THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN CIVILIAN CORPS AMENDMENT BILL 2013

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Foreign Affairs, the Hon Julie Bishop MP)
AUSTRALIAN CIVILIAN CORPS AMENDMENT BILL 2013

OUTLINE

On 18 September 2013, the Prime Minister announced he would recommend to the Governor-General that the Australian Agency for International Development (AusAID) be integrated into the Department of Foreign Affairs and Trade (DFAT), enabling the aid and diplomatic arms of Australia’s international policy agenda to be more closely aligned.

The Australian Civilian Corps Amendment Bill 2013 (the Bill) amends the Australian Civilian Corps Act 2011 (the Act) to take account of this machinery of government change that abolished AusAID and, consequently, the position of the Director-General of AusAID, with effect on and from 1 November 2013.

The Bill:

- transfers the powers and functions of the Director-General of AusAID under the Act to the Secretary of DFAT; and
- substitutes other references to AusAID and the Director-General of AusAID with DFAT and the Secretary of DFAT, respectively.

The Bill also makes consequential amendments to the Australian Civilian Corps Regulations 2011, the Director-General’s Australian Civilian Corps Directions 2011 and the Prime Minister’s Australian Civilian Corps Directions 2012.

Financial impact statement
There is no financial impact from this Bill.

Human rights implications
NOTES ON CLAUSES

In these notes on clauses the following abbreviations are used:

- ACC means Australian Civilian Corps
- AusAID means Australian Agency for International Development
- DFAT or Department means Department of Foreign Affairs and Trade

Clause 1: Short title
1. Clause 1 is a formal provision specifying the short title of the Bill.

Clause 2: Commencement
2. The Bill will commence on the day it receives the Royal Assent.

Clause 3: Schedule(s)
3. This clause makes it clear that:

- the Bill amends the Australian Civilian Corps Act 2011, the Australian Civilian Corps Regulations 2011, the Prime Minister’s Australian Civilian Corps Directions 2012 and the Director-General’s Australian Civilian Corps Directions 2011;
- the amendment of any regulation under the Bill does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General; and
- the amendment of any direction under the Bill does not prevent the direction, as so amended, from being amended or repealed by the Prime Minister or the Secretary of the Department (as the case requires).
Schedule 1 – Amendments

Part 1 – Amendment of the Australian Civilian Corps Act 2011

Item 1 – Section 4 (third paragraph)
4. This item substitutes “Director-General of AusAID” with “Secretary of the Department” to reflect the transfer of responsibility for managing the ACC to the Secretary following the abolition of AusAID and the position of Director-General of AusAID.

Item 2 – Section 5 (definition of AusAID)
5. This item repeals the definition of AusAID to reflect the abolition of AusAID as an Executive Agency.

Item 3 – Section 5 (definition of Director-General)
6. This item repeals the definition of Director-General to reflect the abolition of the position of Director-General as a consequence of the abolition of AusAID.

Item 4 – Section 5
7. This item inserts a definition of Secretary. This reflects the need to transfer the powers and functions under the ACC Act to the Secretary of the Department following the abolition of AusAID and the position of Director-General of AusAID.

Item 5 – Section 11
8. This item substitutes “Director-General, under the Minister,” with “Secretary” to reflect the transfer of responsibility for managing the ACC to the Secretary following the abolition of AusAID and the position of Director-General of AusAID. The words “under the Minister” are omitted because the phrase is superfluous given the Secretary reports directly to the Minister.

Item 6 – Section 13 (heading)
9. This item repeals the heading “Director-General’s directions about the Australian Civilian Corps Values” and substitutes it with “Secretary’s directions about the Australian Civilian Corps Values” to reflect the transfer of power to issue directions about the ACC Values to the Secretary.

Item 7 – Subsection 13(1)
10. This item substitutes “Director-General” with “Secretary” to reflect the transfer of power to issue directions about the ACC Values to the Secretary.

Item 8 – Section 14 (heading)
11. This item repeals the heading “Director-General must uphold and promote the Australian Civilian Corps Values” and substitutes it with “Secretary must uphold and promote the Australian Civilian Corps Values” to reflect the transfer of duties to the Secretary.
Item 9 – Section 14

12. This item substitutes “Director-General” with “Secretary” to reflect the transfer of duties to the Secretary.

Item 10 – Section 16 (heading)

13. This item repeals the heading “Director-General’s directions about the Australian Civilian Corps Code of Conduct” and substitutes it with “Secretary’s directions about the Australian Civilian Corps Code of Conduct” to reflect the transfer of power to issue directions about the ACC Code of Conduct to the Secretary.

