

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2006 No. 53**

Subject - *Financial Management and Accountability Act 1997*  
*Financial Management and Accountability Amendment*  
*Regulations 2006 (No. 1)*

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 Office of Workplace Services under the Act.

The Governor-General, by order in the *Gazette*, has established the Office of Workplace Services as an Executive Agency under section 65 of the *Public Service Act 1999*.

As a newly prescribed agency, the Office of Workplace Services is financially autonomous from the Department of Employment and Workplace Relations 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 27 March 2006.

In accordance with section 17 of the *Legislative Instruments Act 2003*, the Department of Employment and Workplace Relations and the Department of the Prime Minister and the Cabinet were consulted in the preparation of the Regulations.

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

**Details of the *Financial Management and Accountability Amendment Regulations 2006 (No. 1)***

**Regulation 1 - Name of Regulations**

This regulation provides that the title of the Regulations is the *Financial Management and Accountability Amendment Regulations 2006 (No. 1)*.

**Regulation 2 - Commencement**

This regulation provides for the Regulations to commence on 27 March 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, after item 140AA***

Item 140AB is inserted to prescribe the Office of Workplace Services. The Office of Workplace Services comprises the Director and staff engaged under the *Public Service Act 1999*.

The Regulations also insert a reference to Note A of Schedule 1 to the Principal Regulations. The reference indicates that the Office of Workplace Services is also an Executive Agency for the purposes of the *Public Service Act 1999*.

***Item [2] – Schedule 1, Part 1, Note A***

Note A of Schedule 1 to the Principal Regulations is updated to include the Office of Workplace Services in the list of Executive Agencies established by order of the Governor-General made under section 65 of the *Public Service Act 1999*.