



Financial Framework Legislation Amendment Act (No. 1) 2011

No. 89, 2011

**An Act to amend the law relating to the
Commonwealth's financial framework and
governance arrangements, and for related purposes**

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

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**An Act to amend the law relating to the
Commonwealth's financial framework and
governance arrangements, and for related purposes**

[Assented to 4 August 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Financial Framework Legislation
Amendment Act (No. 1) 2011*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	4 August 2011
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
3. Schedule 2	A day or days to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
4. Schedule 3	Immediately after the commencement of item 1 of Schedule 2 to this Act.	
5. Schedules 4 and 5	The day this Act receives the Royal Assent.	4 August 2011
6. Schedules 6 to 8	The day after this Act receives the Royal Assent.	5 August 2011

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Commonwealth Authorities and Companies Act 1997

1 Subsection 17(4)

Omit “in subsection (6)”, substitute “specified in the regulations for the purposes of subsection (6)”.

2 Subsection 17(6)

Repeal the subsection, substitute:

- (6) The plan must include details of matters (so far as they are applicable) specified in the regulations for the purposes of this subsection.

3 Subsection 17(7)

Omit “in subsection (6)”, substitute “specified in the regulations for the purposes of subsection (6)”.

4 Subsection 42(4)

Omit “in subsection (6)”, substitute “specified in the regulations for the purposes of subsection (6)”.

5 Subsection 42(6)

Repeal the subsection, substitute:

- (6) The plan must include details of matters (so far as they are applicable) specified in the regulations for the purposes of this subsection.

6 Subsection 42(7)

Omit “in subsection (6)”, substitute “specified in the regulations for the purposes of subsection (6)”.

7 Application of amendments made by this Schedule

The amendments made by this Schedule apply in respect of a corporate plan prepared on or after the commencement of this item.

Schedule 2—Amendment of the Financial Management and Accountability Act 1997

1 At the end of section 20

Add:

Sunsetting and disallowance

- (6) A determination made under subsection (1) or (2) is a legislative instrument, but Part 6 (sunsetting) of the *Legislative Instruments Act 2003* does not apply to the determination.

Note: See section 22 for tabling and disallowance of a determination made under subsection (1) or (2).

- (7) A determination made under subsection (3) is a legislative instrument, but neither section 42 (disallowance) nor Part 6 (sunsetting) of the *Legislative Instruments Act 2003* applies to the determination.

2 Paragraph 46(1)(b)

Omit “and the internal and external auditors of the Agency”, substitute “, the internal auditors of the Agency and the Auditor-General”.

3 At the end of section 52

Add:

- (3) An instruction is not a legislative instrument.

4 Subsection 64(3)

Repeal the subsection, substitute:

- (3) A guideline is a legislative instrument, but neither section 42 (disallowance) nor Part 6 (sunsetting) of the *Legislative Instruments Act 2003* applies to the guideline.

Schedule 3—Amendment of the Legislative Instruments Act 2003

1 Subsection 44(2) (table items 19, 20 and 21)

Repeal the items.

2 Subsection 54(2) (table items 17, 18 and 19)

Repeal the items.

Schedule 4—Amendment of the Primary Industries (Excise) Levies Act 1999

1 Clause 1 of Schedule 6 (definition of *Australian Bureau of Agricultural and Resource Economics*)

Repeal the definition.

Schedule 5—Amendment of the Renewable Energy (Electricity) Act 2000

1 Paragraph 132(1)(c)

Repeal the paragraph, substitute:

- (c) an officer of that part of the Agriculture Department known as the Australian Bureau of Agricultural and Resource Economics and Sciences (*ABARES*) for the purposes of the performance of any of ABARES's functions or the exercise of any of ABARES's powers; or

2 Application

Despite the amendment of paragraph 132(1)(c) of the *Renewable Energy (Electricity) Act 2000* by item 1 of this Schedule, that paragraph continues to apply, in relation to a divulgence or communication before the commencement of that item, as if that amendment had not been made.

Schedule 6—Amendment of the Science and Industry Research Act 1949

1 Subsection 51(2)

Omit “(2)”.

Note: This item removes a redundant subsection number.

2 At the end of paragraphs 51(2)(a), (b) and (c)

Add “and”.

3 Paragraph 51(2)(d)

Omit “year; and”, substitute “year.”.

4 Paragraph 51(2)(e)

Repeal the paragraph.

5 Application of amendment made by item 4

The amendment made by item 4 of this Schedule applies in respect of a report under section 9 of the *Commonwealth Authorities and Companies Act 1997* for a financial year starting on or after 1 July 2011.

Schedule 7—Amendment of the Wheat Export Marketing Act 2008

1 Section 59

Repeal the section, substitute:

59 Credits to the Wheat Exports Australia Special Account

There must be credited to the Wheat Exports Australia Special Account amounts equal to the following:

- (a) the wheat export charge amounts received by the Commonwealth;
- (b) amounts received by way of fees referred to in section 10;
- (c) any other amounts received for any purpose of the Wheat Exports Australia Special Account.

Note: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a Special Account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the Special Account), then amounts may be debited against the appropriation for that item and credited to that Special Account.

2 Application of amendment made by item 1

The amendment made by item 1 of this Schedule applies in respect of an amount received on or after the commencement of that item.

Schedule 8—Amendment of the Wine Australia Corporation Act 1980

1 Subsection 31G(1)

Repeal the subsection, substitute:

- (1) The Corporation must cause a copy of an annual operational plan prepared under section 31F to be given to the Minister:
 - (a) at least 2 months before the start of the period to which the plan relates; or
 - (b) by such later time (whether before or after the start of the period to which the plan relates) as the Minister, in exceptional circumstances, allows.

2 Clause 5 of the Schedule

Repeal the clause, substitute:

5 Term of office

A member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

3 Application of amendment made by item 2

The amendment made by item 2 of this Schedule applies in relation to the appointment of a member made after the commencement of that item.

*[Minister's second reading speech made in—
House of Representatives on 2 June 2011
Senate on 4 July 2011]*

(103/11)
