

## EXPLANATORY STATEMENT

<b>The instrument to which this explanatory statement relates</b>	<i>Financial Management and Accountability Act 1997 Determination 2010/29 – Section 32 (Transfer of Functions from DPMC to OAIC)</i>
<b>Date instrument was made</b>	17 November 2010
<b>The legislative authority under which the instrument is made</b>	<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>
<b>Purpose and effect of the instrument</b>	<p>Schedule 1 of this Instrument amends the <i>Appropriation Act (No. 1) 2010-2011</i> to transfer an amount of \$4,026,000 of the departmental item for the DPMC to the departmental item of the OAIC</p> <p>Schedule 2 of this Instrument amends the <i>Appropriation Act (No. 2) 2009-2010</i> to transfer an amount of \$2,160,000 of Equity Injections (an <i>other departmental item</i>) for the DPMC to Equity Injections for the OAIC.</p> <p>The effect of Schedules 1 and 2 is to transfer appropriations relating to the Office of the Information Commissioner from DPMC to OAIC.</p>
<b>Background</b>	<p>On 1 November, the Office of the Australian Information Commissioner (OAIC) was established under the <i>Australian Information Commissioner Act 2010</i> to bring together the functions of information policy, privacy protection and freedom of information into the same agency. The Office of the Information Commissioner was transferred from the Department of the Prime Minister and Cabinet to the Office of the Australian Information Commissioner.</p>
<b>Notes on the Instrument</b>	<p>In accordance with Part 3 of the <i>Legislative Instruments Act 2003</i>, the Department of the Prime Minister and Cabinet and the Office of the Australian Information Commissioner 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>.</p>