



## **Public Governance, Performance and Accountability Legislation Amendment Rule 2014**

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I, MATHIAS HUBERT PAUL CORMANN, Minister for Finance, make the following rule.

Dated 12 September 2014

MATHIAS HUBERT PAUL CORMANN  
Minister for Finance

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## **1 Name**

This is the *Public Governance, Performance and Accountability Legislation Amendment Rule 2014*.

## **2 Commencement**

This instrument commences on the day after it is registered.

## **3 Authority**

This instrument is made under the following Acts:

- (a) the *Public Governance, Performance and Accountability Act 2013*;
- (b) the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*.

## **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Rule 2014*

#### **1 Subsection 4(1) (definitions of *FMA Act* and *PGPA Act*)**

Repeal the definitions.

#### **2 Subsection 4(1)**

Insert:

*PGPA rules* means rules made under section 101 of the PGPA Act.

#### **3 Before section 5**

Insert:

### **Division 1—Rules made for subitem 6(2) of Schedule 14 to the CTP Act**

#### **4 Section 5 (heading)**

Repeal the heading, substitute:

#### **5 Purpose of this Division**

#### **5 Section 5**

Omit “This Part is made for item 6”, substitute “This Division is made for subitem 6(2)”.

#### **6 After section 7**

Insert:

### **7AA Repayments by the Commonwealth**

- (1) Section 77 of the PGPA Act (which deals with repayment of amounts received by the Commonwealth) applies to amounts received by the Commonwealth before the commencement time.
- (2) This section applies in addition to:
  - (a) item 21 of Schedule 1 to the CTP Act; and
  - (b) item 38 of Schedule 2 to the CTP Act.

Note: The effect of this section is that the Commonwealth may rely on the appropriation in either section 28 of the FMA Act or in section 77 of the PGPA Act to make a repayment relating to an amount received by the Commonwealth before the commencement time.

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## **Division 2—Rules made for subitem 6(3) of Schedule 14 to the CTP Act**

### **7BA Purpose of this Division**

This Division is made for subitem 6(3) of Schedule 14 to the CTP Act (which provides for the Finance Minister to make transitional rules modifying Acts).

### **7BB The Clean Energy Regulator**

This section applies in the first reporting period, for the Clean Energy Regulator, that commences on or after 1 July 2014. The *Clean Energy Regulator Act 2011* has effect in that period as if the following section were added at the end of Division 1 of Part 2 of that Act:

### **15A Application of the finance law**

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

- (a) the Regulator is taken, despite subsection 16(1):
  - (i) to be a non-corporate Commonwealth entity, and not to be a corporate Commonwealth entity; and
  - (ii) to be a part of the Commonwealth; and
  - (iii) not to be a body corporate; and
- (b) the Regulator is a listed entity; and
- (c) the Chair of the Regulator is the accountable authority of the Regulator; and
- (d) the following persons are officials of the Regulator:
  - (i) the Chair of the Regulator;
  - (ii) the other members of the Regulator;
  - (iii) the staff of the Regulator referred to in section 36;
  - (iv) persons whose services are made available to the Regulator under section 37;
  - (v) consultants engaged under section 38; and
- (e) the purposes of the Regulator include the functions of the Regulator referred to in section 12.

### **7BC The Murray-Darling Basin Authority**

This section applies in the first reporting period, for the Murray-Darling Basin Authority, that commences on or after 1 July 2014. Section 12 of the PGPA Act has effect in that period as if the following subsection were added at the end of that section:

- (3) Despite subsection (2), the Chief Executive of the Murray-Darling Basin Authority is the accountable authority of the Authority.

## **7 Section 8**

Omit “applies as if that section included the following subsections”, substitute “has effect as if the following subsections were added”.

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**8 Section 8 (paragraph 55ZF(5)(a) of the *Judiciary Act 1903*)**

Omit “at or after the commencement time”, substitute “on or after 1 July 2014”.

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**9 Paragraphs 16A(1)(a) and 16B(1)(a)**

After “body”, insert “(other than a body that is the accountable authority of a Commonwealth entity)”.