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

No. 62, 2014

An Act to amend the law relating to the governance, performance and accountability of, and the use and management of resources by, the Commonwealth, Commonwealth entities and Commonwealth companies, and to deal with consequential and transitional matters in connection with the *Public Governance, Performance and Accountability Act 2013*, and for other purposes

Note: An electronic version of this Act is available in ComLaw (http://www.comlaw.gov.au/)

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

No. 62, 2014

An Act to amend the law relating to the governance, performance and accountability of, and the use and management of resources by, the Commonwealth, Commonwealth entities and Commonwealth companies, and to deal with consequential and transitional matters in connection with the *Public Governance, Performance and Accountability Act 2013*, and for other purposes

ComLaw Authoritative Act C2014A00062

[*Assented to 30 June 2014*]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*.

2 Commencement

(1) Each provision of this Act 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
Provision(s)	**Commencement**	**Date/Details**
1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	30 June 2014
2. Schedules 1 to 4	Immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*.	1 July 2014
3. Schedule 5, Parts 1 and 2	Immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*.	1 July 2014
4. Schedule 5, Part 3	The later of: (a) immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*; and (b) immediately after the commencement of Schedules 3 and 6 to the *Agricultural and Veterinary Chemicals Legislation*	1 July 2014

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provision(s)	**Commencement**	**Date/Details**
	Amendment Act 2013.	
5. Schedule 5, Parts 4 to 6	Immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*.	1 July 2014
6. Schedules 6 to 12	Immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*.	1 July 2014
7. Schedule 13, Part 1	The later of: (a) immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*; and (b) immediately after the commencement of Schedules 3, 5 and 6 to the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2013*.	1 July 2014
8. Schedule 13, Part 2	The later of: (a) immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*; and (b) immediately after Part 2 of Schedule 2 to the *Antarctic Treaty (Environment Protection) Amendment Act 2012* commences. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
9. Schedule 13, Part 3	The later of: (a) immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*; and (b) immediately after the commencement of Part 2 of Schedule 1 to the *Grape and Wine Legislation Amendment (Australian*	1 July 2014

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provision(s)	**Commencement**	**Date/Details**
	Grape and Wine Authority) Act 2013.	
10. Schedule 13, Part 4, Division 1	Immediately after the commencement of the provision(s) covered by table item 5. However, if Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013* commences before or at that time, the provision(s) do not commence at all.	1 July 2014
11. Schedule 13, Part 4, Division 2	The later of: (a) immediately after the commencement of the provision(s) covered by table item 5; and (b) immediately after the commencement of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
12. Schedule 13, Part 4, Division 3	The later of: (a) immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*; and (b) immediately after the commencement of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
13. Schedule 13, Part 5	Immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*.	1 July 2014

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provision(s)	**Commencement**	**Date/Details**
	However, if Schedule 3 to the *Wheat Export Marketing Amendment Act 2012* commences before or at that time, the provision(s) do not commence at all.	
14. Schedule 14	Immediately after the commencement of section 6 of the *Public Governance, Performance and Accountability Act 2013*.	1 July 2014

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

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

3 Schedule(s)

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

4 Definitions

In this Act:

CAC Act means the *Commonwealth Authorities and Companies Act 1997*, as in force immediately before the commencement time.

commencement time means immediately after the commencement of section 6 of the PGPA Act.

FMA Act means the *Financial Management and Accountability Act 1997*, as in force immediately before the commencement time.

PGPA Act means the *Public Governance, Performance and Accountability Act 2013*.

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reporting period has the meaning given by the PGPA Act.

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Schedule 1—Application provisions for and amendments of the PGPA Act

Part 1—Delayed application of certain provisions of Parts 2-3 and 3-2 of the PGPA Act

1 Corporate plans

Sections 35 and 95 of the PGPA Act (which deal with corporate plans for Commonwealth entities and Commonwealth companies) apply in relation to reporting periods for those entities and companies that commence on or after 1 July 2015.

2 Budget estimates

Sections 36 and 96 of the PGPA Act (which deal with budget estimates for Commonwealth entities and wholly-owned Commonwealth companies) apply in relation to reporting periods for those entities and companies that commence after the commencement time.

3 Annual performance statements

Sections 39 and 40 of the PGPA Act (which deal with annual performance statements for Commonwealth entities) apply in relation to reporting periods for those entities that commence on or after 1 July 2015.

4 Annual financial statements

Sections 42 and 43 of the PGPA Act (which deal with annual financial statements for Commonwealth entities) apply in relation to reporting periods for those entities that commence after the commencement time.

5 Audit of financial statements of subsidiaries

Sections 44 and 99 of the PGPA Act (which deal with audits of financial statements of subsidiaries of Commonwealth entities or Commonwealth companies) apply in relation to reporting periods for those subsidiaries that commence after the commencement time.

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6 Annual reports

Sections 46 and 97 of the PGPA Act (which deal with annual reports for Commonwealth entities and Commonwealth companies) apply in relation to reporting periods for those entities and companies that commence after the commencement time.

7 Australian Government financial reporting

Sections 47, 48 and 49 of the PGPA Act (which deal with Australian Government financial reporting) apply in relation to the 2014-2015 financial year and later financial years.

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Part 2—Other application provisions

8 Duties of officials—use of position

Section 27 of the PGPA Act (which deals with the duty of officials in relation to the use of their position) applies to uses occurring after the commencement time.

9 Duties of officials—use of information

Section 28 of the PGPA Act (which deals with the duty of officials in relation to the use of information) applies to uses by officials occurring after the commencement time of information obtained by the officials before or after that time.

10 Duties of officials—disclosure of interests

Section 29 of the PGPA Act (which deals with the duty of officials to disclose their interests) applies to interests that arise for officials before or after the commencement time.

11 Termination of appointment

Section 30 of the PGPA Act (which deals with termination of appointment) applies to appointments made before or after the commencement time.

12 Banking

Section 55 of the PGPA Act (which deals with amounts received by officials) applies to amounts received after the commencement time.

13 Waiver of amounts and modification of payment terms

Section 63 of the PGPA Act (which deals with waiver of amounts owing to the Commonwealth and modification of payment terms) applies to amounts owing to the Commonwealth before or after the commencement time.

14 Set-off

Section 64 of the PGPA Act (which deals with setting off amounts owing to or by the Commonwealth) applies to amounts owing to or by the Commonwealth before or after the commencement time.

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15 Gifts of relevant property

Sections 66 and 67 of the PGPA Act (which deal with gifts of property) apply to gifts made after the commencement time of property acquired before or after that time.

16 Losses of relevant money or relevant property

Sections 68, 69 and 70 of the PGPA Act (which deal with losses of relevant money or relevant property) apply to losses occurring after the commencement time.

17 Ministers to inform Parliament of certain events

Section 72 of the PGPA Act (which requires Ministers to inform Parliament of certain events) applies to events occurring after the commencement time.

18 Receipt of amounts by non-corporate Commonwealth entities

Section 74 of the PGPA Act (which deals with amounts received by non-corporate Commonwealth entities) applies to amounts received after the commencement time.

19 Transfers of functions between non-corporate Commonwealth entities

Section 75 of the PGPA Act (which deals with transfers of functions between non-corporate Commonwealth entities) applies to determinations made after the commencement time in relation to transfers of functions occurring before or after that time.

20 Payments between non-corporate Commonwealth entities

Section 76 of the PGPA Act (which deals with payments made between non-corporate Commonwealth entities) applies to payments made after the commencement time.

21 Repayments by the Commonwealth

Section 77 of the PGPA Act (which deals with repayments of amounts received by the Commonwealth) applies to amounts received by the Commonwealth after the commencement time.

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22 Special accounts

Section 80 of the PGPA Act (which deals with special accounts) applies to special accounts established before or after the commencement time.

23 Recovery of debts

Rules made for the purposes of paragraph 103(c) of the PGPA Act (which deals with recovery of debts) apply to:

(a) debts incurred after the commencement time; and

(b) debts incurred before that time, but only if the recovery of the debt had not been pursued before that time.

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Part 3—Amendments

Public Governance, Performance and Accountability Act 2013

24 At the end of section 101

Add:

(4) Despite subsection 14(2) of the *Legislative Instruments Act 2003*, the rules may provide in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in instructions given under section 20A of this Act as in force or existing from time to time.

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Schedule 2—Amendment of the Financial Management and Accountability Act 1997

Part 1—Amendments

Financial Management and Accountability Act 1997

1 Reader's guide

Repeal the guide.

2 Title

Omit "**the proper use and management of public money, public property and other Commonwealth resources**", substitute "**powers to make commitments to spend money and powers in relation to companies**".

3 Section 1

Omit "*Financial Management and Accountability*", substitute "*Financial Framework (Supplementary Powers)*".

4 After section 2

Insert:

2A Simplified outline of this Act

This Act confers on the Commonwealth, in certain circumstances, the powers:

(a) to make arrangements under which relevant money and other CRF money can be spent, or to make grants of financial assistance; and

(b) to form, or otherwise be involved in, companies.

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The arrangements, grants, programs and companies (or classes of arrangements or grants) in relation to which the powers are conferred are specified in the regulations.

5 At the end of Part 1

Add:

5 Definitions

In this Act:

accountable authority has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

Finance Minister means the Minister administering this Act.

Minister includes the President of the Senate or the Speaker of the House of Representatives.

non-corporate Commonwealth entity has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

official has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

other CRF money has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

relevant money has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

6 Relationship with the finance law

This Act and the regulations are to be read together with the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*).

6 Parts 2 and 3

Repeal the Parts.

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7 Part 4 (heading)

Repeal the heading, substitute:

Part 2—Supplementary powers to make commitments to spend money and be involved in companies etc.

8 Divisions 1 to 3A of Part 4

Repeal the Divisions.

9 Division 3B of Part 4 (heading)

Repeal the heading.

10 Section 32B (heading)

Repeal the heading, substitute:

32B Supplementary powers to make commitments to spend relevant money and other CRF money etc.

11 Subparagraph 32B(1)(a)(i)

Omit "public money", substitute "relevant money or other CRF money".

12 Subsection 32B(1)

Omit ", subject to compliance with this Act, the regulations, Finance Minister's Orders, Special Instructions and any other law".

13 At the end of subsection 32B(1)

Add:

Note: The *Public Governance, Performance and Accountability Act 2013* deals with the use and management of public resources (including relevant money and other CRF money).

14 Subsection 32B(2)

Omit "a Chief Executive" (first occurring), substitute "an accountable authority of a non-corporate Commonwealth entity".

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15 Subsection 32B(2) (notes 1 and 2)

Repeal the notes, substitute:

Note: For the power to delegate, see section 32D.

16 Subsection 32C(3)

Omit "a Chief Executive" (first occurring), substitute "an accountable authority of a non-corporate Commonwealth entity".

17 Subsection 32C(3) (notes 1 and 2)

Repeal the notes, substitute:

Note: For the power to delegate, see section 32D.

18 Sections 32D and 32E

Repeal the sections, substitute:

32D Minister or accountable authority may delegate powers

Delegation by a Minister

(1) A Minister may, by writing, delegate any or all of his or her powers under section 32B or 32C to an official of any non-corporate Commonwealth entity.

Note: An accountable authority may delegate a power delegated under this section (see section 32DA).

(2) In exercising powers under a delegation, the delegate must comply with any directions of the Minister concerned.

Delegation by an accountable authority

(3) An accountable authority of a non-corporate Commonwealth entity may, by writing, delegate any or all of his or her powers under section 32B or 32C to an official of any non-corporate Commonwealth entity.

(4) In exercising powers under a delegation, the delegate must comply with any directions of the accountable authority concerned.

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32DA Accountable authority may sub-delegate powers

(1) An accountable authority of a non-corporate Commonwealth entity may, by writing, delegate to an official (the ***second delegate***) of any non-corporate Commonwealth entity powers and functions that have been delegated to the accountable authority by a Minister under section 32D.

(2) The power or function, when exercised or performed by the second delegate, is taken for the purposes of this Act to have been exercised or performed by the Minister.

(3) If the accountable authority is subject to directions in relation to the exercise of a power, or the performance of a function, delegated to the accountable authority under section 32D, then:
  (a) the accountable authority must give corresponding directions to the second delegate; and
  (b) the accountable authority may give other directions (not inconsistent with those corresponding directions) to the second delegate in relation to the exercise of that power or the performance of that function.

(4) The second delegate must comply with any directions of the accountable authority.

32DB Relationship with section 23 of the *Public Governance, Performance and Accountability Act 2013*

Section 23 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the power of accountable authorities in relation to arrangements and commitments) does not authorise the accountable authority of a non-corporate Commonwealth entity to exercise, on behalf of the Commonwealth, a power conferred on the Commonwealth by section 32B of this Act.

19 Division 4 of Part 4

Repeal the Division.

20 Part 5 (heading)

Repeal the heading.

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21 Sections 37 to 39A

Repeal the sections.

22 Subsection 39B(3) (note)

Repeal the note, substitute:

Note: For the power to delegate, see section 40.

23 Subsection 39B(4)

Repeal the subsection.

24 Subsection 39B(5) (definition of *Commonwealth company*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

25 At the end of Part 5

Add:

40 Finance Minister may delegate powers

(1) The Finance Minister may, by written instrument, delegate to an accountable authority of a non-corporate Commonwealth entity the Finance Minister's powers or functions under section 39B.

(2) In exercising powers or functions under a delegation, the delegate must comply with any directions of the Finance Minister.

41 Executive power of the Commonwealth

This Part does not, by implication, limit the executive power of the Commonwealth.

26 Parts 6 to 8

Repeal the Parts.

27 Part 9 (heading)

Repeal the heading, substitute:

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Part 3—Miscellaneous

28 Sections 58 to 64

Repeal the sections.

29 Subsection 65(1)

Omit "(1)".

30 Subsection 65(2)

Repeal the subsection (including the note).

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Part 2—Transitional and application provisions

Division 1—Transitional and application provisions

31 Allocation of certain persons to Departments of State, Departments of the Parliament and prescribed Agencies

(1) The following table provides that certain persons are taken to be officials of Commonwealth entities for the purposes of the PGPA Act.

Persons taken to be officials of Commonwealth entities

Item	The following person …	is taken to be an official of this Commonwealth entity for the purposes of the PGPA Act …
1	a person who immediately before the commencement time is allocated to a Department of State under paragraph 4(1)(a) of the *Financial Management and Accountability Regulations 1997*	the Department of State.
2	a person who immediately before the commencement time is allocated to the Department of the Prime Minister and Cabinet under paragraph 4(1)(e) of the *Financial Management and Accountability Regulations 1997*	the Department of the Prime Minister and Cabinet.
3	a person who immediately before the commencement time is allocated to a Department of the Parliament under subregulation 4(2) of the *Financial Management and Accountability Regulations 1997*	the Department of the Parliament.
4	any person who performs financial tasks in relation to a prescribed Agency as mentioned in paragraph 5(1)(b) of the *Financial*	the listed entity that, under this Part, the prescribed Agency is taken to become at the commencement time.

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Persons taken to be officials of Commonwealth entities		
Item	**The following person …**	**is taken to be an official of this Commonwealth entity for the purposes of the PGPA Act …**
	Management and Accountability Regulations 1997	

(2) A person ceases to be taken to be such an official when the person would have ceased to be covered by paragraph 4(1)(a) or (e), 5(1)(b) or subregulation 4(2) of the *Financial Management and Accountability Regulations 1997*.

32 Prescribed Agencies

If:

(a) immediately before the commencement time, a body, organisation or group of persons is a prescribed Agency; and

(b) at the commencement time, there is a listed entity that has the same name as the prescribed Agency;

then the prescribed Agency is taken to become the listed entity at the commencement time.

33 Notional payments and receipts by Agencies

Despite the repeal of section 6 of the FMA Act (which deals with notional payments and receipts by Agencies), that section, and any other provision of the FMA Act to the extent that it relates to that section, continues to apply after the commencement time in relation to payments made before that time.

34 Agreements with banks about receipt, transmission etc. of public money

(1) An agreement made under section 8 of the FMA Act (which deals with agreements with banks about the receipt, transmission etc. of public money) that is in force immediately before the commencement time is taken, after that time, to have been made under, and in accordance with, section 53 of the PGPA Act.

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(2) An agreement made under section 8 of the FMA Act with the Reserve Bank of Australia in relation to a central bank account that is in force immediately before the commencement time is taken, after that time, to have been made under, and in accordance with, subsection 53(3) of the PGPA Act.

35 Public money must be promptly banked etc.

Despite the repeal of section 10 of the FMA Act (which requires public money to be promptly banked etc.), that section continues to apply after the commencement time in relation to public money received before that time.

36 Establishment of Special Accounts by Finance Minister

(1) A determination made under subsection 20(1) of the FMA Act (which deals with the establishment of Special Accounts by the Finance Minister) that is in force immediately before the commencement time is (subject to subitem (2)) taken, after that time, to have been made under subsection 78(1) of the PGPA Act.

(2) Subitem (1) does not apply to the following determinations:

(a) the Financial Management and Accountability (Establishment of SOETM Special Account - FWO) Determination 2012/13;

(b) the Financial Management and Accountability (Establishment of SOETM Special Account - Customs) Determination 2012/14;

(c) the Financial Management and Accountability Determination 2006/74 - Security Deposits Special Account Establishment 2006;

(d) the Financial Management and Accountability (Establishment of Special Account for Department of the House of Representatives) 2011/10;

(e) the Financial Management and Accountability Determination 2005/02 - Australia-Indonesia Partnership for Reconstruction and Development (Grants) Special Account Determination 2005;

(f) the Financial Management and Accountability (Establishment of Special Account for AusAID) Determination 2011/05;

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(g) the Financial Management and Accountability (Local Hospital Networks Special Account) Determination 2013/01;

(h) the Financial Management and Accountability Determination 2009/34 - Joint Australian U.S. Geological and Geophysical Research Station Special Account Establishment 2009;

(i) the Financial Management and Accountability Determination 2008/24 - Indigenous Communities Strategic Investment Program Special Account Establishment 2008.

37 Drawing rights

Despite the repeal of sections 26 and 27 of the FMA Act, those sections continue to apply after the commencement time until the end of 30 June 2015 as if:

(a) a reference to an official were a reference to an official within the meaning of the PGPA Act; and

(b) a reference to public money were a reference to relevant money within the meaning of the PGPA Act; and

(c) a reference to a designated Special Account appropriation were a reference to an appropriation under section 80 of the PGPA Act that relates to:

(i) the COAG Reform Fund established by the *COAG Reform Fund Act 2008*; or

(ii) a special account (within the meaning of the PGPA Act) established by the *Nation-building Funds Act 2008*.

38 Repayments by the Commonwealth

Despite the repeal of section 28 of the FMA Act (which deals with repayments by the Commonwealth), that section continues to apply after the commencement time in relation to amounts received by the Commonwealth before that time.

39 Repayments to the Commonwealth

Despite the repeal of section 30 and subsection 32A(2) of the FMA Act (which deal with repayments to the Commonwealth), those provisions continue to apply after the commencement time in relation to amounts paid by the Commonwealth before that time.

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40 Appropriations to take account of recoverable GST

Despite the repeal of section 30A and subsection 32A(3) of the FMA Act (which deal with the treatment of appropriations to take account of recoverable GST), those provisions continue to apply after the commencement time in relation to payments that are made before 1 July 2015.

41 Retaining prescribed receipts

Despite the repeal of section 31 and subsection 32A(4) of the FMA Act (which deal with retaining prescribed receipts), those provisions continue to apply after the commencement time in relation to:

(a) amounts (other than amounts that relate to GST) that are received before that time; and

(b) amounts that relate to GST that are received before 1 July 2015.

42 Regulations made for the purposes of sections 32B and 39B

The amendments to sections 32B, 39B and 65 of the FMA Act made by this Schedule do not affect the continuity of any regulations that are in force for the purposes of section 32B or 39B immediately before the commencement time.

43 Delegations by Minister

(1) A delegation by a Minister under subsection 32D(1) of the FMA Act that is in force immediately before the commencement time is taken, after that time, to have been made under subsection 32D(1) of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

Note: The FMA Act is renamed the *Financial Framework (Supplementary Powers) Act 1997* by Part 1 of this Schedule.

(2) A direction given by a Minister for the purposes of subsection 32D(2) of the FMA Act that is in force immediately before the commencement time is taken, after that time, to have been given for the purposes of subsection 32D(2) of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

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44 Finance Minister may approve act of grace payments

An authorisation given under section 33 of the FMA Act (which deals with the Finance Minister approving act of grace payments) that is in force immediately before the commencement time is taken, after that time, to have been given under, and in accordance with, section 65 of the PGPA Act.

45 Finance Minister may borrow for short periods

An agreement made under section 38 of the FMA Act (which deals with the Finance Minister borrowing for short periods) that is in force immediately before the commencement time is taken, after that time, to have been made under, and in accordance with, section 56 of the PGPA Act.

46 Investment of public money

Public money that, immediately before the commencement time, is invested under section 39 of the FMA Act (which deals with the investment of public money) is taken, after that time, to be invested under, and in accordance with, section 58 of the PGPA Act.

47 Minister must inform Parliament of involvement in a company by the Commonwealth or a prescribed body

Despite the repeal of section 39A of the FMA Act (which deals with the requirement to inform Parliament of the Commonwealth's or a prescribed body's involvement in a company), that section continues to apply after the commencement time in relation to events that occur before that time.

48 Gifts of public property

An approval for the making of a gift that is in force under paragraph 43(b) of the FMA Act (which deals with gifts of public property) immediately before the commencement time is taken, after that time, to be a written authorisation by the Finance Minister as referred to in subparagraph 66(b)(ii) of the PGPA Act.

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49 Promoting proper use of Commonwealth resources

An arrangement made under section 44 of the FMA Act (which deals with promoting the proper use of Commonwealth resources) that is in force immediately before the commencement time is taken, after that time, to have been made under section 23 of the PGPA Act.

50 Keeping responsible Minister and Finance Minister informed

Despite the repeal of section 44A of the FMA Act (which deals with keeping the responsible Minister and Finance Minister informed), that section continues to apply after the commencement time in relation to a requirement to provide reports, documents or information made under that section before that time.

51 Recovery of debts

Despite the repeal of section 47 of the FMA Act (which deals with the recovery of debts), that section continues to apply after the commencement time in relation to any debt that a Chief Executive had begun to pursue under that section before that time.

52 Accounts and records

Despite the repeal of section 48 of the FMA Act (which deals with accounts and records), that section continues to apply after the commencement time in relation to accounts and records to which that section applies immediately before the commencement time.

53 Continuing application of certain provisions

Despite the repeal of the following provisions of the FMA Act, those provisions continue to apply after the commencement time in relation to the last financial year that ends before the commencement time:

(a) section 49 (which deals with annual financial statements);
(b) section 51 (which deals with reporting requirements if an Agency ceases to exist or Agency functions are transferred);
(c) section 55 (which deals with the preparation of annual financial statements by the Finance Minister);
(d) section 56 (which deals with auditing the Finance Minister's annual financial statements);

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(e) section 57 (which deals with auditing the annual financial statements of an Agency).

54 Additional financial statements

Despite the repeal of section 50 of the FMA Act (which deals with additional financial statements), that section continues to apply after the commencement time in relation to financial statements required under that section before that time.

55 Chief Executive may delegate powers

Delegation of Chief Executive's powers

(1) A delegation, under section 53 of the FMA Act, by a Chief Executive of an Agency of his or her powers under section 32B or 32C of that Act (but not powers of a Minister that have been delegated to the Chief Executive) that is in force immediately before the commencement time is taken, after that time, to be a delegation by an accountable authority of a non-corporate Commonwealth entity under subsection 32D(3) of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

Note: The FMA Act is renamed the *Financial Framework (Supplementary Powers) Act 1997* by Part 1 of this Schedule.

(2) A direction given by a Chief Executive of an Agency for the purposes of a delegation referred to in subitem (1) that is in force immediately before the commencement time is taken, after that time, to have been given for the purposes of subsection 32D(4) of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

Subdelegation of Finance Minister's powers by Chief Executive

(3) A delegation, under section 53 of the FMA Act, by a Chief Executive of an Agency of the Finance Minister's powers or functions under section 32B or 32C of that Act that is in force immediately before the commencement time is taken, after that time, to be a delegation by an accountable authority of a non-corporate Commonwealth entity under subsection 32DA(1) of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

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(4) A direction given by a Chief Executive of an Agency for the purposes of a delegation referred to in subitem (3) that is in force immediately before the commencement time is taken, after that time, to have been given for the purposes of subsection 32DA(3) of *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

56 Requirement to publish monthly financial statements

Despite the repeal of section 54 of the FMA Act (which deals with monthly financial statements), that section continues to apply after the commencement time in relation to the last month that ends immediately before that time.

57 Modified operation of Act and relevant regulations

Despite the repeal of section 58 of the FMA Act (which deals with the modification of the FMA Act for intelligence or security agencies or prescribed law enforcement agencies), the following continue to apply after the commencement time in relation to the last financial year that ends before that time:

(a) section 58 of the FMA Act;

(b) any other section of the Act to the extent that it relates to that section or regulations made for the purposes of that section.

Note: Division 2 of this Part continues the operation of regulations made for the purposes of section 58 of the FMA Act. Those regulations modify the operation of certain parts of the FMA Act.

58 Finance Minister may delegate powers

Delegation of powers under section 32B or 32C of the FMA Act

(1) A delegation, under section 62 of the FMA Act, by the Finance Minister of the Finance Minister's powers or functions under section 32B or 32C of that Act that is in force immediately before the commencement time is taken, after that time, to have been made under subsection 32D(1) of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

Note: The FMA Act is renamed the *Financial Framework (Supplementary Powers) Act 1997* by Part 1 of this Schedule.

(2) A direction given by the Finance Minister for the purposes of a delegation referred to in subitem (1) that is in force immediately before

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the commencement time is taken, after that time, to have been given for the purposes of subsection 32D(2) of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

Delegation of powers under section 39B of the FMA Act

(3) A delegation, under section 62 of the FMA Act, by the Finance Minister of the Finance Minister's powers or functions under section 39B of that Act that is in force immediately before the commencement time is taken, after that time, to have been made under section 40 of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

(4) A direction given by the Finance Minister for the purposes of a delegation referred to in subitem (3) that is in force immediately before the commencement time is taken, after that time, to have been given for the purposes of section 40 of the *Financial Framework (Supplementary Powers) Act 1997* (as inserted by this Schedule).

58A Guidelines

The amendments to section 65 of the FMA Act made by this Schedule do not affect the continuity of the Commonwealth Cleaning Services Guidelines 2012, as in force immediately before the commencement time.

59 Approvals of spending proposals

An approval that, immediately before the commencement time, is in force for the purposes of regulation 9 of regulations made under the FMA Act is taken, after that time, to have been given for the purposes of, and in accordance with, rules made for the purposes of section 52 of the PGPA Act.

Division 2—Continuation of instruments

60 Continuation of instruments

(1) This item applies if:

(a) an item of this Part continues the operation of a provision of the FMA Act; and

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(b) regulations or any other instrument are in force immediately before the commencement time for the purposes of the provision.

(2) The regulations or other instrument are taken, after the commencement time, to continue in force for the purposes of the item.

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Schedule 3—Repeal of the Commonwealth Authorities and Companies Act 1997

Part 1—Repeal

Commonwealth Authorities and Companies Act 1997

1 The whole of the Act

Repeal the Act.

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Part 2—Transitional and application provisions

2 Continuing application of certain provisions

(1) Despite the repeal of the following provisions of the CAC Act, those provisions continue to apply after the commencement time in relation to the last financial year that ends before the commencement time:

(a) section 9 (which deals with directors preparing annual reports);

(b) section 10 (which deals with modified requirements for a Commonwealth authority's first year of existence);

(c) section 12 (which deals with auditing a relevant subsidiary's financial statements);

(d) section 14 (which deals with estimates);

(e) section 36 (which deals with annual reports for Commonwealth companies);

(f) section 37 (which deals with auditing relevant subsidiary's financial statements);

(g) section 39 (which deals with estimates);

(h) Schedule 1 (which deals with the annual report for Commonwealth authorities).

(2) Despite the repeal of section 11 of the CAC Act (which deals with the contravention of annual report rules by directors), that section continues to apply after the commencement time in relation to a contravention of a reporting rule that occurs after that time.

3 Responsible Minister to be notified of significant events

Despite the repeal of sections 15 and 40 of the CAC Act (which deal with notifying the responsible Minister of significant events), those sections continue to apply after the commencement time in relation to decisions made before that time.

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4 Keeping responsible Minister and Finance Minister informed

Despite the repeal of sections 16 and 41 of the CAC Act (which deal with keeping the responsible Minister and Finance Minister informed), those sections continue to apply after the commencement time in relation to:

(a) operations that occur before that time; and

(b) requirements to provide reports, documents or information made before that time.

5 Corporate plan for GBE

Despite the repeal of sections 17 and 42 of the CAC Act (which deal with corporate plans for GBEs), those sections continue to apply after the commencement time in relation to the first reporting period that commences at or after that time.

6 Banking and investment

(1) Despite the repeal of subsections 18(2) and 19(2) of the CAC Act (which deal with banking and investment), those subsections continue to apply after the commencement time in relation to money received before that time.

(2) Surplus money that, immediately before the commencement time, is invested under section 18 or 19 of the CAC Act (which deals with banking and investment) is taken, after that time, to be relevant money invested under, and in accordance with, section 59 of the PGPA Act.

(3) An approval that is in force immediately before the commencement time under paragraph 18(3)(d) of the CAC Act is taken, after that time, to be a written authorisation given under subparagraph 59(1)(b)(iii) of the PGPA Act.

7 Accounting records

Despite the repeal of section 20 of the CAC Act (which deals with accounting records), that section continues to apply after the commencement time in relation to accounting records to which that section applies immediately before the commencement time.

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8 Use of position—civil obligations

Despite the repeal of section 24 of the CAC Act (which deals with the use of position), that section continues to apply after the commencement time in relation to an officer or employee of a Commonwealth authority who, before that time, uses his or her position to gain an advantage, or cause a detriment (even if the advantage is not gained or the detriment is not caused until after the commencement time).

9 Use of information—civil obligations

Despite the repeal of section 25 of the CAC Act (which deals with the use of information), that section continues to apply after the commencement time in relation to a person who, before that time, uses information to gain an advantage, or cause a detriment (even if the advantage is not gained or the detriment is not caused until after the commencement time).

10 Disqualification order for contravention of civil penalty provision

Despite the repeal of section 27C of the CAC Act (which deals with disqualification orders for contraventions of civil penalty provisions), that section continues to apply after the commencement time in relation to orders that are in force under that section immediately before that time.

11 Director may give other directors standing notice about an interest

A notice given under section 27F or 27G of the CAC Act (which deals with directors giving notice about interests) that is in force immediately before the commencement time is taken, after that time, to have been given for the purposes of section 29 of the PGPA Act.

12 Right of access to authority's books

Despite the repeal of section 27L of the CAC Act (which deals with the right of access to authority's books), that section continues to apply after the commencement time in relation to books to which that section applies immediately before that time.

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13 Indemnification and exemption of officer

Despite the repeal of section 27M of the CAC Act (which deals with the indemnification and exemption of officers), that section continues to apply after the commencement time in relation to indemnifications that are in force immediately before that time.

14 Insurance for certain liabilities of officers

Despite the repeal of section 27N of the CAC Act (which deals with insurance for certain liabilities of officers), that section continues to apply after the commencement time in relation to contracts for insurance that are in force under that section immediately before that time.

15 Cessation of sections 28 and 43 notifications

Notifications that, immediately before the commencement time, are in force as a result of subitem 71(2) or 72(2) of Schedule 1 to the *Commonwealth Authorities and Companies Amendment Act 2008* (which deal with section 28 and 43 notifications) cease to be in force at the commencement time.

16 Continuation of provisions of the CAC Act for the purposes of the *Future Fund Act 2006*

Despite the repeal of the CAC Act by this Schedule, the following provisions continue to apply, in relation to members of the Future Fund Board of Guardians and members of staff of the Future Fund Management Agency, after the commencement time in accordance with section 66 of the *Future Fund Act 2006*:

(a) section 6 of the CAC Act;

(b) section 27C of the CAC Act;

(c) Schedule 2 to the CAC Act.

Note: Section 66 of the *Future Fund Act 2006* applies those provisions of the CAC Act to members of the Future Fund Board of Guardians and members of staff of the Future Fund Management Agency. This item continues the operation of those provisions of the CAC Act.

17 Continuation of instruments

(1) This item applies if:

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(a) an item of this Part continues the operation of a provision of the CAC Act; and
(b) regulations or any other instrument are in force immediately before the commencement time for the purposes of the provision.

(2) The regulations or other instrument are taken, after that time, to continue in force for the purposes of the item.

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Schedule 4—Auditor-General Act 1997 and related amendments

Part 1—Amendments

Auditor-General Act 1997

1 Readers guide (heading "Related legislation")

Repeal the heading.

2 Readers guide (paragraphs under the heading "Related legislation")

Repeal the paragraphs.

3 Subsection 5(1)

Omit "(1)".

4 Subsection 5(1)

Insert:

> ***accountable authority***, of a Commonwealth entity, has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

5 Subsection 5(1) (definition of *Agency*)

Repeal the definition.

6 Subsection 5(1) (definition of *Chief Executive*)

Repeal the definition.

7 Subsection 5(1) (definition of *Commonwealth authority*)

Repeal the definition.

8 Subsection 5(1) (definition of *Commonwealth company*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

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9 Subsection 5(1)

Insert:

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

10 Subsection 5(1)

Insert:

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

11 Subsection 5(1) (definition of *director*)

Repeal the definition, substitute:

> ***director***, of a Commonwealth company, has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

12 Subsection 5(1) (definition of *Finance Minister*)

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

13 Subsection 5(1) (definition of *FMA official*)

Repeal the definition.

14 Subsection 5(1) (definition of *GBE* or *government business enterprise*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

15 Subsection 5(1)

Insert:

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

16 Subsection 5(1) (definition of *officer*)

Repeal the definition.

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17 Subsection 5(1)

Insert:

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

18 Subsection 5(1) (definition of *responsible Minister*)

Repeal the definition, substitute:

responsible Minister:

(a) in relation to a Commonwealth entity or a Commonwealth company—has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*; and

(b) in relation to a Commonwealth partner—means the Minister responsible for achieving the Commonwealth purpose concerned; and

(c) in relation to a subsidiary of a corporate Commonwealth entity or a Commonwealth company—the responsible Minister for the entity or company concerned.

19 Subsection 5(1) (definition of *senior manager*)

Repeal the definition.

20 Subsection 5(1) (definition of *subsidiary*)

Repeal the definition, substitute:

subsidiary, of a corporate Commonwealth entity or a Commonwealth company, has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

21 Subsection 5(1) (definition of *wholly owned Commonwealth company*)

Repeal the definition, substitute:

wholly-owned Commonwealth company has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

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22 Subsection 5(2)

Repeal the subsection.

23 Division 1 of Part 4 (heading)

Repeal the heading, substitute:

Division 1—Annual financial statement audits

24 Sections 11, 12, 13 and 14

Repeal the sections, substitute:

11 Annual financial statements of Commonwealth entities, Commonwealth companies and subsidiaries

The Auditor-General's functions include auditing the:

(a) annual financial statements of Commonwealth entities in accordance with the *Public Governance, Performance and Accountability Act 2013*; and

(b) annual financial statements of Commonwealth companies in accordance with that Act; and

(c) annual financial statements of subsidiaries of corporate Commonwealth entities and Commonwealth companies in accordance with that Act.

12 Annual consolidated financial statements

The Auditor-General's functions include auditing the annual consolidated financial statements in accordance with the *Public Governance, Performance and Accountability Act 2013*.

14 Audit fees for annual financial statement audits

(1) A person or body (other than a non-corporate Commonwealth entity) whose annual financial statements are audited as mentioned in:

(a) section 11 of this Act; or

(b) subsection 30(3) of the *Governance of Australian Government Superannuation Schemes Act 2011*;

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is liable to pay audit fees for the audit, based on a scale of fees determined by the Auditor-General.

(2) Fees are payable within 30 days after issue of a payment claim. Payment claims for instalments may be issued before the audit is completed.

(3) Unpaid fees:
  (a) are a debt due to the Commonwealth; and
  (b) may be recovered by the Auditor-General, on behalf of the Commonwealth, by action in a court of competent jurisdiction.

(4) In the annual report prepared by the Auditor-General and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period, the Auditor-General must include details of the basis on which the Auditor-General determined the audit fees that applied during the period.

25 After Division 1 of Part 4

Insert:

Division 1A—Annual performance statement audits

15 Commonwealth entities

The Auditor-General's functions include auditing annual performance statements of Commonwealth entities in accordance with the *Public Governance, Performance and Accountability Act 2013*.

16 Audit fees for annual performance statement audits

(1) A corporate Commonwealth entity whose annual performance statements are audited as mentioned in section 15 is liable to pay audit fees for the audit, based on a scale of fees determined by the Auditor-General.

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(2) Fees are payable within 30 days after issue of a payment claim. Payment claims for instalments may be issued before the audit is completed.

(3) Unpaid fees:
  (a) are a debt due to the Commonwealth; and
  (b) may be recovered by the Auditor-General, on behalf of the Commonwealth, by action in a court of competent jurisdiction.

(4) In the annual report prepared by the Auditor-General and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period, the Auditor-General must include details of the basis on which the Auditor-General determined the audit fees that applied during the period.

26 Sections 15, 16 and 17

Repeal the sections, substitute:

17 Performance audits of Commonwealth entities, Commonwealth companies and subsidiaries

(1) The Auditor-General may at any time conduct a performance audit of:
  (a) a Commonwealth entity; or
  (b) a Commonwealth company; or
  (c) a subsidiary of a corporate Commonwealth entity or a Commonwealth company.

(2) However, the Auditor-General may only conduct such an audit on request by the Joint Committee of Public Accounts and Audit if the audit is of:
  (a) a corporate Commonwealth entity that is a GBE, or of any of its subsidiaries; or
  (b) a wholly-owned Commonwealth company that is a GBE, or any of its subsidiaries.

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(3) Nothing prevents the Auditor-General from asking the Joint Committee of Public Accounts and Audit to make a particular request under subsection (2).

(4) As soon as practicable after completing the report on an audit under this section, the Auditor-General must:
  (a) cause a copy of the report to be tabled in each House of the Parliament; and
  (b) give a copy of the report to the responsible Minister; and
  (c) give a copy of the report:
    (i) if the audit is of a Commonwealth entity—to an official who is, or is a member of, the accountable authority of the entity; or
    (ii) if the audit is of a Commonwealth company—to a director of the company; or
    (iii) if the audit is of a subsidiary of a corporate Commonwealth entity or Commonwealth company—to a person who is, or is a member of, the governing body of the subsidiary; and
  (d) to the extent that the report relates to the operations of a Commonwealth partner—give a copy of the report to a person who is, or is a member of, the governing body of the Commonwealth partner.

(5) The Auditor-General may give a copy of, or an extract from, the report to any person (including a Minister) who, or any body that, in the Auditor-General's opinion, has a special interest in the report or the content of the extract.

(6) For the purposes of this section, a Commonwealth entity is taken not to include any persons who are:
  (a) employed or engaged under the *Members of Parliament (Staff) Act 1984*; and
  (b) prescribed by an Act or rules made for the purposes of the definition of ***Department of State*** or ***Parliamentary Department*** in section 8 of the *Public Governance, Performance and Accountability Act 2013* in relation to the entity.

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27 Subsection 18(1)

Omit "Agency", substitute "Commonwealth entity".

28 Paragraphs 18(2)(d), (e) and (f)

Repeal the paragraphs, substitute:

(d) to the extent that the report relates to the operations of a Commonwealth entity—give a copy of the report to a person who is, or is a member of, the accountable authority of the entity; and

(e) to the extent that the report relates to the operations of a Commonwealth company—give a copy of the report to a director of the company; and

(f) to the extent that the report relates to the operations of a subsidiary of a corporate Commonwealth entity or a Commonwealth company—give a copy of the report to a person who is, or is a member of, the governing body of the subsidiary; and

29 Paragraph 18(2)(h)

Repeal the paragraph, substitute:

(h) to the extent that the report relates to the operations of a Commonwealth partner—give a copy of the report to a person who is, or is a member of, the governing body of the Commonwealth partner.

30 Subsection 18(4) (definition of *Commonwealth public sector*)

Omit "Agencies, Commonwealth authorities", substitute "non-corporate Commonwealth entities, corporate Commonwealth entities".

31 Section 18A

Repeal the section, substitute:

18A Audit of performance measures

(1) The Auditor-General may at any time conduct an audit of:

(a) the appropriateness of the performance measures (however described) of:

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(i) a Commonwealth entity; or
(ii) a Commonwealth company; or
(iii) a subsidiary of a corporate Commonwealth entity or a Commonwealth company; and

(b) reporting by the entity, company or subsidiary against those measures.

(2) However, the Auditor-General may only conduct such an audit on request by the Joint Committee of Public Accounts and Audit if the audit is of:

(a) a corporate Commonwealth entity that is a GBE, or of any of its subsidiaries; or

(b) a wholly-owned Commonwealth company that is a GBE, or of any of its subsidiaries.

(3) Nothing prevents the Auditor-General from asking the Joint Committee of Public Accounts and Audit to make a particular request under subsection (2).

(4) As soon as practicable after completing the report on an audit under this section, the Auditor-General must:

(a) cause a copy of the report to be tabled in each House of the Parliament; and

(b) give a copy of the report to the responsible Minister; and

(c) give a copy of the report:

(i) if the audit is of a Commonwealth entity—to an official who is, or is a member of, the accountable authority of the entity; or

(ii) if the audit is of a Commonwealth company—to a director of the company; or

(iii) if the audit is of a subsidiary of a corporate Commonwealth entity or Commonwealth company—to a person who is, or is a member of, the governing body of the subsidiary.

(5) Subsection (4) does not apply if the report is, or is to be, included in the annual report of the Commonwealth entity or Commonwealth company.

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(6) The Auditor-General may give a copy of, or an extract from, the report to any person (including a Minister) who, or any body that, in the Auditor-General's opinion, has a special interest in the report or the content of the extract.

32 Subsection 18B(4)

Omit "15, 16,".

33 Paragraph 18B(6)(c)

Repeal the paragraph, substitute:

(c) give a copy of the report to a person who is, or is a member of, the governing body of the Commonwealth partner.

34 Subsection 18B(7)

Omit "15, 16,".

35 Section 19

Repeal the section, substitute:

19 Comments on proposed report

(1) After preparing a proposed report on an audit of a Commonwealth entity under paragraph 17(1)(a), the Auditor-General must:

(a) give a copy of the proposed report to an official who is, or is a member of, the accountable authority of the entity; and

(b) to the extent that the proposed report relates to the operations of a Commonwealth partner—give a person who is, or is a member of, the governing body of the Commonwealth partner:

(i) a copy of the proposed report; or

(ii) extracts of the parts of the proposed report that deal with the audit of the Commonwealth partner; or

(iii) extracts of the proposed report that include the parts of the proposed report that deal with the audit of the Commonwealth partner.

(2) After preparing a proposed report on an audit of a body under paragraph 17(1)(b) or (c), the Auditor-General must:

(a) give a copy of the proposed report to:

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(i) if the audit is of a Commonwealth company—to a director of the company; or

(ii) if the audit is of a subsidiary of a corporate Commonwealth entity or Commonwealth company—to a person who is, or is a member of, the governing body of the subsidiary; and

(b) to the extent that the proposed report relates to the operations of a Commonwealth partner—give a person who is, or is a member of, the governing body of the Commonwealth partner:

(i) a copy of the proposed report; or

(ii) extracts of the parts of the proposed report that deal with the audit of the Commonwealth partner; or

(iii) extracts of the proposed report that include the parts of the proposed report that deal with the audit of the Commonwealth partner.

(3) After preparing a proposed report under section 18A on an audit of the performance measures of a body and the body's reporting against those measures, the Auditor-General must give a copy of the proposed report to:

(a) if the audit is of a Commonwealth entity—to an official who is, or is a member of, the accountable authority of the entity; or

(b) if the audit is of a Commonwealth company—to a director of the company; or

(c) if the audit is of a subsidiary of a corporate Commonwealth entity or Commonwealth company—to a person who is, or is a member of, the governing body of the subsidiary.

(4) After preparing a proposed report on an audit of a Commonwealth partner under section 18B, the Auditor-General must give a copy of the proposed report to a person who is, or is a member of, the governing body of the Commonwealth partner.

(5) Subsection (4) does not apply if:

(a) the proposed report is included, or is to be included, in the proposed report on an audit under section 17; or

(b) the audit of the Commonwealth partner was conducted as part of an audit under section 18.

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(6) After preparing a proposed report on an audit under section 17, 18, 18A or 18B, the Auditor-General may give a copy of, or an extract from, the proposed report to any person (including a Minister) who, or any body that, in the Auditor-General's opinion, has a special interest in the report or the content of the extract.

(7) If the recipient of the proposed report, or the extract from the proposed report, gives written comments to the Auditor-General as follows, the Auditor-General must consider those comments before preparing a final report:

(a) in the case of a proposed report on an audit under section 18A (audit of performance measures)—within 14 days after receiving the proposed report, or the extract from the proposed report;

(b) otherwise—within 28 days after receiving the proposed report, or the extract from the proposed report.

(8) The Auditor-General must, in the final report, include all written comments received under subsection (7).

36 Subsections 19A(1) and (2)

Repeal the subsections, substitute:

(1) The Auditor-General may at any time conduct an assurance review of:

(a) a Commonwealth entity; or

(b) a Commonwealth company; or

(c) a subsidiary of a corporate Commonwealth entity or a Commonwealth company.

