

Public Governance, Performance and Accountability Legislation Amendment Rule 2014 (No. 2)

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

Dated 18 December 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 (No. 2)*.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | |
| --- | --- |
| Column 1 | Column 2 |
| Provisions | Commencement |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. |
| 2. Schedule 1, Part 1 | The day after this instrument is registered. |
| 3. Schedule 1, Part 2 | The later of:  (a) the start of the day after this instrument is registered; and  (b) the start of 1 January 2015. |

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments commencing on the day after registration

Public Governance, Performance and Accountability Rule 2014

1 Paragraph 5(2)(c)

Repeal the paragraph.

Part 2—Other amendments

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

2 After section 7BC

Insert:

7BD The Climate Change Authority

The *Climate Change Authority Act 2011* has effect, until the end of the first reporting period for the Climate Change Authority that commences on or after 1 July 2014, as if that Act were modified as set out in Schedule 1 to this rule.

3 At the end of the rule

Add:

Schedule 1—Modifications of the Climate Change Authority Act 2011

Note: See section 7BD.

Climate Change Authority Act 2011

1 Section 10

Before “The”, insert “(1)”.

2 At the end of section 10

Add:

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

(a) the Authority 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 Authority is a listed entity; and

(c) the CEO is the accountable authority of the Authority; and

(d) the following persons are officials of the Authority:

(i) the CEO;

(ii) an Authority member;

(iii) an associate Authority member;

(iv) the staff of the Authority;

(v) persons whose services are made available to the Authority under section 53;

(vi) consultants engaged under section 54; and

(e) the purposes of the Authority include the functions of the Authority referred to in section 11.

3 Subsection 13(2) (note)

Repeal the note, substitute:

Note: The CEO may also enter into contracts on behalf of the Commonwealth. See section 23 of the *Public Governance, Performance and Accountability Act 2013*.

4 Sections 26 and 27

Repeal the sections, substitute:

26 Disclosure of interests to the Climate Change Minister

(1) A disclosure by an Authority member or an associate Authority member under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Climate Change Minister.

(2) Subsection (1) applies in addition to any rules made for the purposes of that section.

(3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, an Authority member or an associate Authority member is taken not to have complied with section 29 of that Act if the member does not comply with subsection (1) of this section.

5 Paragraph 31(2)(d)

Repeal the paragraph, substitute:

(d) the Authority member or associate Authority member fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or

6 Subsection 36(2)

Omit “section 27”, substitute “any rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests)”.

7 Section 48

Repeal the section, substitute:

48 Disclosure of interest

(1) A disclosure by the CEO under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Authority.

(2) Subsection (1) applies in addition to any rules made for the purposes of that section.

(3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the CEO is taken not to have complied with section 29 of that Act if the CEO does not comply with subsection (1) of this section.

8 Paragraph 50(2)(c)

Repeal the paragraph, substitute:

(c) the CEO fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or

9 Division 8 of Part 2

Repeal the Division, substitute:

Division 8—Corporate plans

55 Corporate plan

(1) A corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013* must include such matters (if any) as the Minister requires.

(2) The Minister may give the CEO written guidelines that are to be used by the CEO in deciding whether a matter is covered by subsection (1).

(3) Guidelines given under subsection (2) are not a legislative instrument.

10 Section 56

Repeal the section.

11 Paragraph 58(a)

Omit “*Financial Management and Accountability Act 1997*”, substitute “*Public Governance, Performance and Accountability Act 2013*”.