

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2006 No. 77**

Minute No. of 2006 - Minister for Finance and Administration

Subject - *Financial Management and Accountability Act 1997*

*Financial Management and Accountability Amendment  
Regulations 2006 (No. 3)*

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 Cancer Australia under the Act.

Cancer Australia is established by section 6 of the *Cancer Australia Act 2006*.

As a newly prescribed Agency, Cancer Australia 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 day after they were registered on the Federal Register of Legislative Instruments.

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. 3)***

**Regulation 1 - Name of Regulations**

This regulation provides that the title of the Regulations is the *Financial Management and Accountability Amendment Regulations 2006 (No. 3)*.

**Regulation 2 - Commencement**

This regulation provides for the Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments.

**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 117AB***

Item 117AC is inserted to prescribe Cancer Australia. Cancer Australia comprises the Chief Executive Officer, staff engaged under the *Public Service Act 1999*, consultants (if any) and the Advisory Council established under section 24 of the *Cancer Australia Act 2006*.

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