



Financial Framework Legislation Amendment Act (No. 1) 2013

No. 8, 2013

**An Act to amend the law relating to finance, and
for other purposes**

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

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An Act to amend the law relating to finance, and for other purposes

[Assented to 14 March 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Financial Framework Legislation
Amendment Act (No. 1) 2013*.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Commonwealth Authorities and Companies Act 1997

1 Subsection 47A(4)

Omit “Commonwealth Procurement Guidelines”, substitute “guidelines in relation to procurement”.

2 Subsection 47A(7)

Repeal the subsection, substitute:

(7) In this section:

guidelines in relation to procurement means the guidelines relating to procurement issued under regulations made under the *Financial Management and Accountability Act 1997*.

Environment Protection and Biodiversity Conservation Act 1999

3 Subparagraph 514D(5)(a)(i)

Omit “\$250,000”, substitute “\$1,000,000”.

4 Application

The amendment made by item 3 of this Schedule applies in relation to contracts entered into on or after the commencement of that item.

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

5 After section 69AC

Insert:

69AD Appropriation

A remission or refund payable under section 69AA, 69AB or 69AC is to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

Papua New Guinea (Staffing Assistance) Act 1973

6 After section 62A

Insert:

62B Recoverable death payments

- (1) If, apart from this subsection, the Commonwealth does not have power under this Act or the regulations to pay an amount (the *relevant amount*) in any of the following circumstances:
 - (a) the relevant amount is deposited to an account kept in the name of a deceased person;
 - (b) the relevant amount is deposited to an account kept in the names of a deceased person and another person;
 - (c) the relevant amount is paid by way of a cheque made out to a deceased person;the Commonwealth may pay the relevant amount in the circumstances mentioned in paragraph (a), (b) or (c), so long as:
 - (d) on the last day on which changes could reasonably be made to the payment of the relevant amount, the Chief Executive Officer of ComSuper did not know that the deceased person had died; and
 - (e) apart from this subsection, the relevant amount would have been payable as a benefit to the deceased person if the deceased person had not died.
- (2) If a payment is made under subsection (1), the relevant amount is taken to have been paid to the deceased person's estate.

Recovery

- (3) If a payment is made under subsection (1), the relevant amount:
 - (a) is a debt due to the Commonwealth by the legal personal representative of the deceased person; and
 - (b) may be recovered by the Chief Executive Officer of ComSuper, on behalf of the Commonwealth, in a court of competent jurisdiction.

Note: See also section 47 of the *Financial Management and Accountability Act 1997* (duty to pursue recovery of a debt).

62C Reports about recoverable death payments

- (1) During the applicable publication period for a reporting period, the Chief Executive Officer of ComSuper must cause to be published, in such manner as the Chief Executive Officer thinks fit, a report that sets out both:
 - (a) the number of payments made under subsection 62B(1) during the reporting period; and
 - (b) the total amount of those payments.
- (2) However, a report is not required if the number mentioned in paragraph (1)(a) is zero.

Deferred reporting

- (3) Subsection (1) does not require a report to deal with a payment unless, before the preparation of the report, a ComSuper official was aware the payment was made under subsection 62B(1).
- (4) For the purposes of this section, if:
 - (a) a payment was made under subsection 62B(1) in a reporting period and because of subsection (3) of this section, subsection (1) of this section did not require a report to deal with the payment; and
 - (b) during a later reporting period, a ComSuper official becomes aware that the payment was made under subsection 62B(1);the payment is subject to a ***deferred reporting obligation*** in relation to the later reporting period.
- (5) If one or more payments made under subsection 62B(1) during a reporting period are subject to a deferred reporting obligation in relation to a later reporting period, the Chief Executive Officer of ComSuper must, during the applicable publication period for the later reporting period:
 - (a) prepare a report that sets out:
 - (i) the number of those payments; and
 - (ii) the total amount of those payments; and
 - (iii) the reporting period during which the payments were made; and
 - (b) if a report is required under subsection (1) in relation to the later reporting period—include the paragraph (a) report in the subsection (1) report; and

- (c) if paragraph (b) does not apply—publish, in such manner as the Chief Executive Officer thinks fit, the paragraph (a) report.

Reporting period

- (6) For the purposes of this section, a **reporting period** is:
 - (a) a financial year; or
 - (b) if a shorter recurring period is prescribed in an instrument under subsection (7)—that period.
- (7) The Minister may, by legislative instrument, prescribe a recurring period for the purposes of paragraph (6)(b).

Applicable publication period

- (8) For the purposes of this section, the **applicable publication period** for a reporting period is the period of:
 - (a) 4 months; or
 - (b) if a lesser number of months is prescribed, in relation to the reporting period, in an instrument under subsection (9)—that number of months;beginning immediately after the end of the reporting period.
- (9) The Minister may, by legislative instrument, prescribe a number of months, in relation to a reporting period, for the purposes of paragraph (8)(b).

ComSuper official

- (10) For the purposes of this section, **ComSuper official** means an official (within the meaning of the *Financial Management and Accountability Act 1997*) who is in ComSuper or is part of ComSuper.

Public Accounts and Audit Committee Act 1951

7 Section 4

Insert:

Chair means the Chair of the Committee.

8 Section 4

Insert:

Deputy Chair means the Deputy Chair of the Committee.

9 Section 4 (definition of *the Chairman*)

Repeal the definition.

10 Section 4 (definition of *the Vice-Chairman*)

Repeal the definition.

11 Section 4 (note)

Repeal the note.

[*Minister's second reading speech made in—
House of Representatives on 29 November 2012
Senate on 28 February 2013*]

(215/12)