(2) However, the Auditor-General may only conduct such an assurance review on request by the Joint Committee of Public Accounts and Audit if the review is of:

(a) a corporate Commonwealth entity that is a GBE, or of any of its subsidiaries; or

(b) a wholly-owned Commonwealth company that is a GBE, or of any of its subsidiaries.

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37 Paragraph 21(1)(a)

Omit "Commonwealth authority", substitute "corporate Commonwealth entity".

38 Paragraph 21(1)(c)

Omit "as defined in section 34 of the *Commonwealth Authorities and Companies Act 1997*", substitute "within the meaning of subsection 89(2) of the *Public Governance, Performance and Accountability Act 2013*".

39 Paragraph 24(a)

After "1,", insert "1A,".

40 Paragraph 24(c)

Omit "section 56 of the *Financial Management and Accountability Act 1997*", substitute "section 49 of the *Public Governance, Performance and Accountability Act 2013*".

41 Section 28

Repeal the section.

42 Subsection 29(1)

Omit "an FMA official", substitute "an official of a non-corporate Commonwealth entity".

43 Subsection 32(5) (definition of *authorised official*)

Omit "an FMA official", substitute "an official of a non-corporate Commonwealth entity".

44 Paragraph 33(1)(a)

Omit "Commonwealth authority", substitute "corporate Commonwealth entity".

45 At the end of subsection 33(1)

Add:

Note: Paragraph (1)(a) does not expressly refer to non-corporate Commonwealth entities because these entities are legally part of the Commonwealth.

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46 Subsection 33(4) (definition of *authorised official*)

Omit "an FMA official", substitute "an official of a non-corporate Commonwealth entity".

47 Section 44

Repeal the section, substitute:

44 Audit of annual financial statements

(1) After preparing the annual financial statements for the Audit Office under section 42 of the *Public Governance, Performance and Accountability Act 2013*, the Auditor-General must give the statements to the Independent Auditor.

(2) The Independent Auditor must audit the statements in accordance with section 43 of that Act.

(3) For these purposes, references in sections 42 and 43 of that Act to the Auditor-General are taken to be references to the Independent Auditor.

48 Section 50

Repeal the section, substitute:

50 Guaranteed availability of parliamentary appropriations

(1) There is payable to the Audit Office such money as is appropriated by the Parliament for the purposes of the Audit Office.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under subsection (1) is to be paid to the Audit Office.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) A provision of an Appropriation Act that authorises the Finance Minister to determine that a departmental item of a Commonwealth entity is to be reduced does not apply in relation to a departmental item of the Audit Office.

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(5) A provision of an Appropriation Act that has the effect of reducing an administered item of a Commonwealth entity does not apply in relation to an administered item of the Audit Office.

49 Section 54 (heading)

Repeal the heading, substitute:

54 Provision of information to the Minister or the Finance Minister

50 Subsection 54(1)

Repeal the subsection, substitute:

(1) This section applies to a requirement under paragraph 19(1)(b) of the *Public Governance, Performance and Accountability Act 2013* for the Auditor-General to give the Minister or the Finance Minister reports, documents or information.

Note: Section 19 of the *Public Governance, Performance and Accountability Act 2013* deals with the duty of the accountable authority of a Commonwealth entity to keep the responsible Minister and Finance Minister informed in relation to the activities of the entity and any of its subsidiaries.

51 Subsection 54(3)

Omit "The", substitute "The Minister or the"

52 Subsection 54(4)

Repeal the subsection, substitute:

(4) The requirement must be disclosed in the annual report prepared by the Auditor-General and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for the period.

53 At the end of clause 6 of Schedule 1

Add:

(7) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an

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accountable authority, for contravening general duties of officials) does not apply in relation to the Auditor-General.

Norfolk Island Act 1979

54 Subsection 48D(5)

Repeal the subsection, substitute:

(5) In the annual report prepared by the Auditor-General and given to the responsible Minister (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) under section 46 of that Act for a period, the Auditor-General must include details of the basis on which the Auditor-General determined the audit fees that applied during that period.

55 Paragraph 48G(2)(f)

Omit "Commonwealth authority", substitute "corporate Commonwealth entity".

Public Accounts and Audit Committee Act 1951

56 After paragraph 8(1)(k)

Insert:

(ka) to consider the level of fees determined by the Auditor-General under subsection 16(1) of the *Auditor-General Act 1997*; and

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Part 2—Application provisions

57 Annual financial statements audits

(1) The amendments made by items 23, 24, 47 and 54 of this Schedule apply, subject to subitem (2), in relation to audits of annual financial statements for reporting periods that commence at or after the commencement time.

(2) Section 14 of the *Auditor-General Act 1997* (as inserted by this Schedule) does not apply in relation to a corporate Commonwealth entity that was, immediately before the commencement time, an Agency within the meaning of the FMA Act.

58 Annual performance statement audits

The amendments made by items 25 and 39 of this Schedule apply in relation to audits of annual performance statements for reporting periods that commence on or after 1 July 2015.

59 Performance audits and assurance reviews

The amendments made by items 26 to 36 of this Schedule apply in relation to performance audits and assurance reviews:

(a) that were commenced, but have not been completed, before the commencement time; or

(b) that commence at or after the commencement time.

60 Auditing standards

The amendment of paragraph 24(c) of the *Auditor-General Act 1997* made by this Schedule applies in relation to audits for reporting periods that commence at or after the commencement time.

61 Annual reports

Despite the repeal of section 28 of the *Auditor-General Act 1997* by this Schedule, that section as in force immediately before the commencement time continues to apply after that time in relation to the last financial year that ends before that time.

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62 Delegations

The amendments of section 29 and subsections 32(5) and 33(4) of the *Auditor-General Act 1997* made by this Schedule do not affect the continuity of any delegation or authorisation that is in force under those provisions immediately before the commencement time.

63 Parliamentary appropriations

Section 50 of the *Auditor-General Act 1997* as inserted by this Schedule applies in relation to appropriations for the 2014-15 financial year and later financial years.

64 Requirements to provide reports, documents or information

The amendments of section 54 of the *Auditor-General Act 1997* made by this Schedule apply in relation to any requirement made after the commencement time to provide reports, documents or information.

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Schedule 5—Corporate status of bodies

Part 1—Bodies ceasing to be bodies corporate

Australian Communications and Media Authority Act 2005

1 Division 3 of Part 2

Repeal the Division, substitute:

Division 3—Powers

12 ACMA's powers

The ACMA has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

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

2 Part 3 (heading)

Repeal the heading, substitute:

Part 3—ACMA's membership

3 Division 1 of Part 3

Repeal the Division.

4 After section 62

Insert:

62A Proceedings in the name of the ACMA

(1) Proceedings brought by the Commonwealth in relation to the functions or powers of the ACMA may be brought in the name of the ACMA.

Note: This subsection does not authorise ACMA to bring proceedings against the Commonwealth: see also subsection 62B(2).

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(2) Proceedings brought against the Commonwealth in relation to the functions or powers of the ACMA may be brought against the Commonwealth in the name of the ACMA.

62B Decisions relating to the Commonwealth etc.

(1) The fact that the ACMA does not have a legal identity separate from the Commonwealth does not affect the performance of the ACMA's functions in making, or the exercise of the ACMA's powers to make, decisions relating to:
  (a) the Commonwealth; or
  (b) any authority of the Commonwealth that is not a body corporate.

(2) This section does not apply to decisions relating to bringing proceedings against the Commonwealth or such an authority.

Fisheries Administration Act 1991

5 Section 5

Before "An", insert "(1)".

6 At the end of section 5

Add:

Note: The Authority does not have a legal identity separate from the Commonwealth.

(2) The Authority consists of:
  (a) the CEO; and
  (b) the Commission; and
  (c) the AFMA staff members.

7 Subsection 8(1)

Omit "(1)".

8 At the end of subsection 8(1)

Add:

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

9 Subsections 8(2) and (3)

Repeal the subsections.

10 Sections 10 and 10A

Repeal the sections.

11 Subsection 92(1)

Omit ", by writing under the seal of the Authority,", substitute ", in writing,".

12 Section 94A

Repeal the section.

13 At the end of Division 9 of Part 2

Add:

94F Proceedings in the name of the Authority

(1) Proceedings brought by the Commonwealth in relation to the functions or powers of the Authority may be brought in the name of the Authority.

(2) Proceedings brought against the Commonwealth in relation to the functions or powers of the Authority may be brought against the Commonwealth in the name of the Authority.

Great Barrier Reef Marine Park Act 1975

14 Subsection 8(1)

Repeal the subsection, substitute:

(1) The Authority may do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

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

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15 Subsections 8(4) to (8)

Repeal the subsections.

16 Section 8A

Repeal the section.

17 Section 9

Repeal the section.

18 Subsections 47(1) and (2)

Omit ", by writing under its common seal,", substitute ", in writing,".

19 Division 3 of Part VII

Repeal the Division.

20 Section 61B (heading)

Repeal the heading, substitute:

61B Liability for expenses incurred by the Commonwealth resulting from contravention of this Act

21 Paragraph 61B(1)(b)

Omit "or the Authority".

22 Subsection 61B(1)

Omit "or to the Authority".

23 Subsection 61B(1)

Omit "or to the Authority, as the case requires,".

24 Paragraph 61B(1A)(b)

Omit "or the Authority".

25 Subsection 61B(1A)

Omit "or to the Authority, as the case requires,".

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26 Subsection 61B(1A)

Omit "or the Authority" (last occurring).

27 Subsection 61B(2)

Omit "or to the Authority, as the case requires,".

28 Paragraphs 61B(3)(a) and (b)

Omit "or the Authority".

29 Subsection 61B(4)

Omit "or to the Authority, as the case requires,".

30 Subsection 61C(1)

Omit "or the Authority, as the case requires".

31 Subsection 61C(2)

Omit "or the Authority, as the case requires,".

32 Subsections 61C(3) and (4)

Omit "or the Authority, as the case requires".

33 After section 64A

Insert:

64B Proceedings in the name of the Authority

(1) Proceedings brought by the Commonwealth in relation to the functions or powers of the Authority may be brought in the name of the Authority.

(2) Proceedings brought against the Commonwealth in relation to the functions or powers of the Authority may be brought against the Commonwealth in the name of the Authority.

National Environment Protection Council Act 1994

34 Subsection 6(1) (definition of *Finance Minister*)

Repeal the definition.

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35 Subsection 6(1) (definition of *NEPC Service Corporation*)

Repeal the definition.

36 Subsection 6(1) (definition of *Service Corporation*)

Repeal the definition.

37 Paragraph 13(h)

Omit "Service Corporation", substitute "NEPC Executive Officer".

38 Part 5 (heading)

Repeal the heading, substitute:

Part 5—NEPC Executive Officer and staff

39 Division 1 of Part 5

Repeal the Division.

40 Division 2 of Part 5 (heading)

Repeal the heading.

41 Section 40

Repeal the section, substitute:

40 Functions of the NEPC Executive Officer

The functions of the NEPC Executive Officer are:

(a) to provide assistance and support to the Council, the NEPC Committee and any other committee established under section 33; and

(b) to provide assistance and support to other Ministerial Councils as directed by the Council; and

(c) to do anything incidental or conducive to the performance of the function referred to in paragraph (a) or (b).

42 Subsection 41(1)

Omit "conduct of the affairs of the Service Corporation", substitute "performance of the Executive Officer's functions".

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43 Subsection 42(3)

Repeal the subsection.

44 Subsection 42(4)

Omit ", other than subsection (3),".

45 Division 3 of Part 5

Repeal the Division.

46 Part 6

Repeal the Part, substitute:

Part 6—National Environment Protection Council Special Account

53 Name of Account

(1) The National Environment Protection Council Special Account is established by this section.

(2) The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

54 Credits to the Account

There must be credited to the Account amounts equal to the following:

(a) amounts received by the Commonwealth from the States or Territories for the purposes of the Account;

(b) amounts appropriated by the Parliament for the purposes of the Account;

(c) amounts received by the Commonwealth in relation to performing any functions, or exercising any of the Council's powers, under this Act;

(d) amounts of any gifts given or bequests made for the purposes of the Account;

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(e) interest received by the Commonwealth from the investment of amounts debited from the Account;

(f) amounts received by the Commonwealth in relation to property paid for with amounts debited from the Account.

Note: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a special account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the special account), then amounts may be debited against the appropriation for that item and credited to that special account.

55 Purposes of the Account

(1) The purposes of the Account are as follows:

(a) paying or discharging the costs, expenses and other obligations incurred by the Commonwealth in the performance of the functions of:

(i) the Council; or

(ii) the NEPC Committee; or

(iii) any other committee established under section 33;

(b) either:

(i) paying grants for amounts consistent with the aim of people enjoying the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia; or

(ii) paying or discharging the costs, expenses and other obligations incurred by the Commonwealth in undertaking projects with that aim;

whether or not the grants or projects relate to a national environment protection measure or proposed national environment protection measure;

(c) paying any remuneration and allowances payable to any person under this Act;

(d) meeting the expenses of administering the Account;

(e) paying amounts that are required or permitted to be repaid under this Act;

(f) paying for activities that are incidental to the purposes mentioned in paragraphs (a) to (e).

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

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(2) However, the purposes of the Account referred to in paragraph (1)(b) are limited to:

(a) purposes related to external affairs, including:

(i) purposes related to giving effect to an international agreement to which Australia is a party; and

(ii) purposes related to addressing matters of international concern; and

(b) purposes related to a Territory; and

(c) purposes related to the executive power of the Commonwealth; and

(d) purposes related to matters that are peculiarly adapted to the government of a nation, and that cannot otherwise be carried on for the benefit of the nation; and

(e) purposes related to matters incidental to the purposes referred to in paragraphs (a) to (d).

47 Transitional—transferring money of the NEPC Service Corporation to the special account

There must be credited to the National Environment Protection Council Special Account an amount equal to the sum of all amounts held by the NEPC Service Corporation immediately before the commencement of this item.

Note: On commencement, these amounts vest in the Commonwealth under item 56 of this Schedule.

48 Section 60

Omit ", the NEPC Service Corporation".

49 Subsection 61(1)

Omit ", the Service Corporation".

Telecommunications Universal Service Management Agency Act 2012

50 Section 31 (note)

Repeal the note, substitute:

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Note 1: TUSMA does not have a legal identity separate from the Commonwealth.

Note 2: In this Act, ***TUSMA*** means the Telecommunications Universal Service Management Agency—see section 4.

51 Sections 33 and 34

Repeal the sections, substitute:

33 Powers of TUSMA

TUSMA has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

52 Division 2 of Part 3 (heading)

Repeal the heading, substitute:

Division 2—Membership of TUSMA

53 Subdivision A of Division 2 of Part 3

Repeal the Subdivision.

54 Subdivision B of Division 2 of Part 3 (heading)

Repeal the heading.

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Part 2—Transitional provisions for bodies ceasing to be bodies corporate

Division 1—Introduction

55 Definitions

In this Part:

asset means:

(a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and

(b) any right, power, privilege or immunity, whether actual, contingent or prospective.

commencement day means the day on which this Schedule commences.

decorporatised body means:

(a) the Australian Communications and Media Authority; or

(b) the Australian Fisheries Management Authority; or

(c) the Great Barrier Reef Marine Park Authority; or

(d) the NEPC Service Corporation; or

(e) the Telecommunications Universal Service Management Agency.

instrument includes:

(a) a contract, deed, undertaking, arrangement or agreement; and

(b) a notice, authority, order or instruction; and

(c) regulations; and

(d) an instrument made under an Act or regulations;

but does not include an Act.

land means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

liability means any liability, duty or obligation, whether actual, contingent or prospective.

responsible Minister has the meaning given by subitem 58(3).

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Division 2—General transitional provisions

56 Assets and liabilities

(1) On the commencement day, the assets and liabilities of a decorporatised body cease to be assets and liabilities of the body and become assets and liabilities of the Commonwealth.

(2) The Commonwealth becomes the successor in law in relation to those assets and liabilities.

(3) If an instrument in force immediately before the commencement day:

(a) contains a reference to a decorporatised body; and

(b) relates to an asset or liability of the body that, under this item, becomes an asset or liability of the Commonwealth;

the instrument has effect on and after that day as if the reference were a reference to the Commonwealth.

(4) Subitem (3) does not apply to an instrument that is part of, or associated with a register referred to in item 58.

(5) Subitem (3) does not, by implication, prevent the instrument from being varied or terminated after that day.

57 Legal proceedings

If, immediately before the commencement day, a decorporatised body was a party to proceedings pending in any court or tribunal, the Commonwealth is substituted for the body as a party to the proceedings on and after that day.

58 Certificates relating to vesting of assets

(1) If land vests in the Commonwealth under this Part and the Minister, or the responsible Minister for the land, signs a certificate that:

(a) identifies the land, whether by reference to a map or otherwise; and

(b) states that the land has become vested in the Commonwealth under this Part; and

(c) is lodged with the Registrar of Titles or other proper officer of the State or Territory in which the land is situated;

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the Registrar or other officer may:

(d) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and

(e) deal with, and give effect to, the certificate.

(2) If an asset vests in the Commonwealth under this Part and the Minister, or the responsible Minister for the asset, signs a certificate that:

(a) identifies the asset; and

(b) states that the asset has become vested in the Commonwealth under this Part; and

(c) is lodged with the person or authority who, under a law of the Commonwealth, a State or a Territory, under a trust instrument or otherwise, has responsibility for keeping a register in relation to assets of that kind;

the person or authority may:

(d) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and

(e) make such entries in the register as are necessary, having regard to the effect of this Part.

(3) The ***responsible Minister***, for land or another asset, is the Minister who is the responsible Minister (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) for the decorporatised body that held the land or other asset immediately before the commencement day.

(4) A Minister may, by writing, delegate all or any of his or her powers under this item to:

(a) the Secretary of the Department administered by that Minister; or

(b) an SES employee, or acting SES employee, in that Department.

In exercising powers under a delegation, the delegate must comply with any directions of that Minister.

(5) A document that appears to be a certificate made under this item is taken, unless the contrary is established, to be such a certificate and to have been properly made.

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(6) A certificate made under this item is not a legislative instrument.

59 Employees

(1) If a person was an employee of a decorporatised body immediately before the commencement of this Schedule, and that employment was not employment on behalf of the Commonwealth:

(a) the person is taken, when this Schedule commences, to be employed under this Act as an employee of the Commonwealth without change to the terms and conditions of his or her employment; and

(b) the person's service as an employee of the decorporatised body is taken, for all purposes, to be continuous with his or her service as an employee of the Commonwealth.

(2) Paragraph (1)(a) does not apply if a determination is made under section 72 of the *Public Service Act 1999* that causes the person, when this Schedule commences, to become engaged under that Act as an employee of the Commonwealth.

60 Contracts etc.

If a contract, agreement, arrangement or understanding, entered into by a decorporatised body, was in force immediately before the commencement day, it has effect, on and after that day, as if the Commonwealth had entered into it.

61 Exemption from stamp duty etc.

No stamp duty or other tax is payable under a law of a State or Territory in respect of the following, or anything connected with the following:

(a) the transfer of an asset or liability under this Part;

(b) the operation of this Part in any other respect.

Division 3—Miscellaneous

62 Compensation for acquisition of property

(1) If the operation of this Part would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that

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paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

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Part 3—APVMA continuing as a body corporate

Agricultural and Veterinary Chemicals (Administration) Act 1992

63 Subsection 7(3) (note)

Repeal the note.

64 Sections 7AA and 7AB

Repeal the sections.

65 Division 1 of Part 7

Repeal the Division, substitute:

Division 1—Finance

58 Money payable to the APVMA

(1) The Commonwealth must pay to the APVMA amounts equal to:

(a) such money as is appropriated by the Parliament for the purposes of the APVMA; and

(b) fees received by the Commonwealth under this Act, the Agvet Codes or the Agvet Regulations; and

(c) any amounts of levy, late payment penalty or understatement penalty paid to the Commonwealth under any Act providing for the collection of a levy imposed in respect of the disposal of chemical products; and

(d) any amounts paid by a State or a participating Territory to the Commonwealth for the purposes of the APVMA.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under paragraph (1)(a) is to be paid to the APVMA.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

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(4) If an amount referred to in any of paragraphs (1)(b) to (d) is refunded by the Commonwealth, the APVMA must pay to the Commonwealth an amount equal to the refund.

(5) The Minister may, on behalf of the Commonwealth, set off an amount payable by the APVMA under subsection (4) against an amount that is payable to the APVMA under subsection (1).

(6) Amounts payable under paragraphs (1)(b) to (d) are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

(7) In this section:

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

59 Application of money by the APVMA

(1) The money of the APVMA is to be applied only:
  (a) in payment or discharge of the costs, expenses and other obligations incurred by the APVMA in the performance of its functions and the exercise of its powers; and
  (b) in payment of any remuneration or allowances payable under this Act; and
  (c) in making any other payments that the APVMA is authorised or required to make by or under any law of the Commonwealth, a State or a Territory that confers functions or powers on the APVMA.

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the APVMA.

66 Transitional—transferring balance of the special account

(1) The Commonwealth must pay to the APVMA an amount equal to the balance of the Australian Pesticides and Veterinary Medicines Special Account immediately before the commencement of this item.

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(2) An amount payable under subitem (1) is to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

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Part 4—Other bodies continuing as bodies corporate

Australian Human Rights Commission Act 1986

67 Subsections 7(4), (5) and (6)

Repeal the subsections.

68 At the end of section 8A

Add:

(4) For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the President is the accountable authority of the Commission.

69 After section 44

Insert:

44A Money payable to the Commission

(1) There is payable to the Commission such money as is appropriated by the Parliament for the purposes of the Commission.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under subsection (1) is to be paid to the Commission.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) In this section:

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

44B Application of money by the Commission

(1) The money of the Commission is to be applied only:

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(a) in payment or discharge of the costs, expenses and other obligations incurred by the Commission in the performance of its functions and the exercise of its powers; and

(b) in payment of any remuneration or allowances payable under this Act.

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Commission.

44C Taxation

The Commission is not subject to taxation under a law of the Commonwealth or of a State or Territory.

Note: However, the Commission may be subject to taxation under certain laws (see, for example, section 177-5 of the *A New Tax System (Goods and Services Tax) Act 1999* and section 66 of the *Fringe Benefits Tax Assessment Act 1986*).

National Health Reform Act 2011

70 Subsections 67(3) to (7)

Repeal the subsections.

71 Section 68

Repeal the section.

72 At the end of section 92

Add:

(4) For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the Performance Authority CEO is the accountable authority of the Performance Authority.

73 After Part 3.11

Insert:

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Part 3.11A—Finance

112A Money payable to the Performance Authority

(1) There is payable to the Performance Authority such money as is appropriated by the Parliament for the purposes of the Performance Authority.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under subsection (1) is to be paid to the Performance Authority.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) In this section:

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

112B Application of money by the Performance Authority

(1) The money of the Performance Authority is to be applied only:
  (a) in payment or discharge of the costs, expenses and other obligations incurred by the Performance Authority in the performance of its functions and the exercise of its powers; and
  (b) in payment of any remuneration or allowances payable under this Act.

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Performance Authority.

112C Taxation

The Performance Authority is not subject to taxation under a law of the Commonwealth or of a State or Territory.

Note: However, the Performance Authority may be subject to taxation under certain laws (see, for example, section 177-5 of the *A New Tax System*

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(Goods and Services Tax) Act 1999 and section 66 of the *Fringe Benefits Tax Assessment Act 1986*).

74 Subsections 135(3) to (7)

Repeal the subsections.

75 Section 136

Repeal the section.

76 At the end of section 163

Add:

(4) For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the Pricing Authority CEO is the accountable authority of the Pricing Authority.

77 After Part 4.13

Insert:

Part 4.13A—Finance

212A Money payable to the Pricing Authority

(1) There is payable to the Pricing Authority such money as is appropriated by the Parliament for the purposes of the Pricing Authority.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under subsection (1) is to be paid to the Pricing Authority.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) In this section:

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

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212B Application of money by the Pricing Authority

(1) The money of the Pricing Authority is to be applied only:
  (a) in payment or discharge of the costs, expenses and other obligations incurred by the Pricing Authority in the performance of its functions and the exercise of its powers; and
  (b) in payment of any remuneration or allowances payable under this Act.

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Pricing Authority.

212C Taxation

The Pricing Authority is not subject to taxation under a law of the Commonwealth or of a State or Territory.

Note: However, the Pricing Authority may be subject to taxation under certain laws (see, for example, section 177-5 of the *A New Tax System (Goods and Services Tax) Act 1999* and section 66 of the *Fringe Benefits Tax Assessment Act 1986*).

Offshore Petroleum and Greenhouse Gas Storage Act 2006

78 Subsection 571(2) (paragraph (b) of the examples)

After "a debt due to the Commonwealth,", insert "NOPSEMA,".

79 Subsection 571(2) (paragraph (b) of the examples)

Omit "NOPSEMA on behalf of the Commonwealth, or to".

80 Paragraphs 572D(3)(a) and (b)

Omit "on behalf of the Commonwealth".

81 Paragraph 589(4)(a)

Omit "the Commonwealth", substitute "NOPSEMA".

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82 Paragraph 589(5)(a)

Omit "the Commonwealth", substitute "NOPSEMA".

83 Subsections 648(3) and (4)

Repeal the subsections.

84 Subparagraph 650(2)(c)(ii)

Omit ", on behalf of the Commonwealth,".

85 At the end of section 666

Add:

(3) For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the CEO is the accountable authority of NOPSEMA.

86 At the end of section 667

Add:

(5) To avoid doubt, the CEO is not subject to direction by the Board in relation to the CEO's performance of functions, or exercise of powers, under the following Acts in relation to NOPSEMA:
  (a) the *Public Governance, Performance and Accountability Act 2013*;
  (b) the *Public Service Act 1999*.

87 Subsection 677(1)

Omit ", on behalf of the Commonwealth,".

88 Division 7 of Part 6.9

Repeal the Division, substitute:

Division 7—NOPSEMA's finances

682 Commonwealth payments to NOPSEMA

(1) The Commonwealth must pay to NOPSEMA amounts equal to:

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(a) such money as is appropriated by the Parliament for the purposes of NOPSEMA; and

(b) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of safety investigation levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 686(2); and

(c) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of safety case levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 687(4); and

(d) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of well investigation levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688(2); and

(e) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of annual well levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688A(2); and

(f) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of well activity levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688B(2); and

(g) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of environment plan levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688C(2); and

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(h) any other amounts paid to NOPSEMA, on behalf of the Commonwealth, by a State or the Northern Territory; and

(i) any other amounts paid to NOPSEMA on behalf of the Commonwealth.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under paragraph (1)(a) is to be paid to NOPSEMA.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) If an amount referred to in any of paragraphs (1)(b) to (i) is refunded by the Commonwealth, NOPSEMA must pay to the Commonwealth an amount equal to the refund.

(5) The responsible Commonwealth Minister may, on behalf of the Commonwealth, set off an amount payable by NOPSEMA under subsection (4) against an amount that is payable to NOPSEMA under subsection (1).

(6) Amounts payable under paragraphs (1)(b) to (i) are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

(7) In this section:

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

683 Application of money by NOPSEMA

(1) The money of NOPSEMA is to be applied only:

(a) in payment or discharge of the costs, expenses and other obligations incurred by NOPSEMA in the performance of its functions and the exercise of its powers; and

(b) in payment of any remuneration or allowances payable under this Act.

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of

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money that is not immediately required for the purposes of NOPSEMA.

89 Transitional—transferring balance of the special account

(1) The Commonwealth must pay to NOPSEMA an amount equal to the balance of the National Offshore Petroleum Safety and Environmental Management Authority Special Account immediately before the commencement of this item.

(2) An amount payable under subitem (1) is to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

90 Subsection 685(1)

Omit ", on behalf of the Commonwealth,".

91 Paragraph 685(3)(a)

Omit "on behalf of the Commonwealth".

92 Paragraph 685(3)(b)

Omit ", on behalf of the Commonwealth,".

Water Act 2007

93 Subsection 4(1) (definition of *Murray-Darling Basin Special Account*)

Repeal the definition, substitute:

Murray-Darling Basin Special Account means the fund mentioned in section 209.

94 Subsections 173(3), (4) and (5)

Repeal the subsections.

95 Section 174

Repeal the section, substitute:

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174 Amounts payable by the Commonwealth

(1) The Commonwealth must pay to the Authority, for the purposes of the Murray-Darling Basin Special Account, an amount equal to any amount paid by the Authority in discharging any liability of the Authority arising:

(a) from an act or omission in the bona fide execution of the powers vested in the Authority by or under the Agreement; or

(b) because of the operation of section 239F, 239J or 239K (about transitional matters relating to the Murray-Darling Basin Commission).

(2) For the purposes of the Agreement, treat a payment by the Commonwealth under subsection (1) as a payment made in respect of losses or costs incurred by the Commonwealth arising:

(a) if the payment relates to a liability of the Authority arising as described in paragraph (1)(a)—as described in paragraph (1)(a); or

(b) if the payment relates to a liability of the Authority arising as described in paragraph (1)(b)—as described in paragraph (1)(b).

(3) Amounts payable under subsection (1) are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

96 At the end of subsection 176(1)

Add:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Authority. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

97 Subdivision A of Division 5 of Part 9

Repeal the Subdivision, substitute:

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Subdivision A—Murray-Darling Basin Special Account

209 Murray-Darling Basin Special Account

(1) The Authority must establish and maintain a fund to be known as the Murray-Darling Basin Special Account (the ***Account***).

(2) The Account is not a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

210 Credits to the Account

(1) The Authority must ensure the following are credited to the Account:

(a) such money as is appropriated by the Parliament for the purposes of the Authority, and paid by the Commonwealth to the Authority for the purposes of the Account;

(b) amounts paid by a Basin State to the Authority for the purpose of the performance of the Authority's functions;

(c) fees paid to the Authority in accordance with section 212;

(d) interest received by the Authority from the investment of an amount standing to the credit of the Account;

(e) amounts received by the Authority in relation to property paid for with amounts debited from the Account;

(f) amounts received by the Authority in relation to assets that vest in the Authority under section 239C;

(g) amounts received by the Authority as refunds or repayments of the whole or part of amounts paid by the Murray-Darling Basin Commission before the commencement of Schedule 1 to the *Water Amendment Act 2008*;

(h) amounts of any gifts given or bequests made for the purposes of the Account;

(i) amounts not otherwise covered by this section that are received by the Authority (otherwise than under Part 8) in connection with the performance of the Authority's functions under this Act or the regulations.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable referred to in paragraph (1)(a) is to be paid to the Authority.

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(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) In this section:

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

211 Purposes of the Account

The Authority may cause amounts standing to the credit of the Account to be debited for the following purposes:

(a) in payment or discharge of the costs, expenses and other obligations incurred by the Authority in the performance of the Authority's functions;

(b) in payment of any remuneration and allowances payable to any person under this Act;

(c) meeting the expenses of administering the Account.

211A Operation of earlier transitional provision

Division 4 of Part 10A (about transitional financial matters) does not apply to this Subdivision.

98 Transitional—transferring balance of the old account

(1) The Commonwealth must pay to the Authority, for the purposes of the Murray-Darling Basin Special Account, an amount equal to the balance of the old special account immediately before the commencement of this item.

Note: The Authority must credit this amount to the new Murray-Darling Basin Special Account mentioned in section 209 of the *Water Act 2007* (as amended by this Schedule): see paragraph 210(1)(a) of that Act.

(2) For the purposes of subitem (1), the ***old special account*** is the Murray-Darling Basin Special Account in existence under section 209 of the *Water Act 2007* before the commencement of this item.

(3) An amount payable under subitem (1) is to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

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Part 5—Transitional provisions for bodies continuing as bodies corporate

Division 1—Introduction

99 Definitions

In this Part:

asset means:

(a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and

(b) any right, power, privilege or immunity, whether actual, contingent or prospective;

but does not include the following:

(c) a Living Murray Initiative asset (within the meaning of section 239E of the *Water Act 2007*);

(d) a River Murray Operations asset (within the meaning of section 239D of the *Water Act 2007*).

commencement day means the day on which this Schedule commences.

corporatised body means:

(a) the Australian Human Rights Commission; or

(b) the Australian Pesticides and Veterinary Medicines Authority; or

(c) the Independent Hospital Pricing Authority; or

(d) the Murray-Darling Basin Authority; or

(e) the National Health Performance Authority; or

(f) the National Offshore Petroleum Safety and Environmental Management Authority.

instrument includes:

(a) a contract, deed, undertaking, arrangement or agreement; and

(b) a notice, authority, order or instruction; and

(c) regulations; and

(d) an instrument made under an Act or regulations;

but does not include an Act.

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land means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

liability means any liability, duty or obligation, whether actual, contingent or prospective.

responsible Minister has the meaning given by subitem 103(3).

Division 2—General transitional provisions

100 Assets and liabilities

Become assets and liabilities of the corporatised body

(1) On the commencement day, any asset that, immediately before that day, was held by a corporatised body for and on behalf of the Commonwealth, ceases to be an asset of the Commonwealth and becomes an asset of the corporatised body.

(2) On the commencement day, any asset that, immediately before that day:

(a) was held by a corporatised body; and

(b) taken to be the property of the Commonwealth;

ceases to be an asset of the Commonwealth and becomes an asset of the corporatised body.

(3) On the commencement day, any liability that, immediately before that day:

(a) was a liability of a corporatised body; and

(b) taken to be a liability of the Commonwealth;

ceases to be a liability of the Commonwealth and becomes a liability of the corporatised body.

(4) The corporatised body becomes the successor in law in relation to those assets and liabilities.

(5) To the extent that, immediately before the commencement day, an amount of money held by a corporatised body was part of the Consolidated Revenue Fund:

(a) neither subitem (1) nor (2) applies to the amount; and

(b) the Commonwealth must pay an equivalent amount to the corporatised body.

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An amount payable under this subitem is to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

Exception

(6) The Minister may, by writing, determine that:
   (a) subitem (1) or (2), and subitem (4), do not apply in relation to a specified asset; or
   (b) subitems (3) and (4) do not apply in relation to a specified liability.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

(7) A determination made under subitem (6) is not a legislative instrument.

101 Other transfers of assets and liabilities

(1) This item applies in relation to assets and liabilities of the Commonwealth that relate to a corporatised body, other than assets or liabilities to which item 100 applies.

(2) The Minister may, in writing, make a declaration that:
   (a) a specified asset or liability vests in the corporatised body at a specified time (that is on or after the commencement day); and
   (b) the corporatised body becomes the successor in law in relation to that asset or liability at that specified time.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

(3) A declaration under subitem (2) has effect accordingly.

(4) A declaration under subitem (2) is not a legislative instrument.

Assets subject to trust

(5) If, at a particular time, an asset vests in the corporatised body under a declaration under subitem (2) and the asset was, immediately before that time, held by the Commonwealth on trust, that asset is taken, at and after that time, to be held by the corporatised body on trust and subject to the terms of the trust on which the asset was so held by the Commonwealth.

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102 Legal proceedings

(1) This item applies if:

(a) any proceedings to which the Commonwealth was a party were pending in any court or tribunal immediately before the commencement day; and

(b) the proceedings:

(i) relate to an asset or liability that, as a result of this Part, becomes an asset or liability of the corporatised body; or

(ii) otherwise relate to the corporatised body.

(2) The corporatised body is substituted for the Commonwealth, from the commencement day, as a party to the proceedings.

(3) The Minister may, by writing, determine that subitem (2) does not apply in relation to specified proceedings.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

(4) A determination made under subitem (3) is not a legislative instrument.

103 Certificates relating to vesting of assets

(1) If land vests in a corporatised body under this Part and the Minister, or the responsible Minister for the land, signs a certificate that:

(a) identifies the land, whether by reference to a map or otherwise; and

(b) states that the land has become vested in the corporatised body under this Part; and

(c) is lodged with the Registrar of Titles or other proper officer of the State or Territory in which the land is situated;

the Registrar or other officer may:

(d) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and

(e) deal with, and give effect to, the certificate.

(2) If an asset (other than land) vests in a corporatised body under this Part and the Minister, or the responsible Minister for the asset, signs a certificate that:

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(a) identifies the asset; and
(b) states that the asset has become vested in the corporatised body under this Part; and
(c) is lodged with the person or authority who, under a law of the Commonwealth, a State or a Territory, under a trust instrument or otherwise, has responsibility for keeping a register in relation to assets of that kind;

the person or authority may:

(d) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
(e) make such entries in the register as are necessary, having regard to the effect of this Part.

(3) The ***responsible Minister***, for land or another asset, is the Minister who is the responsible Minister (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) for the corporatised body that held the land or other asset immediately before the commencement day.

(4) A document that appears to be a certificate made under this item is taken, unless the contrary is established, to be such a certificate and to have been properly made.

(5) A certificate made under this item is not a legislative instrument.

104 References in certain instruments to the Commonwealth

(1) This item applies if:

(a) an instrument was in force immediately before the commencement day; and
(b) the instrument contains a reference to the Commonwealth and the reference:
(i) relates to an asset or liability that, as a result of this Part, becomes an asset or liability of the corporatised body; or
(ii) otherwise relates to the corporatised body; and
(c) the instrument is not part of, or associated with, a register referred to in item 103.

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(2) The instrument has effect, from the commencement day, as if the reference to the Commonwealth were a reference to the corporatised body.

(3) The Minister may, by writing, determine that subitem (2) does not apply in relation to a specified reference.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

(4) A determination made under subitem (3) is not a legislative instrument.

(5) In this item:

enterprise agreement has the same meaning as in the *Fair Work Act 2009*.

instrument includes a contract or agreement, but does not include a contract of employment or an enterprise agreement.

105 Contracts etc.

If a contract, agreement, arrangement or understanding, entered into by a corporatised body on behalf of the Commonwealth, was in force immediately before the commencement day, it has effect, on and after that day, as if the corporatised body had entered into it on the body's own behalf.

106 Exemption from stamp duty etc.

No stamp duty or other tax is payable under a law of a State or Territory in respect of the following, or anything connected with the following:

(a) the transfer of an asset or liability under this Part;

(b) the operation of this Part in any other respect.

Division 3—Miscellaneous

107 Compensation for acquisition of property

(1) If the operation of this Part would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.

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(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

108 Delegation by a Minister

(1) A Minister may, by writing, delegate all or any of his or her powers under this Part to:

(a) the Secretary of the Department administered by that Minister; or

(b) an SES employee, or acting SES employee, in that Department.

(2) In exercising powers under a delegation, the delegate must comply with any directions of that Minister.

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Part 6—Bodies corporate treated as non-corporate for the purposes of the finance law

Australian Prudential Regulation Authority Act 1998

109 After subsection 13(1)

Insert:

(2) However, APRA is taken, for the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

(a) to be a non-corporate Commonwealth entity, and not to be a corporate Commonwealth entity; and

(b) to be a part of the Commonwealth; and

(c) not to be a body corporate.

Australian Securities and Investments Commission Act 2001

110 After subsection 8(1)

Insert:

(1A) However, ASIC is taken, for the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

(a) to be a non-corporate Commonwealth entity, and not to be a corporate Commonwealth entity; and

(b) to be a part of the Commonwealth; and

(c) not to be a body corporate.

Competition and Consumer Act 2010

111 After subsection 6A(1)

Insert:

(1A) However, the Commission is taken, for the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

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(a) to be a non-corporate Commonwealth entity, and not to be a corporate Commonwealth entity; and
(b) to be a part of the Commonwealth; and
(c) not to be a body corporate.

112 At the end of section 44AE

Add:

(3) However, the AER is taken, for the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) not to be a corporate Commonwealth entity; and
(b) to be a part of the Commonwealth, and a part of the Commission; and
(c) not to be a body corporate.

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Schedule 6—Listed entities

Administrative Appeals Tribunal Act 1975

1 After Division 1 of Part IIIA

Insert:

Division 1A—Application of the finance law

24BA Application of the finance law

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

(a) the following group of persons is a listed entity:

(i) the Registrar;

(ii) the District Registrars, Conference Registrars, Deputy Registrars and staff of the Tribunal referred to in subsection 24N(1); and

(b) the listed entity is to be known as the Administrative Appeals Tribunal; and

(c) the Registrar is the accountable authority of the listed entity; and

(d) the persons referred to in paragraph (a) are officials of the listed entity; and

(e) the purposes of the listed entity include the Registrar's function to assist the President in the management of the administrative affairs of the Tribunal (see section 24B).

Archives Act 1983

2 After subsection 5(1)

Insert:

(1A) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

(a) the Archives is a listed entity; and

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(b) the Director-General is the accountable authority of the Archives; and

(c) the following persons are officials of the Archives:

(i) the Director-General;

(ii) the staff of the Archives referred to in section 9; and

(d) the purposes of the Archives include the functions of the Archives referred to in subsection (2).

3 Subsection 5(2)

Omit "National Archives of Australia", substitute "Archives".

Asbestos Safety and Eradication Agency Act 2013

4 After Part 5

Insert:

Part 5A—Application of the finance law

41F Application of the finance law

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

(a) the following combination of bodies is a listed entity:

(i) the Agency;

(ii) the Asbestos Safety and Eradication Council; and

(b) the listed entity is to be known as the Asbestos Safety and Eradication Agency; and

(c) the CEO is the accountable authority of the listed entity; and

(d) the following persons are officials of the listed entity:

(i) the CEO;

(ii) the members of a committee established under section 24;

(iii) the staff of the Agency;

(iv) consultants engaged under section 26;

(v) persons whose services are made available to the Agency under section 27;

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(vi) the Council members;

(vii) the members of a committee established under section 30A; and

(e) the purposes of the listed entity include:

(i) the functions of the Agency referred to in section 8; and

(ii) the functions of the CEO referred to in section 11; and

(iii) the functions of the Asbestos Safety and Eradication Council referred to in section 29.

Auditor-General Act 1997

5 At the end of section 38

Add:

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

(a) the Audit Office is a listed entity; and

(b) the Auditor-General is the accountable authority of the Audit Office; and

(c) the following persons are officials of the Audit Office:

(i) the Auditor-General;

(ii) the staff referred to in section 40;

(iii) persons engaged under contract as referred to in section 27; and

(d) the purposes of the Audit Office include:

(i) the Auditor-General functions; and

(ii) the function of the Audit Office referred to in section 39.

Australian Aged Care Quality Agency Act 2013

6 Section 7

Before "The", insert "(1)".

7 At the end of section 7

Add:

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

(a) the Quality Agency is a listed entity; and

(b) the CEO is the accountable authority of the Quality Agency; and

(c) the following persons are officials of the Quality Agency:

(i) the CEO;

(ii) the staff of the Quality Agency;

(iii) persons assisting the CEO referred to in section 27;

(iv) consultants engaged under section 28; and

(d) the purposes of the Quality Agency include:

(i) the function of the Quality Agency referred to in section 9; and

(ii) the functions of the CEO referred to in section 12.

Australian Bureau of Statistics Act 1975

8 At the end of section 5

Add:

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

(a) the Bureau is a listed entity; and

(b) the Statistician is the accountable authority of the Bureau; and

(c) the following persons are officials of the Bureau:

(i) the Statistician;

(ii) the staff referred to in subsection 16(1);

(iii) persons engaged under subsection 16(2); and

(d) the purposes of the Bureau include:

(i) the functions of the Bureau referred to in section 6; and

(ii) the functions of the Statistician referred to in subsection (4) and section 4.

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Australian Capital Territory (Planning and Land Management) Act 1988

9 Section 5

Before "The", insert "(1)".

10 At the end of section 5

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 a listed entity; and

(b) the Chief Executive is the accountable authority of the Authority; and

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

(i) the Chief Executive;

(ii) the Chairperson;

(iii) the staff of the Authority referred to in subsection 47(1);

(iv) persons whose services are made available to the Authority under subsection 47(3);

(v) consultants engaged under section 48; and

(d) the purposes of the Authority include:

(i) the functions of the Authority referred to in section 6; and

(ii) the functions of the Chief Executive referred to in section 46.

Australian Centre for International Agricultural Research Act 1982

11 After Part VI

Insert:

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Part VIA—Application of the finance law

32A Application of the finance law

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

(a) the following combination of bodies is a listed entity:
  (i) the Centre;
  (ii) the Commission;
  (iii) the Council; and

(b) the listed entity is to be known as the Australian Centre for International Agricultural Research; and

(c) the CEO is the accountable authority of the listed entity; and

(d) the following persons are officials of the listed entity:
  (i) the CEO;
  (ii) the Commissioners;
  (iii) the members of the Council referred to in subsection 19(1);
  (iv) the staff of the Centre referred to in section 30;
  (v) persons whose services are made available to the CEO under section 31;
  (vi) consultants engaged under section 32; and

(e) the purposes of the listed entity include:
  (i) the functions of the CEO referred to in section 5; and
  (ii) the functions of the staff of the Centre referred to in section 6; and
  (iii) the functions of the Commission referred to in section 9; and
  (iv) the function of the Council referred to in section 18.

12 Part VII (heading)

Repeal the heading, substitute:

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Part VII—The Australian Centre for International Agricultural Research Account

Australian Communications and Media Authority Act 2005

13 Section 6

Before "The", insert "(1)".

14 At the end of section 6

Add:

Note: The ACMA does not have a legal identity separate from the Commonwealth.

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

(a) the ACMA is a listed entity; and

(b) the Chair is the accountable authority of the ACMA; and

(c) the ACMA officials are officials of the ACMA; and

(d) the purposes of the ACMA include the functions of the ACMA referred to in Division 2 of Part 2.

Australian Crime Commission Act 2002

15 At the end of section 7

Add:

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

(a) the ACC is a listed entity; and

(b) the CEO is the accountable authority of the ACC; and

(c) the following persons are officials of the ACC:

(i) the CEO;

(ii) the examiners;

(iii) the staff of the ACC referred to in subsection 47(1);

(iv) consultants engaged under subsection 48(1);

(v) persons whose services are made available to the ACC under section 49; and

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(d) the purposes of the ACC include:
(i) the functions of the ACC referred to in section 7A; and
(ii) the functions of the CEO referred to in section 46A.

