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GOLD CORPORATION ACT 1987

**GOLD CORPORATION
(POLICY INSTRUMENTS)
REGULATIONS 2009**

Western Australia

Gold Corporation (Policy Instruments) Regulations 2009

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Made by the Governor in Executive Council with the Treasurer's concurrence.

Part 1 — Preliminary

1. Citation

These regulations are the *Gold Corporation (Policy Instruments) Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) this Part — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

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Part 2 — Strategic development plan**3. Application of Part**

This Part applies in relation to the strategic development plan for Gold Corporation that is to be prepared and submitted to the Minister by the Board under section 9B(1) of the Act.

4. Draft strategic development plan to be submitted to Minister

- (1) A strategic development plan is to be prepared and submitted —
 - (a) in each year; and
 - (b) in the form of a draft strategic development plan.
- (2) The Minister may from time to time, with the Treasurer's concurrence, by notice in writing to the Board —
 - (a) fix a day in each year by which a draft strategic development plan is to be submitted under subregulation (1); or
 - (b) cancel a notice given under paragraph (a).
- (3) Each draft strategic development plan is to be submitted not later than —
 - (a) the day fixed under subregulation (2); or
 - (b) if there is for the time being no day so fixed, 2 months before the start of the next financial year.

5. Period to be covered by strategic development plan and transitional provision

- (1) A strategic development plan is to cover a forecast period of 5 years or any lesser period agreed with the Minister.
- (2) The first strategic development plan is to be in respect of the forecast period beginning at the start of the next financial year after the commencement of this regulation.

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6. Matters to be included in, and considered in preparing, strategic development plan

- (1) The strategic development plan must set out, for Gold Corporation and for each of its subsidiaries, economic and financial objectives and operational targets and how those objectives and targets will be achieved.
- (2) The matters that are to be considered by the Board in the preparation of the strategic development plan include competitive strategies (where appropriate), pricing of products, productivity levels, financial requirements, capital expenditure and personnel requirements.

7. Strategic development plan to be agreed if possible

The Board and the Minister must endeavour —

- (a) to reach agreement on the draft strategic development plan as soon as possible, and in any event not later than the start of the next financial year; and
- (b) to reach such agreement at the same time as they reach agreement on the draft statement of corporate intent under regulation 17.

8. Minister's powers in relation to draft strategic development plan

- (1) The Minister may return the draft strategic development plan to the Board and request it to —
 - (a) consider or further consider any matter and deal with the matter in the draft plan; and
 - (b) revise the draft plan in the light of its consideration or further consideration.
- (2) The Board must comply with the request as soon as is practicable.

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- (3) If the Board and the Minister have not reached agreement on the draft strategic development plan by one month before the start of the next financial year, the Minister may, by written notice, direct the Board —
 - (a) to take specified steps in relation to the draft plan; or
 - (b) to make specified modifications to the draft plan.
- (4) The Board must comply with a direction under subregulation (3) as soon as is practicable.

9. Strategic development plan pending agreement

- (1) This regulation applies if the Board and the Minister have not reached agreement on a draft strategic development plan for Gold Corporation before the start of a financial year.
- (2) The latest draft plan is to be the strategic development plan for Gold Corporation until a draft strategic development plan is agreed to under regulation 10.
- (3) In subregulation (2) —
latest draft plan means the draft strategic development plan submitted, or last submitted, by the Board to the Minister before the start of the financial year with any modifications made by the Board, whether before or after that time, at the direction of the Minister.

10. Minister's agreement to draft strategic development plan

When the Board and the Minister have reached agreement on a draft strategic development plan for Gold Corporation, it becomes the strategic development plan for Gold Corporation for the relevant financial year or the remainder of the year, as the case may be.

11. Modifications of strategic development plan

- (1) A strategic development plan may be modified by the Board with the agreement of the Minister.

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- (2) The Minister may, by written notice, direct the Board to modify the strategic development plan, and the Board must comply with any such direction.
- (3) Before giving a direction to the Board under subregulation (2), the Minister must consult with the Board and take its views into account.

12. Concurrence of Treasurer

The Minister is not to —

- (a) agree to a draft strategic development plan under regulation 10; or
- (b) agree to or direct any modification of a strategic development plan under regulation 11,

except with the Treasurer's concurrence.

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Part 3 — Statement of corporate intent**13. Application of Part**

This Part applies in relation to the statement of corporate intent for Gold Corporation that is to be prepared and submitted to the Minister by the Board under section 9B(1) of the Act.

14. Draft statement of corporate intent to be submitted to Minister

- (1) A statement of corporate intent is to be prepared and submitted —
 - (a) in each year; and
 - (b) in the form of a draft statement of corporate intent.
- (2) The Minister may from time to time, with the Treasurer's concurrence, by notice in writing to the Board —
 - (a) fix a day in each year by which a draft statement of corporate intent is to be submitted under subregulation (1); or
 - (b) cancel a notice given under paragraph (a).
- (3) Each draft statement of corporate intent is to be submitted not later than —
 - (a) the day fixed under subregulation (2); or
 - (b) if there is for the time being no day so fixed, 2 months before the start of the next financial year.

