



# **Legal Services Amendment (Public Governance, Performance and Accountability and AGS) Directions 2015**

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I, George Brandis QC, Attorney-General, make the following directions.

Dated 30 June 2015

George Brandis QC  
Attorney-General

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## 1 Name

This is the *Legal Services Amendment (Public Governance, Performance and Accountability, AGS) Directions 2015*.

## 2 Commencement

- (1) 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	Column 3
Provisions	Commencement	Date/Details
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	The day after this instrument is registered.	
3. Schedule 2	At the same time as Schedule 1 to the <i>Judiciary Amendment Act 2015</i> commences.	
4. Schedule 3	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Judiciary Act 1903*.

## 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 relating to the commencement of the Public Governance, Performance and Accountability Act 2013**

### ***Legal Services Directions 2005***

#### **1 Part 1 of the Schedule (heading)**

Repeal the heading, substitute:

### **Part 1—Non-corporate Commonwealth entities**

#### **2 Paragraphs 1.1. and 2.1 of the Schedule**

Omit “an FMA agency”, substitute “a non-corporate Commonwealth entity”.

#### **3 Paragraph 2.1 of the Schedule (note)**

Omit “FMA agencies”, substitute “non-corporate Commonwealth entities”.

#### **4 Paragraph 3.1 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

#### **5 Paragraphs 3.1(b), (c) and (d) of the Schedule**

Repeal the paragraphs, substitute:

- (b) a dispute or disagreement exists between the Commonwealth and a Commonwealth agency or between different Commonwealth agencies (other than matters arising under legislation which contemplates that the Commonwealth or Commonwealth agencies may be on different sides in a case)
- (c) a significant level of coordination between different Commonwealth agencies is required
- (d) a significant precedent for the Commonwealth or other Commonwealth agencies could be established, either on a point of law or because of its potential significance for the Commonwealth or other Commonwealth agencies, or

#### **6 Paragraph 3.1 of the Schedule (note 1)**

Omit “agencies”, substitute “non-corporate Commonwealth entities”.

#### **7 Paragraph 3.1 of the Schedule (note 2)**

Omit “agency”, substitute “non-corporate Commonwealth entity”.

#### **8 Paragraph 3.1 of the Schedule (note 5)**

Omit “an agency”, substitute “a non-corporate Commonwealth entity”.

#### **9 Paragraph 3.1 of the Schedule (note 6)**

Omit “FMA agencies”, substitute “non-corporate Commonwealth entities”.

**10 Paragraph 3.2 of the Schedule**

Omit “an agency”, substitute “a non-corporate Commonwealth entity”.

**11 Paragraph 4 of the Schedule (heading)**

Repeal the heading, substitute:

**4 Claims and litigation by or against the Commonwealth or non-corporate  
Commonwealth entities**

**12 Paragraph 4.1 of the Schedule (heading)**

Repeal the heading, substitute:

*Entities to comply with instructions from the Attorney-General*

**13 Paragraph 4.1 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

**14 Paragraph 4.1 of the Schedule**

Omit “the FMA agency”, substitute “the entity”.

**15 Paragraph 4.1 of the Schedule (note 1)**

Omit “the agency”, substitute “the entity”.

**16 Paragraph 4.1 of the Schedule (note 1)**

Omit “The FMA agency”, substitute “The entity”.

**17 Paragraph 4.2 of the Schedule**

Omit “the agency” (wherever occurring), substitute “the entity”.

**18 Paragraph 4.2 of the Schedule (note)**

Omit “FMA agencies”, substitute “non-corporate Commonwealth entities”.

**19 Paragraph 4.3 of the Schedule**

Omit “the agency” (wherever occurring), substitute “the entity”.

**20 Paragraph 4.3 of the Schedule (note 2)**

Repeal the note, substitute:

Note 2: In addition to the obligations arising under these Directions, section 11 of the *Public Governance, Performance and Accountability Rule 2014* requires accountable authorities of non-corporate Commonwealth entities to pursue the recovery of debts owing to the Commonwealth.

**21 Paragraph 4.4 of the Schedule**

Omit “the agency”, substitute “the entity”.