Australian Federal Police Act 1979

16 Section 6

Before "The", insert "(1)".

17 At the end of section 6

Add:

(2) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the Australian Federal Police is a listed entity; and
(b) the Commissioner of Police is the accountable authority of the Australian Federal Police; and
(c) the persons referred to in subsection (1) are officials of the Australian Federal Police; and
(d) the purposes of the Australian Federal Police include the functions of the Australian Federal Police referred to in section 8.

Australian Information Commissioner Act 2010

18 At the end of section 5

Add:

(4) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the Office of the Australian Information Commissioner is a listed entity; and
(b) the Information Commissioner is the accountable authority of the Office of the Australian Information Commissioner; and
(c) the following persons are officials of the Office of the Australian Information Commissioner:
(i) the information officers;
(ii) the staff mentioned in Part 3;

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(iii) consultants engaged under section 24; and

(d) the purposes of the Office of the Australian Information Commissioner include:

(i) the functions of the Information Commissioner referred to in section 10; and

(ii) the functions of the Freedom of Information Commissioner referred to in section 11; and

(iii) the functions of the Privacy Commissioner referred to in section 12.

Australian Law Reform Commission Act 1996

19 Section 5

Before "This", insert "(1)".

20 At the end of section 5

Add:

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

(a) the Commission is a listed entity; and

(b) the President is the accountable authority of the Commission; and

(c) the following persons are officials of the Commission:

(i) the President;

(ii) the other members;

(iii) the staff of the Commission referred to in subsection 43(1); and

(d) the purposes of the Commission include the functions of the Commission referred to in section 21.

Australian Organ and Tissue Donation and Transplantation Authority Act 2008

21 After Part 5

Insert:

Part 5A—Application of the finance law

53A Application of the finance law

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

(a) the following combination of bodies is a listed entity:
  (i) the Authority;
  (ii) the Advisory Council; and
(b) the listed entity is to be known as the Australian Organ and Tissue Donation and Transplantation Authority; and
(c) the CEO is the accountable authority of the listed entity; and
(d) the following persons are officials of the listed entity:
  (i) the CEO;
  (ii) the staff of the Authority;
  (iii) the Advisory Council members;
  (iv) consultants engaged under section 26;
  (v) persons whose services are made available to the CEO under section 27;
  (vi) an expert advisory committee member; and
(e) the purposes of the listed entity include:
  (i) the function of the Authority referred to in section 9; and
  (ii) the functions of the CEO referred to in section 11; and
  (iii) the function of the Advisory Council referred to in section 32; and
  (iv) the function of an expert advisory committee referred to in section 45.

Australian Prudential Regulation Authority Act 1998

22 Section 7

Before "The", insert "(1)".

23 At the end of section 7

Add:

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

(a) APRA is a listed entity; and

(b) the Chair is the accountable authority of APRA; and

(c) the following persons are officials of APRA:

(i) the Chair;

(ii) the other APRA members;

(iii) the APRA staff members; and

(d) the purposes of APRA include:

(i) the purposes of APRA referred to in section 8; and

(ii) the functions of APRA referred to in section 9.

Australian Radiation Protection and Nuclear Safety Act 1998

24 Part 3 (heading)

Repeal the heading, substitute:

Part 3—ARPANSA

25 Before section 14

Insert:

14A Application of the finance law

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

(a) ARPANSA is a listed entity; and

(b) the CEO is the accountable authority of ARPANSA; and

(c) the following persons are officials of ARPANSA:

(i) the CEO;

(ii) the staff assisting the CEO referred to in subsection 58(1); and

(d) the purposes of ARPANSA include the functions of the CEO referred to in section 15.

Note: ARPANSA (the Australian Radiation Protection and Nuclear Safety Agency) is a part of the Department of State administered by the

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Minister. However, for the purposes of the finance law, it is separate from that Department.

26 Section 14 (note)

Repeal the note.

Australian Research Council Act 2001

27 At the end of section 5

Add:

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

(a) the ARC is a listed entity; and

(b) the CEO is the accountable authority of the ARC; and

(c) the following persons are officials of the ARC:

(i) the CEO;

(ii) the members of the designated committees;

(iii) the staff of the ARC; and

(d) the purposes of the ARC include:

(i) the function of the ARC referred to in section 6; and

(ii) the functions of the designated committees referred to in section 31; and

(iii) the functions of the CEO referred to in section 33B.

Australian Securities and Investments Commission Act 2001

28 After section 9

Insert:

9A Application of the finance law

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

(a) ASIC is a listed entity; and

(b) the Chairperson is the accountable authority of ASIC; and

(c) the following persons are officials of ASIC:

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(i) the Chairperson;
(ii) the other members of ASIC;
(iii) staff members; and

(d) the purposes of ASIC include the functions of ASIC referred to in sections 11 and 12A.

Australian Sports Anti-Doping Authority Act 2006

29 After Part 5

Insert:

Part 6—Application of the finance law

50F Application of the finance law

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

(a) the following combination of bodies is a listed entity:
(i) the ASADA;
(ii) the Advisory Group;
(iii) the ADRVP; and

(b) the listed entity is to be known as the Australian Sports Anti-Doping Authority; and

(c) the CEO is the accountable authority of the listed entity; and

(d) the following persons are officials of the listed entity:
(i) the CEO;
(ii) the ASADA staff;
(iii) the Advisory Group members;
(iv) the ADRVP members;
(v) the persons whose services are made available to the CEO under section 24M;
(vi) an advisory committee member; and

(e) the purposes of the listed entity include:
(i) the function of the ASADA referred to in section 20B; and
(ii) the functions of the CEO referred to in section 21; and

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(iii) the function of the Advisory Group referred to in section 25A; and
(iv) the functions of the ADRVP referred to in section 41; and
(v) the functions of an advisory committee.

Australian Trade Commission Act 1985

30 At the end of section 7

Add:

(3) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the Commission is a listed entity; and
(b) the CEO is the accountable authority of the Commission; and
(c) the following persons are officials of the Commission:
(i) the CEO;
(ii) the staff of the Commission referred to in section 60;
(iii) consultants engaged under section 62; and
(d) the purposes of the Commission include:
(i) the function of the Commission referred to in section 7A; and
(ii) the functions of the CEO referred to in section 8.

Bankruptcy Act 1966

31 After section 12

Insert:

13 The Australian Financial Security Authority

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the following group of persons is a listed entity:
(i) the Inspector-General;
(ii) persons engaged under the *Public Service Act 1999* to assist the Inspector-General; and

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(b) the listed entity is to be known as the Australian Financial Security Authority; and

(c) the Inspector-General is the accountable authority of the Australian Financial Security Authority; and

(d) the persons referred to in paragraph (a) are officials of the Australian Financial Security Authority; and

(e) the purposes of the Australian Financial Security Authority include the functions of the Inspector-General referred to in subsection 11(2) and section 12.

Cancer Australia Act 2006

32 After Part 4

Insert:

Part 4A—Application of the finance law

36A Application of the finance law

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

(a) the following combination of bodies is a listed entity:

(i) Cancer Australia;

(ii) the Advisory Council; and

(b) the listed entity is to be known as Cancer Australia; and

(c) the Chief Executive Officer is the accountable authority of the listed entity; and

(d) the following persons are officials of the listed entity:

(i) the Chief Executive Officer;

(ii) the staff of Cancer Australia referred to in section 8;

(iii) the Advisory Council members;

(iv) consultants engaged under section 9; and

(e) the purposes of the listed entity include:

(i) the functions of Cancer Australia referred to in section 7; and

(ii) the responsibility of the Chief Executive Officer referred to in section 11; and

(iii) the function of the Advisory Council referred to in section 26.

Commonwealth Electoral Act 1918

33 After subsection 6(2)

Insert:

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

(a) the Commission is a listed entity; and

(b) the Electoral Commissioner is the accountable authority of the Commission; and

(c) the following persons are officials of the Commission:

(i) the Electoral Commissioner;

(ii) the Deputy Electoral Commissioner;

(iii) the Australian Electoral Officer for a State or Territory;

(iv) the staff of the Commission referred to in section 29; and

(d) the purposes of the Commission include:

(i) the functions of the Commission referred to in section 7; and

(ii) the functions of the Electoral Commissioner referred to in subsection 18(2).

Commonwealth Grants Commission Act 1973

34 At the end of section 7

Add:

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

(a) the Commission is a listed entity; and

(b) the Secretary of the Commission is the accountable authority of the Commission; and

(c) the following persons are officials of the Commission:

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(i) the Chairperson;
(ii) the other members;
(iii) the Secretary;
(iv) persons engaged under the *Public Service Act 1999* to assist the Commission; and

(d) the purposes of the Commission include the functions of the Commission referred to in subsection (2).

Competition and Consumer Act 2010

35 After Part IIIAA

Insert:

Part IIIAB—Application of the finance law

44AAL Application of the finance law

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

(a) the following combination of bodies is a listed entity:
(i) the Commission;
(ii) the AER; and

(b) the listed entity is to be known as the Australian Competition and Consumer Commission; and

(c) the Chairperson is the accountable authority of the listed entity; and

(d) the following persons are officials of the listed entity:
(i) the Chairperson;
(ii) the other members of the Commission;
(iii) the associate members of the Commission;
(iv) the AER members;
(v) persons engaged under section 27; and

(e) the purposes of the listed entity include:
(i) the functions conferred on the Commission by this Act; and

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(ii) the functions of the AER under Division 3 of Part IIIAA.

ComSuper Act 2011

36 After section 5

Insert:

5A Application of the finance law

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

(a) ComSuper is a listed entity; and

(b) the CEO is the accountable authority of ComSuper; and

(c) the following persons are officials of ComSuper:

(i) the CEO;

(ii) the staff of ComSuper;

(iii) consultants engaged under section 20; and

(d) the purposes of ComSuper include:

(i) the function of ComSuper referred to in section 6; and

(ii) the function of the CEO referred to in section 8; and

(iii) the functions conferred on the CEO by any other law of the Commonwealth.

Criminology Research Act 1971

37 After Part III

Insert:

Part IV—Application of the finance law

35 Application of the finance law

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

(a) the following combination of bodies is a listed entity:

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(i) the Institute;
(ii) the Advisory Council; and

(b) the listed entity is to be known as the Australian Institute of Criminology; and

(c) the Director is the accountable authority of the listed entity; and

(d) the following persons are officials of the listed entity:
(i) the Director;
(ii) the staff of the Institute;
(iii) the members of the Advisory Council;
(iv) consultants engaged under section 24; and

(e) the purposes of the listed entity include:
(i) the functions of the Institute referred to in section 6; and
(ii) the functions of the Director referred to in section 16; and
(iii) the functions of the Advisory Council referred to in subsection 33(2).

Customs Administration Act 1985

38 After subsection 4(3)

Insert:

(3A) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the Australian Customs and Border Protection Service is a listed entity; and
(b) the CEO is the accountable authority of the Australian Customs and Border Protection Service; and
(c) the persons referred to in subsection (3) are officials of the Australian Customs and Border Protection Service; and
(d) the purposes of the Australian Customs and Border Protection Service include the functions of the CEO under a law of customs or any other law of the Commonwealth.

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Director of Public Prosecutions Act 1983

39 At the end of section 5

Add:

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

(a) the Office is a listed entity; and

(b) the Director is the accountable authority of the Office; and

(c) the persons referred to in subsection (3) are officials of the Office (other than persons engaged under subsection 28(1)); and

(d) the purposes of the Office include the functions of the Director referred to in section 6.

Fair Work Act 2009

40 At the end of Division 8 of Part 5-1

Add:

Subdivision D—Application of the finance law

673A Application of the finance law

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

(a) the following group of persons is a listed entity:

(i) the General Manager;

(ii) the staff of the FWC referred to in section 670;

(iii) persons whose services are made available to the FWC under section 672;

(iv) consultants engaged under section 673; and

(b) the listed entity is to be known as the Fair Work Commission; and

(c) the General Manager is the accountable authority of the listed entity; and

(d) the persons referred to in paragraph (a) are officials of the listed entity; and

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(e) the purposes of the listed entity include the functions of the General Manager referred to in section 657.

Family Law Act 1975

41 After Division 1 of Part IVA

Insert:

Division 1AA—Application of the finance law

38BAA Application of the finance law

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

(a) the following group of persons is a listed entity:
  (i) the Chief Executive Officer;
  (ii) the officers of the Court referred to in subsection 38N(1);
  (iii) the staff of the Registries referred to in subsection 38N(7);
  (iv) the officers of the Federal Circuit Court referred to in subsection 99(1) of the *Federal Circuit Court of Australia Act 1999*;
  (v) the staff of the Federal Circuit Court referred to in section 112 of that Act; and

(b) the listed entity is to be known as the Family Court and Federal Circuit Court; and

(c) the Chief Executive Officer is the accountable authority of the listed entity; and

(d) the persons referred to in paragraph (a) are officials of the listed entity; and

(e) the purposes of the listed entity include the functions of the Chief Executive Officer under:
  (i) sections 38B and 38BA of this Act; and
  (ii) sections 93A and 96 of the *Federal Circuit Court of Australia Act 1999*.

ComLaw Authoritative Act C2014A00062

42 After subsection 114B(1B)

Insert:

(1C) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

(a) the Institute is a listed entity; and

(b) the Director is the accountable authority of the Institute; and

(c) the persons referred to in subsection (1B) are officials of the Institute; and

(d) the purposes of the Institute include:

(i) the functions of the Director referred to in subsection (2); and

(ii) the function of the Institute referred to in subsection (2A).

Federal Court of Australia Act 1976

43 After Division 1 of Part IIA

Insert:

Division 1A—Application of the finance law

18BB Application of the finance law

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

(a) the following group of persons is a listed entity:

(i) the Registrar;

(ii) the officers of the Court referred to in subsection 18N(1);

(iii) the staff of the Registries referred to in subsection 18N(7);

(iv) the Registrar of the National Native Title Tribunal;

(v) the Deputy Registrars of the National Native Title Tribunal;

(vi) the staff assisting the National Native Title Tribunal referred to in subsection 130(1) of the *Native Title Act 1993*;

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(vii) consultants engaged under section 132 of that Act; and

(b) the listed entity is to be known as the Federal Court of Australia; and

(c) the Registrar is the accountable authority of the listed entity; and

(d) the persons referred to in paragraph (a) are officials of the listed entity; and

(e) the purposes of the listed entity include the functions of the Registrar:

(i) to assist the Chief Justice in the management of the administrative affairs of the Court (see section 18B of this Act); and

(ii) to assist the President of the National Native Title Tribunal in the management of the administrative affairs of the Tribunal (see subsection 129(1) of the *Native Title Act 1993*).

Fisheries Administration Act 1991

44 After section 5

Insert:

5A Application of the finance law

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

(a) the Authority is a listed entity; and

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

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

(i) the CEO;

(ii) the other commissioners;

(iii) the AFMA staff members;

(iv) consultants engaged under subsection 69(1);

(v) persons engaged under contract to assist the Authority; and

(d) the purposes of the Authority include:

(i) the objectives referred to in section 6; and

(ii) the functions of the Authority referred to in section 7.

Future Fund Act 2006

45 At the end of section 74

Add:

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

(a) the Agency is a listed entity; and

(b) the Chair is the accountable authority of the Agency; and

(c) the following persons are officials of the Agency:

(i) the Chair;

(ii) the staff of the Future Fund Management Agency;

(iii) consultants engaged under subsection 78(1);

(iv) persons whose services are made available to the Agency under subsection 78(3); and

(d) the purposes of the Agency include the functions of the Agency referred to in section 75.

Governor-General Act 1974

46 At the end of section 6

Add:

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

(a) the Office is a listed entity; and

(b) the Official Secretary is the accountable authority of the Office; and

(c) the persons referred to in subsection (2) are officials of the Office; and

(d) the purposes of the Office include the functions of the Office referred to in subsection (3).

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Great Barrier Reef Marine Park Act 1975

47 Section 6

Before "There", insert "(1)".

48 At the end of section 6

Add:

Note: The Authority does not have a legal identity separate from the Commonwealth.

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

(a) the Authority is a listed entity; and

(b) the Chairperson is the accountable authority of the Authority; and

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

(i) the Chairperson;

(ii) the other members;

(iii) the staff of the Authority referred to in subsection 40(1);

(iv) persons engaged under section 41; and

(d) the purposes of the Authority include the functions of the Authority referred to in section 7.

Health Insurance Act 1973

49 After Division 6 of Part VAA

Insert:

Division 6A—Application of the finance law

106ZPLA Application of the finance law

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

(a) the following group of persons is a listed entity:

(i) the Director;

(ii) the Deputy Directors;

(iii) the staff assisting the Director referred to in section 106ZM;

(iv) persons whose services are made available to assist the Director under section 106ZN;

(v) consultants engaged under section 106ZP; and

(b) the listed entity is to be known as the Professional Services Review Scheme; and

(c) the Director is the accountable authority of the listed entity; and

(d) the persons referred to in paragraph (a) are officials of the listed entity; and

(e) the purposes of the listed entity include the functions of the Director referred to in subsection 83(3).

Inspector-General of Intelligence and Security Act 1986

50 After section 6

Insert:

6AA The Office of the Inspector-General of Intelligence and Security

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

(a) the following group of persons is a listed entity:

(i) the Inspector-General;

(ii) the staff assisting the Inspector-General referred to in section 32; and

(b) the listed entity is to be known as the Office of the Inspector-General of Intelligence and Security; and

(c) the Inspector-General is the accountable authority of the Office of the Inspector-General of Intelligence and Security; and

(d) the persons referred to in paragraph (a) are officials of the Office of the Inspector-General of Intelligence and Security; and

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(e) the purposes of the Office of the Inspector-General of Intelligence and Security include the functions of the Inspector-General referred to in sections 8, 9 and 9A.

Inspector-General of Taxation Act 2003

51 At the end of Part 3

Add:

36A Application of the finance law

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

(a) the following group of persons is a listed entity:
  (i) the Inspector-General;
  (ii) the Inspector-General's staff; and
(b) the listed entity is to be known as the Inspector-General of Taxation; and
(c) the Inspector-General is the accountable authority of the listed entity; and
(d) the persons referred to in paragraph (a) are officials of the listed entity; and
(e) the purposes of the listed entity include the functions of the Inspector-General referred to in section 7.

Intelligence Services Act 2001

52 Section 16

Before "The", insert "(1)".

53 At the end of section 16

Add:

(2) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
  (a) ASIS is a listed entity; and
  (b) the Director-General is the accountable authority of ASIS; and

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(c) the following persons are officials of ASIS:
(i) the Director-General;
(ii) the staff of ASIS referred to in subsection 33(1); and
(d) the purposes of ASIS include the functions of ASIS referred to in section 6.

Law Enforcement Integrity Commissioner Act 2006

54 At the end of section 195

Add:

(3) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) ACLEI is a listed entity; and
(b) the Integrity Commissioner is the accountable authority of ACLEI; and
(c) the staff members of ACLEI are officials of ACLEI; and
(d) the purposes of ACLEI include:
(i) the function of ACLEI referred to in section 196; and
(ii) the functions of the Integrity Commissioner referred to in section 15.

Meteorology Act 1955

55 After section 8

Insert:

8A Application of the finance law

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the following group of persons is a listed entity:
(i) the Director;
(ii) persons engaged under the *Public Service Act 1999* to assist the Director; and
(b) the listed entity is to be known as the Bureau of Meteorology; and

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(c) the Director is the accountable authority of the listed entity; and
(d) the persons referred to in paragraph (a) are officials of the listed entity; and
(e) the purposes of the listed entity include the functions of the Bureau referred to in section 6.

National Blood Authority Act 2003

56 At the end of section 7

Add:

(3) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the NBA is a listed entity; and
(b) the General Manager is the accountable authority of the NBA; and
(c) the following persons are officials of the NBA:
(i) the General Manager;
(ii) the NBA staff;
(iii) consultants engaged under section 37; and
(d) the purposes of the NBA include the functions of the NBA referred to in section 8.

National Health and Medical Research Council Act 1992

57 At the end of section 5B

Add:

(3) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the NHMRC is a listed entity; and
(b) the CEO is the accountable authority of the NHMRC; and
(c) the following persons are officials of the NHMRC:
(i) the CEO;
(ii) the members of the Council;
(iii) the members of a committee;

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(iv) the staff of the NHMRC;
(v) the Commissioner;
(vi) consultants engaged under section 46;
(vii) persons whose services are made available to the NHMRC under section 48 (other than a person who is an inspector within the meaning of the *Research Involving Human Embryos Act 2002*); and

(d) the purposes of the NHMRC include:
(i) the function of the NHMRC referred to in section 5C; and
(ii) the functions of the CEO referred to in section 7; and
(iii) the functions of the Council referred to in section 21; and
(iv) the functions of a committee established under subsection 35(1), 35(5) or 39(1) (including the functions of the Embryo Research Licensing Committee of the NHMRC referred to in section 14 of the *Research Involving Human Embryos Act 2002*); and
(v) the functions of the Commissioner referred to in section 56.

Note: The Embryo Research Licensing Committee of the NHMRC is a Principal Committee (see subsection 13(2) of the *Research Involving Human Embryos Act 2002*).

National Health Reform Act 2011

58 Section 251

Before "The", insert "(1)".

59 At the end of section 251

Add:

(2) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the Funding Body is a listed entity; and
(b) the Funding Body CEO is the accountable authority of the Funding Body; and
(c) the following persons are officials of the Funding Body:

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(i) the Funding Body CEO;
(ii) the staff of the Funding Body;
(iii) persons whose services are made available to the Funding Body under section 265;
(iv) consultants engaged under section 266; and

(d) the purposes of the Funding Body include the function of the Funding Body referred to in section 252.

National Vocational Education and Training Regulator Act 2011

60 After section 156

Insert:

156A Application of the finance law

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

(a) the National VET Regulator is a listed entity; and
(b) the Chief Executive Officer is the accountable authority of the National VET Regulator; and
(c) the following persons are officials of the National VET Regulator:
(i) the Chief Commissioner;
(ii) the other Commissioners;
(iii) the Chief Executive Officer;
(iv) members of the staff of the Regulator;
(v) consultants engaged under section 184; and
(d) the purposes of the National VET Regulator include the functions of the National VET Regulator referred to in section 157.

National Water Commission Act 2004

61 Section 6

Before "The", insert "(1)".

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62 At the end of section 6

Add:

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

(a) the NWC is a listed entity; and

(b) the CEO is the accountable authority of the NWC; and

(c) the following persons are officials of the NWC:

(i) the CEO;

(ii) the Commissioners;

(iii) the staff of the NWC referred to in section 35;

(iv) persons whose services are made available to the NWC under section 36;

(v) consultants engaged under section 37; and

(d) the purposes of the NWC include:

(i) the functions of the NWC referred to in section 7; and

(ii) the functions of the CEO referred to in section 24.

Office of National Assessments Act 1977

63 At the end of section 4

Add:

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

(a) the Office of National Assessments is a listed entity; and

(b) the Director-General is the accountable authority of the Office of National Assessments; and

(c) the persons referred to in subsection (3) are officials of the Office of National Assessments; and

(d) the purposes of the Office of National Assessments include the functions of the Office of National Assessments referred to in section 5.

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Ombudsman Act 1976

64 After section 4

Insert:

4A The Office of the Commonwealth Ombudsman

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

(a) the following group of persons is a listed entity:
  (i) the Commonwealth Ombudsman;
  (ii) the Deputy Commonwealth Ombudsmen;
  (iii) the staff referred to in subsection 31(1); and
(b) the listed entity is to be known as the Office of the Commonwealth Ombudsman; and
(c) the Commonwealth Ombudsman is the accountable authority of the Office of the Commonwealth Ombudsman; and
(d) the persons referred to in paragraph (a) are officials of the Office of the Commonwealth Ombudsman; and
(e) the purposes of the Office of the Commonwealth Ombudsman include:
  (i) the functions of the Commonwealth Ombudsman referred to in subsection 4(2) and section 5; and
  (ii) the functions of the Defence Force Ombudsman referred to in section 19C; and
  (iii) the functions of the Postal Industry Ombudsman referred to in section 19M; and
  (iv) the functions of the Overseas Students Ombudsman referred to in section 19ZJ.

Parliamentary Counsel Act 1970

65 At the end of section 2

Add:

(5) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
  (a) the Office of Parliamentary Counsel is a listed entity; and

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(b) the First Parliamentary Counsel is the accountable authority of the Office; and
(c) the persons referred to in subsection (3) are officials of the Office; and
(d) the purposes of the Office include the functions of the Office referred to in section 3.

Private Health Insurance Act 2007

66 Section 238-1

Before "For", insert "(1)".

67 At the end of section 238-1

Add:

(2) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
(a) the following group of persons is a listed entity:
(i) the Private Health Insurance Ombudsman;
(ii) the staff assisting the Private Health Insurance Ombudsman referred to in subsection 253-45(1); and
(b) the listed entity is to be known as the Private Health Insurance Ombudsman; and
(c) the Private Health Insurance Ombudsman is the accountable authority of the listed entity; and
(d) the persons referred to in paragraph (a) are officials of the listed entity; and
(e) the purposes of the listed entity include the functions of the Private Health Insurance Ombudsman referred to in section 238-5.

Productivity Commission Act 1998

68 Section 5

Before "The", insert "(1)".

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69 At the end of section 5

Add:

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

(a) the Commission is a listed entity; and

(b) the Chair is the accountable authority of the Commission; and

(c) the following persons are officials of the Commission:

(i) the Chair;

(ii) the other members;

(iii) the staff of the Commission referred to in section 44;

(iv) consultants engaged under section 45; and

(d) the purposes of the Commission include the functions of the Commission referred to in section 6 and Part 4.

Safe Work Australia Act 2008

70 Section 5

Before "Safe", insert "(1)".

71 At the end of section 5

Add:

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

(a) Safe Work Australia is a listed entity; and

(b) the CEO is the accountable authority of Safe Work Australia; and

(c) the following persons are officials of Safe Work Australia:

(i) the CEO;

(ii) the other members;

(iii) the staff of Safe Work Australia referred to in section 59;

(iv) persons whose services are made available to Safe Work Australia under section 61; and

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(d) the purposes of Safe Work Australia include the functions of Safe Work Australia referred to in section 6.

Telecommunications Universal Service Management Agency Act 2012

72 Section 31

Before "The", insert "(1)".

73 At the end of section 31

Add:

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

(a) TUSMA is a listed entity; and

(b) the CEO is the accountable authority of TUSMA; and

(c) the following persons are officials of TUSMA:

(i) the CEO;

(ii) the staff of TUSMA referred to in section 71;

(iii) consultants engaged under section 72;

(iv) persons whose services are made available to TUSMA under section 73; and

(d) the purposes of TUSMA include the functions of TUSMA referred to in section 32.

Tertiary Education Quality and Standards Agency Act 2011

74 At the end of section 132

Add:

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

(a) TEQSA is a listed entity; and

(b) the Commissioners are the accountable authority of TEQSA; and

(c) the following persons are officials of TEQSA:

(i) the Commissioners;

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(ii) the Chief Executive Officer;
(iii) the staff of TEQSA referred to in section 156; and

(d) the purposes of TEQSA include the functions of TEQSA referred to in section 134.

Transport Safety Investigation Act 2003

75 Section 12

Before "The", insert "(1)".

76 At the end of section 12

Add:

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

(a) the ATSB is a listed entity; and

(b) the Chief Executive Officer is the accountable authority of the ATSB; and

(c) the following persons are officials of the ATSB:

(i) the Chief Executive Officer;
(ii) the other Commissioners;
(iii) the staff of the ATSB referred to in section 16;
(iv) persons whose services are made available to the ATSB under section 16A;
(v) consultants engaged under section 16B;
(vi) special investigators; and

(d) the purposes of the ATSB include:

(i) the functions of the ATSB referred to in section 12AA; and
(ii) the functions of the Chief Executive Officer referred to in section 15A.

Workplace Gender Equality Act 2012

77 At the end of section 8A

Add:

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

(a) the Agency is a listed entity; and

(b) the Director of Workplace Gender Equality is the accountable authority of the Agency; and

(c) the persons referred to in subsection (2) are officials of the Agency; and

(d) the purposes of the Agency include the functions of the Agency referred to in section 10.

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Schedule 7—Amendments of Acts starting with A

Aboriginal and Torres Strait Islander Act 2005

1 Subsection 4(1) (definition of *Finance Minister*)

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

2 Subsection 142(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the TSRA. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

3 Paragraph 143S(6)(e)

Repeal the paragraph, substitute:

(e) 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

4 Subsection 143U(3)

Repeal the subsection.

5 Paragraph 144E(5)(a)

Omit "by section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "by rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

6 Subsection 144E(14)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "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)".

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7 At the end of section 144M

Add:

(3) Subsections (1) and (2) apply in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

8 Paragraph 144P(2)(f)

Repeal the paragraph, substitute:

(f) fails, without reasonable excuse, to comply with:

(i) subsection 144M(1) or (2); or

(ii) 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 Subsection 144V(3A)

Omit "under section 18 of the *Commonwealth Authorities and Companies Act 1997*", substitute "under section 59 of the *Public Governance, Performance and Accountability Act 2013*".

10 Subsection 144W(4)

Omit "under section 18 of the *Commonwealth Authorities and Companies Act 1997*", substitute "under section 59 of the *Public Governance, Performance and Accountability Act 2013*".

11 Subsection 144X(3) (definition of *bank*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

12 Subsection 144ZA(5)

Omit "Section 14 of the *Commonwealth Authorities and Companies Act 1997*", substitute "Section 36 of the *Public Governance, Performance and Accountability Act 2013* (which deals with budget estimates)".

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13 Subsection 144ZB(1)

Omit "of the TSRA prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "prepared by the members of the TSRA and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

14 Subsection 144ZB(3)

Omit "a financial year to an individual or body, then, in addition to the matters referred to in subsections (1) and (2), the annual report for the year", substitute "a period to an individual or body, then, in addition to the matters referred to in subsections (1) and (2), the annual report for the period".

15 Paragraph 144ZD(1A)(b)

Repeal the paragraph, substitute:

(b) the *Public Governance, Performance and Accountability Act 2013* or any legislative instruments made under that Act.

16 Division 10 of Part 3A

Repeal the Division.

17 Section 144ZF

Before "A TSRA Administrator", insert "(1)".

18 At the end of section 144ZF

Add:

(2) If a TSRA Administrator is appointed to administer the affairs of the TSRA, the TSRA Administrator is the accountable authority of the TSRA for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

19 After subsection 144ZM(3)

Insert:

(3A) Subsections (1), (2) and (3) apply in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

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20 Paragraph 144ZN(2)(d)

Omit "section 144ZM", substitute "subsection 144ZM(1), (2) or (3)".

21 At the end of subsection 144ZN(2)

Add:

Note: The appointment of a TSRA Administrator may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

22 Subsection 145(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to Indigenous Business Australia. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

23 Section 149

Repeal the section.

24 Subsections 150(2) and (3)

Repeal the subsections, substitute:

(3) The Minister may, by notice in writing to the Indigenous Business Australia Board, request the Board to vary a corporate plan prepared by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

25 Paragraph 165(2)(b)

Omit "; or", substitute ";".

26 Paragraph 165(2)(c)

Repeal the paragraph.

27 At the end of subsection 165(2)

Add:

Note: The appointment of an Indigenous Business Australia Director may also be terminated under section 30 of the *Public Governance,*

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Performance and Accountability Act 2013 (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

28 Paragraph 167(3)(a)

Omit "by section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "by rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

29 Subsection 167(11)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "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)".

30 At the end of section 172A

Add:

(3) Subsections (1) and (2) apply in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

31 Subsection 181A(4)

Omit "under section 18 of the *Commonwealth Authorities and Companies Act 1997*", substitute "under section 59 of the *Public Governance, Performance and Accountability Act 2013*".

32 Section 189

Repeal the section, substitute:

189 Annual report and financial statements

(1) The annual report prepared by the Indigenous Business Australia Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include details of:

(a) any direction given by the Minister under section 151 of this Act during that period; and

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(b) any consultants engaged under section 178 of this Act during that period.

(2) Subject to any direction by the Finance Minister, the financial statements included in the annual report as required by subsection 43(4) of the *Public Governance, Performance and Accountability Act 2013* must deal with the New Housing Fund separately from the other finances of Indigenous Business Australia.

(3) A direction referred to in subsection (2) is not a legislative instrument.

33 Subsection 191A(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Indigenous Land Corporation. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

34 Section 191L

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

35 At the end of section 192F

Add:

(4) Subsection (3) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

36 Paragraph 192H(2)(e)

Omit "section 192F of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "subsection 192F(3)".

37 At the end of subsection 192H(2)

Add:

Note: The appointment of an Indigenous Land Corporation Director may also be terminated under section 30 of the *Public Governance,*

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Performance and Accountability Act 2013 (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

38 Subsection 192J(3) (heading)

Repeal the heading, substitute:

Quorum if Director excluded

39 Paragraph 192J(3)(a)

Omit "by section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "by rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

40 Subsection 192W(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

41 Subsection 192W(3)

Omit "section 39 of the *Financial Management and Accountability Act 1997*", substitute "section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

42 Paragraph 193(5)(b)

Omit "section 39 of the *Financial Management and Accountability Act 1997*", substitute "section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

43 Paragraph 193G(1)(b)

Omit "section 39 of the *Financial Management and Accountability Act 1997*", substitute "section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

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44 Section 193K

Repeal the section, substitute:

193K Application of the *Public Governance, Performance and Accountability Act 2013*

(1) Section 59 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by corporate Commonwealth entities) does not apply to the Indigenous Land Corporation.

(2) The annual report prepared by the Indigenous Land Corporation Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* must include such additional information (if any) as is specified in the regulations under this Act.

45 Subsection 200B(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

Aboriginal Land Grant (Jervis Bay Territory) Act 1986

46 Subsection 4(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Council. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

47 Section 4A

Repeal the section, substitute:

4A Accountable authority

For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the executive committee is the accountable authority of the Council.

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48 Paragraph 28(2)(a)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

49 Section 33

Before "The", insert "(1)".

50 At the end of section 33

Add:

Note: An executive member may also be removed from office under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* applies to an election of an executive member under section 30 of this Act as if the election were an appointment by the Minister.

51 Section 52

Omit "financial year", substitute "period".

52 Section 52

Omit "section 9 of the *Commonwealth Authorities and Companies Act 1997* and the deadline is", substitute "section 46 of the *Public Governance, Performance and Accountability Act 2013*, and the period and deadline are".

Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987

53 Subsection 38(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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Aboriginal Land Rights (Northern Territory) Act 1976

54 Subsection 22(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to a Land Council. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

55 Section 22A

Repeal the section.

56 Subsection 33(2)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

57 Subsection 33(3) (definition of *Finance Minister*)

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

58 Subsection 34(3A)

Omit "section 14 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 36 of the *Public Governance, Performance and Accountability Act 2013*".

59 Subsection 35(10)

Omit "section 39 of the *Financial Management and Accountability Act 1997*", substitute "section 58 of the *Public Governance, Performance and Accountability Act 2013*".

60 Subsections 37(1) and (2)

Repeal the subsections, substitute:

(1) The annual report prepared for a Land Council and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must also include the matters set out in this section in relation to the period.

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Fees

(2) The report must specify:

(a) the total fees the Council received under section 33A of this Act during that period for services the Council provided under Part IV (whether in that period or the previous period); and

(b) the total fees the Council received under section 33A of this Act during that period for any other services the Council provided (whether in that period or the previous period); and

(c) the total fees the Council received under section 33B of this Act during that period.

61 Subsections 37(3), (4), (5), (6), (7) and (8)

Omit "that year" (wherever occurring), substitute "that period".

62 Paragraph 39(2)(b)

Repeal the paragraph, substitute:

(b) the *Public Governance, Performance and Accountability Act 2013*, or any legislative instruments made under that Act.

63 After section 53A

Insert:

53B Application of the *Public Governance, Performance and Accountability Act 2013*

A Commissioner is not an official of a Commonwealth entity for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

64 Subsection 62(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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65 Paragraph 62A(2)(b)

Omit "section 39 of the *Financial Management and Accountability Act 1997*", substitute "section 58 of the *Public Governance, Performance and Accountability Act 2013*".

66 Paragraph 64(1)(c)

Repeal the paragraph, substitute:

(c) any surplus specified in the most recent financial statements given under paragraph 42(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

67 Subsection 64B(1)

Before "Department", insert "Secretary of the".

68 Subsection 64B(2)

Repeal the subsection, substitute:

(2) The report must include:

(a) the financial statements required by section 42 of the *Public Governance, Performance and Accountability Act 2013* (as that section applies because of subsection (4) of this section); and

(b) an audit report on those statements under section 43 of that Act (as that section applies because of subsection (4) of this section).

69 At the end of section 64B

Add:

(4) Sections 42 and 43 (other than subsection 43(4)) of the *Public Governance, Performance and Accountability Act 2013* (which deal with annual financial statements for Commonwealth entities and audits of those statements), and rules made for the purposes of those sections, apply in relation to the Account as if:

(a) the Account were a Commonwealth entity; and

(b) the Secretary of the Department were the accountable authority of that Commonwealth entity.

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Administrative Appeals Tribunal Act 1975

70 At the end of section 24D

Add:

(4) However, the Registrar is not subject to direction by the President in relation to the Registrar's performance of functions, or exercise of powers, under the following Acts:

(a) the *Public Governance, Performance and Accountability Act 2013*;

(b) the *Public Service Act 1999*.

71 Section 24L

Before "The", insert "(1)".

72 At the end of section 24L

Add:

(2) The Registrar must give written notice to the President of all material personal interests that the Registrar has that relate to the affairs of the Tribunal.

(3) Section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) does not apply to the Registrar.

73 Subsection 24R(1)

Omit "and give to the Minister".

74 At the end of subsection 24R(1)

Add:

Note: The annual report prepared by the Registrar and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* may be included in the report prepared under this section.

75 Subsection 24R(2)

Repeal the subsection, substitute:

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(2) A report prepared after 30 June in a year must be given to the Minister by 15 October of that year.

Administrative Decisions (Judicial Review) Act 1977

76 Subsection 3(1) (definition of *Finance Minister*)

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

77 Paragraphs (he), (hea) and (hf) of Schedule 1

Repeal the paragraphs, substitute:

(he) decisions under Part 2 of the *Financial Framework (Supplementary Powers) Act 1997*;

(hf) decisions under the following provisions of the *Public Governance, Performance and Accountability Act 2013*:

(i) section 15;

(ii) section 23;

(iii) section 85;

78 Paragraph (h) of Schedule 2

Repeal the paragraph, substitute:

(h) decisions under section 51 of the *Public Governance, Performance and Accountability Act 2013*;

Aged Care (Bond Security) Act 2006

79 Subsection 6(1) (definition of *Finance Minister*)

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

Agricultural and Veterinary Chemicals (Administration) Act 1992

80 Section 4 (definition of *Finance Minister*)

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

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81 Section 10A

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

82 Section 23

Repeal the section, substitute:

23 Disclosure of interests

(1) A disclosure by a Board 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:

(a) the Minister; and

(b) the Chief Executive Officer, if a meeting under section 26 of this Act is considering, or is about to consider, a matter to which the disclosure would be relevant.

(2) Subsection (1) applies in addition to any rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*.

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

83 Subsections 26(8) and (9)

Repeal the subsections, substitute:

(8) The minutes of a meeting under this section must record:

(a) any disclosure referred to in paragraph 23(1)(b) relevant to a matter considered, or about to be considered, at the meeting; and

(b) any decision made by the Chief Executive Officer in relation to the disclosure.

84 Subsections 27(5) and (6)

Repeal the subsections.

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85 Paragraph 41A(e)

Omit "section 42", substitute "subsection 42(1)".

86 At the end of section 41A

Add:

Note: The appointment of the Chief Executive Officer may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

87 Section 42

Before "The", insert "(1)".

88 At the end of section 42

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

89 Sections 50, 51 and 52

Repeal the sections, substitute:

51 Approval of corporate plan

(1) The Chief Executive Officer must give a corporate plan, prepared under section 35 of the *Public Governance, Performance and Accountability Act 2013*, to the Minister for approval on or before:

(a) 1 June in each calendar year; or

(b) a later day in a particular calendar year, as allowed by the Minister;

unless the Minister determines otherwise.

(2) The plan comes into force on the later of:

(a) if approval is required under subsection (1)—the day it is approved by the Minister; and

(b) the first day of the period to which it relates.

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(3) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Chief Executive Officer.

52 Variation of corporate plan

(1) The Chief Executive Officer may, at any time, review a corporate plan and consider whether a variation to the plan is necessary.

(2) The Chief Executive Officer must, if requested by the Minister, vary a corporate plan and give the variation to the Minister for approval.

(3) The Chief Executive Officer may, with the approval of the Minister, vary a corporate plan.

(4) A variation of a plan already in force takes effect on the day the variation is approved.

(5) Despite subsection (3), the Minister's approval is not required for a minor variation of the plan. A minor variation of a plan already in force takes effect on the day the variation is made.

90 Subsection 55(1)

Omit "APVMA", substitute "Chief Executive Officer".

91 Paragraph 55(2)(b)

Omit "APVMA considers appropriate against which its performance", substitute "Chief Executive Officer considers appropriate against which the APVMA's performance".

92 Subsection 56(1)

Omit "APVMA" (wherever occurring), substitute "Chief Executive Officer".

93 Subsection 56(3)

Omit "APVMA", substitute "Chief Executive Officer".

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94 Subsection 56(3)

Omit "it", substitute "he or she".

95 Subsections 56(4) and 57(2)

Omit "APVMA", substitute "Chief Executive Officer".

Aircraft Noise Levy Collection Act 1995

96 Section 3 (definition of *Finance Minister*)

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

Airports (Transitional) Act 1996

97 Section 4 (definition of *Finance Minister*)

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

Air Services Act 1995

98 Subsection 3(1) (definition of *Finance Minister*)

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

99 Subsection 7(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to AA. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

100 Section 13

Omit "under section 17 of the *Commonwealth Authorities and Companies Act 1997*", substitute "under section 35 of the *Public Governance, Performance and Accountability Act 2013*".

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101 Subsection 16(2)

Omit "financial year must be included in AA's annual report for that year", substitute "period must be included in the annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for that period".

102 Subsection 16(6)

Omit "section 28 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities)".

103 Subsection 17(3)

Repeal the subsection, substitute:

(3) In preparing a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the Board must take account of notices given to AA under subsection (1).

104 Subsection 17(4)

Repeal the subsection (including the note), substitute:

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

(a) a summary of notices given to AA under subsection (1) of this section in that period; and

(b) a summary of action taken in that period by AA because of notices given to AA under subsection (1) of this section in that period or any other period.

105 Subsection 18(3)

Repeal the subsection, substitute:

(3) The annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars of any directions given to AA by the Minister under this section in that period.

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106 Paragraph 32(2)(c)

Omit "; or", substitute ".".

107 Paragraph 32(2)(d)

Repeal the paragraph.

108 At the end of subsection 32(2)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

109 Paragraph 32(5)(b)

Repeal the paragraph, substitute:

(b) the members have failed to comply with section 19 of the *Public Governance, Performance and Accountability Act 2013*;

110 Section 40

Before "The Board", insert "(1)".

111 At the end of section 40

Add:

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to the Chief Executive Officer despite subsection 30(6) of that Act.

112 Section 51

Repeal the section, substitute:

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51 Extra matters to be included in annual report

The annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include an assessment of the adverse effect (if any) that meeting the non-commercial commitments imposed on AA has had on AA's profitability during the period.

Albury-Wodonga Development Act 1973

113 Subsection 3(1) (definition of *Finance Minister*)

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

114 Subsection 9(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Corporation. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

115 Subparagraph 15(2)(f)(ii)

Omit "; or", substitute ";".

116 Paragraph 15(2)(g)

Repeal the paragraph.

117 At the end of subsection 15(2)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

118 At the end of Part IVA

Add:

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20BA Corporate plans

Section 35 of the *Public Governance, Performance and Accountability Act 2013* (which deals with corporate plans for Commonwealth entities) does not apply in relation to the Corporation.

119 Section 28

Before "The", insert "(1)".

120 At the end of section 28

Add:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Corporation.

121 Subsection 31B(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

A New Tax System (Australian Business Number) Act 1999

122 Subparagraphs 30(3)(c)(ii) and (d)(ii)

Repeal the subparagraphs, substitute:

(ii) the accountable authority of a non-corporate Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013* for the purposes of carrying out functions conferred on the entity by a law of the Commonwealth; or

A New Tax System (Luxury Car Tax) Act 1999

123 Section 27-1 (definition of *Finance Minister*)

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

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A New Tax System (Wine Equalisation Tax) Act 1999

124 Section 33-1 (definition of *Finance Minister*)

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

Archives Act 1983

125 Section 68

Repeal the section, substitute:

68 Annual Report by the Council

(1) The Council must, as soon as practicable after 30 June in each year, prepare and give to the Minister a report concerning the proceedings of the Council during the 12 months ending on that day.

(2) The Minister must cause a copy of a report given under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the report is given.

Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005

126 Subsection 3(1) (definition of *Finance Minister*)

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

127 Subsection 13(3)

Omit "section 28 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities)".

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Asbestos Safety and Eradication Agency Act 2013

128 Section 5A

Before "The", insert "(1)".

129 At the end of section 5A

Add:

(2) The National Strategic Plan is taken to be a corporate plan for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

130 Paragraph 12(1B)(a)

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

131 Section 13

Repeal the section.

132 Section 20

Repeal the section.

133 Paragraph 23(f)

Repeal the paragraph, substitute:

(f) if 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

134 Section 37

Repeal the section, substitute:

37 Recording disclosures of interests

(1) A disclosure by a Council member under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) to each other member of the Council must be recorded:

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(a) in any advice provided, or recommendations made, to the CEO by the Council; and

(b) in any guidelines issued to the CEO by the Council.