Item 11 – Subsection 16(1)

14. This item substitutes “Director-General” with “Secretary” to reflect the transfer of power to issue directions in relation to the ACC Code of Conduct to the Secretary.

Item 12 – Subsections 17(1), (2), (3) and (8)

15. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of powers and duties of the Director-General relating to breaches of the ACC Code of Conduct to the Secretary.

Item 13 – Subsections 17A(4), (5) and (6)

16. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the rights and duties of the Director-General relating to the review of decisions concerning breaches of the ACC Code of Conduct to the Secretary.

Item 14 – Paragraph 17A(6)(b)

17. This item substitutes “AusAID” with “Department” to reflect that, following the abolition of AusAID, a review of a decision relating to a breach of the ACC Code of Conduct must not be conducted by a person if the person is an APS employee in the Department.

Item 15 – Subsections 17A(7) and (8)

18. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the rights and duties of the Director-General relating to the review of decisions concerning breaches of the ACC Code of Conduct to the Secretary.

Item 16 – Paragraph 17A(8)(b)

19. This item substitutes “AusAID” with “the Department” to reflect that, following the abolition of AusAID, a review of a decision relating to a breach of the ACC Code of Conduct must not be conducted by a committee if a member of the committee is an APS employee in the Department.
Item 17 – Section 18 (heading)

20. This item repeals the heading “Employer powers etc. of Director-General” and substitutes it with “Employer powers etc. of Secretary” to reflect the transfer of the rights, duties and powers of an employer in respect of an ACC employee to the Secretary.

Item 18 – Subsections 18(1) and (2)

21. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the rights, duties and powers of an employer in respect of an ACC employee to the Secretary.

Item 19 – Subsection 19(1)

22. This item substitutes “Director-General” with “Secretary” to reflect the transfer of power to engage ACC employees on behalf of the Commonwealth to the Secretary.

Item 20 – Subsection 20(1)

23. This item substitutes “Director-General” with “Secretary” to reflect the transfer of power to determine the remuneration and other terms and conditions of employment applying to ACC employees to the Secretary.

Item 21 – Section 21

24. This item substitutes “Director-General” with “Secretary” to reflect the transfer of power to determine the duties of an ACC employee, and the place or places at which the duties are to be performed, to the Secretary.

Item 22 – Subsection 23(1)

25. This item substitutes “Director-General” with “Secretary” to reflect the transfer of power to terminate the employment of an ACC employee to the Secretary.

Item 23 – Subsections 24(1), (2), (3) and (4)

26. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of powers and rights in relation to the secondment of an ACC employee to the Secretary.

Item 24 – Section 25 (heading)

27. This item repeals the heading “Limitation on Ministerial directions to Director-General” and substitutes it with “Limitation on Ministerial directions to Secretary” to reflect the transfer of rights of the Director-General to the Secretary.

Item 25 – Section 25

28. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of rights of the Director-General to the Secretary.
Item 26 – Paragraph 30(1)(b)

29. This item substitutes “AusAID” with “the Department” to reflect that the Minister may delegate any or all of his or her powers or functions under the Act or the regulations to an SES employee, or acting SES employee, in the Department.

Item 27 – Subsection 30(2)

30. This item substitutes “Director-General” with “Secretary” to reflect the transfer of powers of delegation to the Secretary.

Item 28 – Paragraph 30(2)(a)

31. This item substitutes “AusAID” with “the Department” so that, following the abolition of AusAID, the Secretary may delegate his or her powers or functions to an APS employee in the Department.
Part 2 – Amendment of the Australian Civilian Corps Regulations 2011

Item 29 – Regulation 3 (definition of ACC Register)

32. This item substitutes references to “AusAID” with “the Department” in the definition of ACC Register to clarify that the ACC Register will be maintained by the Department, and the Department will identify people as potentially suitable for engagement as ACC employees.

Item 30 – Regulation 3 (note)

33. This item repeals the note to regulation 3 because the position of Director-General of AusAID was abolished following the abolition of AusAID.

