

LEGISLATIVE COUNCIL

PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009

(Amendments and New Clauses to be proposed in Committee by Mr RICH-PHILLIPS)

1. Clause 3, page 6, after line 17 insert—  
    "***independent public body*** means a public body which is—  
        (a) an exempt body within the meaning of section 4(1) of the **Public Administration Act 2004**; or  
        (b) a special body—  
            (i) specified in section 6(1) of the **Public Administration Act 2004**; or  
            (ii) declared under section 6(2) of the **Public Administration Act 2004** to be a special body for the purposes of that Act."
2. Clause 3, page 7, after line 9 insert—  
    "***public finance and accountability website*** means a designated part of a Government Internet website maintained for the purposes of this Act;"
3. Clause 4, page 11, after line 27 insert—  
    "() A categorisation under subsection (7) and directions issued under subsection (8) must be published on the public finance and accountability website."
4. Clause 4, page 12, line 8, omit "(9)" and insert "(10)".
5. Clause 4, page 12, line 11, omit "a Government Internet website" and insert "the public finance and accountability website".
6. Clause 7, line 5, omit "basis for the whole" and insert "a key element".
7. Clause 8, page 16, line 12, omit "focus on" and insert "have regard to".
8. Clause 12, page 18, line 3, omit "A" and insert "Subject to subsection (5), a".
9. Clause 12, page 18, line 5, after "outcomes" insert "relevant to and consistent with its functions".
10. Clause 12, page 18, lines 9 to 11, omit subclause (1)(b).

11. Clause 12, page 19, after line 9 insert—
- "(5) Subsections (1)(a), (1)(f)(ii), (3) and (4) do not apply to an independent public body."
12. Clause 17, page 23, after line 18 insert—
- "(2) Without limiting the generality of subsection (1), the Minister must, in consultation with the Public Accounts and Estimates Committee under the **Parliamentary Committees Act 2003**, give directions in writing specifying the performance measures which are to be included and reported against in budget papers and annual reports.
- (3) Performance measures specified in directions given in accordance with subsection (5) cannot be amended, varied or revoked unless the Minister has obtained the approval of the Public Accounts and Estimates Committee."
13. Clause 17, page 24, after line 24 insert—
- "(9) A direction issued under this section must be published on the public finance and accountability website.
- (10) Notice of the making of a direction under this section must be published in the Government Gazette.
- (11) On or before the 6th sitting day after notice of the making of a direction is published in the Government Gazette, the Minister must ensure that a copy of the direction is laid before each House of the Parliament.
- (12) A failure to comply with subsection (11) does not affect the operation or effect of the direction but the Scrutiny of Acts and Regulations Committee of the Parliament may report the failure to each House of the Parliament.
- (13) A direction may be disallowed in whole or in part by either House of Parliament.
- (14) Part 5 of the **Subordinate Legislation Act 1994** applies to a direction as if—
- (a) a reference in that Part to a "statutory rule" were a reference to the direction; and
- (b) a reference in section 23(1)(c) of that Part to "section 15(1)" were a reference to subsection (11)."
14. Clause 22, page 27, after line 20 insert—
- "( ) This section does not apply to the Victorian Auditor-General's Office."
15. Clause 30, page 35, lines 10 and 11, omit "subsections (3) and (4)" and insert "subsection (3)".
16. Clause 30, page 35, lines 19 to 21, omit subclause (4).

17. Clause 32, omit this clause.
18. Clause 33, after line 34 insert—

"( ) This section does not apply to the Victorian Auditor-General's Office."
19. Clause 34, omit this clause.
20. Clause 37, omit this clause.
21. Clause 42, page 43, lines 5 and 6, omit "by 30 September each year." and insert—

"no later than—

  - (a) 30 September each year; or
  - (b) 14 days after the Auditor-General provides the audited financial statements to the Department or public body in that year—

whichever is the earlier."
22. Clause 51, page 53, line 17, after "public body" (where first occurring) insert "which is not an independent public body".
23. Clause 53, page 58, after line 9 insert—

"( ) Regulations made under subsection (1)(f) or (1)(h) do not apply to an independent public body."
24. Clause 53, page 59, after line 15 insert—

"( ) The regulations are subject to disallowance by a House of the Parliament."

#### AMENDMENT OF SCHEDULES

25. Schedule 1, item 8, page 85, after line 30 insert—

"( ) A direction issued under subclause (1) must be published on the public finance and accountability website."

#### NEW CLAUSES

26. Insert the following New Clause to follow clause 31—

**"A Transfer between items of departmental appropriation**

  - (1) The relevant Minister in relation to a Department, with the consent of the Treasurer, may determine that part of an amount appropriated for an item in a Schedule to an Annual Appropriation Act in respect of the Department may be transferred to, and applied for the purposes of, another such item.

- (2) The relevant Minister must be of the opinion, before making a determination under subsection (1), that—
  - (a) the amount to be transferred from an item is not required for the purposes of that item; and
  - (b) the amount assigned to the item to which the amount is to be transferred is insufficient for the purposes of that item.
- (3) A relevant Minister (other than the Minister administering this section) who makes a determination under subsection (1) must ensure that particulars of the transfer are given to the Minister administering this section as soon as possible."

27. Insert the following New Clause to follow clause 33—

**"B Appropriation in the case of a superseded Department**

If money has been appropriated in an Annual Appropriation Act in respect of a specified Department which is a superseded Department, the money is by virtue of this section deemed to be still available and to be appropriated in respect of a Department which is, or Departments which are, responsible for the relevant function or functions of the superseded Department in respect of which the money was appropriated."

28. Insert the following New Clause to follow clause 36—

**"C Unused appropriation**

- (1) If an amount appropriated for a financial year for a Department or for a department of the Parliament is not applied, or is not likely to be applied, in that year, the Minister may determine that the amount, or part of it, may not be applied in that financial year but may be applied for the Department or department of the Parliament in the next financial year.
- (2) If the Minister makes a determination under subsection (1), the amount appropriated for the Department or for the department of the Parliament in respect of the next financial year is deemed to have been increased accordingly.
- (3) The estimated Departmental financial statements must include the estimated amounts for which determinations under this section may be made in respect of unused appropriation for the preceding financial year."