



Financial Management and Accountability Act 1997 Determination 2010/14 — Section 32 (Transfer of Functions from OWO to OFWO)

Financial Management and Accountability Act 1997

I, TIM YOUNGBERRY, First Assistant Secretary, Financial Reporting and Cash Management Division, Department of Finance and Deregulation, make this Determination under subsection 32(2) of the *Financial Management and Accountability Act 1997* (the **FMA Act**).

This Determination is made due to a decision of the Australian Government to transfer the operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

Dated 5 August 2010

Tim Youngberry
First Assistant Secretary
Financial Reporting and Cash Management Division
Department of Finance and Deregulation

1 Name of Determination

This Determination is the *Financial Management and Accountability Act 1997 Determination 2010/14 — Section 32 (Transfer of Functions from OWO to OFWO)*.

Note 1: This Determination has been made by a delegate of the Secretary of the Department of Finance and Deregulation. The Secretary is a delegate of the Minister for Finance and Deregulation in accordance with section 62 of the FMA Act. The Secretary has delegated his power in accordance with section 53 of the FMA Act.

Note 2: Acronyms and other organisational names used in this Determination are as follows:

- (a) “OWO” – refers to the Office of the Workplace Ombudsman.
- (b) “OFWO” – refers to the Office of the Fair Work Ombudsman.

2 Commencement

This Determination commences on the day on which it is made.

Note: Under subsection 32(8) of the FMA Act, a Determination may be expressed to take effect before its making and registration under the *Legislative Instruments Act 2003*.

3 Amendment of *Appropriation Act (No. 1) 2008-2009*

Schedule 1 amends the *Appropriation Act (No. 1) 2008-2009* to transfer an amount of \$385,361.65 of the departmental item for the Office of the Workplace Ombudsman to the departmental item for the Office of the Fair Work Ombudsman.

Note: The amount transferred relates to the transfer of operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman.

4 Amendment of *Appropriation Act (No. 3) 2008-2009*

Schedule 2 amends the *Appropriation Act (No. 3) 2008-2009* to transfer an amount of \$529,000 of the departmental item for the Office of the Workplace Ombudsman to the departmental item for the Office of the Fair Work Ombudsman.

Note: The amount transferred relates to the transfer of operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman.

5 Amendment of *Appropriation Act (No. 4) 2006-2007*

Schedule 3 amends the *Appropriation Act (No. 4) 2006-2007* to reduce an amount of \$2,000,708.20 of “Equity Injections” (an *other departmental item* defined in section 3 of that Act) for the Office of Workplace Services.

Note 1: The amount reduced relates to the transfer of operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman.

Note 2: The Office of the Workplace Ombudsman gained access to the Equity Injection, which was originally appropriated to the Office of Workplace Services in *Appropriation Act (No. 4) 2006-2007*, by *Financial Management and Accountability Act 1997 – Adjustments of Appropriations on Change of Agency Functions (No. 6 of 2007-2008)*.

Note 3: The amount of appropriation reduced by Schedule 3 is transferred to Equity Injections in *Appropriation Act (No. 2) 2009-2010* for the Office of the Fair Work Ombudsman by

Schedule 7 of this Determination. Schedule 7 is the sum total of the amounts reduced in Schedules 3, 4, 5 and 6 of this Determination.

6 Amendment of Appropriation Act (No. 2) 2007-2008

Schedule 4 amends the *Appropriation Act (No. 2) 2007-2008* to reduce an amount of \$167,000 of “Equity Injections” (an *other departmental item* defined in section 3 of that Act) for the Office of Workplace Services.

Note 1: The amount reduced relates to the transfer of operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman.

Note 2: The Office of the Workplace Ombudsman gained access to the Equity Injection, which was originally appropriated to the Office of Workplace Services in *Appropriation Act (No. 2) 2007-2008*, by *Direction under section 32, Financial Management and Accountability Act 1997 – Adjustments of Appropriations on Change of Agency Functions (No. 1 of 2007-2008)*.

Note 3: The amount of appropriation reduced by Schedule 4 is transferred to Equity Injections in *Appropriation Act (No. 2) 2009-2010* for the Office of the Fair Work Ombudsman by Schedule 7 of this Determination. Schedule 7 is the sum total of the amounts reduced in Schedules 3, 4, 5 and 6 of this Determination.

7 Amendment of Appropriation Act (No. 4) 2007-2008

Schedule 5 amends the *Appropriation Act (No. 4) 2007-2008* to reduce an amount of \$2,002,714 of “Equity Injections” (an *other departmental item* defined in section 3 of that Act) for the Office of the Workplace Ombudsman.

Note 1: The amount reduced relates to the transfer of operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman.

Note 2: The amount of appropriation reduced by Schedule 5 is transferred to Equity Injections in *Appropriation Act (No. 2) 2009-2010* for the Office of the Fair Work Ombudsman by Schedule 7 of this Determination. Schedule 7 is the sum total of the amounts reduced in Schedules 3, 4, 5 and 6 of this Determination.