(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 member is taken not to have complied with section 29 of that Act if the disclosure is not recorded as required by subsection (1) of this section.

135 Paragraph 40(e)

Repeal the paragraph, substitute:

(e) if the 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.

136 Paragraph 41A(2)(a)

Omit "section 37", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

137 Part 6 (heading)

Repeal the heading, substitute:

Part 6—Planning

138 Division 1 of Part 6 (heading)

Repeal the heading.

139 Subsection 42(1)

Omit "Agency", substitute "CEO".

140 Subsection 42(4)

Repeal the subsection.

141 Subsection 43(1)

Omit "Agency" (wherever occurring), substitute "CEO".

142 Subsection 44(1)

Omit "Agency may, on its own initiative", substitute "CEO may, on his or her own initiative".

143 Subsection 44(2)

Omit "Agency", substitute "CEO".

144 Division 2 of Part 6

Repeal the Division.

Australia Council Act 2013

145 Section 3 (paragraph relating to Part 6)

Repeal the paragraph, substitute:

Part 6 deals with corporate plans.

146 Section 4 (definition of *Finance Minister*)

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

147 Subsection 8(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Council. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

148 Paragraph 11(a)

Omit "Commonwealth Government", substitute "Australian Government".

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149 Subsection 12(4)

Omit "section 16 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 19 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to keep the responsible Minister and Finance Minister informed)".

150 Paragraph 22(2)(b)

Repeal the paragraph.

151 At the end of subsection 22(2)

Add:

Note: The appointment of an appointed Board member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

152 Paragraph 25(2)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

153 Section 29

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

154 Paragraph 41(1)(f)

Repeal the paragraph.

155 At the end of subsection 41(1)

Add:

Note: The appointment of the CEO may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

156 Section 45

Repeal the section, substitute:

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45 Corporate Plan

(1) A corporate plan prepared by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013* must include details of the following:

(a) the investment and financing programs of the Council, including strategies for managing financial risk;

(b) the financial targets and projections for the Council;

(c) an analysis of factors likely to affect achievement of targets or create significant financial risk for the Council or for the Commonwealth;

(d) a review of the Council's performance since the start of the year previous to the year in which the plan is prepared, measured against the most recent plan for any part of that period;

(e) such other matters (if any) as the Minister directs.

(2) The Board must give a copy of the plan to the Minister, before the start of the period covered by the plan, for the Minister's approval.

(3) If the Board varies the plan, the Board must give a copy of the variation to the Minister for the Minister's approval.

(4) The plan, or a variation of the plan, does not take effect unless the Minister approves it.

157 Subsection 47(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Council.

158 Subsection 48(2)

Repeal the subsection, substitute:

(2) Paragraphs (1)(a) and (b) do not apply to transactions in the course of the exercise of the Council's powers under paragraph 10(2)(g) or (h).

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159 Subsection 48(4)

Omit "section 28A of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 57 of the *Public Governance, Performance and Accountability Act 2013* (which deals with borrowing by corporate Commonwealth entities)".

160 Section 49

Repeal the section, substitute:

49 Investment

(1) The Council may invest money, under paragraph 10(2)(g), in the course of the direct performance of its functions.

Note: Paragraph 10(2)(g) gives the Council power to make investments, but only as a means of providing financial assistance. It does not give the Council a general power to make investments.

(2) Subsection (1) applies in addition to investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Council.

161 Section 51

Repeal the section, substitute:

51 Extra reporting requirements

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

(a) the text of any directions given during that period under subsection 12(1) or 24(3) or paragraph 45(1)(e); and

(b) details of any guarantees given by the Council during that period.

(2) The Minister must cause any report or financial statements that the Board gives the Minister under paragraph 19(1)(b) of the *Public Governance, Performance and Accountability Act 2013* to be tabled in each House of the Parliament as soon as practicable.

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Australian Aged Care Quality Agency Act 2013

162 Section 13 (note)

Repeal the note, substitute:

Note: The use and management of public resources must comply with the requirements in the *Public Governance, Performance and Accountability Act 2013*.

163 Section 22

Repeal the section.

164 Subparagraph 25(1)(b)(iv)

Repeal the subparagraph, substitute:

(iv) 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.

165 Part 5 (heading)

Repeal the heading, substitute:

Part 5—Corporate and annual operational plans

166 Section 43

Repeal the section, substitute:

43 Consulting on corporate plans

In preparing a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the CEO must consult the Minister and the Advisory Council.

167 Sections 46 and 47

Repeal the sections, substitute:

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47 Annual report

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

(a) an assessment of the extent to which the Quality Agency's operations during the period have contributed to the priorities set out in the annual operational plan for the period; and

(b) particulars of any variations of the annual operational plan during the period; and

(c) an evaluation of the Quality Agency's overall performance during the period against the performance indicators set out in the annual operational plan for the period.

Australian Broadcasting Corporation Act 1983

168 Subsection 3(1) (definition of *Finance Minister*)

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

169 Subsection 5(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Corporation. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

170 Subsection 13A(1) (note)

Repeal the note, substitute:

Note: As a member of the Board, the staff-elected Director is a member of the accountable authority of the Corporation for the purposes of the *Public Governance, Performance and Accountability Act 2013* (see section 12 of that Act).

171 Paragraph 18(2)(a)

Repeal the paragraph, substitute:

(a) a non-executive Director becomes bankrupt, takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with one or more of his or her

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creditors or makes an assignment of his or her remuneration for the benefit of one or more of his or her creditors; or

172 At the end of subsection 18(2)

Add:

Note: The appointment of a non-executive director (other than the staff-elected Director) may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

173 Subsection 25A(2) (note)

Repeal the note, substitute:

Note: Section 19 of the *Public Governance, Performance and Accountability Act 2013* requires the accountable authority of a Commonwealth entity to keep the Minister informed of the activities of the entity and any of its subsidiaries.

174 Section 31A

Repeal the section.

175 Section 31B

Repeal the section, substitute:

31B Matters to be included in corporate plans

(1) Each corporate plan prepared by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013* must:

(a) outline the overall strategies and policies that the Corporation and its subsidiaries are to follow to ensure that the Board fulfils its duties under section 8; and

(b) include a forecast of the revenue and expenditure of the Corporation and its subsidiaries, including a forecast of capital expenditure and borrowings; and

(c) include such other matters as are prescribed in the regulations made for the purposes of this Act.

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(2) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Board.

(3) In this section:

subsidiary means a prescribed company within the meaning of section 25A of this Act that the Corporation controls.

(4) For the purposes of the application of section 35 of the *Public Governance, Performance and Accountability Act 2013* in relation to the Corporation, subsidiary is taken to have the meaning given by subsection (3) of this section, despite the definition of ***subsidiary*** in section 8 of that Act.

176 Section 31C

Omit "prepares or".

177 At the end of section 31C

Add:

Note: A corporate plan must be given to the responsible Minister and the Finance Minister under subsection 35(1) of the *Public Governance, Performance and Accountability Act 2013*.

178 Section 31D

Repeal the section.

179 Subsection 68(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Corporation.

180 Subsection 71A(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

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181 Subsection 78(7)

Omit "sections 28 and 48A of the *Commonwealth Authorities and Companies Act 1997* do not apply", substitute "section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities) does not apply".

182 Section 80

Omit "prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

183 Paragraphs 80(a) and (b)

Omit "the year to which the report relates", substitute "the period".

184 Paragraphs 80(c), (ca), (d), (daa), (e), (f) and (g)

Omit "that year", substitute "the period".

185 Paragraph 80(i)

Repeal the paragraph.

186 Paragraphs 80(j), (k) and (l)

Omit "year", substitute "period".

Australian Bureau of Statistics Act 1975

187 Section 24

Repeal the section, substitute:

24 Annual report on the Council

(1) The Council must, as soon as practicable after 30 June in each year, prepare and submit to the Minister, for presentation to the Parliament, a report relating to matters connected with the operation of this Act.

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(2) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

Australian Capital Territory (Planning and Land Management) Act 1988

188 Paragraph 41(2)(d)

Omit "section 42;", substitute "subsection 42(1), (2) or (3); or".

189 After paragraph 41(2)(d)

Insert:

(e) in the case of the Chairperson—the Chairperson 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;

190 At the end of section 42

Add:

(4) Subsections (1) to (3) apply to the Chairperson in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

191 Section 50

Repeal the section.

192 Section 56 (definition of *Finance Minister*)

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

Australian Capital Territory (Self-Government) Act 1988

193 Section 3 (definition of *Finance Minister*)

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

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Australian Centre for International Agricultural Research Act 1982

194 Paragraph 16A(2)(c)

Repeal the paragraph, substitute:

(c) the Commissioner 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.

195 Section 16B

Repeal the section, substitute:

16B Disclosure of interests

(1) A disclosure by a Commissioner 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 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*, the Commissioner is taken not to have complied with section 29 of that Act if the Commissioner does not comply with this section.

196 Paragraph 29C(2)(d)

Repeal the paragraph, substitute:

(d) 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.

197 Section 29D

Repeal the section.

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198 Paragraph 29E(a)

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

199 Subsection 33(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

200 Section 34 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

201 Section 39

Repeal the section, substitute:

39 Annual report

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

(a) particulars of all directions given during the period by the Minister to the CEO under section 5A of this Act; and

(b) particulars of all directions given during the period by the Minister to the Commission under section 16K of this Act.

Australian Civilian Corps Act 2011

202 Subparagraph 27(1)(c)(i)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

Australian Communications and Media Authority Act 2005

203 Sections 29 and 30

Repeal the sections, substitute:

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29 Disclosure of interests

(1) A disclosure by a member or associate 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 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*, the member or associate member is taken not to have complied with section 29 of that Act if he or she does not comply with subsection (1) of this section.

(4) The Chair must inform the Minister if the members of the ACMA agree, in accordance with any rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*, to a member or associate member doing something that, apart from that agreement, the member or associate member would be prevented by those rules from doing.

204 Paragraph 34(4)(b)

Repeal the paragraph, substitute:

(b) the member or associate 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.

205 Paragraph 39(2)(a)

Omit "section 30 prevents", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* prevent".

206 Subsection 40(2)

Omit "section 30", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

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207 Subsection 44(3)

Omit "section 30", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

208 Subparagraph 47(1)(c)(i)

Omit "section 30 prevents", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* prevent".

209 Paragraph 47(3)(a)

Omit "section 30, or any other", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*, or any".

210 Subsection 48(3)

Omit "section 30", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

211 Subsection 55(2)

Repeal the subsection, substitute:

(2) In this section:

authority of the Commonwealth means:

(a) a Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*; or

(b) a Commonwealth company within the meaning of the *Public Governance, Performance and Accountability Act 2013*; or

(c) any other body established for a public purpose by or under a law of the Commonwealth.

212 Section 56

Repeal the section, substitute:

56 Corporate plans

(1) A corporate plan prepared by the Chair under section 35 of the *Public Governance, Performance and Accountability Act 2013*

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must include details of such other matters (if any) as the Minister requires.

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

213 Section 57

Repeal the section, substitute:

57 Annual reports

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

(a) a copy of each direction given to the ACMA under section 14 during the period; and

(b) if:

(i) the ACMA gave an instrument to a carrier or to a carriage service provider under section 581 of the *Telecommunications Act 1997* during the period; and

(ii) in the ACMA's opinion, the instrument does not contain confidential information;

a copy of the instrument; and

(c) in relation to each instrument the ACMA gave as mentioned in subparagraph (b)(i) and that, in the ACMA's opinion, contains confidential information:

(i) if, in the ACMA's opinion, part of the instrument can be reproduced in the annual report without disclosing confidential information—a copy of that part; and

(ii) if subparagraph (i) does not apply—a statement specifying the instrument and the carrier or carriage service provider to which, and the day on which, it was given; and

(iii) a statement that, because of confidential information contained in the instrument, or in a part of it, as the case requires, the instrument or part is not reproduced in the annual report; and

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(iv) a note summarising so much of the instrument as is not so reproduced, but without disclosing any information that, in the ACMA's opinion, is confidential; and

(d) a report on:

(i) the number and types of complaints made under Part 26 of the *Telecommunications Act 1997* during the period; and

(ii) the investigations conducted under Part 26 of that Act during the period as a result of complaints made under Part 26 of that Act; and

(iii) the results of those investigations; and

(e) a report on the operation of Part 6 of the *Telecommunications Act 1997* during the period; and

(f) a report setting out statistical information relating to information or documents disclosed under Division 3 of Part 13 of the *Telecommunications Act 1997*, where the disclosure:

(i) occurred during the period; and

(ii) is covered by a report given to the ACMA under section 308 of the *Telecommunications Act 1997*.

214 Section 63

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

Australian Crime Commission Act 2002

215 Section 41

Repeal the section, substitute:

41 Disclosure of interests

(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 Chair of the Board.

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

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(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.

216 Paragraph 44(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

217 Section 46F

Repeal the section, substitute:

46F Disclosure of interests

(1) A disclosure by an examiner 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 CEO.

(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 examiner is taken not to have complied with section 29 of that Act if the examiner does not comply with subsection (1) of this section.

218 Paragraph 46H(2)(c)

Repeal the paragraph, substitute:

(c) the examiner 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

219 Section 61 (heading)

Repeal the heading, substitute:

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61 Annual report by the Chair of the Board

220 After section 61

Insert:

61AA Corporate plans

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the CEO.

Australian Curriculum, Assessment and Reporting Authority Act 2008

221 Section 3 (definition of *Finance Minister*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

222 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Australian Curriculum, Assessment and Reporting Authority. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

223 Paragraph 7(2)(b)

Repeal the paragraph, substitute:

(b) the *Public Governance, Performance and Accountability Act 2013*, or any rules or other instruments made under that Act.

224 Paragraph 19(2)(b)

Repeal the paragraph.

225 At the end of subsection 19(2)

Add:

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Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

226 Paragraph 21(3)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

227 Subsection 21(10)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

228 Section 30

Repeal the section, substitute:

30 Disclosure of interests

(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 Minister and the Board.

(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.

229 Paragraph 32(3)(d)

Repeal the paragraph, substitute:

(d) 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.

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230 Subsection 38(3)

Repeal the subsection, substitute:

(3) Subsection (2) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Australian Curriculum, Assessment and Reporting Authority.

231 After section 43

Insert:

43A Corporate plans

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Board.

Australian Federal Police Act 1979

232 Subsection 4(1) (definition of *Finance Minister*)

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

233 Subsection 37(6)

Repeal the subsection.

234 Section 67

Repeal the section, substitute:

67 Annual reports

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

(a) the AFP conduct issues that were dealt with under Part V of this Act during that period; and

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(b) the action that was taken, during that period, in relation to AFP conduct issues that were dealt with under Division 3 of Part V of this Act.

Australian Film, Television and Radio School Act 1973

235 Section 3 (definition of *Finance Minister*)

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

236 Subsection 4(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the School. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

237 Section 18

Before "If", insert "(1)".

238 Paragraph 18(b)

Omit "; or", substitute ";".

239 Paragraph 18(c)

Repeal the paragraph.

240 At the end of section 18

Add:

Note: A member can also be removed from office under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* applies to an election of a member under paragraph 8(1)(b) or (c) of this Act as if the election were an appointment by the Council.

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Note: This enables the Council to remove from office an elected member if the member fails to comply with the general duties of officials under the *Public Governance, Performance and Accountability Act 2013*.

241 Paragraph 29(1)(b)

Omit "; or", substitute ";".

242 Paragraph 29(1)(c)

Repeal the paragraph.

243 At the end of subsection 29(2)

Add:

Note: The Director may also be removed from office under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

244 Subsection 39(1A)

Repeal the subsection, substitute:

(1A) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the School.

Australian Hearing Services Act 1991

245 Subsection 4(1) (definition of *Finance Minister*)

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

246 Subsection 7(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Authority. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

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247 Subsection 12(4)

Repeal the subsection, substitute:

(4) This section does not affect the application, in relation to the Authority, of section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities).

248 Paragraph 31(2)(b)

Omit "of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

249 At the end of subsection 31(2)

Add:

Note: The appointment of an appointed Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

250 Sections 36 and 37

Repeal the sections, substitute:

36 Corporate plans

A corporate plan that the Board must give to the Minister and Finance Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013*, must be given at least 60 days before the start of the first reporting period to which the plan relates.

37 Financial plans

When the Board gives the Minister and Finance Minister a copy of the corporate plan, it must also give the Minister and Finance Minister a copy of a financial plan that includes, in relation to each year covered by the corporate plan:

(a) such performance information as the Board thinks appropriate; and

(b) estimates of receipts and expenditure.

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251 Paragraph 46(2)(b)

Omit "of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

252 At the end of subsection 46(2)

Add:

Note: The appointment of the Managing Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

253 Subsection 52(3)

Repeal the subsection, substitute:

(3) Subsection (2) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Authority.

254 Subsection 60(1)

Omit "(1) The", substitute "The".

255 Paragraph 60(1)(b)

Omit "referred to in subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

256 Subsection 63B(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

Australian Human Rights Commission Act 1986

257 Subsection 13(1)

Omit "(1) The", substitute "The".

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258 Subsection 13(2)

Repeal the subsection.

259 Paragraph 41(2)(e)

Repeal the paragraph, substitute:

(e) a 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;

260 Section 42

Repeal the section.

261 Section 45

Repeal the section, substitute:

45 Annual report

The annual report prepared by the President and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must cover the Commission's operations during the period under:

(a) this Act or any other enactment; or

(b) any State enactment.

262 Division 6 of Part II

Repeal the Division, substitute:

Division 6—Corporate plan

46AA Corporate plan

In performing its duties and functions, the Commission must take account of the corporate plan prepared by the President under section 35 of the *Public Governance, Performance and Accountability Act 2013* that is in force.

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Australian Information Commissioner Act 2010

263 Paragraph 8(j)

Omit "annual reports under", substitute "the annual reports mentioned in".

264 Paragraph 20(2)(d)

Repeal the paragraph, substitute:

(d) the information officer 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.

265 Section 22

Repeal the section, substitute:

22 Disclosure of interests

(1) A disclosure by an information officer 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 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*, the information officer is taken not to have complied with section 29 of that Act if he or she does not comply with subsection (1) of this section.

266 Subsection 27A(8) (note)

Repeal the note, substitute:

Note: The Information Commissioner, as an information officer, is required to disclose material personal interests to the Minister (see section 22).

267 Section 30

Repeal the section, substitute:

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30 Annual report

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

(a) the freedom of information matters (see section 31); and

(b) the privacy matters (see section 32).

Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989

268 Section 3 (definition of *Finance Minister*)

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

269 Subsection 4(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Institute. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

270 Subsection 21(2)

Repeal the subsection, substitute:

(2) The Minister must terminate a person's membership of the Council if the member is absent, except on leave granted under section 17, from 3 consecutive meetings of the Council.

Note: A Council member's membership may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

(2A) Section 30 of the *Public Governance, Performance and Accountability Act 2013* applies to an election of a member under paragraph 12(1)(a) of this Act as if the election were an appointment by the Minister.

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Note: This enables the Minister to remove from office an elected member if the member fails to comply with the general duties of officials under the *Public Governance, Performance and Accountability Act 2013*.

271 Paragraph 23(5)(a)

Omit "section 19", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

272 Subsection 38(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Institute.

Australian Institute of Health and Welfare Act 1987

273 Subsection 3(1) (definition of *Finance Minister*)

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

274 Subsection 4(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Institute. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

275 Subsection 7(3)

Repeal the subsection, substitute:

(3) This section does not affect the application, in relation to the Institute, of section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities).

276 Paragraph 13(2)(b)

Repeal the paragraph.

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277 At the end of subsection 13(2)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

278 Section 14

Repeal the section, substitute:

14 Disclosure of interests

Neither section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests), nor any rules made for the purposes of that section, apply to a member's interest if:

(a) the member is of a kind referred to in paragraph 8(1)(c), (ca), (cb) or (h), or subsection 8(2), of this Act; and

(b) the member only has the interest by reason of being nominated by a body or person referred to in that paragraph or subsection.

279 Paragraph 22(1)(a)

Omit "section 20", substitute "an appropriation".

280 Subsection 22(3)

Repeal the subsection, substitute:

(3) Subsection (2) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Institute.

281 Section 24

Repeal the section, substitute:

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24 Annual report

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

(a) particulars of each direction given under subsection 7(1) that is applicable to the period; or

(b) if the Institute considers those particulars contain information concerning a person or are of a confidential nature—a statement that a direction under that subsection was given.

282 Subsection 25(1)

Omit "(1) The", substitute "The".

283 Paragraph 25(1)(a)

Omit "referred to in subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

Australian Institute of Marine Science Act 1972

284 Subsection 5(1) (definition of *Finance Minister*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

285 Subsection 7(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Institute. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

286 Paragraph 16(1)(c)

Repeal the paragraph.

287 At the end of subsection 16(1)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an

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accountable authority, or a member of an accountable authority, for contravening general duties of officials).

288 Paragraph 27(2)(d)

Repeal the paragraph.

289 At the end of subsection 27(2)

Add:

Note: The appointment of the Chief Executive Officer may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

290 Subsection 38(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Institute.

291 Subsection 50A(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

292 After section 50A

Insert:

50B Delegation by the Institute

(1) The Institute may, in writing under its seal, delegate all or any of its powers or functions under this Act to:

(a) a Council member; or

(b) the Chief Executive Officer.

(2) In exercising any powers or performing any functions under the delegation, the delegate must comply with any directions of the Institute.

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50C Delegation by the Council

(1) The Council may, in writing, delegate all or any of its powers or functions under this Act to:
  (a) a Council member; or
  (b) the Chief Executive Officer.

(2) In exercising any powers or performing any functions under the delegation, the delegate must comply with any directions of the Council.

50D Delegation and subdelegation by the Chief Executive Officer

(1) The Chief Executive Officer may, in writing, delegate to an officer or employee of the Institute any of the Chief Executive Officer's powers or functions under this Act.

(2) If the Institute or the Council delegates a power or function under subsection 50B(1) or 50C(1) to the Chief Executive Officer, the Chief Executive Officer may, in writing, subdelegate the power or function to an officer or employee of the Institute.

(3) In exercising any powers or performing any functions under the delegation or subdelegation, the delegate or subdelegate must comply with any directions of the Chief Executive Officer.

(4) Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* apply in relation to a subdelegation in a corresponding way to the way in which they apply in relation to a delegation.

50E Corporate plans

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Council.

Australian Law Reform Commission Act 1996

293 Sections 39 and 40

Repeal the sections.

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294 Subsection 45(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

295 Subsection 45(3) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

296 Subsection 45(4) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

Australian Maritime Safety Authority Act 1990

297 Subsection 3(1) (definition of *Finance Minister*)

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

298 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Authority. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

299 Subsections 8(3), 9A(4) and 9B(4)

Repeal the subsections.

300 After section 9B

Insert:

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9C Extra matters to be included in annual report

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

(a) particulars of any directions given to the Authority under section 8 during the period;

(b) a summary of notices given to the Authority under subsection 9A(1) during the period;

(c) a summary of action taken during the period by the Authority because of notices given to the Authority under subsection 9A(1) in that or any other period;

(d) particulars of any directions given to the Authority under subsection 9B(2) during the period.

301 Subsection 10(2) (note)

Repeal the note, substitute:

Note: Section 59 of the *Public Governance, Performance and Accountability Act 2013* gives the Authority power to invest money that is not immediately required for the purposes of the Authority.

302 Paragraph 21(2)(d)

Repeal the paragraph.

303 At the end of subsection 21(2)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

304 Paragraph 21(3A)(b)

Repeal the paragraph, substitute:

(b) the members have failed to comply with section 19 of the *Public Governance, Performance and Accountability Act 2013*;

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305 Subsection 25(1)

Repeal the subsection, substitute:

(1) This section applies to a corporate plan prepared by the members of the Authority under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

306 Subsections 25(3) and (4)

Repeal the subsections.

307 Paragraphs 25(5)(a) to (d)

Repeal the paragraphs.

308 Subsection 26(1)

After "corporate plan", insert "referred to in subsection 25(1)".

309 Subsection 41(6)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

Australian National Maritime Museum Act 1990

310 Subsection 3(1) (definition of *Finance Minister*)

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

311 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Museum. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

312 Subsection 10(5)

Repeal the subsection, substitute:

(5) In each annual report prepared by the Council and given to the Minister under section 46 of the *Public Governance, Performance*

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and Accountability Act 2013 for a period, the Council must include particulars of any disposals of material during the period.

313 Paragraph 21(2)(b)

Omit "; or", substitute ";".

314 Paragraph 21(2)(c)

Repeal the paragraph.

315 At the end of subsection 21(2)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

316 Subsection 23(6)

Omit "Where, because of section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "If, because of rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

317 Division 3 of Part 3 (heading)

Repeal the heading, substitute:

Division 3—Corporate plans and annual operational plans

318 Sections 25, 26 and 27

Repeal the sections, substitute:

26 Approval and tabling of corporate plans

(1) A corporate plan prepared by the Council under section 35 of the *Public Governance, Performance and Accountability Act 2013* must be given to the Minister for approval:

(a) at least 3 months (the ***approval period***) before the start of the period to which the corporate plan relates; or

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(b) if the Minister allows a shorter approval period in special circumstances—before the start of that approval period.

(2) The corporate plan comes into force:

(a) the day on which it is approved by the Minister; or

(b) the day of commencement of the period to which it relates;

whichever is the later.

(3) The corporate plan must be laid before each House of the Parliament within 15 sitting days of that House after approval by the Minister of the plan.

27 Variation and tabling of corporate plans

(1) If the Council considers that a variation of a corporate plan is necessary, the Council may, with the approval of the Minister, vary the corporate plan.

(2) If a variation of a strategic plan is approved by the Minister, the plan as so varied continues in force on and after the day on which the variation is so approved as if the plan had originally been approved by the Minister as so varied.

(3) A variation of a corporate plan prepared in accordance with this section must be laid before each House of the Parliament within 15 sitting days of that House after approval by the Minister of the variation.

319 Subsection 28(1)

Omit "strategic plan that relates, or the intended strategic plan that will relate", substitute "corporate plan for the Museum under section 35 of the *Public Governance, Performance and Accountability Act 2013* that relates, or the intended corporate plan for the Museum that will relate".

320 Subsections 28(2) and (5)

Omit "strategic", substitute "corporate".

321 Section 29

Omit "strategic", substitute "corporate".

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322 Paragraph 36(2)(e)

Omit "of this Act, or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*,".

323 At the end of subsection 36(2)

Add:

Note: The appointment of the Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

324 Section 37

Before "The Director", insert "(1)".

325 At the end of section 37

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

326 Subsection 44(4)

Omit "in accordance with subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

327 Subsection 45(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Museum.

328 Subsection 47(3)

Repeal the subsection.

329 Section 48

Repeal the section, substitute:

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48 Extra matter to be included in annual report

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

(a) particulars of each direction given by the Minister to the Council under section 14 of this Act during the period; and

(b) any operational plan, or revision of an operational plan, that came into force during the period.

330 Subsection 50(1)

Omit "maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

Australian National University Act 1991

331 Subsection 4(2) (note)

Repeal the note, substitute:

Note: Subject to section 4A, the *Public Governance, Performance and Accountability Act 2013* applies to the University. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

332 Sections 4A and 4B

Repeal the sections, substitute:

4A Application of the *Public Governance, Performance and Accountability Act 2013*

(1) Sections 22, 36 and 59 of the *Public Governance, Performance and Accountability Act 2013* do not apply in relation to the University.

(2) Nothing in section 19 of the *Public Governance, Performance and Accountability Act 2013* requires the members of the Council to do anything that will or might affect the academic independence or integrity of the University.

Note: Sections 19, 22, 36 and 59 of that Act are about the duty to keep Ministers informed, application of Government policies, Budget estimates and investments.

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4B University's reporting period starts on 1 January

For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the University's reporting period is a period of 12 months starting on 1 January.

333 Subsection 6(3)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

334 Subsection 13(4)

Omit "section 18A, 18B, 18C, 18D, 18E or 18F", substitute "Subdivision A of Division 3 of Part 2-2 of the *Public Governance, Performance and Accountability Act 2013*".

335 Paragraphs 13(5)(b) and 15(1)(k)

Omit "section 18A, 18B, 18C, 18D, 18E or 18F", substitute "Subdivision A of Division 3 of Part 2-2 of the *Public Governance, Performance and Accountability Act 2013*".

336 Sections 18A to 18G

Repeal the sections.

337 Subsection 44(3)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

338 Subsection 44(4) (definition of *Finance Minister*)

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

339 Subsection 50(1)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

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Australian Nuclear Science and Technology Organisation Act 1987

340 Subsection 3(1) (definition of *Finance Minister*)

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

341 Subsection 4(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Organisation. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

342 Subsection 7(3)

Omit "shares in, or debentures or other securities of,", substitute "debentures, or other securities, of".

343 At the end of section 7

Add:

(4) This section does not apply in relation to a matter that gives rise to an obligation under section 72 of the *Public Governance, Performance and Accountability Act 2013* (which deals with tabling of notices relating to matters such as acquisition of shares).

344 At the end of paragraph 14(2)(a)

Add "or".

345 Paragraph 14(2)(b)

Omit "or" (last occurring).

346 Paragraph 14(2)(c)

Repeal the paragraph.

347 At the end of subsection 14(2)

Add:

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Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

348 Subsection 16(6)

Omit "Where, by reason of section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "If, because of 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)".

349 Paragraph 21C(2)(d)

Omit "of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

350 At the end of subsection 21C(2)

Add:

Note: The appointment of the Chief Executive Officer may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

351 Section 22

Before "The Chief Executive Officer", insert "(1)".

352 At the end of section 22

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

353 Subsection 27(4)

Repeal the subsection, substitute:

(4) Subsection (3) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of

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money that is not immediately required for the purposes of the Organisation.

354 Section 29

Repeal the section, substitute:

29 Extra matters to be included in annual report

The report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars of each direction, given by the Minister to the Board under section 11 of this Act, that is applicable in relation to the period.

355 Subsection 36A(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

356 Subsection 39(1)

Omit "maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997* that does not,", substitute "that does not".

Australian Organ and Tissue Donation and Transplantation Authority Act 2008

357 Section 21

Repeal the section.

358 Paragraph 22(2)(d)

Repeal the paragraph, substitute:

(d) 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.

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359 Division 6 of Part 3

Repeal the Division.

360 Sections 41 and 42

Repeal the sections, substitute:

41 Disclosure of interests to the Minister

(1) A disclosure by an Advisory Council 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 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*, the Advisory Council 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.

(4) The Minister may terminate the appointment of an Advisory Council member if the member fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013*, or the rules made for the purposes of that section.

(5) Subsection (4) does not limit subsection 34(5).

361 Sections 51 and 52

Repeal the sections, substitute:

51 Disclosure of interests to the CEO

(1) A disclosure by an expert advisory committee 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 CEO.

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

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(3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the expert advisory committee 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.

(4) The CEO may terminate the appointment of an expert advisory committee member if the member fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013*, or the rules made for the purposes of that section.

(5) Subsection (4) does not limit subsection 46(4).

Australian Passports Act 2005

362 Subsection 13(3) (paragraph (c) of the definition of *competent authority*)

Omit "an agency (within the meaning of the *Financial Management and Accountability Act 1997*)", substitute "a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*)".

363 Subsection 14(3) (subparagraph (b)(iii) of the definition of *competent authority*)

Omit "an agency (within the meaning of the *Financial Management and Accountability Act 1997*)", substitute "a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*)".

Australian Postal Corporation Act 1989

364 Section 3 (definition of *Finance Minister*)

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

365 Section 13 (note)

Repeal the note, substitute:

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Note: The *Public Governance, Performance and Accountability Act 2013* applies to Australia Post. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

366 Paragraph 28(a)

Repeal the paragraph, substitute:

(a) any government policy orders that apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013*;

367 Section 38

Omit "under section 17 of the *Commonwealth Authorities and Companies Act 1997*", substitute "for Australia Post under section 35 of the *Public Governance, Performance and Accountability Act 2013*".

368 At the end of paragraphs 38(a) to (g)

Add "and".

369 Paragraph 38(h)

Repeal the paragraph, substitute:

(h) the cost of performing Australia Post's functions in a manner consistent with any government policy orders that apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013*; and

370 Subsection 40(1)

Omit "section 17 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 35 of the *Public Governance, Performance and Accountability Act 2013*".

371 Subsection 43(1)

Omit "under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

372 Paragraphs 43(1)(a), (b) and (c)

Repeal the paragraphs.

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373 Paragraph 43(1)(fa)

Omit "year", substitute "period".

374 Subparagraph 43(1)(g)(i)

Repeal the subparagraph, substitute:

(i) any government policy orders that apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013* for the period;

375 Subparagraph 43(1)(g)(ii)

Omit "year", substitute "period".

376 Paragraphs 43(1)(h), (k), (m), (n) and (o)

Omit "year" (wherever occurring), substitute "period".

377 Subsection 43(2) (definition of *corporate plan*)

Omit "section 17 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 35 of the *Public Governance, Performance and Accountability Act 2013*".

378 Subsection 44(1)

Omit "under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

379 Paragraph 44(1)(a)

Omit "financial targets applicable to the year", substitute "financial targets applicable to the period".

380 Paragraphs 44(1)(d), (e) and (f)

Omit "year" (wherever occurring), substitute "period".

381 Subparagraph 44(1)(g)(ii)

Repeal the subparagraph, substitute:

(ii) the cost of performing Australia Post's functions in a way consistent with any government policy orders that

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apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013* for the period; and

382 Subsection 44(3) (definition of *corporate plan*)

Omit "section 17 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 35 of the *Public Governance, Performance and Accountability Act 2013*".

383 Subsection 56A(8) (note)

Omit "prescribed agency for the purposes of the *Financial Management and Accountability Act 1997*", substitute "Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*".

384 Subsection 57(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of Australia Post.

385 Subsection 67(2)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

386 Section 71

Omit "Sections 27F and 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "Section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) and any rules made for the purposes of that section".

387 At the end of paragraph 79(2)(a)

Add "or".

388 Paragraph 79(2)(b)

Repeal the paragraph.

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389 At the end of subsection 79(2)

Add:

Note: The appointment of a director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

390 Paragraph 79(5)(a)

Omit "under section 15 or 16, or subsection 17(5), of the *Commonwealth Authorities and Companies Act 1997*", substitute "under section 19 of the *Public Governance, Performance and Accountability Act 2013*".

391 Section 84

Before "The Managing Director", insert "(1)".

392 At the end of section 84

Add:

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to the Managing Director despite subsection 30(6) of that Act.

393 Section 87

Before "The Managing Director", insert "(1)".

394 At the end of section 87

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

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Australian Prudential Regulation Authority Act 1998

395 Subsection 11(3) (note)

Repeal the note, substitute:

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

396 Paragraph 12A(a)

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

397 At the end of Part 4A

Add:

Division 3—Miscellaneous

48E Application of section 29 of the *Public Governance, Performance and Accountability Act 2013*

Section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) does not apply in relation to:

(a) an APRA member; or

(b) an APRA staff member; or

(c) a person to whom paragraph 48D(b) applies.

398 Subsection 50(3) (note)

Omit "the Finance Minister's Orders (see section 49 of the *Financial Management and Accountability Act 1997*)", substitute "the accounting standards and with rules made for the purposes of section 42 of the *Public Governance, Performance and Accountability Act 2013*".

399 Subsection 52(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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400 Subsection 53(1) (note)

Omit "Special Account" (wherever occurring), substitute "special account".

401 Subsection 54(2) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

402 Subsection 54A(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

403 Section 54C (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

404 Subsection 54E(6) (definition of *Finance Minister*)

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

405 Subsection 59(1)

Repeal the subsection.

406 Subsection 59(2) (heading)

Repeal the heading.

407 Subsection 59(2)

Omit "A report under subsection (1) must include the following:", substitute "The annual report prepared by the Chair and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the following:".

408 Paragraphs 59(2)(b) and (ba)

Omit "year", substitute "period".

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409 Paragraph 59(2)(c)

Omit "regulations;", substitute "regulations.".

410 Paragraphs 59(2)(d) and (e)

Repeal the paragraphs.

411 Subsection 59(4)

Repeal the subsection.

Australian Radiation Protection and Nuclear Safety Act 1998

412 Section 13 (definition of *Finance Minister*)

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

413 Section 50

Repeal the section.

414 Paragraph 51(2)(f)

Repeal the paragraph, substitute:

(f) 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;

415 Subsection 56(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

416 Subsection 56(3) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

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417 Section 59

Repeal the section, substitute:

59 Annual report

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

(a) must be a report of the activities, during the period, of:
  (i) the CEO; and
  (ii) ARPANSA; and
  (iii) the Council, the Radiation Health Committee and the Nuclear Safety Committee; and

(b) must include the following:
  (i) details of directions given by the Minister during the period under section 16 of this Act;
  (ii) details of any breach of licence conditions by a licensee during the period, of which the CEO is aware;
  (iii) details of all reports received by the CEO during the period under paragraph 20(f) or 26(1)(d) of this Act.

Australian Research Council Act 2001

418 Section 4 (definition of *interest*)

Repeal the definition.

419 Paragraph 33C(2)(b)

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

420 Subsection 33C(3)

Omit "in a financial year".

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421 Paragraph 33C(3)(b)

Omit "for the ARC for the financial year", substitute ", prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*, for the period in which the direction is given".

422 Subsection 33C(3) (at the end of the note)

Add "of this Act".

423 Subsection 39(1) (heading)

Repeal the heading.

424 Subsection 39(1)

Omit "(1)".

425 At the end of subsection 39(1)

Add:

Note: The CEO must also disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.

426 Subsections 39(2) and (3)

Repeal the subsections.

427 Division 1 of Part 6 (heading)

Repeal the heading, substitute:

Division 1—Corporate plans

428 Section 42

Repeal the section, substitute:

42 Corporate plans

(1) The CEO must give to the Minister for approval the corporate plan prepared under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

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(2) Without limiting that section (or the rules made for the purposes of that section), the plan must deal with any matters that the Minister, by notice in writing to the CEO, requires to be dealt with in the plan.

429 Section 43 (heading)

Repeal the heading, substitute:

43 Ministerial approval of corporate plans

430 Subsections 43(1) to (4)

Omit "strategic plan" (wherever occurring), substitute "corporate plan".

431 Section 44 (heading)

Repeal the heading, substitute:

44 Variation of corporate plans

432 Subsections 44(1) and (3)

Omit "strategic plan" (wherever occurring), substitute "corporate plan".

433 Section 45

Repeal the section, substitute:

45 Annual report to include assessment of CEO's performance using performance indicators in corporate plan

(1) The annual report referred to in section 46 for a period must include an assessment of the CEO's performance of his or her functions during that period.

(2) The performance indicators set out in the corporate plan as required by the rules made for the purposes of section 35 of the *Public Governance, Performance and Accountability Act 2013* must be used in making that assessment.

Note: For more information about the ARC's annual report, see section 46 of this Act.

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434 Section 46

Repeal the section, substitute:

46 Annual report

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

(a) any matters required by other provisions of this Act to be dealt with in the report; and

(b) any other matters that the Minister, by notice in writing to the CEO, requires to be dealt with in the report.

Note: Other provisions of this Act that require matters to be dealt with in the report are subsection 33C(3) and section 45.

435 Subsection 62(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

436 Section 63 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

Australian Security Intelligence Organisation Act 1979

437 Subsection 34ZJ(3)

Omit "year", substitute "period".

438 Subsection 34ZJ(3)

Omit "under", substitute "referred to in".

439 Section 94

Repeal the section, substitute:

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94 Annual report

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

(a) the total number of requests made under Division 3 of Part III to issuing authorities during the period for the issue of warrants under that Division; and

(b) the total number of warrants issued during the period under that Division; and

(c) the total number of warrants issued during the period under section 34E; and

(d) the number of hours each person appeared before a prescribed authority for questioning under a warrant issued during the period under section 34E and the total of all those hours for all those persons; and

(e) the total number of warrants issued during the period under section 34G; and

(f) the following numbers:

(i) the number of hours each person appeared before a prescribed authority for questioning under a warrant issued during the period under section 34G;

(ii) the number of hours each person spent in detention under such a warrant;

(iii) the total of all those hours for all those persons; and

(g) the number of times each prescribed authority had persons appear for questioning before him or her under warrants issued during the period.

(2) A statement included under subsection (1) in a report must not name, or otherwise specifically identify, any person to whom information provided in the report relates.

(3) A copy of the report must be given to the Leader of the Opposition in the House of Representatives, but it is the duty of the Leader of the Opposition to treat as secret any part of the report that is not tabled in a House of the Parliament.

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(4) Subject to subsection (5), the Minister must cause a copy of the report to be laid before each House of the Parliament within 20 sitting days of that House after the report is received by the Minister.

(5) For the purposes of subsection (4), the Minister may make such deletions from the report as the Minister, after obtaining advice from the Director-General, considers necessary in order to avoid prejudice to security, the defence of the Commonwealth, the conduct of the Commonwealth's international affairs or the privacy of individuals.

(6) The Minister must not delete from a report a statement described in subsection (1).

Australian Sports Anti-Doping Authority Act 2006

440 Section 22 (note)

Repeal the note.

441 Subsection 24(4)

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

442 Section 24E

Repeal the section.

443 Paragraph 24J(2)(b)

Omit "24E or".

444 After paragraph 24J(2)(b)

Insert:

(ba) 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

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445 Sections 31 and 32

Repeal the sections, substitute:

31 Disclosure of interests to the Minister

(1) A disclosure by an Advisory Group 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 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*, the Advisory Group 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.

32 Disclosure of interests by CEO attending etc. Advisory Group meetings

If:

(a) the CEO attends and participates in, or proposes to attend or participate in, a meeting of the Advisory Group; and

(b) rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* apply in relation to the participation of Advisory Group members in the meeting;

the CEO must, in relation to the CEO's participation in the meeting, comply with those rules as if the CEO were an Advisory Group member.

446 Paragraph 37(2)(b)

Omit "section 31 or 32", substitute "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".

447 Sections 48 and 49

Repeal the sections, substitute:

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48 Disclosure of interests to the Minister

(1) A disclosure by an ADRVP 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 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*, the ADRVP 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.

448 Paragraph 50C(2)(b)

Omit "48, 49 or".

449 After paragraph 50C(2)(b)

Insert:

(ba) the ADRVP 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

450 Sections 74 and 75

Repeal the sections, substitute:

74 Annual report

(1) The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must set out the following:

(a) the number of disclosure notices given in the period;

(b) the number of proceedings for contraventions of section 13C (failure to comply with disclosure notice) that were commenced or concluded in the period;

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(c) the number of proceedings concluded in the period in which a person was ordered to pay a civil penalty for contravening section 13C of this Act.

(2) Without limiting subsection (1), the report must set out the number of times the CEO has exercised the discretion referred to in subsection 68(5A) of this Act in relation to protected customs information during the period.

Australian Sports Commission Act 1989

451 Section 3 (definition of *Finance Minister*)

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

452 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Commission. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

453 Paragraph 19(2)(b)

Repeal the paragraph.

454 At the end of subsection 19(2)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

455 Subsection 22(7)

Repeal the subsection, substitute:

(7) Rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* dealing with disclosing interests in a matter that is about to be considered

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by a body (other than the members of an accountable authority) apply to members of a committee as if:

(a) the committee were the accountable authority of a Commonwealth entity; and

(b) the members were members of that accountable authority; and

(c) the Commission were the responsible Minister for that Commonwealth entity.

456 Part IV (heading)

Repeal the heading, substitute:

Part IV—Corporate plans and annual operational plans

457 Sections 23 and 24

Repeal the sections, substitute:

23 Corporate plans

Each corporate plan prepared by the members of the Commission under section 35 of the *Public Governance, Performance and Accountability Act 2013*:

(a) must be submitted to the Minister for approval not less than 3 months, or such lesser period as the Minister, in special circumstances, allows, before the day of commencement of the period to which the corporate plan relates; and

(b) must be laid before each House of the Parliament within 15 sitting days of that House after the Minister has approved the corporate plan; and

(c) comes into force on:

(i) the day on which it is approved by the Minister; or

(ii) the day of commencement of the period to which it relates;

whichever is the later.

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458 Section 25 (heading)

Repeal the heading, substitute:

25 Variation of corporate plans

459 Subsection 25(1)

Omit "in respect of which a strategic plan prepared in accordance with section 23 is in force", substitute "to which a corporate plan, prepared by the members of the Commission under section 35 of the *Public Governance, Performance and Accountability Act 2013*, relates".

460 Subsection 25(1)

Omit "the strategic plan", substitute "the corporate plan".

461 Subsections 25(2) and (3) and 26(1), (2) and (5)

Omit "strategic plan" (wherever occurring), substitute "corporate plan".

462 Section 27

Omit "strategic plan", substitute "corporate plan".

463 Section 37

Before "The Executive Director", insert "(1)".

464 At the end of section 37

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

465 Subsection 45(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Commission.

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466 Subsection 47(1)

Omit "(1)".

467 Subsection 47(2)

Repeal the subsection.

468 Section 48

Repeal the section, substitute:

48 Extra matters to be included in annual report

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

(a) specify the financial transactions and the state of the affairs of the Australian Sports Foundation; and

(b) include particulars of each direction given to it by the Minister under subsection 11(1) that is applicable in relation to the period; and

(c) include an assessment of the extent to which its operations during the period have implemented the relevant operational plan; and

(d) include particulars of:

(i) significant capital works programs (if any) undertaken by the Commission during the period; and

(ii) significant acquisitions and dispositions of real property by the Commission during the period; and

(iii) variations to the operational plan agreed to by the Minister during the period.

469 Subsection 52(1)

Omit "maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

Australian Trade Commission Act 1985

470 Subsection 3(1) (definition of *corporate plan*)

Repeal the definition, substitute:

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corporate plan means a plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013*, and includes such a plan as varied under section 66 of this Act.

