

TASMANIA

METRO TASMANIA AMENDMENT BILL 2018

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METRO TASMANIA AMENDMENT BILL 2018

*(Brought in by the Minister for Infrastructure, the Honourable
Jeremy Page Rockliff)*

A BILL FOR

An Act to amend the *Metro Tasmania Act 1997* to enable Metro Tasmania to provide any form of public transport and to repeal Part 3A of that Act, to amend that Act, and certain other Acts under which state-owned companies are formed, to allow the members of Metro Tasmania and of those companies to provide statements of their expectations and to require Metro Tasmania and those companies to comply with Treasurer's Instructions issued under the *Government Business Enterprises Act 1995*, to consequentially amend the *Metro Tasmania Fares Order 2016* and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Metro Tasmania Amendment Act 2018*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 3

Part 2 – Metro Tasmania Act 1997 Amended

PART 2 – METRO TASMANIA ACT 1997 AMENDED

3. Principal Act

In this Part, the *Metro Tasmania Act 1997** is referred to as the Principal Act.

4. Long title amended

The long title of the Principal Act is amended by omitting “road”.

5. Section 4 amended (Formation of Company)

Section 4 of the Principal Act is amended by omitting “a public transport system.” and substituting “one or more public transport systems.”.

6. Section 5 amended (Principal objective of Company)

Section 5 of the Principal Act is amended as follows:

- (a) by omitting “road”;
- (b) by omitting “Tasmania” and substituting “Tasmania, whether those services are by road, rail, ferry or otherwise,”.

*No. 78 of 1997

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 2 – Metro Tasmania Act 1997 Amended

s. 7

7. Section 10A inserted

After section 10 of the Principal Act, the following section is inserted in Part 2:

10A. Members' statement of expectations

- (1) The members are to provide the Board with a statement of expectations.
- (2) The statement of expectations is to specify –
 - (a) the expectations of the members in relation to the strategic priorities of the Company; and
 - (b) the policy expectations of the members for the performance of the Company and its subsidiaries.
- (3) The members, at any time, may at their own discretion or on the application of the Board –
 - (a) amend the statement of expectations; or
 - (b) revoke the statement of expectations and substitute another statement of expectations.
- (4) Before or while preparing a statement of expectations or an amendment to a statement of expectations, the members are to consult with the Board.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 8

Part 2 – Metro Tasmania Act 1997 Amended

- (5) A statement of expectations and an amendment to a statement of expectations are to be in writing and signed by each member.
- (6) A statement of expectations, or an amendment to a statement of expectations, takes effect on a day specified in it, being a day not earlier than the day on which the statement or amendment is provided to the Company.
- (7) The Minister must cause a copy of the statement of expectations, or of an amendment to a statement of expectations, to be laid before each House of Parliament within 10 sitting-days after the statement or amendment has been signed as required by subsection (5).

8. Section 16 repealed

Section 16 of the Principal Act is repealed.

9. Part 3A repealed

Part 3A of the Principal Act is repealed.

10. Sections 19B and 19C inserted

After section 19A of the Principal Act, the following sections are inserted in Part 4:

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 2 – Metro Tasmania Act 1997 Amended

s. 10

19B. Treasurer's Instructions

(1) In this section –

Treasurer's Instruction means a Treasurer's Instruction issued under section 114 of the *Government Business Enterprises Act 1995*.

- (2) A Treasurer's Instruction applies to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.
- (3) The Treasurer may issue Treasurer's Instructions specifically in relation to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.
- (4) The Company and each subsidiary of the Company are to comply with all relevant Treasurer's Instructions.
- (5) The Treasurer may exempt the Company or a subsidiary of the Company, or both, from the obligation to comply with all or part of a Treasurer's Instruction.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 11

Part 2 – Metro Tasmania Act 1997 Amended

19C. Application of Corporations Act

To the extent that a provision of this Act is incapable of concurrent operation with the Corporations Act, that provision is declared to be a Corporations legislation displacement provision for the purposes of section 5G of the Corporations Act.

