



# **Public Governance, Performance and Accountability Amendment (2018 Measures No. 1) Rules 2018**

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I, Mathias Cormann, Minister for Finance and the Public Service, make the following rules.

Dated 23 October 2018

Mathias Cormann  
Minister for Finance and the Public Service

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## 1 Name

This instrument is the *Public Governance, Performance and Accountability Amendment (2018 Measures No. 1) Rules 2018*.

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	27 October 2018

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under the *Public Governance, Performance and Accountability Act 2013*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Public Governance, Performance and Accountability Rule 2014*

#### **1 Section 4 (definition of *banking delegation direction*)**

Repeal the definition.

#### **2 Section 4**

Insert:

*Department of Home Affairs* means the Department of State administered by the Minister administering the *Australian Border Force Act 2015*.

#### **3 Section 4 (definition of *Immigration and Border Protection Department*)**

Repeal the definition.

#### **4 Paragraph 7(d)**

Omit “Immigration and Border Protection Department”, substitute “Department of Home Affairs”.

#### **5 Subsection 12(1) (cell at table item 3, column headed “Circumstances”)**

Repeal the cell, substitute:

The interest relates to:

(a) a payment by the Commonwealth entity or a subsidiary of the entity in relation to an indemnity; or

(b) a contract relating to an indemnity;

and the indemnity meets any requirements relating to the granting of indemnities prescribed by rules made for the purposes of section 61 of the Act.

#### **6 At the end of paragraph 13(1)(b)**

Add “(other than an interest not required to be disclosed because of section 12)”.

#### **7 At the end of paragraph 14(1)(b)**

Add “(other than an interest not required to be disclosed because of section 12)”.

#### **8 Section 15 (heading)**

Omit “**having**”, substitute “**disclosing**”.

#### **9 Section 15**

Omit:

<p>The purpose of this section is to restrict members of an accountable authority of a Commonwealth entity who have a material personal interest that relates to the affairs of the entity from being present, or voting, at a meeting on a matter in which the member has the interest.</p>
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substitute:

The purpose of this section is to restrict members of an accountable authority of a Commonwealth entity who have disclosed a material personal interest that relates to the affairs of the entity from being present, or voting, at a meeting on a matter in which the member has the interest.

**10 Paragraph 15(1)(b)**

After “has”, insert “disclosed”.

**11 Subsection 15(2) (heading)**

Repeal the heading, substitute:

*Consequences of disclosure*

**12 Subsection 15(2)**

Before “interest”, insert “disclosed”.

**13 Paragraph 15(3)(b)**

Omit “do not have”, substitute “have not disclosed”.

**14 At the end of paragraph 16A(1)(c)**

Add “(other than an interest not required to be disclosed because of section 12)”.

**15 Section 16B (heading)**

Omit “**having**”, substitute “**disclosing**”.

**16 Section 16B**

Omit:

The purpose of this section is to restrict certain officials of Commonwealth entities, who are appointed under a law and have a material personal interest in a matter, from being present, or voting, at a meeting on the matter. It is made for paragraph 29(2)(c) of the Act.

substitute:

The purpose of this section is to restrict certain officials of Commonwealth entities, who are appointed under a law and have disclosed a material personal interest in a matter, from being present, or voting, at a meeting on the matter. It is made for paragraph 29(2)(c) of the Act.

**17 Paragraph 16B(1)(c)**

After “has”, insert “disclosed”.

**18 Paragraph 16B(1)(d)**

Before “interest”, insert “disclosed”.

## 19 Section 18A

Omit:

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

substitute:

The purpose of this section is to require CSC, in relation to amounts received by CSC on behalf of the Commonwealth or others, to comply with certain requirements relating to banking in Australia.

## 20 Before subsection 18A(1)

Insert:

- (1A) This section applies in relation to CSC bank accounts opened and maintained in Australia.

## 21 Subsection 18A(1)

Omit “all banking delegation directions”, substitute “subsections (2) to (4)”.

## 22 Subsection 18A(2)

Repeal the subsection, substitute:

- (2) An agreement with a bank relating to the conduct of the banking business of CSC must provide for the following in relation to amounts specified in subsection (1):
- (a) for cash to be managed in an effective manner, consistent with any written requirements issued by the Department of Finance for that purpose;
  - (b) for processes to be in place to allow cash held in Australia to be consolidated each day within the Official Public Account held with the Reserve Bank of Australia.
- (3) Any interest earned on CSC bank accounts must be transferred to the Official Public Account.
- (4) CSC must notify the Department of Finance as soon as practicable when a new bank account is opened or an existing bank account is closed.

## 23 Section 29AA

Omit:

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

substitute:



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

**24 Section 29AA**

Omit:

- (b) the *Commonwealth Procurement Rules—July 2014* apply to CSC, but only in relation to CSC’s function of providing administrative services relating to superannuation schemes administered by CSC.

substitute:

- (b) the *Commonwealth Procurement Rules* apply to CSC, but only in relation to CSC’s function of providing administrative services relating to superannuation schemes administered by CSC.

**25 Subsection 29AA(2) (heading)**Omit “—*July 2014*”.**26 Subsection 29AA(2)**Omit “—*July 2014*”.**27 Clause 8 of Schedule 1**

Repeal the clause.

**28 Subparagraphs 15(e)(i) to (vi) of Schedule 1**

Repeal the subparagraphs, substitute:

- (i) to develop, collate and analyse data and information to ensure a cross sectoral perspective is taken to mental health policy development and reform;
- (ii) to build and maintain effective working relationships with stakeholders in Australia and internationally to inform the work of the Commission;
- (iii) to provide independent and impartial advice to Government to improve mental health services and support within the Australian community;
- (iv) to manage, administer and publicly release evidence-based information in order to promote mental health and well-being;
- (v) to review, analyse and promote research and best practice to support better treatment outcomes across the mental health sector;
- (vi) to promote a person-centred approach to mental health care that engages and values the participation of people with lived experience, their families, carers and communities;
- (vii) to undertake other relevant tasks as the Minister may require from time to time.