471 Section 64

Repeal the section.

472 Section 92

Repeal the section, substitute:

92 Annual reports

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

(a) information about the Commission's operations under the *Export Market Development Grants Act 1997* during the period;

(b) particulars of all directions given by the Minister to the CEO under subsection 10(1) during the period, other than any direction that includes a statement to the effect that the direction is not to be disclosed:

(i) for reasons of national security; or

(ii) because its disclosure would have an adverse effect on the financial interests or property interests of the Commonwealth or of an instrumentality of the Commonwealth.

Australian War Memorial Act 1980

473 Section 3 (definition of *Finance Minister*)

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

474 Subsection 4(2) (note)

Repeal the note, substitute:

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Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Memorial. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

475 Paragraph 14(2)(b)

Omit "; or", substitute ";".

476 Paragraph 14(2)(c)

Repeal the paragraph.

477 At the end of subsection 14(2)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

478 Subsection 32(4)

Omit "in accordance with subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

479 Subsection 33(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Memorial.

480 Subsection 35(1)

Omit "(1)".

481 Subsection 35(2)

Repeal the subsection.

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Autonomous Sanctions Act 2011

482 Section 4 (definition of *Commonwealth entity*)

Repeal the definition, substitute:

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

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Schedule 8—Amendments of Acts starting with B to E

Banking Act 1959

1 Subsection 5(1) (definition of *Finance Minister*)

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

2 Subsection 69(11B)

Repeal the subsection, substitute:

(11B) The Treasurer may, by instrument in writing, delegate any of his or her functions or powers under this section to:

(a) a corporate Commonwealth entity for which the Treasurer is the responsible Minister; or

(b) a member, or staff member, of such an entity.

3 At the end of subsection 69(12)

Add:

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

responsible Minister has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

4 Subsection 70C(2) (heading)

Repeal the heading, substitute:

Specifying amounts to be credited to special account

5 Subsection 70C(2) (note)

Omit "Special Account", substitute "special account".

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6 Subsection 70C(4)

Omit "subsection 21(2) of the *Financial Management and Accountability Act 1997*", substitute "subsection 80(3) of the *Public Governance, Performance and Accountability Act 2013*".

7 Subsection 70E(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

8 Subsection 70F(1) (note)

Omit "Special Account" (wherever occurring), substitute "special account".

9 Section 70G (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

Bankruptcy Act 1966

10 Subsection 5(1) (definition of *Finance Minister*)

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

11 Section 18AA

Repeal the section, substitute:

18AA *Public Governance, Performance and Accountability Act 2013* does not apply to the Official Trustee

Despite paragraph 10(1)(d) of the *Public Governance, Performance and Accountability Act 2013*, the Official Trustee is not a Commonwealth entity for the purposes of that Act.

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12 Subsection 20G(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

Cancer Australia Act 2006

13 Subsection 13(1) (note)

Repeal the note, substitute:

Note: For other powers of delegation, see section 110 of the *Public Governance, Performance and Accountability Act 2013*.

14 Section 20

Repeal the section.

15 Paragraph 23(2)(d)

Repeal the paragraph, substitute:

(d) the Chief Executive Officer 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.

16 Subsection 32(2)

Repeal the subsection, substitute:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

17 Paragraph 35(2)(c)

Repeal the paragraph, substitute:

(c) the Advisory Council member fails, without reasonable excuse, to comply with:

(i) section 32 (which deals with disclosure of pecuniary interests to the Minister); or

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(ii) 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.

18 Section 37

Repeal the section, substitute:

37 Annual report

The annual report prepared by the Chief Executive Officer and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include a report on the Advisory Council's operations during the period.

Charter of Budget Honesty Act 1998

19 Subclause 3(1) of Schedule 1 (definition of *Minister for Finance*)

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

Charter of the United Nations Act 1945

20 Section 2 (definition of *Commonwealth entity*)

Repeal the definition, substitute:

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

Child Support (Registration and Collection) Act 1988

21 Subsection 73(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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22 Subsection 74(3)

Omit "section 30 of the *Financial Management and Accountability Act 1997*", substitute "section 74 of the *Public Governance, Performance and Accountability Act 2013* (which deals with receipt of amounts by non-corporate Commonwealth entities)".

Civil Aviation Act 1988

23 Section 3 (definition of *corporate plan*)

Repeal the definition.

24 Section 3 (definition of *Finance Minister*)

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

25 Subsection 8(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the CASA. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

26 Subsection 12(5)

Repeal the subsection (including the note), substitute:

(5) This section does not affect the application of section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities) in relation to CASA.

27 Section 44

Repeal the section, substitute:

44 Corporate plan

(1) A corporate plan prepared by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013* must be given to the Minister for the Minister's approval.

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(2) The plan must include details of the following matters:
   (a) analysis of risk factors likely to affect safety in the aviation industry;
   (b) human resource strategies and industrial relations strategies;
   (c) any other matters required by the Minister.

(3) In preparing the plan, the Board must take account of notices given under section 12A.

28 Subsection 47(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of CASA.

29 Section 49

Repeal the section, substitute:

49 Extra matters to be included in annual report

Each annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the following:
   (a) particulars of each direction given to the Board by the Minister under section 12 of this Act during the period;
   (b) in relation to notices given to the Board by the Minister under section 12A:
      (i) particulars of each notice given during the period; and
      (ii) a summary of action taken in the period by CASA, or by the Board, because of notice given to the Board in that period or any other period;
   (c) particulars of each direction given to CASA by the Minister under section 12B during the period.

30 Subsection 52(1) (note)

Repeal the note, substitute:

Note: As a member of the governing body, the Director is a member of the accountable authority of a Commonwealth entity for the purposes of

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the *Public Governance, Performance and Accountability Act 2013*: see the definition of ***accountable authority*** in section 12 of that Act.

31 Paragraph 60(2)(c)

Omit "; or", substitute ".".

32 Paragraph 60(2)(d)

Repeal the paragraph.

33 At the end of subsection 60(2)

Add:

Note: The appointment of a Board member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

34 Paragraph 60(4)(b)

Repeal the paragraph, substitute:

(b) the Board members have failed to comply with section 19 of the *Public Governance, Performance and Accountability Act 2013*;

35 Paragraph 66(2)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

36 Subsection 70(3)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

37 Paragraph 81(e)

Omit "; or", substitute ".".

38 Paragraph 81(f)

Repeal the paragraph.

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39 At the end of section 81

Add:

Note: The appointment of the Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

Classification (Publications, Films and Computer Games) Act 1995

40 Section 5 (definition of *Finance Minister*)

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

41 Subsections 13(1), 14(1), 15(3) and (4) and 17(1) (note)

Omit ", or a Commonwealth authority or agency", substitute "or a Commonwealth entity".

42 Subsection 22A(2) (note)

Omit "Commonwealth authority", substitute "Commonwealth entity".

43 Subsections 27(2), (3), (5) and (6) and 87(2), (3), (5) and (6) (note)

Omit ", or a Commonwealth authority or agency", substitute "or a Commonwealth entity".

44 Subsection 91A(4)

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

(4) In subsections (1) and (2), ***Commonwealth*** includes a Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) that cannot be made liable to taxation by a Commonwealth law.

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COAG Reform Fund Act 2008

45 Subsection 5(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

46 Subsection 5(2) (note 1)

Omit "Special Account" (wherever occurring), substitute "special account".

47 Section 6 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

Coal Mining Industry (Long Service Leave) Administration Act 1992

48 Subsection 4(1) (definition of *Finance Minister*)

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

49 Subsection 6(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Corporation. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

50 Subsection 17(2)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

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51 Paragraph 28(2)(c)

Omit "of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

52 At the end of subsection 28(2)

Add:

Note: The appointment of a Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

53 Section 39

Repeal the section, substitute:

39 Application of the *Public Governance, Performance and Accountability Act 2013*

Section 59 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by corporate Commonwealth entities) does not apply to the Corporation.

Note: Money standing to the credit of the Fund is relevant money for the purposes of the *Public Governance, Performance and Accountability Act 2013*. (See section 40 of this Act and the definition of ***relevant money*** in section 8 of the *Public Governance, Performance and Accountability Act 2013*.)

54 Subsection 50(1A)

Omit "an officer (within the meaning of the *Commonwealth Authorities and Companies Act 1997*)", substitute "an official (within the meaning of the *Public Governance, Performance and Accountability Act 2013*)".

Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992

55 Subsection 9(3)

Repeal the subsection, substitute:

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

(a) any amounts paid to, or recovered by, the Corporation or another person under this section during the period; and

(b) any proceedings brought by the Corporation to recover an amount under subsection (2) during the period.

Coastal Trading (Revitalising Australian Shipping) Act 2012

56 Subsection 6(1) (paragraph (a) of the definition of *Commonwealth agency*)

Repeal the paragraph, substitute:

(a) a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*); and

57 Paragraph 110(1)(b)

Repeal the paragraph, substitute:

(b) the accountable authority, or a member of an accountable authority, of a Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*;

Commonwealth Electoral Act 1918

58 Subsection 4(1) (definition of *Finance Minister*)

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

59 At the end of section 11

Add:

(3) This section applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

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60 Subsection 17(1)

Repeal the subsection.

61 Subsection 17(1A)

Omit "under subsection (1) in relation to the operations of the Commission for the year ending on 30 June 2001, and for each subsequent year, must include particulars for that year of", substitute "prepared by the Electoral Commissioner and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars for the period of".

62 Subsection 17(2C)

Omit "under this" (wherever occurring), substitute "referred to in this".

63 Subsection 17(4)

Omit "(1),".

64 Subsection 17(5)

Omit "under this" (wherever occurring), substitute "referred to in this".

65 Subsection 17A(1)

Omit "under" (first occurring), substitute "referred to in".

66 Subsection 25(3)

Repeal the subsection, substitute:

(3) The Governor-General must terminate the appointment of the Electoral Commissioner, or the Deputy Electoral Commissioner while acting as the Electoral Commissioner, if the Commissioner or Deputy fails, without reasonable excuse, to comply with his or her obligations under:

(a) section 11; or

(b) 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.

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Commonwealth Inscribed Stock Act 1911

67 Paragraph 51JA(2A)(c)

Omit "subsection 39(2) of the *Financial Management and Accountability Act 1997*", substitute "section 58 of the *Public Governance, Performance and Accountability Act 2013*".

Commonwealth Places (Application of Laws) Act 1970

68 Section 21

Repeal the section, substitute:

21 Amounts received by an authority of a State not other CRF money

Despite subsection 105(2) of the *Public Governance, Performance and Accountability Act 2013*, an amount received by an authority of a State under the applied provisions is not other CRF money for the purposes of that Act.

Commonwealth Places (Mirror Taxes) Act 1998

69 Subsection 23(5)

Repeal the subsection, substitute:

(5) Despite subsection 105(2) of the *Public Governance, Performance and Accountability Act 2013*, an amount received under an applied law is not other CRF money for the purposes of that Act.

ComSuper Act 2011

70 Subsection 7(1)

Omit "(1)".

71 At the end of subsection 7(1)

Add:

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Note: The CEO is not on the Board of the CSC, and is not a member of the accountable authority of the CSC. (See section 12 of the *Public Governance, Performance and Accountability Act 2013*.)

72 Subsection 7(2)

Repeal the subsection.

73 Paragraph 8(5)(a)

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

74 Section 15

Repeal the section.

75 Paragraph 18(1)(e)

Omit "section 15", substitute "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".

76 Subsection 21(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

77 Section 22 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

78 Paragraph 23(2)(f)

Omit "Special".

79 Subsection 23(2) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

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80 Section 24

Repeal the section, substitute:

24 Annual report

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

(a) particulars of any directions given to the CEO by CSC during the period; and

(b) the impact of the directions on the performance of the CEO's function.

Corporations (Aboriginal and Torres Strait Islander) Act 2006

81 Subsection 551-20(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

82 Paragraph 604-25(4)(c)

Omit "a Chief Executive, or an officer or employee, of a prescribed Agency (within the meaning of the *Financial Management and Accountability Act 1997*)", substitute "an accountable authority, a member of an accountable authority or any other official (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

83 Paragraph 604-25(4)(g)

Repeal the paragraph, substitute:

(g) an accountable authority, a member of an accountable authority or any other official (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act) if the entity is prescribed for the

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purposes of this paragraph, for the purposes of performing the functions, or exercising the powers, conferred on the entity by a law of the Commonwealth;

Crimes (Superannuation Benefits) Act 1989

84 Subsection 2(1) (definition of *Finance Minister*)

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

Criminology Research Act 1971

85 Section 4 (definition of *Finance Minister*)

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

86 Subsection 46(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

87 Subsection 46(3) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

88 Subsection 46(4) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

89 Section 49

Repeal the section, substitute:

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49 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) if a grant was made to a person during the period:
  (i) the name of the person; and
  (ii) the amount of the grant; and
  (iii) the purpose of the grant; and
(b) any other matter prescribed by the regulations.

CSL Sale Act 1993

90 Subsection 3(1) (definition of *Finance Minister*)

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

Customs Act 1901

91 Subsection 4(1) (definition of *Finance Minister*)

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

92 Section 269SML

Repeal the section, substitute:

269SML Disclosure of interests

(1) A disclosure by the Commissioner 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 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*, the Commissioner is

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taken not to have complied with section 29 of that Act if the Commissioner does not comply with subsection (1) of this section.

93 Paragraph 269SMO(2)(c)

Omit "section 269SML", substitute "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".

Customs Administration Act 1985

94 Section 11

Before "The", insert "(1)".

95 At the end of section 11

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

96 Section 17

Repeal the section.

Dairy Produce Act 1986

97 Clause 104 of Schedule 2

Repeal the clause, substitute:

104 Application of the *Public Governance, Performance and Accountability Act 2013*

Despite subsection 105(2) of the *Public Governance, Performance and Accountability Act 2013*, levy collected by a collection agent, a collection sub-agent or a collecting organisation is not other CRF money for the purposes of that Act.

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98 Subclause 131(5) of Schedule 2

Repeal the subclause, substitute:

(5) In this clause:

Commonwealth entity means a Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013* that cannot be made liable to taxation by a Commonwealth law.

Minister for Finance means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

Defence Act 1903

99 Subsection 123H(3)

Omit "regulations in force for the purposes of subparagraph 65(2)(a)(ia) of the *Financial Management and Accountability Act 1997*", substitute "rules made for the purposes of section 65 of the *Public Governance, Performance and Accountability Act 2013* (which deals with act of grace payments by the Commonwealth)".

100 Subsection 123H(4)

Omit "section 33 of the *Financial Management and Accountability Act 1997*", substitute "section 65 of the *Public Governance, Performance and Accountability Act 2013*".

Defence Force Discipline Appeals Act 1955

101 Subsection 4(1) (definition of *Finance Minister*)

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

Defence Force Retirement and Death Benefits Act 1973

102 Subsection 3(1) (definition of *Finance Minister*)

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

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103 Subsections 124B(2) and (3) and 124C(3) (note)

Repeal the note.

104 Subsection 124D(10)

Omit "*Financial Management and Accountability Act 1997*) who is in the Department or is part of the Department", substitute "*Public Governance, Performance and Accountability Act 2013*) of the Department".

Defence Forces Retirement Benefits Act 1948

105 Subsection 4(1) (definition of *Finance Minister*)

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

Defence Forces Retirement Benefits (Pension Increases) Act 1967

106 Subsection 3(1) (definition of *Finance Minister*)

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

Defence Home Ownership Assistance Scheme Act 2008

107 Section 3 (definition of *Commonwealth agency*)

Omit "an Agency within the meaning of the *Financial Management and Accountability Act 1997*", substitute "a non-corporate Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*".

108 Section 83

Repeal the section.

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Defence Housing Australia Act 1987

109 Subsection 3(1) (definition of *Finance Minister*)

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

110 Subsections 6(1) and (2)

Repeal the subsections, substitute:

(1) The first additional function of DHA is to provide adequate and suitable housing for, and housing-related services to:

(a) officials of a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) other than the Department, and their families; and

(b) persons contracted to provide goods or services to a non-corporate Commonwealth entity (within the meaning of that Act) other than the Department, and their families;

in order to meet the requirements of that entity.

(2) The second additional function of DHA is to provide services ancillary to the services mentioned in subsection (1) and in subsection 5(1), to persons mentioned in those subsections, in order to meet the requirements of a non-corporate Commonwealth entity (within the meaning of that Act).

111 Subsection 11(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to DHA. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

112 Section 20

Omit "sections 27F and 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "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".

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113 Paragraph 21(2)(b)

Repeal the paragraph.

114 At the end of subsection 21(2)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

115 Subsection 26(6)

Repeal the subsection, substitute:

(6) Rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* dealing with disclosing interests in a matter that is about to be considered by a body (other than the members of an accountable authority) apply to members of a committee.

(7) For the purposes of subsection (6), a member of a committee does not have a material personal interest in a matter only because the member is the tenant of a house rented from DHA.

116 Subsection 66A(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

Defence Reserve Service (Protection) Act 2001

117 Section 7 (definition of *Finance Minister*)

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

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Defence Service Homes Act 1918

118 Subsection 4(1) (definition of *Finance Minister*)

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

119 Subsection 40(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

Defence Trade Controls Act 2012

120 Subsection 69(6) (definition of *Commonwealth entity*)

Repeal the definition, substitute:

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

Director of Public Prosecutions Act 1983

121 Paragraph 11(3)(b)

Omit "a report under subsection 33(1)", substitute "an annual report given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

122 Subparagraph 11(3)(b)(i)

Omit "to which the report relates".

123 Subparagraph 11(3)(b)(ii)

Omit "that period", substitute "the period".

124 Paragraph 23(2)(e)

Repeal the paragraph, substitute:

(e) fails, without reasonable excuse, to comply with his or her obligations under:

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(i) section 24; or

(ii) 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;

125 At the end of section 24

Add:

(3) This section applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

126 Section 33

Repeal the section.

DisabilityCare Australia Fund Act 2013

127 Section 4 (definition of *bank*)

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

128 Section 4 (definition of *DisabilityCare Australia Transitional Special Account*)

Repeal the definition.

129 Section 4 (definition of *Finance Minister*)

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

130 Subsection 11(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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131 Subsection 11(2) (note)

Omit "Special Account" (wherever occurring), substitute "special account".

132 Section 15 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

133 Section 16 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

134 Subsection 28(6)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

135 Section 40

Repeal the section.

136 Part 5

Repeal the Part.

137 Subsection 53(1)

Omit "any or all of his or her powers under section 20, 49 or 51", substitute "his or her power under section 20".

Early Years Quality Fund Special Account Act 2013

138 Subsection 5(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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139 Section 7 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

Education Services for Overseas Students Act 2000

140 Subsection 52A(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

141 Section 52B (note)

Omit "Special Account" (wherever occurring), substitute "special account".

142 Subsection 52C(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

143 Subparagraph 55C(1)(a)(ii)

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

Environment Protection and Biodiversity Conservation Act 1999

144 Section 514A (note)

Repeal the note, substitute:

Note: Subject to section 514U, the *Public Governance, Performance and Accountability Act 2013* applies to the Director. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

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145 Section 514L

Repeal the section.

146 Paragraph 514P(2)(c)

Omit "; or", substitute ".".

147 Paragraph 514P(2)(d)

Repeal the paragraph.

148 At the end of subsection 514P(2)

Add:

Note: The appointment of a person as the Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

149 Subparagraph 514S(d)(ii)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

150 Subsection 514T(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Fund.

151 Section 514U

Repeal the section, substitute:

514U Application of *Public Governance, Performance and Accountability Act 2013*

(1) Sections 514A and 514E provide that the Director is a corporation. The *Public Governance, Performance and Accountability Act 2013* applies (subject to subsection (2) of this section) in relation to the corporation as if the person holding, or performing the duties of,

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the office of Director were an accountable authority of the corporation for the purposes of that Act.

(2) To avoid doubt, the *Public Governance, Performance and Accountability Act 2013* applies to the Australian National Parks Fund as though the Fund were money held by the Director.

152 Section 514V

Omit "section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

153 Section 514V

Omit "year to which the report relates", substitute "period".

154 Subsections 516A(1) to (4)

Repeal the subsections, substitute:

Annual reports for Commonwealth entities

(1) The accountable authority of a Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) must ensure that an annual report prepared under section 46 of that Act complies with subsection (6) of this section.

Annual reports of Commonwealth companies

(4) The directors of a Commonwealth company (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) that is a Commonwealth agency must ensure that the documents given to the responsible Minister (within the meaning of that Act) under section 97 of that Act include a report complying with subsection (6) of this section.

155 Paragraph 516A(5)(c)

Omit "(3) or", substitute "(1) or".

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156 Subsection 516A(6)

Omit "(3),".

Excise Act 1901

157 Subsection 165A(11)

Omit ", under section 34 of the *Financial Management and Accountability Act 1997*, to pay the amount notified to the relevant producer under subsection (3) in instalments in accordance with the provisions of that Act", substitute "to pay the amount notified to the relevant producer under subsection (3) in accordance with rules (if any) made for the purposes of section 63 of the *Public Governance, Performance and Accountability Act 2013*".

158 At the end of subsection 165A(11)

Add:

Note: The CEO also has powers to collect and recover the duty under Part 4-15 in Schedule 1 to the *Taxation Administration Act 1953*.

Export Finance and Insurance Corporation Act 1991

159 Subsection 3(1) (definition of *Finance Minister*)

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

160 Subsection 6(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to EFIC. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

161 Subsection 11(2) (note)

Repeal the note, substitute:

Note: Section 59 of the *Public Governance, Performance and Accountability Act 2013* also gives EFIC the power to invest money that is not immediately required for the purposes of EFIC.

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162 Paragraph 42(3)(b)

Omit "; or", substitute ".".

163 Paragraph 42(3)(c)

Repeal the paragraph.

164 At the end of subsection 42(3)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

165 Section 49 (note)

Repeal the note, substitute:

Note: Section 35 of the *Public Governance, Performance and Accountability Act 2013* requires the Board to prepare corporate plans.

166 Subsection 59(4)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

167 Section 70

Repeal the section, substitute:

70 Annual report

Each annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must show separately the financial effect on the operations of EFIC of each direction given to it by the Minister under subsection 9(2) and in force at any time during that period.

168 Section 74

Before "The", insert "(1)".

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169 At the end of section 74

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

170 Subsection 85(2)

Omit "EFIC must include in each annual report", substitute "each annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include".

171 Paragraphs 85(2)(a) and (b)

Omit "to which the report relates".

172 Paragraph 85(2)(c)

Omit "that period", substitute "the period".

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Schedule 9—Amendments of Acts starting with F to L

Fair Entitlements Guarantee Act 2012

1 Section 5 (definition of *Finance Minister*)

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

2 Subsection 52(2) (note)

Repeal the note.

Fair Work Act 2009

3 Subsection 652(1)

Omit "and give to the Minister, for presentation to the Parliament,".

4 After subsection 652(1)

Insert:

(1A) A report prepared after the end of a financial year must be given to the Minister by 15 October in the next financial year for presentation to the Parliament.

5 Subsection 652(1) (note)

Omit "Note", substitute "Note 1".

6 At the end of subsection 652(1)

Add:

Note 2: The report prepared by the General Manager and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* may be included in the report prepared under this section.

7 Paragraph 658(a)

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

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8 Section 664

Repeal the section, substitute:

664 Disclosure of interests to the President

(1) The General Manager must give written notice to the President of all material personal interests that the General Manager has or acquires that relate to the affairs of the FWC.

(2) Section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) does not apply to the General Manager.

9 Section 686

Repeal the section, substitute:

686 Annual report

To avoid doubt, the requirement on the Fair Work Ombudsman to give an annual report to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* does not require or authorise the disclosure of information for the purposes of the *Privacy Act 1988*.

10 Section 691

Repeal the section.

11 Paragraph 693(2)(d)

Repeal the paragraph, substitute:

(d) the Fair Work Ombudsman 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.

Family Law Act 1975

12 Section 38L

Before "The", insert "(1)".

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13 At the end of section 38L

Add:

(2) The Chief Executive Officer must give written notice to the Chief Judge and the Chief Judge of the Federal Circuit Court of all material personal interests that the Chief Executive Officer has that relate to the affairs of the Family Court or the Federal Circuit Court.

(3) Section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) does not apply to the Chief Executive Officer.

14 Subsection 38S(1)

Omit "and give to the Attorney-General".

15 At the end of subsection 38S(1)

Add:

Note: The report prepared by the Chief Executive Officer and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* may be included in the report prepared under this section.

16 After subsection 38S(1)

Insert:

(2) A report prepared after 30 June in a year must be given to the Attorney-General by 15 October of that year.

17 Section 114K

Repeal the section.

18 Paragraph 114LB(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.

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19 Section 114LC

Repeal the section.

20 Subsection 114LD(1) (note)

Omit "see section 53 of the *Financial Management and Accountability Act 1997*", substitute "see section 110 of the *Public Governance, Performance and Accountability Act 2013*".

Federal Circuit Court of Australia Act 1999

21 Subsection 117(1)

Omit "and give to the Minister".

22 At the end of subsection 117(1)

Add:

Note: The report prepared by the Chief Executive Officer and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* may be included in the report prepared under this section.

23 After subsection 117(1)

Insert:

(2) A report prepared after 30 June in a year must be given to the Minister by 15 October of that year.

Federal Court of Australia Act 1976

24 Section 18L

Before "The", insert "(1)".

25 At the end of section 18L

Add:

(2) The Registrar must give written notice to the Chief Justice of all material personal interests that the Registrar has that relate to the affairs of the Court.

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(3) Section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) does not apply to the Registrar.

26 Subsection 18S(1)

Omit "and give to the Attorney-General".

27 At the end of subsection 18S(1)

Add:

Note: The report prepared by the Registrar and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* may be included in the report prepared under this section.

28 Subsection 18S(2)

Repeal the subsection, substitute:

(2) A report prepared after 30 June in a year must be given to the Attorney-General by 15 October of that year.

Federal Financial Relations Act 2009

29 Section 4 (definition of *drawing right*)

Repeal the definition.

30 Subsections 9(3) and (4)

Repeal the subsections, substitute:

(3) Despite subsection (2), if an Appropriation Act relating to a financial year declares that a specified amount is the ***debit limit*** for the financial year for the purposes of this section:

(a) the total amount credited to the COAG Reform Fund under paragraph (2)(a) during the financial year; and

(b) the total amount debited from the COAG Reform Fund during the financial year for the purposes of making such grants;

must not exceed that specified amount.

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(4) Despite subsection (2), if, for a financial year, no Appropriation Act relating to the financial year declares that a specified amount is the ***debit limit*** for the financial year for the purposes of this section:

(a) amounts must not be credited to the COAG Reform Fund under paragraph (2)(a) during the financial year; and

(b) amounts must not be debited from the COAG Reform Fund during the financial year for the purposes of making such grants.

31 Subsections 16(3) and (4)

Repeal the subsections, substitute:

(3) Despite subsection (2), if an Appropriation Act relating to a financial year declares that a specified amount is the ***debit limit*** for the financial year for the purposes of this section:

(a) the total amount credited to the COAG Reform Fund under paragraph (2)(a) during the financial year; and

(b) the total amount debited from the COAG Reform Fund during the financial year for the purposes of making such grants;

must not exceed that specified amount.

(4) Despite subsection (2), if, for a financial year, no Appropriation Act relating to the financial year declares that a specified amount is the ***debit limit*** for the financial year for the purposes of this section:

(a) amounts must not be credited to the COAG Reform Fund under paragraph (2)(a) during the financial year; and

(b) amounts must not be debited from the COAG Reform Fund during the financial year for the purposes of making such grants.

32 Application

The amendments to sections 4, 9 and 16 of the *Federal Financial Relations Act 2009* made by this Schedule apply on and after 1 July 2015.

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Financial Agreement Act 1994

33 Subsection 6(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

Fisheries Administration Act 1991

34 Paragraph 7(1)(j)

Omit "corporate plans and".

35 Paragraph 10B(4)(a)

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

36 Section 20

Repeal the section, substitute:

20 Disclosure of interests

Disclosure before appointment

(1) Before starting to hold office, a commissioner must give to the Minister a written statement of any material personal interest that the commissioner has that relates to the affairs of the Commission.

Note: A commissioner, once appointed, must also disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.

Disclosure after appointment

(2) A disclosure by a commissioner 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 Minister.

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

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(4) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the commissioner is taken not to have complied with section 29 of that Act if the commissioner does not comply with subsection (2) of this section.

Register of interests

(5) The CEO must keep one or more registers of interests disclosed under this section and section 29 of the *Public Governance, Performance and Accountability Act 2013*.

37 Paragraph 21(2)(d)

Repeal the paragraph, substitute:

(d) the commissioner fails, without reasonable excuse, to comply with:

(i) subsection 20(1); or

(ii) 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.

38 Paragraph 23(6)(a)

Omit "section 24 prevents", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* prevent".

39 Section 24

Repeal the section.

40 Section 72

Repeal the section, substitute:

72 Corporate plans

(1) Before preparing a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the CEO must consult with the peak industry body and with any other person or body considered by the CEO to be appropriate.

(2) A corporate plan must be signed by the Chairperson and the CEO.

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41 Subsection 73(1)

Repeal the subsection, substitute:

(1) The Minister may, by written notice given to the CEO:

(a) approve the corporate plan prepared by the CEO and given to the Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013*; or

(b) if the Minister thinks that the interests of fisheries management, or any matter relating to fisheries management, so require—request the CEO to revise the plan appropriately.

42 Subsection 73(3)

Omit "Authority", substitute "CEO".

43 Subsection 73(3)

Omit "it", substitute "he or she".

44 Paragraph 73(4)(b)

Omit "Authority", substitute "CEO".

45 Section 74 (heading)

Repeal the heading, substitute:

74 Variation of corporate plan

46 Subsection 74(1)

Omit "Authority", substitute "CEO".

47 Subsection 74(2)

Omit "Authority" (first and second occurring), substitute "CEO".

48 Subsection 74(2)

Omit "Authority's", substitute "CEO's".

49 Subsection 74(3)

Omit "Authority", substitute "CEO".

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50 Subsection 74(4)

Omit "Authority" (wherever occurring), substitute "CEO".

51 Subsection 75(1)

Omit "Authority written notice requesting it", substitute "CEO written notice requesting him or her".

52 Subsection 75(3)

Omit "Authority" (wherever occurring), substitute "CEO".

53 Subsection 75(4)

Omit "Authority", substitute "CEO".

54 Section 76

Omit "Authority" (wherever occurring), substitute "CEO".

55 Subsection 77(1)

Omit "Authority", substitute "CEO".

56 Paragraph 77(2)(c)

Omit "Authority" (first occurring), substitute "CEO".

57 Subsection 78(1)

Omit "Authority" (wherever occurring), substitute "CEO".

58 Subsection 78(3)

Omit "Authority", substitute "CEO".

59 Subsection 78(3)

Omit "it", substitute "he or she".

60 Paragraph 78(4)(b)

Omit "Authority", substitute "CEO".

61 Subsection 79(2)

Omit "Authority", substitute "CEO".

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62 Section 87

Repeal the section, substitute:

87 Annual report

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

(a) an assessment of the extent to which the operations of the Authority during the period have contributed to the objectives set out in the annual operational plan that relates to the period; and

(b) particulars of:

(i) variations (if any) of the annual operational plan taking effect during that period; and

(ii) significant changes to plans of management and the introduction of new plans of management during that period; and

(iii) the effectiveness or otherwise of the operation of plans of management during that period; and

(iv) any directions given to the Authority by the Minister under section 91 during that period; and

(c) an evaluation of the Authority's overall performance against the performance indicators set out in the annual operational plan that came into force at the beginning of that period.

63 Subsection 89(1)

Repeal the subsection, substitute:

(1) Where an annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period has been laid before each House of the Parliament, the Chairperson of the Commission is to:

(a) give to the peak industry body a copy of the report; and

(b) request a meeting with the governing body of the peak industry body.

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64 Paragraph 91(3)(b)

Omit "year", substitute "period".

65 Subsection 94B(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

66 Section 94C (note)

Omit "Special Account" (wherever occurring), substitute "special account".

Food Standards Australia New Zealand Act 1991

67 Subsection 4(1) (definition of *Finance Minister*)

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

68 Subsection 12(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Authority. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

69 Subsection 15(4)

Omit "section 28 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities)".

70 After subsection 125(4)

Insert:

(4A) Subsection (4) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

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71 At the end of subsection 125(5)

Add "that have been disclosed under this section or for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

72 Paragraph 127(2)(b)

Omit "of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

73 At the end of subsection 127(2)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

74 Subsection 139(3)

Repeal the subsection, substitute:

(3) Subsection (2) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Authority.

75 Section 141

Omit "(1)".

76 Paragraph 141(1)(b)

Omit "referred to in subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

77 Subsection 152(1)

Omit "each report on the Authority under section 9 of the *Commonwealth Authorities and Companies Act 1997* for a financial year (the ***current year***)", substitute "each annual report prepared under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period (the ***current period***)".

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78 Paragraphs 152(1)(aa) to (ae)

Omit "year" (wherever occurring), substitute "period".

79 Paragraph 152(1)(af)

Omit "financial year that the Authority had not begun to assess under section 29 before the end of the current year", substitute "period that the Authority had not begun to assess under section 29 before the end of the current period".

80 Paragraphs 152(1)(a) to (f)

Omit "year", substitute "period".

81 Paragraph 152(1)(fa)

Omit "financial year that the Authority had begun to assess under section 29 before the end of the current year, but that the Authority had not disposed of before the end of the current year", substitute "period that the Authority had begun to assess under section 29 before the end of the current period, but that the Authority had not disposed of before the end of the current period".

82 Paragraphs 152(1)(g) to (l)

Omit "year", substitute "period".

83 Paragraphs 152(1)(la) and (lb)

Repeal the paragraphs, substitute:

(la) the number of proposals prepared under section 55 during the current period that the Authority had not begun to assess under section 59 during that period; and

(lb) the number of proposals prepared under section 55 during a previous period that the Authority had not begun to assess under section 59 before the end of the current period; and

84 Paragraphs 152(1)(n) and (o)

Omit "year", substitute "period".

85 Paragraph 152(1)(pa)

Repeal the paragraph, substitute:

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(pa) the number of proposals prepared under section 55 during a previous period that the Authority had begun to assess under section 59 before the end of the current period, but that the Authority had not disposed of before the end of the current period; and

86 Paragraphs 152(1)(pc) to (y)

Omit "year", substitute "period".

87 After section 152

Insert:

152A Corporate plans

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the members.

Foreign Passports (Law Enforcement and Security) Act 2005

88 Subsection 14(2) (paragraph (c) of the definition of *competent authority*)

Omit "an agency (within the meaning of the *Financial Management and Accountability Act 1997*)", substitute "a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*)".

89 Subsection 15(2) (subparagraph (b)(iii) of the definition of *competent authority*)

Omit "an agency (within the meaning of the *Financial Management and Accountability Act 1997*)", substitute "a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*)".

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Freedom of Information Act 1982

90 Subsection 93(2)

Omit "under section 30", substitute "mentioned in section 30".

Fringe Benefits Tax (Application to the Commonwealth) Act 1986

91 Subsection 3(1) (definition of *Finance Department*)

Repeal the definition, substitute:

> ***Finance Department*** means the Department that is administered by the Finance Minister.

Future Fund Act 2006

92 Section 5

Insert:

> ***accountable authority*** has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

93 Section 5 (definition of *bank*)

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

94 Section 5 (definition of *Commonwealth company*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

95 Section 5 (definition of *Finance Minister*)

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

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96 Subsection 12(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

97 Subsection 12(2) (note 2)

Omit "Special Account" (wherever occurring), substitute "special account".

98 Subsection 17(6)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

99 Section 29

Repeal the section.

100 At the end of subsection 37(1)

Add:

Note: The Board is not a Commonwealth entity for the purposes of the *Public Governance, Performance and Accountability Act 2013* (see subsection 10(2) of that Act).

101 Paragraphs 63(2)(b) and (c)

Repeal the paragraphs, substitute:

(b) the *Public Governance, Performance and Accountability Act 2013*; or

(c) rules or any other legislative instrument made under the *Public Governance, Performance and Accountability Act 2013*;

102 Paragraph 79(a)

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

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103 Section 80

Repeal the section, substitute:

80 Application of the *Public Governance, Performance and Accountability Act 2013*

(1) The provisions of the *Public Governance, Performance and Accountability Act 2013* referred to in subsection (2) have effect as if:

(a) the Board and the Agency were a single Commonwealth entity; and

(b) the Chair were the accountable authority of that single Commonwealth entity; and

(c) an annual report given to the Minister under section 46 of that Act were an annual report for that single Commonwealth entity; and

(d) the nominated Minister were the responsible Minister; and

(e) if the Agency is a listed entity for the purposes of that Act—the Agency were not a Commonwealth entity in its own right.

Note: The Board is not a Commonwealth entity (see subsection 10(2) of the *Public Governance, Performance and Accountability Act 2013*).

(2) The provisions of the *Public Governance, Performance and Accountability Act 2013* are the following:

(a) Division 3 of Part 2-3 (which deals with performance of Commonwealth entities);

(b) Division 4 of Part 2-3 (which deals with financial reporting and auditing for Commonwealth entities), except section 44;

(c) Division 5 of Part 2-3 (which deals with audit committees for Commonwealth entities);

(d) Division 6 of Part 2-3 (which deals with annual reports for Commonwealth entities).

Note: This means, for example, that there will be:

(a) a single set of accounts and records for both the Board and the Agency; and

(b) a single set of annual financial statements in relation to both the Board and the Agency; and

(c) auditing of the single set of annual financial statements; and

(d) a single audit committee for both the Board and the Agency.

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104 Subsection 81(1)

Omit "The Chair must, as soon as practicable after the end of each financial year, prepare and give to the nominated Minister a report of", substitute "The annual report given to the nominated Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include".

105 Paragraphs 81(1)(a) and (b)

Repeal the paragraphs.

106 Subsection 81(1)

Omit "during the financial year", substitute "during the period".

107 Subsection 81(1A)

Omit "under subsection (1) for a financial year", substitute "referred to in subsection (1) for a period".

108 Subsection 81(1A)

Omit "during the financial year", substitute "during the period".

109 Subsection 81(1B)

Omit "under subsection (1) for a financial year", substitute "referred to in subsection (1) for a period".

110 Subsection 81(1B)

Omit "during the financial year", substitute "during the period".

111 Subsection 81(1C)

Omit "under subsection (1) for a financial year", substitute "referred to in subsection (1) for a period".

112 Subsection 81(1C)

Omit "during the financial year", substitute "during the period".

113 Subsections 81(2) to (2C)

Omit "under this section", substitute "referred to in subsection (1)".

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114 Subsection 81(3)

Repeal the subsection (including the heading).

115 Before subsection 81(4)

Insert:

Nominated Minister to gives copies of report to other Ministers

116 Subsection 81(4)

Omit "under this section", substitute "referred to in subsection (1)".

117 Subclause 2(1) of Schedule 2 (note 1)

Repeal the note, substitute:

Note 1: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

118 Subclause 2(2) of Schedule 2 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

Gene Technology Act 2000

119 Section 117

Omit:

> Division 3 provides for financial matters, including the establishment of a Special Account, called the Gene Technology Account.

substitute:

> Division 3 provides for financial matters, including the establishment of a special account, called the Gene Technology Account.

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120 Subsection 128(2)

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

121 Subsection 129(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

122 Subsection 130(1) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

Governance of Australian Government Superannuation Schemes Act 2011

123 Section 4 (definition of *bank*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

124 Section 5 (note 2)

Repeal the note, substitute:

Note 2: Subject to section 6 of this Act, the *Public Governance, Performance and Accountability Act 2013* applies to CSC. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

125 Section 6

Repeal the section, substitute:

6 Application of the *Public Governance, Performance and Accountability Act 2013*

Despite section 5 of this Act, the following provisions of the *Public Governance, Performance and Accountability Act 2013* do not

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apply in relation to CSC's management and investment of money that forms part of a superannuation fund administered by CSC:

(a) subsection 15(2) (which deals with the duty to govern a Commonwealth entity);

(b) paragraphs 19(1)(c), (d) and (e) (which deal with the duty to keep the Minister informed);

(c) section 36 (which deals with budget estimates);

(d) section 59 (which deals with investment);

(e) section 72 (which deals with the Minister informing Parliament of certain events);

(f) any other provision of that Act prescribed by regulations made for the purposes of this Act.

126 Subsection 17(3)

Repeal the subsection, substitute:

(3) The Minister may terminate the appointment of a director if the director's continuation in office would contravene a SIS fitness and propriety standard.

127 At the end of subsection 17(4)

Add:

Note: The appointment of a director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

128 Subsection 17(5)

Omit "paragraph 16(1)(a) or (b) of the *Commonwealth Authorities and Companies Act 1997*", substitute "paragraph 19(1)(a) or (b) of the *Public Governance, Performance and Accountability Act 2013*".

129 At the end of section 17

Add:

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Consultation and consent requirements for termination under the Public Governance, Performance and Accountability Act 2013

(10) Subsections (6), (7), (8) and (9) apply (subject to subsection (11)) in relation to the termination of the appointment of a director under section 30 of the *Public Governance, Performance and Accountability Act 2013* in the same way as they apply to the termination of the appointment of a director under this section.

(11) However, subsections (7), (8) and (9) (as they apply because of subsection (10)) do not apply in relation to the termination of the appointment of a director under section 30 of that Act on the ground of a failure to comply with section 29 of that Act (which deals with the duty to disclose interests) or rules made for the purposes of that section.

130 Subparagraph 21(2)(a)(ii)

Repeal the subparagraph, substitute:

(ii) rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*;

131 Paragraph 21(2)(a)

Omit "prevents", substitute "prevent".

132 At the end of section 22

Add:

(8) This section applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

133 Paragraph 24(3)(b)

Repeal the paragraph, substitute:

(b) a director who is prevented by rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* from deliberating on the proposed decision.

134 At the end of subsection 30(1)

Add:

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Note: A report prepared under this section is in addition to a report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

Governor-General Act 1974

135 Subsection 2A(2) (definition of *Finance Department*)

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

136 Subsections 4C(2) and (3) and 4D(3) (note)

Repeal the note.

137 Subsection 4E(11)

Omit "*Financial Management and Accountability Act 1997*) who is in the designated Department or is part of the designated Department", substitute "*Public Governance, Performance and Accountability Act 2013*) of the designated Department".

138 Section 19

Repeal the section.

Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Act 2013

139 After paragraph 33(3)(a) of Schedule 2

Insert:

(aa) the investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Australian Grape and Wine Authority; or

Great Barrier Reef Marine Park Act 1975

140 Subsection 3(1)

Insert:

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corporate Commonwealth entity has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

official has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

141 Paragraph 8B(a)

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

142 Paragraph 16(2)(e)

Repeal the paragraph, substitute:

(e) 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;

143 Sections 16A and 16B

Repeal the sections, substitute:

16A Disclosure of interest to the Minister

(1) A disclosure by a 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 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*, a 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.

144 Division 5A of Part VA

Repeal the Division, substitute:

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Division 5A—Application of the Public Governance, Performance and Accountability Act 2013

39QA Collected amounts

Despite subsection 105(2) of the *Public Governance, Performance and Accountability Act 2013*, a collected amount is not other CRF money for the purposes of that Act.

145 Subsection 43(3)

Omit "officer or employee of a Commonwealth authority (within the meaning of the *Commonwealth Authorities and Companies Act 1997*)", substitute "official of a corporate Commonwealth entity".

146 Paragraphs 43(3)(a) and (b)

Omit "officer or employee", substitute "official".

147 Subsection 43A(2) (heading)

Repeal the heading, substitute:

Arrangements with corporate Commonwealth entities

148 Subsection 43A(2)

Omit "Commonwealth authority (within the meaning of the *Commonwealth Authorities and Companies Act 1997*) for officers or employees of the authority", substitute "corporate Commonwealth entity for officials of the entity".

149 Subsection 43A(2) (note)

Omit "officer or employee", substitute "official".

150 Paragraph 47(1)(d)

Omit "an officer or employee of a Commonwealth authority (within the meaning of the *Commonwealth Authorities and Companies Act 1997*)", substitute "an official of a corporate Commonwealth entity".

151 Subsection 48A(2)

Repeal the subsection, substitute:

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Arrangements with corporate Commonwealth entities

(2) The Authority may enter into an arrangement with a corporate Commonwealth entity in relation to officials of the entity for the purposes of allowing powers or functions to be delegated or sub-delegated under section 47 to the officials.

Note: An arrangement must be in force before a power or function can be delegated to an official (see paragraph 47(1)(d)).

152 Subsection 49(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

153 Section 50 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

154 Section 53

Repeal the section, substitute:

53 Annual report

The annual report prepared by the Chairperson and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars of all directions given by the Minister during the period under subsection 7(2) or 46(2) of this Act.

53A Corporate plans

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Chairperson.

155 Paragraph 59F(7)(d)

Repeal the paragraph, substitute:

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(d) if an arrangement is in force under subsection 48A(2) between the Authority and a corporate Commonwealth entity:

(i) the entity; or

(ii) if the entity is constituted by, or is administered by a body consisting of, 2 or more persons—the Chairperson of the entity or of the body, as the case may be; or

(iii) the chief executive officer of the entity.

156 Subsection 65A(3) (note)

Repeal the note, substitute:

Note: For the appropriation for the refund, see section 77 of the *Public Governance, Performance and Accountability Act 2013*.

Health Insurance Act 1973

157 Section 106ZQ

Repeal the section.

Health Insurance Commission (Reform and Separation of Functions) Act 1997

158 Subsection 13(2)

Omit "Section 29 of the *Commonwealth Authorities and Companies Act 1997*", substitute "Section 86 of the *Public Governance, Performance and Accountability Act 2013* (which deals with subsidiaries of corporate Commonwealth entities)".