11. Section 22 substituted

Section 22 of the Principal Act is repealed and the following section is substituted:

22. Transitional and savings provisions consequent on *Metro Tasmania Amendment Act 2018*

(1) In this section –

amended order means the *Metro Tasmania Fares Order 2016* as amended by the *Metro Tasmania Amendment Act 2018*;

commencement day means the day on which the *Metro Tasmania Amendment Act 2018* commenced.

(2) Despite the repeal, by the *Metro Tasmania Amendment Act 2018*, of Part 3A of this Act as in force immediately before the commencement day, the amended order remains in force until revoked by the Minister by order.

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 2 – Metro Tasmania Act 1997 Amended

s. 11

- (3) An order under subsection (2) is a statutory rule within the meaning of the *Rules Publication Act 1953*.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 12

Part 3 – Metro Tasmania Fares Order 2016 Amended

**PART 3 – METRO TASMANIA FARES ORDER 2016
AMENDED**

12. Principal Order

In this Part, the *Metro Tasmania Fares Order 2016** is referred to as the Principal Order.

13. Clause 7 revoked

Clause 7 of the Principal Order is revoked.

*S.R. 2016, No. 86

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 4 – Electricity Companies Act 1997 Amended

s. 14

PART 4 – ELECTRICITY COMPANIES ACT 1997
AMENDED

14. Principal Act

In this Part, the *Electricity Companies Act 1997**
is referred to as the Principal Act.

15. Section 11A inserted

After section 11 of the Principal Act, the
following section is inserted in Division 1:

11A. Members’ statement of expectations

- (1) The members of a company are to provide the board of directors with a statement of expectations.
- (2) The statement of expectations is to specify –
 - (a) the expectations of the members in relation to the strategic priorities of the company; and
 - (b) the policy expectations of the members for the performance of the company and its subsidiaries.
- (3) The members of a company, at any time, may at their own discretion or on the application of the board of directors –

*No. 69 of 1997

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 15

Part 4 – Electricity Companies Act 1997 Amended

- (a) amend the statement of expectations; or
 - (b) revoke the statement of expectations and substitute another statement of expectations.
- (4) Before or while preparing a statement of expectations or an amendment to a statement of expectations, the members of a company are to consult with the board of directors.
- (5) A statement of expectations and an amendment to a statement of expectations are to be in writing and signed by each member.
- (6) A statement of expectations, or an amendment to a statement of expectations, takes effect on a day specified in it, being a day not earlier than the day on which the statement or amendment is provided to the company.
- (7) The Minister must cause a copy of the statement of expectations, or of an amendment to a statement of expectations, to be laid before each House of Parliament within 10 sitting-days after the statement or amendment has been signed as required by subsection (5).

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 4 – Electricity Companies Act 1997 Amended

s. 16

16. Section 16 repealed

Section 16 of the Principal Act is repealed.

17. Sections 21A and 21B inserted

After section 21 of the Principal Act, the following sections are inserted in Part 3:

21A. Treasurer's Instructions

(1) In this section –

Treasurer's Instruction means a Treasurer's Instruction issued under section 114 of the *Government Business Enterprises Act 1995*.

(2) A Treasurer's Instruction applies to a company, and each subsidiary of that company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

(3) The Treasurer may issue Treasurer's Instructions specifically in relation to a company, and a subsidiary of a company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

(4) A company and a subsidiary of a company are to comply with all relevant Treasurer's Instructions.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 17

Part 4 – Electricity Companies Act 1997 Amended

- (5) The Treasurer may exempt a company or a subsidiary of a company, or both, from the obligation to comply with all or part of a Treasurer's Instruction.

21B. Application of Corporations Act

To the extent that a provision of this Act is incapable of concurrent operation with the Corporations Act, that provision is declared to be a Corporations legislation displacement provision for the purposes of section 5G of the Corporations Act.

**PART 5 – IRRIGATION COMPANY ACT 2011
AMENDED**

18. Principal Act

In this Part, the *Irrigation Company Act 2011** is referred to as the Principal Act.

