

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates Hearing 18-22 November 2013

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1 Prime Minister and Cabinet

**Topic:** Administrative Arrangements Order (AAO)

**Senator:** Senator the Hon John Faulkner

**Question reference number:** 14

**Type of Question:** Hansard

**Date set by the committee for the return of answer:** 17 January 2014

**Number of pages:** 3

**Question:**

Senator FAULKNER: That is what I was going to ask, because there are a number of other acts, aren't there, in this situation? There may be more, but I think I have identified the Maritime Powers Act, DisabilityCare Australia Fund Act—would that be right?

Ms Kelly: We are currently going through a process, as part of the consolidation, of identifying those. So that process is ongoing. I am not aware of whether those two acts have been identified in that process, but that process is occurring at the moment.

Senator FAULKNER: Perhaps you could take on notice, then, what the status is of these acts. They are all 2013 acts, which perhaps goes to assisting in explaining the situation. Could you take on notice the status of: the Maritime Powers Act, DisabilityCare Australia Fund Act, Foreign Affairs Portfolio Miscellaneous Measures Act, Not-For-Profit Sector Freedom to Advocate Act, Asbestos Safety and Eradication Agency Act, Australian Jobs Act, Aged Care (Living Longer Living Better) Act, Australia Council Act, the Court Security Act and the Public Interest Disclosure Act.

It is obviously quite possible—and I did not have time to check this—that some of those acts have not been proclaimed. I assume that that would affect the possibility of them appearing in the Administrative Arrangements Order? I do not know. You can confirm that for me.

Ms Kelly: I will confirm that.

Senator FAULKNER: Do we know?

Ms Kelly: My understanding is that not being included in the Administrative Arrangements Order does not affect their administration.

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Supplementary Budget Estimates Hearing 18-22 November 2013

**Prime Minister and Cabinet Portfolio**

Senator FAULKNER: No, I am not asking that. As to the reason that they are not there—some of these acts may not have been proclaimed; I do not know if they have been proclaimed. I am being as open with you as I can.

Ms Cross: I think the reason they are not there is that we have not done the annual process of updating the AAOs to get rid of any legislation that has been repealed or add any new legislation. We do not normally do that at the same time as machinery of government. We normally do that through a separate process.

Senator FAULKNER: That seems odd to me, I have to say, but fair enough. I do not know whether, as I say, they have been proclaimed, and obviously some of them may not have commenced either. The commencement dates may be relevant here. I am not aware of it. But I would appreciate your feedback on that if you could provide it. I suppose I am a little surprised to hear that. With the machinery-of-government changes, there seemed to me to be a logic that the AAOs would be updated at that point. It does not seem illogical that that would happen, does it—but it has not.

Ms Kelly: That is correct.

Senator FAULKNER: So if you could just check the status—and you might check, on notice, if there are any other acts that have missed the boat. But I am very interested to come back, if I can, on the issue of supply acts having disappeared from legislation administered by the minister in the Department of Finance, because that possibly has some other implications, given the nature of parliamentary practice, chamber standing orders and the like. So I will treat that one as a separate issue—if you can, please. You can take that on notice for me and come back?

**Answer:**

PM&C generally seeks to undertake a consolidation of the AAO every 12 to 18 months to take account of legislative changes. Legislation that has received royal assent since the last consolidation is reflected in the updated AAO.

The identified Acts (apart from those noted below) had not received royal assent when the last consolidation was promulgated on 16 May 2013. The administration of these Acts is not affected where they do not appear in the AAO. These Acts are reflected in the consolidated AAO made on 12 December 2013.

PM&C relies on advice from departments regarding changes to legislation in their portfolio. We understand the

**Senate Finance and Public Administration Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates Hearing 18-22 November 2013

Prime Minister and Cabinet Portfolio

*Foreign Affairs Portfolio Miscellaneous Measures Act 2013* is an amending Act. Amending legislation is not usually listed in the AAO.

The *Maritime Powers Act 2013* was assented to on 27 March 2013. This Act is reflected in the consolidated AAO made on 12 December 2013.

The *Aged Care (Living Longer Living Better) Act 2013* was assented to on 28 June 2013. The Act was not included in the AAO made on 12 December 2013, but will be reflected in the next update of the AAO.