**22 Paragraph 4.5 of the Schedule**

Omit “agency” (first, second and third occurring), substitute “entity”.

**23 Paragraph 4.5 of the Schedule**

Omit “an agency”, substitute “the entity”.

**24 Paragraphs 4.5A and 4.6 of the Schedule**

Omit “agency”, substitute “entity”.

**25 Paragraph 4.7 of the Schedule (heading)**

Repeal the heading, substitute:

*Entities to receive written legal advice before starting court proceedings*

**26 Paragraph 4.7 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

**27 Paragraph 4.7 of the Schedule**

Omit “the agency” (wherever occurring), substitute “the entity”.

**28 Paragraph 4.7 of the Schedule**

Omit “an FMA agency”, substitute “the entity”.

**29 Paragraph 4.8 of the Schedule**

Omit “FMA agencies”, substitute “non-corporate Commonwealth entities”.

**30 Paragraph 4.8 of the Schedule**

Omit “FMA agency”, substitute “non-corporate Commonwealth entity”.

**31 Paragraph 4.9 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

**32 Paragraph 4.9(b) of the Schedule**

Omit “or its agencies”, substitute “or Commonwealth agencies”.

**33 Paragraph 4.9 of the Schedule (note 1)**

Omit “An agency”, substitute “A non-corporate Commonwealth entity”.

**34 Paragraph 4.9 of the Schedule (note 2)**

Omit “or its agencies”, substitute “or Commonwealth agencies”.

**35 Paragraph 5.1 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

**36 Paragraphs 5.1(a), (b) and (c) of the Schedule**

Omit “the agency”, substitute “the entity”.

**37 Paragraph 6.1 of the Schedule**

Omit “an FMA agency”, substitute “a non-corporate Commonwealth entity”.



**38 Paragraph 6.1 of the Schedule (note)**

Omit “FMA agencies”, substitute “non-corporate Commonwealth entities”.

**39 Paragraph 7.1 of the Schedule**

Repeal the paragraph (not including the note), substitute:

- 7.1 If a request or demand to provide documents or information in the conduct of litigation being handled by a non-corporate Commonwealth entity (the *litigating entity*) could give rise to a claim of immunity on a public interest ground for which another non-corporate Commonwealth entity has administrative responsibility (the *PII entity*), the litigating entity is to refer the decision whether to make the claim to the PII entity or the PII entity’s Minister.

**40 Paragraph 7.1 of the Schedule (note)**

Omit “PII agency or Minister will vary according to the nature of the material, and more than one agency or Minister may need to be involved. The following agencies”, substitute “PII entity or Minister will vary according to the nature of the material, and more than one entity or Minister may need to be involved. The following entities”.

**41 Paragraph 7.1 of the Schedule (note)**

Omit “the agency responsible for giving instructions on the litigation”, substitute “the litigating entity”.

**42 Paragraph 7.2 of the Schedule**

Omit “PII agency is to be responsible for the handling of the claim after consultation with the agency responsible for the conduct of the litigation”, substitute “PII entity is to be responsible for the handling of the claim after consultation with the litigating entity”.

**43 Paragraph 7.2 of the Schedule (note)**

Omit “FMA agencies”, substitute “non-corporate Commonwealth entities”.

**44 Paragraph 8.1 of the Schedule (heading)**

Repeal the heading, substitute:

*Entities to get approval before waiving or agreeing to extend limitation periods*

**45 Paragraph 8.1 of the Schedule**

Omit “an FMA agency”, substitute “a non-corporate Commonwealth entity”.

**46 Paragraph 8.2 of the Schedule**

Omit “the agency”, substitute “the entity”.

**47 Paragraph 8.3 of the Schedule**

Omit “an FMA agency”, substitute “a non-corporate Commonwealth entity”.

**48 Paragraph 8.3 of the Schedule**

Omit “the agency”, substitute “the entity”.

