

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

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

Dated 28 January 2015

MATHIAS HUBERT PAUL CORMANN

Minister for Finance

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Rule 2014 2

Public Governance, Performance and Accountability Rule 2014 3

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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 andgiven 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

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