15. Period covered by statement of corporate intent and transitional provision

- (1) A statement of corporate intent is to cover a financial year.
- (2) The first statement of corporate intent is to cover the next full financial year after the commencement of this regulation.

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16. Matters to be included in statement of corporate intent

- (1) The statement of corporate intent must be consistent with the strategic development plan under Part 2.
- (2) The statement of corporate intent must set out, for Gold Corporation and for each of its subsidiaries, the following matters —
 - (a) the performance targets and other measures by which performances may be judged in relation to objectives for the relevant financial year;
 - (b) an outline of objectives;
 - (c) an outline of the nature and scope of the functions proposed to be performed during the relevant financial year;
 - (d) an outline of main undertakings during the relevant financial year;
 - (e) the dividend policy for the relevant financial year;
 - (f) accounting policies that apply to the preparation of accounts;
 - (g) the type of information to be given to the Minister in an annual report or otherwise;
 - (h) such other matters as may be agreed on by the Minister and the Board.
- (3) The Minister may exempt the Board from including any matter, or any aspect of a matter, mentioned in subregulation (2) in its statement of corporate intent.

17. Statement of corporate intent to be agreed if possible

The Board and the Minister must endeavour —

- (a) to reach agreement on the draft statement of corporate intent as soon as possible, and in any event not later than the start of the next financial year; and

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- (b) to reach such agreement in accordance with regulation 7(b).

18. Minister's powers in relation to draft statement of corporate intent

- (1) The Minister may return the draft statement of corporate intent to the Board and request it to —
 - (a) consider or further consider any matter and deal with the matter in the draft statement; and
 - (b) revise the draft statement in the light of its consideration or further consideration.
- (2) The Board must comply with the request as soon as is practicable.
- (3) If the Board and the Minister have not reached agreement on the draft statement of corporate intent by one month before the start of the financial year, the Minister may, by written notice, direct the Board —
 - (a) to take specified steps in relation to the draft statement; or
 - (b) to make specified modifications to the draft statement.
- (4) The Board must comply with a direction under subregulation (3) as soon as is practicable.

19. Statements of corporate intent pending agreement

- (1) This regulation applies if the Board and the Minister have not reached agreement on a draft statement of corporate intent for Gold Corporation before the start of a financial year.
- (2) The latest draft statement is to be the statement of corporate intent for Gold Corporation until a draft statement of corporate intent is agreed to under regulation 20.

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- (3) In subregulation (2) —

latest draft statement means the draft statement of corporate intent submitted, or last submitted, by the Board to the Minister before the start of the financial year with any modifications made by the Board, whether before or after that time, at the direction of the Minister.

20. Minister's agreement to draft statement of corporate intent

- (1) When the Board and the Minister have reached agreement on a draft statement of corporate intent for Gold Corporation, it becomes the statement of corporate intent for Gold Corporation for the relevant financial year or the remainder of the year, as the case may be.
- (2) The Minister must, within 14 days after agreeing to a draft statement of corporate intent under subregulation (1), cause a copy of it to be laid before each House of Parliament or to be dealt in accordance with regulation 23.
- (3) The Board may request the Minister to delete from the copy of a statement of corporate intent that is to be laid before Parliament a matter that is of a commercially sensitive nature, and the Minister may, despite subregulation (2), comply with the request.
- (4) Any copy of a statement of corporate intent to which subregulation (3) applies must —
- (a) contain a statement detailing the reasons for the deletion at the place in the document where the information deleted would otherwise appear; and
 - (b) be accompanied by an opinion from the Auditor General stating whether or not the information deleted is commercially sensitive.

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21. Modifications of statement of corporate intent

- (1) A statement of corporate intent may be modified by the Board with the agreement of the Minister.
- (2) The Minister may, by written notice, direct the Board to modify the statement of corporate intent, and the Board must comply with any such direction.
- (3) Before giving a direction to the Board under subregulation (2), the Minister must consult with the Board and take its views into account.

22. Concurrence of Treasurer

The Minister is not to —

- (a) agree to a draft statement of corporate intent under regulation 20; or
- (b) agree to or direct any modification of a statement of corporate intent under regulation 21,

except with the Treasurer's concurrence.

23. Laying statement of corporate intent before Parliament

- (1) If —
 - (a) at the commencement of the period referred to in regulation 20(2) in respect of a statement of corporate intent a House of Parliament is not sitting; and
 - (b) the Minister is of the opinion that that House will not sit during that period,

the Minister is to transmit a copy of the statement of corporate intent to the Clerk of that House.

- (2) A copy of a statement of corporate intent transmitted to the Clerk of a House is to be taken to have been laid before that House.

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- (3) The laying of a copy of a statement of corporate intent that is taken to have occurred under subregulation (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.