19. Section 13 substituted

Section 13 of the Principal Act is repealed and the following section is substituted:

13. Members' statement of expectations

- (1) The members are to provide the Board with a statement of expectations.
- (2) The statement of expectations is to specify –
 - (a) the expectations of the members in relation to the strategic priorities of the Company; and
 - (b) the policy expectations of the members for the performance of the Company and its subsidiaries.
- (3) The members, at any time, may at their own discretion or on the application of the Board –
 - (a) amend the statement of expectations; or

*No. 12 of 2011

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 20

Part 5 – Irrigation Company Act 2011 Amended

- (b) revoke the statement of expectations and substitute another statement of expectations.
- (4) Before or while preparing a statement of expectations or an amendment to a statement of expectations, the members are to consult with the Board.
- (5) A statement of expectations and an amendment to a statement of expectations are to be in writing and signed by each member.
- (6) A statement of expectations, or an amendment to a statement of expectations, takes effect on a day specified in it, being a day not earlier than the day on which the statement or amendment is provided to the Company.
- (7) The Minister must cause a copy of the statement of expectations, or of an amendment to a statement of expectations, to be laid before each House of Parliament within 10 sitting-days after the statement or amendment has been signed as required by subsection (5).

20. Section 24 repealed

Section 24 of the Principal Act is repealed.

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 5 – Irrigation Company Act 2011 Amended

s. 21

21. Section 35A inserted

Before section 36 of the Principal Act, the following section is inserted in Part 5:

35A. Treasurer's Instructions

(1) In this section –

Treasurer's Instruction means a Treasurer's Instruction issued under section 114 of the *Government Business Enterprises Act 1995*.

(2) A Treasurer's Instruction applies to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

(3) The Treasurer may issue Treasurer's Instructions specifically in relation to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

(4) The Company and each subsidiary of the Company are to comply with all relevant Treasurer's Instructions.

(5) The Treasurer may exempt the Company or a subsidiary of the Company, or both,

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 22

Part 5 – Irrigation Company Act 2011 Amended

from the obligation to comply with all or
part of a Treasurer’s Instruction.

**22. Section 36 amended (Application of Corporations
Act)**

Section 36 of the Principal Act is amended by
inserting “Corporations legislation” after “be a”.

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 6 – Racing (Tasracing Pty Ltd) Act 2009 Amended

s. 23

**PART 6 – RACING (TASRACING PTY LTD) ACT 2009
AMENDED**

23. Principal Act

In this Part, the *Racing (Tasracing Pty Ltd) Act 2009** is referred to as the Principal Act.

24. Section 8 repealed

Section 8 of the Principal Act is repealed.

25. Section 12 amended (Members’ statement of expectations)

Section 12 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “shareholders”;
- (b) by omitting from subsection (2) “shareholders”;
- (c) by omitting from subsection (3)(a) “shareholders”;
- (d) by omitting from subsection (3)(b) “shareholders” twice occurring;
- (e) by omitting from subsection (4) “shareholders” twice occurring;

*No. 30 of 2009

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 26

Part 6 – Racing (Tasracing Pty Ltd) Act 2009 Amended

(f) by inserting the following subsections after subsection (4):

- (5) A statement of expectations and an amendment to a statement of expectations are to be in writing and signed by each member.
- (6) A statement of expectations, or an amendment to a statement of expectations, takes effect on a day specified in it, being a day not earlier than the day on which the statement or amendment is provided to the Company.
- (7) The Minister must cause a copy of the statement of expectations, or of an amendment to a statement of expectations, to be laid before each House of Parliament within 10 sitting-days after the statement or amendment has been signed as required by subsection (5).

26. Section 21 repealed

Section 21 of the Principal Act is repealed.

27. Sections 28A and 28B inserted

After section 28 of the Principal Act, the following sections are inserted in Part 4:

28A. Treasurer’s Instructions

- (1) In this section –

Treasurer’s Instruction means a Treasurer’s Instruction issued under section 114 of the *Government Business Enterprises Act 1995*.

- (2) A Treasurer’s Instruction applies to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.
- (3) The Treasurer may issue Treasurer’s Instructions specifically in relation to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.
- (4) The Company and each subsidiary of the Company are to comply with all relevant Treasurer’s Instructions.
- (5) The Treasurer may exempt the Company or a subsidiary of the Company, or both, from the obligation to comply with all or part of a Treasurer’s Instruction.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 27

Part 6 – Racing (Tasracing Pty Ltd) Act 2009 Amended

28B. Application of Corporations Act

To the extent that a provision of this Act is incapable of concurrent operation with the Corporations Act, that provision is declared to be a Corporations legislation displacement provision for the purposes of section 5G of the Corporations Act.

