

Anything done by or in relation to a Government Business Enterprise or subsidiary is not void or unenforceable only because the Government Business Enterprise has contravened this Part.

PART 7 - Financial affairs of Government Business Enterprise generally

43. Authorised deposit-taking institution accounts

A Government Business Enterprise may open and operate such authorised deposit-taking institution accounts as it considers necessary.

44. Investment

Subject to section 16 of the *Tasmanian Public Finance Corporation Act 1985*, a Government Business Enterprise may invest any funds held by it and any interest accumulated in respect of those funds in any manner which is consistent with –

- (a) sound commercial practice; and
- (b) the Treasurer's Instructions.

45. Borrowing from Treasurer

(1) The Treasurer may lend to a Government Business Enterprise, out of money provided by Parliament for the purpose, such money as the Treasurer considers appropriate.

(2) Before making a loan to a Government Business Enterprise, the Treasurer must consult with the Portfolio Minister.

(3) If a Government Business Enterprise applies for a loan in respect of a loss incurred by it or any of its subsidiaries, in determining whether to make the loan the Treasurer must consider –

- (a)** the amount of the loss; and
- (b)** the reasons for the loss; and
- (c)** the consequences of the loss; and
- (d)** any other matter the Treasurer considers relevant.

(4) In determining the consequences of a loss, the Treasurer must consider –

- (a)** the impact of the loss on the liquidity position of the Government Business Enterprise and all of its subsidiaries; and
- (b)** the availability of reserves to meet the loss; and
- (c)** the impact of the loss on the viability of the Government Business Enterprise and all of its subsidiaries.

(5) A loan is subject to the conditions determined by the Treasurer.

(6) An amount lent under subsection (1) and any interest or other charge payable in respect of the loan is a debt repayable into the Consolidated Fund by the Government Business Enterprise to which the amount was lent.

(7) If the Government Business Enterprise to which the amount was lent is unable to repay the debt, the Government

Business Enterprise and all its prescribed subsidiaries are jointly and severally liable to repay it.

(8) For the purposes of subsection (7), "**prescribed subsidiary**" means a subsidiary that is –

(a) a statutory authority; or

(b) a corporation incorporated under the Corporations Act, all the shares of which are beneficially owned by the Crown, the Government Business Enterprise or another such subsidiary.

46. Capital contribution by Treasurer

(1) The Treasurer may pay an amount to a Government Business Enterprise as a contribution to its reserves out of money provided by Parliament for the purpose.

(2) An amount paid under subsection (1) is not a borrowing and is not subject to the payment of interest.

47. Borrowing from person other than Treasurer

(1) Subject to section 16 of the *Tasmanian Public Finance Corporation Act 1985*, a Government Business Enterprise may borrow, or otherwise obtain financial accommodation, from a person other than the Treasurer for the purposes of performing its functions and achieving its objectives.

(2) A Government Business Enterprise may use all or part of its assets as security for a borrowing or financial accommodation obtained by it under subsection (1) and any interest or charges payable in respect of that financial accommodation.

(3) On the request of the Portfolio Minister, the Treasurer may guarantee the payment or repayment to a person from which a Government Business Enterprise borrows or obtains financial accommodation under subsection (1) of any one or more of the following:

(a) the amount borrowed or credit obtained;

(b) any interest payable in respect of the amount borrowed or financial accommodation;

(c) any charges relating to the borrowing or financial accommodation;

(d) any expenses of that person incurred in relation to the borrowing or financial accommodation and which are payable by the Government Business Enterprise.

(4) A guarantee is subject to the conditions determined by the Treasurer.

(5) A payment or repayment which is required to be made under a guarantee is payable out of the Consolidated Fund without further appropriation than this section.

(6) If the Treasurer makes any payment or repayment under a guarantee, an amount equal to the amount so paid or repaid, and any interest or other charge payable by a Government Business Enterprise in accordance with the conditions to which the guarantee is subject, is a debt repayable by the Government Business Enterprise into the Consolidated Fund on the conditions and in the manner determined by the Treasurer.

(7) A creditor may not enforce a guarantee against the Treasurer until the creditor has exercised all his, her or its rights

and remedies under all securities held in respect of the payment or repayment guaranteed.

48. Financial arrangements

(1) Subject to subsection (2), a Government Business Enterprise may enter into and deal in financial arrangements.

(2) The Treasurer may, by notice provided to a Government Business Enterprise, specify that the Government Business Enterprise must not enter into or deal in a financial arrangement as provided by, or in the circumstances specified in, the notice.

(3) The Board must ensure that any financial arrangement entered into, or dealt in, by the Government Business Enterprise is entered into and performed, or dealt in, in accordance with the Treasurer's Instructions.

49. Effect of Financial Agreement Act 1994

Where the Treasurer, under section 5 (1) of the *Financial Agreement Act 1994*, requires a Government Business Enterprise to do or refrain from doing anything for the purpose of implementing the Agreement, within the meaning of that Act, the Government Business Enterprise must comply with that requirement.

50. Government Business Enterprise or subsidiary not exempt from State charges

A Government Business Enterprise or subsidiary is not exempt from a State charge merely because it is or may be the Crown.

PART 8 - Accounting records, financial statements and reports of Government Business Enterprises