

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2006 No. 154**

Minute No. 14 of 2006 - Minister for Finance and Administration

Subject - *Financial Management and Accountability Act 1997*

*Financial Management and Accountability Amendment  
Regulations 2006 (No. 7)*

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 Regulations prescribe a new single Agency, the Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT) under the Act. The MRT and the RRT were separate Agencies for the purposes of the Act. The Regulations merge the separate Agencies, in order to allow for a larger entity, which is more able to focus on financial governance issues.

The Regulations prescribe the Principal Member of the RRT to be the Chief Executive of the MRT-RRT for the purposes of the Act. However, under the *Migration Act 1958*, there is still separate statutory responsibilities associated with the position of Principal Member of the MRT and Principal Member of the RRT.

As a newly prescribed Agency, the MRT-RRT is financially autonomous from the Department of Immigration and Multicultural Affairs (DIMA) 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 1 July 2006.

In accordance with section 17 of the *Legislative Instruments Act 2003*, DIMA 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. 7)***

**Regulation 1 - Name of Regulations**

This regulation provides that the title of the Regulations is the *Financial Management and Accountability Amendment Regulations 2006 (No. 7)*.

**Regulation 2 - Commencement**

This regulation provides for the Regulations to commence on 1 July 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) would be amended as set out in Schedule 1.

**Schedule 1 – Amendment**

***Item [1] – Schedule 1, Part 1, items 128AB***

Item 128AB is substituted to prescribe the Migration Review Tribunal and Refugee Review Tribunal. The Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT) comprises;

- the Principal Member, Senior members and other members of the Migration Review Tribunal (MRT) mentioned in Section 395 of the Migration Act 1958; and
- the Registrar, Deputy Registrars and other officers of the MRT mentioned in Section 407 of that Act; and
- the Principal Member, Deputy Principal Member, Senior Members and other members of the Refugee Review Tribunal (RRT) mentioned in Section 458 of that Act; and
- the Registrar and other officers of the RRT mentioned in Section 472 of that Act.

***Item [2] – Schedule 1, Part 1, item 143***

The existing Item 143, which prescribes the Refugee Review Tribunal (RRT) is omitted.