#### **49 Paragraph 9A.1 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

#### **50 Paragraph 10.1 of the Schedule**

Repeal the paragraph, substitute:

##### *Consultation*

- 10.1 If a non-corporate Commonwealth entity (the **requesting entity**) wishes to obtain legal advice (whether from an in-house or external source) on the interpretation of legislation administered by another non-corporate Commonwealth entity (the **administering entity**), the requesting entity is to provide the administering entity with:
- (a) a reasonable opportunity to consult on the proposal to seek advice
  - (b) a copy of the request for advice
  - (c) a reasonable opportunity to consult on the matter prior to the advice being finalised, including consultation with the requesting entity’s legal services provider, as required by the administering entity, and
  - (d) a copy of the advice.

#### **51 Paragraphs 10.2 and 10.3 of the Schedule**

Omit “agency” (wherever occurring), substitute “entity”.

#### **52 Paragraph 10.4(c) of the Schedule**

Omit “agency”, substitute “entity”.

#### **53 Paragraph 10.5 of the Schedule (heading)**

Repeal the heading, substitute:

##### *Responsibility of administering entity*

#### **54 Paragraphs 10.5 and 10.6 of the Schedule**

Omit “agency” (wherever occurring), substitute “entity”.

#### **55 Paragraph 10.7 of the Schedule**

Omit “the FMA agency”, substitute “the non-corporate Commonwealth entity”.

#### **56 Paragraph 10.8 of the Schedule**

Repeal the paragraph, substitute:

If a non-corporate Commonwealth entity receives legal advice that it considers is likely to be significant to other Commonwealth agencies, it is to take reasonable steps to make that advice available to those agencies, subject to paragraph 10.4.

Note 1: The purpose of paragraph 10 is to promote consultation between Commonwealth agencies on the interpretation of legislation with the aim of reaching, as far as possible, consistency in statutory interpretation across the Commonwealth. Non-corporate Commonwealth entities are not to act in a manner that may be inconsistent with or undermine Commonwealth policy in respect of a particular piece of legislation. Concerns about interpretation are to be raised with the administering entity so that it has the opportunity to consider whether the policy requires change, and entities are to

seek to minimise cost by first seeing if the administering entity has an answer to their question rather than commissioning fresh advice.

Note 2: To find out the non-corporate Commonwealth entity that administers particular legislation, see the Administrative Arrangements Orders.

## **57 Paragraph 10.9 of the Schedule**

Omit “an agency”, substitute “a Commonwealth agency”.

## **58 Paragraph 10A.1 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

## **59 Paragraph 11 of the Schedule (heading)**

Repeal the heading, substitute:

## **11 Entity responsibility**

## **60 Paragraph 11.1 of the Schedule**

Omit “Chief Executive of an FMA agency”, substitute “accountable authority of a non-corporate Commonwealth entity”.

## **61 Paragraph 11.1(a) of the Schedule**

Omit “agency’s arrangements for legal services, especially any litigation for which the agency”, substitute “entity’s arrangements for legal services, especially any litigation for which the entity”.

## **62 Paragraph 11.1(ba) of the Schedule**

Omit “agency’s legal services purchasing, including expenditure, is appropriately recorded and monitored and that, by 30 October each year, the agency”, substitute “entity’s legal services purchasing, including expenditure, is appropriately recorded and monitored and that, by 30 October each year, the entity”.

## **63 Paragraphs 11.1(c), (d) and (da) of the Schedule**

Omit “the agency” (wherever occurring), substitute “the entity”.

## **64 Paragraph 11.1 of the Schedule (note)**

Omit “agency’s”, substitute “entity’s”.

## **65 Paragraph 11.1 of the Schedule (note)**

Omit “agency”, substitute “entity”.

## **66 Paragraph 11.2 of the Schedule**

Omit “Chief Executive of an FMA agency is responsible for giving to OLSC, within 60 days after the end of each financial year, a certificate setting out the extent to which the Chief Executive believes there has been compliance by the agency”, substitute “accountable authority of a non-corporate Commonwealth entity is responsible for giving to OLSC, within 60 days after the end of each financial year, a certificate setting out the extent to which the accountable authority believes there has been compliance by the entity”.

**67 Paragraph 11.2(ba) of the Schedule**

Omit “agency’s”, substitute “entity’s”.

**68 Paragraph 11.2(ba)(v) of the Schedule**

Omit “agency”, substitute “entity”.