High Court of Australia Act 1979

159 Subsection 4(1) (definition of *Finance Minister*)

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

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160 Subsection 39(3)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

Immigration (Education) Charge Act 1992

161 Subsection 3(2) (definition of *Finance Department*)

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

Indigenous Education (Targeted Assistance) Act 2000

162 Section 4 (definition of *Finance Minister*)

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

Industrial Chemicals (Notification and Assessment) Act 1989

163 Subsection 100A(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

164 Section 100B

Omit "(1)" (first occurring).

165 Section 100B (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

Inspector-General of Intelligence and Security Act 1986

166 Paragraph 30(2)(c)

Repeal the paragraph, substitute:

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(c) 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;

167 Section 31

Repeal the section.

168 Subsection 35(1)

Repeal the subsection.

169 Subsection 35(2)

Omit "a report prepared under subsection (1)", substitute "an annual report prepared by the Inspector-General and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

170 Subsection 35(2)

Omit "year", substitute "period".

171 Subsection 35(2A)

Omit "prepared under subsection (1) the Inspector-General's comments on any inspection conducted under section 9A during the year", substitute "referred to in subsection (2) the Inspector-General's comments on any inspection conducted under section 9A during the period".

172 Subsection 35(2AA)

Omit "prepared under subsection (1)", substitute "referred to in subsection (2)".

173 Paragraph 35(2AA)(a)

Omit "year" (wherever occurring), substitute "period".

174 Paragraph 35(2AA)(b)

Omit "year", substitute "period".

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175 Subsection 35(2B)

Omit "prepared under subsection (1)", substitute "referred to in subsection (2)".

176 Subsection 35(2B)

Omit "during the year", substitute "during the period".

177 Subsections 35(3) to (5)

Omit "furnished under subsection (1)", substitute "referred to in subsection (2)".

Inspector-General of Taxation Act 2003

178 Subsection 22(4)

Omit "or 41", substitute "or referred to in section 41".

179 Subsection 23(1)

Omit "or 41", substitute "or referred to in section 41".

180 Subsection 24(1)

Omit "or 41", substitute "or referred to in section 41".

181 Subsection 25(1)

Omit "or 41", substitute "or referred to in section 41".

182 Subsection 25(2) (note)

Omit "under section 41", substitute "referred to in section 41".

183 Paragraph 26(1)(b)

Omit "or 41", substitute "or referred to in section 41".

184 Subsection 27(1)

Omit "or 41", substitute "or referred to in section 41".

185 Section 33

Repeal the section.

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186 Paragraph 35(1)(g)

Repeal the paragraph, substitute:

(g) 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.

187 Subparagraphs 39(1)(e)(v) and (2)(c)(v)

Omit "or 41", substitute "or referred to in section 41".

188 Section 41

Repeal the section, substitute:

41 Annual report

The annual report prepared by the Inspector-General and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include details of any directions given by the Minister under subsection 8(2) of this Act during the period.

Note: For limitations on what may be included in annual reports, see the following provisions:

(a) section 22 (information that would be prejudicial to the public interest);
(b) section 23 (taxpayer information);
(c) section 24 (identifying tax officials);
(d) section 25 (criticising the ATO or tax officials);
(e) section 26 (confidential submissions);
(f) section 27 (legal professional privilege).

Insurance Act 1973

189 Subsection 3(1) (definition of *Finance Minister*)

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

190 Subsection 131A(2) (heading)

Repeal the heading, substitute:

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Specifying amounts to be credited to special account

191 Subsection 131A(2) (note)

Omit "Special Account", substitute "special account".

192 Subsection 131A(4)

Omit "subsection 21(2) of the *Financial Management and Accountability Act 1997*", substitute "subsection 80(3) of the *Public Governance, Performance and Accountability Act 2013*".

Intelligence Services Act 2001

193 Paragraph 23(2)(d)

Repeal the paragraph, substitute:

(d) the Director-General 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.

194 Section 26

Repeal the section.

Interstate Road Transport Act 1985

195 Subsection 21(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

Judges' Pensions Act 1968

196 Subsections 20A(2) and 20B(3) (note)

Repeal the note.

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197 Subsection 20C(12)

Omit "*Financial Management and Accountability Act 1997*) who is in the Department or is part of the Department", substitute "*Public Governance, Performance and Accountability Act 2013*) of the Department".

Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012

198 Subsection 76(4)

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

199 Section 79

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

Judiciary Act 1903

200 Section 55I (definition of *Finance Minister*)

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

201 Section 55M (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the AGS. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

202 Subsection 55S(2)

Omit "the director of the AGS for the purposes of the *Commonwealth Authorities and Companies Act 1997*", substitute "the accountable authority of the AGS for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

203 Section 55W

Before "The", insert "(1)".

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204 At the end of section 55W

Add:

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to the CEO despite subsection 30(6) of that Act.

205 Section 55X

Repeal the section, substitute:

55X Disclosure of interests

(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 Finance 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*, 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.

Lands Acquisition Act 1989

206 Subsection 89A(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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Law Enforcement Integrity Commissioner Act 2006

207 Paragraph 183(2)(d)

Repeal the paragraph, substitute:

(d) the Integrity Commissioner fails 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.

208 Section 184

Repeal the section.

209 Section 194

Repeal the section, substitute:

194 Disclosure of interests

(1) A disclosure by an Assistant Integrity Commissioner 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 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 Assistant Integrity Commissioner is taken not to have complied with section 29 of that Act if he or she does not comply with subsection (1) of this section.

210 Section 201

Repeal the section, substitute:

201 Annual report

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

(a) the prescribed particulars of:

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(i) corruption issues notified to the Integrity Commissioner under section 19 during the period; and

(ii) corruption issues raised by allegations or information referred to the Integrity Commissioner under sections 18 and 23 during that period; and

(iii) corruption issues dealt with by the Integrity Commissioner on his or her own initiative during that period; and

(iv) corruption issues investigated by the Integrity Commissioner during that period; and

(v) corruption issues that the Integrity Commissioner referred to a government agency for investigation during that period; and

(vi) ACLEI corruption issues investigated during that period; and

(vii) certificates issued under section 149 during that period;

(b) a description of investigations conducted by the Integrity Commissioner during the period that the Integrity Commissioner considers raise significant issues or developments in law enforcement;

(c) a description, which may include statistics, of any patterns or trends, and the nature and scope, of corruption in:

(i) law enforcement agencies; and

(ii) other Commonwealth government agencies that have law enforcement functions;

that have come to the Integrity Commissioner's attention during that period in the performance of his or her functions;

(d) any recommendations for changes to:

(i) the laws of the Commonwealth; or

(ii) administrative practices of Commonwealth government agencies;

that the Integrity Commissioner, as a result of performing his or her functions during that period, considers should be made;

(e) the extent to which investigations by the Integrity Commissioner have resulted in the prosecution in that period of persons for offences;

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(f) the extent to which investigations by the Integrity Commissioner have resulted in confiscation proceedings in that period;

(g) details of the number and results of:

(i) applications made to the Federal Court or the Federal Circuit Court under the *Administrative Decisions (Judicial Review) Act 1977* for orders of review in respect of matters arising under this Act; and

(ii) other court proceedings involving the Integrity Commissioner;

being applications and proceedings that were determined, or otherwise disposed of, during that period.

211 Section 202

Omit "under section 201", substitute "referred to in section 201".

212 Subsections 206(1) and (2)

Omit "under section 201", substitute "referred to in section 201".

213 Subparagraph 215(1)(c)(i)

Omit "prepared by the Integrity Commissioner under section 201", substitute "referred to in section 201 that is prepared by the Integrity Commissioner".

Legislative Instruments Act 2003

214 Subsection 7(1) (table item 5, paragraph (a) in column headed "Particulars of instrument")

Omit "section 34 of the *Commonwealth Authorities and Companies Act 1997*", substitute "the *Public Governance, Performance and Accountability Act 2013*".

215 Subsection 7(1) (table item 5, paragraph (b) in column headed "Particulars of instrument")

Omit "Commonwealth authority within the meaning of section 7", substitute "corporate Commonwealth entity within the meaning".

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Life Insurance Act 1995

216 Subsection 251A(2) (heading)

Repeal the heading, substitute:

Specifying amounts to be credited to special account

217 Subsection 251A(2) (note)

Omit "Special Account", substitute "special account".

218 Subsection 251A(4)

Omit "subsection 21(2) of the *Financial Management and Accountability Act 1997*", substitute "subsection 80(3) of the *Public Governance, Performance and Accountability Act 2013*".

219 Schedule (definition of *Finance Minister*)

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

Loans Securities Act 1919

220 Section 2 (definition of *Finance Minister*)

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

221 Subsection 5BA(7)

Omit "section 39 of the *Financial Management and Accountability Act 1997*", substitute "section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth".

Local Government (Financial Assistance) Act 1995

222 Subsection 18B(8)

Omit "*Financial Management and Accountability Act 1997*) who is in the Department or is part of the Department", substitute "*Public Governance, Performance and Accountability Act 2013*) of the Department".

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Schedule 10—Amendments of Acts starting with M or N

Marine Safety (Domestic Commercial Vessel) National Law Act 2012

1 Section 6 of Schedule 1 (subparagraph (a)(i) of the definition of *agency*)

Repeal the subparagraph, substitute:

(i) a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*);

Medibank Private Sale Act 2006

2 Subsection 3(5) (definition of *Minister for Finance*)

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

3 Item 1 of Schedule 2 (definition of *Minister for Finance*)

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

4 Item 1 of Schedule 2 (definition of *wholly-owned Commonwealth company*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

5 Item 7 of Schedule 2 (note)

Repeal the note, substitute:

Note: Subsection 56(1) of the *Public Governance, Performance and Accountability Act 2013* provides that an agreement for the borrowing of money by the Commonwealth is of no effect unless the borrowing is expressly authorised by an Act.

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Medical Indemnity Act 2002

6 Subsection 67(1)

Omit "section 33 of the *Financial Management and Accountability Act 1997*", substitute "section 65 of the *Public Governance, Performance and Accountability Act 2013* (which deals with act of grace payments by the Commonwealth)".

Members of Parliament (Staff) Act 1984

7 Section 3 (definition of *Finance Minister*)

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

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010

8 Subsection 78(1)

Omit "section 33 of the *Financial Management and Accountability Act 1997*", substitute "section 65 of the *Public Governance, Performance and Accountability Act 2013* (which deals with act of grace payments by the Commonwealth)".

Military Rehabilitation and Compensation Act 2004

9 At the end of section 363

Add:

(3) Despite paragraph 10(1)(d) of the *Public Governance, Performance and Accountability Act 2013* and the definition of ***Department of State*** in section 8 of that Act, the Commission:

(a) is not a Commonwealth entity for the purposes of that Act; and

(b) is taken to be part of the Department administered by the Minister administering this Chapter for those purposes.

Note: This means that the Commission members are officials of the Department for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

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10 Paragraph 372(2)(c)

Repeal the paragraph, substitute:

(c) the member fails, without reasonable excuse, to comply with:

(i) section 379 or 380; or

(ii) 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

11 Section 381

Repeal the section.

Military Superannuation and Benefits Act 1991

12 Subsections 16B(2) and (3) (note)

Repeal the note.

13 Subsection 16C(3) (note)

Repeal the note.

14 Subsection 16D(10)

Omit "*Financial Management and Accountability Act 1997*) who is in the Department or is part of the Department", substitute "*Public Governance, Performance and Accountability Act 2013*) of the Department".

15 Subsections 51B(2) and (3) (note)

Repeal the note.

16 Subsection 51C(8)

Omit "*Financial Management and Accountability Act 1997*) who is in the Department or is part of the Department", substitute "*Public Governance, Performance and Accountability Act 2013*) of the Department".

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Moomba-Sydney Pipeline System Sale Act 1994

17 Subsection 3(1) (definition of *Finance Minister*)

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

National Blood Authority Act 2003

18 Section 33

Repeal the section.

19 Paragraph 35(2)(d)

Repeal the paragraph, substitute:

(d) 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.

20 Subsection 40(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

21 Section 41 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

22 Section 43

Repeal the section, substitute:

43 Corporate plan

(1) The Minister may approve a corporate plan that is prepared by the General Manager and given to the Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013* if the plan has been endorsed by the Ministerial Council.

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(2) Subsection 35(3) of that Act (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the General Manager.

23 Subsection 44(1)

Repeal the subsection, substitute:

(1) The General Manager must give to the Ministerial Council a copy of the annual report that is prepared by the General Manager and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

24 Subsection 44(3)

Omit "each report described in this section", substitute "the report mentioned in subsection (2)".

National Broadband Network Companies Act 2011

25 Section 5 (definition of *bank*)

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

26 Section 5 (definition of *Finance Minister*)

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

27 Subparagraph 20(1)(d)(iv)

Repeal the subparagraph, substitute:

(iv) any other form of investment prescribed by rules made for the purposes of subparagraph 58(8)(a)(iii) of the *Public Governance, Performance and Accountability Act 2013* (section 58 of that Act deals with investment by the Commonwealth).

28 Subsection 54(12) (definition of *wholly-owned Commonwealth company*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

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29 Section 57 (note)

Repeal the note, substitute:

Note: Subsection 56(1) of the *Public Governance, Performance and Accountability Act 2013* provides that an agreement for the borrowing of money by the Commonwealth is of no effect unless the borrowing is expressly authorised by an Act.

30 Section 78

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

31 Subsections 82(1) to (5)

Repeal the subsections, substitute:

(1) The corporate plan for NBN Co prepared under section 95 of the *Public Governance, Performance and Accountability Act 2013* must cover each NBN corporation. In particular, for each NBN corporation the plan must include details of the matters in subsection (6), so far as they are applicable.

(2) The members of the Board must keep the Finance Minister and the Communications Minister informed about changes to the plan.

(3) Subsection (2) does not limit section 91 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to keep the responsible Minister and Finance Minister informed).

National Cattle Disease Eradication Account Act 1991

32 Subsection 4(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

33 Subsection 5(1)

Omit "(1)" (first occurring).

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34 Subsection 5(1) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

National Consumer Credit Protection Act 2009

35 Subsection 115(2) of the *National Credit Code*

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

National Disability Insurance Scheme Act 2013

36 Section 9 (definition of *CAC Act*)

Repeal the definition.

37 Section 9 (definition of *Finance Minister*)

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

38 Subsection 117(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Agency. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

39 Subparagraph 121(2)(b)(ii)

Omit "CAC Act, or the regulations or an", substitute "*Public Governance, Performance and Accountability Act 2013*, or any".

40 Subparagraph 125(2)(c)(ii)

Omit "CAC Act, or the regulations or an", substitute "*Public Governance, Performance and Accountability Act 2013*, or any".

41 Paragraph 125A(b)

Omit "established and maintained by Board members under section 32 of the CAC Act", substitute "for the Agency".

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42 At the end of section 125A

Add:

Note: See section 45 of the *Public Governance, Performance and Accountability Act 2013* (which deals with audit committees for Commonwealth entities).

43 Paragraph 134(2)(d)

Repeal the paragraph.

44 At the end of subsection 134(2)

Add:

Note: The appointment of a board member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

45 At the end of section 134

Add:

Termination under the Public Governance, Performance and Accountability Act 2013

(5) Subsections (3) and (4) are taken to apply in relation to the termination of the appointment of the Chair under section 30 of the *Public Governance, Performance and Accountability Act 2013* in the same way as those subsections apply to a termination under this section.

46 Paragraph 138(2)(a)

Omit "section 27J of the CAC Act", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

47 Section 165

Repeal the section, substitute:

165 Disclosure of interests

(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 Board.

(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.

48 Paragraph 167(2)(d)

Repeal the paragraph, substitute:

(d) 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

49 Subsection 172(1)

Repeal the subsection, substitute:

(1) The annual report prepared by the Board members and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* must include the things described in subsections (2) and (4).

50 Subsection 173(1)

Repeal the subsection, substitute:

(1) The Board members must give the Ministerial Council a copy of each of the following when, or as soon as practicable after, the Board members give the copy to the Minister or the Finance Minister:

(a) information, a report or a document given to the Minister or the Finance Minister under paragraph 19(1)(b) of the *Public Governance, Performance and Accountability Act 2013*;

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(b) particulars of a decision or issue notified to the Minister under paragraph 19(1)(c), (d) or (e) of that Act;

(c) an annual report given to the Minister under section 46 of that Act.

(1A) If the Board members inform the Minister of activities under paragraph 19(1)(a) of that Act, the Board members must also inform the Ministerial Council of the activities.

51 Section 177

Repeal the section, substitute:

177 Corporate plan

(1) In preparing a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the Board must have regard to a statement given under section 125 of this Act.

(2) The corporate plan must include details of the following:

(a) the financial sustainability of the National Disability Insurance Scheme (including estimates of the current and future expenditure of the National Disability Insurance Scheme);

(b) the risks and issues relevant to the financial sustainability of the National Disability Insurance Scheme and the management of those risks and issues.

(3) The Board must give a copy of the plan to the Ministerial Council before the start of the period covered by the plan.

(4) If the Board varies the plan, the Board must notify the Ministerial Council of the variation.

(5) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Board.

52 Subsection 180(4)

Repeal the subsection, substitute:

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(4) Subsections (2) and (3) do not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Agency.

53 Subsection 180B(1)

Omit "on the Agency under section 9 of the CAC Act is being prepared", substitute "is being prepared by the Board members under section 46 of the *Public Governance, Performance and Accountability Act 2013*".

National Film and Sound Archive of Australia Act 2008

54 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the National Film and Sound Archive of Australia. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

55 Paragraph 16(2)(b)

Repeal the paragraph.

56 At the end of subsection 16(2)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

57 Paragraph 18(3)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

58 Subsection 18(10)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

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59 Section 27

Repeal the section, substitute:

27 Disclosure of interests

(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 Minister and the Board.

(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.

60 Paragraph 29(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

61 Sections 33 and 34

Repeal the sections, substitute:

33 Corporate plan

(1) The Minister may give the Board written instructions with which the Board must comply in preparing a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

Note: The instruction may be to include details of particular matters in the corporate plan.

(2) An instruction given under subsection (1) is not a legislative instrument.

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62 Subsection 35(1)

Omit "The plan", substitute "The corporate plan".

63 Subsections 36(1) and (2)

Omit "a corporate plan", substitute "the corporate plan".

64 Subsection 37(4)

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

65 Subsection 38(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the National Film and Sound Archive of Australia.

66 Subsection 39(2)

Repeal the subsection.

67 Section 41

Omit "on the National Film and Sound Archive of Australia under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*".

68 Subsection 42(4)

Omit "section 16 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 19 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to keep the responsible Minister and Finance Minister informed)".

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National Gallery Act 1975

69 Subsection 3(1) (definition of *Finance Minister*)

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

70 Subsection 4(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Gallery. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

71 Subsection 7(4)

Omit "subsection 18(3) of the *Commonwealth Authorities and Companies Act 1997*", substitute "subsection 59(1) of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by corporate Commonwealth entities)".

72 At the end of paragraph 17(2)(a)

Add "or".

73 Paragraph 17(2)(b)

Omit "or".

74 Paragraph 17(2)(c)

Repeal the paragraph.

75 At the end of subsection 17(2)

Add:

Note: The appointment of a part-time member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

76 At the end of paragraph 29(2)(a)

Add "or".

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77 Paragraph 29(2)(aa)

Repeal the paragraph, substitute:

(aa) fails, without reasonable excuse, to comply with subsection (3); or

78 At the end of paragraph 29(2)(ab)

Add "or".

79 At the end of subsection 29(2)

Add:

Note: The appointment of the Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

80 At the end of section 29

Add:

(4) Subsection (3) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

81 Subsection 37(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Gallery.

82 Subsection 38(1)

Omit "(1)".

83 Subsection 38(2)

Repeal the subsection.

84 Section 40

Repeal the section, substitute:

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40 Annual report

The annual report prepared by the Council and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars of any disposals of works of art under section 9 of this Act during the period.

National Health Act 1953

85 Subsection 4(1) (definition of *Finance Minister*)

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

National Health and Medical Research Council Act 1992

86 Division 3 of Part 3 (heading)

Repeal the heading, substitute:

Division 3—Corporate plans

87 Section 16

Repeal the section, substitute:

16 Corporate plan

(1) Before preparing a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the CEO must consult with the Minister and the Council on the matters proposed for inclusion in the plan.

(2) The corporate plan for a period must set out:

(a) the CEO's assessment of the major national health issues that are likely to arise during the period; and

(b) the manner in which the CEO proposes to perform his or her functions in dealing with those issues during the period; and

(c) a national strategy for medical research and public health research.

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88 Section 17

Repeal the section.

89 Section 18

Repeal the section, substitute:

18 Approval and tabling of corporate plan

(1) After receiving a corporate plan for a period, the Minister must either:
  (a) approve the plan; or
  (b) request the CEO to give the Minister a different corporate plan for the same period.

(2) If the Minister requests the CEO to give the Minister a different corporate plan, the CEO must do so as soon as reasonably practicable.

(3) A corporate plan comes into force:
  (a) immediately after the end of the period covered by the immediately preceding corporate plan that was in force; or
  (b) when it is approved by the Minister, if the Minister approves it after the end of that period.

(4) The Minister must cause to be laid before each House of the Parliament a copy of a corporate plan he or she has approved, within 15 sitting days of that House after he or she approves it.

90 Section 19 (heading)

Repeal the heading, substitute:

19 Variation of corporate plan

91 Section 19

Omit "strategic plan" (wherever occurring), substitute "corporate plan".

92 At the end of subsection 42A(1)

Add:

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Note: The CEO also has a duty to disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.

93 Subsection 42A(2)

Repeal the subsection.

94 At the end of subsection 42A(3)

Add:

Note: The member also has a duty to disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.

95 Subsection 42A(4)

Repeal the subsection.

96 Subsection 42A(5)

Omit "or (4)".

97 Subsections 42A(7) and (8)

Repeal the subsections (not including the note).

98 Paragraph 44B(3)(b)

Repeal the paragraph, substitute:

(b) fails, without reasonable excuse, to comply with an obligation to disclose an interest under any of the following (as the case requires):

(i) section 42A or 76;

(ii) 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

99 Subsection 49(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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100 Section 50 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

101 Subsection 52(1)

Omit "*Financial Management and Accountability Act 1997* (other than section 39 of that Act)", substitute "*Public Governance, Performance and Accountability Act 2013* (other than section 58 of that Act which deals with investment by the Commonwealth)".

102 Section 83

Repeal the section, substitute:

83 Annual report

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

(a) details of the membership of the Council;

(b) details of the functions, composition and membership of each Principal Committee;

(c) details of all regulatory recommendations and interim regulatory recommendations made by the CEO during the period;

(d) details of any matter referred by the Minister to the CEO, the Council or a Principal Committee during the period under section 5D;

(e) details of any direction given by the Minister to the CEO, the Council or a Principal Committee during the period under section 5E;

(f) details of any guidelines or interim guidelines issued by the CEO during the period in the performance of the CEO's functions under paragraph 7(1)(a);

(g) details of all recommendations made by the CEO during the period to the Minister in the performance of the CEO's functions under paragraph 7(1)(c);

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(h) a copy of the Commissioner's annual report to the CEO for the period;

(i) details of all action taken by the CEO in response to recommendations made by the Commissioner.

National Health Reform Act 2011

103 Subsection 8(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Commission. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

104 Paragraph 26(2)(b)

Omit "or".

105 Paragraph 26(2)(c)

Repeal the paragraph.

106 At the end of subsection 26(2)

Add:

Note: The appointment of a Commission Board member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

107 Section 33

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

108 Section 43

Repeal the section, substitute:

43 Disclosure of interests

(1) A disclosure by the Commission CEO under section 29 of the *Public Governance, Performance and Accountability Act 2013*

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(which deals with the duty to disclose interests) must be made to the Commission Board.

(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 Commission CEO is taken not to have complied with section 29 of that Act if the Commission CEO does not comply with subsection (1) of this section.

109 Paragraph 45(4)(c)

Repeal the paragraph, substitute:

(c) the Commission 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

110 Section 52

Repeal the section, substitute:

52 Publishing reports and documents about performance of Commission's function

If:

(a) a report about a matter relating to the performance of the Commission's functions; or

(b) a document setting out information relating to the performance of the Commission's functions;

is given to the Minister under paragraph 19(1)(b) of the *Public Governance, Performance and Accountability Act 2013*, the Minister may cause the report or document to be published (whether on the internet or otherwise).

111 Section 53

Repeal the section, substitute:

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53 Annual report

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

(a) an assessment of the impact of the performance of each of the Commission's functions during the period; and

(b) an assessment of:

(i) the safety of health care services provided during the period; and

(ii) the quality of health care services provided during the period.

112 At the end of Part 2.6

Add:

54AA Corporate plan

(1) A work plan prepared under section 54 is not a corporate plan for the purposes of section 35 of the *Public Governance, Performance and Accountability Act 2013*.

Note: The Commission Board must also prepare a corporate plan under that section.

(2) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Commission Board.

113 Subsection 67(2) (note)

Repeal the note.

114 Section 76

Repeal the section, substitute:

76 Disclosure of interests

(1) A disclosure by a member of the Performance Authority under section 29 of the *Public Governance, Performance and*

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Accountability Act 2013 (which deals with the duty to disclose interests) must be made to the 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*, the 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.

115 Section 77

Repeal the section.

116 Section 98

Repeal the section, substitute:

98 Disclosure of interests

(1) A disclosure by the Performance Authority 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 Performance 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 Performance Authority CEO is taken not to have complied with section 29 of that Act if the Performance Authority CEO does not comply with subsection (1) of this section.

117 Paragraph 100(2)(c)

Repeal the paragraph.

118 At the end of subsection 100(2)

Add:

Note: The appointment of the Performance Authority CEO may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the

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appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

119 Section 109

Repeal the section.

120 Section 111 (heading)

Repeal the heading, substitute:

111 Compilation of reports

121 Subsection 111(1)

Repeal the subsection.

122 Part 3.11 (heading)

Repeal the heading, substitute:

Part 3.11—Planning

123 At the end of Part 3.11

Add:

112AA Corporate plan

(1) A strategic plan prepared under section 112 is not a corporate plan for the purposes of section 35 of the *Public Governance, Performance and Accountability Act 2013*.

Note: The Performance Authority CEO must also prepare a corporate plan under that section.

(2) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Performance Authority CEO.

124 Paragraph 126(a)

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

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125 Subsection 135(2) (note)

Repeal the note.

126 Section 148

Repeal the section, substitute:

148 Disclosure of interests

(1) A disclosure by a member of the Pricing Authority 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 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*, the 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.

127 Section 149

Repeal the section.

128 Section 169

Repeal the section, substitute:

169 Disclosure of interests

(1) A disclosure by the Pricing Authority 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 Pricing 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 Pricing Authority CEO is taken not to have complied with section 29 of that Act if

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the Pricing Authority CEO does not comply with subsection (1) of this section.

129 Paragraph 171(3)(c)

Repeal the paragraph.

130 At the end of subsection 171(3)

Add:

Note: The appointment of the Pricing Authority CEO may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

131 Part 4.13 (heading)

Repeal the heading, substitute:

Part 4.13—Reporting and planning

132 Section 209

Repeal the section, substitute:

209 Keeping the Standing Council on Health informed

(1) The Pricing Authority must keep the Standing Council on Health informed of the operations of the Pricing Authority.

(2) However, the Pricing Authority is not required to inform the Standing Council on Health about the performance of functions or exercise of powers under the *Public Governance, Performance and Accountability Act 2013*.

Note: The Pricing Authority CEO has a duty, under section 19 of the *Public Governance, Performance and Accountability Act 2013*, to keep the Minister and the Finance Minister informed of particular matters.

133 Subsection 211(1)

After "Pricing Authority", insert ", and the Pricing Authority CEO,".

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134 Subsection 211(2)

Omit "under section 212", substitute "given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*".

135 Section 212

Repeal the section, substitute:

212 Corporate plan

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Pricing Authority CEO.

136 Paragraph 227(a)

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

137 Section 260

Repeal the section, substitute:

260 Disclosure of interests

(1) A disclosure by the Funding Body 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 Administrator.

(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 Funding Body CEO is taken not to have complied with section 29 of that Act if the Funding Body CEO does not comply with subsection (1) of this section.

138 Paragraph 262(4)(c)

Repeal the paragraph, substitute:

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(c) the Funding Body 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

139 After section 266

Insert:

Division 4—Reporting and planning

140 Section 267

Repeal the section, substitute:

267 Annual report

The Funding Body CEO must give to the responsible Ministers for the States and Territories a copy of each annual report that is prepared by the Funding Body CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

267A Corporate plan

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Funding Body CEO.

141 Section 281

Repeal the section.

National Library Act 1960

142 Section 4 (definition of *Finance Minister*)

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

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143 Subsection 5(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Library. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

144 At the end of section 14

Add:

(3) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to a member elected by either House of the Parliament despite subsection 30(6) of that Act.

145 At the end of paragraphs 15(1)(a) and (c)

Add "or".

146 Paragraph 15(1)(d)

Omit "or".

147 Paragraph 15(1)(e)

Repeal the paragraph.

148 At the end of subsection 15(1)

Add:

Note: The appointment of a member (other than a member elected by either House of the Parliament) may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

149 Paragraph 17E(1)(aa)

Repeal the paragraph, substitute:

(aa) fails, without reasonable excuse, to comply with subsection (3); or

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150 At the end of subsection 17E(1)

Add:

Note: The appointment of the Director-General may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

151 At the end of section 17E

Add:

(4) Subsection (3) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

152 Subsection 22(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Library.

National Museum of Australia Act 1980

153 Subsection 3(1) (definition of *Finance Minister*)

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

154 Subsection 4(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Museum. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

155 Subsection 9(5)

Repeal the subsection.

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156 At the end of sections 9 and 9A

Add:

Note: Particulars of any disposals of historical material under this section must be included in the annual report (see section 38).

157 At the end of paragraph 17(2)(a)

Add "or".

158 Paragraph 17(2)(b)

Omit "or".

159 Paragraph 17(2)(c)

Repeal the paragraph.

160 At the end of subsection 17(2)

Add:

Note: The appointment of a part-time member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

161 At the end of paragraphs 27(2)(a), (b) and (c)

Add "or".

162 Paragraph 27(2)(d)

Omit "or" (second occurring).

163 Paragraph 27(2)(e)

Repeal the paragraph.

164 At the end of subsection 27(2)

Add:

Note: The appointment of the Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

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165 Subsection 34(4)

Omit "in accordance with subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997*".

166 Subsection 35(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Museum.

167 Subsection 37(1)

Omit "(1)".

168 Subsection 37(2)

Repeal the subsection.

169 Section 38

Repeal the section, substitute:

38 Annual report

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

(a) set out all directions given by the Minister to the Museum or the Council during the period; and

(b) include particulars of any disposals of historical material under section 9 or 9A during the period.

National Portrait Gallery of Australia Act 2012

170 Subsection 6(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Gallery. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

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171 Paragraph 21(2)(b)

Omit "; or", substitute ".".

172 Paragraph 21(2)(c)

Repeal the paragraph.

173 At the end of subsection 21(2)

Add:

Note: The appointment of a Board member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

174 Paragraph 24(2)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

175 Section 28

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

176 Section 37

Repeal the section, substitute:

37 Disclosure of interests

(1) A disclosure by the Director 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 Minister and the Board.

(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 Director is taken not to have complied with section 29 of that Act if the Director does not comply with subsection (1) of this section.

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177 Paragraph 39(1)(f)

Repeal the paragraph, substitute:

(f) if 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.

178 Section 44

Repeal the section, substitute:

44 Corporate plan

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

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

(3) A guideline under subsection (2) is not a legislative instrument.

179 Subsection 45(4)

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

180 Subsection 46(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Gallery.

181 Subsection 47(2)

Repeal the subsection.

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182 Section 49

Omit "Each annual report on the Gallery under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "The annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*".

183 Paragraphs 49(a) and (b)

Omit "financial year", substitute "period".

National Radioactive Waste Management Act 2012

184 Subsection 34C(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

185 Subsection 34D(1) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

186 Subsection 34D(2) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

National Residue Survey Administration Act 1992

187 Title

Omit "**Special Account**", substitute "**special account**".

188 Subsection 6(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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189 Section 7 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

National Transport Commission Act 2003

190 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Commission. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

191 Subsection 19(2)

Repeal the subsection, substitute:

(2) If an ordinary member is absent from 3 consecutive meetings of the Commission, except on leave granted under section 20, the Minister may terminate the appointment of the member.

Note: The appointment of an ordinary member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

192 At the end of section 19

Add:

Termination under Public Governance, Performance and Accountability Act 2013

(4) Subsection (3) is taken to apply in relation to the termination of the appointment of an ordinary member under section 30 of the *Public Governance, Performance and Accountability Act 2013* in the same way as that subsection applies to a termination under this section.

193 Division 1 of Part 4 (heading)

Repeal the heading, substitute:

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Division 1—Corporate plans

194 Sections 23 and 24

Repeal the sections, substitute:

23 Draft corporate plan

(1) Before giving a corporate plan to the Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the members must prepare a draft corporate plan and give it to the Australian Transport Council.

(2) The members must consult the National Environment Protection Council in relation to the preparation of the draft corporate plan. This subsection has effect in addition to, and not instead of, section 9.

(3) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the members.

195 Section 25 (heading)

Repeal the heading, substitute:

25 Approval of draft corporate plan

196 Subsection 25(1)

Omit "strategic plan" (wherever occurring), substitute "corporate plan".

197 Subsection 25(2)

Repeal the subsection, substitute:

(2) If the Australian Transport Council refuses to approve the draft corporate plan, the Council must direct the members to:

(a) make such alterations to the draft corporate plan as are specified in the direction; and

(b) give the altered draft corporate plan to the Council within the period specified in the direction.

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198 Subsection 25(3)

Omit "Commission", substitute "members".

199 Subsection 25(4)

Omit "strategic plan" (wherever occurring), substitute "corporate plan".

200 Subsections 25(5) and (6)

Repeal the subsections, substitute:

(5) The draft corporate plan or altered draft corporate plan, as the case may be, that is approved by the Australian Transport Council is to be given to the Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

201 Subsection 33(3)

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

202 Subsection 37(1)

Repeal the subsection, substitute:

(1) If the Australian Transport Council so directs, the Commission is to prepare estimates, in accordance with Council directions, of the Commission's receipts and expenditure for a period specified by the Council.

Note: Budget estimates must also be prepared under section 36 of the *Public Governance, Performance and Accountability Act 2013*.

203 Paragraph 37(3)(a)

Omit "strategic plan under section 23", substitute "corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013*".

204 Subsection 38(1)

Omit "An annual report prepared by members under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "The annual report prepared by the members and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*".

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National Vocational Education and Training Regulator Act 2011

205 Section 3

Insert:

> ***corporate plan*** means a corporate plan prepared by the Chief Executive Officer under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

206 Section 167

Repeal the section, substitute:

167 Disclosure of interests

(1) A disclosure by a Commissioner 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 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*, a Commissioner is taken not to have complied with section 29 of that Act if the Commissioner does not comply with subsection (1) of this section.

207 Paragraph 170(1)(e)

Repeal the paragraph, substitute:

(e) the Commissioner 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.

208 Section 175

Repeal the section.

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209 Section 215

Repeal the section, substitute:

215 Annual report

(1) The annual report prepared by the Chief Executive Officer and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the following:

(a) an assessment of the extent to which the National VET Regulator's operations during the period have contributed to the objectives set out in the annual operational plan for the period;

(b) particulars of variations (if any) of the annual operational plan taking effect during the period;

(c) a statement about the Regulator's compliance, during the period, with the Standards for VET Regulators;

(d) a report on whether the service standards have been met by the Regulator during the period, including reasons in any case where the service standards have not been met;

(e) details of the number of directions given to the Regulator by the Minister during the period;

(f) details of the number and types of matters relating to vocational education and training which the Commonwealth, State and Territory Education Ministers referred to the Regulator during the period;

(g) details of the number and types of matters relating to vocational education and training which the Ministerial Council referred to the Regulator during the period;

(h) a general description of the Regulator's response to the matters mentioned in paragraphs (f) and (g).

(2) The Minister must give a copy of the report to the relevant Minister for each of the parties to the Ministerial Council (other than the Commonwealth) at the same time as the report is presented to the Parliament for the purposes of section 46 of the *Public Governance, Performance and Accountability Act 2013*.

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210 Part 11 (heading)

Repeal the heading, substitute:

Part 11—Corporate and annual operational plans

211 Division 1 of Part 11 (heading)

Repeal the heading, substitute:

Division 1—Corporate plans

212 Section 217

Repeal the section.

213 Section 218

Repeal the section, substitute:

218 Approval of corporate plan

(1) The Chief Executive Officer must give a copy of a corporate plan to the Minister for approval on or before:

(a) 31 January before the first reporting period to which the plan relates; or

(b) if allowed by the Minister—a later day, but not later than 31 March before the first reporting period to which the plan relates.

Note: The corporate plan is prepared under section 35 of the *Public Governance, Performance and Accountability Act 2013* (see the definition of ***corporate plan*** in section 3 of this Act).

(2) A corporate plan comes into force on:

(a) the day on which it is approved by the Minister; or

(b) the first day of the period to which it relates;

whichever is later.

(3) In this section:

reporting period has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

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214 Section 219 (heading)

Repeal the heading, substitute:

219 Variation of corporate plan

215 Subsection 219(1)

Omit "National VET Regulator", substitute "Chief Executive Officer".

216 Subsection 219(1)

Omit "strategic plan", substitute "corporate plan".

217 Subsections 219(2) and (3)

Repeal the subsections, substitute:

(2) The Chief Executive Officer may, with the approval of the Minister, vary a corporate plan.

(3) The Minister may, at any time, request the Chief Executive Officer to vary a corporate plan, whether or not it has come into force.

218 Subsection 219(4)

Omit "strategic plan, the National VET Regulator", substitute "corporate plan, the Chief Executive Officer".

219 Subsection 219(5)

Omit "strategic plan", substitute "corporate plan".

220 Subsection 219(6)

Omit "National VET Regulator may vary a strategic plan", substitute "Chief Executive Officer may vary a corporate plan".

221 Subsection 219(7)

Repeal the subsection.

222 At the end of Division 1 of Part 11

Add:

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219A Application of the *Public Governance, Performance and Accountability Act 2013*

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Chief Executive Officer.

223 Subsection 220(1)

Omit "National VET Regulator", substitute "Chief Executive Officer".

224 Paragraph 220(2)(a)

Omit "strategic plan", substitute "corporate plan".

225 Paragraph 220(2)(b)

Omit "as the Regulator", substitute "as the Chief Executive Officer".

226 Section 221

Repeal the section, substitute:

221 Variation of annual operational plan

If the Chief Executive Officer submits to the Minister proposals for variation of a corporate plan, the Chief Executive Officer must consequentially vary a relevant annual operational plan as required.

227 Section 222

Omit "strategic plan", substitute "corporate plan".

National Water Commission Act 2004

228 Section 9

Repeal the section.

229 Paragraph 18(1)(c)

Repeal the paragraph, substitute:

(c) if the Commissioner fails, without reasonable excuse, to comply with section 29 of the *Public Governance,*

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Performance and Accountability Act 2013 (which deals with the duty to disclose interests) or rules made for the purposes of that section.

230 Section 22

Repeal the section.

231 Paragraph 32(1)(d)

Repeal the paragraph, substitute:

(d) if 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.

232 Section 33

Repeal the section.

233 Subsection 45(1)

Repeal the subsection, substitute:

(1) The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the matters set out in subsections (2) and (3).

234 Subsection 45(2)

Omit "during a year under this Act, then the report relating to that year", substitute "under this Act during the period, the report".

235 Subsection 45(3)

Omit "during a year, then the report relating to that year", substitute "during the period, the report".

236 After section 45

Insert:

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45A Corporate plan

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the CEO.

Nation-building Funds Act 2008

237 Section 4 (definition of *bank*)

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

238 Section 4 (definition of *drawing right*)

Repeal the definition.

239 Section 4 (definition of *Finance Minister*)

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

240 Section 11 (note 2)

Before "*Financial*", insert "repealed".

241 Subsection 13(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

242 Subsection 13(2) (note)

Omit "Special Account" (wherever occurring), substitute "special account".

243 Subsection 17(1) (note)

Before "*Financial*", insert "repealed".

244 Subsection 18(1) (note)

Repeal the note, substitute:

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Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

245 Section 19 (note 1)

Repeal the note, substitute:

Note 1: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

246 Section 20 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

247 Subsection 34(6)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

248 Section 46

Repeal the section.

249 Section 50

Omit:

- The Finance Minister must comply with general drawing rights limits.

substitute:

- The Finance Minister must comply with any debit limits that may be imposed by an Appropriation Act.

250 Subsection 61(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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251 Subsection 62(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

252 Subsection 68(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

253 Subsection 69(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

254 Subsection 75(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

255 Subsection 76(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

256 Subsection 82(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

257 Subsection 83(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

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258 Sections 109 to 111

Repeal the sections, substitute:

109 Appropriation Acts may specify debit limits

(1) If an Appropriation Act relating to a financial year declares that a specified amount is the ***debit limit*** for the financial year for the purposes of this section, the total of the following amounts debited during the financial year must not exceed that limit:

(a) an amount debited from the Building Australia Fund Special Account for a purpose mentioned in paragraph 18(1)(a), (b), (d) or (e);

(b) an amount debited from the BAF Infrastructure Portfolio Special Account (other than a debit under section 91);

(c) an amount debited from the BAF Communications Portfolio Special Account for the purpose of making a payment in relation to the creation or development of communications infrastructure, other than:

(i) an amount debited for the purpose of making a payment in relation to an eligible national broadband network matter; or

(ii) an amount debited under section 96;

(d) an amount debited from the BAF Energy Portfolio Special Account (other than a debit under section 101);

(e) an amount debited from the BAF Water Portfolio Special Account (other than a debit under section 106);

(f) an amount debited from the COAG Reform Fund in accordance with subsection 92(2), 97(2), 102(2) or 107(2).

(2) If, for a financial year, there is no Appropriation Act relating to the financial year that specifies a ***debit limit*** for the financial year for the purposes of this section, an amount referred to in subsection (1) must not be debited from a Special Account or Fund.

(3) This section applies despite any provision of this Act or the *Public Governance, Performance and Accountability Act 2013*.

259 Subsection 112(2)

Repeal the subsection, substitute:

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Macroeconomic circumstances

(2) In making the decision, the Finance Minister must have regard to the principle that the total of the amounts referred to in subsection 109(1) debited during the financial year should depend primarily on the macroeconomic circumstances.

260 Subsection 121(3)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

261 Subsection 132(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

262 Subsection 132(2) (note)

Omit "Special Account" (wherever occurring), substitute "special account".

263 Subsection 136(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

264 Section 137 (note 1)

Repeal the note, substitute:

Note 1: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

265 Section 138 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

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266 Subsection 153(6)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

267 Section 165

Repeal the section.

268 Section 169

Omit:

> • The Finance Minister must comply with general drawing rights limits.

substitute:

> • The Finance Minister must comply with any debit limits that may be imposed by an Appropriation Act.

269 Subsection 181(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

270 Subsection 182(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

271 Subsection 188(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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272 Subsection 189(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

273 Sections 199 to 201

Repeal the sections, substitute:

199 Appropriation Acts may specify debit limits

(1) If an Appropriation Act relating to a financial year declares that a specified amount is the ***debit limit*** for the financial year for the purposes of this section, the total of the following amounts debited during the financial year must not exceed that limit:

(a) an amount debited from the Education Investment Fund Special Account for a purpose mentioned in paragraph 136(1)(a), (b), (c), (d) or (e);

(b) an amount debited from the EIF Education Portfolio Special Account (other than a debit under section 196);

(c) an amount debited from the EIF Research Portfolio Special Account;

(d) an amount debited from the COAG Reform Fund in accordance with subsection 197(2).

(2) If, for a financial year, there is no Appropriation Act relating to the financial year that specifies a ***debit limit*** for the financial year for the purposes of this section, an amount referred to in subsection (1) must not be debited from a Special Account or Fund.

(3) This section applies despite any provision of this Act or the *Public Governance, Performance and Accountability Act 2013*.

274 Subsection 202(2)

Repeal the subsection, substitute:

Macroeconomic circumstances

(2) In making the decision, the Finance Minister must have regard to the principle that the total of the amounts referred to in

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subsection 199(1) debited during the financial year should depend primarily on the macroeconomic circumstances.

275 Subsection 206(3)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

276 Subsection 215(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

277 Subsection 215(2) (note)

Omit "Special Account" (wherever occurring), substitute "special account".

278 Subsection 218(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

279 Section 219 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

280 Subsection 228(6)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

281 Section 240

Repeal the section.

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282 Section 244

Omit:

> • The Finance Minister must comply with general drawing rights limits.

substitute:

> • The Finance Minister must comply with any debit limits that may be imposed by an Appropriation Act.

283 Subsection 255(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

284 Subsection 256(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

285 Sections 267 to 269

Repeal the sections, substitute:

267 Appropriation Acts may specify debit limits

(1) If an Appropriation Act relating to a financial year declares that a specified amount is the ***debit limit*** in relation to the financial year for the purposes of this section, the total of the following amounts debited during the financial year must not exceed that limit:

(a) an amount debited from the Health and Hospitals Fund Special Account for the purpose mentioned in paragraph 218(1)(a);

(b) an amount debited from the HHF Health Portfolio Special Account (other than a debit under section 264);

(c) an amount debited from the COAG Reform Fund in accordance with subsection 265(2).

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(2) If, for a financial year, there is no Appropriation Act relating to the financial year that specifies a ***debit limit*** for the financial year for the purposes of this section, an amount referred to in subsection (1) must not be debited from a Special Account or Fund.

