



# **Public Governance, Performance and Accountability Amendment (2023 Measures No. 3) Rules 2023**

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I, Katy Gallagher, Minister for Finance, make the following rules.

Dated 16 June 2023

Katy Gallagher  
Minister for Finance

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## 1 Name

This instrument is the *Public Governance, Performance and Accountability Amendment (2023 Measures No. 3) Rules 2023*.

## 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. The whole of this instrument	1 July 2023.	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Insert:

*Department of Foreign Affairs and Trade* means the Department administered by the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

#### 2 After clause 6 of Schedule 1

Insert:

#### 6A Australian Submarine Agency

For the purposes of the finance law:

- (a) the Australian Submarine Agency (the *ASA*) is a listed entity; and
- (b) the Director General of the ASA is the accountable authority of the listed entity; and
- (c) the following persons are officials of the listed entity:
  - (i) the Director General of the ASA;
  - (ii) persons engaged under the *Public Service Act 1999* to assist the Director General;
  - (iii) members of the Australian Defence Force whose services are made available to the Director General;
  - (iv) officials of other Commonwealth entities, and employees of Commonwealth companies, whose services are made available to the Director General; and
- (d) the purposes of the listed entity include the following:
  - (i) managing and overseeing the acquisition, construction, delivery, sustainment and disposal of nuclear-powered submarines;
  - (ii) managing and executing trilateral engagement for the nuclear-powered submarine program, with the exception of submarine operations;
  - (iii) giving strategic, policy and legal advice about the nuclear-powered submarine program to the responsible Minister for the entity;
  - (iv) managing nuclear-powered submarine program strategy, risk, resourcing, scheduling, legal issues and budgeting;
  - (v) ensuring that the nuclear-powered submarine program is aligned with the international relations, defence, national security and other national strategies and policies of the Commonwealth;
  - (vi) working with the Department of Defence, the Department of Foreign Affairs and Trade and the Australian Safeguards and Non-Proliferation Office to develop and implement safeguards arrangements as agreed between Australia and the International Atomic Energy Agency;
  - (vii) establishing other international agreements and arrangements, working with Commonwealth, State and Territory agencies, to

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- support the implementation of the nuclear-powered submarine program;
- (viii) setting program and technical requirements and standards across all phases of the capability life-cycle;
  - (ix) developing and implementing domestic nuclear policy and legislation to support naval nuclear propulsion, in consultation with Commonwealth, State and Territory agencies that have functions or responsibilities relating to nuclear activities;
  - (x) establishing the necessary governance arrangements, processes and agreements to acquire, construct, deliver, sustain and dispose of nuclear-powered submarines;
  - (xi) maintaining technical governance and developing systems of compliance, including by retaining technical authority of the nuclear propulsion plant during operations and supporting the Chief of Navy's responsibility to the Chief of the Defence Force as the Seaworthiness Authority and Submarine Operating Authority;
  - (xii) gaining and maintaining licences and authorisations from nuclear and non-nuclear regulatory bodies to conduct activities.