PART 7 – RAIL COMPANY ACT 2009 AMENDED

28. Principal Act

In this Part, the *Rail Company Act 2009** is referred to as the Principal Act.

29. Section 15 amended (Guarantee fees)

Section 15 of the Principal Act is amended by omitting subsection (2).

30. Section 16 amended (Tax equivalents)

Section 16 of the Principal Act is amended by omitting subsection (2).

31. Section 20 amended (Members' statement of expectations)

Section 20 of the Principal Act is amended by inserting after subsection (4) the following subsections:

- (5) A statement of expectations and an amendment to a statement of expectations are to be in writing and signed by each member.
- (6) A statement of expectations, or an amendment to a statement of expectations, takes effect on a day specified in it, being a day not earlier

*No. 46 of 2009

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 32

Part 7 – Rail Company Act 2009 Amended

than the day on which the statement or amendment is provided to the Company.

- (7) The Minister must cause a copy of the statement of expectations, or of an amendment to a statement of expectations, to be laid before each House of Parliament within 10-sitting days after the statement or amendment has been signed as required by subsection (5).

32. Section 38A inserted

After section 38 of the Principal Act, the following section is inserted in Part 6:

38A. Treasurer's Instructions

- (1) In this section –

Treasurer's Instruction means a Treasurer's Instruction issued under section 114 of the *Government Business Enterprises Act 1995*.

- (2) A Treasurer's Instruction applies to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.
- (3) The Treasurer may issue Treasurer's Instructions specifically in relation to the

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Act No. of 2018

Part 7 – Rail Company Act 2009 Amended

s. 32

Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

- (4) The Company and each subsidiary of the Company are to comply with all relevant Treasurer's Instructions.
- (5) The Treasurer may exempt the Company or a subsidiary of the Company, or both, from the obligation to comply with all or part of a Treasurer's Instruction.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 33

Part 8 – TT-Line Arrangements Act 1993 Amended

PART 8 – TT-LINE ARRANGEMENTS ACT 1993
AMENDED

33. Principal Act

In this Part, the *TT-Line Arrangements Act 1993** is referred to as the Principal Act.

34. Section 13 inserted

After section 12 of the Principal Act, the following section is inserted in Part 2:

13. Members' statement of expectations

- (1) The members of the Company are to provide the board of directors with a statement of expectations.
- (2) The statement of expectations is to specify –
 - (a) the expectations of the members of the Company in relation to the strategic priorities of the Company; and
 - (b) the policy expectations of the members of the Company for the performance of the Company and its subsidiaries.

*No. 39 of 1993

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 8 – TT-Line Arrangements Act 1993 Amended

s. 34

-
- (3) The members of the Company, at any time, may at their own discretion or on the application of the board of directors –
- (a) amend the statement of expectations; or
 - (b) revoke the statement of expectations and substitute another statement of expectations.
- (4) Before or while preparing a statement of expectations or an amendment to a statement of expectations, the members of the Company are to consult with the board of directors.
- (5) A statement of expectations and an amendment to a statement of expectations are to be in writing and signed by each member.
- (6) A statement of expectations, or an amendment to a statement of expectations, takes effect on a day specified in it, being a day not earlier than the day on which the statement or amendment is provided to the Company.
- (7) The Minister must cause a copy of the statement of expectations, or of an amendment to a statement of expectations, to be laid before each House of Parliament within 10-sitting days after the statement or amendment has been signed as required by subsection (5).

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 35

Part 8 – TT-Line Arrangements Act 1993 Amended

35. Section 18A repealed

Section 18A of the Principal Act is repealed.

36. Sections 21A and 21B inserted

After section 21 of the Principal Act, the following sections are inserted in Part 3:

21A. Treasurer's Instructions

(1) In this section –

Treasurer's Instruction means a Treasurer's Instruction issued under section 114 of the *Government Business Enterprises Act 1995*.