**69 Paragraph 11.2(c) of the Schedule**

Omit “agency’s”, substitute “entity’s”.

**70 Paragraph 11.3 of the Schedule**

Omit “Chief Executive of an FMA agency is responsible for ensuring that the agency”, substitute “accountable authority of a non-corporate Commonwealth entity is responsible for ensuring that the entity”.

**71 Paragraph 11.3 of the Schedule**

Omit “or its agencies”, substitute “or Commonwealth agencies”.

**72 Paragraph 11.4 of the Schedule**

Omit “agency” (wherever occurring), substitute “entity”.

**73 Paragraph 11.5(b) of the Schedule**

Omit “or its agencies” (wherever occurring), substitute “or a Commonwealth agency”.

**74 Paragraph 11.5(b) of the Schedule**

Omit “or agency”, substitute “or Commonwealth agency”.

**75 Paragraph 11A.1 of the Schedule**

Omit “An FMA agency”, substitute “A non-corporate Commonwealth entity”.

**76 Paragraph 11A.1(b) of the Schedule**

Omit “agency”, substitute “entity”.

**77 Paragraph 11A.2 of the Schedule**

Omit “FMA agency”, substitute “non-corporate Commonwealth entity”.

**78 Paragraph 11A.2 of the Schedule**

Omit “another agency,”, substitute “another”.

**79 Paragraph 12 of the Schedule (heading)**

Repeal the heading, substitute:

**12 Extended application of Directions to other bodies or persons**

**80 Paragraph 12.1 of the Schedule**

Omit “bodies which are not FMA agencies”, substitute “a body or person that is not a non-corporate Commonwealth entity”.

**81 At the end of paragraph 12.1 of the Schedule**

Add:

Note: This paragraph deals with the application of the Directions to bodies and persons such as corporate Commonwealth entities and Commonwealth companies, as well as other bodies and persons.

**82 Paragraph 12.2 of the Schedule (heading)**

Repeal the heading, substitute:

*Obligations of other bodies and persons*

**83 Paragraph 12.2 of the Schedule**

Omit “A non-FMA body which”, substitute “A body or person that”.

**84 Paragraph 12.3 of the Schedule**

Omit “In all other circumstances, a non-FMA body, that is not a Commonwealth company or government business enterprise,”, substitute “A corporate Commonwealth entity (other than a government business enterprise)”.

**85 Paragraph 12.3A of the Schedule**

Omit “A non-FMA body that is an”, substitute “An”.

**86 Paragraph 12.4 of the Schedule**

Omit “FMA agencies”, substitute “non-corporate Commonwealth entities”.

**87 Paragraphs 12A.1 and 12A.2 of the Schedule**

Omit “agency”, substitute “Commonwealth agency”.

**88 Paragraph 13.1 of the Schedule**

Omit “FMA agency”, substitute “non-corporate Commonwealth entity”.

**89 Paragraph 13.2 of the Schedule**

Omit “agency”, substitute “entity”.

**90 Paragraph 14.2 of the Schedule**

Omit “agencies”, substitute “Commonwealth agencies”.

**91 Paragraph 15 of the Schedule**

Insert:

*accountable authority* has the meaning given by subsection 12(2) of the *Public Governance, Performance and Accountability Act 2013*.

**92 Paragraph 15 of the Schedule (definition of *approved Commonwealth company*)**

Omit “subparagraph 3(3)”, substitute “subparagraph 4(1)”.

**93 Paragraph 15 of the Schedule (definition of *approved government business enterprise*)**

Omit “subparagraph 3(3)”, substitute “subparagraph 4(1)”.

**94 Paragraph 15 of the Schedule (definition of *CAC Act*)**

Repeal the definition.

**95 Paragraph 15 of the Schedule**

Insert:

*Commonwealth agency* means a Commonwealth entity or a Commonwealth company.

**96 Paragraph 15 of the Schedule (definition of *Commonwealth company*)**

Omit “subsection 34(1) of the *CAC Act*”, substitute “subsection 89(1) of the *Public Governance, Performance and Accountability Act 2013*”.