8 Amendment of Appropriation Act (No. 2) 2008-2009

Schedule 6 amends the *Appropriation Act (No. 2) 2008-2009* to reduce an amount of \$350,000 of “Equity Injections” (an *other departmental item* defined in section 3 of that Act) for the Office of the Workplace Ombudsman.

Note 1: The amount reduced relates to the transfer of operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman.

Note 2: The amount of appropriation reduced by Schedule 6 is transferred to Equity Injections in *Appropriation Act (No. 2) 2009-2010* for the Office of the Fair Work Ombudsman by Schedule 7 of this Determination. Schedule 7 is the sum total of the amounts reduced in Schedules 3, 4, 5 and 6 of this Determination.

9 Amendment of Appropriation Act (No. 2) 2009-2010

Schedule 7 amends the *Appropriation Act (No. 2) 2009-2010* to increase “Equity Injections” (an *other departmental item* defined in section 3 of that Act) by an amount of \$4,520,422.20 for the Office of the Fair Work Ombudsman.

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- Note 1: The amount transferred relates to the transfer of operations of the Office of the Workplace Ombudsman to the Office of the Fair Work Ombudsman.
- Note 2: The amount of appropriation increased by Schedule 7 is transferred from the Office of Workplace Services (Schedules 3 and 4 refer) and the Office of the Workplace Ombudsman (Schedules 5 and 6 refer).

Schedule 1 **Amendment of *Appropriation Act (No. 1) 2008-2009***

(Clause 3)

- [1] Schedule 1, Education, Employment and Workplace Relations portfolio, Office of the Workplace Ombudsman table, total for the Office of the Workplace Ombudsman, Departmental Outputs**

omit

70,726

insert

70,340.63835

- [2] Schedule 1, Education, Employment and Workplace Relations portfolio, after the Office of the Workplace Ombudsman table**

insert

Note 1: The table has been amended by a Determination under section 32 of the *Financial Management and Accountability Act 1997*. That determination has amended only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the “Total” amount in relation to an entity under the heading “Departmental Outputs”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading “Administered Expenses”.

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)* amended the amount alongside Total: Office of the Workplace Ombudsman, under the heading Departmental Outputs, to transfer an amount to the Office of the Fair Work Ombudsman. The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

[3] Schedule 1, Education, Employment and Workplace Relations portfolio, before the Office of the Workplace Ombudsman table

insert

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

Appropriation (plain figures)—2008-2009
Actual Available Appropriation (italic figures)-2007-2008

	Departmental Outputs	Administered Expenses	Total
	\$'000	\$'000	\$'000
OFFICE OF THE FAIR WORK OMBUDSMAN			
Outcome 1			
Compliance with workplace relations legislation by employees and employers through advice, education and where necessary enforcement			
Total: Office of the Fair Work Ombudsman	385.36165		

Note: The table has been inserted by *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)*. That determination inserted the amount alongside Total: Office of the Fair Work Ombudsman (OFWO), under the heading Departmental Outputs, to transfer an amount from the Office of the Workplace Ombudsman (OWO). The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

Schedule 2 **Amendment of *Appropriation Act (No. 3) 2008-2009***

(Clause 4)

- [1] Schedule 1, Education, Employment and Workplace Relations portfolio, Office of the Workplace Ombudsman table, total for the Office of the Workplace Ombudsman, Departmental Outputs**

omit

529

insert

0

- [2] Schedule 1, Education, Employment and Workplace Relations portfolio, after the Office of the Workplace Ombudsman table**

insert

Note 1: The table has been amended by a Determination under section 32 of the *Financial Management and Accountability Act 1997*. That determination has amended only the actual appropriation items:

- (a) for departmental items, the actual appropriation item is the “Total” amount in relation to an entity under the heading “Departmental Outputs”; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading “Administered Expenses”.

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)* amended the amount alongside Total: Office of the Workplace Ombudsman, under the heading Departmental Outputs, to transfer an amount to the Office of the Fair Work Ombudsman. The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

[3] Schedule 1, Education, Employment and Workplace Relations portfolio, before the Office of the Workplace Ombudsman table

insert

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

Additional Appropriation (bold figures)—2008-2009
Budget and Supplementary Appropriation (italic figures)-2008-2009
 Actual Available Appropriation (light figures)-2007-2008

	Departmental Outputs	Administered Expenses	Total
	\$'000	\$'000	\$'000
OFFICE OF THE FAIR WORK OMBUDSMAN			
Outcome 1			
Compliance with workplace relations legislation by employees and employers through advice, education and where necessary enforcement			
Total: Office of the Fair Work Ombudsman	529		

Note: The table has been inserted by *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)*. That determination inserted the amount alongside Total: Office of the Fair Work Ombudsman (OFWO), under the heading Departmental Outputs, to transfer an amount from the Office of the Workplace Ombudsman (OWO). The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

