



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

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

Dated 30 June 2014

MATHIAS HUBERT PAUL CORMANN
Minister for Finance

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Part 1—Preliminary

1 Name of rule

This rule is the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Rule 2014*.

2 Commencement

This rule commences at the same time as item 6 of Schedule 14 to the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*.

3 Authority

This rule is made under the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*.

4 Definitions

- (1) In this rule:

commencement time has the meaning given by the CTP Act.

CTP Act means the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*.

deemed entity means a body corporate that is taken, for the purposes of the finance law, to be a non-corporate Commonwealth entity.

financial task means a task or procedure relating to the use or management of relevant money.

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*.

- (2) An expression that is used in the PGPA Act has the same meaning, when used in this rule, as in that Act.
- (3) A reference in this rule to:
- (a) a non-corporate Commonwealth entity is taken to include a reference to a deemed entity; and
 - (b) a corporate Commonwealth entity is taken not to include a reference to a deemed entity.

Part 2—Transitional rules

5 Purpose of this Part

This Part is made for item 6 of Schedule 14 to the CTP Act (which provides for the Finance Minister to make transitional rules).

6 Persons performing financial tasks

- (1) A person is an official of a non-corporate Commonwealth entity if the person:
 - (a) as a result of an agreement or arrangement entered into on or after 1 July 2014 and before 1 July 2015, performs a financial task for the entity; and
 - (b) is not otherwise an official of the entity.
- (2) The person ceases to be an official under subsection (1) at the end of 30 June 2015.

7 Continuation of delegation powers

Despite the repeal of sections 53 and 62 of the FMA Act (which deal with the Chief Executive's and Finance Minister's delegation powers), those sections as in force immediately before the commencement time continue in force, after that time, in relation to any power or function under a provision of the FMA Act that, as a result of Part 2 of Schedule 2 to the CTP Act, continues to apply after that time.

Note: The effect of this section is that a power or function under a provision of the FMA Act that continues to apply after the commencement time may be delegated, after that time, under section 53 or 62 of the FMA Act.

8 Legal Services Directions

Section 55ZF of the *Judiciary Act 1903* applies as if that section included the following subsections:

Translation of references in Legal Services Directions

- (4) Any directions that are in force immediately before the commencement time apply after that time as if:
 - (a) references to an FMA Agency, or an agency to which the *Financial Management and Accountability Act 1997* applies, were references to a non-corporate Commonwealth entity; and
 - (b) references to a Chief Executive of an FMA agency were references to the accountable authority of a non-corporate Commonwealth entity; and
 - (c) references to an official of an FMA agency (however described) were references to an official (within the meaning of the PGPA Act) of a non-corporate Commonwealth entity; and
 - (d) references to:
 - (i) a non-FMA body; or

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- (ii) a Commonwealth authority or company covered by the *Commonwealth Authorities and Companies Act 1997*; or
 - (iii) a Commonwealth authority, or Commonwealth company, within the meaning of the CAC Act;
were references to a corporate Commonwealth entity or a Commonwealth company; and
 - (e) references to a government business enterprise prescribed under the CAC Act were references to a government business enterprise prescribed by rules made under the PGPA Act; and
 - (f) references to subsection 34(1) of the CAC Act were references to subsection 89(1) of the PGPA Act; and
 - (g) references to section 5 of the CAC Act were references to section 8 of the PGPA Act.
- (5) Subsection (4) ceases to apply at the earlier of the following times:
- (a) the end of the first reporting period that commences at or after the commencement time;
 - (b) the time when the directions are repealed.
- (6) An expression that is used in the *Public Governance, Performance and Accountability Act 2013* or the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014* has the same meaning, when used in subsection (4), as in that Act.