

EXPLANATORY STATEMENT

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| <p>The instrument to which this explanatory statement relates</p> | <p><i>Financial Management and Accountability Act 1997 Determination 2010/15 – Section 32 (Transfer of Functions from WPA to OFWO)</i></p> |
| <p>Date instrument was made</p> | <p>5 August 2010</p> |
| <p>The legislative authority under which the instrument is made</p> | <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 certain officials within Finance.</p> |
| <p>Purpose and effect of the instrument</p> | <p>Schedule 1 of this Instrument amends the <i>Appropriation Act (No. 1) 2008-2009</i> to transfer an amount of \$37,517,507.85 of the departmental item from the Workplace Authority (WPA) to the departmental item for the Office of the Fair Work Ombudsman (OFWO).</p> <p>The effect of this schedule is to reduce the departmental item in <i>Appropriation Act (No. 1) 2008-2009</i> for WPA and increase the departmental item in <i>Appropriation Act (No. 1) 2008-2009</i> for OFWO.</p> |
| | <p>Schedule 2 of this Instrument amends the <i>Appropriation Act (No. 2) 2008-2009</i> to transfer an amount of \$3,423,000 of “Equity Injections” (an <i>other departmental item</i> defined in section 3 of that Act) from WPA to the Equity Injections for OFWO.</p> <p>The effect of this schedule is to reduce Equity Injections in <i>Appropriation Act (No. 2) 2008-2009</i> for WPA and increase Equity Injections in <i>Appropriation Act (No. 2) 2008-2009</i> for OFWO.</p> |
| <p>Background</p> | <p>The appropriation amount transferred relates to the transfer of some functions of the WPA to the OFWO. Other functions of the WPA have been transferred to Fair Work Australia.</p> |

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| Notes on the Instrument | In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i> , WPA and OFWO were consulted in the preparation of this instrument. This Determination is a legislative instrument for the purposes of section 5 of the <i>Legislative Instruments Act 2003</i> . |
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