

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 153

Minute No. 13 of 2006 - Minister for Finance and Administration

Subject - *Financial Management and Accountability Act 1997*

*Financial Management and Accountability Amendment
Regulations 2006 (No.6)*

Subsection 65(1) of the *Financial Management and Accountability Act 1997* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act provides a framework of rules for the proper management of public money and public property that applies to Chief Executives and officials of Agencies.

Section 5 of the Act provides in part that, for the purposes of the Act, an “Agency” includes a prescribed Agency. Agencies are prescribed for the purposes of the Act in Schedule 1 to the *Financial Management and Accountability Regulations 1997* (the Principal Regulations).

The purpose of the Regulations is to prescribe the National Health and Medical Research Council (NHMRC) under the Act.

As a newly prescribed Agency, the NHMRC is financially autonomous from the Department of Health and Ageing under the Act for the proper management of public money and public property within its control or custody.

Further details of the Regulations are in the Attachment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commenced on the commencement of Parts 1 and 2 of Schedule 1 to the *National Health and Medical Research Council Amendment Act 2006*.

In accordance with section 17 of the *Legislative Instruments Act 2003*, the Department of Health and Ageing was consulted in the preparation of the Regulations.

Authority: Subsection 65(1) of the *Financial Management and Accountability Act 1997*.

Details of the proposed *Financial Management and Accountability Amendment Regulations 2006 (No. 6)*

Regulation 1 - Name of Regulations

This regulation provides that the title of the Regulations is the *Financial Management and Accountability Amendment Regulations 2006 (No. 6)*.

Regulation 2 - Commencement

This regulation provides for the Regulations to commence on the commencement of Parts 1 and 2 of Schedule 1 to the *National Health and medical Research Council Amendment Act 2006*.

Regulation 3 - Amendment of *Financial Management and Accountability Regulations 1997*

This regulation provides that the *Financial Management and Accountability Regulations 1997* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendment

Item [1] – Schedule 1, Part 1, after item 130

Item 131

Item 131 is inserted to prescribe the NHMRC. The NHMRC comprises:

- the Chief Executive Officer mentioned in section 6 of the *National Health and Medical Research Council Act 1992*; and
- the Chair and other members of the Council of the NHMRC mentioned in Section 20 of that Act; and
- the members of the Principal Committees established under Section 35 of that Act; and
- the members of any working committees established under section 39 of that Act; and
- the staff mentioned in Section 45 of that Act; and
- consultants engaged under Section 46 of that Act; and
- the Commissioner of Complaints mentioned in Section 55 of that Act; and

- a person assisting the Chief Executive Officer; or the Council; or a committee; or the Commissioner of Complaints; in the performance of functions under the Act; and
- members of the NHMRC Licensing Committee established under Section 13 of the *Research Involving Human Embryos Act 2002*.

The proposed Regulations also insert a reference to Note B of Schedule 1 to the Principal Regulations. The reference indicates that the NHMRC is also a Statutory Agency for the purposes of the *Public Service Act 1999*.