

# **Financial Management and Accountability Amendment Regulations 1999 (No. 2) 1999 No. 45**

## **EXPLANATORY STATEMENT**

### STATUTORY RULES 1999 No. 45

Issued by the authority of the Minister for Finance and Administration

*Financial Management and Accountability Act 1997*

Financial Management and Accountability Amendment Regulations 1999 (No. 2)

The attached Statutory Rules make regulations under subsection 65(1) of the *Financial Management and Accountability Act 1997* (the Act) to amend the Financial Management and Accountability Regulations.

The amendments are to the Schedule to the regulations which lists the Agencies which are prescribed for the purposes of the definition of "Agency" in section 5 of the Act. In addition to Departments of State and Departments of the Parliament, section 5 of the Act includes in the definition of "Agency", "a prescribed Agency" being an organisational unit which is to be regarded, for the purposes of the Act, as a separate Agency from the Department of State within the portfolio. Regulation 5 prescribes all such Agencies by reference to the Schedule to the regulations. The Schedule names those Agencies, defines the persons which they comprise and specifies the Agency Chief Executive.

Details of the regulations are as follows:

#### Regulation 1

This advises that the name of the regulations is the *Financial Management and Accountability Amendment Regulations 1999 (No.2)*

#### Regulation 2

This provides that the amendments are to commence:

- a) regulation 1, 2, and 3 and Schedule 1 - on gazettal;
- b) Schedule 2 -on the date of commencement of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

#### Regulation 3

This provides that Schedules 1 and 2 amend the *Financial Management and Accountability Regulations 1997*.

#### Schedule 1 [1-3]

This amends references from 'the Schedule' to 'Schedule 1' in subregulations 5(2), 5(3) and in the heading to the Schedule of prescribed Agencies.

#### Schedule 1 [4]

This amends the references to the *Industrial Relations Act 1988* to refer to the *Workplace Relations Act 1996* in the Schedule of prescribed Agencies.

Schedule 1 [5]

This amends references to the Commonwealth Services Delivery Agency to refer to Centrelink in the Schedule of prescribed Agencies, to reflect the change of name of the organisation.

Schedule 1 [6]

This amends the references to the *Commonwealth Services Delivery Act 1997* to refer to the *Commonwealth Services Delivery Agency Act 1997* in the Schedule of prescribed Agencies.

Schedule 1 [7]

Regulation 7 omits Item 126 of the Schedule which refers to the Industrial Relations Court of Australia (IRC). The financial functions previously managed by the IRC have been taken over by the Federal Court and therefore there is no need to prescribe the IRC as a separate prescribed Agency.

Schedule 1 [8]

This amends references to the Department of Industry, Science and Tourism to the Department of Industry, Science and Resources in accordance with the October 1998 Administrative Arrangements Orders.

Schedule 1 [9]

Regulation 9 omits Item 135 of the Schedule which refers to the Office of Government Information Technology (OGIT). As a result of the Administrative Arrangements Orders, issued in October 1998, the functions of the Office have been absorbed by the Department of Communication, Information Technology and the Arts and there is no need to prescribe the office as a separate agency.

Schedule 2 [1]

Schedule 2 [1] inserts a new Item 114A in the Schedule to make the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) a prescribed agency. The *Australian Radiation Protection and Nuclear Safety Act 1988* passed in both Houses of Parliament on 10 November 1998 and took effect on 5 February 1999. The amendments give practical effect to the establishment of ARPANSA as a prescribed Agency for the purpose of the Act.