(2) A Treasurer's Instruction applies to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

(3) The Treasurer may issue Treasurer's Instructions specifically in relation to the Company, and each subsidiary of the Company, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

(4) The Company and each subsidiary of the Company are to comply with all relevant Treasurer's Instructions.

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 8 – TT-Line Arrangements Act 1993 Amended

s. 36

- (5) The Treasurer may exempt the Company or a subsidiary of the Company, or both, from the obligation to comply with all or part of a Treasurer's Instruction.

21B. Application of Corporations Act

To the extent that a provision of this Act is incapable of concurrent operation with the Corporations Act, that provision is declared to be a Corporations legislation displacement provision for the purposes of section 5G of the Corporations Act.

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 37

Part 9 – Tasmanian Ports Corporation Act 2005 Amended

**PART 9 – TASMANIAN PORTS CORPORATION ACT
2005 AMENDED**

37. Principal Act

In this Part, the *Tasmanian Ports Corporation Act 2005** is referred to as the Principal Act.

38. Section 13A inserted

After section 13 of the Principal Act, the following section is inserted in Part 2:

13A. Members' statement of expectations

- (1) The members are to provide the Board with a statement of expectations.
- (2) The statement of expectations is to specify –
 - (a) the expectations of the members in relation to the strategic priorities of the Corporation; and
 - (b) the policy expectations of the members for the performance of the Corporation and its subsidiaries.
- (3) The members, at any time, may at their own discretion, or on the application of the Board –

*No. 41 of 2005

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 9 – Tasmanian Ports Corporation Act 2005 Amended

s. 38

-
- (a) amend the statement of expectations; or
 - (b) revoke the statement of expectations and substitute another statement of expectations.
 - (4) Before or while preparing a statement of expectations or an amendment to a statement of expectations, the members are to consult with the Board.
 - (5) A statement of expectations and an amendment to a statement of expectations are to be in writing and signed by each member.
 - (6) A statement of expectations, or an amendment to a statement of expectations, takes effect on a day specified in it, being a day not earlier than the day on which the statement or amendment is provided to the Corporation.
 - (7) The Minister must cause a copy of the statement of expectations, or of an amendment to a statement of expectations, to be laid before each House of Parliament within 10 sitting-days after the statement or amendment has been signed as required by subsection (5).

Metro Tasmania Amendment Act 2018
Act No. of 2018

s. 39

Part 9 – Tasmanian Ports Corporation Act 2005 Amended

39. Section 17 amended (Guarantee fees)

Section 17 of the Principal Act is amended by omitting subsection (2).

40. Section 18 amended (Tax equivalents)

Section 18 of the Principal Act is amended by omitting subsection (2).

41. Section 29 substituted

Section 29 of the Principal Act is repealed and the following sections are substituted:

29. Treasurer's Instructions

(1) In this section –

Treasurer's Instruction means a Treasurer's Instruction issued under section 114 of the *Government Business Enterprises Act 1995*.

(2) A Treasurer's Instruction applies to the Corporation, and each subsidiary of the Corporation, as if they were Government Business Enterprises specified in Schedules 1, 2 and 3 of the *Government Business Enterprises Act 1995*.

(3) The Treasurer may issue Treasurer's Instructions specifically in relation to the Corporation, and each subsidiary of the Corporation, as if they were Government

Metro Tasmania Amendment Act 2018
Act No. of 2018

Part 9 – Tasmanian Ports Corporation Act 2005 Amended

s. 41

Business Enterprises specified in
Schedules 1, 2 and 3 of the *Government
Business Enterprises Act 1995*.

- (4) The Corporation and each subsidiary of the Corporation are to comply with all relevant Treasurer's Instructions.
- (5) The Treasurer may exempt the Corporation or a subsidiary of the Corporation, or both, from the obligation to comply with all or part of a Treasurer's Instruction.

29A. Application of Corporations Act

To the extent that a provision of this Act is incapable of concurrent operation with the Corporations Act, that provision is declared to be a Corporations legislation displacement provision for the purposes of section 5G of the Corporations Act.

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s. 42

Part 10 – Miscellaneous

PART 10 – MISCELLANEOUS

42. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.