Item 31 – Paragraph 6(1)(b)

34. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 32 – Subregulation 7(1)

35. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 33 – Regulation 8 (heading)

36. This item repeals the heading “Director-General’s responsibility” and substitutes it with “Secretary’s responsibility” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 34 – Regulation 8

37. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 35 – Paragraph 8(c)

38. This item substitutes “Director-General’s” with “Secretary’s” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 36 – Subparagraph 9(5)(b)(iii)

39. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 37 – Subparagraph 10(2)

40. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 38 – Subregulations 11(1) and (3)

41. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.
Item 39 – Subregulations 12(2), (3) and (4)

42. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 40 – Paragraphs 13(b), (c) and (d)

43. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 41 – Regulation 14 (heading)

44. This item repeals the heading “Action by Director-General following review” and substitutes it with “Action by Secretary following review” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 42 – Regulation 14

45. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 43 – Subregulation 15(1)

46. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 44 – Subregulations 16(1) and (3)

47. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 45 – Regulation 18

48. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 46 – Subregulation 19(1)

49. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 47 – Subparagraph 19(1)(b)(iii)

50. This item substitutes “AusAID” with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 48 – Subregulations 19(4) and (5)

51. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.
52. Item 49 – Subparagraph 19(5)(b)(iii)

53. This item substitutes “AusAID” with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 50 – Subregulations 19(6) and (7)

54. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 51 – Subregulation 20(1)

55. This item substitutes “Director-General” (first and second occurring) with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 52 – Paragraph 20(1)(a)

56. This item reflects the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 53 – Subregulation 20(2)

57. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 54 – Subregulation 20(2)

58. This item substitutes “Director-General’s” with “Secretary’s” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 55 – Subregulation 20(5) (definition of employer powers of the Director-General)

59. This item repeals the definition of employer powers of the Director-General to reflect the abolition of AusAID and the position of Director-General.

Item 56 – Subregulation 20(5)

60. This item inserts a new definition of employer powers of the Secretary in similar terms to the definition repealed under Item 55, to reflect the transfer of employer powers to the Secretary following the abolition of AusAID and the position of Director-General.

Item 57 – Clauses 6, 7, 8, 9 and 10 of Schedule 1

61. This item substitutes references to “Director-General of AusAID” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 58 – Paragraph 8(a) of Schedule 2

62. This item substitutes the reference to “senior AusAID Officer” with “senior officer of the Department” to reflect that, following the abolition of AusAID and consequently the transfer of the officers of AusAID to the Department, an ACC employee must comply with any lawful and
reasonable directions given by a senior officer of the Department who has authority to give the direction.

**Item 59 – Clause 13 of Schedule 2**

63. This item substitutes “Director-General of AusAID” with “Secretary” to reflect that, following the abolition of AusAID and consequently the position of Director-General, an ACC employee must not accept gifts, benefits, hospitality or advantages that are offered in connection with his or her duties, status, power or authority, except in accordance with directions issued by the Secretary under the Act from time to time.

**Item 60 – Paragraph 16(b) of Schedule 2**

64. This item substitutes “AusAID Director-General” with “Secretary” to reflect that, following the abolition of AusAID and consequently the position of Director-General, an ACC employee may disclose confidential information which the employee obtains or generates in connection with ACC employment if the information is disclosed in accordance with an authorisation given by the Secretary or a relevant delegate.
Part 3 – Amendment of the Prime Minister’s Australian Civilian Corps Directions 2012

Item 61 – Before clause 1

65. This item clarifies that the title of the directions is the *Prime Minister’s Australian Civilian Corps Directions 2012*.

Item 62 – Subclause 2(1) (definition of **ACC Register**)

66. This item substitutes references to “AusAID” with “the Department” in the definition of **ACC Register** to clarify that the ACC Register will be maintained by the Department, and the Department will identify people as potentially suitable for engagement as ACC employees.

Item 63 – Subclause 4(4)

67. This item substitutes “AusAID” with “the Department” in the definition of **compulsory ACC training** to clarify that following the abolition of AusAID the compulsory ACC training will be the training identified by the Department.

Item 64 – Subsection 5(2)

68. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.
Part 4 – Amendment of the Director-General’s Australian Civilian Corps Directions 2011

Item 65 – Before clause 1.1

69. This item inserts a new clause to clarify that the name of the directions is the Secretary’s Australian Civilian Corps Directions 2011.

Item 66 – Subclause 1.3(1) (definition of Ethics Director)

70. This item repeals the definition of Ethics Director and substitutes it with a new definition of Ethics Director which describes the equivalent position of Ethics Director in the Department.