(3) This section applies despite any provision of this Act or the *Public Governance, Performance and Accountability Act 2013*.

286 Subsection 270(2)

Repeal the subsection, substitute:

Macroeconomic circumstances

(2) In making the decision, the Finance Minister must have regard to the principle that the total of the amounts referred to in subsection 267(1) debited during the financial year should depend primarily on the macroeconomic circumstances.

287 Subsection 274(3)

Omit "Section 39 of the *Financial Management and Accountability Act 1997*", substitute "Section 58 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by the Commonwealth)".

288 Application

The following apply on and after 1 July 2015:

(a) the repeal of the definition of ***drawing right*** in section 4 of the *Nation-building Funds Act 2008* made by this Schedule;

(b) the amendments to the following sections of the *Nation-building Funds Act 2008* made by this Schedule:

(i) section 50;

(ii) sections 109 to 112;

(iii) section 169;

(iv) sections 199 to 202;

(v) section 244;

(vi) sections 267 to 270.

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Native Title Act 1993

289 Section 106

Before "The", insert "(1)".

290 At the end of section 106

Add:

(2) The Registrar must also give written notice to the President of all material personal interests that the Registrar has that relate to the affairs of the Tribunal.

(3) Section 29 of the *Public Governance, Performance and Accountability Act 2013* does not apply to the Registrar.

291 Paragraph 128(2)(a)

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

292 Subsection 128(2) (note 1)

Repeal the note, substitute:

Note 1: For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the Registrar of the Federal Court is the accountable authority of the listed entity that includes the Native Title Registrar, the Deputy Registrars and the staff assisting the Tribunal.

293 Section 129A (note)

Omit "section 53 of the *Financial Management and Accountability Act 1997*", substitute "section 110 of the *Public Governance, Performance and Accountability Act 2013*".

294 Subsection 131A(1) (note)

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

295 Subsection 133(3) (note)

Repeal the note.

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296 Section 201A

Insert:

officer, in relation to a representative body that is registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, has the same meaning as in that Act.

297 Subsection 203CB(2)

Repeal the subsection, substitute:

Investment

(2) The representative body may invest money received by it under this Division if:

(a) the money is not immediately required for the purposes of the body; and

(b) the money is invested:

(i) on deposit with a bank, including a deposit evidenced by a certificate of deposit; or

(ii) in securities of, or securities guaranteed by, the Commonwealth, a State or a Territory; or

(iii) in any other manner approved by the Finance Minister in writing.

298 Subsection 203CB(2A)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

299 Subsection 203CB(4)

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

(4) In this section:

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

Finance Minister means the Minister who administers the *Public Governance, Performance and Accountability Act 2013*.

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300 Subsection 203EA(2)

Repeal the subsection.

301 Subsection 203EA(3)

Repeal the subsection, substitute:

(3) A director of the representative body who has a material personal interest in a matter that is being considered by the body's governing body:

(a) must not be present during any deliberation by the governing body on the matter; and

(b) must not take part in any decision of the governing body on the matter.

(4) However, a contravention of this provision does not affect the validity of any resolution.

(5) Subsection (3) applies instead of any rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* which deal with the consequences of having a material personal interest in a matter that is being considered at a meeting of a governing body.

(6) To avoid doubt, this section does not otherwise affect the obligations imposed by the *Public Governance, Performance and Accountability Act 2013* or any rules made for the purposes of that Act on a representative body that is a Commonwealth entity (within the meaning of that Act).

302 Subsection 203EB(2)

Repeal the subsection (including the note), substitute:

Power to indemnify officers

(2) Except as provided in this section, a representative body may indemnify a person who is or has been an officer of the body from any liability incurred by the person as an officer of the body.

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Exemptions not allowed

(3) A representative body, or a subsidiary of a representative body, must not exempt a person (whether directly or through an interposed entity) from a liability to the body incurred as an officer of the body.

When indemnity for liability (other than for legal costs) not allowed

(4) A representative body, or a subsidiary of a representative body, must not indemnify a person (whether by agreement or by making a payment and whether directly or through an interposed entity) against any of the following liabilities incurred as an officer of the body:

(a) a liability owed to the body or a subsidiary of the body;

(b) a liability for:

(i) a civil penalty order under section 386-10 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; or

(ii) a compensation order under section 386-15 of that Act;

made in relation to a breach of subsection 265-1(1), 265-5(1) or (2), 265-10(1) or (2) or 265-15(1) or (2) of that Act;

(c) a liability that is owed to someone other than the body or a subsidiary of the body and did not arise out of conduct in good faith.

This subsection does not apply to a liability for legal costs.

When indemnity for legal costs not allowed

(5) A representative body, or a subsidiary of a representative body, must not indemnify a person (whether by agreement or by making a payment and whether directly or through an interposed entity) against legal costs incurred in defending an action for a liability incurred as an officer of the body if the costs are incurred:

(a) in defending or resisting a proceedings in which the person is found to have a liability for which they could not be indemnified under subsection (4) of this section; or

(b) in defending or resisting criminal proceedings in which the person is found guilty; or

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(c) in defending or resisting proceedings brought by the Registrar of Aboriginal and Torres Strait Islander Corporations under section 386-20 or subsection 386-55(8) of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* for a court order if the grounds for making the order are found by the court to have been established; or

(d) in connection with proceedings for relief to the person under section 386-60 of that Act against an application under section 386-20 of that Act, or for relief to the person under section 576-1 of that Act, in which the Court denies the relief.

Paragraph (c) does not apply to costs incurred in responding to actions taken by the Registrar of Aboriginal and Torres Strait Islander Corporations as part of an investigation before commencing proceedings for the court order.

(6) For the purposes of subsection (5), the outcome of proceedings is the outcome of the proceedings and any appeal in relation to the proceedings.

Insurance for certain liabilities of officers

(7) Except as provided in subsection (8), a representative body may insure a person who is or has been an officer against liabilities incurred by the person as an officer.

(8) A representative body, or a subsidiary of a representative body, must not pay, or agree to pay, a premium for a contract insuring a person who is, or has been, an officer of the body against a liability (other than one for legal costs) arising out of:

(a) conduct involving a wilful breach of duty in relation to the body; or

(b) a contravention of sections 265-10 and 265-15 respectively of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

This section applies to a premium whether it is paid directly or through an interposed entity.

Penalty: 5 penalty units.

(9) An offence based on subsection (8) is an offence of strict liability.

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Note: For strict liability, see section 6.1 of the *Criminal Code*.

Certain indemnities, exemptions, payments and agreements not authorised and certain documents void

(10) This section does not authorise anything that would otherwise be unlawful.

(11) Anything that purports to indemnify or insure a person against a liability or exempt them from a liability is void to the extent that it contravenes this section.

303 Section 203EC

Repeal the section.

Natural Heritage Trust of Australia Act 1997

304 Section 5

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

305 Subsection 6(1) (note)

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

306 Subsection 6(7)

Repeal the subsection.

307 Section 54 (definition of *Finance Minister*)

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

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Natural Resources Management (Financial Assistance) Act 1992

308 Subsection 11(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

309 Subsection 11(4) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

310 Subsection 12(1)

Omit "*Financial Management and Accountability Act 1997* (other than section 39 of that Act)", substitute "*Public Governance, Performance and Accountability Act 2013* (other than section 58 of that Act which deals with investment by the Commonwealth)".

Navigation Act 2012

311 Subsection 14(1) (subparagraph (a)(i) of the definition of *agency*)

Repeal the subparagraph, substitute:

(i) a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*);

Norfolk Island Act 1979

312 Subsection 4(1) (definition of *Commonwealth Finance Minister*)

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

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313 Subsection 50D(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

Northern Territory (Lessees' Loans Guarantee) Act 1954

314 Subsection 4(4)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

315 Subsection 4(5) (definition of *Finance Minister*)

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

Northern Territory (Self-Government) Act 1978

316 Subsection 4(1) (definition of *Finance Minister*)

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

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Schedule 11—Amendments of Acts starting with O to R

Office of National Assessments Act 1977

1 Section 19

Repeal the section, substitute:

19 Reports

The Director-General may, at any time when he or she considers it necessary or desirable, give the Minister a report on the operations of the Office.

Note: The Director-General must also give the Minister an annual report under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

Offshore Petroleum and Greenhouse Gas Storage Act 2006

2 Paragraph 75(5)(b)

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

3 After subsection 650(6)

Insert:

(6A) The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period is not required to include information about:

(a) a service provided under a contract mentioned in subsection (1) or (3) of this section; or

(b) a function or power conferred on NOPSEMA mentioned in subsection (2).

4 Section 671

Repeal the section.

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5 Paragraph 672(2)(d)

Repeal the paragraph, substitute:

(d) 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

6 Subsection 672(3)

Omit "notification under section 671 or otherwise, that the CEO has an interest", substitute "disclosure under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or otherwise, that the CEO has a material personal interest".

7 Section 678

Repeal the section, substitute:

678 Corporate plan

(1) The corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013* must include details of the following matters:

(a) an analysis of risk factors likely to affect the safety of offshore petroleum operations or offshore greenhouse gas storage operations;

(b) an analysis of risk factors likely to affect the structural integrity of facilities, wells or well-related equipment that are in NOPSEMA waters;

(c) an analysis of risk factors likely to affect offshore petroleum environmental management or offshore greenhouse gas storage environmental management;

(d) human resource strategies and industrial relations strategies.

(2) The corporate plan must also cover any other matters required by the responsible Commonwealth Minister, which may include further details about the matters mentioned in subsection (1).

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(3) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the CEO.

8 Subsection 679(1)

Omit "a corporate plan", substitute "the corporate plan".

9 Subsection 690(1)

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

(1) The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* must also be given by the CEO to:

(a) each State Petroleum Minister; and

(b) the Northern Territory Petroleum Minister; and

(c) the Ministers responsible for mineral and energy resources matters.

10 Subsection 690(2)

Omit "under", substitute "mentioned in".

11 Subsection 690(4)

Omit "each report under this section", substitute "the report mentioned in subsection (3)".

12 Subsection 695H(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

13 Section 695J (note)

Omit "Special Account" (wherever occurring), substitute "special account".

14 Subsection 695K(1) (note)

Repeal the note, substitute:

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Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

15 Subsection 695K(2) (note 1)

Omit "Special Account" (wherever occurring), substitute "special account".

Ombudsman Act 1976

16 Section 19

Repeal the section, substitute:

19 Reports to Parliament

Reporting generally

(1) The Ombudsman may, from time to time, give the Minister, for presentation to the Parliament, a report:

(a) on the operations of the Ombudsman during a part of a year; or

(b) in relation to any matter relating to, or arising in connection with, the exercise of the powers, or the performance of the functions, of the Ombudsman.

Note: The Ombudsman must also give the Minister an annual report under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

(2) The Minister must cause the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

(3) Subsection (1) does not affect the powers and duties of the Ombudsman under section 15, 16 or 17.

Reporting on investigations

(4) Subsection (5) applies if the Ombudsman refers to an investigation made by him or her under this Act in a report given to the Minister under:

(a) subsection (1); or

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(b) section 46 of the *Public Governance, Performance and Accountability Act 2013*.

(5) The report must not, in referring to the investigation, set out opinions that are (either expressly or impliedly) critical of a Department, prescribed authority or person unless the Ombudsman has complied with subsection 8(5) in relation to the investigation.

17 Subsections 19F(3) to (5)

Repeal the subsections.

18 At the end of Part IIA

Add:

19FA Reports of the Defence Force Ombudsman

Annual reports

(1) As soon as practicable after the end of each financial year, the Defence Force Ombudsman must give an annual report to the Minister, for presentation to the Parliament, on the operations of the Defence Force Ombudsman during the financial year.

Additional reports

(2) The Defence Force Ombudsman may, from time to time, give the Minister, for presentation to the Parliament, a report:

(a) on the operations of the Defence Force Ombudsman during a part of a year; or

(b) in relation to any matter relating to, or arising in connection with, the exercise of the powers, or the performance of the functions, of the Defence Force Ombudsman.

(3) Subsections (1) and (2) do not affect the powers and duties of the Defence Force Ombudsman under section 15, 16 or 17 (as the section applies because of subsection 19F(1)).

Tabling and inclusion in other reports

(4) If the Defence Force Ombudsman gives a report to the Minister under subsection (1) or (2), the Minister must cause the report to be

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laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

(5) A report relating to the operations of the Defence Force Ombudsman during a period may be included in a report under:

(a) section 19; or

(b) section 46 of the *Public Governance, Performance and Accountability Act 2013*;

relating to the operations of the Ombudsman during that period.

Reporting on investigations

(6) If the Defence Force Ombudsman refers to an investigation made by him or her under this Act in a report given under this section, the report must not, in referring to the investigation, set out opinions that are (either expressly or impliedly) critical of:

(a) a Department; or

(b) a prescribed authority; or

(c) a person;

unless the Defence Force Ombudsman has complied with subsection 8(5) in relation to the investigation.

19 Subparagraph 19R(3)(b)(xiii)

Omit "subsection 19(8)", substitute "section 19".

20 Section 19X

Repeal the section, substitute:

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19X Reports of the Postal Industry Ombudsman

Annual reports

(1) As soon as practicable after the end of each financial year, the Postal Industry Ombudsman must give an annual report to the Minister, for presentation to the Parliament, on the operations of the Postal Industry Ombudsman during the financial year.

Additional reports

(2) The Postal Industry Ombudsman may, from time to time, give the Minister, for presentation to the Parliament, a report:
  (a) on the operations of the Postal Industry Ombudsman during a part of a year; or
  (b) in relation to any matter relating to, or arising in connection with, the exercise of the powers, or the performance of the functions, of the Postal Industry Ombudsman.

(3) Subsections (1) and (2) do not affect the powers and duties of the Postal Industry Ombudsman under section 19V or 19W.

Tabling and inclusion in other reports

(4) If the Postal Industry Ombudsman gives a report to the Minister under subsection (1) or (2), the Minister must cause the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

(5) A report relating to the operations of the Postal Industry Ombudsman during a period may be included in a report under:
  (a) section 19; or
  (b) section 46 of the *Public Governance, Performance and Accountability Act 2013*;

relating to the operations of the Ombudsman during that period.

Content of report

(6) A report relating to the operations of the Postal Industry Ombudsman during a period must:

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(a) set out the number of complaints received by the Postal Industry Ombudsman under this Part during that period; and

(b) if the Postal Industry Ombudsman has investigated action under paragraph 19M(2)(a)—set out:

(i) the number of such investigations started during that period; and

(ii) the number of such investigations completed during that period; and

(c) if the Postal Industry Ombudsman has investigated action under paragraph 19M(2)(b)—set out:

(i) the number of such investigations started during that period; and

(ii) the number of such investigations completed during that period; and

(d) include details of the circumstances and number of occasions where the Postal Industry Ombudsman has made a requirement of a person under section 9 (as that section applies because of sections 19R and 19S) during that period; and

(e) include details of the circumstances and number of occasions where the holder of the office of Postal Industry Ombudsman has decided under subsection 19N(3) to deal with, or to continue to deal with, a complaint or part of a complaint in his or her capacity as the holder of the office of Commonwealth Ombudsman during that period; and

(f) include details of recommendations made during that period in reports under section 19V; and

(g) include statistical information about actions taken during that period as a result of such recommendations.

21 Paragraph 19ZM(3)(j)

Repeal the paragraph.

22 Subsection 19ZM(4) (table item 5)

Repeal the item.

23 Section 19ZS

Repeal the section, substitute:

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19ZS Reports of the Overseas Students Ombudsman

Annual reports

(1) As soon as practicable after the end of each financial year, the Overseas Students Ombudsman must give an annual report to the Minister, for presentation to the Parliament, on the operations of the Overseas Students Ombudsman during the financial year.

Additional reports

(2) The Overseas Students Ombudsman may, from time to time, give the Minister, for presentation to the Parliament, a report:
  (a) on the operations of the Overseas Students Ombudsman during a part of a year; or
  (b) in relation to any matter relating to, or arising in connection with, the exercise of the powers, or the performance of the functions, of the Overseas Students Ombudsman.

(3) Subsections (1) and (2) do not affect the powers and duties of the Overseas Students Ombudsman under section 19ZQ or 19ZR.

Tabling and inclusion in other reports

(4) If the Overseas Students Ombudsman gives a report to the Minister under subsection (1) or (2), the Minister must cause the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

(5) A report relating to the operations of the Overseas Students Ombudsman during a period may be included in a report under:
  (a) section 19; or
  (b) section 46 of the *Public Governance, Performance and Accountability Act 2013*;

relating to the operations of the Ombudsman during that period.

Content of report

(6) A report relating to the operations of the Overseas Students Ombudsman during a period must:

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(a) set out the number of complaints received by the Overseas Students Ombudsman under this Part during that period; and

(b) if the Overseas Students Ombudsman has investigated action under paragraph 19ZJ(2)(a)—set out:

(i) the number of such investigations started during that period; and

(ii) the number of such investigations completed during that period; and

(c) if the Overseas Students Ombudsman has investigated action under paragraph 19ZJ(2)(b)—set out:

(i) the number of such investigations started during that period; and

(ii) the number of such investigations completed during that period; and

(d) set out:

(i) the number of times when the Overseas Students Ombudsman has made a requirement of a person under section 9 (as that section applies because of sections 19ZM and 19ZN) during that period; and

(ii) the circumstances in which each of those requirements was made.

(7) A report relating to the operations of the Overseas Students Ombudsman during a period may include:

(a) details of the circumstances and number of occasions during that period where the holder of the office of Overseas Students Ombudsman decided, under section 19ZK, to transfer a complaint to a statutory complaint handler or statutory office-holder; and

(b) details of recommendations made during that period in reports under section 19ZQ; and

(c) statistical information about actions taken during that period as a result of such recommendations; and

(d) details of action that the Overseas Students Ombudsman took during the period to promote best practice in dealing with complaints; and

(e) details of the Overseas Students Ombudsman's observations during the period regarding:

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(i) any trends in complaints; or
(ii) any broader issues that arise from investigations.

24 Subsection 34(2)

Omit "subsection 19F(3)", substitute "section 19FA".

25 Subsection 35B(2) (paragraph (a) of the definition of *listed disclosure method*)

Repeal the paragraph, substitute:

(a) including the information or the contents of the document or record in any report under:
(i) Division 2 of Part II; or
(ii) section 46 of the *Public Governance, Performance and Accountability Act 2013*; or

Paid Parental Leave Act 2010

26 Section 6 (definition of *Commonwealth agency*)

Repeal the definition, substitute:

Commonwealth agency means any of the following:
(a) a non-corporate Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*;
(b) any other unincorporated body established for a public purpose by or under a law of the Commonwealth.

27 Section 78

Repeal the section.

Papua New Guinea (Staffing Assistance) Act 1973

28 Subsection 62B(3) (note)

Repeal the note.

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29 Subsection 62C(10)

Omit "*Financial Management and Accountability Act 1997*) who is in ComSuper or is part of ComSuper", substitute "*Public Governance, Performance and Accountability Act 2013*) of ComSuper".

Parliamentary Contributory Superannuation Act 1948

30 Subsection 4(1) (definition of *Finance Minister*)

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

31 Subsections 24AA(2) and (3) (note)

Repeal the note.

32 Subsection 24AB(3) (note)

Repeal the note.

33 Subsection 24AC(10)

Omit "*Financial Management and Accountability Act 1997*) who is in the Department or is part of the Department", substitute "*Public Governance, Performance and Accountability Act 2013*) of the Department".

Parliamentary Counsel Act 1970

34 Section 16A

Repeal the section.

35 Subsection 16C(2)

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

Parliamentary Service Act 1999

36 Section 7 (definition of *Commonwealth body*)

Repeal the definition, substitute:

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Commonwealth body means:

(a) a Commonwealth entity, or a Commonwealth company, within the meaning of the *Public Governance, Performance and Accountability Act 2013*; or

(b) the High Court of Australia.

37 At the end of section 9

Add:

(3) To the extent that section 21 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to non-corporate Commonwealth entities) applies to a Department, that section is subject to subsection (2) of this section.

38 Subsection 13(7)

Repeal the subsection, substitute:

(7) A Parliamentary Service employee must:

(a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's Parliamentary Service employment; and

(b) disclose details of any material personal interest of the employee in connection with the employee's Parliamentary Service employment.

39 Subsection 13(8)

After "manner", insert "and for a proper purpose".

40 Subsection 13(10)

Repeal the subsection, substitute:

(10) A Parliamentary Service employee must not improperly use inside information or the employee's duties, status, power or authority:

(a) to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or

(b) to cause, or seek to cause, detriment to the Department in which the employee is employed, the Commonwealth or any other person.

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41 Parliamentary Service Code of Conduct

(1) The amendment made by item 38 of this Schedule applies to:

(a) conflicts of interest arising before or after the commencement time; and

(b) material personal interests arising before or after that time.

(2) The amendment made by item 39 of this Schedule applies to uses of resources by Parliamentary Service employees after the commencement time.

(3) The amendment made by item 40 of this Schedule applies to:

(a) uses by Parliamentary Service employees occurring after the commencement time of information obtained by the employees before or after that time; and

(b) uses by Parliamentary Service employees of their duties, status, power or authority after the commencement time.

42 Subsection 57(3) (note)

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

43 At the end of Division 1 of Part 7

Add:

64AA Money payable to Department

There is payable to a Department such money as is appropriated by the Parliament for the purposes of the Department.

Postal and Telecommunications Commissions (Transitional Provisions) Act 1975

44 Subsection 29(7) (definition of *Finance Minister*)

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

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Primary Industries Levies and Charges Collection Act 1991

45 Section 13

Repeal the section, substitute:

13 Collected amounts

Despite subsection 105(2) of the *Public Governance, Performance and Accountability Act 2013*, amounts of levy, charge or related amounts collected under section 10 or 11 of this Act are not other CRF money for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

Primary Industries Research and Development Act 1989

46 Subsection 4(1) (definition of *Finance Minister*)

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

47 Subsection 10(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to an R&D Corporation. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

48 At the end of Division 3 of Part 2

Add:

27A Application of the *Public Governance, Performance and Accountability Act 2013*

Section 35 of the *Public Governance, Performance and Accountability Act 2013* (which deals with corporate plans) does not apply to an R&D Corporation.

49 Subsection 28(1)

Omit "(1)".

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50 Subsection 28(1)

Omit "The directors must include in each report on an R&D Corporation prepared under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "The annual report prepared by the directors of an R&D Corporation and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include".

51 After subsection 30(4)

Insert:

(4A) The Finance Minister may give directions as to the amounts in which, and the times at which, money referred to in subsection (4) are to be paid to the R&D Corporation.

52 Subsection 46A(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

53 Subparagraph 73(1)(b)(iv)

Omit "; or", substitute ".".

54 Paragraph 73(1)(c)

Repeal the paragraph.

55 At the end of subsection 73(1)

Add:

Note: The appointment of a Chairperson or a nominated director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

56 Before subsection 138(1)

Insert:

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Applied provisions

57 Paragraph 138(1)(f)

Omit "; and", substitute ".".

58 Paragraph 138(1)(g)

Repeal the paragraph.

59 Before subsection 138(2)

Insert:

Disclosure of interests

60 At the end of section 138

Add:

(6) The Minister may terminate the appointment of a member (including the Presiding Member) of a Selection Committee if the member, without reasonable excuse, contravenes subsection (2), (4) or (5).

Private Health Insurance Act 2007

61 Paragraph 253-35(2)(e)

Repeal the paragraph, substitute:

(e) 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.

62 Section 253-40

Repeal the section.

63 Section 253-50

Repeal the section, substitute:

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253-50 Annual report

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

(a) the number and nature of complaints received under section 241-1;

(b) the outcomes of any actions taken, recommendations made or investigations conducted in relation to such complaints;

(c) the outcomes in relation to complaints referred to another body under section 241-30;

(d) the number and nature of investigations (if any) conducted by the Private Health Insurance Ombudsman under section 244-1;

(e) the number and nature of requests (if any) by the Minister under section 244-5 that the Private Health Insurance Ombudsman conduct an investigation;

(f) the outcomes of investigations conducted under sections 244-1 and 244-5.

64 Subsection 264-1(2) (note)

Repeal the note, substitute:

Note: Subject to section 267-20, the *Public Governance, Performance and Accountability Act 2013* applies to the Council. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

65 Subsection 264-15(2) (note)

Repeal the note.

66 Section 267-15

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

67 Section 267-20

Repeal the section, substitute:

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267-20 Application of the *Public Governance, Performance and Accountability Act 2013*

Section 36 of the *Public Governance, Performance and Accountability Act 2013* (which deals with budget estimates) does not apply in relation to the Council.

68 Paragraph 270-40(2)(d)

Omit "; or", substitute ".".

69 Paragraph 270-40(2)(e)

Repeal the paragraph.

70 At the end of subsection 270-40(2)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

71 Section 270-45

Repeal the section.

72 Subsection 273-10(2)

Repeal the subsection, substitute:

(2) A disclosure by the *Chief Executive Officer 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 *Commissioner.

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

(4) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the *Chief Executive Officer is taken not to have complied with section 29 of that Act if the Chief Executive Officer does not comply with subsection (2) of this section.

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Proceeds of Crime Act 1987

73 Subsection 34A(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

Proceeds of Crime Act 2002

74 Subsection 295(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

Productivity Commission Act 1998

75 Section 10

Repeal the section, substitute:

10 Annual report

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

(a) report on matters relating to industry, industry development and productivity that have been referred to it during the period; and

(b) report on the number of complaints, received by the Commission during the period, about the competitive neutrality of government businesses and business activities, and the outcomes of the Commission's investigations into those complaints; and

(c) as far as practicable, report on assistance and regulations affecting industry and the effect of such assistance and regulations on industry and on the economy as a whole.

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(2) The report may also report on industry and productivity performance generally.

(3) In this section:

assistance includes any act that, directly or indirectly:

(a) assists a person to carry on a business or activity; or

(b) confers a pecuniary benefit on, or results in a pecuniary benefit accruing to, a person in respect of carrying on a business or activity.

76 After paragraph 35(2)(d)

Insert:

(da) if the Commissioner 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

77 After paragraph 35(4)(d)

Insert:

(da) if the Associate Commissioner 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

78 Subsections 43(2), (3) and (4)

Repeal the subsections, substitute:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

(3) If:

(a) the Chair has or acquires an interest of the kind mentioned in section 29 of the *Public Governance, Performance and Accountability Act 2013*; and

(b) the interest relates to affairs of the Commission the conducting of which results in a report or similar document;

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the Chair must ensure that the interest is disclosed in the report or document.

(4) If the Chair becomes aware that a member has an interest of the kind mentioned in section 29 of the *Public Governance, Performance and Accountability Act 2013*, the Chair must do one of the following:

(a) if the Chair considers that the member should not perform or continue to perform a function to which the interest relates, the Chair must give a direction to the member accordingly;

(b) if paragraph (a) does not apply, the Chair must ensure that:

(i) the interest is disclosed in accordance with section 29 of the *Public Governance, Performance and Accountability Act 2013*; and

(ii) if the interest relates to affairs of the Commission the conducting of which results in a report or similar document—the interest is disclosed in the report or document.

Protection of Movable Cultural Heritage Act 1986

79 Subsection 25(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

80 Subsection 25A(2)

Omit "(2)".

81 Subsection 25A(2) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

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Public Accounts and Audit Committee Act 1951

82 Section 4 (definition of *Finance Minister*)

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

83 Paragraph 8(1)(a)

Omit "subsections 49(1) and 55(2) of the *Financial Management and Accountability Act 1997*", substitute "paragraphs 42(1)(b) and 48(1)(b) of the *Public Governance, Performance and Accountability Act 2013*".

Public Interest Disclosure Act 2013

84 Section 8 (definition of *Commonwealth company*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

85 Subsection 29(1) (table item 7)

Repeal the item, substitute:

7	Conduct that results in the wastage of: (a) relevant money (within the meaning of the *Public Governance, Performance and Accountability Act 2013*); or (b) relevant property (within the meaning of that Act); or (c) money of a prescribed authority; or (d) property of a prescribed authority.

86 Subsection 53(4)

Omit "the Commonwealth Fraud Control Guidelines in force under regulations made for the purposes of section 64 of the *Financial Management and Accountability Act 1997*", substitute "any rules relating to fraud that are made for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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87 Conduct of investigations under Division 2 of Part 3 of the *Public Interest Disclosure Act 2013*

(1) The amendment to subsection 53(4) of the *Public Interest Disclosure Act 2013* by this Schedule applies in relation to investigations commenced after the commencement time.

(2) An instrument in force under section 64 of the FMA Act continues in force for the purposes of investigations commenced before the commencement time.

88 Paragraph 53(4)(a)

Omit "against the Commonwealth (within the meaning of those Guidelines)".

89 Paragraph 53(4)(b)

Omit "Guidelines", substitute "rules".

90 Paragraph 72(1)(b)

Repeal the paragraph, substitute:

(b) a corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*); or

91 Subsection 76(5)

Repeal the subsection, substitute:

(5) A report under this section in relation to a period may be included in an annual report prepared by the Ombudsman and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for the period.

Public Service Act 1999

92 Section 7 (definition of *Statutory Agency*)

Omit "an Act", substitute "a law of the Commonwealth".

93 Subsection 13(7)

Repeal the subsection, substitute:

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(7) An APS employee must:

(a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and

(b) disclose details of any material personal interest of the employee in connection with the employee's APS employment.

94 Subsection 13(8)

After "manner", insert "and for a proper purpose".

95 Subsection 13(10)

Repeal the subsection, substitute:

(10) An APS employee must not improperly use inside information or the employee's duties, status, power or authority:

(a) to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or

(b) to cause, or seek to cause, detriment to the employee's Agency, the Commonwealth or any other person.

96 APS Code of Conduct

(1) The amendment made by item 93 of this Schedule applies to:

(a) conflicts of interest arising before or after the commencement time; and

(b) material personal interests arising before or after that time.

(2) The amendment made by item 94 of this Schedule applies to uses of resources by APS employees after the commencement time.

(3) The amendment made by item 95 of this Schedule applies to:

(a) uses by APS employees occurring after the commencement time of information obtained by the employees before or after that time; and

(b) uses by APS employees of their duties, status, power or authority after the commencement time.

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97 Subsection 57(3) (note)

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

Quarantine Act 1908

98 Subsection 86EA(5) (definition of *Commonwealth*)

Repeal the definition, substitute:

> ***Commonwealth*** includes a Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) that cannot be made liable to taxation by a Commonwealth law.

99 Subsection 86EA(5) (definition of *Finance Minister*)

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

Quarantine Charges (Collection) Act 2014

100 Subsection 7(1) (definition of *Finance Minister*)

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

101 Subsection 11(1) (note)

Omit "section 6 of the *Financial Management and Accountability Act 1997*", substitute "section 76 of the *Public Governance, Performance and Accountability Act 2013*".

Remuneration Tribunal Act 1973

102 Subsection 3(1) (paragraphs (b), (f) and (l) of the definition of *principal executive office*)

Repeal the paragraphs.

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103 Paragraph 16A(2)(b)

Omit "Chief Executive (as determined under the *Financial Management and Accountability Act 1997*) of the relevant agency", substitute "accountable authority of the relevant Commonwealth entity".

104 Subsection 16A(2) (note)

Repeal the note.

105 Paragraph 16A(3)(d)

Omit "Chief Executive (as determined under the *Financial Management and Accountability Act 1997*) of the relevant agency", substitute "accountable authority of the relevant Commonwealth entity".

106 Subsection 16A(3)

Omit "if the Chief Executive so directs", substitute "if the accountable authority so directs".

107 Subsection 16A(3) (note)

Repeal the note.

108 Subsections 16A(6) and (7)

Repeal the subsections, substitute:

Definitions

(6) In this section:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

benefit means:

(a) remuneration (including salary) or an allowance under subsection 7(9); or

(b) a reimbursement under subsection 7(10).

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

relevant Commonwealth entity, in relation to a recovery under this section of the whole or part of a relevant amount, means:

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(a) the non-corporate Commonwealth entity that paid the relevant amount under subsection (1) on behalf of the Commonwealth; or

(b) if a different non-corporate Commonwealth entity is prescribed in an instrument under subsection (8)—that non-corporate Commonwealth entity.

109 Subsection 16A(8)

Omit "an Agency (as defined by section 5 of the *Financial Management and Accountability Act 1997*) for the purposes of paragraph (7)(b)", substitute "a non-corporate Commonwealth entity for the purposes of paragraph (b) of the definition of ***relevant Commonwealth entity*** in subsection (6)".

110 Paragraphs 16B(1)(d) and (3)(b)

Omit "Chief Executive (as determined under the *Financial Management and Accountability Act 1997*) of the relevant agency", substitute "accountable authority of the relevant Commonwealth entity".

111 Subsection 16B(3) (note)

Repeal the note.

112 Subsections 16B(6) and (7)

Repeal the subsections, substitute:

Definitions

(6) In this section:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

benefit means:

(a) remuneration (including salary) or an allowance under subsection 7(9); or

(b) a reimbursement under subsection 7(10).

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

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relevant Commonwealth entity, in relation to a payment or recovery under this section of the whole or part of a relevant amount, means:

(a) the non-corporate Commonwealth entity that paid the relevant amount under subsection (1) on behalf of the Commonwealth; or

(b) if a different non-corporate Commonwealth entity is prescribed in an instrument under subsection (8)—that non-corporate Commonwealth entity.

113 Subsection 16B(8)

Omit "an Agency (as defined by section 5 of the *Financial Management and Accountability Act 1997*) for the purposes of paragraph (7)(b)", substitute "a non-corporate Commonwealth entity for the purposes of paragraph (b) of the definition of ***relevant Commonwealth entity*** in subsection (6)".

114 Subsection 16C(1)

Omit "Chief Executive (as determined under the *Financial Management and Accountability Act 1997*) of the relevant agency must cause to be published, in such manner as the Chief Executive", substitute "accountable authority of the relevant Commonwealth entity must cause to be published, in such manner as the accountable authority".

115 Subsections 16C(3) and (4)

Omit "(as determined under the *Financial Management and Accountability Act 1997*) of the relevant agency", substitute "of the relevant Commonwealth entity".

116 Paragraph 16C(5)(c)

Omit "(as determined under the *Financial Management and Accountability Act 1997*) of the relevant agency", substitute "of the relevant Commonwealth entity".

117 Subsection 16C(6)

Omit "Chief Executive of the relevant agency", substitute "accountable authority of the relevant Commonwealth entity".

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118 Paragraph 16C(6)(c)

Omit "Chief Executive", substitute "accountable authority".

119 Subsection 16C(7)

Omit "Chief Executive of the relevant agency", substitute "accountable authority of the relevant Commonwealth entity".

120 Paragraph 16C(7)(c)

Omit "Chief Executive", substitute "accountable authority".

121 Subsections 16C(12) and (13)

Repeal the subsections, substitute:

Definitions relating to Commonwealth entities

(12) In this section:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

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

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

relevant Commonwealth entity means:

(a) the non-corporate Commonwealth entity that is responsible for making payments under subsection 16A(1) or 16B(1) on behalf of the Commonwealth; or

(b) if a different non-corporate Commonwealth entity is prescribed in an instrument under subsection (13)—that non-corporate Commonwealth entity.

(13) The Minister may, by legislative instrument, prescribe a non-corporate Commonwealth entity for the purposes of paragraph (b) of the definition of ***relevant Commonwealth entity*** in subsection (12).

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Research Involving Human Embryos Act 2002

122 Subsection 13(5)

Repeal the subsection, substitute:

(5) The following provisions do not have effect in relation to the NHMRC Licensing Committee at any time when regulations under subsection (4) are in force:

(a) section 42A of the *National Health and Medical Research Council Act 1992*;

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

123 Subsection 18(1)

Repeal the subsection, substitute:

(1) The annual report prepared by the CEO of the NHMRC under section 46 of the *Public Governance, Performance and Accountability Act 2013* must, in addition to the matters set out in section 83 of the *National Health and Medical Research Council Act 1992*, include details relating to the operations of the NHMRC Licensing Committee.

Reserve Bank Act 1959

124 Subsection 7(1)

Omit "(1)" (first occurring).

125 Subsection 7(1) (note)

Repeal the note, substitute:

Note: Subject to section 7A, the *Public Governance, Performance and Accountability Act 2013* applies to the Bank. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

126 Section 7A

Repeal the section, substitute:

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7A Application of the *Public Governance, Performance and Accountability Act 2013*

Accountable authority of Bank

(1) For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the Governor is the accountable authority of the Bank.

Provisions etc. which do not apply

(2) The following sections of that Act do not apply in relation to the Bank:
  (a) section 36 (which deals with budget estimates);
  (b) section 54 (which deals with banking by corporate Commonwealth entities);
  (c) section 55 (which deals with banking of relevant money by Ministers and officials);
  (d) section 59 (which deals with investment by corporate Commonwealth entities).

(3) Subject to subsections (4) and (5) of this section, a member of the Reserve Bank Board or the Payments System Board is taken, for the purposes of that Act, not to be an official (within the meaning of that Act) of the Bank.

(4) The following members of the Reserve Bank Board or the Payments System Board are officials (within the meaning of that Act) of the Bank:
  (a) the Governor;
  (b) the Deputy Governor;
  (c) a member who is a staff member of the Reserve Bank Service.

Provisions about general duties of officials

(5) Subdivision A of Division 3 of Part 2-2 of that Act (which deals with general duties of officials) applies in relation to a member of the Reserve Bank Board or the Payments System Board who is not referred to in subsection (4) of this section as if the member were an official (within the meaning of that Act) of the Bank.

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(6) Despite section 29 of that Act (which deals with the duty to disclose interests), a member of the Reserve Bank Board is not required to disclose a material personal interest referred to in that section only because the member is making a decision in relation to monetary and banking policy.

(7) Section 30 of that Act applies in relation to the following:

(a) a member of the Reserve Bank Board appointed under paragraph 14(1)(d) of this Act;

(b) a member of the Payments System Board referred to in paragraph 25A(d) of this Act;

as if the member were a member of the accountable authority of the Bank.

Note: This means that the appointment of the member may be terminated if the member contravenes a duty in Subdivision A of Division 3 of Part 2-2 of the *Public Governance, Performance and Accountability Act 2013* or rules made for the purposes of that Subdivision.

Annual financial statements of Bank

(8) The Governor may give annual financial statements for the Bank to the Auditor-General under paragraph 42(1)(b) of the *Public Governance, Performance and Accountability Act 2013* only if the Reserve Bank Board has passed a resolution approving the financial statements.

Audit committee of Bank

(9) Despite any rules made for the purposes of section 45 of that Act, the charter setting out the functions of the audit committee must be approved by the Reserve Bank Board.

127 Subsection 8A(5)

Repeal the subsection.

128 At the end of section 8A

Add:

Note: See section 7A for how the *Public Governance, Performance and Accountability Act 2013* applies in relation to the 2 Boards.

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129 Paragraph 18(1)(e)

Omit "or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

130 At the end of subsection 18(1)

Add:

Note: The appointment of a member appointed under paragraph 14(1)(d) may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials). That section applies to the member because of section 7A of this Act.

131 Section 25

Before "If", insert "(1)".

132 At the end of section 25

Add:

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to the Governor despite subsection 30(6) of that Act.

133 Subparagraph 25L(4)(c)(ii)

Omit "; or", substitute ".".

134 Paragraph 25L(4)(d)

Repeal the paragraph.

135 At the end of section 25L

Add:

Note: The appointment of a member referred to in paragraph 25A(d) may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of

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officials). That section applies to the member because of section 7A of this Act.

Road Safety Remuneration Act 2012

136 Paragraph 112(6)(b)

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

Royal Australian Air Force Veterans' Residences Act 1953

137 At the end of section 5

Add:

(7) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to a member despite subsection 30(6) of that Act.

138 Section 5A

Repeal the section.

139 At the end of subsection 7(1)

Add:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Trust. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

140 Section 9

Before "The Trust", insert "(1)".

141 At the end of section 9

Add:

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(2) Section 59 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by corporate Commonwealth entities) does not apply to the Trust.

Royal Commissions Act 1902

142 Subsection 1B(1) (definition of *Finance Minister*)

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

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Schedule 12—Amendments of Acts starting with S to W

Safety, Rehabilitation and Compensation Act 1988

1 Subsection 4(1)

Insert:

> ***Finance Minister*** means the Minister who administers the *Public Governance, Performance and Accountability Act 2013*.

2 Subsection 4(1) (definition of *public money*)

Repeal the definition.

3 Subsection 4(1)

Insert:

> ***relevant money*** has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

4 Paragraph 23A(6)(a)

Omit "public money", substitute "relevant money".

5 Subsection 23A(6)

Omit "for the purposes of section 30 of the *Financial Management and Accountability Act 1997* to be a repayment of the Commonwealth salary etc. payment", substitute "to be a repayment of the Commonwealth salary etc. payment and the receipt of an amount for the purposes of section 74 of the *Public Governance, Performance and Accountability Act 2013*".

6 Subsection 23A(7)

Repeal the subsection.

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7 Subsection 70B(2)

Omit "Section 29 of the *Commonwealth Authorities and Companies Act 1997*", substitute "Section 86 of the *Public Governance, Performance and Accountability Act 2013* (which deals with subsidiaries of corporate Commonwealth entities)".

8 Subsection 73(3)

Omit "section 28 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities)".

9 Subsection 74(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to Comcare. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

10 At the end of subsection 76(1)

Add:

Note: The Chief Executive Officer is the accountable authority of Comcare for the purposes of the *Public Governance, Performance and Accountability Act 2013*. See section 12 of that Act and subsection 74(1A) of this Act.

11 Subsections 76(4) and (5)

Repeal the subsections.

12 Paragraph 84(2)(b)

Omit "subsection 76(5) or".

13 At the end of subsection 84(2)

Add:

Note: The appointment of the Chief Executive Officer may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

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14 At the end of Division 1 of Part VII

Add:

85 Annual report

The annual report prepared by the Chief Executive Officer and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars of each direction given under section 73 of this Act during the period.

15 Subsection 89E(2A)

Repeal the subsection (including the note).

16 At the end of section 89E

Add:

Note: The Commissioners are not the accountable authority of Comcare for the purposes of the *Public Governance, Performance and Accountability Act 2013*. See section 12 of that Act and subsection 74(1A) of this Act.

17 Section 90

Repeal the section.

18 Subsection 90C(3) (definition of *notional interest*)

Omit "Minister responsible for the administration of the *Commonwealth Authorities and Companies Act 1997*", substitute "Finance Minister".

19 Subsection 90C(4)

Omit "Minister responsible for the administration of the *Commonwealth Authorities and Companies Act 1997*", substitute "Finance Minister".

20 Subsection 90C(5) (definition of *Comcare-retained funds*)

Omit "in the bank account maintained in accordance with section 18 of the *Commonwealth Authorities and Companies Act 1997*", substitute "in a bank account".

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21 Subsection 91(4)

Repeal the subsection, substitute:

(4) Subsection (3) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of Comcare.

22 Subsection 91(5)

Repeal the subsection.

23 Section 92

Omit "section 14 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 36 of the *Public Governance, Performance and Accountability Act 2013* (which deals with budget estimates for Commonwealth entities)".

24 Subsection 95(6)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

25 Subsection 95(7)

Repeal the subsection.

26 Section 112A (heading)

Repeal the heading, substitute:

112A Making of compensation payments through employers of employees paid out of relevant money

27 Paragraph 112A(1)(b)

Omit "public money", substitute "relevant money".

28 Paragraph 112A(6)(b)

Repeal the paragraph, substitute:

(b) when the advised payment is received by the employer, it is taken to be:

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(i) a repayment of the anticipatory payment; and

(ii) the receipt of an amount for the purposes of section 74 of the *Public Governance, Performance and Accountability Act 2013*.

29 Subsection 112A(7)

Repeal the subsection.

30 Section 112B (heading)

Repeal the heading, substitute:

112B Making of compensation payments through employers of employees not paid out of relevant money

31 Paragraph 112B(1)(b)

Omit "public money", substitute "relevant money".

Safe Work Australia Act 2008

32 Subsection 7(1)

Omit "strategic plan", substitute "corporate plan".

33 Section 18

Repeal the section, substitute:

18 Disclosure of interests

(1) A disclosure by a voting 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 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*, a voting member is taken not to have complied with section 29 of that Act if the voting member does not comply with subsection (1) of this section.

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34 Paragraph 20(2)(c)

Repeal the paragraph, substitute:

(c) the 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.

35 Section 26

Repeal the section, substitute:

26 What this Part is about

This Part is about Safe Work Australia's corporate plan and operational plan. These plans impact on how Safe Work Australia, and its CEO, perform their respective functions (see subsections 7(2) and 45(2)).

Division 2 deals with the corporate plan. The CEO prepares a draft corporate plan and gives it to the Ministerial Council for approval. Once the Ministerial Council approves the draft plan, the plan is given to the Minister under section 35 of the *Public Governance, Performance and Accountability Act*.

Division 3 deals with the operational plan. The CEO prepares a draft operational plan and gives it to the Ministerial Council for approval. Once the Ministerial Council approves the draft plan, it becomes final. The plan covers a period of 1 year. It sets out the activities that Safe Work Australia is to undertake in that year.

Division 4 allows the Ministerial Council to direct the CEO to amend either of the final plans.

36 Division 2 of Part 4 (heading)

Repeal the heading, substitute:

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Division 2—Corporate plan for Safe Work Australia

37 Section 27

Repeal the section, substitute:

27 Draft corporate plan

(1) Before giving a corporate plan to the Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the CEO must prepare a draft corporate plan and give it to the Ministerial Council.

(2) Despite that section, the draft corporate plan must deal with the following matters only:
  (a) the outcomes to be achieved by Safe Work Australia;
  (b) the strategies that are to be followed by Safe Work Australia to achieve those outcomes.

(3) The draft corporate plan must not deal with the allocation of resources for the performance of Safe Work Australia's functions.