Schedule 3 **Amendment of *Appropriation Act (No. 4) 2006-2007***

(Clause 5)

[1] Schedule 2, Employment and Workplace Relations portfolio, Office of Workplace Services table, total for the Office of Workplace Services, Equity Injections

omit

17,335

insert

15,334.29180

[2] Schedule 2, Employment and Workplace Relations portfolio, after the Office of Workplace Services table

insert

Note 1: The table has been amended by a determination under section 32 of the *Financial Management and Accountability Act 1997*. That determination has amended only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years' Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, ACT, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Note 2: The Office of the Workplace Ombudsman gained access to the Equity Injection that was appropriated to the Office of Workplace Services by means of *Direction under section 32, Financial Management and Accountability Act 1997 – Adjustments of Appropriations on Change of Agency Functions (No. 6 of 2007-2008)*.

Note 3: *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)* amended the amount alongside Equity Injections, under the heading Total, to transfer an amount to the Office of the Fair Work Ombudsman. The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

Schedule 4 **Amendment of *Appropriation Act (No. 2) 2007-2008***

(Clause 6)

**[1] Schedule 2, Employment and Workplace Relations portfolio,
Office of Workplace Services table, total for the Office of
Workplace Services, Equity Injections**

omit

167

insert

0

**[2] Schedule 2, Employment and Workplace Relations portfolio,
after the Office of Workplace Services table**

insert

Note 1: The table has been amended by a Determination under section 32 of the *Financial Management and Accountability Act 1997*. That determination has amended only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years' Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, ACT, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Note 2: The Office of the Workplace Ombudsman gained access to the Equity Injection that was appropriated to the Office of Workplace Services by means of *Direction under section 32, Financial Management and Accountability Act 1997 – Adjustments of Appropriations on Change of Agency Functions (No. 1 of 2007-2008)*.

Note 3: *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)* amended the amount alongside Equity Injections, under the heading Total, to transfer an amount to the Office of the Fair Work Ombudsman. The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

Schedule 5 **Amendment of *Appropriation Act (No. 4) 2007-2008***

(Clause 7)

[1] Schedule 2, Education, Employment and Workplace Relations portfolio, Office of the Workplace Ombudsman table, total for the Office of the Workplace Ombudsman, Equity Injections

omit

3,950

insert

1,947.286

[2] Schedule 2, Education, Employment and Workplace Relations portfolio, after the Office of the Workplace Ombudsman table

insert

Note 1: The table has been amended by a Determination under section 32 of the *Financial Management and Accountability Act 1997*. That determination has amended only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years' Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, ACT, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)* amended the amount alongside Equity Injections, under the heading Total, to transfer an amount to the Office of the Fair Work Ombudsman. The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

Schedule 6 **Amendment of *Appropriation Act (No. 2) 2008-2009***

(Clause 8)

[1] Schedule 2, Education, Employment and Workplace Relations portfolio, Office of the Workplace Ombudsman table, total for the Office of the Workplace Ombudsman, Equity Injections

omit

350

insert

0

[2] Schedule 2, Education, Employment and Workplace Relations portfolio, after the Office of the Workplace Ombudsman table

insert

Note 1: The table has been amended by a Determination under section 32 of the *Financial Management and Accountability Act 1997*. That determination has amended only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years' Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, ACT, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)* amended the amount alongside Equity Injections, under the heading Total, to transfer an amount to the Office of the Fair Work Ombudsman. The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.

Schedule 7 **Amendment of *Appropriation Act (No. 2) 2009-2010***

(Clause 9)

[1] Schedule 2, Education, Employment and Workplace Relations portfolio, Office of the Fair Work Ombudsman table, total for the Office of the Fair Work Ombudsman, Equity Injections

omit

5,174

insert

9,694.4222

[2] Schedule 2, Education, Employment and Workplace Relations portfolio, after the Office of the Fair Work Ombudsman table

insert

Note 1: The table has been amended by a Determination under section 32 of the *Financial Management and Accountability Act 1997*. That determination has amended only the actual appropriation items:

- (a) for other departmental items, the actual appropriation item is the amount in relation to an entity opposite the heading "Equity Injections", or, opposite the heading "Loans", or, opposite the heading "Previous Years' Outputs"; and
- (b) for administered items, the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "New Administered Expenses"; and
- (c) for State, ACT, NT and local government items the actual appropriation item is the amount set out opposite an Outcome of an entity under the heading "Payments to States, ACT, NT and local government"; and
- (d) for an administered assets and liabilities item the actual appropriation item is the amount set out in relation to an entity opposite the heading "Administered Assets and Liabilities".

No other amounts in the table have been amended.

Note 2: *Financial Management and Accountability Act 1997 Determination 2010/14 – Section 32 (Transfer of Functions from OWO to OFWO)* amended the amount alongside Equity Injections, under the heading Total, to transfer amounts from the Office of Workplace Services and the Office of the Workplace Ombudsman. The determination transferred the unspent appropriations of agencies since abolished and replaced by another agency of a different name.