



## **Public Governance, Performance and Accountability Amendment (CSC) Rule 2016**

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

Dated 24 March 2016

MATHIAS HUBERT PAUL CORMANN  
Minister for Finance

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## 1 Name

This is the *Public Governance, Performance and Accountability Amendment (CSC) Rule 2016*.

## 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. The whole of this instrument	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Note: This table relates only to the provisions of this instrument as originally made.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 *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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Rule 2014*

#### 1 Section 4

Insert:

*banking delegation direction*: see subsection 18A(2).

*CSC* (short for Commonwealth Superannuation Corporation) has the meaning given by section 4 of the *Governance of Australian Government Superannuation Schemes Act 2011*.

*superannuation scheme administered by CSC* has the meaning given by section 4 of the *Governance of Australian Government Superannuation Schemes Act 2011*.

#### 2 Division 2 of Part 2-4 (heading)

Repeal the heading, substitute:

### **Division 2—Banking**

#### **Subdivision A—Banking by corporate Commonwealth entities**

##### **18A Banking by CSC**

###### **Guide to this section**

The purpose of this section is to require CSC, in relation to amounts received by CSC on behalf of the Commonwealth or others, to comply with certain directions relating to banking in Australia that are given to delegates of non-corporate Commonwealth entities.

This section is made for section 54 of the Act.

- (1) CSC must comply with all banking delegation directions, in relation to the following amounts:
  - (a) amounts received by CSC for the purposes of making payments mentioned in section 29A of the *Governance of Australian Government Superannuation Schemes Act 2011* (which deals with making payments on behalf of the Commonwealth);
  - (b) amounts received by CSC under section 29B of that Act (which deals with receiving payments or other amounts on behalf of the Commonwealth);
  - (c) any other amounts received by CSC (whether for the purpose of making payments or for any other purpose) on behalf of the Commonwealth for the purpose of performing CSC's function under paragraph 8(1)(c) of that Act;
  - (d) amounts received by CSC that are referable or equivalent to amounts credited to the Services for Other Entities and Trust Moneys – ComSuper Special Account established by the *Financial Management and Accountability (Establishment of Special Account for ComSuper) Determination 2011/06*.

Note 1: That Determination is continued in force and modified by item 36 of Schedule 2 to the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014* and item 8 of Schedule 2 to the *Governance of Australian Government Superannuation Schemes Legislation Amendment Act 2015*.

Note 2: For other provisions relating to CSC, see section 28A.

- (2) A ***banking delegation direction*** is a direction, as in force at the time this section commences:
- (a) that is given in a delegation of the Finance Minister's power in subsection 53(1) of the *Public Governance, Performance and Accountability Act 2013* to non-corporate Commonwealth entities; and
  - (b) that relates to bank accounts opened or maintained in Australia.

## **Subdivision B—Banking or dealing with relevant money received by officials**

### **3 Before section 29**

Insert:

### **28A Modifications of the Act and instruments for CSC**

#### **Guide to this section**

The purpose of this section is to modify the operation of the Act and the *Commonwealth Procurement Rules—July 2014* for CSC.

As a result of these modifications:

- (a) the Finance Minister can delegate the power or function under paragraph 63(1)(b) of the Act or the duty under section 11 of this rule (which deal with recovery of debts) to the Board of CSC or an official of CSC, and the Board of CSC can subdelegate that power, function or duty; and
- (b) the *Commonwealth Procurement Rules—July 2014* apply to CSC, but only in relation to CSC's function of providing administrative services relating to superannuation schemes administered by CSC.

This section is made for section 104 of the Act.

#### *Delegation of powers, functions and duties in relation to recovery of debts*

- (1) The operation of subsection 107(1) and section 110 of the Act is modified, in relation to the power or function under paragraph 63(1)(b) of the Act, and the duty under section 11 of this rule, by applying to CSC as if CSC were a non-corporate Commonwealth entity.

Note: Subsection 107(1) and section 110 of the Act allow the Finance Minister and an accountable authority of a non-corporate Commonwealth entity to delegate powers, functions and duties. Paragraph 63(1)(b) of the Act and section 11 of this rule deal with recovery of debts.

#### *Limited application of Commonwealth Procurement Rules—July 2014 to CSC*

- (2) The operation of the *Commonwealth Procurement Rules—July 2014* (as in force from time to time for the purposes of section 105B of the Act) is modified under

subsection (3) in relation to CSC's function of providing administrative services relating to superannuation schemes administered by CSC.

- (3) The operation of those Rules is modified by applying to CSC in relation to that function as if:
- (a) for rules 4.7 and 4.8 (which deal with procurement-connected policies)—CSC were a prescribed corporate Commonwealth entity that is required to comply with rules 4.7 and 4.8 if, under section 22 of the Act, a government policy order that specifies procurement-connected policies applies in relation to CSC; and
  - (b) for rules 4.9 and 4.10 (which deal with coordinated procurement)—CSC were a prescribed corporate Commonwealth entity; and
  - (c) otherwise—CSC were a non-corporate Commonwealth entity.