



# **Public Governance, Performance and Accountability Legislation Amendment (Office of the Fair Work Building Industry Inspectorate) Rule 2015**

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

Dated 28 January 2015

MATHIAS HUBERT PAUL CORMANN  
Minister for Finance

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## 1 Name

This is the *Public Governance, Performance and Accountability Legislation Amendment (Office of the Fair Work Building Industry Inspectorate) Rule 2015*.

## 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	1 February 2015.

## 3 Authority

This instrument is made under the following Acts:

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

## 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 After section 7BD

Insert:

#### 7BE The Office of the Fair Work Building Industry Inspectorate

The *Fair Work (Building Industry) Act 2012* has effect, until the end of the first reporting period for the Office of the Fair Work Building Industry Inspectorate that commences on or after 1 July 2014, as if that Act were modified as set out in Schedule 2 to this rule.

#### 2 At the end of the rule

Add:

### Schedule 2—Modifications of the Fair Work (Building Industry) Act 2012

Note: See section 7BE.

### *Fair Work (Building Industry) Act 2012*

#### 1 Section 14

Repeal the section, substitute:

#### 14 Annual report

The annual report prepared by the Director and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include:

- (a) details of directions given by the Minister during the period under section 11 or 12 of this Act; and
- (b) details of delegations by the Director during the period under section 13 of this Act; and
- (c) details of recommendations made to the Director by the Advisory Board during the period.

Note: See also section 66 of this Act, which restricts the disclosure of personal information in a report.

#### 2 Section 20

Repeal the section.

#### 3 Paragraph 22(2)(d)

Repeal the paragraph, substitute:

- (d) the Director 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.

#### **4 Subsection 35(1)**

Omit “Commonwealth authority”, substitute “corporate Commonwealth entity”.

#### **5 Subsection 35(4)**

Omit “Commonwealth authority” (wherever occurring), substitute “corporate Commonwealth entity”.

#### **6 Subsections 35(5) and (7)**

Omit “Commonwealth authority”, substitute “corporate Commonwealth entity”.

#### **7 Subsection 35(8) (definition of *Commonwealth authority*)**

Repeal the definition.

#### **8 Subsection 35(8)**

Insert:

*corporate Commonwealth entity* has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

#### **9 Paragraph 65(6)(a)**

Omit “or 14”, substitute “or referred to in section 14”.

#### **10 Subsection 66(1)**

Omit “or 14”, substitute “or referred to in section 14”.

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

#### **3 After clause 17 of Schedule 1**

Insert:

#### **17A Office of the Fair Work Building Industry Inspectorate**

For the purposes of the finance law:

- (a) the Office of the Fair Work Building Industry Inspectorate is a listed entity; and
- (b) the Director of the Fair Work Building Industry Inspectorate is the accountable authority of the Office; and
- (c) the following persons are officials of the Office:
  - (i) the Director;
  - (ii) the staff of the Office referred to in section 26K of the *Fair Work (Building Industry) Act 2012*;
  - (iii) persons whose services are made available to the Director under section 26L of that Act;
  - (iv) consultants engaged under section 26M of that Act; and

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- (d) the purposes of the Office include the functions of the Director referred to in section 10 of that Act.