**97 Paragraph 15 of the Schedule**

Insert:

*Commonwealth entity* means a non-corporate Commonwealth entity or a corporate Commonwealth entity.

*corporate Commonwealth entity* means a corporate Commonwealth entity within the meaning of paragraph 11(a) of the *Public Governance, Performance and Accountability Act 2013*, but does not include an entity that was an FMA agency.

*finance law* has the meaning given by section 8 of the *Public Governance, Performance and Accountability Act 2013*.

**98 Paragraph 15 of the Schedule (definition of *FMA agency*)**

Repeal the definition, substitute.

*FMA agency* means a Commonwealth entity that was an Agency (within the meaning of the *Financial Management and Accountability Act 1997*) on 30 June 2014.

**99 Paragraph 15 of the Schedule (definition of *government business enterprise*)**

Omit “section 5 of the *CAC Act*”, substitute “section 8 of the *Public Governance, Performance and Accountability Act 2013*”.

**100 Paragraph 15 of the Schedule**

Insert:

*non-corporate Commonwealth entity* means a non-corporate Commonwealth entity within the meaning of paragraph 11(b) of the *Public Governance, Performance and Accountability Act 2013* and includes an entity that was an FMA agency.

**101 General notes to the Schedule (note 1)**

Repeal the note (not including the heading), substitute:

- 1 In addition to the requirements in these Directions, non-corporate Commonwealth entities must comply with the finance law when making arrangements for the provision of legal services. For example, under section 15 of the *Public Governance, Performance and Accountability Act 2013*, the accountable authority of a non-corporate Commonwealth entity has a duty to promote the proper use of public resources (i.e. the efficient, effective, economical and ethical use of public resources) by the entity. Also, under section 21 of that Act, the accountable authority must govern the entity in a way that is not inconsistent with the policy of the Australian Government. These duties will apply in relation to arrangements for the provision of legal services to the entity.

**102 General notes to the Schedule (note 2)**

Omit “an FMA agency”, substitute “a non-corporate Commonwealth entity”.

**103 General notes to the Schedule (note 2)**

Omit “chief executives of FMA agencies”, substitute “accountable authorities of non-corporate Commonwealth entities”.

**104 General notes to the Schedule (note 2A)**

Omit “or its agencies”, substitute “or Commonwealth agencies”.

**105 General notes to the Schedule (paragraph (b) of note 3)**

Omit “and its agencies”, substitute “and Commonwealth agencies”.

**106 General notes to the Schedule (note 5)**

Omit “an agency’s”, substitute “a Commonwealth agency’s”.

**107 Paragraph 3B(b) of Appendix A to the Schedule**

Omit “agency”, substitute “Commonwealth agency”.

**108 Paragraphs 5(a) and (b) of Appendix A to the Schedule**

Omit “agencies”, substitute “Commonwealth agencies”.

**109 Paragraph 5 of Appendix A to the Schedule (note)**

Omit “an agency”, substitute “a Commonwealth agency”.

**110 Paragraph 6 of Appendix A to the Schedule**

Omit “agencies”, substitute “Commonwealth agencies”.

**111 Paragraph 7 of Appendix A to the Schedule**

Omit “an agency”, substitute “a Commonwealth agency”.

**112 Paragraphs 1 and 2 of Appendix B to the Schedule**

Omit “its agencies”, substitute “Commonwealth agencies”.

**113 Paragraph 2 of Appendix B to the Schedule**

Omit “or an agency by”, substitute “or a Commonwealth agency by”.

**114 Paragraph 2(e)(iv) of Appendix B to the Schedule**

Omit “or an agency”, substitute “or a Commonwealth agency”.

**115 Paragraph 2 of Appendix B to the Schedule (note 1)**

Omit “and agencies”, substitute “and other Commonwealth agencies”.

**116 Paragraph 2 of Appendix B to the Schedule (note 1)**

Omit “the agency”, substitute “the Commonwealth agency”.

**117 Paragraph 2 of Appendix B to the Schedule (notes 2 and 4)**

Omit “its agencies” (wherever occurring), substitute “Commonwealth agencies”.

**118 Paragraph 2 of Appendix B to the Schedule (note 4)**

Omit “an agency”, substitute “a Commonwealth agency”.