Item 67 – Subclause 1.3(1) (definition of HR ADG)

71. This item repeals the definition of HR ADG which ceased to exist upon the abolition of AusAID.

Item 68 – Subclause 1.3(1)

72. This item inserts a new definition of HR AS which describes the equivalent position in the Department of the former AusAID position of HR ADG.

Item 69 – Subclause 1.3 (paragraph (b) of the definition of senior representative of the Australian Government)

73. This item substitutes “AusAID” with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 70 – Paragraph 1.3(2)(b)

74. This item substitutes “AusAID” with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 71 – Clause 2.1

75. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 72 – Subclause 2.2(1)

76. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 73 – Subclause 2.2(2)

77. This item substitutes “AusAID” with “Department’s” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 74 – Subclause 2.2(3)

78. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.
Item 75 – Subclauses 2.3(1) and (2)

79. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 76 – Clause 2.4 (heading)

80. This item repeals the heading “The Director-General provides, to the extent possible, a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community” and substitutes it with “The Secretary provides, to the extent possible, a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community” to reflect the transfer of the duty to provide such a workplace to the Secretary.

Item 77 – Subclauses 2.4(1) and (2)

81. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers, rights and duties with respect to providing, to the extent possible, a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community, to the Secretary.

Item 78 – Clause 2.5 (heading)

82. This item repeals the heading “The Director-General provides, to the extent possible, a fair, flexible, safe and rewarding workplace for Australian Civilian Corps employees” with the heading “The Secretary provides, to the extent possible, a fair, flexible, safe and rewarding workplace for Australian Civilian Corps employees” to reflect the transfer of the duty to provide such a workplace to the Secretary.

Item 79 – Clause 2.5

83. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the powers, rights and duties with respect to providing, to the extent possible, a fair, flexible, safe and rewarding workplace for ACC employees, to the Secretary.

Item 80 – Subclauses 2.7(1) and 2.8(1)

84. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the responsibilities in these subclauses to the Secretary.

Item 81 – Subclause 3.1(2)

85. This item substitutes “AusAID” with “Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 82 – Subclause 3.1(3)

86. This item substitutes “AusAID” with “Department” in the definition of relevant AusAID officer to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.
Item 83 – Paragraph 3.1(3)(b)

87. This item substitutes “ADG” with “AS” following the repeal of the definition of ADG at item 67 and the insertion of a new definition of AS at item 68.

Item 84 – Subclause 3.2(2)

88. This item substitutes “ADG” with “AS” following the repeal of the definition of ADG at item 67 and the insertion of a new definition of AS at item 68.

Item 85 – Subclause 3.5(3)

89. This item substitutes “AusAID” with “the Department” to reflect that an ACC employee must take into account any guidance issued by the Department or the senior representative of the Australian Government concerning the application of any law to the employee following the abolition of AusAID.

Item 86 – Subclause 3.6(1) (paragraph (a) of the note)

90. This item substitutes “senior AusAID Officer” with “senior officer of the Department” following the amendment to paragraph 8 of the ACC Code of Conduct at item 58.

Item 87 – Subclause 3.6(2)

91. This item reflects the transfer of the power to give a direction to an ACC employee for the purposes of subparagraph 8(a) of the ACC Code of Conduct to a senior officer of the Department following the abolition of AusAID, and flows from the amendment to paragraph 8 of the ACC Code of Conduct at item 58.

92. Paragraphs (a) and (b) clarify that an APS employee at Executive Level 2 or above means an officer at an SES position or an equivalent position in the Department, or an Executive Level 2 position or an equivalent position in the Department. This is not a substantive change.

Item 88 – Subclause 3.6(3)

93. This item substitutes “AusAID” with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 89 – Subclause 3.6(4)

94. This item substitutes “AusAID” with “Department” to reflect that, in the event of disagreement over the lawfulness or reasonableness of a direction, the ACC employee who is subject to the direction may refer the matter to the relevant Department officer following the abolition of AusAID.

Item 90 – Subclause 3.6(5)

95. This item substitutes “AusAID” with “Department” in the definition of relevant AusAID officer to reflect that for the purposes of subclause (4) the relevant officer is the relevant Department officer following the abolition of AusAID.
Item 91 – Paragraph 3.6(5)(b)

96. This item substitutes “ADG” with “AS” following the repeal of the definition of ADG at item 67 and the insertion of a new definition of AS at item 68.

Item 92 – Subclause 3.10(1) (note)

97. This item substitutes “Director-General of AusAID” with “Secretary” following the amendment to paragraph 13 of the ACC Code of Conduct at item 59.

