

**Changes to the *Clean Energy Finance Corporation Act 2012***  
**(Section numbers and heading are as they appear in the Act)**

### **3 Object**

The object of this Act is to establish the Clean Energy Finance Corporation to facilitate increased flows of finance into the clean energy sector **and such further sectors of the Australian economy in which public and private enterprise are engaged in the production and transportation of tangible economic wealth, including manufacturing, agriculture, construction, mining, public utilities and transportation and the financing of nationwide infrastructure projects in water, high-speed rail, and energy among other vital aspects of the economy, to increase Australia's physical-economic productivity and therefore the standard of living of all Australians.**

### **9 Corporation's functions**

- (1) The Corporation has the following functions:
  - (a) its investment function (see subsection 58(1));
  - (b) to liaise with relevant persons and bodies, including ARENA, the Clean Energy Regulator, other Commonwealth agencies and State and Territory governments, for the purposes of facilitating its investment function;
  - (c) **to directly or indirectly provide credit or make loans to, or contracts with public and private enterprises engaged in the production and transportation of tangible economic wealth, including those involved in manufacturing, agriculture, construction, mining, public utilities and transportation and nationwide infrastructure projects in water, high-speed rail, and energy and such other aspects of the economy as may be determined by the Corporation to be vital, to increase Australia's physical-economic productivity and to provide employment for the Australian workforce and any other functions conferred on the Corporation by this Act or any other Commonwealth law;**
  - (d) to do anything incidental or conducive to the performance of the above functions.
- (2) In performing its functions, the Corporation must act in a proper, efficient and effective manner.

### **55 Borrowing**

#### *Borrowing by the Corporation*

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- (4) **For the purposes of subsection 55(3) of the Act borrowings by the Corporation for the purpose of carrying out the functions as specified in Section 58(1) are authorised borrowings.**
- (5) **For the purposes of section 57 of the Public Governance, Performance and Accountability Act 2013 borrowings by the Corporation for the purpose of carrying out the functions as specified in Section 58(1) are authorised borrowings.**
- (6) **The borrowings referred to in subsections 55(4) and 55(5) shall be on such terms and conditions as may be determined by the Corporation from time to time and as shall be authorised in writing by the Minister.**
- (7) **The Corporation may effect the borrowings referred to in subsections 55(4) and 55(5) by the issue of bonds on such terms and conditions as may be determined by the Corporation from time to time and as shall be authorised in writing by the Minister.**

- (8) The Treasurer may advance to the Corporation for the functions of the Corporation as provided for in this Act such amount or amounts as the Treasurer may determine from those funds which may be available to the Treasurer from the allocations made from Consolidated Revenue pursuant to the Appropriation (Coronavirus Economic Response Package) Bill (No. 1) 2019-2020 or the Appropriation (Coronavirus Economic Response Package) Bill (No. 2) 2019-2020. Any such advance may be made on terms to be agreed upon between the Treasurer and the Corporation.
- (9) The Treasurer from time to time cause advances to be made to the Corporation as and when allocations may be made from Consolidated Revenue. Any such advance may be made on terms to be agreed upon between the Treasurer and the Corporation.
- (10) Obligations of the corporation shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the Commonwealth or any Territory, State or Local Government of the Commonwealth or any officer or officers thereof.
- (11) The Commonwealth shall be responsible for the payment of all moneys due in respect of borrowings by the Corporation pursuant to any borrowings authorised under section 57 of the Public Governance, Performance and Accountability Act 2013 or section 55(3) of the Act but nothing in this section shall authorise any creditor or other person claiming against the Bank to sue the Commonwealth in respect of his debt or claim.

## 58 Investment function

- (1) The Corporation's *investment function* is to invest, directly and indirectly, in clean energy technologies and those technologies related to the production and transportation of tangible economic wealth, including those related to manufacturing, agriculture, construction, mining, public utilities and transportation and nationwide infrastructure projects in water, high-speed rail, and energy and such other aspects of the economy as may be determined by the Corporation to be vital, to increase Australia's physical-economic productivity and to provide employment for the Australian workforce.

Note: For *clean energy technologies*, see section 60.

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- (3) In performing its investment function, the Corporation must ensure that, at any time on or after 1 July 2018, at least half of the funds invested at that time for the purposes of its investment function are invested in renewable energy technologies.

Delete this subsection.

## 59 Complying investments

- (1) The Board must take all reasonable steps to ensure that investments for the purposes (or purportedly for the purposes) of the Corporation's investment function are at all times complying investments.
- (2) *Complying investments* are investments that are:
  - (a) in clean energy technologies (see section 60) and those technologies associated with the physical-economic activities referred to in section 58(1); and
  - (b) solely or mainly Australian-based (see section 61); and
  - (c) not in a prohibited technology (see section 62).

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**63 Financial assets**

Delete the whole of the section.

**69 Guarantees**

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- (3) A guarantee is void if, at the time the Corporation purports to give the guarantee, it would secure an amount that is more than the uncommitted balance of the Account at that time, less any liabilities of the Corporation at that time not already covered by paragraph (b) of the definition of *uncommitted balance*. To avoid doubt, the guarantee is wholly void regardless of whether a part of the amount it would secure could be covered by the uncommitted balance of the Account.

Delete this subsection.

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