**119 Paragraph 3 of Appendix B to the Schedule**

Omit “agencies”, substitute “Commonwealth agencies”.

**120 Paragraph 4 of Appendix B to the Schedule**

Omit “An agency”, substitute “A Commonwealth agency”.

**121 Paragraph 4 of Appendix B to the Schedule (note)**

Omit “Agencies”, substitute “Commonwealth agencies”.

**122 Paragraph 5.1 of Appendix B to the Schedule**

Omit “an agency”, substitute “a Commonwealth agency”.

**123 Paragraph 5.2 of Appendix B to the Schedule**

Omit “its agencies”, substitute “Commonwealth agencies”.

**124 Paragraph 1 of Appendix C to the Schedule**

Omit “or an agency” (wherever occurring), substitute “or a non-corporate Commonwealth entity”.

**125 Paragraph 3 of Appendix C to the Schedule**

Omit “the Chief Executive of the agency (as defined under the *Financial Management and Accountability Act 1997*), or the Chief Executive’s authorised officer”, substitute “the accountable authority of the non-corporate Commonwealth entity, or the accountable authority’s delegate”.

**126 Paragraph 4(a) of Appendix C to the Schedule**

Omit “agency”, substitute “entity”.

**127 Paragraph 4(b) of Appendix C to the Schedule**

Omit “the Chief Executive (or authorised officer)”, substitute “the accountable authority (or delegate)”.



**128 Paragraph 5 of Appendix C to the Schedule**

Omit “an agency”, substitute “a non-corporate Commonwealth entity”.

**129 Paragraph 1 of Appendix D to the Schedule**

Omit “its agencies”, substitute “Commonwealth agencies”.

**130 Paragraph 3 of Appendix D to the Schedule**

Omit “by agencies”, substitute “by Commonwealth agencies”.

**131 Paragraph 3 of Appendix D to the Schedule**

Omit “its agencies” (wherever occurring), substitute “Commonwealth agencies”.

**132 Paragraph 4 of Appendix D to the Schedule**

Omit “and its agencies”, substitute “or Commonwealth agencies”.

**133 Paragraph 4C of Appendix D to the Schedule**

Omit “An agency”, substitute “A Commonwealth agency”.

**134 Paragraph 4D of Appendix D to the Schedule (note)**

Omit “Agencies”, substitute “Commonwealth agencies”.

**135 Paragraph 4E of Appendix D to the Schedule**

Omit “Any agency”, substitute “A Commonwealth agency”.

**136 Paragraph 10(d) of Appendix D to the Schedule**

Omit “an agency”, substitute “a Commonwealth agency”.

**137 Paragraphs 15 and 16 of Appendix D to the Schedule**

Omit “agencies” (wherever occurring), substitute “Commonwealth agencies”.

**138 Paragraphs 1A(a) and (b) of Appendix E to the Schedule**

Repeal the paragraphs, substitute:

- (a) employed in a non-corporate Commonwealth entity (an *NCCE employee*)
- (b) employed in a Commonwealth agency that became a non-corporate Commonwealth entity, or in a part of a Commonwealth agency that is, at the time that the request is made, within a non-corporate Commonwealth entity (an *NCCE employee*)

**139 Paragraph 1A(c) of Appendix E to the Schedule**

Omit “(a MOPS Act employee)”, substitute “(a *MOPS Act employee*)”.

**140 At the end of paragraph 1A(d) of Appendix E to the Schedule**

Add “(a *MOPS Act employee*)”.

**141 Paragraph 2A of Appendix E to the Schedule**

Omit “an FMA agency employee”, substitute “an NCCE employee”.

**142 Paragraph 3 of Appendix E to the Schedule**

Omit “Commonwealth authority or company covered by the *Commonwealth Authorities and Companies Act 1997*”, substitute “corporate Commonwealth entity or Commonwealth company”.

**143 Paragraph 3 of Appendix E to the Schedule**

Omit “the authority”, substitute “the entity”.

**144 Paragraph 4 of Appendix E to the Schedule**

Omit “employing agency, even if the agency is not strictly part of the Commonwealth”, substitute “employing non-corporate Commonwealth entity, corporate Commonwealth entity or Commonwealth company”.

