| 3 | The name of the company involved in the event |
| 4 | If the company is incorporated in Australia: <ul style="list-style-type: none">(a) the company's ACN; or(b) the company's ARBN (if the company has an ARBN) |

Item	Particular
5	If the company is a foreign company: <ul style="list-style-type: none"> (a) the jurisdiction in which the company is incorporated; and (b) any incorporation identifier provided for the company in that jurisdiction; and (c) the company's ARBN (if the company has an ARBN)
6	The address of the company's principal place of business
7	Whether the company is included in an official list of a stock exchange and, if so, the name of the stock exchange
8	Whether the company is: <ul style="list-style-type: none"> (a) a company limited by shares; or (b) a company limited by guarantee; or (c) a company limited by guarantee and shares; or (d) an unlimited company; or (e) a no liability company
9	Whether the company is: <ul style="list-style-type: none"> (a) a public company (a company that is not a proprietary company within the meaning of section 9 of the <i>Corporations Act 2001</i>); or (b) a large proprietary company; or (c) a small proprietary company
10	Whether the company is a company with only 1 member
11	If the company is a foreign company, a description of the legal structure of the company
12	If, before or after the event, there were 1 or more ultimate holding companies: <ul style="list-style-type: none"> (a) the name of each ultimate holding company; and (b) if applicable, the ACN or ARBN of each ultimate holding company; and (c) for each ultimate holding company that is a foreign company, the jurisdiction in which it is incorporated and the incorporation identifier (if any) provided for the company in that jurisdiction
<hr/>	
(3)	The notice must also include a short statement about the event, setting out the particulars in the table.

Item	Information
1	The reasons for the event
2	Whether the Commonwealth or a prescribed body will be under an obligation or will have a liability because of the event
3	Whether, because of the event, the Commonwealth or a prescribed body: <ul style="list-style-type: none"> (a) has, or will have, control of the company; or (b) no longer has, or will no longer have, control of the company
4	The dollar value of any consideration paid or received by the Commonwealth or a prescribed body in relation to the event
5	Any other areas where the interests of the Commonwealth or a prescribed body have been affected by the event

(4) In this regulation, each of the following terms has the meaning given by section 9 of the *Corporations Act 2001*:

- (a) ACN (short for 'Australian Company Number');
- (b) ARBN (short for 'Australian Registered Body Number');
- (c) company limited by guarantee;
- (d) company limited by shares;
- (e) foreign company;
- (f) large proprietary company;
- (g) no liability company;
- (h) small proprietary company;
- (i) ultimate holding company;
- (j) unlimited company.

[2] After Schedule 1

insert

**Schedule 1A Notice of event under section
39A of Act**

(subregulation 22AA (1))

Form 1 Notice of event

Financial Management and Accountability Act 1997

**NOTICE UNDER SECTION 39A OF THE *FINANCIAL
MANAGEMENT AND ACCOUNTABILITY ACT 1997***

I, [name of Minister or Ministers]:

- (a) give notice of an event as required under subsection 39A (1) of the *Financial Management and Accountability Act 1997*; and
- (b) provide particulars of the event and a short statement about the event as required under regulation 22AA of the *Financial Management and Accountability Regulations 1997*.

Minister or Ministers who have the responsibility for the event

Nature of the event

Particulars relating to the company (see <i>Financial Management and Accountability Regulations 1997</i>, subregulation 22AA (2))	
Name of company	
ACN or ARBN	
Jurisdiction of incorporation, incorporation identifier and ARBN	

Address of principal place of business	
Whether listed on a stock exchange and, if so, name of the stock exchange	
Ownership structure	
Company type	
Legal structure of foreign company	
Details of any ultimate holding companies	

Short statement about the event (see <i>Financial Management and Accountability Regulations 1997</i>, subregulation 22AA (3))	
Reasons for the event	
Obligations or liabilities placed on the Commonwealth or a prescribed body	
Particulars about the control of the company by the Commonwealth or a prescribed body	
Dollar value of consideration paid or received	
Other areas where the interests of the Commonwealth or a prescribed body have been affected	

Signature block for Minister(s)
<p>Date</p> <p><i>[Signature(s)]</i></p> <p><i>[Name and title of Minister(s)]</i></p>

**Schedule 4 Amendments of *Commonwealth
Authorities and Companies
Regulations 1997* commencing
on commencement of
Schedule 5 to *Financial
Framework Legislation
Amendment Act 2010***

(regulation 6)

[1] Regulation 7

omit

[2] Regulation 8

omit

and section 45 (Ministers must inform Parliament of share
acquisitions etc)

Schedule 5 Amendments of *Financial Management and Accountability Regulations 1997* commencing on 1 July 2011
(regulation 7)

[1] Schedule 1, after item 114A

insert

- 114AA Australian Institute of Criminology (*AIC*), Director
 comprising:
 (a) the Director of the AIC; and
 (b) the staff mentioned in subsection
 23 (1) of the *Criminology Research Act 1971*; and
 (c) consultants engaged under section 24
 of that Act; and
 (d) the Criminology Research Advisory
 Council established by subsection
 33 (1) of that Act

 See Note B

[2] Schedule 1, after item 115

insert

- 115A Australian Law Reform Commission President
 (*ALRC*), comprising:
 (a) the President and members of the
 ALRC; and
 (b) the management advisory committee
 established in accordance with
 subsection 27 (1) of the *Australian Law Reform Commission Act 1996*;
 and
 (c) the staff mentioned in subsection

43 (1) of that Act; and
(d) consultants engaged under section 44
of that Act

See Note B

Schedule 6 Amendments of *Commonwealth Authorities and Companies Regulations 1997* commencing on 1 July 2011

(regulation 8)

[1] Schedule 1, item 101

omit

[2] Schedule 1, item 104

omit

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.