



Financial Management and Accountability Act 1997 Determination 2010/15 — Section 32 (Transfer of Functions from WPA 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 some operations of the Workplace Authority 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 2010/15 — Section 32 (Transfer of Functions from WPA 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) “WPA” – refers to the Workplace Authority.
- (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 \$37,517,507.85 of the departmental item for the Workplace Authority to the departmental item for the Office of the Fair Work Ombudsman.

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

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

Schedule 2 amends the *Appropriation Act (No. 2) 2008-2009* to transfer an amount of \$3,423,000 of “Equity Injections” (an *other departmental item* defined in section 3 of that Act) from the Workplace Authority to the Office of the Fair Work Ombudsman.

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

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

(Clause 3)

[1] Schedule 1, Education, Employment and Workplace Relations portfolio, Workplace Authority table, total for the Workplace Authority, Departmental Outputs

omit

113,137

insert

75,619.49215

[2] Schedule 1, Education, Employment and Workplace Relations portfolio, after the Workplace Authority 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 2010/15 — Section 32 (Transfer of Functions from WPA to OFWO)* amended the amount alongside Total: Workplace Authority, 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, after the Office of the Australian Building and Construction Commissioner table

insert

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

Appropriation (plain figures)—2008-2009

	Departmental Outputs \$'000	Administered Expenses \$'000	Total \$'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	37,517.50785		

Note : The table has been inserted by *Financial Management and Accountability Act 1997 Determination 2010/15 — Section 32 (Transfer of Functions from WPA 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 Workplace Authority. 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. 2) 2008-2009***

(Clause 4)

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

omit

3,423

insert

0

[2] Schedule 2, Education, Employment and Workplace Relations portfolio, after the Workplace Authority table

insert

Note 1: The table has been amended by *Financial Management and Accountability Act 1997 Determination 2010/15 — Section 32 (Transfer of Functions from WPA to OFWO)* 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 2010/15 — Section 32 (Transfer of Functions from WPA 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.

[3] Schedule 2, Education, Employment and Workplace Relations portfolio, after the Department of Education, Employment and Workplace Relations table,

insert

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

Additional Appropriation (plain figures)—2008-2009

	Specific Payments to the States and Territories \$'000	New Administered Expenses \$'000	Total \$'000
OFFICE OF THE FAIR WORK OMBUDSMAN			
Non-operating			
Equity Injections			3,423
Total: Office of the Fair Work Ombudsman			3,423

Note 1: The table has been inserted by a section 32 determination under the *Financial Management and Accountability Act 1997 Determination 2010/15 — Section 32 (Transfer of Functions from WPA to OFWO)*. That determination has inserted 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 inserted.

Note 2: *Financial Management and Accountability Act 1997 Determination 2010/15 — Section 32 (Transfer of Functions from WPA to OFWO)* inserted the amount alongside Equity Injections, under the heading Total, to transfer an amount from the Workplace Authority. The determination transferred the unspent appropriation of an agency since abolished and replaced by another agency of a different name.