**145 Paragraph 5(a)(i) of Appendix E to the Schedule**

Repeal the paragraph, substitute:

- (i) in relation to an NCCE employee—relates to their employment with the non-corporate Commonwealth entity, or

**146 Paragraph 7 of Appendix E to the Schedule**

Omit “employing agency”, substitute “employing body”.

**147 Paragraph 8A of Appendix E to the Schedule**

Omit “agency”, substitute “employing body”.

**148 Paragraphs 9 and 12 of Appendix E to the Schedule**

Omit “employing agency”, substitute “employing body”.

**149 Paragraph 12 of Appendix E to the Schedule**

Omit “the agency”, substitute “the employing body”.

**150 Paragraph 12 of Appendix E to the Schedule (note)**

Omit “an agency”, substitute “an employing body”.

**151 Paragraph 12 of Appendix E to the Schedule (note)**

Omit “enable the agency to discharge its obligations under section 44 of the *Financial Management and Accountability Act 1997*”, substitute “be consistent with the duty of accountable authorities to govern in a way that promotes the proper use and management of public resources (see section 15 of the *Public Governance, Performance and Accountability Act 2013*)”.

**152 Paragraph 15 of Appendix E to the Schedule (note)**

Omit “the agency” (wherever occurring), substitute “the employing body”.

**153 Paragraph 16(a) of Appendix E to the Schedule**

Repeal the paragraph, substitute:

- (a) in relation to an NCCE employee—relates to their employment with the non-corporate Commonwealth entity, or

**154 Paragraph 17(a) of Appendix E to the Schedule**

Repeal the paragraph, substitute:

- (a) in relation to an NCCE employee—relating to their employment with the non-corporate Commonwealth entity, or

**155 Paragraph 21 of Appendix E to the Schedule**

Omit “employing agency”, substitute “employing body”.

**156 Paragraph 21 of Appendix E to the Schedule**

Omit “Chief Executive of an agency (as defined under the *Financial Management and Accountability Act 1997*) the decision is to be made by the responsible Minister. If it is inappropriate for the Minister or the Chief Executive”, substitute “accountable authority of a non-corporate Commonwealth entity, the decision is to be made by the responsible Minister. If it is inappropriate for the Minister or accountable authority”.

**157 Paragraph 23 of Appendix E to the Schedule**

Omit “the agency”, substitute “the employing body”.

**158 Paragraphs 23 and 24 of Appendix E to the Schedule**

Omit “the employing agency” (wherever occurring), substitute “the employing body”.

**159 Paragraph 25 of Appendix E to the Schedule**

Omit “an agency”, substitute “an employing body”.

**160 Paragraph 25 of Appendix E to the Schedule (note 1)**

Repeal the note, substitute:

- Note 1: Expenditure in a manner that is inconsistent with this policy may contravene the finance law. For example, section 15 of the *Public Governance, Performance and Accountability Act 2013* requires accountable authorities of non-corporate Commonwealth entities to govern their entities in a way that promotes the proper use and management of public resources and section 21 of that Act requires them to govern their entities in a way that is not inconsistent with the policies of the Australian Government.

**161 Paragraph 1 of Appendix F to the Schedule (definitions of *agency* and *CAC Act body*)**

Repeal the definitions.

**162 Paragraph 3 of Appendix F to the Schedule (heading)**

Repeal the heading, substitute:

**3 Commonwealth entities may use only approved providers**

**163 Paragraph 3(1) of Appendix F to the Schedule**

Repeal the paragraph.

**164 Paragraph 3(2) of Appendix F to the Schedule**

Omit “(2)”.

**165 Paragraph 3(2) of Appendix F to the Schedule**

Omit “an agency”, substitute “a Commonwealth entity (other than a government business enterprise)”.

**166 Paragraph 3(2)(b) of Appendix F to the Schedule**

Omit “agency”, substitute “entity”.

**167 Paragraph 5(1) of Appendix F to the Schedule**

Omit “An agency, approved Commonwealth company or approved government business enterprise,”, substitute “A Commonwealth entity (other than a government business enterprise), an approved Commonwealth company or an approved government business enterprise”.

