



Public Governance, Performance and Accountability Legislation Amendment (Officials and Other Measures) Rule 2015

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

Dated 12 June 2015

MATHIAS HUBERT PAUL CORMANN
Minister for Finance

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1 Name

This is the *Public Governance, Performance and Accountability Legislation Amendment (Officials and Other Measures) Rule 2015*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1, Part 1	1 July 2015.	1 July 2015
3. Schedule 1, Part 2	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the following Acts:

- (a) the *Public Governance, Performance and Accountability Act 2013*;
- (b) the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments commencing 1 July 2015

Public Governance, Performance and Accountability Rule 2014

1 Section 9

Omit “officials of a Commonwealth entity (other than a listed entity)”, substitute “officials of a Commonwealth entity”.

2 Section 9

After “(4)(d)”, insert “, and subsection 13(5)”.

3 Subsection 9(1) (after table item 1)

Insert:

1A	A non-corporate Commonwealth entity	A person in relation to whom all of the following apply: (a) the person is an individual who is: (i) engaged as a consultant or independent contractor to provide services to the entity; or (ii) an employee of a person engaged as a consultant or independent contractor to provide services to the entity; (b) the services require the exercise of a particular power, the performance of a particular function, or the discharge of a particular duty, conferred on any person by the Act or a rule made under it; (c) the individual is capable of being identified by name by the accountable authority of the entity in relation to the exercise of the power, the performance of the function or the discharge of the duty.
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4 Paragraph 24(3)(a)

Repeal the paragraph, substitute:

- (a) the Secretary of the Department (the *Infrastructure Department*) responsible for administering the *Infrastructure Australia Act 2008*; and

5 Subparagraph 24(3)(c)(ii)

Omit “Australian Customs and Border Protection Service”, substitute “Infrastructure Department”.

Part 2—Amendments commencing day after registration

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

6 Section 10

Repeal the section.

Public Governance, Performance and Accountability Rule 2014

7 Subsection 9(1) (table item 3)

Repeal the item, substitute:

- | | | |
|---|---------------------------|--|
| 3 | The Department of Defence | A member of the Australian Defence Force, unless the member's services are made available to the Chief Executive Officer of the Defence Materiel Organisation. |
|---|---------------------------|--|

8 Subsection 9(2) (at the end of the table)

Add:

- | | | |
|---|---------------------------|--|
| 2 | The Department of Defence | An officer, instructor or cadet in the Australian Air Force Cadets, the Australian Army Cadets, or the Australian Navy Cadets. |
|---|---------------------------|--|

9 After subsection 17(4)

Insert:

- (4A) However, a person employed or engaged primarily for the purpose of being a member of the audit committee is to be treated, for the purpose of subsection (4), as not being an official or employee of the entity.

10 Subsection 17(5)

Omit “and (4)”, substitute “(4) and (4A)”.