(4) Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the CEO.

38 Section 28 (heading)

Repeal the heading, substitute:

28 Approval of draft corporate plan

39 Subsection 28(1)

Omit "strategic plan", substitute "corporate plan".

40 Subsection 28(2)

Omit "Safe Work Australia", substitute "the CEO".

41 Subsection 28(4)

Repeal the subsection, substitute:

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CEO to comply with Council's directions

(4) The CEO must comply with a direction under subsection (2).

42 Subsections 28(6) and (7)

Repeal the subsections, substitute:

Corporate plan

(6) When the draft corporate plan, or altered draft corporate plan, as the case may be, is approved by the Ministerial Council, that plan is to be given to the Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

43 Section 29 (heading)

Repeal the heading, substitute:

29 CEO to prepare a draft operational plan

44 Subsection 29(1)

Omit "Safe Work Australia", substitute "the CEO".

45 Paragraph 29(3)(b)

Omit "strategic plan", substitute "corporate plan".

46 Subsection 30(2)

Omit "Safe Work Australia", substitute "the CEO".

47 Paragraph 30(3)(c)

Omit "strategic plan", substitute "corporate plan".

48 Subsection 30(4)

Repeal the subsection, substitute:

CEO to comply with Council's directions

(4) The CEO must comply with a direction under subsection (2).

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49 Subsection 30(7)

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

(7) An operational plan must be published in such manner as the CEO considers appropriate.

50 Division 4 of Part 4 (heading)

Repeal the heading, substitute:

Division 4—Ministerial Council's directions to alter corporate or operational plans

51 Section 31 (heading)

Repeal the heading, substitute:

31 Ministerial Council's directions to alter corporate plan

52 Subsection 31(1)

Omit "Safe Work Australia", substitute "the CEO".

53 Paragraph 31(1)(a)

Omit "its strategic plan", substitute "the corporate plan for Safe Work Australia".

54 Subsection 31(2) (heading)

Repeal the heading, substitute:

Direction to amend corporate plan

55 Subsection 31(3)

Repeal the subsection, substitute:

CEO to comply with Council's directions

(3) The CEO must comply with a direction under subsection (1).

56 Subsections 31(5) and (6)

Repeal the subsections, substitute:

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When alterations to corporate plan are to be given to the Minister

(5) When the altered corporate plan is approved by the Ministerial Council, that plan is to be given to the Minister under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

57 Subsection 32(1)

Omit "Safe Work Australia", substitute "the CEO".

58 Paragraph 32(2)(c)

Omit "strategic plan", substitute "corporate plan".

59 Subsection 32(3)

Repeal the subsection, substitute:

CEO to comply with Council's directions

(3) The CEO must comply with a direction under subsection (1).

60 Subsection 32(6)

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

(6) An altered operational plan must be published in such manner as the CEO considers appropriate.

61 Subsection 36(2) (note)

Omit "section 40", substitute "section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) and rules made for the purposes of that section".

62 Paragraph 37(2)(a)

Omit "section 40 (disclosure of interests) prevents", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* prevent".

63 Section 40

Repeal the section.

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64 Section 43

Omit:

> Division 2 is about the CEO. The CEO's functions are to manage Safe Work Australia's administration and assist it in the performance of its functions. The CEO must perform his or her functions in accordance with the strategic and operational plans. He or she must also comply with any direction given by the Minister (see section 46) or Safe Work Australia (see section 48).

substitute:

> Division 2 is about the CEO. The CEO's functions are to manage Safe Work Australia's administration and assist it in the performance of its functions. The CEO must perform his or her functions in accordance with the corporate and operational plans. He or she must also comply with any direction given by the Minister (see section 46) or Safe Work Australia (see section 48).

65 Subsection 45(2)

Omit "strategic plan", substitute "corporate plan".

66 Paragraph 45(3)(b)

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

67 Section 47

Repeal the section.

68 Paragraph 48(3)(a)

Omit "strategic plan", substitute "corporate plan".

69 Paragraph 48(3)(d)

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

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70 Section 55

Repeal the section.

71 Paragraph 57(2)(d)

Repeal the paragraph, substitute:

(d) 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.

72 Subsection 64(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

73 Section 65 (note)

Omit "Special Account" (wherever occurring), substitute "special account".

74 Section 70

Repeal the section, substitute:

70 Annual report

The CEO must give to Safe Work Australia and the Ministerial Council the annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period.

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004

75 Subsection 127(3) (definition of *Finance Minister*)

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

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Science and Industry Research Act 1949

76 Section 7 (definition of *annual operational plan*)

Repeal the definition.

77 Section 7

Insert:

> ***corporate plan*** means a corporate plan prepared by the members under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

78 Section 7 (definition of *Finance Minister*)

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

79 Section 7 (definition of *strategic plan*)

Repeal the definition.

80 Subsection 8(2) (note)

Repeal the note, substitute:

> Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Organisation. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

81 At the end of paragraph 10E(2)(a)

Add "or".

82 Paragraph 10E(2)(b)

Omit "of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

83 At the end of paragraphs 10E(2)(b) and (c)

Add "or".

84 At the end of subsection 10E(2)

Add:

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Note: The appointment of the Chief Executive may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

85 Section 10F

Before "The", insert "(1)".

86 At the end of section 10F

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

87 At the end of paragraph 22(2)(a)

Add "or".

88 Paragraph 22(2)(b)

Omit "or".

89 Paragraph 22(2)(c)

Repeal the paragraph.

90 At the end of subsection 22(2)

Add:

Note: The appointment of a part-time member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

91 Part VII (heading)

Repeal the heading, substitute:

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Part VII—Corporate plans

92 Sections 33 to 35

Repeal the sections.

93 Section 36 (heading)

Repeal the heading, substitute:

36 Compliance with corporate plan

94 Subsection 36(1)

Omit "Subject to subsection 49(2), when a strategic plan or an annual operational plan", substitute "When a corporate plan".

95 Subsection 48(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Organisation.

96 Section 51

Omit "In each report on the Organisation under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members", substitute "The annual report prepared by the members and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

97 Paragraphs 51(a), (b), (c) and (d)

Omit "year", substitute "period".

Screen Australia Act 2008

98 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to Screen Australia. That Act deals with matters relating to

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corporate Commonwealth entities, including reporting and the use and management of public resources.

99 Paragraph 16(2)(b)

Repeal the paragraph.

100 At the end of subsection 16(2)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

101 Paragraph 18(3)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

102 Subsection 18(10)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

103 Section 27

Repeal the section, substitute:

27 Disclosure of interests

(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 Minister and the Board.

(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.

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104 Paragraph 29(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

105 Sections 35 and 36

Repeal the sections, substitute:

35 Corporate plan

(1) A corporate plan given to the Minister by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013* must include:

(a) details of the investment and financing programs of Screen Australia, including strategies for managing financial risk; and

(b) details of such other matters (if any) as the Minister directs.

(2) The Minister may give the Board written instructions with which the Board must comply in preparing a corporate plan (and any variations to the plan) under that section.

(3) A direction under paragraph (1)(b) or an instruction given under subsection (2) is not a legislative instrument.

106 Subsection 37(1)

Repeal the subsection, substitute:

(1) This section applies to a corporate plan that is given to the Minister by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

107 Subsection 39(4) (definition of *Finance Minister*)

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

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108 Subsection 40(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of Screen Australia.

109 Subsection 41(2)

Repeal the subsection, substitute:

(2) Paragraphs (1)(a) and (b) do not apply to transactions relating to the functions described in subparagraph 6(1)(b)(i).

110 Section 43

Omit "on Screen Australia under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

111 Paragraph 43(a)

Omit "to which the report relates".

112 Subsection 44(4)

Omit "section 16 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 19 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to keep the responsible Minister and the Finance Minister informed)".

Seafarers Rehabilitation and Compensation Act 1992

113 At the end of subsection 116(1)

Add:

Note: The Chairperson also has a duty to disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.

114 At the end of subsection 118(2)

Add:

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Note: The appointment of the Chairperson may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

115 Section 125A

Repeal the section.

Services Trust Funds Act 1947

116 At the end of section 5

Add:

(3) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to a trustee or a chair of trustees despite subsection 30(6) of that Act.

117 At the end of subsection 6(1)

Add:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the trustees of each fund. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

118 Section 34

Repeal the section, substitute:

34 Application of the *Public Governance, Performance and Accountability Act 2013*

Section 59 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by corporate Commonwealth entities) does not apply to the trustees of each fund.

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119 Section 35

Repeal the section.

Skilling Australia's Workforce Act 2005

120 Subsection 3(1) (definition of *Agency*)

Repeal the definition.

121 Subsection 3(1)

Insert:

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

122 Paragraph 27(1)(b)

Omit "an Agency (or part of an Agency)", substitute "a non-corporate Commonwealth entity (or part of a non-corporate Commonwealth entity)".

123 Section 31

Omit "an Agency (or part of an Agency)", substitute "a non-corporate Commonwealth entity (or part of a non-corporate Commonwealth entity)."

124 Subsection 37(3)

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

Small Superannuation Accounts Act 1995

125 Section 3

Omit:

> • The Australian Taxation Office administers a Special Account. Notional **accounts** are kept within the Special Account. **Employers** may **deposit** money for their **employees**

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instead of making superannuation contributions. These deposits are credited to the notional accounts.

substitute:

• The Australian Taxation Office administers a special account. Notional **accounts** are kept within the special account.

126 Section 4 (definition of *Finance Minister*)

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

127 Subsection 8(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

128 Subsection 8(2) (note)

Repeal the note.

129 Subsection 19(1)

Repeal the subsection, substitute:

(1) Money credited to an individual's account is not held on trust.

130 Subsection 33(1)

Repeal the subsection, substitute:

(1) A deposit, or purported deposit, made in respect of an individual is not held on trust.

Snowy Hydro Corporatisation Act 1997

131 Subsection 5(1) (definition of *Finance Minister*)

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

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Snowy Mountains Engineering Corporation Limited Sale Act 1993

132 Subsection 3(1) (definition of *Finance Minister*)

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

Social and Community Services Pay Equity Special Account Act 2012

133 Subsection 5(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

134 Subsection 7(1) (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

135 Part 1 of Schedule 1 (heading)

Omit "**Financial Management and Accountability Regulations**", substitute "**Financial Framework (Supplementary Powers) Regulations 1997**".

136 Part 1 of Schedule 2 (heading)

Omit "**Financial Management and Accountability Regulations**", substitute "**Financial Framework (Supplementary Powers) Regulations 1997**".

Special Broadcasting Service Act 1991

137 Section 3 (definition of *Finance Minister*)

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

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138 Subsection 5(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the SBS. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

139 Subsection 13(2)

Repeal the subsection, substitute:

(2) Section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities) applies in relation to the SBS and its Board to the extent that a government policy order mentioned in that section does not affect the content or scheduling of programs.

140 Paragraph 27(2)(c)

Repeal the paragraph, substitute:

(c) a non-executive Director becomes bankrupt, takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with one or more of his or her creditors or makes an assignment of his or her remuneration for the benefit of one or more of his or her creditors;

141 At the end of subsection 27(2)

Add:

Note: The appointment of a non-executive Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

142 Section 36

Before "The", insert "(1)".

143 At the end of section 36

Add:

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(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

144 Paragraph 37(2)(d)

Omit "of this Act or section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*".

145 At the end of subsection 37(2)

Add:

Note: The appointment of the Managing Director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

146 Subsection 40(2)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

147 Section 43C

Omit "financial year" (wherever occurring), substitute "period".

148 Subsections 45(5) and 45A(3)

Omit ", within the statement of strategies and policies to be followed by the SBS to achieve its objectives", substitute "prepared by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013*".

149 Section 47

Repeal the section.

150 Subsection 48(1)

Repeal the subsection, substitute:

(1) The corporate plan prepared by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013* must:

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(a) outline the overall strategies and policies that the SBS and its subsidiaries are to follow:
  (i) to achieve the objectives of the SBS; and
  (ii) to fulfil the SBS's principal and subsidiary functions; and
  (iii) to ensure that the Board performs its role under paragraph 9(b) and fulfils its duties under section 10; and

(b) include a forecast of the revenue and expenditure of the SBS and its subsidiaries, including a forecast of capital expenditure and borrowings; and

(c) set out any measures that the Board proposes to adopt (in addition to receiving advice from the Community Advisory Committee) to ensure that it is aware of, and responsive to, community needs and opinions (including the needs and opinions of small or newly arrived ethnic groups) on matters relevant to the Charter; and

(d) include such other matters as are prescribed.

151 At the end of section 48

Add:

(4) For the purposes of the application of section 35 of the *Public Governance, Performance and Accountability Act 2013* in relation to the SBS, ***subsidiary*** is taken to have the meaning given by subsection (3) of this section, despite the definition of ***subsidiary*** in section 8 of that Act.

(5) The Board may review and revise a corporate plan at any time.

152 Sections 49 and 51

Repeal the sections.

153 Subsection 52(2) (note)

Repeal the note, substitute:

Note: Paragraph 19(1)(c) of the *Public Governance, Performance and Accountability Act 2013* requires the accountable authority of a Commonwealth entity to notify the Minister of significant decisions in relation to the entity or any of its subsidiaries.

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154 Subsection 58(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the SBS.

155 Subsection 64(1)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

156 Section 73

Omit "The Directors must include in each report on the SBS under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "The annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include".

157 Section 73

Omit "year" (wherever occurring), substitute "period".

Superannuation Act 1976

158 Subsection 41(9) (definition of *bank*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

159 Subsection 96A(2) (definition of *bank*)

Repeal the definition, substitute:

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

160 Subsections 156B(2) and (3) (note)

Repeal the note.

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161 Subsection 156C(3) (note)

Repeal the note.

162 Subsection 156D(10)

Omit "*Financial Management and Accountability Act 1997*) who is in ComSuper or is part of ComSuper", substitute "*Public Governance, Performance and Accountability Act 2013*) of ComSuper".

163 Subsection 156D(11)

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

Superannuation Act 1990

164 Subsections 39A(2) and (3) and 39B(3) (note)

Repeal the note.

165 Subsection 39C(10)

Omit "*Financial Management and Accountability Act 1997*) who is in ComSuper or is part of ComSuper", substitute "*Public Governance, Performance and Accountability Act 2013*) of ComSuper".

166 Subsection 39C(11)

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

167 Subsection 44(1) (definition of *bank*)

Repeal the definition, substitute:

> ***bank*** has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

Superannuation Industry (Supervision) Act 1993

168 Paragraph 52(4)(b)

Repeal the paragraph, substitute:

(b) Subdivision A of Division 3 of Part 2-2 of the *Public Governance, Performance and Accountability Act 2013*

(which deals with general duties of officials) or any rules made for the purposes of that Subdivision.

169 Paragraph 52A(3)(b)

Repeal the paragraph, substitute:

(b) Subdivision A of Division 3 of Part 2-2 of the *Public Governance, Performance and Accountability Act 2013* (which deals with general duties of officials) or any rules made for the purposes of that Subdivision.

Superannuation (Pension Increases) Act 1971

170 Subsection 3(1) (definition of *Finance Minister*)

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

Superannuation (Productivity Benefit) Act 1988

171 Subsection 3(1) (definition of *Finance Department*)

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

Superannuation (Unclaimed Money and Lost Members) Act 1999

172 Section 49

Repeal the section, substitute:

49 Money paid to Commissioner not held on trust

To avoid doubt, money paid under this Act to the Commissioner is not, and has never been, held on trust.

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Sydney Harbour Federation Trust Act 2001

173 Section 3 (definition of *Finance Minister*)

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

174 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Trust. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

175 Paragraph 20(2)(c)

Omit "; or", substitute ".".

176 Paragraph 20(2)(d)

Repeal the paragraph.

177 Subsection 20(2) (note)

Repeal the note, substitute:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

178 At the end of section 20

Add:

(4) Subsection (3) is taken to apply in relation to a termination of the appointment of a member under section 30 of the *Public Governance, Performance and Accountability Act 2013* in the same way as that subsection applies to a termination of the appointment of a member under this section.

179 Subsection 54(2) (note)

Repeal the note.

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180 Subsection 60(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Trust.

181 Subsection 62(2)

Omit "*Financial Management and Accountability Act 1997*)", substitute "*Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act)".

182 Subsection 62(3)

Repeal the subsection.

183 Subsection 64(1)

Omit "(1)".

184 Subsection 64(2)

Repeal the subsection.

185 Section 70

Omit "on the Trust under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "prepared by the members and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period".

186 Paragraphs 70(a) and (b)

Omit "to which the report relates".

187 After section 70

Insert:

70AA Corporate plan

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian

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Government's key priorities and objectives) does not apply to a corporate plan prepared by the members.

Taxation Administration Act 1953

188 Subsection 355-55(1) in Schedule 1 (table item 4)

Repeal the item, substitute:

4	the *Finance Minister	is for the purpose of: (a) the waiver, or possible waiver, of a *tax debt under section 63 of the *Public Governance, Performance and Accountability Act 2013*; or (b) the making, or possible making, of a payment referred to in section 65 of that Act (about act of grace payments) in connection with administering a *taxation law.

Telecommunications Act 1997

189 Section 7 (definition of *Finance Minister*)

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

190 Subsection 295U(1)

Omit "the ACMA gives the Minister a report under section 57 of the *Australian Communications and Media Authority Act 2005*", substitute "an annual report prepared by the Chair of the ACMA is given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*".

Telecommunications (Consumer Protection and Service Standards) Act 1999

191 Subsection 21(2)

Omit "Special Account within the meaning of the FMA Act", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

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192 Subsection 21(6) (definition of *FMA Act*)

Repeal the definition.

193 Section 21A (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

194 Subsection 21B(2)

Omit "Minister administering the *Financial Management and Accountability Act 1997*", substitute "Finance Minister".

195 Paragraph 158P(7)(c)

Omit "Minister administering the *Financial Management and Accountability Act 1997*", substitute "Finance Minister".

Telecommunications Universal Service Management Agency Act 2012

196 Subsection 29(4)

Omit "TUSMA's annual report prepared under section 75 for that year", substitute "the annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for the relevant period".

197 Section 64

Repeal the section, substitute:

64 Disclosure of interests

(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 TUSMA.

(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

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have complied with section 29 of that Act if the CEO does not comply with subsection (1) of this section.

198 Paragraph 68(2)(d)

Repeal the paragraph, substitute:

(d) 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.

199 Paragraph 70(a)

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

200 Sections 74 and 75

Repeal the sections, substitute:

74 Corporate plan

(1) The corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013* must include the 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 a matter mentioned in subsection (1).

(3) A guideline given under subsection (2) is not a legislative instrument.

75 Annual report

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

(a) each amount paid by TUSMA, on behalf of the Commonwealth, under a section 13 contract during the period; and

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(b) the amount of each section 13 grant made during the period; and

(c) details of any action taken by TUSMA in the period in response to a direction given by the Minister under section 77.

Note: The annual report must include TUSMA's performance monitoring report (see subsection 29(4)).

201 Subsection 84(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

202 Section 85 (note)

Omit "Special Account" (wherever occurring), substitute "special account".

203 Section 86 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

Telstra Corporation Act 1991

204 Section 3 (definition of *Finance Department*)

Omit "Minister administering the *Financial Management and Accountability Act 1997*", substitute "Minister for Finance".

205 Section 3 (definition of *Minister for Finance*)

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

206 Subsection 8AJ(7) (definition of *wholly-owned Commonwealth company*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

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207 Section 8AKA (note)

Repeal the note, substitute:

Note: Subsection 56(1) of the *Public Governance, Performance and Accountability Act 2013* provides that an agreement for the borrowing of money by the Commonwealth is of no effect unless the borrowing is expressly authorised by an Act.

208 Part 9

Repeal the Part.

Terrorism Insurance Act 2003

209 Paragraph 20(2)(d)

Repeal the paragraph.

210 At the end of subsection 20(2)

Add:

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

211 Subsection 22(5) (note)

Repeal the note.

212 Subsection 34(2)

Repeal the subsection, substitute:

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Corporation.

Tertiary Education Quality and Standards Agency Act 2011

213 Section 5 (definition of *strategic plan*)

Repeal the definition.

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214 Subdivision A of Division 7 of Part 8 (heading)

Repeal the heading, substitute:

Subdivision A—Corporate plans

215 Sections 159 and 160

Repeal the sections, substitute:

160 Approving corporate plans

(1) The Commissioners must give a copy of a corporate plan prepared under section 35 of the *Public Governance, Performance and Accountability Act 2013* to the Minister for approval before:
  (a) 31 January in the reporting period before the first reporting period to which the plan relates; or
  (b) such later day as the Minister allows.

(2) Subsection (1) does not apply to a corporate plan if the Minister decides the plan does not need approval.

(3) A corporate plan comes into force on:
  (a) if the plan needs Ministerial approval—the later of:
    (i) the day it is approved by the Minister; and
    (ii) the first day of the period to which it relates; or
  (b) otherwise—the first day of the period to which it relates.

216 Section 161 (heading)

Repeal the heading, substitute:

161 Varying corporate plans

217 Subsection 161(1)

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

(1) The Commissioners may, with the Minister's approval, vary a corporate plan prepared under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

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218 Subsection 161(2)

Omit "TEQSA", substitute "the Commissioners".

219 Subsection 161(3)

Repeal the subsection, substitute:

(3) The Minister may, at any time, request the Commissioners to vary the corporate plan. The Commissioners must comply with the request.

220 Subsection 161(5)

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

(5) Despite subsection (1), the Commissioners may vary the corporate plan without the approval of the Minister if the variation is of a minor nature. The variation takes effect on the day it is made.

221 Subsection 161(6)

Omit "TEQSA makes", substitute "the Commissioners make".

222 Subsection 161(6)

Omit "TEQSA must", substitute "the Commissioners must".

223 Subsection 162(1)

Omit "TEQSA" (wherever occurring), substitute "The Commissioners".

224 Paragraph 162(2)(a)

Omit "strategic plan", substitute "corporate plan".

225 Paragraph 162(2)(b)

Omit "TEQSA considers", substitute "the Commissioners consider".

226 Subsection 163(1)

Omit "TEQSA" (first occurring), substitute "the Commissioners".

227 Paragraph 163(1)(b)

Omit "strategic plan—request TEQSA", substitute "corporate plan—request the Commissioners".

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228 Section 164

Omit "strategic plans", substitute "corporate plans".

229 Division 8 of Part 8

Repeal the Division.

Therapeutic Goods Act 1989

230 Subsection 45(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

231 Subsection 45(3) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

Tourism Australia Act 2004

232 Subsection 5(2) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to Tourism Australia. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

233 Paragraph 20(3)(b)

Omit "; or", substitute ".".

234 Paragraph 20(3)(c)

Repeal the paragraph.

235 At the end of subsection 20(3)

Add:

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and*

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Accountability Act 2013 (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

236 Paragraph 24(2)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

237 Subsection 25(2) (note)

Repeal the note.

238 Subsections 33(1) to (3)

Repeal the subsections, substitute:

(1) The Board must prepare a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013* by 1 May each reporting period (within the meaning of that Act) or by such later day as the Minister in a particular reporting period allows.

239 Section 34

Repeal the section, substitute:

34 Matters to be covered by plan

The corporate plan must include details of an assessment of the outlook for the Australian tourism industry.

240 Subsections 35(1) and (2)

Repeal the subsections, substitute:

(1) For each corporate plan given to the Minister by the Board under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the Minister must consider whether or not to endorse the plan.

241 Section 39

Repeal the section, substitute:

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39 Annual report

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

(a) an assessment of the extent to which Tourism Australia's operations during the period have implemented each annual operational plan applicable to the period; and

(b) significant activities undertaken jointly during the period; and

(c) significant capital works programs undertaken by Tourism Australia during the period; and

(d) significant acquisitions and dispositions of real property by Tourism Australia during the period; and

(e) revisions of the annual operational plan approved by the Minister during the period.

242 Subsection 40(6)

Omit "section 28 of the *Commonwealth Authorities and Companies Act 1997*", substitute "section 22 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the application of government policy to corporate Commonwealth entities)".

243 Section 52

Repeal the section.

244 Section 53

Before "The", insert "(1)".

245 At the end of section 53

Add:

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to the Managing Director despite subsection 30(6) of that Act.

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246 Subsection 57(3) (definition of *Finance Minister*)

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

247 Subsection 58(3)

Repeal the subsection, substitute:

(3) Subsection (2) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of Tourism Australia.

248 Subsection 59(1)

Omit "(1)".

249 Subsection 59(2)

Repeal the subsection.

Transport Safety Investigation Act 2003

250 Section 13AE

Repeal the section, substitute:

13AE Disclosure of interests

(1) A disclosure by a Commissioner 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 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*, a Commissioner is taken not to have complied with section 29 of that Act if the Commissioner does not comply with subsection (1) of this section.

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251 Paragraph 13AG(1)(c)

Repeal the paragraph, substitute:

(c) if the Commissioner 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.

252 Section 14AA

Repeal the section.

253 Section 63A

Repeal the section, substitute:

63A Annual report

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

(a) prescribed particulars of transport safety matters investigated by the ATSB during the period;

(b) a description of investigations conducted by the ATSB during the period that the Chief Commissioner considers raise significant issues in transport safety.

Uranium Royalty (Northern Territory) Act 2009

254 Subsection 7(6)

Repeal the subsection.

Veterans' Entitlements Act 1986

255 After section 179

Insert:

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179A Application of the *Public Governance, Performance and Accountability Act 2013* to the Commission

Despite paragraph 10(1)(d) of the *Public Governance, Performance and Accountability Act 2013* and the definition of ***Department of State*** in section 8 of that Act, the Commission is not a Commonwealth entity for the purposes of that Act and is taken to be part of the Department for those purposes.

Note: This means that the commissioners are officials of the Department for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

256 Paragraph 188(6)(d)

Repeal the paragraph, substitute:

(d) a commissioner fails, without reasonable excuse, to comply with his or her obligations under:

(i) section 189; or

(ii) 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;

257 Section 190

Repeal the section.

258 After section 196A

Insert:

196AA Application of the *Public Governance, Performance and Accountability Act 2013* to the Authority

Despite paragraph 10(1)(d) of the *Public Governance, Performance and Accountability Act 2013* and the definition of ***Department of State*** in section 8 of that Act, the Repatriation Medical Authority is not a Commonwealth entity for the purposes of that Act and is taken to be part of the Department for those purposes.

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Note: This means that the members of the Authority are officials of the Department for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

259 After section 196V

Insert:

196VA Application of the *Public Governance, Performance and Accountability Act 2013* to the Council

Despite paragraph 10(1)(d) of the *Public Governance, Performance and Accountability Act 2013* and the definition of ***Department of State*** in section 8 of that Act, the Review Council is not a Commonwealth entity for the purposes of that Act and is taken to be part of the Department for those purposes.

Note: This means that the councillors are officials of the Department for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

Water Act 2007

260 Subsection 4(1) (definition of *Water for the Environment Special Account*)

Omit "the Special Account", substitute "the special account".

261 Subsection 86AB(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

262 Subsection 86AC(1) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

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263 Subsection 111(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

264 Subsection 112(1) (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

265 Subsection 173(2) (note 2)

Repeal the note, substitute:

Note 2: Acquisitions of interests in land will be done in accordance with the *Lands Acquisition Act 1989* and the *Public Governance, Performance and Accountability Act 2013*.

266 Subsection 173(2) (note 3)

Repeal the note.

267 Section 182

Repeal the section, substitute:

182 Disclosure of interests

(1) A disclosure by an Authority member (other than the Chief Executive) 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 Minister.

Note: Under the rules made for the purposes of the *Public Governance, Performance and Accountability Act 2013*, the Chief Executive must disclose interests to the 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*, the Authority member is taken not to have complied with section 29 of that Act if the

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Authority member does not comply with subsection (1) of this section.

268 Sections 183 and 184

Repeal the sections.

269 Paragraph 189(2)(g)

Repeal the paragraph, substitute:

(g) if the member is not the Chief Executive—the 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.

270 At the end of subsection 189(2)

Add:

Note: The appointment of the Chief Executive may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

271 Section 207 (note)

Repeal the note.

272 Paragraph 208(a)

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

273 Section 213A

Repeal the section, substitute:

213A Corporate plan

(1) The corporate plan prepared by the Chief Executive under section 35 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the corporate plan approved by the Murray-Darling Basin Ministerial Council under the Agreement for the period.

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(2) Subsection 35(3) of that Act (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Chief Executive.

274 Subsections 213B(1) and (2)

Omit "Authority", substitute "Chief Executive".

275 At the end of subsection 213B(2)

Add:

Note: The corporate plan that is approved by the Murray-Darling Basin Ministerial Council under the Agreement is prepared by the Authority. Any amendment of that plan must also be prepared by the Authority and approved by the Ministerial Council.

276 Subsection 213B(3)

Omit "Authority", substitute "Chief Executive".

277 Section 214

Repeal the section, substitute:

214 Annual report

(1) The annual report prepared by the Chief Executive and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must also be given to each other member of the Murray-Darling Basin Ministerial Council.

(2) Despite that section, the Chief Executive must give the annual report to the Minister as soon as practicable after the end of the period.

(3) The report must include:

(a) an analysis of the effectiveness of the Basin Plan; and

(b) particulars of all directions given by the Minister under section 175 during the period; and

(c) information about the Authority's activities during the period, including information about any matters on which the Authority is required to report under the Agreement.

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278 Paragraph 239S(1)(b)

Omit "paragraph 213A(3)(a)", substitute "section 213A".

Water Efficiency Labelling and Standards Act 2005

279 Section 7 (subparagraph (a)(i) of the definition of *agency*)

Repeal the subparagraph, substitute:

(i) a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*);

280 Section 7 (definition of *WELS Account*)

Omit "Special Account", substitute "special account".

281 Subsection 64(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

282 Section 65 (note)

Omit "Special Account if any of the purposes of the Account", substitute "special account if any of the purposes of the special account".

Work Health and Safety Act 2011

283 Section 4 (definition of *Commonwealth*)

Omit "an agency within the meaning of the *Financial Management and Accountability Act 1997*", substitute "a non-corporate Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*)".

284 Section 4 (paragraph (b) of the definition of *public authority*)

Omit "*Commonwealth Authorities and Companies Act 1997*", substitute "*Public Governance, Performance and Accountability Act 2013*".

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285 Clause 3 of Schedule 2

Omit "of Comcare for a financial year must include", substitute "prepared by the Chief Executive Officer of Comcare and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include".

286 Paragraph 3(a) of Schedule 2

Omit "year" (wherever occurring), substitute "period".

287 Paragraph 3(b) of Schedule 2

Omit "year", substitute "period".

288 Clause 3 of Schedule 2 (note)

Omit "section 90", substitute "section 85".

289 Paragraph 4(1)(a) of Schedule 2

Repeal the paragraph, substitute:

(a) a non-corporate Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*;

Workplace Gender Equality Act 2012

290 Subsection 12(1)

Repeal the subsection, substitute:

(1) Despite section 46 of the *Public Governance, Performance and Accountability Act 2013*, the annual report prepared by the Director for a period for the purposes of that section must be given to the Minister by the last day of the fifth month after the end of the period.

291 Paragraph 13C(2)(b)

Repeal the paragraph, substitute:

(b) must not be used in a report under:

(i) section 12; or

(ii) section 46 of the *Public Governance, Performance and Accountability Act 2013*.

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292 Paragraph 14(1)(b)

Repeal the paragraph, substitute:

(b) must not be used in a report under:

(i) section 12; or

(ii) section 46 of the *Public Governance, Performance and Accountability Act 2013*.

293 Paragraph 14A(1)(b)

Repeal the paragraph, substitute:

(b) must not be used in a report under:

(i) section 12; or

(ii) section 46 of the *Public Governance, Performance and Accountability Act 2013*.

294 Paragraph 15(1)(b)

Repeal the paragraph, substitute:

(b) may be used, either in whole or in part, in a report under:

(i) section 12; or

(ii) section 46 of the *Public Governance, Performance and Accountability Act 2013*.

295 Subsection 19D(2)

Repeal the subsection, substitute:

Naming employer in Agency report

(2) The Agency may name the employer as having failed to comply with this Act, and set out details of the non-compliance, in a report under:

(a) subsection 12(2); or

(b) section 46 of the *Public Governance, Performance and Accountability Act 2013*.

296 Paragraph 19D(4)(a)

Repeal the paragraph, substitute:

(a) name an employer in a report under:

(i) subsection 12(2); or

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(ii) section 46 of the *Public Governance, Performance and Accountability Act 2013*; or

297 Paragraph 26(2)(d)

Repeal the paragraph, substitute:

(d) without reasonable excuse, contravenes:

(i) section 27; or

(ii) 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;

298 Section 27

Before "The", insert "(1)".

299 At the end of section 27

Add:

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

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Schedule 13—Contingent amendments

Part 1—Agricultural and Veterinary Chemicals legislation

Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994

1 Subsection 3(1) (definition of *Agency*)

Repeal the definition, substitute:

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

2 Section 38D

Repeal the section, substitute:

38D Costs and expenses of collecting agency

> If an Agency is specified by instrument under section 3A to be the collecting agency, the APVMA must pay the Agency for the costs and expenses incurred by the Agency in relation to collecting levy, late payment penalty or understatement penalty under this Act.

Agricultural and Veterinary Chemicals (Administration) Act 1992

3 Section 61

Repeal the section, substitute:

61 Annual report

> The annual report prepared by the Chief Executive Officer and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars of:
>
> (a) an assessment of the extent to which the APVMA's operations during that period have contributed to the

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objectives set out in the annual operational plan for that period; and

(b) an evaluation of the APVMA's overall performance during that period against:

(i) the performance indicators set out in the annual operational plan for that period; and

(ii) the performance indicators (if any) prescribed by the regulations for the purposes of this subparagraph; and

(c) any exercise of powers under section 131AA of the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* during that period; and

(d) variations (if any) of the annual operational plan taking effect during that period; and

(e) significant purchases and disposals of real property by the APVMA during that period; and

(f) any directions given to the APVMA by the Minister during that period to which subsection 10(3) applies and the impact of the directions on the operations of the APVMA.

4 Subparagraph 69EGB(2)(b)(i)

Omit "Commonwealth", substitute "APVMA".

Agricultural and Veterinary Chemicals Code Act 1994

5 Subparagraph 140(1A)(b)(i) of the Code set out in the Schedule

Omit "Commonwealth", substitute "APVMA".

6 Paragraphs 145H(9)(a) and (b) of the Code set out in the Schedule

Omit ", on behalf of the Commonwealth,".

7 Paragraph 145H(9)(b) of the Code set out in the Schedule

Omit "debt due to the Commonwealth", substitute "debt due to the APVMA".

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8 Subsection 149A(2) of the Code set out in the Schedule

Omit ", on behalf of the Commonwealth,".

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Part 2—Antarctic Treaty (Environment Protection) Act 1980

Antarctic Treaty (Environment Protection) Act 1980

9 Subsection 13CJ(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

10 Section 13CK (note)

Omit "Special Account" (wherever occurring), substitute "special account".

11 Section 13CL (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

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Part 3—Australian Grape and Wine Authority Act 2013

Australian Grape and Wine Authority Act 2013

12 Subsection 12(1) (note)

Repeal the note, substitute:

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Authority. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

13 Section 19

Repeal the section, substitute:

19 Disclosure of interests

For the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests), a director who is a grape grower or a winemaker is not taken to have a material personal interest that relates to the affairs of the Authority by reason only of being a grape grower or a winemaker.

14 Paragraph 23(2)(b)

Repeal the paragraph.

15 At the end of subsection 23(2)

Add:

Note: The appointment of a director may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

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16 Paragraph 26A(2)(a)

Omit "section 27J of the *Commonwealth Authorities and Companies Act 1997*", substitute "rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*".

17 Subsection 31(1) (note)

Omit "Note", substitute "Note 1".

18 At the end of subsection 31(1)

Add:

Note 2: The Authority is not required to give a corporate plan under section 35 of the *Public Governance, Performance and Accountability Act 2013* (see subsection (13) of this section).

19 At the end of section 31

Add:

(13) Section 35 of the *Public Governance, Performance and Accountability Act 2013* (which deals with corporate plans) does not apply to the Authority.

20 Subsection 31K(1)

Repeal the subsection, substitute:

(1) Except as provided by this section and the *Public Governance, Performance and Accountability Act 2013*, the Authority is not subject to direction by or on behalf of the Australian Government.

21 Subsection 35(2)

Repeal the subsection, substitute:

(2) Subsections (1) and (1A) do not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Authority.

22 Section 38

Repeal the section, substitute:

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38 Annual report

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

(a) include a report on the operations of the Geographical Indications Committee during the period; and

(b) set out all final determinations of geographical indications, and translations of such indications, made by the Committee during the period; and

(c) include particulars of:

(i) the grape or wine research and development activities that the Authority coordinated or funded, wholly or partly, during the period; and

(ii) the amount that the Authority spent during the period in relation to each of those activities; and

(iii) which (if any) of those activities related to ecologically sustainable development; and

(iv) the impact of those activities on the grape industry and the wine industry; and

(v) the entering into of agreements under section 10A during the period, and the Authority's activities during the period in relation to agreements entered into under that section during or before the period; and

(vi) the entering into of agreements under section 10B during the period, and the Authority's activities during the period in relation to agreements entered into under that section during or before the period; and

(vii) the making of grants under section 10C during the period; and

(viii) the Authority's activities during the period in relation to applying for patents for inventions, commercially exploiting patented inventions and granting licences under patented inventions; and

(ix) the activities of any companies in which the Authority has an interest; and

(x) any activities relating to the formation of a company; and

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(xi) significant acquisitions and dispositions of real property by the Authority during the period; and

(d) include an assessment of the extent to which the Authority's operations during the period have:

(i) achieved the Authority's objectives as stated in its corporate plan; and

(ii) implemented the annual operational plan applicable to the period; and

(e) include an assessment of the extent to which the Authority has, during the period, contributed to the attainment of the objects of this Act as set out in section 3.

(2) The annual report must be published on the Authority's website as soon as practicable after the report is tabled in the House of Representatives.

23 Subsection 38A(1)

Omit "the report prepared by the directors under section 9 of the *Commonwealth Authorities and Companies Act 1997* on the operations of the Authority for a period has been given to the responsible Minister (within the meaning of that section),", substitute "the annual report mentioned in section 38 has been given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013*,".

24 Clause 12 of the Schedule

Omit "in relation to that year under section 9 of the *Commonwealth Authorities and Companies Act 1997*", substitute "under section 46 of the *Public Governance, Performance and Accountability Act 2013* in relation to the period that includes the year".

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Part 4—Offshore Petroleum and Greenhouse Gas Storage Act 2006

Division 1—First compliance measures Act has not commenced

Offshore Petroleum and Greenhouse Gas Storage Act 2006

25 Subsection 600(7)

Omit all the words after "an amount worked out in accordance with the determination", substitute:

is to be debited from the National Offshore Petroleum Titles Administrator Special Account on a day worked out in accordance with the determination.

Note: The Commonwealth must pay a corresponding amount to NOPSEMA (see paragraph 682(1)(aa)).

26 After paragraph 682(1)(a)

Insert:

(aa) amounts debited from the National Offshore Petroleum Titles Administrator Special Account under subsection 600(7) (about petroleum project inspectors); and

27 Subsections 682(4) and (6)

Omit "(1)(b)", substitute "(1)(aa)".

Division 2—First compliance measures Act has commenced

Offshore Petroleum and Greenhouse Gas Storage Act 2006

28 Subsection 602B(2)

Omit all the words after "on a day worked out in accordance with the determination,", substitute:

to be debited from the National Offshore Petroleum Titles Administrator Special Account.

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Note: The Commonwealth must pay a corresponding amount to NOPSEMA (see paragraph 682(1)(b)).

29 Section 682

Repeal the section, substitute:

682 Commonwealth payments to NOPSEMA

(1) The Commonwealth must pay to NOPSEMA amounts equal to:

(a) such money as is appropriated by the Parliament for the purposes of NOPSEMA; and

(b) amounts debited from the National Offshore Petroleum Titles Administrator Special Account under subsection 602B(2) (about NOPSEMA inspectors); and

(c) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of safety investigation levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 686(2); and

(d) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of safety case levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 687(4); and

(e) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of well investigation levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688(2); and

(f) the following amounts paid to NOPSEMA on behalf of the Commonwealth:

(i) amounts paid by way of annual well levy imposed by the Regulatory Levies Act;

(ii) amounts paid by way of late payment penalty under subsection 688A(2); and

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(g) the following amounts paid to NOPSEMA on behalf of the Commonwealth:
  (i) amounts paid by way of well activity levy imposed by the Regulatory Levies Act;
  (ii) amounts paid by way of late payment penalty under subsection 688B(2); and
(h) the following amounts paid to NOPSEMA on behalf of the Commonwealth:
  (i) amounts paid by way of environment plan levy imposed by the Regulatory Levies Act;
  (ii) amounts paid by way of late payment penalty under subsection 688C(2); and
(i) any other amounts paid to NOPSEMA, on behalf of the Commonwealth, by a State or the Northern Territory; and
(j) any other amounts paid to NOPSEMA on behalf of the Commonwealth.

(2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under paragraph (1)(a) is to be paid to NOPSEMA.

(3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

(4) If an amount referred to in any of paragraphs (1)(b) to (j) is refunded by the Commonwealth, NOPSEMA must pay to the Commonwealth an amount equal to the refund.

(5) The responsible Commonwealth Minister may, on behalf of the Commonwealth, set off an amount payable by NOPSEMA under subsection (4) against an amount that is payable to NOPSEMA under subsection (1).

(6) Amounts payable under paragraphs (1)(b) to (j) are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

(7) In this section:

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

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Division 3—Second compliance measures Act has commenced

Offshore Petroleum and Greenhouse Gas Storage Act 2006

30 Subsection 611L(6)

Repeal the subsection, substitute:

(6) If NOPSEMA takes one or more actions under subsection (4) or an order under subsection (5), NOPSEMA is entitled to recover from the body, by action in a court, an amount in relation to the reasonable expenses of taking the actions as a debt due to NOPSEMA.

(6A) If the Titles Administrator takes one or more actions under subsection (4) or an order under subsection (5), the Titles Administrator is entitled to recover from the body, by action in a court, an amount in relation to the reasonable expenses of taking the actions as a debt due to the Titles Administrator on behalf of the Commonwealth.

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Part 5—Wheat Export Marketing Act 2008

Wheat Export Marketing Act 2008

31 Subsection 58(2)

Omit "Special Account for the purposes of the *Financial Management and Accountability Act 1997*", substitute "special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*".

32 Section 59 (note)

Omit "Special Account" (wherever occurring), substitute "special account".

33 Section 60 (note)

Repeal the note, substitute:

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

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Schedule 14—Other transitional and application provisions

1 Corporate and strategic plans

An amendment made by an item of Schedules 7 to 13 to this Act that relates to a corporate plan or a strategic plan (however described) applies in relation to reporting periods that commence on or after 1 July 2015.

2 Annual reports

An amendment made by an item of Schedules 7 to 13 to this Act that relates to an annual report applies in relation to reporting periods that commence at or after the commencement time.

3 Disclosing interests

(1) This item applies (subject to subitem (3)) if:

(a) before this item commences, a person discloses an interest in accordance with a provision in an Act; and

(b) the provision is:

(i) amended; or

(ii) repealed; or

(iii) repealed and substituted;

by an item of Schedules 7 to 13 to this Act.

(2) The person is taken to have disclosed the interest in accordance with section 29 of the PGPA Act and rules made for the purposes of that section.

(3) This item does not apply in relation to amendments or repeals of provisions of the following Acts:

(a) the *Administrative Appeals Tribunal Act 1975*;

(b) the *Fair Work Act 2009*;

(c) the *Family Law Act 1975*;

(d) the *Federal Circuit Court of Australia Act 1999*;

(e) the *Federal Court of Australia Act 1976*;

(f) the *Native Title Act 1993*.

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4 Saving instruments in force at commencement time

(1) This item applies if:

(a) a provision of an Act provides that an instrument (whether or not a legislative instrument) may be made under, or for the purposes of, the provision; and

(b) an instrument made under, or for the purposes of, the provision is in force immediately before the commencement time; and

(c) the provision is:

(i) amended; or

(ii) repealed and substituted;

by an item of Schedules 7 to 13 to this Act; and

(d) after the provision has been amended or repealed and substituted, the provision still provides in the same or similar terms that an instrument may be made under, or for the purposes of, the provision.

(2) If the provision is amended, the amendment referred to in subparagraph (1)(c)(i) does not affect the continuity of the instrument.

(3) If the provision is repealed and substituted, the instrument is taken, after the commencement time, to have been made under, or for the purposes of, the provision as substituted.

5 Amendments to legislative instruments

Despite subsections 12(2) and (3) of the *Legislative Instruments Act 2003*, if:

(a) a legislative instrument (the ***amending instrument***) is made under an Act (the ***enabling Act***); and

(b) the amending instrument amends another legislative instrument made under the enabling Act; and

(c) the amendment is consequential on:

(i) the amendments or repeals made by this Act; or

(ii) the enactment of this Act or the PGPA Act;

the amending instrument may be expressed to take effect from a date before the amending instrument is registered under the enabling Act.

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6 Transitional rules

(1) The Finance Minister may, by legislative instrument, make rules prescribing matters:

(a) required or permitted by this Act to be prescribed by the rules; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, for paragraph (1)(a), rules may be made prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to:

(a) the amendments or repeals made by this Act; or

(b) the enactment of this Act or the PGPA Act.

(3) Rules made for the purposes of this item may provide that, in or in relation to the first reporting period that commences at or after the commencement time, this Act, the PGPA Act or any other Act has effect with any modifications prescribed by the rules.

(4) This Act does not limit the rules that may be made under this item.

[*Minister's second reading speech made in—*
House of Representatives on 24 June 2014
Senate on 26 June 2014]

(128/14)

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