

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 114

Issued by the Authority of the Minister for Finance and Deregulation

Commonwealth Authorities and Companies Act 1997

Commonwealth Authorities and Companies Amendment Regulation 2013 (No. 1)

The *Commonwealth Authorities and Companies Act 1997* (the CAC Act) contains reporting, accountability and other rules for Commonwealth authorities and companies.

Section 5 of the CAC Act provides that a Commonwealth authority or Commonwealth company is a government business enterprise (GBE) where it is prescribed by the *Commonwealth Authorities and Companies Regulations 1997* (CAC Regulations).

Regulation 4 of the CAC Regulations lists the names of the relevant Commonwealth authorities and companies for the purposes of section 5 of the CAC Act.

Subsection 49(1) of the CAC Act provides that the Governor-General may make regulations prescribing matters required or permitted by the CAC Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the CAC Act.

The Regulation amends the CAC Regulations (the Principal Regulations) to add a new company, the Moorebank Intermodal Company Limited, to subregulation 4(2) to prescribe it as a GBE.

The Moorebank Intermodal Company Limited is working to deliver the Moorebank Intermodal Terminal Project, involving the construction of an intermodal terminal on Commonwealth land at Moorebank in south-Western Sydney.

It is appropriate that the Moorebank Intermodal Company Limited be prescribed as a GBE in the CAC Regulations, as the Commonwealth holds an ownership interest in the company and therefore has a strong interest in its performance and financial returns. It is intended that the company would largely adopt commercial practices in order to complete this project.

GBEs are subject to the *Commonwealth Government Business Enterprises Governance and Oversight Guidelines*, which apply a high level of reporting and accountability arrangements that seek to facilitate best practice governance and oversight by the Commonwealth.

Further details on the Regulation are set out in the Attachment.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. The Regulation commences on the day after it is registered on the Federal Register of Legislative Instruments.

Consultation

In accordance with paragraph 17 of the *Legislative Instruments Act 2003*, consultation has taken place with the Department of Infrastructure and Transport.

A regulation impact statement is not required as the Regulation only applies to a Commonwealth company under the CAC Act.

Statement of Compatibility with Human Rights

The Regulation is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The amendments do not limit any human rights, nor establish any new offences or penalties.

Authority: Subsection 49(1) of the *Commonwealth Authorities and Companies Act 1997*

Details of the *Commonwealth Authorities and Companies Amendment Regulation 2013 (No. 1)*

Section 1 – Name of Regulation

This section provides that the title of the Regulation is the *Commonwealth Authorities and Companies Amendment Regulation 2013 (No. 1)*.

Section 2 – Commencement

This section provides for the commencement of the Regulation on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – Authority

This section provides that the Regulation is made under the *Commonwealth Authorities and Companies Act 1997*.

Section 4 – Schedule(s)

This section provides that Schedule 1 amends the CAC Regulations.

Schedule 1 – Amendments

Commonwealth Authorities and Companies Regulations 1997

Item 1 - Subregulation 4(2) (table item 4)

Item 1 adds the Moorebank Intermodal Company Limited, ACN: 161 635 105, to the CAC Regulations as a government business enterprise.

Item 1 repeals the table item 4 in subregulation 4(2) and substitutes the Moorebank Intermodal Company Limited. NBN Co Limited, formerly at table item 4, is inserted at new table item 5.