

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Finance and Deregulation

The instrument to which this explanatory statement relates	<i>FMA Act Determination 2010/06 – Section 32 (Transfer of Functions from DEWHA to OPH)</i>
Date instrument was made	16 April 2010
The legislative authority under which the instrument is made	<p>Subsection 32(2) of the <i>Financial Management and Accountability Act 1997</i> (FMA Act) enables the Minister for Finance and Deregulation (Finance Minister) to determine that one or more Schedules to one or more Appropriation Acts are amended in relation to the transfer of a function from one agency to another.</p> <p>Under section 62 of the FMA Act the Finance Minister has delegated this power to the Secretary of the Department of Finance and Deregulation (Finance). Under section 53 of the FMA Act, the Secretary of Finance has delegated this power to officials within Finance.</p>
Purpose and effect of the instrument	<p>Schedule 1 of this Instrument amends the <i>Appropriation Act (No. 1) 2008-2009</i> to transfer an amount of \$48,865.24 of the departmental item for the Department of the Environment, Water, Heritage and the Arts (DEWHA) to the departmental item for Old Parliament House (OPH). The effect of this schedule is to:</p> <ul style="list-style-type: none"> • reduce the departmental item in <i>Appropriation Act (No. 1) 2008-2009</i> for DEWHA and increase the departmental item in <i>Appropriation Act (No. 1) 2008-2009</i> for OPH.
	<p>Schedule 2 of this Instrument amends the <i>Appropriation Act (No. 2) 2009-2010</i> to transfer an amount of \$75,000.00 of the Administered Assets and Liabilities item for the Department of the Environment, Water, Heritage and the Arts (DEWHA) to the Administered Assets and Liabilities item for Old Parliament House (OPH). The effect of this schedule is to:</p> <ul style="list-style-type: none"> • reduce the Administered Assets and Liabilities item in <i>Appropriation Act (No. 2) 2009-2010</i> for DEWHA and increase the Administered Assets and Liabilities item in <i>Appropriation Act (No. 2) 2009-2010</i> for OPH.
Background	<p>Old Parliament House (OPH) was prescribed as an Agency under the FMA Act by <i>Financial Management and Accountability Amendment Regulations 2008 (No. 2)</i>. OPH became a prescribed Agency under the FMA Act from 1 July 2008. OPH was established as an Executive Agency</p>

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	<p>under section 65 of the <i>Public Service Act 1999</i>, published in the Commonwealth <i>Gazette</i> (<i>Gazette</i> GN S 95, published 1 May 2008).</p> <p>This Determination transfers appropriations for the management of OPH, from DEWHA to OPH.</p>
Notes on the Instrument	<p>In accordance with the <i>Legislative Instruments Act 2003</i>, DEWHA and OPH were consulted in the preparation of this instrument.</p> <p>This Determination is a legislative instrument for the purposes of the <i>Legislative Instruments Act 2003</i>.</p>