Item 93 – Subclause 3.10(2) (note)

98. This item substitutes “Director-General” with “Secretary” following the amendment to paragraph 13 of the ACC Code of Conduct at item 59.

Item 94 – Subclause 3.11(1) (paragraph (b) of the note)

99. This item substitutes “Director-General of AusAID” with “Secretary” following the amendment to paragraph 16 of the ACC Code of Conduct at item 60.

Item 95 – Subclause 3.11(3)

100. This item substitutes “Director-General” with “Secretary” to reflect the transfer of the powers and functions of the Director-General of AusAID to the Secretary.

Item 96 – Paragraph 3.13(4)(b)

101. This item substitutes “AusAID” with “the Department” to reflect that for the purposes of paragraph 18 of the ACC Code of Conduct, following the abolition of AusAID, where there is no Australian Head of Mission in the host country, the senior representative of the Australian Government to the host country in respect of an ACC employee is the person identified by the Department as the senior representative of the Australian Government for the purposes of the ACC employee’s deployment.

Item 97 – Clause 3 of the Schedule

102. This item substitutes “Director-General” with “Secretary” flowing from the transfer of the power to issue the directions to the Secretary under section 16 of the Act at items 10 and 11.

Item 98 – Clause 4 of the Schedule

103. This item substitutes “directly mirror the guidelines that apply to employees in AusAID, and are” with “be” to reflect the abolition of AusAID.

Item 99 – Clause 5 of the Schedule

104. This item substitutes references to “Director-General” with “Secretary” to reflect the transfer of the power to make a determination in relation to any gift received in connection with an employee’s duties to the Secretary, or an officer authorised by the Secretary for this purpose.
**Item 100 – Clause 6 of the Schedule**

105. This item substitutes references to “AusAID” (first, second and third occurring) with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

**Item 101 – Clause 6 of the Schedule**

106. This item substitutes “ADG” (first occurring) with “AS” following the repeal of the definition of *ADG* at item 67 and the insertion of a new definition of *AS* at item 68.

**Item 102 – Subclause 6.1 of the Schedule**

107. This item substitutes “ADG” with “AS” following the repeal of the definition of *ADG* at item 67 and the insertion of a new definition of *AS* at item 68.

**Item 103 – Subclause 6.3 of the Schedule**

108. This item substitutes “AusAID” with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

**Item 104 – Subclause 6.3 of the Schedule**

109. This item substitutes “presented to the Collector of Public Monies (CPM) in Finance Branch” with “given to an officer of the Department who has responsibility for the collection of public money” to reflect the transfer of this function to the Department following the abolition of AusAID, and to ensure this part of the subclause continues to operate if the area within the Department responsible for this function changes its name or the function is transferred to another area of the Department.

**Item 105 – Subclause 6.4 of the Schedule**

110. This item substitutes “ADG” (first and second occurring) with “AS” following the repeal of the definition of *ADG* at item 67 and the insertion of a new definition of *AS* at item 68.

**Item 106 – Subclause 6.4 of the Schedule**

111. This item substitutes “AusAID” (first occurring) with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

**Item 107 – Subclause 6.4 of the Schedule**

112. This item substitutes “Arranged to be displayed in AusAID House, or disposed of in an appropriate manner by the Manager, Property and Facilities Management (PFM), having had the matter referred by the HR ADG” with “Direct an officer in the Department to dispose of the gift as directed” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department, and to ensure this part of the subclause continues to operate even where the function is performed by a different area of the Department.
Item 108 – Subclause 6.5 of the Schedule

113. This item deletes “Pay and Conditions Team will maintain the Register.” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department. It also provides the Department with flexibility should any future organisational changes result in changes to team names or re-allocation of functions.

Item 109 – Clause 7 of the Schedule

114. This item substitutes “ADG” (first occurring) with “AS” following the repeal of the definition of ADG at item 67 and the insertion of a new definition of AS at item 68.

Item 110 – Clause 7 of the Schedule

115. This item substitutes “AusAID” (first occurring) with “the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 111 – Clause 7 of the Schedule

116. This item substitutes “ADG” (second occurring) with “AS” following the repeal of the definition of ADG at item 67 and the insertion of a new definition of AS at item 68.