**168 Paragraph 5(2) of Appendix F to the Schedule**

Omit “agency”, substitute “entity”.

**169 Paragraph 6(1) of Appendix F to the Schedule**

Omit “an agency, approved Commonwealth company or approved government business enterprise”, substitute “a Commonwealth entity (other than a government business enterprise), an approved Commonwealth company or an approved government business enterprise”.

**170 Paragraph 6(1) of Appendix F to the Schedule**

Omit “the agency”, substitute “the entity”.

**171 Paragraph 7 of Appendix F to the Schedule**

Omit “an agency, approved Commonwealth company or approved government business enterprise”, substitute “a Commonwealth entity (other than a government business enterprise), an approved Commonwealth company or an approved government business enterprise”.

**172 Paragraph 7 of Appendix F to the Schedule**

Omit “each agency, company and enterprise”, substitute “each Commonwealth entity (other than a government business enterprise), approved Commonwealth company and approved government business enterprise”.

**173 Paragraph 8 of Appendix F to the Schedule (heading)**

Repeal the heading, substitute:

**8 Commonwealth agencies must provide assistance**

**174 Paragraph 8(1) of Appendix F to the Schedule**

Omit “An agency, approved Commonwealth company or approved government business enterprise”, substitute “A Commonwealth entity (other than a government business enterprise), an approved Commonwealth company or an approved government business enterprise”.

**175 Paragraph 8(1) of Appendix F to the Schedule**

Omit “the agency” (wherever occurring), substitute “the entity”.

**176 Paragraph 8(2) of Appendix F to the Schedule**

Omit “an agency, approved Commonwealth company or approved government business enterprise”, substitute “a Commonwealth entity (other than a government business enterprise), an approved Commonwealth company or an approved government business enterprise”.

**177 Paragraph 8(2) of Appendix F to the Schedule**

Omit “the agency”, substitute “the entity”.

**178 Paragraph 9 of Appendix F to the Schedule**

Omit “an agency, approved Commonwealth company or approved government business enterprise”, substitute “a Commonwealth entity (other than a government business enterprise), an approved Commonwealth company or an approved government business enterprise”.

**179 Paragraph 9 of Appendix F to the Schedule**

Omit “the agency”, substitute “the entity”.

## **Schedule 2—Amendments relating to AGS**

### ***Legal Services Directions 2005***

#### **1 Paragraph 10A.1 of the Schedule**

Omit “the Australian Government Solicitor (AGS)”, substitute “AGS”.

#### **2 Paragraph 10A.2 of the Schedule**

Omit “the AGS”, substitute “AGS”.

#### **3 Paragraph 10A.3 of the Schedule**

Omit “The AGS”, substitute “AGS”.

#### **4 Paragraph 11.1(c) of the Schedule**

Omit “the Australian Government Solicitor”, substitute “AGS”.

#### **5 Paragraph 15 of the Schedule**

Insert:

*AGS* means the group of persons comprising:

- (a) the AGS (within the meaning of section 2 of the *Judiciary Act 1903*); and
- (b) AGS lawyers (within the meaning of section 55I of that Act).

#### **6 General notes to the Schedule (note 2)**

Omit “and senior Australian Government Solicitor lawyers”.

#### **7 General notes to the Schedule (paragraph (a) of note 3)**

Omit “the Australian Government Solicitor”, substitute “AGS”.

#### **8 Paragraphs 1, 2, 4, 6 and 7 of Appendix A to the Schedule**

Omit “the Australian Government Solicitor”, substitute “AGS”.

#### **9 Paragraph 2 of Appendix B to the Schedule (note 1)**

Omit “Australian Government Solicitor”, substitute “AGS”.

#### **10 Paragraph 4(a) of Appendix C to the Schedule**

Omit “the Australian Government Solicitor or other”, substitute “AGS or a”.

#### **11 Paragraph 3 of Appendix D to the Schedule**

Omit “, by the Australian Government Solicitor,”.

#### **12 Paragraph 14 of Appendix D to the Schedule**

Omit “the Australian Government Solicitor”, substitute “AGS”.