Item 112 – Clause 7 of the Schedule

117. This item amends the third bullet point in Clause 7 of the Schedule to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 113 – Clause 8 of the Schedule

118. This item substitutes references to “ADG” with “AS” following the repeal of the definition of ADG at item 67 and the insertion of a new definition of AS at item 68.

Item 114 – Clause 8 of the Schedule

119. This item substitutes “HR Services Section (HRS) in Human Resources Branch (HRB)” with “the relevant section in the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department. It also provides the Department with flexibility should any future organisational changes result in changes to team names or re-allocation of functions.

Item 115 – Clause 9 of the Schedule

120. This item substitutes “HR ADG through the Director, HR Services Section” with “officer in the Department who has responsibility for approving the request” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department. It also provides the Department with flexibility should any future organisational changes result in changes to team names or re-allocation of functions.

Item 116 – Clause 10 of the Schedule

121. This item substitutes references to “ADG” with “AS” following the repeal of the definition of ADG at item 67 and the insertion of a new definition of AS at item 68.
Item 117 – Clause 10 of the Schedule

122. This item deletes the reference to “and filing by the HR Services Section” because the clause already provides details for the storage and audit of Gift Report Forms.

Item 118 – Clause 11 of the Schedule

123. This item substitutes “AusAID” with “The Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department.

Item 119 – Clause 11 of the Schedule

124. This item deletes the reference to “HR Services Section in Human Resources Branch” and substitutes it with “relevant section in the Department” to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department. It also provides the Department with flexibility should any future organisational changes result in changes to team names or re-allocation of functions.

Item 120 – Appendix to the Schedule

125. This item removes a sentence from the form in the Schedule to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department. It also provides the Department with flexibility should any future organisational changes result in changes to team names or re-allocation of functions.

Item 121 – Appendix to the Schedule

126. This item removes a part of the form in the Schedule to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department. It also provides the Department with flexibility should there be future organisational changes including changes to team names or the re-allocation of functions.

Item 122 – Appendix to the Schedule

127. This item removes a part of the form in the Schedule to reflect the abolition of AusAID and the transfer of AusAID’s functions to the Department. It also provides the Department with flexibility should any future organisational changes result in changes to team names or re-allocation of functions.
Part 5 – Transitional provisions

Item 123 – Definitions

128. The purpose of this item is to insert new definitions used in the transitional provisions in Part 5.

Item 124 – Effect of things done by, or in relation to, AusAID etc. under the old Act

129. This item preserves things done by, or in relation to, AusAID or the Director-General, under the ACC Act as in force immediately before the commencement of Part 5. This does not extend to the making of an instrument.

Item 125 – Directions issued by the Director-General

130. This item preserves any directions issued under sections 13 or 16 of the ACC Act as in force immediately before the commencement of Part 5.

Item 126 – Effect of things done by, or in relation to, AusAID etc. under the old legislative instruments

131. This item preserves things done by, or in relation to, AusAID, the Director-General or an employee of AusAID under a legislative instrument made pursuant to the ACC Act as in force immediately before the commencement of Part 5. This does not extend to the making of an instrument.

Item 127 – Transitional determinations relating to non-legislative instruments

132. This item gives the Secretary a power to make determinations that continue the effect of non-legislative instruments made under the ACC Act or under legislative instruments made pursuant to the ACC Act.
STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Australian Civilian Corps Amendment Bill 2013
1. This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Bill
2. On 18 September 2013, the Prime Minister announced he would recommend to the Governor-General that the Australian Agency for International Development (AusAID) be integrated into the Department of Foreign Affairs and Trade (DFAT), enabling the aid and diplomatic arms of Australia’s international policy agenda to be more closely aligned.

3. The Bill amends the Australian Civilian Corps Act 2011 (Act) to take account of the machinery of government change that abolished AusAID and, consequently, the position of the Director-General of AusAID, with effect on and from 1 November 2013.

4. The Bill:
   • transfers the powers and functions of the Director-General of AusAID under the Act to the Secretary of DFAT; and
   • substitutes other references to AusAID and the Director-General of AusAID with DFAT and the Secretary of DFAT, respectively.

5. The Bill makes consequential amendments to the Australian Civilian Corps Regulations 2011, the Director-General’s Australian Civilian Corps Directions 2011 and the Prime Minister’s Australian Civilian Corps Directions 2012.

6. None of these amendments make any substantive change to the Act.

Human rights implications
7. The Bill does not engage any of the applicable rights or freedoms.

Conclusion
8. This Bill is compatible with human rights as it does not raise any human rights issues.